

**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2015 REGULAR SESSION**

**VOLUME I**

**VOLUME II**

**VOLUME III**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2015 REGULAR SESSION**

**which met at the State Capitol, Richmond**

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**CHAPTERS 1-601**

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**Division of Legislative Automated Systems**

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# ACTS OF THE GENERAL ASSEMBLY

## 2015 REGULAR SESSION

### CHAPTER 1

*An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's taxation system with the Internal Revenue Code.*

[S 1044]

Approved February 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-301. Conformity to Internal Revenue Code.**

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on ~~January 2, 2013~~ *December 31, 2014*, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. The amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code for taxable years beginning on or after January 1, 2010. For Virginia income tax purposes, two-thirds of the amount deducted pursuant to § 199 of the Internal Revenue Code for federal income tax purposes during the taxable year may be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2010. For taxable years beginning on and after January 1, 2013, the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code may be deducted for Virginia income tax purposes; and

6. For taxable years beginning on or after January 1, 2018, the provisions of § 32(b)(3) of the Internal Revenue Code relating to the earned income tax credit.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

**2. That an emergency exists and this act is in force from its passage.**

### CHAPTER 2

*An Act to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, relating to transportation network companies.*

[H 1662]

Approved February 16, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, as follows:

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.*

2. Thirty-eight dollars for each *private* passenger car or motor home ~~which~~ that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.*

2. Twenty-eight dollars for each *private* passenger car or motor home ~~which~~ that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire,

or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities);

(iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.**

A. The Department shall furnish one license plate for every registered moped, motorcycle, autocycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, *other than TNC partner vehicles as defined in § 46.2-2000*;

2. Taxicabs;

3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;

4. Property-carrying motor vehicles to applicants who operate as private carriers only;

5. Applicants, *other than TNC partners as defined in § 46.2-2000*, who operate motor vehicles as carriers for rent or hire;

6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and

7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.).

**§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.**

A. On receipt of an application, the Commissioner shall issue special license plates celebrating Virginia's tobacco heritage. For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of ~~ten dollars~~ \$10.

B. License plates may be issued under this section for display on vehicles registered as trucks, as that term is defined in § 46.2-100, provided that no license plates are issued pursuant to this section for (i) vehicles operated for hire, *except TNC partner vehicles as defined in § 46.2-2000*; (ii) vehicles registered under the International Registration Plan; or (iii) vehicles registered as tow trucks or tractor trucks as defined in § 46.2-100. No permanent license plates without decals as authorized in subsection B of § 46.2-712 may be issued under this section. For each set of truck license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of \$25.

**§ 46.2-753. Additional license fees in certain localities.**

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise* used for the transportation of passengers for compensation. The additional fee shall be no more than ~~five dollars~~ \$5. The total local license fee shall be no more than ~~twenty-five dollars~~ \$25 on any vehicle, and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than ~~five dollars~~ \$5 for each such vehicle. This authorization shall not increase the maximum chargeable by more than ~~five dollars~~ \$5 or affect any existing exemption.

Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that ~~jurisdiction~~ *locality* making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

**§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.**

A. No ~~county, city, or town~~ *locality* shall impose any motor vehicle license tax or fee on any motor vehicle, trailer, or semitrailer when:

1. A similar tax or fee is imposed by the ~~county, city, or town~~ *locality* wherein the vehicle is normally garaged, stored, or parked;

2. The vehicle is owned by a nonresident of such locality and is used exclusively for pleasure or personal transportation *or as a TNC partner vehicle as defined in § 46.2-2000* and not *otherwise* for hire or for the conduct of any business or occupation other than that set forth in subdivision 3 ~~of this subsection~~;

3. The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of such ~~county, city, or town~~ *locality* and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation; or

7. The motor vehicle, trailer, or semitrailer is inoperable and unlicensed pursuant to § 46.2-734.

B. No ~~county, city, or town~~ *locality* shall impose a license fee for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department and has been issued a disabled veteran's motor vehicle license plate as prescribed in § 46.2-739.

C. No ~~county, city, or town~~ *locality* shall impose any license tax or license fee or the requirement of a license tag, sticker or decal upon any daily rental vehicle, as defined in § 58.1-1735, the rental of which is subject to the tax imposed by subdivision A 2 of § 58.1-1736.

D. In the rental agreement between a motor vehicle renting company and a renter, the motor vehicle renting company may separately itemize and charge daily fees or transaction fees to the renter, provided that the amounts of such fees are disclosed at the time of reservation and rental as part of any estimated pricing provided to the renter. Such fees include a vehicle license fee to recover the company's incurred costs in licensing, titling, and registering its rental fleet, concession recovery fees actually charged the company by an airport, or other governmentally owned or operated facility, and consolidated facility charges actually charged by an airport, or other governmentally owned or operated facility for improvements to or construction of facilities at such facility where the motor vehicle rental company operates. The vehicle license fee shall represent the company's good faith estimate of the average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs.

No motor vehicle renting company charging a vehicle license fee, concession recovery fee, or consolidated facility charge may make an advertisement in the Commonwealth that includes a statement of the rental rate for a vehicle available for rent in the Commonwealth unless such advertisement includes a statement that the customer will be required to pay a

vehicle license fee, concession recovery fee, or consolidated facility charge. The vehicle license fee, concession recovery fee, or consolidated facility charge shall be shown as a separately itemized charge on the rental agreement. The vehicle license fee shall be described in either the terms and conditions of the rental agreement as the "estimated average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs" or, for renters participating in an extended rental program pursuant to a master rental agreement, by posting such statement on the rental company website.

Any amounts collected by the motor vehicle renting company in excess of the actual amount of its costs incurred relating to its vehicle license fees shall be retained by the motor vehicle renting company and applied toward the recovery of its next calendar year's costs relating to such fees. In such event, the good faith estimate of any vehicle license fee to be charged by the company for the next calendar year shall be reduced to take into account the excess amount collected from the prior year.

E. As used in this section, common carrier of persons or property includes any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or household goods for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, that has obtained the required certificate from the Department of Motor Vehicles pursuant to § 46.2-2075 or 46.2-2150.

**§ 46.2-1400. "Ridesharing arrangement" defined.**

"Ridesharing arrangement" means the transportation of persons in a motor vehicle when such transportation is incidental to the principal purpose of the driver, which is to reach a destination and not to transport persons for profit. The term includes ridesharing arrangements known as carpools, vanpools, and bus pools. *"Ridesharing arrangement" does not include a prearranged ride as defined in § 46.2-2000.*

**§ 46.2-2000. Definitions.**

Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier or contract carrier, which carrier uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract passenger carrier, a sight-seeing carrier, a transportation network company, or a nonemergency medical transportation carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter. "Common carrier" does not include nonemergency medical transportation carriers, transportation network companies, or TNC partners as defined in this section.

~~"Contract carrier" means any person who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers for compensation.~~

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier. *"Contract passenger carrier" does not include a transportation network company or TNC partner as defined in this section.*

"Department" means the Department of Motor Vehicles.

*"Digital platform" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with TNC partners.*

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued *or required* by the Department to show *one or more of the following*: (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1; (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.) ~~of this title, and/or~~; (iii) *proof that the vehicle has been registered with the Department as a TNC partner vehicle under subsection B of § 46.2-2099.50*; (iv) *proof that the vehicle has been authorized by a transportation network company to be operated as a TNC partner vehicle, in accordance with subsection C of § 46.2-2099.50*; or (v) proof of compliance with the insurance requirements of this chapter.

"Interstate" means transportation of passengers between states.

"Intrastate" means transportation of passengers solely within a state.

"License" means a license issued by the Department to a broker.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than 31 passengers, including the driver, and used in the transportation of passengers.

"Motor carrier" means any person who undertakes, whether directly or by lease, to transport passengers for compensation over the highways of the Commonwealth.

"Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of ~~forty~~ 50 passengers. "Motor launch, as defined herein, shall" *does* not include sight-seeing vessels, special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be regarded as a steamship company.

"Nonemergency medical transportation carrier" means a motor carrier that exclusively provides nonemergency medical transportation and provides such transportation only (i) through the Department of Medical Assistance Services; (ii) through a broker operating under a contract with the Department of Medical Assistance Services; or (iii) as a Medicaid Managed Care Organization contracted with the Department of Medical Assistance Services to provide such transportation.

"Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in §§ 501(c)(3) and 501(c)(4) of the ~~United States~~ Internal Revenue Code, as ~~from time to time~~ amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the transportation, for compensation, of members of such organization if it is a membership corporation, or of elderly, disabled, or economically disadvantaged members of the community if it is not a membership corporation.

"Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"*Operation of a TNC partner vehicle*" means (i) *any time a TNC partner is logged into a digital platform and is available to pick up passengers*; (ii) *any time a passenger is in the TNC partner vehicle*; and (iii) *any time the TNC partner has accepted a prearranged ride request through the digital platform and is en route to a passenger*.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Permit" means a permit issued by the Department to carriers operating as employee haulers or nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab service under this chapter.

"Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"*Personal vehicle*" means a motor vehicle that is not used to transport passengers for compensation except as a TNC partner vehicle.

"*Prearranged ride*" means passenger transportation for compensation in a TNC partner vehicle arranged through a digital platform. "*Prearranged ride*" includes the period of time that begins when a TNC partner accepts a ride requested through a digital platform, continues while the TNC partner transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner vehicle.

"Restricted common carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers for compensation, whereby such transportation service has been restricted. "*Restricted common carrier*" *does not include a transportation network company or TNC partner as defined in this section*.

"Route," when used in connection with or with respect to a certificate of public convenience and necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefor, whether such road or highway is designated by one or more highway numbers.

"Services" and "transportation" include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or the performance of any service in connection therewith.

"Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism.

"Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other qualified jurisdictions.

"Special or charter party carrier by boat" ~~for purposes of this chapter shall mean~~ means a restricted common carrier which transports groups of persons under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported. Special or charter party carriers by boat shall not be regarded as steamship companies.

"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier, *transportation network company*, *TNC partner*, or nonemergency medical transportation carrier as defined in this chapter.

"*TNC insurance*" means a motor vehicle liability insurance policy that specifically covers liabilities arising from a *TNC partner's* operation of a *TNC partner vehicle*.

"*TNC partner*" means a person authorized by a *transportation network company* to use a *TNC partner vehicle* to provide prearranged rides on an intrastate basis in the Commonwealth.

"*TNC partner vehicle*" means a personal vehicle authorized by a *transportation network company* and used by a *TNC partner* to provide prearranged rides on an intrastate basis in the Commonwealth.

"*Trade dress*" means a logo, insignia, or emblem attached to or visible from the exterior of a *TNC partner vehicle* that identifies a *transportation network company* or digital platform with which the *TNC partner vehicle* is affiliated.

"*Transportation network company*" means a person who provides prearranged rides using a digital platform that connects passengers with *TNC partners*.

#### **§ 46.2-2001.3. Application; notice requirements.**

A. Applications for a license, permit, certificate, ~~or~~ identification marker, or *TNC partner vehicle registration* or renewal of a license, permit, certificate, ~~or~~ identification marker, or *TNC partner vehicle registration* under this chapter shall be made to the Department and contain such information and exhibits as the Department shall require. Such information shall include *except in the case of a TNC partner vehicle*, in the application or otherwise, the matters set forth in § 46.2-2011.24 as grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of the public interest.

*Notwithstanding any other provision of this chapter, the Commissioner may require all or certain applications for a license, permit, certificate, identification marker, or TNC partner vehicle registration to be filed electronically.*

*For the purposes of this subsection, "identification marker" does not include trade dress.*

B. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every motor carrier holding the same type of certificate issued by the Department and operating or providing service within the area proposed to be served by the applicant.

C. For any application for original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, the Department shall publish a notice of such application on the Department's public website in the form and in the manner prescribed by the Department.

D. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate of public convenience and necessity, shall cause a publication of a summary of the application to be made in a newspaper having a general circulation in the proposed area to be served or area where the primary business office is located within such time as the Department may prescribe.

#### **§ 46.2-2011.5. Filing and application fees.**

Unless otherwise provided, every applicant, *other than a transportation network company*, for an original license, permit, or certificate issued under this chapter and transfer of a license or certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of ~~five dollars~~ \$50. *The fee to accompany an application for an original of the certificate required under § 46.2-2099.45 shall be \$100,000, and the annual fee to accompany an application for a renewal thereof shall be \$60,000. If the Department does not approve an application for an original of the certificate required under § 46.2-2099.45, the Department shall refund \$90,000 of the application fee to the applicant.* The Department shall collect a fee of ~~three dollars~~ \$3 for the issuance of a duplicate license, permit, or certificate.

#### **§ 46.2-2011.6. Vehicle fees.**

Every person, *other than a TNC partner*, who operates a passenger vehicle for compensation over the highways of the Commonwealth, unless such operation is exempted from this chapter, shall be required to pay an annual fee of \$3 for each such vehicle so operated, unless a vehicle identification marker fee has been paid to the Department as to such vehicle for the current year under the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1. Such fee shall be paid through the single state registration system established pursuant to 49 U.S.C. § 14504 and 49 ~~C.F.R.~~ C.F.R. Part 367 or through the unified carrier registration system established pursuant to 49 U.S.C. § 14504a and the federal regulations promulgated thereunder

for carriers registered pursuant to those provisions. No more than one vehicle fee shall be charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 and this chapter, including payments made pursuant to the single state registration system or the unified carrier registration system.

**§ 46.2-2011.20. Unlawful use of registration and identification markers.**

It shall be unlawful for any person to operate or cause to be operated on any highway in the Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that this chapter requires, (ii) does not display an identification marker in such manner as is prescribed by the Department, or (iii) bears registration or identification markers of persons whose *TNC partner vehicle registration under subsection B of § 46.2-2099.50* or whose license, permit, or certificate issued by the Department has been  *canceled*, revoked, suspended, or renewal thereof denied in accordance with this chapter.

**§ 46.2-2011.22. Violation; criminal penalties.**

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, ~~shall be~~ *is* guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,500 for the first offense and not more than \$5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, broker, or any officer, employee, agent, or representative thereof,  *or a TNC partner*, who ~~shall~~ knowingly and willfully by any such means or otherwise fraudulently ~~seek~~ *seeks* to evade or defeat regulation as in this chapter; shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first offense and not more than \$2,000 for any subsequent offense.

C. Any motor carrier, broker, or excursion train operator or any officer, agent, employee, or representative thereof,  *or a TNC partner*, who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record, or memorandum, or knowingly and willfully files any false report, account, record, or memorandum, ~~shall be~~ *is* guilty of a misdemeanor and, upon conviction, be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

**§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

A license, permit, or certificate issued pursuant to this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license, certificate, permit, identification marker, or vehicle registration;
2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term, condition, or restriction of a license, permit, or certificate;
3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;
4. Use of deceptive business acts or practices;
5. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate, permit, identification marker, or vehicle registration is held or sought;
6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a license, permit, or certificate is held or sought or any consumer-related fraud;
7. Having been convicted of any criminal act involving the business for which a license, permit, or certificate is held or sought;
8. Failure to comply with § 46.2-2056 or any regulation promulgated pursuant thereto;
9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate, permit, identification marker, or vehicle registration;
10. Having been convicted of a felony;
11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;
12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;
13. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;
14. Knowingly and willfully filing any false report, account, record, or memorandum;
15. Failure to meet or maintain application certifications or requirements of public convenience and necessity, character, fitness, and financial responsibility pursuant to this chapter;
16. Willfully altering or changing the appearance or wording of any license, permit, certificate, identification marker, license plate, or vehicle registration;
17. Failure to provide services in accordance with license, permit, or certificate terms, limitations, conditions, or requirements;
18. Failure to maintain and keep on file with the Department motor carrier liability insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

19. Failure to comply with the Workers' Compensation Act of Title 65.2;

20. Failure to properly register a motor vehicle under this title;

21. Failure to comply with any federal motor carrier statute, rule, or regulation;

22. Failure to comply with the requirements of the Americans with Disabilities Act *or the Virginians with Disabilities Act* (§ 51.5-1 *et seq.*); ~~or~~

23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate or permit for a period of greater than three months; *or*

24. *Failure to comply with any provision regarding the filing and registered agent requirements set forth in Title 13.1.*

**§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.**

A. *For purposes of this section, "identification marker" does not include trade dress.*

B. It shall be unlawful for a licensee, permittee, or certificate holder; *or for the registrant or operator of a vehicle registered under subsection B of § 46.2-2099.50, whose license, permit, ~~or~~ certificate, or vehicle's registration as a TNC partner vehicle, has been revoked, suspended, canceled, or renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.*

~~B. If C.~~ *Except as provided in subsection D, if any ~~law enforcement~~ law-enforcement officer finds that a motor carrier vehicle bearing Virginia license plates or temporary transport plates is being operated in violation of subsection A of this section B, such ~~law enforcement~~ law-enforcement officer shall remove the license plate, identification marker, and registration card and shall forward the same to the Department.*

D. *If the officer finds that a TNC partner vehicle bearing Virginia license plates is being operated in violation of subsection B, such law-enforcement officer shall direct the operator of the vehicle to promptly remove any identification marker and any registration card issued under subsection B of § 46.2-2099.50 and return the same to the Department. If any law-enforcement officer finds that a TNC partner vehicle not bearing Virginia license plates is being operated in violation of subsection B, such law-enforcement officer shall remove any identification marker and any registration card issued under subsection B of § 46.2-2099.50 and shall forward the same to the Department.*

~~C. E.~~ *When informed that a vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.*

**§ 46.2-2051. Application of article.**

Unless otherwise stated, this article shall apply to all motor carriers *except transportation network companies.*

Article 15.

*Transportation Network Companies.*

**§ 46.2-2099.45. Certificates required unless exempted.**

*Unless otherwise exempted, no person shall engage in the business of a transportation network company on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of fitness authorizing such business.*

**§ 46.2-2099.46. Control, supervision, and regulation by Department.**

*Except as otherwise provided in this chapter, every transportation network company, TNC partner, and TNC partner vehicle shall be subject to exclusive control, supervision, and regulation by the Department, but enforcement of statutes and Department regulations shall be not only by the Department but also by any other law-enforcement officer. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of transportation network companies, TNC partners, or TNC partner vehicles.*

**§ 46.2-2099.47. Operation except in accordance with chapter prohibited.**

*No transportation network company or TNC partner shall transport passengers for compensation on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter.*

**§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partner.**

A. *A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not solicit, accept, arrange, or provide transportation in any other manner.*

B. *A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform.*

C. *A transportation network company with knowledge that a TNC partner has violated the provisions of subsection A or B shall remove the TNC partner from the transportation network company's digital platform for at least one year.*

D. *A transportation network company shall publish the following information on its public website and associated digital platform:*

1. *The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;*

2. Information about its TNC partner screening criteria, including a description of the offenses that the transportation network company will regard as grounds for disqualifying an individual from acting as a TNC partner;

3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;

4. Information about the company's training and testing policies for TNC partners;

5. Information about the company's standards for TNC partner vehicles; and

6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

E. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated with a TNC partner by the transportation network company. The transportation network company shall arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by the transportation network company.

F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner and operator, an official of the Washington Metropolitan Area Transit Commission, or any person involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation network company shall require the TNC partner's compliance with the provisions of this subsection.

G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the TNC partner vehicle.

H. A transportation network company shall provide to each of its TNC partners a credential, which may be displayed as part of the digital platform, that includes the following information:

1. The name or logo of the transportation network company;

2. The name and a photograph of the TNC partner; and

3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC partner and the state issuing each such license plate.

The TNC partner shall carry the credential at all times during the operation of a TNC partner vehicle and shall present the credential upon request to law-enforcement officers, airport owners and operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The transportation network company shall require the TNC partner's compliance with this subsection.

I. A transportation network company and its TNC partner shall, at all times during a prearranged ride, make the following information available through its digital platform immediately upon request to representatives of the Department, to law-enforcement officers, to officials of the Washington Metropolitan Area Transit Commission, and to airport owners and operators:

1. The name of the transportation network company;

2. The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company;

3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and

4. The location, date, and approximate time that each passenger was or will be picked up.

J. Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

1. A map of the route taken;

2. The date and the times the trip began and ended;

3. The total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride;

4. The TNC partner's first name and photograph; and

5. Contact information by which additional support may be obtained.

K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

TNC partners shall comply with all applicable laws relating to accommodation of service animals.

A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.

A TNC partner shall immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.

L. No transportation network company or TNC partner shall conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport. The Department may take action against a transportation network company that violates any regulation of an airport owner and operator, including the suspension or revocation of the transportation network company's certificate.

M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.

N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13 hours in any 24-hour period.

**§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.**

A. Before authorizing an individual to act as a TNC partner, a transportation network company shall confirm that the person is at least 21 years old and possesses a valid driver's license.

B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing an individual to act as a TNC partner, a transportation network company shall obtain a national criminal history records check of that person. The background check shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.

2. Before authorizing an individual to act as a TNC partner, and at least once annually after authorizing an individual to act as a TNC partner, a transportation network company shall obtain and review a driving history research report on that person from the individual's state of licensure.

3. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing a person to act as a TNC partner, a transportation network company shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.

C. A transportation network company shall not authorize an individual to act as a TNC partner if the criminal history records check required under subsection B reveals that the individual:

1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the U.S. Department of Justice's National Sex Offender Public Website;

2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United States;

3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391; or

4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3.

D. A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners and shall include a notice concerning the policy on its website and associated digital platform.

E. A transportation network company shall make the following disclosures in writing to a TNC partner or prospective TNC partner:

1. The transportation network company shall disclose the liability insurance coverage and limits of liability that the transportation network company provides while the TNC partner uses a vehicle in connection with the transportation network company's digital platform.

2. The transportation network company shall disclose any physical damage coverage provided by the transportation network company for damage to the vehicle used by the TNC partner in connection with the transportation network company's digital platform.

3. The transportation network company shall disclose the uninsured motorist and underinsured motorist coverage and policy limits provided by the transportation network company while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

4. The transportation network company shall include the following disclosure prominently in writing to a TNC partner or prospective TNC partner: "If the vehicle that you plan to use to transport passengers for our transportation network company has a lien against it, you must notify the lienholder that you will be using the vehicle for transportation services that may violate the terms of your contract with the lienholder."

F. A TNC partner shall inform each transportation network company that has authorized him to act as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

**§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification markers issued by Department; identification markers issued by transportation network company.**

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection and carry proof of that inspection in the vehicle;
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable; and
7. Be registered with the Department for use as a TNC partner vehicle and display an identification marker issued by the Department as provided in subsection B.

No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of this subsection.

B. A vehicle owner, lessee, or TNC partner shall register a personal vehicle for use as a TNC partner vehicle. A TNC partner that is not the vehicle owner or lessee shall, prior to registering any TNC partner vehicle with the Department, secure the consent of each owner, lessor, and lessee of the vehicle as applicable for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner. A transportation network company shall have the option of registering a TNC partner vehicle on behalf of a TNC partner electronically through a secure portal maintained by the Department provided the TNC partner, if the TNC partner is not the vehicle owner or lessee, certifies that it has secured consent from each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

Prior to registering for use as a TNC partner vehicle any vehicle that has been titled and registered in another state, the vehicle owner or lessee, or a transportation network company on behalf of the owner or lessee, shall provide the Department with such information as the Department requires to establish a customer record for that person and that person's vehicle. A transportation network company shall have the option to submit this information electronically through a secure portal maintained by the Department.

For each TNC partner vehicle a transportation network company authorizes, the transportation network company or TNC partner shall provide to the Department, in a form acceptable to the Department, any information reasonably necessary for the Department to identify the vehicle and register it for use as a TNC partner vehicle.

Upon registering a vehicle for use as a TNC partner vehicle, the Department shall issue a temporary registration, an identification marker to the vehicle owner or lessee, and a registration card indicating the vehicle's registration for use as a TNC partner vehicle.

The Commissioner may deny, suspend, cancel, or revoke the TNC partner vehicle registration and identification marker for any of the following reasons: (i) the vehicle is not properly registered, (ii) the vehicle does not carry insurance as required by this article, (iii) the vehicle is sold, or (iv) the vehicle is used by a TNC partner in a manner not authorized by this chapter.

Registration of a TNC partner vehicle under this subsection shall remain valid until (a) the vehicle is no longer authorized to operate as a TNC partner vehicle by a transportation network company; (b) the TNC partner, vehicle owner, or lessee requests cancellation of the registration; (c) there is a transfer of vehicle ownership, other than a transfer from the lessor of the vehicle to the lessee; (d) the vehicle's lease terminates and ownership is not transferred to the lessee; or (e) the Department suspends, revokes, or cancels the registration of the vehicle for use as a TNC partner vehicle. The fee for the replacement of a lost, mutilated, or illegible identification marker or registration card shall be the same as the fee set forth in § 46.2-692 for the replacement of a decal or vehicle registration card. However, if the TNC partner vehicle is not titled and registered in Virginia, the replacement fee for an identification marker shall be \$40.

Any vehicle registered with the Department as a personal vehicle and subject to further registration as a TNC partner vehicle pursuant to this section shall be presumed to be used for nonbusiness purposes for the purpose of determining

whether it is a qualifying vehicle under § 58.1-3523 absent clear and convincing evidence to the contrary, and any registration pursuant to this section shall not create any presumption of business or commercial use of the vehicle or of business activity on the part of the TNC partner, for purposes of any state or local requirement.

C. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network company shall confirm that the vehicle meets the requirements of subsection A and shall provide each TNC partner with proof of any TNC insurance policy maintained by the transportation network company.

For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take the form of a removable device that meets the identification and visibility requirements of this subsection.

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress.

A TNC partner shall keep the trade dress issued under this subsection visible at all times while the vehicle is being operated as a TNC partner vehicle.

No person shall operate a vehicle bearing trade dress issued under this subsection without the authorization of the transportation network company issuing the trade dress.

D. Any information provided to the Department pursuant to this section, whether held by the Department or another public entity, shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Neither the Department nor any such public entity shall disclose any such information to a nongovernmental entity absent a court order or subpoena. In the event information provided pursuant to this section is sought through a court order or subpoena, the Department or other public entity shall promptly notify the transportation network company prior to disclosure so as to afford the transportation network company the opportunity to take appropriate actions to prevent disclosure. The Department shall not disclose such information to a governmental entity other than to enable that entity to perform its governmental function.

**§ 46.2-2099.51. TNC insurance until January 1, 2016.**

A. Until January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.

B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1 million.

2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be \$1 million.

3. The requirements of this subsection may be satisfied by any of the following:

- a. TNC insurance maintained by a TNC partner;
- b. TNC insurance maintained by a transportation network company; or
- c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.

4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death and bodily injury and at least \$50,000 for property damage.

2. The requirements for the coverage required by this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

3. If the TNC partner vehicle is insured under a personal automobile insurance policy that does not exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained by the transportation network company under subdivision 2 c shall provide excess coverage up to at least the limits required by subdivision 1.

D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.

E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.

I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.

K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.

L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is suspended or revoked for any cause.

M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any

accident involving a TNC partner and the precise times that the TNC partner logged in and was logged out of the transportation network company's digital platform.

**§ 46.2-2099.52. TNC insurance.**

A. On and after January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.

B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1 million.

2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be \$1 million.

3. The requirements of this subsection may be satisfied by any of the following:

- a. TNC insurance maintained by a TNC partner;
- b. TNC insurance maintained by a transportation network company; or
- c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.

4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and bodily injury and at least \$25,000 for property damage.

2. The requirements for the coverage required by this subsection may be satisfied by any of the following:

- a. TNC insurance maintained by a TNC partner;
- b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or
- c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.

E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.

I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.

K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.

L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is revoked or suspended for any cause.

M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that the TNC partner logged in and was logged out of the transportation network company's digital platform.

**§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.**

A. Records maintained by a transportation network company shall be adequate to confirm compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall at a minimum include:

1. True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC partner;
2. True and accurate results of the driving history research report for each individual that the transportation network company authorizes to act as a TNC partner;
3. Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program;
4. True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC partner;
5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of § 46.2-2099.50;
6. Proof of compliance with the notice and disclosure requirements of subsection D of § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and
7. Proof that the transportation network company obtained certification from the TNC partner that the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

A transportation network company shall retain all records required under this subsection for a period of three years. Such records shall be retained in a manner that permits systematic retrieval and shall be made available to the Department in a format acceptable to the Commissioner for the purposes of conducting an audit on no more than an annual basis.

B. A transportation network company shall maintain the following records and make them available, in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and resolve a complaint or respond to an incident:

1. Data regarding TNC partner activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride;
2. Records regarding any actions taken against a TNC partner;
3. Contracts or agreements between the transportation network company and its TNC partners;

4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and driver's license number and the state issuing the license; and

5. Information identifying each TNC partner vehicle the transportation network company has authorized, including the vehicle's make, model, model year, vehicle identification number, and license plate number and the state issuing the license plate.

*Requests for information pursuant to subdivision 2 or 3 shall be in writing.*

C. Information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall be considered privileged information and shall only be used by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and operators for purposes specified in subsection A or B. Such information shall not be subject to disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires such information for the purposes specified in subsection A or B.

D. Except as provided in subsection C, information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall not be disclosed to anyone without the transportation network company's express written permission and shall not be subject to disclosure through a court order or through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such information directly from a transportation network company during a court proceeding.

E. Except as required under this section, a transportation network company shall not disclose any personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

1. The transportation network company obtains the user's consent to disclose the personal information;

2. The disclosure is necessary to comply with a legal obligation; or

3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

*This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to information about the user that is not personal information as defined in § 2.2-3801.*

**2. That the Department of Motor Vehicles shall periodically consult with local government officials to determine whether transportation network companies have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall work collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.**

**3. That beginning July 1, 2016, the Department of Motor Vehicles shall review enforcement activity undertaken regarding the provisions of this act, insurance policies available to TNC partners that may require changes to the provisions of subdivisions E 1 and 2 of § 46.2-2099.49 as created by this act, the fees set forth in § 46.2-2011.5 of the Code of Virginia as amended by this act, and in § 46.2-2099.50 as created by this act to determine whether those fees adequately cover the Department's costs of administering the additional responsibilities imposed on the Department under this act. The Department shall report the results of its review to the Chairmen of the House and Senate Committees on Transportation no later than December 1, 2016.**

**4. That the provisions of subsection K of § 46.2-2099.48 as created by this act, which require a digital platform to allow customers or passengers prearranging rides to indicate whether a passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to individuals with disabilities, shall become effective on July 1, 2016.**

**5. That the transportation network companies shall advise TNC partners that a TNC partner's personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation network company's digital platform, unless such policy expressly provides for TNC insurance coverage. Such notice shall be provided to each TNC partner until January 1, 2016.**

**6. That notwithstanding any other provision of law, a personal automobile insurer may, at its discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an existing policy, that covers a motor vehicle with a seating capacity of eight or fewer persons, including the driver, while used in connection with a transportation network company's digital platform.**

**7. That the provisions of this act adding § 46.2-2099.52 shall become effective on January 1, 2016.**

**8. That no provision of this act or existing law shall be construed to prevent any motor carrier regulated under the existing provisions of Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 from offering services through an online digital platform, unless such motor carrier chooses to operate as a transportation network company.**

### CHAPTER 3

*An Act to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia and to amend the Code of Virginia by adding in*

Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, relating to transportation network companies.

[S 1025]

Approved February 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 46.2-2011.22, 46.2-2011.24, 46.2-2011.29, and 46.2-2051 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.53, as follows:**

**§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.*

2. Thirty-eight dollars for each *private* passenger car or motor home ~~which~~ that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by

law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers or as *TNC partner vehicles as defined in § 46.2-2000*.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an auticycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall*

apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

2. Twenty-eight dollars for each private passenger car or motor home ~~which~~ that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000.*

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.**

A. The Department shall furnish one license plate for every registered moped, motorcycle, auticycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, *other than TNC partner vehicles as defined in § 46.2-2000*;

2. Taxicabs;

3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;

4. Property-carrying motor vehicles to applicants who operate as private carriers only;

5. Applicants, *other than TNC partners as defined in § 46.2-2000*, who operate motor vehicles as carriers for rent or hire;

6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and

7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.).

**§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.**

A. On receipt of an application, the Commissioner shall issue special license plates celebrating Virginia's tobacco heritage. For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of ~~ten dollars~~ \$10.

B. License plates may be issued under this section for display on vehicles registered as trucks, as that term is defined in § 46.2-100, provided that no license plates are issued pursuant to this section for (i) vehicles operated for hire, *except TNC partner vehicles as defined in § 46.2-2000*; (ii) vehicles registered under the International Registration Plan; or (iii) vehicles registered as tow trucks or tractor trucks as defined in § 46.2-100. No permanent license plates without decals as authorized in subsection B of § 46.2-712 may be issued under this section. For each set of truck license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of \$25.

**§ 46.2-753. Additional license fees in certain localities.**

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise* used for the transportation of passengers for compensation. The additional fee shall be no more than ~~five dollars~~ \$5. The total local license fee shall be no more than ~~twenty-five dollars~~ \$25 on any vehicle, and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than ~~five dollars~~ \$5 for each such vehicle. This authorization shall not increase the maximum chargeable by more than ~~five dollars~~ \$5 or affect any existing exemption.

Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that ~~jurisdiction~~ *locality* making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

**§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.**

A. No ~~county, city, or town~~ *locality* shall impose any motor vehicle license tax or fee on any motor vehicle, trailer, or semitrailer when:

1. A similar tax or fee is imposed by the ~~county, city, or town~~ *locality* wherein the vehicle is normally garaged, stored, or parked;

2. The vehicle is owned by a nonresident of such locality and is used exclusively for pleasure or personal transportation *or as a TNC partner vehicle as defined in § 46.2-2000* and not *otherwise* for hire or for the conduct of any business or occupation other than that set forth in subdivision 3 ~~of this subsection~~;

3. The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of such ~~county, city, or town~~ *locality* and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation; or

7. The motor vehicle, trailer, or semitrailer is inoperable and unlicensed pursuant to § 46.2-734.

B. No ~~county, city, or town~~ *locality* shall impose a license fee for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department and has been issued a disabled veteran's motor vehicle license plate as prescribed in § 46.2-739.

C. No ~~county, city, or town~~ *locality* shall impose any license tax or license fee or the requirement of a license tag, sticker or decal upon any daily rental vehicle, as defined in § 58.1-1735, the rental of which is subject to the tax imposed by subdivision A 2 of § 58.1-1736.

D. In the rental agreement between a motor vehicle renting company and a renter, the motor vehicle renting company may separately itemize and charge daily fees or transaction fees to the renter, provided that the amounts of such fees are disclosed at the time of reservation and rental as part of any estimated pricing provided to the renter. Such fees include a vehicle license fee to recover the company's incurred costs in licensing, titling, and registering its rental fleet, concession recovery fees actually charged the company by an airport, or other governmentally owned or operated facility, and consolidated facility charges actually charged by an airport, or other governmentally owned or operated facility for improvements to or construction of facilities at such facility where the motor vehicle rental company operates. The vehicle

license fee shall represent the company's good faith estimate of the average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs.

No motor vehicle renting company charging a vehicle license fee, concession recovery fee, or consolidated facility charge may make an advertisement in the Commonwealth that includes a statement of the rental rate for a vehicle available for rent in the Commonwealth unless such advertisement includes a statement that the customer will be required to pay a vehicle license fee, concession recovery fee, or consolidated facility charge. The vehicle license fee, concession recovery fee, or consolidated facility charge shall be shown as a separately itemized charge on the rental agreement. The vehicle license fee shall be described in either the terms and conditions of the rental agreement as the "estimated average per day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs" or, for renters participating in an extended rental program pursuant to a master rental agreement, by posting such statement on the rental company website.

Any amounts collected by the motor vehicle renting company in excess of the actual amount of its costs incurred relating to its vehicle license fees shall be retained by the motor vehicle renting company and applied toward the recovery of its next calendar year's costs relating to such fees. In such event, the good faith estimate of any vehicle license fee to be charged by the company for the next calendar year shall be reduced to take into account the excess amount collected from the prior year.

E. As used in this section, common carrier of persons or property includes any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or household goods for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, that has obtained the required certificate from the Department of Motor Vehicles pursuant to § 46.2-2075 or 46.2-2150.

**§ 46.2-1400. "Ridesharing arrangement" defined.**

"Ridesharing arrangement" means the transportation of persons in a motor vehicle when such transportation is incidental to the principal purpose of the driver, which is to reach a destination and not to transport persons for profit. The term includes ridesharing arrangements known as carpools, vanpools, and bus pools. *"Ridesharing arrangement" does not include a prearranged ride as defined in § 46.2-2000.*

**§ 46.2-2000. Definitions.**

Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier ~~or contract carrier~~, which carrier uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract passenger carrier, a sight-seeing carrier, a *transportation network company*, or a nonemergency medical transportation carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter. "Common carrier" does not include nonemergency medical transportation carriers, *transportation network companies*, or *TNC partners* as defined in this section.

~~"Contract carrier" means any person who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers for compensation.~~

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier. *"Contract passenger carrier" does not include a transportation network company or TNC partner as defined in this section.*

"Department" means the Department of Motor Vehicles.

*"Digital platform" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with TNC partners.*

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment

necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued *or required* by the Department to show *one or more of the following*: (i) that the operator of the vehicle has registered with the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1; (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.) ~~of this title, and/or~~; (iii) *proof that the vehicle has been registered with the Department as a TNC partner vehicle under subsection B of § 46.2-2099.50*; (iv) *proof that the vehicle has been authorized by a transportation network company to be operated as a TNC partner vehicle, in accordance with subsection C of § 46.2-2099.50*; or (v) proof of compliance with the insurance requirements of this chapter.

"Interstate" means transportation of passengers between states.

"Intrastate" means transportation of passengers solely within a state.

"License" means a license issued by the Department to a broker.

"Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than 31 passengers, including the driver, and used in the transportation of passengers.

"Motor carrier" means any person who undertakes, whether directly or by lease, to transport passengers for compensation over the highways of the Commonwealth.

"Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of ~~forty~~ 50 passengers. "Motor launch; as defined herein, shall" *does* not include sight-seeing vessels, special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be regarded as a steamship company.

"Nonemergency medical transportation carrier" means a motor carrier that exclusively provides nonemergency medical transportation and provides such transportation only (i) through the Department of Medical Assistance Services; (ii) through a broker operating under a contract with the Department of Medical Assistance Services; or (iii) as a Medicaid Managed Care Organization contracted with the Department of Medical Assistance Services to provide such transportation.

"Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in §§ 501(c)(3) and 501(c)(4) of the ~~United States~~ Internal Revenue Code, as ~~from time to time~~ amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the transportation, for compensation, of members of such organization if it is a membership corporation, or of elderly, disabled, or economically disadvantaged members of the community if it is not a membership corporation.

"Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty, whether for compensation or not, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"*Operation of a TNC partner vehicle*" means (i) *any time a TNC partner is logged into a digital platform and is available to pick up passengers*; (ii) *any time a passenger is in the TNC partner vehicle*; and (iii) *any time the TNC partner has accepted a prearranged ride request through the digital platform and is en route to a passenger*.

"Operator" means the employer or person actually driving a motor vehicle or combination of vehicles.

"Permit" means a permit issued by the Department to carriers operating as employee haulers or nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab service under this chapter.

"Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"*Personal vehicle*" means a motor vehicle that is not used to transport passengers for compensation except as a TNC partner vehicle.

"*Prearranged ride*" means passenger transportation for compensation in a TNC partner vehicle arranged through a digital platform. "*Prearranged ride*" includes the period of time that begins when a TNC partner accepts a ride requested through a digital platform, continues while the TNC partner transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner vehicle.

"Restricted common carrier" means any person who undertakes, whether directly or by a lease or other arrangement, to transport passengers for compensation, whereby such transportation service has been restricted. "*Restricted common carrier*" does not include a transportation network company or TNC partner as defined in this section.

"Route," when used in connection with or with respect to a certificate of public convenience and necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of public convenience and necessity or proposed to be operated over by an applicant therefor, whether such road or highway is designated by one or more highway numbers.

"Services" and "transportation" include the service of, and all transportation by, all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or the performance of any service in connection therewith.

"Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism.

"Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other qualified jurisdictions.

"Special or charter party carrier by boat" ~~for purposes of this chapter shall mean~~ means a restricted common carrier which transports groups of persons under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported. Special or charter party carriers by boat shall not be regarded as steamship companies.

"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier, *transportation network company*, *TNC partner*, or nonemergency medical transportation carrier as defined in this chapter.

"*TNC insurance*" means a motor vehicle liability insurance policy that specifically covers liabilities arising from a *TNC partner's* operation of a *TNC partner* vehicle.

"*TNC partner*" means a person authorized by a transportation network company to use a *TNC partner* vehicle to provide prearranged rides on an intrastate basis in the Commonwealth.

"*TNC partner vehicle*" means a personal vehicle authorized by a transportation network company and used by a *TNC partner* to provide prearranged rides on an intrastate basis in the Commonwealth.

"*Trade dress*" means a logo, insignia, or emblem attached to or visible from the exterior of a *TNC partner* vehicle that identifies a transportation network company or digital platform with which the *TNC partner* vehicle is affiliated.

"*Transportation network company*" means a person who provides prearranged rides using a digital platform that connects passengers with *TNC partners*.

#### **§ 46.2-2001.3. Application; notice requirements.**

A. Applications for a license, permit, certificate, ~~or~~ identification marker, *or TNC partner vehicle registration* or renewal of a license, permit, certificate, ~~or~~ identification marker, *or TNC partner vehicle registration* under this chapter shall be made to the Department and contain such information and exhibits as the Department shall require. Such information shall include *except in the case of a TNC partner vehicle*, in the application or otherwise, the matters set forth in § 46.2-2011.24 as grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of the public interest.

*Notwithstanding any other provision of this chapter, the Commissioner may require all or certain applications for a license, permit, certificate, identification marker, or TNC partner vehicle registration to be filed electronically.*

*For the purposes of this subsection, "identification marker" does not include trade dress.*

B. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every motor carrier holding the same type of certificate issued by the Department and operating or providing service within the area proposed to be served by the applicant.

C. For any application for original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, the Department shall publish a notice of such application on the Department's public website in the form and in the manner prescribed by the Department.

D. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate of public convenience and necessity, shall cause a publication of a summary of the application to be made in a newspaper having a general circulation in the proposed area to be served or area where the primary business office is located within such time as the Department may prescribe.

#### **§ 46.2-2011.5. Filing and application fees.**

Unless otherwise provided, every applicant, *other than a transportation network company*, for an original license, permit, or certificate issued under this chapter and transfer of a license or certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of ~~five dollars~~ \$50. *The fee to accompany an application for an original of the certificate required under § 46.2-2099.45 shall be \$100,000, and the annual fee to accompany an application for a renewal thereof shall be \$60,000. If the Department does not approve an application for an original of the certificate required under § 46.2-2099.45, the Department shall refund \$90,000 of the application fee to the applicant.* The Department shall collect a fee of ~~three dollars~~ \$3 for the issuance of a duplicate license, permit, or certificate.

#### **§ 46.2-2011.6. Vehicle fees.**

Every person, *other than a TNC partner*, who operates a passenger vehicle for compensation over the highways of the Commonwealth, unless such operation is exempted from this chapter, shall be required to pay an annual fee of \$3 for each such vehicle so operated, unless a vehicle identification marker fee has been paid to the Department as to such vehicle for

the current year under the provisions of Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1. Such fee shall be paid through the single state registration system established pursuant to 49 U.S.C. § 14504 and 49 ~~C.F.R.~~ C.F.R. Part 367 or through the unified carrier registration system established pursuant to 49 U.S.C. § 14504a and the federal regulations promulgated thereunder for carriers registered pursuant to those provisions. No more than one vehicle fee shall be charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 and this chapter, including payments made pursuant to the single state registration system or the unified carrier registration system.

**§ 46.2-2011.20. Unlawful use of registration and identification markers.**

It shall be unlawful for any person to operate or cause to be operated on any highway in the Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that this chapter requires, (ii) does not display an identification marker in such manner as is prescribed by the Department, or (iii) bears registration or identification markers of persons whose *TNC partner vehicle registration under subsection B of § 46.2-2099.50* or whose license, permit, or certificate issued by the Department has been  *canceled*, revoked, suspended, or renewal thereof denied in accordance with this chapter.

**§ 46.2-2011.22. Violation; criminal penalties.**

A. Any person knowingly and willfully violating any provision of this chapter, or any rule or regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, ~~shall be~~ is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,500 for the first offense and not more than \$5,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. Any person, whether carrier, broker, or any officer, employee, agent, or representative thereof,  *or a TNC partner*, who ~~shall~~ knowingly and willfully by any such means or otherwise fraudulently ~~seek~~  *seeks* to evade or defeat regulation as in this chapter; shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first offense and not more than \$2,000 for any subsequent offense.

C. Any motor carrier, broker, or excursion train operator or any officer, agent, employee, or representative thereof,  *or a TNC partner*, who willfully fails or refuses to make a report to the Department as required by this chapter or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Department, or knowingly and willfully falsifies, destroys, mutilates, or alters any such report, account, record, or memorandum, or knowingly and willfully files any false report, account, record, or memorandum, ~~shall be~~  *is* guilty of a misdemeanor and, upon conviction, be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

**§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

A license, permit, or certificate issued pursuant to this chapter may be denied, suspended, or revoked on any one or more of the following grounds, where applicable:

1. Material misstatement or omission in application for license, certificate, permit, identification marker, or vehicle registration;
2. Failure to comply subsequent to receipt of a written warning from the Department or any willful failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by the Department under this chapter, or any term, condition, or restriction of a license, permit, or certificate;
3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;
4. Use of deceptive business acts or practices;
5. Knowingly advertising by any means any assertion, representation, or statement of fact that is untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate, permit, identification marker, or vehicle registration is held or sought;
6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or deceptive acts in connection with the business for which a license, permit, or certificate is held or sought or any consumer-related fraud;
7. Having been convicted of any criminal act involving the business for which a license, permit, or certificate is held or sought;
8. Failure to comply with § 46.2-2056 or any regulation promulgated pursuant thereto;
9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate, permit, identification marker, or vehicle registration;
10. Having been convicted of a felony;
11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral turpitude;
12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the Department;
13. Failure to furnish the Department information, documentation, or records required or requested pursuant to statute or regulation;
14. Knowingly and willfully filing any false report, account, record, or memorandum;
15. Failure to meet or maintain application certifications or requirements of public convenience and necessity, character, fitness, and financial responsibility pursuant to this chapter;
16. Willfully altering or changing the appearance or wording of any license, permit, certificate, identification marker, license plate, or vehicle registration;
17. Failure to provide services in accordance with license, permit, or certificate terms, limitations, conditions, or requirements;

18. Failure to maintain and keep on file with the Department motor carrier liability insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

19. Failure to comply with the Workers' Compensation Act of Title 65.2;

20. Failure to properly register a motor vehicle under this title;

21. Failure to comply with any federal motor carrier statute, rule, or regulation;

22. Failure to comply with the requirements of the Americans with Disabilities Act *or the Virginians with Disabilities Act* (§ 51.5-1 et seq.); ~~or~~

23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate or permit for a period of greater than three months; *or*

24. *Failure to comply with any provision regarding the filing and registered agent requirements set forth in Title 13.1.*

**§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.**

A. *For purposes of this section, "identification marker" does not include trade dress.*

B. It shall be unlawful for a licensee, permittee, or certificate holder, *or for the registrant or operator of a vehicle registered under subsection B of § 46.2-2099.50, whose license, permit, or certificate, or vehicle's registration as a TNC partner vehicle, has been revoked, suspended, canceled, or renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.*

~~B. C.~~ *Except as provided in subsection D, if any law enforcement law-enforcement officer finds that a motor carrier vehicle bearing Virginia license plates or temporary transport plates is being operated in violation of subsection A of this section B, such law enforcement law-enforcement officer shall remove the license plate, identification marker, and registration card and shall forward the same to the Department.*

D. *If the officer finds that a TNC partner vehicle bearing Virginia license plates is being operated in violation of subsection B, such law-enforcement officer shall direct the operator of the vehicle to promptly remove any identification marker and any registration card issued under subsection B of § 46.2-2099.50 and return the same to the Department. If any law-enforcement officer finds that a TNC partner vehicle not bearing Virginia license plates is being operated in violation of subsection B, such law-enforcement officer shall remove any identification marker and any registration card issued under subsection B of § 46.2-2099.50 and shall forward the same to the Department.*

~~C. E.~~ *When informed that a vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.*

**§ 46.2-2051. Application of article.**

Unless otherwise stated, this article shall apply to all motor carriers *except transportation network companies.*

Article 15.

*Transportation Network Companies.*

**§ 46.2-2099.45. Certificates required unless exempted.**

*Unless otherwise exempted, no person shall engage in the business of a transportation network company on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of fitness authorizing such business.*

**§ 46.2-2099.46. Control, supervision, and regulation by Department.**

*Except as otherwise provided in this chapter, every transportation network company, TNC partner, and TNC partner vehicle shall be subject to exclusive control, supervision, and regulation by the Department, but enforcement of statutes and Department regulations shall be not only by the Department but also by any other law-enforcement officer. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of transportation network companies, TNC partners, or TNC partner vehicles.*

**§ 46.2-2099.47. Operation except in accordance with chapter prohibited.**

*No transportation network company or TNC partner shall transport passengers for compensation on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter.*

**§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partner.**

A. *A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not solicit, accept, arrange, or provide transportation in any other manner.*

B. *A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform.*

C. *A transportation network company with knowledge that a TNC partner has violated the provisions of subsection A or B shall remove the TNC partner from the transportation network company's digital platform for at least one year.*

D. A transportation network company shall publish the following information on its public website and associated digital platform:

1. The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;
2. Information about its TNC partner screening criteria, including a description of the offenses that the transportation network company will regard as grounds for disqualifying an individual from acting as a TNC partner;
3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;
4. Information about the company's training and testing policies for TNC partners;
5. Information about the company's standards for TNC partner vehicles; and
6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

E. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated with a TNC partner by the transportation network company. The transportation network company shall arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by the transportation network company.

F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner and operator, an official of the Washington Metropolitan Area Transit Commission, or any person involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation network company shall require the TNC partner's compliance with the provisions of this subsection.

G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the TNC partner vehicle.

H. A transportation network company shall provide to each of its TNC partners a credential, which may be displayed as part of the digital platform, that includes the following information:

1. The name or logo of the transportation network company;
2. The name and a photograph of the TNC partner; and
3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC partner and the state issuing each such license plate.

The TNC partner shall carry the credential at all times during the operation of a TNC partner vehicle and shall present the credential upon request to law-enforcement officers, airport owners and operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The transportation network company shall require the TNC partner's compliance with this subsection.

I. A transportation network company and its TNC partner shall, at all times during a prearranged ride, make the following information available through its digital platform immediately upon request to representatives of the Department, to law-enforcement officers, to officials of the Washington Metropolitan Area Transit Commission, and to airport owners and operators:

1. The name of the transportation network company;
2. The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company;
3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and
4. The location, date, and approximate time that each passenger was or will be picked up.

J. Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

1. A map of the route taken;
2. The date and the times the trip began and ended;
3. The total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride;
4. The TNC partner's first name and photograph; and
5. Contact information by which additional support may be obtained.

K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

*A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.*

*TNC partners shall comply with all applicable laws relating to accommodation of service animals.*

*A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.*

*A TNC partner shall immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.*

*L. No transportation network company or TNC partner shall conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport. The Department may take action against a transportation network company that violates any regulation of an airport owner and operator, including the suspension or revocation of the transportation network company's certificate.*

*M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.*

*N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13 hours in any 24-hour period.*

**§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.**

*A. Before authorizing an individual to act as a TNC partner, a transportation network company shall confirm that the person is at least 21 years old and possesses a valid driver's license.*

*B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing an individual to act as a TNC partner, a transportation network company shall obtain a national criminal history records check of that person. The background check shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.*

*2. Before authorizing an individual to act as a TNC partner, and at least once annually after authorizing an individual to act as a TNC partner, a transportation network company shall obtain and review a driving history research report on that person from the individual's state of licensure.*

*3. Before authorizing an individual to act as a TNC partner, and at least once every two years after authorizing a person to act as a TNC partner, a transportation network company shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.*

*C. A transportation network company shall not authorize an individual to act as a TNC partner if the criminal history records check required under subsection B reveals that the individual:*

*1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the U.S. Department of Justice's National Sex Offender Public Website;*

*2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United States;*

*3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391; or*

*4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3.*

*D. A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners and shall include a notice concerning the policy on its website and associated digital platform.*

*E. A transportation network company shall make the following disclosures in writing to a TNC partner or prospective TNC partner:*

*1. The transportation network company shall disclose the liability insurance coverage and limits of liability that the transportation network company provides while the TNC partner uses a vehicle in connection with the transportation network company's digital platform.*

2. The transportation network company shall disclose any physical damage coverage provided by the transportation network company for damage to the vehicle used by the TNC partner in connection with the transportation network company's digital platform.

3. The transportation network company shall disclose the uninsured motorist and underinsured motorist coverage and policy limits provided by the transportation network company while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

4. The transportation network company shall include the following disclosure prominently in writing to a TNC partner or prospective TNC partner: "If the vehicle that you plan to use to transport passengers for our transportation network company has a lien against it, you must notify the lienholder that you will be using the vehicle for transportation services that may violate the terms of your contract with the lienholder."

F. A TNC partner shall inform each transportation network company that has authorized him to act as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

**§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification markers issued by Department; identification markers issued by transportation network company.**

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection and carry proof of that inspection in the vehicle;
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable; and
7. Be registered with the Department for use as a TNC partner vehicle and display an identification marker issued by the Department as provided in subsection B.

No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of this subsection.

B. A vehicle owner, lessee, or TNC partner shall register a personal vehicle for use as a TNC partner vehicle. A TNC partner that is not the vehicle owner or lessee shall, prior to registering any TNC partner vehicle with the Department, secure the consent of each owner, lessor, and lessee of the vehicle as applicable for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner. A transportation network company shall have the option of registering a TNC partner vehicle on behalf of a TNC partner electronically through a secure portal maintained by the Department provided the TNC partner, if the TNC partner is not the vehicle owner or lessee, certifies that it has secured consent from each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

Prior to registering for use as a TNC partner vehicle any vehicle that has been titled and registered in another state, the vehicle owner or lessee, or a transportation network company on behalf of the owner or lessee, shall provide the Department with such information as the Department requires to establish a customer record for that person and that person's vehicle. A transportation network company shall have the option to submit this information electronically through a secure portal maintained by the Department.

For each TNC partner vehicle a transportation network company authorizes, the transportation network company or TNC partner shall provide to the Department, in a form acceptable to the Department, any information reasonably necessary for the Department to identify the vehicle and register it for use as a TNC partner vehicle.

Upon registering a vehicle for use as a TNC partner vehicle, the Department shall issue a temporary registration, an identification marker to the vehicle owner or lessee, and a registration card indicating the vehicle's registration for use as a TNC partner vehicle.

The Commissioner may deny, suspend, cancel, or revoke the TNC partner vehicle registration and identification marker for any of the following reasons: (i) the vehicle is not properly registered, (ii) the vehicle does not carry insurance as required by this article, (iii) the vehicle is sold, or (iv) the vehicle is used by a TNC partner in a manner not authorized by this chapter.

Registration of a TNC partner vehicle under this subsection shall remain valid until (a) the vehicle is no longer authorized to operate as a TNC partner vehicle by a transportation network company; (b) the TNC partner, vehicle owner, or lessee requests cancellation of the registration; (c) there is a transfer of vehicle ownership, other than a transfer from the lessor of the vehicle to the lessee; (d) the vehicle's lease terminates and ownership is not transferred to the lessee; or (e) the Department suspends, revokes, or cancels the registration of the vehicle for use as a TNC partner vehicle. The fee for the replacement of a lost, mutilated, or illegible identification marker or registration card shall be the same as the fee set forth

in § 46.2-692 for the replacement of a decal or vehicle registration card. However, if the TNC partner vehicle is not titled and registered in Virginia, the replacement fee for an identification marker shall be \$40.

Any vehicle registered with the Department as a personal vehicle and subject to further registration as a TNC partner vehicle pursuant to this section shall be presumed to be used for nonbusiness purposes for the purpose of determining whether it is a qualifying vehicle under § 58.1-3523 absent clear and convincing evidence to the contrary, and any registration pursuant to this section shall not create any presumption of business or commercial use of the vehicle or of business activity on the part of the TNC partner, for purposes of any state or local requirement.

C. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network company shall confirm that the vehicle meets the requirements of subsection A and shall provide each TNC partner with proof of any TNC insurance policy maintained by the transportation network company.

For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take the form of a removable device that meets the identification and visibility requirements of this subsection.

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress.

A TNC partner shall keep the trade dress issued under this subsection visible at all times while the vehicle is being operated as a TNC partner vehicle.

No person shall operate a vehicle bearing trade dress issued under this subsection without the authorization of the transportation network company issuing the trade dress.

D. Any information provided to the Department pursuant to this section, whether held by the Department or another public entity, shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Neither the Department nor any such public entity shall disclose any such information to a nongovernmental entity absent a court order or subpoena. In the event information provided pursuant to this section is sought through a court order or subpoena, the Department or other public entity shall promptly notify the transportation network company prior to disclosure so as to afford the transportation network company the opportunity to take appropriate actions to prevent disclosure. The Department shall not disclose such information to a governmental entity other than to enable that entity to perform its governmental function.

#### **§ 46.2-2099.51. TNC insurance until January 1, 2016.**

A. Until January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.

B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1 million.

2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be \$1 million.

3. The requirements of this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.

4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide

any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death and bodily injury and at least \$50,000 for property damage.

2. The requirements for the coverage required by this subsection may be satisfied by any of the following:

a. TNC insurance maintained by a TNC partner;

b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or

c. Any combination of subdivisions a and b.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

3. If the TNC partner vehicle is insured under a personal automobile insurance policy that does not exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained by the transportation network company under subdivision 2 c shall provide excess coverage up to at least the limits required by subdivision 1.

D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.

E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.

I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.

K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.

L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is suspended or revoked for any cause.

*M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.*

*N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that the TNC partner logged in and was logged out of the transportation network company's digital platform.*

**§ 46.2-2099.52. TNC insurance.**

*A. On and after January 1, 2016, at all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force TNC insurance as provided in this section.*

*B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:*

*1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1 million.*

*2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be \$1 million.*

*3. The requirements of this subsection may be satisfied by any of the following:*

*a. TNC insurance maintained by a TNC partner;*

*b. TNC insurance maintained by a transportation network company; or*

*c. Any combination of subdivisions a and b.*

*A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner under subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner.*

*4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to defend any liability claim, including any claim against a TNC partner, arising from an accident occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC partner's activities in connection with the transportation network company, unless the policy expressly provides otherwise for the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.*

*5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.*

*6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy expressly provides for that coverage during the period of time to which this subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.*

*C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:*

*1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and bodily injury and at least \$25,000 for property damage.*

*2. The requirements for the coverage required by this subsection may be satisfied by any of the following:*

*a. TNC insurance maintained by a TNC partner;*

*b. TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or*

*c. Any combination of subdivisions a and b.*

*A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.*

*D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a TNC partner is en route to or transporting a passenger during a prearranged ride described in subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until the passenger exits the vehicle.*

*E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.*

*F. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.*

*G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company and who provides the transportation network company with the date, approximate time, and location of the accident, and if available the name of the TNC partner and if available the accident report, may request in writing from the transportation network company information relating to the insurance coverage and the company providing the coverage. The transportation network company shall respond electronically or in writing within 30 days. The transportation network company's response shall contain the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.*

*H. No contract, receipt, rule, or regulation shall exempt any transportation network company from the liability that would exist had no contract been made or entered into, and no such contract, receipt, rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or misconduct of such transportation network company shall be valid. The liability referred to in this subsection shall mean the liability imposed by law upon a transportation network company for any loss, damage, or injury to passengers in its custody and care as a transportation network company.*

*I. Any insurance required by this section may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.*

*J. Any insurance policy required by this section shall satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner vehicle.*

*K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy that meets the requirements of this section.*

*L. Each transportation network company shall keep on file with the Department proof of an insurance policy maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in the files of the Department six months after the certificate is revoked or suspended for any cause.*

*M. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.*

*N. In a claims coverage investigation, a transportation network company and its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that the TNC partner logged in and was logged out of the transportation network company's digital platform.*

**§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.**

*A. Records maintained by a transportation network company shall be adequate to confirm compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall at a minimum include:*

*1. True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC partner;*

*2. True and accurate results of the driving history research report for each individual that the transportation network company authorizes to act as a TNC partner;*

*3. Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program;*

*4. True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC partner;*

*5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of § 46.2-2099.50;*

*6. Proof of compliance with the notice and disclosure requirements of subsection D of § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and*

*7. Proof that the transportation network company obtained certification from the TNC partner that the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.*

*A transportation network company shall retain all records required under this subsection for a period of three years. Such records shall be retained in a manner that permits systematic retrieval and shall be made available to the Department in a format acceptable to the Commissioner for the purposes of conducting an audit on no more than an annual basis.*

*B. A transportation network company shall maintain the following records and make them available, in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and resolve a complaint or respond to an incident:*

- 1. Data regarding TNC partner activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride;*
- 2. Records regarding any actions taken against a TNC partner;*
- 3. Contracts or agreements between the transportation network company and its TNC partners;*
- 4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and driver's license number and the state issuing the license; and*
- 5. Information identifying each TNC partner vehicle the transportation network company has authorized, including the vehicle's make, model, year, vehicle identification number, and license plate number and the state issuing the license plate.*

*Requests for information pursuant to subdivision 2 or 3 shall be in writing.*

*C. Information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall be considered privileged information and shall only be used by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and operators for purposes specified in subsection A or B. Such information shall not be subject to disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires such information for the purposes specified in subsection A or B.*

*D. Except as provided in subsection C, information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall not be disclosed to anyone without the transportation network company's express written permission and shall not be subject to disclosure through a court order or through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such information directly from a transportation network company during a court proceeding.*

*E. Except as required under this section, a transportation network company shall not disclose any personal information, as defined in § 2.2-3801, about a user of its digital platform unless:*

- 1. The transportation network company obtains the user's consent to disclose the personal information;*
- 2. The disclosure is necessary to comply with a legal obligation; or*
- 3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.*

*This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to information about the user that is not personal information as defined in § 2.2-3801.*

**2. That the Department of Motor Vehicles shall periodically consult with local government officials to determine whether transportation network companies have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall work collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.**

**3. That beginning July 1, 2016, the Department of Motor Vehicles shall review enforcement activity undertaken regarding the provisions of this act, insurance policies available to TNC partners that may require changes to the provisions of subdivisions E 1 and 2 of § 46.2-2099.49 as created by this act, the fees set forth in § 46.2-2011.5 of the Code of Virginia as amended by this act, and in § 46.2-2099.50 as created by this act to determine whether those fees adequately cover the Department's costs of administering the additional responsibilities imposed on the Department under this act. The Department shall report the results of its review to the Chairmen of the House and Senate Committees on Transportation no later than December 1, 2016.**

**4. That the provisions of subsection K of § 46.2-2099.48 as created by this act, which require a digital platform to allow customers or passengers prearranging rides to indicate whether a passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to individuals with disabilities, shall become effective on July 1, 2016.**

**5. That the transportation network companies shall advise TNC partners that a TNC partner's personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation network company's digital platform, unless such policy expressly provides for TNC insurance coverage. Such notice shall be provided to each TNC partner until January 1, 2016.**

**6. That notwithstanding any other provision of law, a personal automobile insurer may, at its discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an existing policy, that covers a motor vehicle with a seating capacity of eight or fewer persons, including the driver, while used in connection with a transportation network company's digital platform.**

**7. That the provisions of this act adding § 46.2-2099.52 shall become effective on January 1, 2016.**

8. That no provision of this act or existing law shall be construed to prevent any motor carrier regulated under the existing provisions of Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 from offering services through an online digital platform, unless such motor carrier chooses to operate as a transportation network company.

#### CHAPTER 4

*An Act to amend and reenact § 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; markups.*

[H 1440]

Approved February 18, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-235 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-235. Collection; computation, distribution of tax on wine and other alcoholic beverages; refunds and adjustments.**

A. The Board shall collect the state taxes levied pursuant to § 4.1-234 as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine licensees. Wholesale wine licensees shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit such taxes monthly to the Board, along with such reports as may be required by the Board, at the time and in the manner prescribed by the Board.

2. In establishing the prices for items sold by it to persons other than wholesale licensees, the Board shall include a reasonable markup. The liter tax or 20 percent tax, as appropriate, shall then be added to the price of each container of alcoholic beverages. The four percent tax on vermouth and farm winery wines shall then be added for those products. In all cases the final price for each container may be established so as to be a multiple of five *or rounded to end with a nine*.

In accounting for the state tax on sales the Board shall divide the net sales for the quarter by 1.20 and multiply the result by 20 percent. As to the sale of vermouth and farm winery wine, the Board shall divide the net sales for the quarter by 1.04 and multiply the result by four percent.

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by § 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to § 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

The counties, cities, and towns shall in no event receive from the taxes derived from the sale of wines less revenue than was received by such counties, cities, and towns for the year ending June 30, 1976.

The portion of wine liter tax collected pursuant to § 4.1-234 that is attributable to the sale of wine produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

Twelve percent of the amount derived from the liter tax levied shall be retained by the Board as operating revenue and distributed as provided in § 4.1-117.

C. As used in this section, the term "net sales" means gross sales less refunds to customers.

D. The Board may make a refund or adjustment of any tax paid to it under this section when (i) the wine upon which such tax has been paid has been condemned and is not permitted to be sold in the Commonwealth, or (ii) wine is returned by a retail licensee to a wholesale wine licensee for refund in accordance with Board regulations or approval. Any claim for such refund or adjustment shall be made to the Board in the report filed with the Board by the wholesale wine licensee for the period in which such return and refund occurs.

#### CHAPTER 5

*An Act to amend and reenact §§ 32.1-261 and 63.2-1220 of the Code of Virginia, relating to post-adoption services.*

[H 1821]

Approved February 18, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-261 and 63.2-1220 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-261. New birth certificate established on proof of adoption, legitimation or determination of paternity.**

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. *When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.*

**§ 63.2-1220. Issuance of birth certificates for children adopted in the Commonwealth.**

For the purpose of securing a new birth certificate for a child adopted pursuant to the laws of the Commonwealth, the procedures set forth in § 32.1-262 shall be followed. *The Department shall furnish a document listing all post-adoption services available to adoptive families to the State Registrar of Vital Records for distribution to adoptive parents pursuant to § 32.1-261.*

**2. That the Department of Social Services shall update annually and make available on its website the document listing all post-adoption services available to adoptive families pursuant to § 63.2-1220 of the Code of Virginia as amended by this act.**

## CHAPTER 6

*An Act to amend and reenact § 56-599 of the Code of Virginia, relating to electric utility regulation; suspension of regulatory reviews of utility earnings; integrated resource plan schedule.*

Approved February 24, 2015

[S 1349]

Be it enacted by the General Assembly of Virginia:

1. That § 56-599 of the Code of Virginia is amended and reenacted as follows:

**§ 56-599. Integrated resource plan required.**

~~A. Not later than December 31, 2008, the Commission shall order each electric utility to develop an integrated resource plan. The order may establish guidelines for developing an IRP.~~

~~B. By September 1, 2009, each electric utility shall file an initial integrated resource plan with the Commission, which plan shall comply with the provisions of the order of the Commission issued pursuant to subsection A.~~

~~C. Each electric utility shall file an updated integrated resource plan at least every two years thereafter, which plan by July 1, 2015. Thereafter, each electric utility shall file an updated integrated resource plan annually by May 1. A copy of each integrated resource plan shall be provided to the Chairmen of the House and Senate Committees on Commerce and Labor and to the Chairman of the Commission on Electric Utility Regulation. All updated integrated resource plans shall comply with the provisions of any relevant order of the Commission establishing guidelines for the format and contents of updated and revised integrated resource plans. Each integrated resource plan shall consider options for maintaining and enhancing rate stability, energy independence, economic development including retention and expansion of energy-intensive industries, and service reliability.~~

~~D. B. In preparing an integrated resource plan, each electric utility shall systematically evaluate, and may propose:~~

~~1. Entering into short-term and long-term electric power purchase contracts;~~

~~2. Owning and operating electric power generation facilities;~~

~~3. Building new generation facilities;~~

~~4. Relying on purchases from the short term or spot markets;~~

~~5. Making investments in demand-side resources, including energy efficiency and demand-side management services;~~

~~6. Taking such other actions, as the Commission may approve, to diversify its generation supply portfolio and ensure that the electric utility is able to implement an approved plan; and~~

~~7. The methods by which the electric utility proposes to acquire the supply and demand resources identified in its proposed integrated resource plan;~~

~~8. The effect of current and pending state and federal environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities; and~~

~~9. The most cost effective means of complying with current and pending state and federal environmental regulations, including compliance options to minimize effects on customer rates of such regulations.~~

~~E. C. The Commission shall analyze and review an integrated resource plan and, after giving notice and opportunity to be heard, the Commission shall make a determination as to whether an IRP is reasonable and is in the public interest.~~

2. That, notwithstanding the provisions of §§ 56-249.6 and 56-585.1 of the Code of Virginia:

A. No biennial reviews of the rates, terms, and conditions for any service of a Phase I Utility, as defined in § 56-585.1 of the Code of Virginia, shall be conducted at any time by the State Corporation Commission for the four successive 12-month test periods beginning January 1, 2014, and ending December 31, 2017. No biennial reviews of the rates, terms, and conditions for any service of a Phase II Utility, as defined in § 56-585.1 of the Code of Virginia, shall be conducted at any time by the State Corporation Commission for the five successive 12-month test periods beginning January 1, 2015, and ending December 31, 2019. Such test periods beginning January 1, 2014, and ending December 31, 2017, for a Phase I Utility, and beginning January 1, 2015, and ending December 31, 2019, for a Phase II Utility, are collectively referred to herein as the "Transitional Rate Period." Review of recovery of fuel and purchase power costs shall continue during the Transitional Rate Period in accordance with § 56-249.6. Any biennial review of the rates, terms, and conditions for any service of a Phase II Utility occurring in 2015 during the Transitional Rate Period shall be solely a review of the utility's earnings on its rates for generation and distribution services for the two 12-month test periods ending December 31, 2014, and a determination of whether any credits to customers are due for such test periods pursuant to subdivision A 8 b of § 56-585.1. After the conclusion of the Transitional Rate Period, biennial reviews shall resume for a Phase I Utility in 2020, with the first such proceeding utilizing the two successive 12-month test periods beginning January 1, 2018, and ending December 31, 2019. After the conclusion of the Transitional Rate Period, biennial reviews shall resume for a Phase II Utility, as defined in § 56-585.1, in 2022, with the first such proceeding utilizing the two successive 12-month test periods beginning January 1, 2020, and ending December 31, 2021. Consistent with this provision, (i) no biennial review filings shall be made by an investor-owned incumbent electric utility in the years 2016 through 2019, inclusive, and (ii) no adjustment to an investor-owned incumbent electric utility's existing tariff rates, including any rates adopted pursuant to § 56-235.2, shall be made between the beginning of the Transitional Rate Period and the conclusion of the first biennial review after the conclusion of the Transitional Rate Period, except as may be provided pursuant to § 56-245 or 56-249.6 or subdivisions A 4, 5, or 6 of § 56-585.1.

B. During the Transitional Rate Period, pursuant to § 56-36, the Commission shall have the right at all times to inspect the books, papers and documents of any investor-owned incumbent electric utility and to require from such companies, from time to time, special reports and statements, under oath, concerning their business.

C. 1. Commencing in 2016 and concluding in 2018, the State Corporation Commission, after notice and opportunity for a hearing, shall conduct a proceeding every two years to determine the fair rate of return on common equity to be used by a Phase I Utility as the general rate of return applicable to rate adjustment clauses

under subdivisions A 5 or A 6 of § 56-585.1. A Phase I Utility's filing in such proceedings shall be made on or before March 31 of 2016, and 2018.

2. Commencing in 2017 and concluding in 2019, the State Corporation Commission, after notice and opportunity for a hearing, shall conduct a proceeding every two years to determine the fair rate of return on common equity to be used by a Phase II Utility as the general rate of return applicable to rate adjustment clauses under subdivisions A 5 or A 6 of § 56-585.1 of the Code of Virginia. A Phase II utility's filing in such proceedings shall be made on or before March 31 of 2017 and 2019.

3. Such fair rate of return shall be calculated pursuant to the methodology set forth in subdivisions A 2 a and b of § 56-585.1 and shall utilize the utility's actual end-of-test-period capital structure and cost of capital, as well as a 12-month test period ending December 31 immediately preceding the year in which the proceeding is conducted. The Commission's final order in such a proceeding shall be entered no later than eight months after the date of filing, with any adjustment to the fair rate of return for applicable rate adjustment clauses under subdivisions A 5 and 6 of § 56-585.1 taking effect on the date of the Commission's final order in the proceeding, utilizing rate adjustment clause true-up protocols as the Commission may in its discretion determine. Such proceeding shall concern only the issue of the determination of such fair rate of return to be used for rate adjustment clauses under subdivisions A 5 and 6 of § 56-585.1, and such determination shall have no effect on rates other than those applicable to such rate adjustment clauses; however, after the final such proceeding for a utility has been concluded, the fair combined rate of return on common equity so determined therein shall also be deemed equal to the fair combined rate of return on common equity to be used in such utility's first biennial review proceeding conducted after the end of the utility's Transitional Rate Period to review such utility's earnings on its rates for generation and distribution services for the historic test periods.

D. In furtherance of rate stability during the Transitional Rate Period, any Phase II Utility carrying a prior period deferred fuel expense recovery balance on its books and records as of December 31, 2014, shall not recover from customers 50 percent of any such balance outstanding as of December 31, 2014, and the State Corporation Commission shall implement as soon as practicable reductions in the fuel factor rate of any such Phase II Utility to reflect the nonrecovery of any such fuel expense as well as any reduction in the fuel factor associated with the Phase II Utility's current period forecasted fuel expense over recovery for the 2014-2015 fuel year and projected fuel expense for the 2015-2016 fuel year.

E. Except for early retirement plans identified by the utility in an integrated resource plan filed with the State Corporation Commission by September 1, 2014, for utility generation plants, an investor-owned incumbent electric utility shall not permanently retire an electric power generation facility from service during the Transitional Rate Period without first obtaining the approval of the State Corporation Commission, upon petition from such investor-owned incumbent electric utility, and a finding by the State Corporation Commission that the retirement determination is reasonable and prudent. During the Transitional Rate Period, an investor-owned incumbent electric utility shall recover the following costs, as recorded per books by the utility for financial reporting purposes and accrued against income, only through its existing tariff rates for generation or distribution services, except such costs as may be recovered pursuant to § 56-245, § 56-249.6 or subdivisions A 4, A 5, or A 6 of § 56-585.1: (i) costs associated with asset impairments related to early retirement determinations for utility generation facilities resulting from the implementation of carbon emission guidelines for existing electric power generation facilities that the U.S. Environmental Protection Agency has issued pursuant to § 111 (d) of the Clean Air Act; (ii) costs associated with severe weather events; and (iii) costs associated with natural disasters.

F. During the Transitional Rate Period:

1. The State Corporation Commission shall submit a report and make recommendations to the Governor and the General Assembly annually on or before December 1 of each year assessing the updated integrated resource plan of any investor-owned incumbent electric utility. The report shall include an analysis of, among other matters, the amount, reliability, and type of generation facilities needed to serve Virginia native load compared to what is then available to serve such load and what may be available to serve such load in the future in view of market conditions and current and pending state and federal environmental regulations. As a part of such report, the State Corporation Commission shall update its estimate of the impact upon electric rates in Virginia of the implementation of carbon emission guidelines for existing electric power generation facilities that the U.S. Environmental Protection Agency has issued pursuant to § 111(d) of the federal Clean Air Act. The State Corporation Commission shall submit copies of such annual reports to the Chairmen of the House and Senate Committees on Commerce and Labor and the Chairman of the Commission on Electric Utility Regulation; and

2. The Department of Environmental Quality shall submit a report and make recommendations to the Governor and the General Assembly annually on or before December 1 of each year concerning the implementation of carbon emission guidelines for existing electric power generation facilities that the U.S. Environmental Protection Agency has issued pursuant to § 111(d) of the federal Clean Air Act. The report shall include an analysis of, among other matters, the impact of such federal regulations on the operation of any investor-owned incumbent electric utility's electric power generation facilities and any changes, interdiction, or suspension of such regulations. The Department of Environmental Quality shall submit copies of such annual reports to the Chairmen of the House and Senate Committees on Commerce and Labor and the Chairman of the Commission on Electric Utility Regulation.

G. The construction or purchase by an investor-owned incumbent utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without such utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this Act. Such utility shall utilize goods or services sourced, in whole or in part, from one or more Virginia businesses. The utility may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. An investor-owned incumbent utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility.

H. Each Phase I and II Utility shall conduct a pilot program for energy assistance and weatherization for low income, elderly, and disabled individuals in their respective service territories in the Commonwealth. Each pilot program shall be funded by the utility and shall commence September 1, 2015. Each such utility shall report on the status of its pilot program, including the number of individuals served thereby, to the Governor, the State Corporation Commission, and the Chairmen of the House and Senate Commerce and Labor Committees by July 1, 2016, and each year thereafter.

3. That the General Assembly finds that (i) competitive electric utility rates, reliable electric service, and energy independence are important public policy priorities; (ii) long-term stability of electric utility rates is a competitive advantage for the Commonwealth's economic development; (iii) during the transition period, existing electric power generation facilities that provide for reliable electric utility service in the Commonwealth should remain in operation when prudent; (iv) the General Assembly should be regularly informed of utility generation resource plans in light of the challenges to existing electric power generation facilities; and (v) the enactments herein are intended to promote balanced environmental management and rate stability, to protect the Commonwealth's economy and its consumers of electric energy, including those energy-intensive customers who are most vulnerable and rate sensitive, and to avoid threats to service reliability or the Commonwealth's energy independence.

4. That pursuant to § 1-243, the provisions of this act are severable.

## CHAPTER 7

*An Act to amend and reenact § 18.2-250.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.3, relating to possession or distribution of marijuana for medical purposes; epilepsy.*

[H 1445]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-250.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3408.3 as follows:**

**§ 18.2-250.1. Possession of marijuana unlawful.**

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section ~~shall be~~ is guilty of a misdemeanor, and *shall* be confined in jail not more than ~~thirty~~ 30 days and a ~~fine of~~ *fined* not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

*C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's intractable epilepsy or (ii) if such individual is the parent or legal guardian of a minor, such minor's intractable epilepsy. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.*

**§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil to treat intractable epilepsy.**

A. *As used in this section:*

"Cannabidiol oil" means a processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than five percent tetrahydrocannabinol.

"THC-A oil" means a processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than five percent tetrahydrocannabinol.

B. A practitioner of medicine or osteopathy licensed by the Board of Medicine in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of a patient's intractable epilepsy.

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's intractable epilepsy pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 8

An Act to amend and reenact § 18.2-250.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.3, relating to possession or distribution of marijuana for medical purposes; epilepsy.

[S 1235]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-250.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3408.3 as follows:**

### **§ 18.2-250.1. Possession of marijuana unlawful.**

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section ~~shall be~~ is guilty of a misdemeanor and shall be confined in jail not more than ~~thirty~~ 30 days and a ~~fine of~~ fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's intractable epilepsy or (ii) if such individual is the parent or legal guardian of a minor, such minor's intractable epilepsy. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

### **§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil to treat intractable epilepsy.**

A. As used in this section:

"Cannabidiol oil" means a processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than five percent tetrahydrocannabinol.

"THC-A oil" means a processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than five percent tetrahydrocannabinol.

*B. A practitioner of medicine or osteopathy licensed by the Board of Medicine in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of a patient's intractable epilepsy.*

*C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.*

*D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's intractable epilepsy pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.*

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 9

*An Act to amend and reenact §§ 38.2-231, 38.2-2113, and 38.2-2208 of the Code of Virginia, relating to notices relating to certain insurance policies.*

[S 697]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-231, 38.2-2113, and 38.2-2208 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-231. Notice of cancellation, refusal to renew, reduction in coverage or increase in premium of certain liability insurance policies.**

A. 1. No cancellation or refusal to renew by an insurer of (i) a policy of insurance as defined in § 38.2-117 or 38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance as defined in § 38.2-117 or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy a written notice of cancellation or refusal to renew, or delivers such notice electronically to the address provided by the first named insured. Such notice shall:

a. Be in a type size authorized under § 38.2-311;

b. State the date, which shall not be less than 45 days after the delivery or mailing of the notice of cancellation or refusal to renew, on which such cancellation or refusal to renew shall become effective, except that such effective date may not be less than 15 days from the date of mailing or delivery when the policy is being cancelled or not renewed for failure of the insured to discharge when due any of its obligations in connection with the payment of premium for the policy;

c. State the specific reason or reasons of the insurer for cancellation or refusal to renew;

d. Advise the first named insured of its right to request in writing, within 15 days of the receipt of the notice, that the Commissioner of Insurance review the action of the insurer; and

e. In the case of a policy of motor vehicle insurance, inform the first named insured of the possible availability of other insurance which may be obtained through its agent, through another insurer, or through the Virginia Automobile Insurance Plan.

2. Nothing in this subsection shall apply to any policy of insurance if the named insured or his duly constituted attorney-in-fact has notified orally, or in writing, if the insurer requires such notification to be in writing, the insurer or its agent that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if, prior to the date of expiration, he fails to accept the offer of the insurer to renew the policy.

3. Nothing in this subsection shall apply if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

B. No insurer shall cancel or refuse to renew a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity solely because of lack of supporting business or lack of the potential for acquiring such business.

C. No reduction in coverage for personal injury or property damage liability initiated by an insurer and no insurer-initiated increase in the premium greater than 25 percent of (i) a policy of insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance defined in § 38.2-117

or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity, and which in the case of a reduction in coverage is subject to § 38.2-1912, shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy, or delivers electronically to the address provided by the first named insured, a written notice of such reduction in coverage or premium increase not later than 45 days prior to the effective date of same. The increase in premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy. Such notice shall:

1. Be in a type size authorized under § 38.2-311;
2. State the date, which shall not be less than 45 days after the delivery or mailing of the notice of reduction in coverage or increase in premium, on which such reduction in coverage or increase in premium shall become effective;
3. Advise the first named insured of the specific reason for the increase and the amount of the increase, or, if in the case of a reduction in coverage, the specific reason for the reduction and the manner in which coverage will be reduced, or that such information may be obtained from the agent or the insurer;
4. Advise the first named insured of its right to request in writing, within 15 days of receipt of the notice, that the Commissioner of Insurance review the action of the insurer.

D. If an insurer does not provide notice in the manner required in subsection C, coverage shall remain in effect until 45 days after written notice of reduction in coverage or increase in premium is mailed or delivered to the first named insured at the address shown on the policy, or delivered electronically to the address provided by the first named insured, unless the named insured obtains replacement coverage or elects to cancel sooner in either of which cases coverage under the prior policy shall cease on the effective date of the replacement coverage or the elected date of cancellation as the case may be. If the named insured fails to accept or rejects the changed policy, coverage for any period that extends beyond the expiration date will be under the prior policy's rates, terms and conditions as applied against the renewal policy's limits, rating exposures, and additional coverages. If the named insured accepts the changed policy, the reduction in coverage or increase in premium shall take effect upon the expiration of the prior policy.

E. Notice of reduction in coverage or increase in premium shall not be required if:

1. The insurer, after written demand, has not received, within 45 days after such demand has been mailed or delivered to the first named insured at the address shown on the policy, or delivered electronically to the address provided by the first named insured, sufficient information from the named insured to provide the required notice;
2. Such notice is waived in writing by the named insured;
3. The insurer delivers or mails to the first named insured a renewal policy or a renewal offer not less than 45 days prior to the effective date of the policy or, in the case of a medical malpractice insurance policy, not less than 90 days prior to the effective date of the policy;
4. The policy is issued to a large commercial risk as defined in subsection C of § 38.2-1903.1 but excluding policies of medical malpractice insurance; or
5. The policy is retrospectively rated, where the premium is adjusted at the end of the policy period to reflect the risk's actual loss experience.

F. No written notice of cancellation, refusal to renew, reduction in coverage or increase in premium that is mailed or delivered electronically by an insurer to a first named insured in accordance with this section shall be effective unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service*; or

b. ~~At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the first named insured stated in the policy;~~

~~e. At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the first named insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~4. If delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation, refusal to renew, reduction in coverage or increase in premium.

3. a. If the terms of a policy of motor vehicle insurance insuring a business entity require the notice of cancellation, refusal to renew, reduction in coverage or increase in premium to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by this subsection. If the notices sent to the first named insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and the copy of the notices required by this subsection shall be retained by the insurer for at least one year from the date of termination.

b. Notwithstanding the provisions of subdivision 3 a, if the terms of the policy require the notice of cancellation, refusal to renew, reduction in coverage or increase in premium to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder

agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

4. Copy, as used in this subsection, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data, or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

G. Nothing in this section shall prohibit any insurer or agent from including in a notice of cancellation, refusal to renew, reduction in coverage or premium increase any additional disclosure statements required by state or federal laws.

H. For the purpose of this section, the terms (i) "business entity" shall mean an entity as defined by subsection A of § 13.1-543, § 13.1-603 or 13.1-803 and shall include an individual, a partnership, an unincorporated association, the Commonwealth, a county, city, town, or an authority, board, commission, sanitation, soil and water, planning or other district, public service corporation owned, operated or controlled by the Commonwealth, a locality or other local governmental authority; (ii) "policy of motor vehicle insurance" shall mean a policy or contract for bodily injury or property damage liability insuring a business entity issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, but does not include (a) any policy issued through the Virginia Automobile Insurance Plan, (b) any policy providing insurance only on an excess basis, or (c) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles; and (iii) "reduction in coverage" shall mean, but not be limited to, any diminution in scope of coverage, decrease in limits of liability, addition of exclusions, increase in deductibles, or reduction in the policy term or duration except a reduction in coverage filed with and approved by the Commission and applicable to an entire line, classification or subclassification of insurance.

I. Within 15 days of receipt of the notice of cancellation, refusal to renew, reduction in coverage or increase in premium, the named insured shall be entitled to request in writing to the Commissioner that he review the action of the insurer. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's notice of cancellation, refusal to renew, reduction in coverage or premium increase complies with the requirements of this section. Where the Commissioner finds from the review that the notice of cancellation, refusal to renew, reduction in coverage or premium increase does not comply with the requirements of this section, he shall immediately notify the insurer, the named insured and any other person to whom such notice was required to be given by the terms of the policy that such notice is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Pending review by the Commission, this section shall not operate to relieve an insured from the obligation to pay any premium when due; however, if the Commission finds that the notice required by this section was not proper, the Commission may order the insurer to pay to the insured any overpayment of premium made by the insured.

J. Every insurer shall maintain for at least one year records of cancellation, refusals to renew, reductions in coverage and premium increases to which this section applies and copies of every notice or statement required by subsections A, C, F and L of this section that it sends to any of its insureds.

K. There shall be no liability on the part of and no cause of action of any nature shall arise against (i) the Commissioner of Insurance or his subordinates; (ii) any insurer, its authorized representative, its agents, or its employees; or (iii) any firm, person or corporation furnishing to the insurer information as to reasons for cancellation, refusal to renew, reduction in coverage or premium increase, for any statement made by any of them in complying with this section or for providing information pertaining thereto.

L. Notwithstanding anything in this section to the contrary, if an insurer cancels or refuses to renew a policy of medical malpractice insurance as defined in § 38.2-2800, or if, as a result of an insurer-initiated increase in premium, the premium increases for a medical malpractice insurance policy by more than 25 percent of the previous policy's premium, the insurer shall provide no fewer than 90 days notice prior to the renewal effective date, or, if such policy is being cancelled or non-renewed for failure of the insured to discharge when due any of its obligations in connection with the payment of premium for the policy, the effective date of cancellation or refusal to renew shall not be less than 15 days from the date of mailing or delivery of the notice. The increase in the premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy.

M. As used in this section, an "insurer-initiated increase in premium" means an increase in premium other than one resulting from changes in (i) coverage requested by the insured, (ii) policy limits requested by the insured, (iii) the insured's operation or location that result in a change in the classification of the risk, or (iv) the rating exposures including, but not limited to, increases in payroll, receipts, square footage, number of automobiles insured, or number of employees.

**§ 38.2-2113. Mailing or electronic delivery of notice of cancellation or refusal to renew.**

A. No written notice of cancellation or refusal to renew a policy written to insure owner-occupied dwellings shall be effective when mailed or delivered electronically by an insurer unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service; or*

b. ~~At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the insured stated in the policy;~~

~~e. At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~4. If delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation or refusal to renew.

3. [Repealed.]

B. This section shall not apply to policies written through the Virginia Property Insurance Association or any other residual market facility established pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title.

C. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination.

2. Notwithstanding the provisions of subdivision C 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

D. Copy, as used in this section, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

**§ 38.2-2208. Notices of cancellation of or refusal to renew motor vehicle insurance policies.**

A. No written notice of cancellation or refusal to renew that is mailed or delivered electronically by an insurer to an insured in accordance with the provisions of a motor vehicle insurance policy shall be effective unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service; or*

b. ~~At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the insured stated in the policy;~~

~~e. At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~4. If such notice is delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation or refusal to renew.

3. [Repealed.]

B. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and the copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination.

2. Notwithstanding the provisions of subdivision B 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

C. "Copy," as used in this section, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data, or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

**CHAPTER 10**

*An Act to designate the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge."*

[S 703]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Interstate 395 bridge over S. Glebe Road in Arlington County is hereby designated the "Trooper Jacqueline Vernon Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

**CHAPTER 11**

*An Act to amend and reenact § 38.2-3730 of the Code of Virginia, relating to credit insurance; experience reports.*

[S 729]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That § 38.2-3730 of the Code of Virginia is amended and reenacted as follows:

**§ 38.2-3730. Experience reports and adjustment of prima facie rates.**

A. Each insurer doing insurance business in this Commonwealth shall annually file with ~~the Commission~~ and the National Association of Insurance Commissioners a report of credit life and credit accident and sickness written on a calendar year basis. Such report shall utilize the Credit Insurance Supplement-Annual Statement Blank as then approved by the National Association of Insurance Commissioners. Such filing shall be made in accordance with and no later than the due date in the Instructions in the Annual Statement.

B. The Commission shall, on a triennial basis, publish notice and conduct a hearing to determine the actual loss ratio for each form of insurance and adjust the prima facie rates, as provided in §§ 38.2-3726 and 38.2-3727, by applying the ratio of the actual loss ratio to the loss ratio standard set forth in § 38.2-3725 to the prima facie rates. The Commission shall, after such hearing, publish the adjusted actual statewide prima facie rates to be used by insurers during the next triennium. As set forth in this section, the following formula shall be used to adjust the prima facie rates:

$$\text{PFR} \times \frac{\text{Actual Loss Ratio}}{\text{Loss Ratio Standard}}$$

Where PFR is the prima facie rate as provided in §§ 38.2-3726 and 38.2-3727, the Actual Loss Ratio is the ratio of the incurred claims to the earned premiums at prima facie rates for all companies for the preceding three years as reported in the Annual Statement Supplements and the Loss Ratio Standard is the loss ratio provided in § 38.2-3725.

C. In the event that three years of experience is not available using prima facie rates published by the Commission, the Commission may adjust prima facie rates using the number of years of experience available at prima facie rates previously published by the Commission.

**CHAPTER 12**

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1, relating to the authority of depository institutions to sponsor savings promotions.*

[S 737]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1 as follows:

**§ 6.2-603.1. Savings promotions.**

A. As used in this section, unless the context requires a different meaning:

"Depository institution" means a bank, savings institution, or credit union that is subject to any provision of this title and that offers savings accounts, share accounts, certificates of deposit, or other savings products or programs.

"Nonqualifying account" means a savings account, share account, certificate of deposit, or other savings product or program offered by a depository institution that is not a qualifying account.

"Qualifying account" means a savings account, share account, share certificate, or other savings product or program offered by a depository institution through which depositors may obtain chances to win prizes in a savings promotion.

"Savings promotion" means a contest or promotion sponsored by a depository institution in which a chance of winning designated prizes is obtained by its depositors for the purposes of encouraging depositors to build and maintain savings deposits.

B. Any depository institution may sponsor a savings promotion in accordance with the provisions of this section, to the extent (i) the savings promotion is not prohibited by federal law or regulation and (ii) the savings promotion complies with the following requirements:

1. Participants in the savings promotion shall not be required to provide any consideration in order to obtain entries to win. For purposes of this subdivision, participants shall not be deemed to have provided consideration due to the

requirement that they deposit a specified amount of money for a specified time period in a qualifying account in order to obtain entries to win, provided that:

- a. The interest rate associated with any such qualifying account is not reduced when compared with other comparable nonqualifying accounts offered by any depository institution, to account for the possibility of depositors winning specified prizes; and
  - b. The depository institution does not charge a fee for participating in the savings promotion;
  2. All fees charged in connection with a qualifying account shall be comparable with all fees charged in connection with other comparable nonqualifying accounts, if any, offered by the depository institution;
  3. The savings promotion shall be conducted such that each entry in the savings promotion has an equal chance of being drawn;
  4. Participants in the savings promotion shall not be required to be present at a prize drawing in order to win; and
  5. The savings promotion is conducted in a manner that complies with the applicable requirements of Chapter 31 (§ 59.1-415 et seq.) of Title 59.1.
- C. For purposes of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, a savings promotion offered in accordance with this section shall not constitute illegal gambling or otherwise be deemed to entail the promotion of gambling or a lottery.

## CHAPTER 13

*An Act to amend and reenact § 65.2-101 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; exclusion for owner-operator of leased motor vehicle.*

[S 745]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-101 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer lifesaving or volunteer rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer lifesaving or volunteer rescue squad member shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of this Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and

volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer lifesaving or rescue squad, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, volunteer emergency medical technicians, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer lifesaving or rescue squad members, the companies or squads for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad when engaged in activities related principally to participation as a member of such squad whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

*o. An owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the trucking industry if (i) the owner-operator performs services for the carrier pursuant to a contract that provides that the owner-operator is an independent contractor and shall not be treated as an employee for purposes of the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq., Social Security Act of 1935, P.L. 74-271, federal unemployment tax laws, and federal income tax laws and (ii) each of the following factors is present:*

*(1) The owner-operator is responsible for the maintenance of the vehicle;*

*(2) The owner-operator bears the principal burden of the vehicle's operating costs;*

*(3) The owner-operator is the driver;*

*(4) The owner-operator's compensation is based on factors related to the work performed and not on the basis of hours or time expended; and*

*(5) The owner-operator determines the method and means of performing the service.*

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail,

electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
  2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.
- Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

## CHAPTER 14

*An Act to amend and reenact §§ 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of Virginia, relating to insurance; hypothecation of assets.*

[S 748]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-4214. Application of certain provisions of law.**

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through ~~38.2-1444~~ 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

**§ 38.2-4319. Statutory construction and relationship to other laws.**

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) ~~and~~ 2 (§ 38.2-1412 et seq.), *and* 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4,

38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

**§ 38.2-4408. Application of certain provisions.**

No provision of this title except this chapter and insofar as they are not inconsistent with this chapter §§ 38.2-100, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-704, 38.2-800 through 38.2-806, 38.2-1038, 38.2-1040 through 38.2-1044, and Articles 1 (§ 38.2-1300 et seq.), 2 (§ 38.2-1306.2 et seq.), and 4 (§ 38.2-1317 et seq.) of Chapter 13, and §§ 38.2-1800 through 38.2-1836, insofar as they are not inconsistent with this chapter, and § 58.1-2500 et seq. shall apply to the operation of a plan.

**§ 38.2-4509. Application of certain laws.**

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1444, 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

## CHAPTER 15

*An Act to designate New River Bridge on Interstate 81 the "Trooper Andrew Fox Memorial Bridge."*

[S 753]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The New River Bridge on Interstate 81 in the Counties of Montgomery and Pulaski is hereby designated the "Trooper Andrew Fox Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

## CHAPTER 16

*An Act to direct agencies of the Commonwealth to establish protocol, relating to hauling motor fuels during times of necessitous circumstances; report.*

[S 778]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Department of Transportation, Department of Mines, Minerals and Energy, Department of Emergency Management, Department of Motor Vehicles, Department of State Police, and other interested stakeholders shall work to establish a protocol for submission of a declaration of a state of emergency for resource shortages, as defined in § 44-146.16 of the Code of Virginia, that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and two heating oils, or liquid propane gas within or outside of the Commonwealth.*

**2. That the Department of Emergency Management shall submit a report detailing the established protocol to the Governor and the General Assembly by January 13, 2016.**

## CHAPTER 17

*An Act to amend and reenact §§ 32.1-261 and 63.2-1220 of the Code of Virginia, relating to post-adoption services.*

[S 834]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-261 and 63.2-1220 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-261. New birth certificate established on proof of adoption, legitimation or determination of paternity.**

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. *When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.*

**§ 63.2-1220. Issuance of birth certificates for children adopted in the Commonwealth.**

For the purpose of securing a new birth certificate for a child adopted pursuant to the laws of the Commonwealth, the procedures set forth in § 32.1-262 shall be followed. *The Department shall furnish a document listing all post-adoption services available to adoptive families to the State Registrar of Vital Records for distribution to adoptive parents pursuant to § 32.1-261.*

**2. That the Department of Social Services shall update annually and make available on its website the document listing all post-adoption services available to adoptive families pursuant to § 63.2-1220 of the Code of Virginia as amended by this act.**

## CHAPTER 18

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03, relating to discharge planning; designation of individual to provide care.*

[S 851]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03 as follows:**

**§ 32.1-137.03. Discharge planning; designation of individual to provide care.**

A. *Every hospital (i) shall provide each patient admitted as an inpatient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment, and services that the patient may require and (ii) upon admission, shall record in the patient's medical record the name of the individual designated by the patient, the relationship between the patient and the person, and the person's telephone number and address. If the patient fails or refuses to designate an individual to receive information regarding his discharge plan and any follow-up care, treatment, and services, the hospital shall record the patient's failure or refusal in the patient's medical record. For the purposes of this subsection, "residence" does not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home.*

B. *A patient may change the designated individual at any time prior to the patient's release, and the hospital shall record in the patient's medical record the name of the designated individual, the relationship between the patient and the person, and the person's telephone number and address, within 24 hours of such change.*

C. *Prior to discharging a patient who has designated an individual pursuant to subsection A or B, the hospital shall notify the designated individual of the patient's discharge and shall provide the designated individual with a copy of the patient's discharge plan and instructions and information regarding any follow-up care, treatment, or services that the designated individual will provide and consult with the designated individual regarding the designated individual's ability to provide the care, treatment, or services. Such discharge plan shall include (i) the name and contact information of the*

designated individual; (ii) a description of the follow-up care, treatment, and services that the patient requires; and (iii) information, including contact information, about any health care, long-term care, or other community-based services and supports necessary for the implementation of the patient's discharge plan. A copy of the discharge plan and any instructions or information provided to the designated individual shall be included in the patient's medical record.

D. The hospital shall provide each individual designated pursuant to subsection A or B the opportunity for a demonstration of specific follow-up care tasks that the designated individual will provide to the patient in accordance with the patient's discharge plan prior to the patient's discharge, including opportunity for the designated individual to ask questions regarding the performance of follow-up care tasks. Such opportunity shall be provided in a culturally competent manner and in the designated individual's native language.

E. Designation of an individual pursuant to subsection A or B shall not create any obligation on the part of the designated individual regarding the provision of any follow-up care, treatment, and services that the patient may require.

F. Nothing in this section shall create a private right of action against any hospital, its employees, or its contractors.

G. No hospital or its employees or contractors shall be liable for any civil damages for any injuries resulting from any act of an individual designated pursuant to subsection A or B related to the provision of or failure to provide follow-up care, treatment, or services pursuant to a patient's discharge plan.

H. Nothing in this section shall interfere with an individual acting under a valid health care directive.

I. The Department shall promulgate regulations for the implementation of this section.

## CHAPTER 19

An Act to amend and reenact §§ 6.2-831, 6.2-832, and 6.2-1326 of the Code of Virginia, relating to financial institutions; automated teller machines and other terminals; service facilities.

[S 875]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6.2-831, 6.2-832, and 6.2-1326 of the Code of Virginia are amended and reenacted as follows:**

**§ 6.2-831. Establishment of branch banks; redesignation of main office.**

A. A bank may establish and operate one or more branch offices, and a bank may relocate a main or branch office, provided the bank applies to the Commission for authority to establish or relocate any such office. Applications shall be made in writing on a form prescribed by the Commission and shall be accompanied by the fee established pursuant to § 6.2-908. As used in this section, "branch office" does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, regardless of whether it (i) is located on bank premises or premises properly considered part of an authorized office of the bank or (ii) receives or records deposits, disburses loan proceeds, or provides for electronic fund transfers.

B. The Commission shall have 30 days from the date it receives a complete application in which to review a branch proposal or a proposed relocation. The review period may be extended for an additional 30 days. The Commission may deny such an application if the Commission finds that a proposal would have a detrimental effect on the applicant bank's safety and soundness or that it is otherwise not in the public interest. A branch office that has been denied shall not be established and a relocation that has been denied shall not be carried out. If the Commission does not issue a denial of a branch proposal or a proposed relocation within 30 days, or 60 days if the review period is extended, the proposed branch office or offices, or the proposed relocation, shall be authorized, and the branch or branches may be established and operated, or the relocation may be completed.

C. The office at which a bank begins business shall be designated initially as its main office. Thereafter, the board of directors may redesignate as the main office any authorized office of the bank in the Commonwealth. The bank shall notify the Commission of any such redesignation not later than 30 days before its effective date and confirm the redesignation to the Commission within 10 days of its occurrence.

D. A bank shall be subject to the prohibition in § 6.2-842 against establishing or maintaining a branch in the Commonwealth on the premises or property of an affiliate if the affiliate engages in commercial activities.

E. The Commission may impose a civil penalty not exceeding \$2,000 upon any bank that it determines, in proceedings commenced in accordance with the Commission's Rules, has violated the provisions of this section.

**§ 6.2-832. Establishment of automated teller machines and electronic terminals.**

A. ~~No application to, or approval from, the Commission shall be required for a bank may to establish and or operate an automated teller machine, cash-dispensing machine, or similar electronic or computer, or similar terminals and may otherwise provide for electronic fund transfers by its customers, provided (i) the bank complies with the Electronic Fund Transfer Act (15 U.S.C. § 1693 et seq.) and Regulation E of the Federal Reserve Board and (ii) in the case of any proposed terminal at which deposits are received or recorded or loan proceeds disbursed, the bank files prior written notice of the proposal with the Commission on forms prescribed by the Commission and pays a fee not to exceed \$350 per terminal terminal, regardless of whether it (i) is located on bank premises or premises properly considered part of an authorized office of the bank or (ii) receives or records deposits, disburses loan proceeds, or provides for electronic fund transfers.~~

~~B. The Commission shall have 25 days from receipt of the notice to review the proposal. The Commission may deny the proposal on grounds that the bank has failed to comply with federal electronic fund transfer laws or regulations; the bank lacks the resources to operate the proposed facilities successfully; or the proposal is not in the public interest. If the Commission does not issue a denial within 25 days, the bank may establish the terminal or terminals.~~

~~C. The notice required by clause (ii) of subsection A need not be given if (i) the terminal is on bank premises or premises properly considered part of an authorized office of the bank or (ii) the terminal does not receive or record deposits or disburse loan proceeds.~~

~~D. B. A Virginia state bank, as defined in § 6.2-836, may establish and operate such automated teller machines, cash-dispensing machines, or similar electronic or computer terminals in the Commonwealth, provided the bank complies with all Commonwealth and federal laws and regulations applicable to such machines and terminals. An out-of-state bank, as defined in § 6.2-836, may establish and operate such automated teller machines, cash-dispensing machines, or similar electronic or computer terminals in the Commonwealth, provided (i) the bank complies with all Commonwealth, home state and federal laws applicable to such machines and terminals and (ii) in the case of any proposed terminal at which deposits are received or recorded or loan proceeds disbursed, the bank furnishes to the Commission a copy of any notice or application filed with the bank's home state supervisor or responsible federal banking agency; at the time such notice or application is filed.~~

C. The Commission may adopt regulations affecting electronic fund transfers by banks if it finds such regulations necessary for the protection of the public interest.

**§ 6.2-1326. Establishing, moving, and closing offices.**

A. As used in this section, "service facility" means a physical facility at a location other than its main office that is wholly owned by the credit union establishing it. "Service facility" does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, regardless of whether it (i) is located on credit union premises or premises properly considered part of an authorized office of the credit union or (ii) receives or records deposits or disburses loan proceeds.

B. A credit union may maintain service facilities at locations other than its main office if the maintenance of such offices is reasonably necessary to serve its members, subject to the approval of the Commission. An application to establish such a service facility, accompanied by a fee of \$200, shall be made on a form prescribed by the Commission. The Commission shall approve the establishment of the proposed service facility if it appears that the interest of the members of the applicant will be served thereby and that such establishment will not impair the financial condition of the applicant or any other credit union.

C. A credit union may (i) contract with one or more other credit unions subject to this chapter or organized under the laws of the United States or any other state to provide for the operation of one or more shared service facilities or (ii) provide for its members to have the use of one or more shared service facilities by contracting with a credit union service organization approved by the Commissioner for such purpose. A participating credit union may also invest in the credit union service organization. A credit union shall give prior written notice to the Commissioner of its participation in each shared service facility or credit union service organization. Notice to the Commissioner of a credit union's participation in a credit union service organization shall satisfy the requirement of subsection E that the Commissioner be notified of the establishment of an office, if the credit union service organization has notified the Commissioner of the establishment of the shared service facility.

D. The authority of the Commission and the Commissioner to supervise and regulate credit unions, as set forth in Article 2 (§ 6.2-1308 et seq.) of this chapter, shall extend to any shared service facility and any credit union service organization that is involved in the operation of a shared service facility that provides service to credit unions organized under this chapter, except that such authority shall not extend to the assets, records, books, and accounts of any federal credit union or credit union organized under the laws of another state.

E. A credit union may change the location of its main office, a service facility, or office, and may close any such office, provided it gives at least 30 days' prior written notice thereof to the Commissioner in such form as he may prescribe. A credit union shall notify the Commissioner in writing within 10 days after it establishes, relocates, or closes any office. A credit union shall notify the Commissioner of its withdrawal from participation in any shared service facility within 10 days of such withdrawal.

**CHAPTER 20**

*An Act to amend the Code of Virginia by adding a section numbered 40.1-49.13, relating to Safety and Health Codes Board; establishment of a Voluntary Protection Program.*

[S 881]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 40.1-49.13 as follows:**

**§ 40.1-49.13. Voluntary Protection Program.**

*A. As used in this section:*

"Model system" means an exemplary, voluntarily implemented worker safety and health management system that (i) implements comprehensive safety and health programs that exceed basic compliance with occupational safety and health laws and regulations and (ii) meets the VPP standards adopted by the Safety and Health Codes Board pursuant to subsection B.

"Voluntary Protection Program" or "VPP" means a program under which the Commissioner recognizes and partners with workplaces in which a model system has been implemented.

B. The Safety and Health Codes Board shall adopt definitions, rules, regulations, and standards necessary for the operation of the Voluntary Protection Program in a manner that will promote safe and healthy workplaces throughout the Commonwealth. The standards for the VPP shall include the following requirements for VPP participation:

1. Upper management leadership and active and meaningful employee involvement;
2. Systematic assessment of occupational hazards;
3. Comprehensive hazard prevention, mitigation, and control programs;
4. Employee safety and health training; and
5. Safety and health program evaluation.

C. Applications for participation in the VPP shall be submitted by the workplace's management. Applications shall include documentation establishing to the satisfaction of the Commissioner that the employer meets all standards for VPP participation.

D. The Department shall provide for onsite evaluations by VPP evaluation teams of each workplace that has applied to participate in the VPP to determine that the applicant's workplace complies with the standards for VPP participation.

E. A workplace's continued participation in the VPP shall be conditioned on compliance with the standards for VPP participation, as determined by periodic onsite evaluations by VPP evaluation teams.

F. During periods in which a workplace is a participant in the VPP, the workplace shall be exempt from inspections or investigations under § 40.1-49.4; however, this exception shall not apply to inspections or investigations of the workplace arising from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases.

**2. That any workplace that was a participant in the uncodified voluntary protection program conducted by the Department of Labor and Industry prior to July 1, 2015, may continue as a participant in the Voluntary Protection Program established pursuant to § 40.1-49.13 of the Code of Virginia, as created by this act. On and after July 1, 2016, the continued participation by such a workplace in the Voluntary Protection Program shall be conditioned upon the workplace's compliance with the standards for participation in the Voluntary Protection Program adopted by the Safety and Health Codes Board pursuant to subsection B of § 40.1-49.13.**

## CHAPTER 21

*An Act to amend and reenact § 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; markups.*

[S 899]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-235 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-235. Collection; computation, distribution of tax on wine and other alcoholic beverages; refunds and adjustments.**

A. The Board shall collect the state taxes levied pursuant to § 4.1-234 as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine licensees. Wholesale wine licensees shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit such taxes monthly to the Board, along with such reports as may be required by the Board, at the time and in the manner prescribed by the Board.

2. In establishing the prices for items sold by it to persons other than wholesale licensees, the Board shall include a reasonable markup. The liter tax or 20 percent tax, as appropriate, shall then be added to the price of each container of alcoholic beverages. The four percent tax on vermouth and farm winery wines shall then be added for those products. In all cases the final price for each container may be established so as to be a multiple of five *or rounded to end with a nine*.

In accounting for the state tax on sales the Board shall divide the net sales for the quarter by 1.20 and multiply the result by 20 percent. As to the sale of vermouth and farm winery wine, the Board shall divide the net sales for the quarter by 1.04 and multiply the result by four percent.

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by § 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to § 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

The counties, cities, and towns shall in no event receive from the taxes derived from the sale of wines less revenue than was received by such counties, cities, and towns for the year ending June 30, 1976.

The portion of wine liter tax collected pursuant to § 4.1-234 that is attributable to the sale of wine produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

Twelve percent of the amount derived from the liter tax levied shall be retained by the Board as operating revenue and distributed as provided in § 4.1-117.

C. As used in this section, the term "net sales" means gross sales less refunds to customers.

D. The Board may make a refund or adjustment of any tax paid to it under this section when (i) the wine upon which such tax has been paid has been condemned and is not permitted to be sold in the Commonwealth, or (ii) wine is returned by a retail licensee to a wholesale wine licensee for refund in accordance with Board regulations or approval. Any claim for such refund or adjustment shall be made to the Board in the report filed with the Board by the wholesale wine licensee for the period in which such return and refund occurs.

## CHAPTER 22

*An Act to amend and reenact § 2.2-3705.5 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for certain health records.*

[S 968]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3705.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be open to inspection and copying as provided in § 2.2-3704. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and records and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this section shall prohibit disclosure of information from the records of completed

investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information and records acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent made confidential by § 32.1-283.3; or (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5.

10. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

11. Records of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions, to the extent such records may identify any practitioner who may be, or who is actually, impaired to the extent disclosure is prohibited by § 54.1-2517.

12. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5, to the extent such records contain (i) medical or mental health records, or other data identifying individual patients or (ii) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

13. Any record copied, recorded or received by the Commissioner of Health in the course of an examination, investigation or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

14. Records, information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

17. Records of the State Health Commissioner relating to the health of any person or persons subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; this provision shall not, however, be construed to prohibit the disclosure of statistical summaries, abstracts or other information in aggregate form.

18. Records containing the names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

19. *Records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.*

## CHAPTER 23

*An Act to amend and reenact § 55-59.3 of the Code of Virginia, relating to advertisement of time-share estate foreclosure sales.*

[S 1015]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-59.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-59.3. Contents of advertisements of sale.**

A. The advertisement of sale under any deed of trust, in addition to such other matters as may be required by such deed of trust or by the trustee, in his discretion, shall set forth a description of the property to be sold, which description need not be as extensive as that contained in the deed of trust, and shall identify the property by street address, if any, or, if none, shall give the general location of the property with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the time, place and terms of sale and shall give the name or names of the trustee or trustees. It shall set forth the name, address and telephone number of such person (either a trustee or the party secured or his agent or attorney) as may be able to respond to inquiries concerning the sale.

*B.1. If the property being sold is a time-share estate or estates, the advertisement of sale required under subsection A of § 55-59.2 shall set forth, in addition to such other matters as the trustee finds appropriate, (i) a description of the specific time-share estate or estates to be sold, which description also shall include (a) the name of the time-share project and (b) the street address of the time-share project, or if no street address, the general location of the time-share project with reference to streets, routes, or known landmarks; (ii) the date, time, place, and terms of sale; (iii) the name of the trustee; and (iv) the name, address, and telephone number of the representative, agent, or attorney who is authorized to respond to inquiries concerning the sale and give additional information concerning the time-share estate or estates to be sold.*

*2. In lieu of the requirements of subdivision 1, the advertisement shall set forth (i) the name of the time-share project in which the time-share estate or estates to be sold are contained; (ii) the street address of the time-share project in which the time-share estate or estates to be sold are contained, or if no street address, the general location of the time-share project with reference to streets, routes, or known landmarks; (iii) the date, time, place, and terms of sale; (iv) the name of the trustee; and (v) the name, address, and telephone number of the representative, agent, or attorney who is authorized to respond to inquiries concerning the sale and give additional information concerning the time-share estate or estates to be sold, including providing, upon request, in either hard copy or electronic form, a schedule of the time-share estate or estates to be sold. In addition, the advertisement shall contain a website address where a description of the specific time-share estate or estates to be sold is displayed.*

## CHAPTER 24

*An Act to amend and reenact § 54.1-2103 of the Code of Virginia, relating to the Virginia Real Estate Board; exemptions from licensure.*

[S 1016]

Approved February 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 54.1-2103 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 54.1-2103. Exemptions from chapter.**

A. The provisions of this chapter shall not apply to:

1. Any person, partnership, association ~~or~~ corporation, *entity*, or their regular employees, who as owner or lessor perform any of the acts enumerated in §§ 54.1-2100 and 54.1-2101 with reference to property owned or leased by them, where the acts are performed in the regular course of or incident to the management of the property and the investment therein. *For property governed by Chapter 21 (§ 55-360 et seq.) of Title 55, the term "owner" for purposes of this subdivision shall include affiliated entities, provided that (i) the owner has a controlling interest in the affiliated entity or (ii) the affiliated entity and the owner have a common parent company;*

2. Any person acting without compensation as attorney-in-fact under a power of attorney issued by a property owner solely for the purpose of authorizing the final performance required of such owner under a contract for the sale, lease, purchase, or exchange of real estate;

3. Service rendered by an attorney-at-law in the performance of his duties as such;

4. A person acting as a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court;

5. A trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof;

6. Any corporation managing rental housing when the officers, directors, and members in the ownership corporation and the management corporation are the same and the management corporation manages no other property for other persons, partnerships, associations, or corporations;

7. Any existing tenant of a residential dwelling unit who refers a prospective tenant to the owner of the unit or to the owner's duly authorized agent or employee and for the referral receives, or is offered, a referral fee from the owner, agent or employee;

8. Any auctioneer licensed in accordance with Chapter 6 (§ 54.1-600 et seq.) of this title selling real estate at public auction when employed for such purpose by the owner of the real estate and provided the bidding at such auction is held open for no longer than forty-eight hours. An auctioneer shall not advertise that he is authorized to sell real estate. An auctioneer may advertise for sale at public auction any real estate when employed to do so as herein provided, and may advertise that he is authorized to auction real estate at public auction;

9. [Expired.]

10. Any person who is licensed and is in good standing as a real estate broker or salesperson in another state, and who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined in § 55-526, in the Commonwealth. Such real estate licensee from another state may be compensated by a real estate broker in the Commonwealth. Nothing in this subdivision shall be construed to permit any person not licensed and in good standing as a real estate broker or salesperson in the Commonwealth to otherwise act as a real estate broker or salesperson under this chapter.

B. The provisions of this chapter shall not prohibit the selling of real estate (i) by an attorney-at-law in the performance of his duties as such, (ii) by a receiver, trustee in bankruptcy, administrator or executor, a special commissioner or any person selling real estate under order of court, or (iii) by a trustee acting under the trust agreement, deed of trust or will, or the regular salaried employees thereof.

C. The provisions of this chapter shall not apply to any salaried person employed by a licensed real estate broker for and on behalf of the owner of any real estate or the improvements thereon which the licensed broker has contracted to manage for the owner if the actions of such salaried employee are limited to (i) exhibiting residential units on such real estate to prospective tenants, if the employee is employed on the premises of such real estate; (ii) providing prospective tenants with factual information about the lease of residential real estate; (iii) accepting applications for lease of such real estate; and (iv) accepting security deposits and rentals for such real estate. Such deposits and rentals shall be made payable to the owner or the broker employed by such owner. The salaried employee shall not negotiate the amounts of such security deposits or rentals and shall not negotiate any leases on behalf of such owner or broker.

D. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this chapter if he would be otherwise exempt from such licensure.

E. An attorney-at-law referring a client to a licensee shall not be entitled to receive any compensation from a listing firm or offered by a common source information company to cooperating brokers, unless the attorney is also licensed under this chapter as a real estate broker or salesperson.

## CHAPTER 25

*An Act to amend and reenact §§ 4.1-100 and 4.1-103 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 4.1-302.2, relating to alcoholic beverage control; powdered or crystalline alcohol; penalty.*

[S 1034]

Approved February 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-100 and 4.1-103 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-302.2 as follows:**

#### **§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, *powder or crystal*, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-103. General powers of Board.**

The Board shall have the power to:

1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;
2. Buy and sell any mixers;
3. Control the possession, sale, transportation and delivery of alcoholic beverages;
4. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;
5. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;
6. Lease, occupy and improve any land or building required for the purposes of this title;
7. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;
8. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;
9. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; *however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;*
10. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;
11. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;
12. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

13. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

14. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

15. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

16. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

17. Establish minimum food sale requirements for all retail licensees; and

18. Do all acts necessary or advisable to carry out the purposes of this title.

**§ 4.1-302.2. Sale, purchase, use of powdered or crystalline alcohol prohibited; penalty.**

A. No person shall purchase or possess, offer for sale or use, sell, or use any powdered or crystalline alcohol product.

B. As used in this section, "powdered or crystalline alcohol" means a product that is manufactured into a powdered or crystalline form and that contains any amount of alcohol.

C. A violation of this section is a Class 1 misdemeanor.

## CHAPTER 26

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 through 2.2-2483, relating to the Advisory Board on Service and Volunteerism.

[S 1090]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 through 2.2-2483, as follows:**

Article 25.

*Advisory Board on Service and Volunteerism.*

**§ 2.2-2478. Advisory Board on Service and Volunteerism; purpose.**

The Advisory Board on Service and Volunteerism (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government to advise the Governor and Cabinet Secretaries on matters related to promotion and development of national service in the Commonwealth and to meet the provisions of the federal National and Community Service Trust Act of 1993.

**§ 2.2-2479. Membership; terms; quorum; meetings.**

A. The Board shall consist of no more than 20 nonlegislative citizen members, to be appointed by the Governor from the Commonwealth at large. Nonlegislative citizen members appointed to the Board shall be selected for their knowledge of, background in, or experience with the community and volunteer services sector and in accordance with guidelines provided in the National and Community Service Trust Act of 1993. The Governor may appoint additional persons, at his discretion, as nonvoting members.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall be eligible to serve more than two successive four-year terms; however, after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The voting members of the Board shall elect a chairman and vice-chairman annually from among its membership. A majority of the members of the Board shall constitute a quorum. The Board shall meet no more than six times per year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

**§ 2.2-2480. Compensation; expenses.**

Members shall receive no compensation for their services. However, all members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services in accordance with federal law.

**§ 2.2-2481. Powers and duties of the Board.**

The Board shall have the power and duty to:

1. Advise the Governor, the Secretaries of Health and Human Resources, Education, and Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the State Board of Social Services, and other appropriate officials on national and community service programs in Virginia in order to (i) fulfill the responsibilities and duties prescribed by the federal Corporation for National and Community Service and (ii) develop, implement, and evaluate the Virginia State Service Plan, which outlines strategies for supporting and expanding national and community service throughout the Commonwealth.

2. Promote the use of AmeriCorps programs to meet Virginia's most pressing human, educational, environmental, and public safety needs.

3. Collaborate with the Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

4. Assist the Department of Social Services to promote the involvement of faith-based organizations in community and national service efforts.

5. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**§ 2.2-2482. Staffing.**

The Department of Social Services and any other executive branch agencies as the Governor may designate shall serve as staff to the Board. All agencies of the Commonwealth shall assist the Board upon request.

**§ 2.2-2483. Sunset.**

This article shall expire on July 1, 2018.

**2. That the initial appointments of the nonlegislative citizen members to the Advisory Board on Service and Volunteerism shall be staggered as follows: seven nonlegislative citizen members appointed for initial terms of one year, six nonlegislative citizen members appointed for initial terms of two years, and seven nonlegislative citizen members appointed for initial terms of three years.**

## CHAPTER 27

*An Act to amend and reenact §§ 2.2-3711 and 10.1-104.7 of the Code of Virginia, relating to resource management plans; closed meetings.*

[S 1126]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3711 and 10.1-104.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such

institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities

for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system,

acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. *Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

#### **§ 10.1-104.7. Resource management plans; effect of implementation; exclusions.**

A. Notwithstanding any other provision of law, agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan, in accordance with the criteria for such plans set out in § 10.1-104.8 and any regulations adopted thereunder, shall be deemed to be in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment.

B. The presumption of full compliance provided in subsection A shall not prevent or preclude enforcement of provisions pursuant to (i) a resource management plan or a nutrient management plan otherwise required by law for such operation, (ii) a Virginia Pollutant Discharge Elimination System permit, (iii) a Virginia Pollution Abatement permit, or (iv) requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.).

C. Landowners or operators who implement and maintain a resource management plan in accordance with this article shall be eligible for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department in accordance with program eligibility rules and requirements. Such landowners and operators may also be eligible for state tax credits in accordance with §§ 58.1-339.3 and 58.1-439.5.

D. Nothing in this article shall be construed to limit, modify, impair, or supersede the authority granted to the Commissioner of Agriculture and Consumer Services pursuant to Chapter 4 (§ 3.2-400 et seq.) of Title 3.2.

E. Any personal or proprietary information collected pursuant to this article shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information. This subsection shall not preclude the application of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) in all other instances of federal or state regulatory actions. *Pursuant to subdivision A 46 of § 2.2-3711, public bodies*

may hold closed meetings for discussion or consideration of certain records excluded from the provisions of this article and the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

## CHAPTER 28

An Act to amend the Code of Virginia by adding in Title 56 a chapter numbered 28, consisting of sections numbered 56-610, 56-611, and 56-612, relating to natural gas system expansion infrastructure; recovery and deferral of costs.

[S 1163]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 56 a chapter numbered 28, consisting of sections numbered 56-610, 56-611, and 56-612, as follows:**

### CHAPTER 28.

#### NATURAL GAS SYSTEM EXPANSION INFRASTRUCTURE.

##### § 56-610. Definitions.

As used in this chapter, unless the context requires otherwise:

"Affected customer" means any customer of a natural gas utility receiving service at a premises served by eligible system expansion infrastructure. Any customer receiving natural gas service for which the natural gas utility has received the entire amount required to cover the cost of the eligible system expansion infrastructure as a contribution in aid to construction shall not be considered an affected customer.

"Eligible expansion investment" means that portion of the total capital investment made by a natural gas utility in constructing eligible system expansion infrastructure that is in excess of those costs that would be considered economic under a natural gas utility's economic test, net of any contributions in aid of construction, up to the maximum level of investment per affected customer specified in a system expansion plan.

"Eligible system expansion infrastructure" means natural gas main pipelines and associated facilities, including service lines, meters, and other pertinent facilities, that are constructed and operated by a natural gas utility to deliver natural gas service to affected customers located in an unserved area.

"Eligible system expansion infrastructure costs" includes:

1. Return on investment. In calculating the return on investment, the Commission shall use the natural gas utility's weighted average cost of capital, including the cost of debt and equity, based on its regulatory capital structure used in determining the natural gas utility's base rates in effect during the construction period of the eligible system expansion, applied to eligible expansion investment. The investment, as adjusted for the reserve for depreciation and accumulated deferred income taxes, shall be multiplied by the weighted average cost of capital to determine the return on investment;

2. A revenue conversion factor, which factor, including income taxes and an allowance for bad debt expense, shall be applied to the required operating income resulting from the eligible system infrastructure expansion costs;

3. Education and outreach expense. Such expense shall include costs for education and outreach for increasing program awareness;

4. Depreciation, the calculation of which by the Commission shall be based on the natural gas utility's current depreciation rates applied to eligible expansion investment; and

5. Property taxes attributable to eligible expansion investment.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"System expansion plan" means a plan filed by a natural gas utility that identifies the level of eligible system expansion infrastructure costs that are projected to be incurred over the term of the plan and provides the calculation of a system expansion rider.

"System expansion rider" means a recovery mechanism that will allow for recovery of the eligible system expansion infrastructure costs from affected customers, through a separate mechanism from the customer rates established in a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6. A system expansion rider shall be designed to recover eligible system expansion infrastructure costs.

##### § 56-611. Petition to establish or amend expansion plan; cost recovery; procedures.

A. Notwithstanding the provisions of § 56-235.4, a natural gas utility may file a system expansion plan as provided in this chapter. Such a plan shall provide for (i) a business rationale explaining that the expansion plan is in the public interest and of benefit to the affected customers served under the system expansion plan, (ii) the period the system expansion rider is proposed to be in effect, (iii) the estimated eligible system expansion infrastructure costs and a maximum level of investment to be included in the program, (iv) a maximum level of investment per affected customer, (v) the projected number of customers by rate class that will be served by the proposed investment, (vi) a schedule for recovery of the related eligible system expansion infrastructure costs through a system expansion rider, (vii) a methodology for deferral of unrecovered eligible system expansion infrastructure costs, calculated as determined pursuant to § 56-612, (viii) the class or classes of customers eligible to participate in a system expansion plan, and (ix) the period of time that a customer at a premises receiving natural gas service from eligible system expansion infrastructure will be considered an affected customer for

purposes of this chapter. The natural gas utility shall demonstrate that the system expansion plan is prudent and reasonable. The Commission may approve such a plan after such notice and opportunity for a hearing as the Commission may prescribe, subject to the provisions of this chapter.

B. The Commission shall approve a natural gas utility's system expansion plan if it finds that the plan (i) includes the components set forth in subsection A, (ii) provides for the recovery of eligible system expansion infrastructure costs in accordance with the provisions of this chapter, and (iii) is prudent and reasonable. In a final order approving a natural gas utility's system expansion plan, the Commission may require the natural gas utility to file an annual report with the Commission demonstrating whether the natural gas utility's recovery of eligible system expansion infrastructure costs pursuant to its system expansion plan complies with the requirements of clause (ii). Upon a finding by the Commission that a natural gas utility's system expansion plan does not comply with the requirements of clause (ii), the Commission may direct, by order, the natural gas utility to exclude from deferral any unrecovered costs in excess of costs that may be recovered by a system expansion rider.

C. The Commission shall act on a natural gas utility's initial application for a system expansion plan within 180 days. Within that time period, the Commission shall approve, deny, or modify the plan as required by the public interest. A plan filed pursuant to this section shall not require the filing of rate schedules typically filed in conjunction with a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based rate regulation plan authorized by § 56-235.6. The Commission shall act on a natural gas utility's application to amend a previously approved plan within 120 days. Within that time period, the Commission shall approve, deny, or modify the amended plan as required by the public interest. If the Commission denies such a plan or amendment or any part thereof, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 90 days to approve or deny the amended plan or amendment. The time period for Commission review provided for in this subsection shall not apply if the system expansion plan is filed in conjunction with a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based rate regulation plan authorized by § 56-235.6.

D. Any system expansion plan and any system expansion rider that is submitted to and approved by the Commission shall allocate and charge costs in accordance with the appropriate cost causation principles in order to avoid any undue cross-subsidization between rate classes.

E. No other revenue requirement or ratemaking issues may be examined in consideration of the application filed pursuant to the provisions of this chapter.

F. Costs recovered pursuant to this chapter shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism.

G. A natural gas utility shall have the opportunity to seek recovery of any costs associated with eligible expansion investment not yet recovered at the end of a system expansion plan in a rate case using the cost-of-service methodology set forth in § 56-235.2 or performance-based regulation plan authorized by § 56-235.6. Such recovery shall be subject to Commission approval based upon a determination that the benefits provided by affected customers added under the system expansion plan or plans equal or exceed the impact of recovering such costs from existing customers of the natural gas utility.

H. The provisions of this chapter shall not preclude the filing of other plans or tariff provisions related to extending natural gas infrastructure.

I. The provisions of this chapter shall not apply to interstate pipeline companies regulated by the Federal Energy Regulatory Commission.

#### **§ 56-612. Deferral of eligible system expansion infrastructure costs.**

A. A natural gas utility shall account for the difference between actual monthly eligible system expansion infrastructure costs incurred on the cumulative investment in eligible system expansion infrastructure and revenue collected through a system expansion rider as a deferred cost. Such deferred costs shall be accounted for as a regulatory asset and shall not be subject to write-off or write-down by the Commission in an earnings test filing made pursuant to Commission rules governing utility rate increases and annual informational filings.

B. If a natural gas utility collects all of the deferred eligible system expansion infrastructure costs, as well as all eligible expansion investment, through a system expansion rider prior to the expiration of the time period specified in its system expansion plan pursuant to clause (ii) of subsection A of § 56-611, the system expansion rider shall terminate. A natural gas utility may extend the system expansion rider beyond the period it is proposed to be in effect if necessary to recover any uncollected deferral or eligible system expansion infrastructure costs. A natural gas utility shall notify the Commission of any termination or extension of a system expansion rider at least 60 days prior to its termination or extension. Such termination or extension of the system expansion rider shall be subject to Commission approval.

C. Deferral of costs recovered pursuant to this chapter shall have no effect on the recovery of any other cost by the natural gas utility and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism.

**2. That, in recognition of the importance of environmentally responsible practices when constructing utility infrastructure in the Commonwealth, each construction project that is undertaken pursuant to the provisions of this**

act shall be completed in compliance with the current Annual Standards and Specifications, as amended from time to time, that is filed with the Department of Environmental Quality by the natural gas utility that undertakes the project.

## CHAPTER 29

*An Act to amend and reenact §§ 2.2-4013 and 2.2-4014 of the Code of Virginia, relating to the Administrative Process Act; legislative review of regulations.*

[S 1198]

Approved February 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 2.2-4013 and 2.2-4014 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 2.2-4013. Executive review of proposed and final regulations; changes with substantial impact.**

A. The Governor shall adopt and publish procedures by executive order for review of all proposed regulations governed by this chapter by June 30 of the year in which the Governor takes office. The procedures shall include (i) review by the Attorney General to ensure statutory authority for the proposed regulations; and (ii) examination by the Governor to determine if the proposed regulations are (a) necessary to protect the public health, safety and welfare and (b) clearly written and easily understandable. The procedures may also include review of the proposed regulation by the appropriate Cabinet Secretary.

The Governor shall transmit his comments, if any, on a proposed regulation to the Registrar and the agency no later than fifteen days following the completion of the public comment period provided for in § 2.2-4007.03. The Governor may recommend amendments or modifications to any regulation that would bring that regulation into conformity with statutory authority or state or federal laws, regulations or judicial decisions.

Not less than fifteen days following the completion of the public comment period provided for in § 2.2-4007.03, the agency may (i) adopt the proposed regulation if the Governor has no objection to the regulation; (ii) modify and adopt the proposed regulation after considering and incorporating the Governor's objections or suggestions, if any; or (iii) adopt the regulation without changes despite the Governor's recommendations for change.

B. Upon final adoption of the regulation, the agency shall forward a copy of the regulation to the Registrar of Regulations for publication as soon as practicable in the Register. All changes to the proposed regulation shall be highlighted in the final regulation, and substantial changes to the proposed regulation shall be explained in the final regulation.

C. If the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, he may require the agency to provide an additional thirty days to solicit additional public comment on the changes by transmitting notice of the additional public comment period to the agency and to the Registrar within the ~~thirty-day~~ 30-day final adoption period described in subsection D, and publishing the notice in the Register. The additional public comment period required by the Governor shall begin upon publication of the notice in the Register.

D. A ~~thirty-day~~ 30-day final adoption period for regulations shall commence upon the publication of the final regulation in the Register. The Governor may review the final regulation during this ~~thirty-day~~ 30-day final adoption period and if he objects to any portion or all of a regulation, the Governor may file a formal objection to the regulation, suspend the effective date of the regulation in accordance with subsection B of § 2.2-4014, or both.

If the Governor files a formal objection to the regulation, he shall forward his objections to the Registrar and agency prior to the conclusion of the ~~thirty-day~~ 30-day final adoption period. The Governor shall be deemed to have acquiesced to a promulgated regulation if he fails to object to it or if he fails to suspend the effective date of the regulation in accordance with subsection B of § 2.2-4014 during the ~~thirty-day~~ final adoption period. The Governor's objection, or the suspension of the regulation, or both if applicable, shall be published in the Register.

A regulation shall become effective as provided in § 2.2-4015.

E. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

##### **§ 2.2-4014. Legislative review of proposed and final regulations.**

A. After publication of the Register pursuant to § 2.2-4031, the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable or the Joint Commission on Administrative Rules may meet and, during the promulgation or final adoption process, file with the Registrar and the promulgating agency an objection to a proposed or final adopted regulation. The Registrar shall publish any such objection received by him as soon as practicable in the Register. Within 21 days after the receipt by the promulgating agency of a legislative objection, that agency shall file a response with the Registrar, the objecting legislative committee or the Joint Commission on Administrative Rules, and the Governor. If a legislative objection is filed within the final adoption period, subdivision A 1 of § 2.2-4015 shall govern.

B. In addition or as an alternative to the provisions of subsection A, the standing committee of both houses of the General Assembly to which matters relating to the content are most properly referable or the Joint Commission on Administrative Rules may suspend the effective date of any portion or all of a final regulation with the Governor's concurrence. The Governor and (i) the applicable standing committee of each house or (ii) the Joint Commission on Administrative Rules may direct, through a statement signed by a majority of their respective members and by the

Governor, that the effective date of a portion or all of the final regulation is suspended and shall not take effect until the end of the next regular legislative session. This statement shall be transmitted to the promulgating agency and the Registrar within the 30-day *final* adoption period, *or if a later effective date is specified by the agency the statement may be transmitted at any time prior to the specified later effective date*, and shall be published in the Register.

If a bill is passed at the next regular legislative session to nullify a portion but not all of the regulation, then the promulgating agency (i) may promulgate the regulation under the provision of subdivision A 4 a of § 2.2-4006, if it makes no changes to the regulation other than those required by statutory law or (ii) shall follow the provisions of §§ 2.2-4007.01 through 2.2-4007.06, if it wishes to also make discretionary changes to the regulation. If a bill to nullify all or a portion of the suspended regulation, or to modify the statutory authority for the regulation, is not passed at the next regular legislative session, then the suspended regulation shall become effective at the conclusion of the session, unless the suspended regulation is withdrawn by the agency.

C. A regulation shall become effective as provided in § 2.2-4015.

D. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

## CHAPTER 30

*An Act to amend and reenact § 33.2-348 of the Code of Virginia, relating to urban system construction projects; placing aboveground utilities below ground.*

[S 1208]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-348 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-348. Matching highway funds; funding of urban system construction projects.**

A. For the purposes of this section, "construction or improvement" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, design and mapping, costs of rights-of-way, signs, signals and markings, elimination of hazards of railroad grade crossings, and expenses incidental to the relocation of any utility or its facilities owned by a municipality or by a public utility district or public utility authority.

B. In any case in which an act of Congress requires that federal-aid highway funds made available for the construction or improvement of federal or state highways be matched, the Board shall contribute such matching funds. However, in the case of municipalities with a population of 3,500 or more eligible for an allocation of construction funds for urban highways under § 33.2-362 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Board may contribute toward the cost of construction of any federal-aid highway or street project 98 percent of the necessary funds, including the federal portion, if the municipality contributes the other two percent, and provided further that within such municipalities the Board may contribute all the required funds on highways in the Interstate System.

In the case of municipalities with a population of 3,500 or more eligible for an allocation of construction funds for urban highways under § 33.2-362 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Board may contribute toward the costs of construction or improvement of any highway or street project for which no federal-aid highway funds are made available 98 percent of the necessary funds if the municipality contributes the other two percent.

For purposes of matching highway funds, such contributions shall continue to apply to such municipality regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. All actions taken prior to July 1, 2001, by municipalities meeting the criteria of the foregoing provisions of this section are hereby confirmed.

C. In the case of municipalities with a population of less than 3,500 that on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect, the Board shall contribute toward the costs of construction or improvement of any highway or street project 100 percent of the necessary funds. The contribution authorized by this subsection shall be in addition to any other contribution, and projects established in reference to municipalities with a population of less than 3,500 shall not in any way be interpreted to change any other formula or manner for the distribution of funds to such municipalities for construction, improvement, or maintenance of highways or streets. The Board may accept from a municipality, for right-of-way purposes, contributions of real estate to be credited, at fair market value, against the matching obligation of such municipality under the provisions of this section.

D. If any municipality requesting a Board contribution subsequently decides to cancel the construction or improvement after the Board has initiated the project at the request of the municipality, the municipality shall reimburse the Board the net amount of all funds expended by the Board for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date of initiation by the municipality and the date of cancellation. The Board has the authority to waive all or any portions of the reimbursement at its discretion.

E. For purposes of this section, on any construction or improvement project in the Cities of Chesapeake, Hampton, Newport News, *Norfolk*, or Richmond and funded in accordance with subdivision C 2 of § 33.2-358, the additional cost of placing aboveground utilities below ground may be paid from funds allocated for that project. The maximum cost due to this

action shall not exceed \$5 million. Nothing contained in this section shall relieve utility owners of their responsibilities and costs associated with the relocation of their facilities when required to accommodate a construction or improvement project.

### CHAPTER 31

*An Act to amend and reenact § 46.2-816 of the Code of Virginia, relating to following too closely.*

[S 1220]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-816 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-816. Following too closely.**

The driver of a motor vehicle shall not follow another ~~motor~~ vehicle, trailer, or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic on, and conditions of, the highway at the time.

### CHAPTER 32

*An Act to amend and reenact §§ 38.2-3418.16 and 54.1-3303 of the Code of Virginia, relating to the provision of health care services through telemedicine services.*

[S 1227]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-3418.16 and 54.1-3303 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-3418.16. Coverage for telemedicine services.**

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section.

B. As used in this section, "telemedicine services," as it pertains to the delivery of health care services, means the use of *electronic technology or media, including interactive audio; or video, or other electronic media used for the purpose of diagnosis, consultation, diagnosing or treatment treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment.* "Telemedicine services" ~~do~~ does not include an audio-only telephone, electronic mail message, ~~or~~ facsimile transmission, or online questionnaire.

C. An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services.

D. An insurer, corporation, or health maintenance organization shall not be required to reimburse the treating provider or the consulting provider for technical fees or costs for the provision of telemedicine services; however, such insurer, corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis that the insurer, corporation, or health maintenance organization is responsible for coverage for the provision of the same service through face-to-face consultation or contact.

E. Nothing shall preclude the insurer, corporation, or health maintenance organization from undertaking utilization review to determine the appropriateness of telemedicine services, provided that such appropriateness is made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan. Any such utilization review shall not require pre-authorization of emergent telemedicine services.

F. An insurer, corporation, or health maintenance organization may offer a health plan containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, provided that the deductible, copayment, or coinsurance does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through face-to-face diagnosis, consultation, or treatment.

G. No insurer, corporation, or health maintenance organization shall impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

H. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2011, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

I. This section shall not apply to short-term travel, accident-only, or limited or specified disease policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

**§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.

For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects.

*For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.*

Any practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than medicinally or for therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

B. In order to determine whether a prescription that appears questionable to the pharmacist results from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.

C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, for the close contact except for the physical examination required in clause (iii) of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine authorized to issue such prescription if the prescription

complies with the requirements of this chapter and ~~Chapter 34~~ *the Drug Control Act* (§ 54.1-3400 et seq.); ~~known as the "Drug Control Act."~~

E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in ~~Chapter 34~~ *the Drug Control Act* (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in ~~Chapter 34~~ *the Drug Control Act* (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain, (ii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa, (iii) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act, and (iv) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

### CHAPTER 33

*An Act to amend and reenact §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia, relating to salvage, nonrepairable, and rebuilt vehicles; penalty.*

[S 1259]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-1600. Definitions.**

The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context indicates otherwise:

"Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to damage as determined, using recognized evaluation sources, either (i) by an insurance company responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the Department.

"Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage dealer, rebuilder, demolisher, or scrap metal processor.

"Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by the manufacturer or (ii) damage that requires any repair to enable a vehicle to pass a safety inspection pursuant to § 46.2-1157. The cost for cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the calculation for a nonrepairable vehicle.

"Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as determined by the insurer responsible for paying the claim, or (ii) if no insurance company is responsible therefor, 25 percent of the actual cash value.

"Demolisher" means any person whose business is to crush, flatten, *bale*, *shred*, *log*, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

"Diminished value compensation" means the amount of compensation that an insurance company pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle due to damage.

"Independent appraisal firm" means any business providing cost estimates for the repair of damaged motor vehicles for insurance purposes and having all required business licenses and zoning approvals. This term shall not include insurance companies that provide the same service, nor shall any such entity be a rebuilder or affiliated with a rebuilder.

"Late model vehicle" means the current-year model of a vehicle and the five preceding model years, or any vehicle whose actual cash value is determined to have been at least \$10,000 prior to being damaged.

"Licensee" means any person who is licensed or is required to be licensed under this chapter.

"Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission; (iv) rear clip assembly,

consisting of the quarter panels, floor panels, trunk lid, bumper, and related parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

"Nonrepairable certificate" means a document of ownership issued by the Department for any nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage certificate.

"Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose estimated cost of repair, *excluding the cost to repair cosmetic damages*, exceeds 90 percent of its actual cash value prior to damage; ~~or~~; (ii) any vehicle ~~which that~~ has been determined to be nonrepairable by its insurer or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other vehicle ~~which that~~ has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

"Rebuilder" means any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a 12-month period.

"Rebuilt vehicle" means (i) any salvage vehicle that has been ~~damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence and has been repaired for use on the public highways~~ and the estimated cost of repair ~~exceeded 75 did not exceed 90~~ percent of its actual cash value; ~~for use on the public highways~~ or (ii) any late model vehicle ~~which that~~ has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

"Repairable vehicle" means a late model vehicle that is ~~neither not a rebuilt nor a repaired~~ vehicle, but is repaired to its pre-loss condition by an insurance company and is not accepted by the owner of said vehicle immediately prior to its acquisition by said insurance company as part of the claims process.

~~"Repaired vehicle" means any salvage vehicle that has had repairs less than the amount necessary to make it a rebuilt vehicle.~~

"Salvage certificate" means a document of ownership issued by the Department for any salvage vehicle upon surrender or cancellation of the vehicle's title and registration.

"Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts thereof.

"Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company ~~which that~~ stores and displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

"Salvage vehicle" means (i) any late model vehicle ~~which that~~ has been (a) acquired by an insurance company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii) any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle ~~which that~~ is determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

"Scrap metal processor" means any person who is ~~engaged in the business of processing~~ *acquires one or more whole vehicles to process* into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

*"Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the purposes of this chapter, a major component shall not be considered a vehicle.*

"Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

#### **§ 46.2-1601. Licensing of dealers of salvage vehicles; fees.**

A. It shall be unlawful for any person to engage in business in the Commonwealth as a ~~demolisher, rebuilder, salvage dealer~~ *an auto recycler*, salvage pool, or vehicle removal operator without first acquiring a license issued by the Commissioner for each such business at each location. The fee for the first such license issued or renewed under this chapter shall be \$100 per license year or part thereof. The fee for each additional license issued or renewed under this chapter for the same location shall be \$25 per license year or part thereof. However, no fee shall be charged for supplemental locations of a business located within 500 yards of the licensed location.

B. No license shall be issued or renewed for any person unless (i) the licensed business contains at least 600 square feet of enclosed space, (ii) the licensed business is shown to be in compliance with all applicable zoning ordinances, and (iii) the applicant may (a) certify to the Commissioner that the licensed business is permitted under a Virginia Pollutant Discharge Elimination System individual or general permit issued by the State Water Control Board for discharges of storm water associated with industrial activity and provides the permit number(s) from such permit(s) or (b) certify to the Commissioner that the licensed business is otherwise exempt from such permitting requirements. Nothing in this section shall authorize any person to act as a motor vehicle dealer or salesperson without being licensed under Chapter 15 (§ 46.2-1500 et seq.) and meeting all requirements imposed by such chapter.

C. Licenses issued under this section shall be deemed not to have expired if the renewal application and required fees as set forth in subsection A are received by the Commissioner or postmarked not more than 30 days after the expiration date of such license. Whenever the renewal application is received by the Commissioner or postmarked not more than 30 days after the expiration date of such license, the license fees shall be 150 percent of the fees provided for in subsection A.

D. The Commissioner may offer an optional multiyear license for any license set forth in this section. When such option is offered and chosen by the licensee, all fees due at the time of licensing shall be multiplied by the number of years for which the license will be issued.

**§ 46.2-1602. Certain sales prohibited; exceptions.**

A. It shall be unlawful:

1. For any scrap metal processor to sell a vehicle or vehicle components or parts;

2. For any salvage pool to sell *either in person or through any Internet auction* a salvage vehicle stored in the Commonwealth to any person who is not a ~~scrap metal processor or licensed as a salvage dealer, rebuilder, demolisher licensed as an auto recycler~~, motor vehicle dealer, or vehicle removal operator by the Commonwealth or regulated as a similar business under the laws of another state;

3. For any person to sell a nonrepairable vehicle to any person who is not a ~~scrap metal processor or licensed as a salvage dealer, demolisher, licensed as an auto recycler~~ or vehicle removal operator by the Commonwealth or regulated as a similar business under the laws of another state; or

4. For any person to sell a rebuilt vehicle without first having disclosed the fact that the vehicle is a rebuilt vehicle to the buyer in writing on a form prescribed by the Commissioner.

B. Notwithstanding the provisions of subsection A of this section, it shall not be unlawful:

1. For a salvage dealer to sell vehicle components or parts to unlicensed persons; or

2. For an individual to dispose of a salvage vehicle acquired or retained for his own use when it has been acquired or retained and used in good faith and not for the purpose of avoiding the provisions of this chapter.

**§ 46.2-1603.2. Owner may declare vehicle nonrepairable; insurance company required to obtain a nonrepairable certificate; applicability of certain other laws to nonrepairable certificates; titling and registration of nonrepairable vehicle prohibited.**

A. The owner of any vehicle titled in the Commonwealth may declare such vehicle to be a nonrepairable vehicle by applying to the Department for a nonrepairable certificate.

B. Every insurance company or its authorized agent shall apply to the Department and obtain a nonrepairable certificate for each vehicle acquired by the insurance company as a result of the claims process if such vehicle is titled in the Commonwealth and is (i) a late model nonrepairable vehicle or (ii) a stolen vehicle that has been recovered and determined to be a nonrepairable vehicle. The application shall be accompanied by the vehicle's title certificate or salvage certificate ~~and shall contain a description of the damage to the nonrepairable vehicle~~. Application for the nonrepairable certificate shall be made within ~~fifteen~~ 15 days after payment has been made to the owner, lienholder, or both.

C. Every insurance company or its authorized agent shall notify the Department of each late model vehicle titled in the Commonwealth upon which a claim has been paid if such vehicle is a nonrepairable vehicle that is retained by its owner.

D. The Department, upon receipt of an application for a nonrepairable certificate for a vehicle titled in the Commonwealth, or upon receipt of notification from an insurance company or its authorized agent as provided in subsection C of this section that a vehicle registered in the Commonwealth has become a nonrepairable vehicle, shall cause the title of such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

There shall be no fee for the issuance of a nonrepairable certificate. All provisions of this Code applicable to a motor vehicle certificate of title shall apply, mutatis mutandis, to a nonrepairable certificate, except that no registration or license plates shall be issued for the vehicle described in a nonrepairable certificate. No vehicle for which a nonrepairable certificate has been issued shall ever be titled or registered for use on the highways in the Commonwealth.

E. The Department, upon receipt of a title, salvage certificate, or other ownership document from a licensed salvage dealer or demolisher pursuant to subdivision A 1 of § 46.2-1603.1, shall cause the title, salvage certificate, or other ownership document to such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

**§ 46.2-1605. Vehicles rebuilt for highway use; examinations; branding of titles.**

~~Each salvage vehicle that has been repaired or rebuilt for use on the highways shall be examined by the Department or by a local law enforcement official prior to the issuance of a title for the vehicle. A. Each salvage vehicle that has been rebuilt for use on the highways shall be submitted for a state safety inspection in accordance with § 46.2-1157. The inspection shall be conducted by an inspector wholly unaffiliated with the person requesting the inspection of the vehicle.~~

B. Upon passage of a state safety inspection, each rebuilt vehicle shall be examined by the Department prior to the issuance of a title for the vehicle. The examination by the Department shall include a review of *video or photographic images of the vehicle prior to being rebuilt, if available*; all documentation for the parts and labor used for the repair of the salvage vehicle; and a verification of the vehicle's identification number, confidential number, ~~and~~ odometer reading, and engine, transmission, or electronic modules, if applicable. *This inspection shall serve as an antitheft and antifraud measure and shall not certify the safety or roadworthiness of the vehicle.* The Commissioner shall ensure that, in scheduling and performing examinations of salvage vehicles under this section, single vehicles owned by private owner-operators are afforded no lower priority than examinations of vehicles owned by motor vehicle dealers, ~~salvage dealers, demolishers, rebuilders,~~ salvage pools, *licensed auto recyclers*, or vehicle removal operators. The Commissioner may charge a fee of

\$125 per vehicle, for the examination of ~~repaired and rebuilt vehicles. When the examination is conducted by a local law enforcement official, the Department shall reimburse the local law enforcement department \$75 for its costs in conducting the examination and reporting its findings to the Department.~~

C. Any salvage vehicle whose vehicle identification number or confidential number has been altered, is missing, or appears to have been tampered with may be impounded by the Department ~~or a local law enforcement official~~ until completion of an investigation by the Department. The vehicle may not be moved, sold, or tampered with until the completion of this investigation. Upon completion of an investigation by the Department, if the vehicle identification number is found to be missing or altered, a new vehicle identification number may be issued by the Department. If the vehicle is found to be a stolen vehicle and its owner can be determined, the vehicle shall be returned to him. If the owner cannot be determined or located and the person seeking to title the vehicle has been convicted of a violation of § 46.2-1074 or 46.2-1075, the vehicle shall be deemed forfeited to the Commonwealth and said forfeiture shall proceed in accordance with Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

D. If the Department's examination of a ~~repaired or~~ rebuilt salvage vehicle indicates no irregularities, a title and registration may be issued for the vehicle upon application therefor to the Department by the owner of the salvage vehicle. The title issued by the Department and any subsequent title thereafter issued for the ~~repaired or~~ rebuilt vehicle shall be permanently branded to indicate that it is a ~~repaired or~~ rebuilt vehicle. All ~~repaired and~~ rebuilt vehicles shall be subject to all safety equipment requirements provided by law. No title or registration shall be issued by the Department for any *rebuilt vehicle that has not first passed a safety inspection or for any vehicle for which a nonrepairable certificate has ever been issued.*

E. *If the Department's examination of a rebuilt salvage vehicle reveals irregularities in the required documentation or obvious defects, the Department shall identify to the owner the irregularities and defects that must be corrected before the Department's examination can be completed.*

F. *When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the rebuilt salvage vehicle to and from an official Virginia safety inspection station.*

#### **§ 46.2-1608. Maintenance and contents of records.**

A. Each licensee shall maintain a record of the receipt *and sale* of any vehicle. Such record shall be maintained at the licensee's place of business. The record, at a minimum, shall contain:

1. A description of each vehicle *sold*, purchased, exchanged, or acquired by the licensee, including, but not limited to, the model, make, year of the vehicle as well as the vehicle's title number with state of issuance and vehicle identification number;

2. The price paid for each vehicle;

3. The name and address of the seller from whom each vehicle is purchased, exchanged, or acquired *and the name and address of the buyer to whom the vehicle is sold*;

4. The date and hour the *sale*, purchase, exchange, or acquisition was made;

5. A photocopy of the seller's *and buyer's* driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph;

6. ~~A digital photograph~~ *For the sale of nonrepairable vehicles, a photocopy of the buyer's business license if the buyer is authorized to purchase a vehicle under § 46.2-1602 or, if the buyer represents a third party authorized to purchase a vehicle under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of that third party;*

7. ~~Digital photographs~~ *of the seller, along with the buyer, and the vehicle that he is selling or exchanging with the licensee being sold, purchased, exchanged, or acquired through or from the licensee; and*

~~7-8.~~ *The signature of the licensee and, the seller, and the buyer as executed at the time of the sale, purchase, exchange, or acquisition of the vehicle by the licensee.*

B. If any major component, as defined in § 46.2-1600, is sold, the salvage dealer shall provide, upon request of any law-enforcement official, the information required by this section as to the vehicle from which the part was taken.

C. The provisions of subdivisions A ~~5 and A, 6, and 7~~ shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in § 46.2-1206 or this chapter.

D. The provisions of this section shall not apply to salvage pools as defined in § 46.2-1600, except that salvage pools shall maintain a record of the receipt of any vehicle that contains (i) the date of receipt of the vehicle; *and its make, year, model, and identification number;* (ii) *the name, and address of the person from whom it was acquired;* (iii) *the name and address of the buyer as well as (a) a photocopy of the buyer's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph and (b) a photocopy of the buyer's business license or, if the buyer represents a third party authorized to purchase the vehicle under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of the third party; and (iv) the vehicle's title number; and state of issuance.*

**§ 46.2-1608.2. Licensees to update records of the Department for motor vehicles that are to be demolished or dismantled.**

A. A ~~licensee or scrap metal processor~~ *licensed auto recycler* may be exempted from the waiting period in subsection B of § 46.2-1608.1 by:

1. Entering into a contractual agreement with the Department to update records of motor vehicles to be demolished or dismantled if such motor vehicles have either been issued a certificate of title, salvage certificate, or nonrepairable certificate in the Commonwealth or are titled in a ~~foreign jurisdiction~~ *another state*. In addition to the contractual agreement, the ~~licensee or scrap metal processor~~ *licensed auto recycler* shall be required to comply with the Department's procedures for securely accessing and updating the Department's records; and

2. Notifying the Department that a motor vehicle is being demolished or dismantled or of the intention to demolish, dismantle, or reduce the motor vehicle to a state where it can no longer be considered a motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number.

B. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* in possession of the certificate of title, salvage certificate, or nonrepairable certificate from the Commonwealth may demolish or dismantle the subject motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number within required time frames pursuant to subsection D of § 46.2-1603.1.

C. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* in possession of a certificate of title issued by a ~~foreign jurisdiction~~ *another state* may demolish or dismantle the subject motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title number, vehicle identification number, year, make, and model within required time frames pursuant to subsection D of § 46.2-1603.1.

D. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* that do not possess a certificate of title, salvage certificate, or nonrepairable certificate may demolish the subject motor vehicle if the motor vehicle is a model year that is at least 10 years older than the current model year. The ~~licensee or scrap metal processor~~ *licensed auto recycler* shall provide electronically to the Department the vehicle identification number and the year, make, and model of the motor vehicle and shall remit to the Department the fees set out in § 46.2-627 and an additional \$10 transaction fee. Upon receipt of such notification, the Department shall check the records of nationally recognized databases. The ~~licensee or scrap metal processor~~ *licensed auto recycler* may not demolish or dismantle the vehicle until the Department has notified the ~~licensee or scrap metal processor~~ *licensed auto recycler* of the results of that inquiry. If a ~~licensee or scrap metal processor~~ *licensed auto recycler* is not in possession of the certificate of title, salvage certificate, or nonrepairable certificate and the subject motor vehicle is of the current model year or of a model year that is nine years old or less, that vehicle shall be processed in accordance with § 46.2-1202.

E. Nothing in this section shall release a ~~licensee or scrap metal processor~~ *licensed auto recycler* from complying with the provisions of §§ 46.2-1603.1, 46.2-1608, and 46.2-1608.1.

## CHAPTER 34

*An Act to amend and reenact § 37.2-308.1 of the Code of Virginia, relating to the acute psychiatric bed registry; frequency of updating.*

[S 1265]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 37.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 37.2-308.1. Acute psychiatric bed registry.**

A. The Department shall develop and administer a web-based acute psychiatric bed registry to collect, aggregate, and display information about available acute beds in public and private inpatient psychiatric facilities and public and private residential crisis stabilization units to facilitate the identification and designation of facilities for the temporary detention and treatment of individuals who meet the criteria for temporary detention pursuant to § 37.2-809.

B. The acute psychiatric bed registry created pursuant to subsection A shall:

1. Include descriptive information for every public and private inpatient psychiatric facility and every public and private residential crisis stabilization unit in the Commonwealth, including contact information for the facility or unit;

2. Provide real-time information about the number of beds available at each facility or unit and, for each available bed, the type of patient that may be admitted, the level of security provided, and any other information that may be necessary to allow employees or designees of community services boards and employees of inpatient psychiatric facilities or public and private residential crisis stabilization units to identify appropriate facilities for detention and treatment of individuals who meet the criteria for temporary detention; and

3. Allow employees and designees of community services boards, employees of inpatient psychiatric facilities or public and private residential crisis stabilization units, and health care providers as defined in § 8.01-581.1 working in an emergency room of a hospital or clinic or other facility rendering emergency medical care to perform searches of the registry to identify available beds that are appropriate for the detention and treatment of individuals who meet the criteria for temporary detention.

C. Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall participate in the acute psychiatric bed registry established pursuant to subsection A and shall designate such employees as may be necessary to submit information for inclusion in the acute psychiatric bed registry and serve as a point of contact for addressing requests for information related to data reported to the acute psychiatric bed registry.

D. *Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall update information included in the acute psychiatric bed registry whenever there is a change in bed availability for the facility, board, authority, or provider or, if no change in bed availability has occurred, at least daily.*

E. The Commissioner may enter into a contract with a private entity for the development and administration of the acute psychiatric bed registry established pursuant to subsection A.

### CHAPTER 35

*An Act to designate the Route 134 bridge that crosses U.S. Route 17 in York County the "Trooper Donald E. Lovelace Memorial Bridge."*

[S 1303]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Route 134 bridge that crosses U.S. Route 17 in York County is hereby designated the "Trooper Donald E. Lovelace Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

### CHAPTER 36

*An Act to designate the Barlow Road overpass that crosses Interstate 64 in York County the "Trooper Garland Matthew Miller Memorial Bridge."*

[S 1304]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Barlow Road overpass that crosses Interstate 64 in York County is hereby designated the "Trooper Garland Matthew Miller Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

### CHAPTER 37

*An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility ratemaking; rate adjustment clause for distribution reliability and system security.*

[S 1334]

Approved February 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.**

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the

Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors

as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then *each* Phase I ~~utilities~~ *Utility* shall commence biennial filings in 2011 and *each* Phase II ~~utilities~~ *Utility* shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I ~~utility~~ *Utility* shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision 7 or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; ~~and~~

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; *and*

*f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.*

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without

the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, or (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I ~~utility~~ *Utility*, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs any such facility shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility seeking approval to construct a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility described in clause (i), (ii), or (iii) begins commercial operation or new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. In determining whether to approve petitions for rate adjustment clauses for new underground facilities, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title and shall give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new generating facility or facilities utilizing energy derived from offshore wind are in the public interest.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I ~~utility~~ Utility and the large general service rate classes for a Phase II ~~utility~~ Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II ~~utility~~ Utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to biennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such biennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without

regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

## CHAPTER 38

*An Act to amend and reenact §§ 1-404, 2.2-221, 2.2-507, 2.2-509.1, 2.2-1119, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4024, 2.2-4345, 3.2-1010, 4.1-100, 4.1-101, 4.1-103, 4.1-103.1, 4.1-119, 4.1-121, 4.1-124, 4.1-128, 4.1-209.1, 4.1-212.1, 4.1-325, 9.1-101, 9.1-102, 9.1-400, 9.1-500, 9.1-801, 15.2-2288.3, 15.2-2288.3:1, 18.2-57, 18.2-246.6, 18.2-308, 18.2-308.03, 18.2-308.012, 18.2-371.2, 19.2-81, 19.2-386.21, 19.2-389, 22.1-206, 23-7.4:1, 32.1-357, 33.2-613, 48-17.1, 51.1-212, 58.1-3, 58.1-3651, 59.1-148.3, 65.2-402, and 65.2-402.1 of the Code of Virginia; to amend and reenact the fourth enactments of Chapters 870 and 932 of the Acts of Assembly of 2007; to amend the Code of Virginia by adding sections numbered 4.1-101.01 through 4.1-101.011; and to repeal § 4.1-102 of the Code of Virginia, relating to alcoholic beverage control; Virginia Alcoholic Beverage Control Authority Act of 2015.*

[S 1032]

Approved February 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 1-404, 2.2-221, 2.2-507, 2.2-509.1, 2.2-1119, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4024, 2.2-4345, 3.2-1010, 4.1-100, 4.1-101, 4.1-103, 4.1-103.1, 4.1-119, 4.1-121, 4.1-124, 4.1-128, 4.1-209.1, 4.1-212.1, 4.1-325, 9.1-101, 9.1-102, 9.1-400, 9.1-500, 9.1-801, 15.2-2288.3, 15.2-2288.3:1, 18.2-57, 18.2-246.6, 18.2-308, 18.2-308.03, 18.2-308.012, 18.2-371.2, 19.2-81, 19.2-386.21, 19.2-389, 22.1-206, 23-7.4:1, 32.1-357, 33.2-613, 48-17.1, 51.1-212, 58.1-3, 58.1-3651, 59.1-148.3, 65.2-402, and 65.2-402.1 of the Code of Virginia**

are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-101.01 through 4.1-101.011 as follows:

**§ 1-404. Licensing sale of mixed alcoholic beverages on lands ceded to or owned by United States.**

The Virginia Alcoholic Beverage Control ~~Board~~ Authority may license the sale of mixed alcoholic beverages as defined in Chapter 1 (§ 4.1-100 et seq.) of Title 4.1 at places primarily engaged in the sale of meals on lands ceded by the Commonwealth to the United States or owned by the government of the United States or any agency thereof provided that such lands are used as ports of entry or egress to and from the United States, and provided that such lands lie within or partly within the boundaries of any county in this Commonwealth which permits the lawful dispensing of mixed alcoholic beverages. The Board ~~is hereby authorized to~~ of Directors of the Authority may adopt rules and regulations governing the sale of such spirits, and to fix the fees for such licenses, within the limits fixed by general law.

**§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.**

A. The position of Secretary of Public Safety and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: ~~Department of the Virginia~~ Alcoholic Beverage Control Authority, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency Management, Department of Military Affairs, Department of State Police, Department of Fire Programs, and the Commonwealth's Attorneys' Services Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. The Secretary shall by reason of professional background have knowledge of military affairs, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.
2. Serve as the point of contact with the federal Department of Homeland Security.
3. Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.
4. Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.
5. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens.
6. Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related preparedness federal grant requests from state agencies and localities are used to enhance interoperability. The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.
7. Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the federal Urban Areas Security Initiative.
8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.
9. Educate the public on homeland security and overall preparedness issues in coordination with applicable state agencies.
10. Serve as chairman of the Secure Commonwealth Panel.
11. Encourage homeland security volunteer efforts throughout the state.
12. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.
13. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.
14. Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.
15. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and fix their compensation to be payable from funds made available for that purpose.
16. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and receive and accept from

the Commonwealth or any state, any municipality, county, or other political subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

18. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

19. *Provide oversight and review of the law-enforcement operations of the Alcoholic Beverage Control Authority.*

20. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

**§ 2.2-507. Legal service in civil matters.**

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the *Virginia Alcoholic Beverage Control Board Authority*;

2. Agents inspecting or investigators appointed by the State Corporation Commission;

3. Agents, investigators, or auditors employed by the Department of Taxation;

4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;

5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;

6. Persons employed by the Commissioner of Motor Vehicles;

7. Persons appointed by the Commissioner of Marine Resources;

8. Police officers appointed by the Superintendent of State Police;

9. Conservation police officers appointed by the Department of Game and Inland Fisheries;

10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;

11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;

13. Conservation officers of the Department of Conservation and Recreation; or

14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

**§ 2.2-509.1. Powers of investigators; enforcement of certain tobacco laws.**

Investigators with the Office of the Attorney General as designated by the Attorney General shall be authorized to seize cigarettes as defined in § 3.2-4200, which are sold, possessed, distributed, transported, imported, or otherwise held in violation of § 3.2-4207 or 58.1-1037. In addition, such investigators shall be authorized to accompany and participate with special agents of the Virginia Alcoholic Beverage Control Board Authority or other law-enforcement officials engaging in an enforcement action under § 3.2-4207 or 58.1-1037.

**§ 2.2-1119. Cases in which purchasing through Division not mandatory.**

A. Unless otherwise ordered by the Governor, the purchasing of materials, equipment, supplies, and nonprofessional services through the Division shall not be mandatory in the following cases:

1. Materials, equipment and supplies incident to the performance of a contract for labor or for labor and materials;
2. Manuscripts, maps, audiovisual materials, books, pamphlets and periodicals purchased for the use of The Library of Virginia or any other library in the Commonwealth supported in whole or in part by state funds;
3. Perishable articles, provided that no article except fresh vegetables, fish, eggs or milk shall be considered perishable within the meaning of this subdivision, unless so classified by the Division;
4. Materials, equipment and supplies needed by the Commonwealth Transportation Board; however, this exception may include, office stationery and supplies, office equipment, janitorial equipment and supplies, and coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;
5. Materials, equipment, and supplies needed by the Virginia Alcoholic Beverage Control Board; however, this exception may include Authority, including office stationery and supplies, office equipment, and janitorial equipment and supplies and; however, coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;
6. Binding and rebinding of the books and other literary materials of libraries operated by the Commonwealth or under its authority;
7. Printing of the records of the Supreme Court; and
8. Financial services, including without limitation, underwriters, financial advisors, investment advisors and banking services.

B. Telecommunications and information technology goods and services of every description shall be procured as provided by § 2.2-2012.

**§ 2.2-2696. Substance Abuse Services Council.**

A. The Substance Abuse Services Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise and make recommendations to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control substance abuse, as defined in § 37.2-100.

B. The Council shall consist of 29 members. Four members of the House of Delegates shall be appointed by the Speaker of the House of Delegates, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, and two members of the Senate shall be appointed by the Senate Committee on Rules. The Governor shall appoint one member representing the Virginia Sheriffs' Association, one member representing the Virginia Drug Courts Association, one member representing the Substance Abuse Certification Alliance of Virginia, two members representing the Virginia Association of Community Services Boards, and two members representing statewide consumer and advocacy organizations. The Council shall also include the Commissioner of Behavioral Health and Developmental Services; the Commissioner of Health; the Commissioner of the Department of Motor Vehicles; the Superintendent of Public Instruction; the Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, Medical Assistance Services, and Social Services; the Chief Operating Executive Officer of the Department of Virginia Alcoholic Beverage Control Authority; the Executive Director of the Virginia Foundation for Healthy Youth or his designee; the Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his designee; and the chairs or their designees of the Virginia Association of Drug and Alcohol Programs, the Virginia Association of Alcoholism and Drug Abuse Counselors, and the Substance Abuse Council and the Prevention Task Force of the Virginia Association of Community Services Boards.

C. Appointments of legislative members and heads of agencies or representatives of organizations shall be for terms consistent with their terms of office. Beginning July 1, 2011, the Governor's appointments of the seven nonlegislative citizen members shall be staggered as follows: two members for a term of one year, three members for a term of two years, and two members for a term of three years. Thereafter, appointments of nonlegislative members shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. The Governor shall appoint a chairman from among the members for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman.

No person shall be eligible to serve more than two successive terms, provided that a person appointed to fill a vacancy may serve two full successive terms.

D. The Council shall meet at least four times annually and more often if deemed necessary or advisable by the chairman.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses shall be provided by the Department of Behavioral Health and Developmental Services.

F. The duties of the Council shall be:

1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services;
2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine all agency plans into a comprehensive interagency state plan for substance abuse services;
3. To review and comment on annual state agency budget requests regarding substance abuse and on all applications for state or federal funds or services to be used in substance abuse programs;
4. To define responsibilities among state agencies for various programs for persons with substance abuse and to encourage cooperation among agencies; and
5. To make investigations, issue annual reports to the Governor and the General Assembly, and make recommendations relevant to substance abuse upon the request of the Governor.

G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the Department of Behavioral Health and Developmental Services.

**§ 2.2-2818. Health and related insurance for state employees.**

A. The Department of Human Resource Management shall establish a plan, subject to the approval of the Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees. The Department of Human Resource Management shall administer this section. The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. Except for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

Such contribution shall be financed through appropriations provided by law.

B. The plan shall:

1. Include coverage for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over and may be limited to a benefit of \$50 per mammogram subject to such dollar limits, deductibles, and coinsurance factors as are no less favorable than for physical illness generally.

The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast.

In order to be considered a screening mammogram for which coverage shall be made available under this section:

- a. The mammogram shall be (i) ordered by a health care practitioner acting within the scope of his licensure and, in the case of an enrollee of a health maintenance organization, by the health maintenance organization provider; (ii) performed by a registered technologist; (iii) interpreted by a qualified radiologist; and (iv) performed under the direction of a person licensed to practice medicine and surgery and certified by the American Board of Radiology or an equivalent examining body. A copy of the mammogram report shall be sent or delivered to the health care practitioner who ordered it;
- b. The equipment used to perform the mammogram shall meet the standards set forth by the Virginia Department of Health in its radiation protection regulations; and
- c. The mammography film shall be retained by the radiologic facility performing the examination in accordance with the American College of Radiology guidelines or state law.

2. Include coverage for postpartum services providing inpatient care and a home visit or visits that shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

3. Include an appeals process for resolution of complaints that shall provide reasonable procedures for the resolution of such complaints and shall be published and disseminated to all covered state employees. The appeals process shall be compliant with federal rules and regulations governing nonfederal, self-insured governmental health plans. The appeals process shall include a separate expedited emergency appeals procedure that shall provide resolution within time frames established by federal law. For appeals involving adverse decisions as defined in § 32.1-137.7, the Department shall contract with one or more independent review organizations to review such decisions. Independent review organizations are entities that conduct independent external review of adverse benefit determinations. The Department shall adopt regulations to assure that the independent review organization conducting the reviews has adequate standards, credentials and experience for such review. The independent review organization shall examine the final denial of claims to determine

whether the decision is objective, clinically valid, and compatible with established principles of health care. The decision of the independent review organization shall (i) be in writing, (ii) contain findings of fact as to the material issues in the case and the basis for those findings, and (iii) be final and binding if consistent with law and policy.

Prior to assigning an appeal to an independent review organization, the Department shall verify that the independent review organization conducting the review of a denial of claims has no relationship or association with (i) the covered person or the covered person's authorized representative; (ii) the treating health care provider, or any of its employees or affiliates; (iii) the medical care facility at which the covered service would be provided, or any of its employees or affiliates; or (iv) the development or manufacture of the drug, device, procedure or other therapy that is the subject of the final denial of a claim. The independent review organization shall not be a subsidiary of, nor owned or controlled by, a health plan, a trade association of health plans, or a professional association of health care providers. There shall be no liability on the part of and no cause of action shall arise against any officer or employee of an independent review organization for any actions taken or not taken or statements made by such officer or employee in good faith in the performance of his powers and duties.

4. Include coverage for early intervention services. For purposes of this section, "early intervention services" means medically necessary speech and language therapy, occupational therapy, physical therapy and assistive technology services and devices for dependents from birth to age three who are certified by the Department of Behavioral Health and Developmental Services as eligible for services under Part H of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention services for the population certified by the Department of Behavioral Health and Developmental Services shall mean those services designed to help an individual attain or retain the capability to function age-appropriately within his environment, and shall include services that enhance functional ability without effecting a cure.

For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition. The cost of early intervention services shall not be applied to any contractual provision limiting the total amount of coverage paid by the insurer to or on behalf of the insured during the insured's lifetime.

5. Include coverage for prescription drugs and devices approved by the United States Food and Drug Administration for use as contraceptives.

6. Not deny coverage for any drug approved by the United States Food and Drug Administration for use in the treatment of cancer on the basis that the drug has not been approved by the United States Food and Drug Administration for the treatment of the specific type of cancer for which the drug has been prescribed, if the drug has been recognized as safe and effective for treatment of that specific type of cancer in one of the standard reference compendia.

7. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has been approved by the United States Food and Drug Administration for at least one indication and the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature.

8. Include coverage for equipment, supplies and outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes and noninsulin-using diabetes if prescribed by a health care professional legally authorized to prescribe such items under law. To qualify for coverage under this subdivision, diabetes outpatient self-management training and education shall be provided by a certified, registered or licensed health care professional.

9. Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive breast surgery" means surgery performed on and after July 1, 1998, (i) coincident with a mastectomy performed for breast cancer or (ii) following a mastectomy performed for breast cancer to reestablish symmetry between the two breasts. For persons previously covered under the plan, there shall be no denial of coverage due to preexisting conditions.

10. Include coverage for annual pap smears, including coverage, on and after July 1, 1999, for annual testing performed by any FDA-approved gynecologic cytology screening technologies.

11. Include coverage providing a minimum stay in the hospital of not less than 48 hours for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of breast cancer. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

12. Include coverage (i) to persons age 50 and over and (ii) to persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen.

13. Permit any individual covered under the plan direct access to the health care services of a participating specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The plan shall have a procedure by which an individual who has an ongoing special condition may, after consultation with the primary care physician, receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care related to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by such a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision, "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii) requires specialized medical care over a prolonged period of time. Within the treatment period authorized by the referral,

such specialist shall be permitted to treat the individual without a further referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services related to the initial referral as the individual's primary care provider would otherwise be permitted to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the treatment of the special condition. If the primary care provider, in consultation with the plan and the specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating specialist to provide written notification to the covered individual's primary care physician of any visit to such specialist. Such notification may include a description of the health care services rendered at the time of the visit.

14. Include provisions allowing employees to continue receiving health care services for a period of up to 90 days from the date of the primary care physician's notice of termination from any of the plan's provider panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider, except when the provider is terminated for cause.

For a period of at least 90 days from the date of the notice of a provider's termination from any of the plan's provider panels, except when a provider is terminated for cause, a provider shall be permitted by the plan to render health care services to any of the covered employees who (i) were in an active course of treatment from the provider prior to the notice of termination and (ii) request to continue receiving health care services from the provider.

Notwithstanding the provisions of this subdivision, any provider shall be permitted by the plan to continue rendering health services to any covered employee who has entered the second trimester of pregnancy at the time of the provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue through the provision of postpartum care directly related to the delivery.

Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering health services to any covered employee who is determined to be terminally ill (as defined under § 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for the remainder of the employee's life for care directly related to the treatment of the terminal illness.

A provider who continues to render health care services pursuant to this subdivision shall be reimbursed in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation.

15. Include coverage for patient costs incurred during participation in clinical trials for treatment studies on cancer, including ovarian cancer trials.

The reimbursement for patient costs incurred during participation in clinical trials for treatment studies on cancer shall be determined in the same manner as reimbursement is determined for other medical and surgical procedures. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally.

For purposes of this subdivision:

"Cooperative group" means a formal network of facilities that collaborate on research projects and have an established NIH-approved peer review program operating within the group. "Cooperative group" includes (i) the National Cancer Institute Clinical Cooperative Group and (ii) the National Cancer Institute Community Clinical Oncology Program.

"FDA" means the Federal Food and Drug Administration.

"Multiple project assurance contract" means a contract between an institution and the federal Department of Health and Human Services that defines the relationship of the institution to the federal Department of Health and Human Services and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects.

"NCI" means the National Cancer Institute.

"NIH" means the National Institutes of Health.

"Patient" means a person covered under the plan established pursuant to this section.

"Patient cost" means the cost of a medically necessary health care service that is incurred as a result of the treatment being provided to a patient for purposes of a clinical trial. "Patient cost" does not include (i) the cost of nonhealth care services that a patient may be required to receive as a result of the treatment being provided for purposes of a clinical trial, (ii) costs associated with managing the research associated with the clinical trial, or (iii) the cost of the investigational drug or device.

Coverage for patient costs incurred during clinical trials for treatment studies on cancer shall be provided if the treatment is being conducted in a Phase II, Phase III, or Phase IV clinical trial. Such treatment may, however, be provided on a case-by-case basis if the treatment is being provided in a Phase I clinical trial.

The treatment described in the previous paragraph shall be provided by a clinical trial approved by:

a. The National Cancer Institute;

b. An NCI cooperative group or an NCI center;

c. The FDA in the form of an investigational new drug application;

d. The federal Department of Veterans Affairs; or

e. An institutional review board of an institution in the Commonwealth that has a multiple project assurance contract approved by the Office of Protection from Research Risks of the NCI.

The facility and personnel providing the treatment shall be capable of doing so by virtue of their experience, training, and expertise.

Coverage under this subdivision shall apply only if:

(1) There is no clearly superior, noninvestigational treatment alternative;

(2) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as effective as the noninvestigational alternative; and

(3) The patient and the physician or health care provider who provides services to the patient under the plan conclude that the patient's participation in the clinical trial would be appropriate, pursuant to procedures established by the plan.

16. Include coverage providing a minimum stay in the hospital of not less than 23 hours for a covered employee following a laparoscopy-assisted vaginal hysterectomy and 48 hours for a covered employee following a vaginal hysterectomy, as outlined in Milliman & Robertson's nationally recognized guidelines. Nothing in this subdivision shall be construed as requiring the provision of the total hours referenced when the attending physician, in consultation with the covered employee, determines that a shorter hospital stay is appropriate.

17. Include coverage for biologically based mental illness.

For purposes of this subdivision, a "biologically based mental illness" is any mental or nervous condition caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially limits the person's functioning; specifically, the following diagnoses are defined as biologically based mental illness as they apply to adults and children: schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, panic disorder, obsessive-compulsive disorder, attention deficit hyperactivity disorder, autism, and drug and alcoholism addiction.

Coverage for biologically based mental illnesses shall neither be different nor separate from coverage for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

Nothing shall preclude the undertaking of usual and customary procedures to determine the appropriateness of, and medical necessity for, treatment of biologically based mental illnesses under this option, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations made for the treatment of any other illness, condition or disorder covered by such policy or contract.

18. Offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. Access to surgery for morbid obesity shall not be restricted based upon dietary or any other criteria not approved by the National Institutes of Health. For purposes of this subdivision, "morbid obesity" means (i) a weight that is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used herein, "BMI" equals weight in kilograms divided by height in meters squared.

19. Include coverage for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations. The coverage for colorectal cancer screening shall not be more restrictive than or separate from coverage provided for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayments and coinsurance factors.

20. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each employee provided coverage pursuant to this section, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide employees covered under the plan such corrective information as may be required to electronically process a prescription claim.

21. Include coverage for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such coverage shall include follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss.

22. Notwithstanding any provision of this section to the contrary, every plan established in accordance with this section shall comply with the provisions of § 2.2-2818.2.

C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from such funds as shall be appropriated by law. Appropriations, premiums and other payments shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs and administrative expenses shall be

withdrawn from time to time. The funds of the health insurance fund shall be deemed separate and independent trust funds, shall be segregated from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the employees and their beneficiaries. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight of the health insurance fund.

D. For the purposes of this section:

"Peer-reviewed medical literature" means a scientific study published only after having been critically reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal that has been determined by the International Committee of Medical Journal Editors to have met the Uniform Requirements for Manuscripts submitted to biomedical journals. Peer-reviewed medical literature does not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

"Standard reference compendia" means:

1. American Hospital Formulary Service - Drug Information;
2. National Comprehensive Cancer Network's Drugs & Biologics Compendium; or
3. Elsevier Gold Standard's Clinical Pharmacology.

"State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201; the Governor, Lieutenant Governor and Attorney General; judge as defined in § 51.1-301 and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and district courts of the Commonwealth; ~~and~~ interns and residents employed by the School of Medicine and Hospital of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth University Health System Authority as provided in § 23-50.16:24; *and employees of the Virginia Alcoholic Beverage Control Authority as provided in § 4.1-101.05.*

E. Provisions shall be made for retired employees to obtain coverage under the above plan, including, as an option, coverage for vision and dental care. The Commonwealth may, but shall not be obligated to, pay all or any portion of the cost thereof.

F. Any self-insured group health insurance plan established by the Department of Human Resource Management that utilizes a network of preferred providers shall not exclude any physician solely on the basis of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets the plan criteria established by the Department.

G. The plan shall include, in each planning district, at least two health coverage options, each sponsored by unrelated entities. No later than July 1, 2006, one of the health coverage options to be available in each planning district shall be a high deductible health plan that would qualify for a health savings account pursuant to § 223 of the Internal Revenue Code of 1986, as amended.

In each planning district that does not have an available health coverage alternative, the Department shall voluntarily enter into negotiations at any time with any health coverage provider who seeks to provide coverage under the plan.

This subsection shall not apply to any state agency authorized by the Department to establish and administer its own health insurance coverage plan separate from the plan established by the Department.

H. Any self-insured group health insurance plan established by the Department of Human Resource Management that includes coverage for prescription drugs on an outpatient basis may apply a formulary to the prescription drug benefits provided by the plan if the formulary is developed, reviewed at least annually, and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics committee, a majority of whose members are actively practicing licensed (i) pharmacists, (ii) physicians, and (iii) other health care providers.

If the plan maintains one or more drug formularies, the plan shall establish a process to allow a person to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the plan, a specific, medically necessary nonformulary prescription drug if, after reasonable investigation and consultation with the prescriber, the formulary drug is determined to be an inappropriate therapy for the medical condition of the person. The plan shall act on such requests within one business day of receipt of the request.

Any plan established in accordance with this section shall be authorized to provide for the selection of a single mail order pharmacy provider as the exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. As used in this subsection, "mail order pharmacy provider" means a pharmacy permitted to conduct business in the Commonwealth whose primary business is to dispense a prescription drug or device under a prescriptive drug order and to deliver the drug or device to a patient primarily by mail, common carrier, or delivery service.

I. Any plan established in accordance with this section requiring preauthorization prior to rendering medical treatment shall have personnel available to provide authorization at all times when such preauthorization is required.

J. Any plan established in accordance with this section shall provide to all covered employees written notice of any benefit reductions during the contract period at least 30 days before such reductions become effective.

K. No contract between a provider and any plan established in accordance with this section shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a covered employee with similar medical conditions.

L. The Department of Human Resource Management shall appoint an Ombudsman to promote and protect the interests of covered employees under any state employee's health plan.

The Ombudsman shall:

1. Assist covered employees in understanding their rights and the processes available to them according to their state health plan.
  2. Answer inquiries from covered employees by telephone and electronic mail.
  3. Provide to covered employees information concerning the state health plans.
  4. Develop information on the types of health plans available, including benefits and complaint procedures and appeals.
  5. Make available, either separately or through an existing Internet web site utilized by the Department of Human Resource Management, information as set forth in subdivision 4 and such additional information as he deems appropriate.
  6. Maintain data on inquiries received, the types of assistance requested, any actions taken and the disposition of each such matter.
  7. Upon request, assist covered employees in using the procedures and processes available to them from their health plan, including all appeal procedures. Such assistance may require the review of health care records of a covered employee, which shall be done only in accordance with the federal Health Insurance Portability and Accountability Act privacy rules. The confidentiality of any such medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.
  8. Ensure that covered employees have access to the services provided by the Ombudsman and that the covered employees receive timely responses from the Ombudsman or his representatives to the inquiries.
  9. Report annually on his activities to the standing committees of the General Assembly having jurisdiction over insurance and over health and the Joint Commission on Health Care by December 1 of each year.
- M. The plan established in accordance with this section shall not refuse to accept or make reimbursement pursuant to an assignment of benefits made to a dentist or oral surgeon by a covered employee.

For purposes of this subsection, "assignment of benefits" means the transfer of dental care coverage reimbursement benefits or other rights under the plan. The assignment of benefits shall not be effective until the covered employee notifies the plan in writing of the assignment.

N. Beginning July 1, 2006, any plan established pursuant to this section shall provide for an identification number, which shall be assigned to the covered employee and shall not be the same as the employee's social security number.

O. Any group health insurance plan established by the Department of Human Resource Management that contains a coordination of benefits provision shall provide written notification to any eligible employee as a prominent part of its enrollment materials that if such eligible employee is covered under another group accident and sickness insurance policy, group accident and sickness subscription contract, or group health care plan for health care services, that insurance policy, subscription contract or health care plan may have primary responsibility for the covered expenses of other family members enrolled with the eligible employee. Such written notification shall describe generally the conditions upon which the other coverage would be primary for dependent children enrolled under the eligible employee's coverage and the method by which the eligible enrollee may verify from the plan that coverage would have primary responsibility for the covered expenses of each family member.

P. Any plan established by the Department of Human Resource Management pursuant to this section shall provide that coverage under such plan for family members enrolled under a participating state employee's coverage shall continue for a period of at least 30 days following the death of such state employee.

Q. The plan established in accordance with this section that follows a policy of sending its payment to the covered employee or covered family member for a claim for services received from a nonparticipating physician or osteopath shall (i) include language in the member handbook that notifies the covered employee of the responsibility to apply the plan payment to the claim from such nonparticipating provider, (ii) include this language with any such payment sent to the covered employee or covered family member, and (iii) include the name and any last known address of the nonparticipating provider on the explanation of benefits statement.

R. The Department of Human Resource Management shall report annually, by November 30 of each year, on cost and utilization information for each of the mandated benefits set forth in subsection B, including any mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this section. The report shall be in the same detail and form as required of reports submitted pursuant to § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the costs and benefits, of the particular mandated benefit.

**§ 2.2-2905. Certain officers and employees exempt from chapter.**

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;

7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;

8. The presidents and teaching and research staffs of state educational institutions;

9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;

10. Student employees in institutions of learning and patient or inmate help in other state institutions;

11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;

12. County, city, town, and district officers, deputies, assistants, and employees;

13. The employees of the Virginia Workers' Compensation Commission;

14. The officers and employees of the Virginia Retirement System;

15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;

16. Employees of the Virginia Lottery;

17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;

18. Employees of the Virginia Commonwealth University Health System Authority;

19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;

21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

22. Officers and employees of the Virginia Port Authority;

23. Employees of the Virginia College Savings Plan;

24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;

26. Employees of the Virginia Indigent Defense Commission; ~~and~~

27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23-232; *and*

28. *The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority.*

**§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Board Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or

adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be

disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental

notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. *Records of the Virginia Alcoholic Beverage Control Authority to the extent such records contain (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial records of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.*

*In order for the records identified in clauses (i) through (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:*

*a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*

*b. Identifying with specificity the data or other materials for which protection is sought; and*

*c. Stating the reasons why protection is necessary.*

*The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such records of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. *Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

#### **§ 2.2-3802. Systems to which chapter inapplicable.**

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;
4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;
5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;
6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the ~~Department of~~ Virginia Alcoholic Beverage Control Authority;
7. Maintained by the Department of State Police; the police department of the Chesapeake Bay Bridge and Tunnel Commission; police departments of cities, counties, and towns; and the campus police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23, and that deal with investigations and intelligence gathering relating to criminal activity; and maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;
8. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;
9. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;
10. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

11. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);

12. Maintained by (i) the Office of the State Inspector General or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a school board that deals with local investigations required by § 15.2-2511.2;

13. Maintained by the Department of Social Services or any local department of social services relating to public assistance fraud investigations; and

14. Maintained by the Department of Social Services related to child welfare, adult services or adult protective services, or public assistance programs when requests for personal information are made to the Department of Social Services. Requests for information from these systems shall be made to the appropriate local department of social services, which is the custodian of that record. Notwithstanding the language in this section, an individual shall not be prohibited from obtaining information from the central registry in accordance with the provisions of § 63.2-1515.

**§ 2.2-4024. Hearing officers.**

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and
3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary of the Supreme Court.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within 90 days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Board Authority, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

**§ 2.2-4345. Exemptions from competitive sealed bidding and competitive negotiation for certain transactions; limitations.**

A. The following public bodies may enter into contracts without competitive sealed bidding or competitive negotiation:

1. The Director of the Department of Medical Assistance Services for special services provided for eligible recipients pursuant to subsection H of § 32.1-325, provided that the Director has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public, or would constitute an imminent threat to the health or welfare of such recipients. The writing shall document the basis for this determination.

2. The State Health Commissioner for the compilation, storage, analysis, evaluation, and publication of certain data submitted by health care providers and for the development of a methodology to measure the efficiency and productivity of health care providers pursuant to Chapter 7.2 (§ 32.1-276.2 et seq.) of Title 32.1, if the Commissioner has made a determination in advance, after reasonable notice to the public and set forth in writing, that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public. The writing shall document the basis for this determination. Such agreements and contracts shall be based on competitive principles.

3. The Virginia Code Commission when procuring the services of a publisher, pursuant to §§ 30-146 and 30-148, to publish the Code of Virginia or the Virginia Administrative Code.

4. The Department of Virginia Alcoholic Beverage Control Authority for the purchase of alcoholic beverages.

5. The Department for Aging and Rehabilitative Services, for the administration of elder rights programs, with (i) nonprofit Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code with statewide experience in Virginia in conducting a state long-term care ombudsman program or (ii) designated area agencies on aging.

6. The Department of Health for (a) child restraint devices, pursuant to § 46.2-1097; (b) health care services with Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services in a community (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge; or (c) contracts with laboratories providing cytology and related services if competitive sealed bidding and competitive negotiations are not fiscally advantageous to the public to provide quality control as prescribed in writing by the Commissioner of Health.

7. Virginia Correctional Enterprises, when procuring materials, supplies, or services for use in and support of its production facilities, provided the procurement is accomplished using procedures that ensure as efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such procedures shall require documentation of the basis for awarding contracts under this section.

8. The Virginia Baseball Stadium Authority for the operation of any facilities developed under the provisions of Chapter 58 (§ 15.2-5800 et seq.) of Title 15.2, including contracts or agreements with respect to the sale of food, beverages and souvenirs at such facilities.

9. With the consent of the Governor, the Jamestown-Yorktown Foundation for the promotion of tourism through marketing with private entities provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles.

10. The Chesapeake Hospital Authority in the exercise of any power conferred under Chapter 271, as amended, of the Acts of Assembly of 1966, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

11. Richmond Eye and Ear Hospital Authority, any authorities created under Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 and any hospital or health center commission created under Chapter 52 (§ 15.2-5200 et seq.) of Title 15.2 in the exercise of any power conferred under their respective authorizing legislation, provided that these entities shall not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

12. The Patrick Hospital Authority sealed in the exercise of any power conferred under the Acts of Assembly of 2000, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

13. Public bodies for insurance or electric utility services if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance or electric utility services by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

14. Public bodies administering public assistance and social services programs as defined in § 63.2-100, community services boards as defined in § 37.2-100, or any public body purchasing services under the Comprehensive Services Act for

At-Risk Youth and Families (§ 2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.) for goods or personal services for direct use by the recipients of such programs if the procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for the use of recipients shall not be exempted from the requirements of § 2.2-4303.

15. The Eastern Virginia Medical School in the exercise of any power conferred pursuant to Chapter 471, as amended, of the Acts of Assembly of 1964.

B. No contract for the construction of any building or for an addition to or improvement of an existing building by any local government or subdivision of local government for which state funds of not more than \$50,000 in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under of subsection D of § 2.2-4303. The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this chapter.

**§ 3.2-1010. Enforcement of chapter; summons.**

Any conservation police officer or law-enforcement officer as defined in § 9.1-101, excluding certain *members of the Virginia Alcoholic Beverage Control Board members Authority*, may enforce the provisions of this chapter and the regulations adopted hereunder as well as those who are so designated by the Commissioner. Those designated by the Commissioner may issue a summons to any person who violates any provision of this chapter to appear at a time and place to be specified in such summons.

**§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means *the Virginia Alcoholic Beverage Control Authority created pursuant to this title.*

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority.*

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the ~~Board~~ *Authority* for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license ~~issued~~ *granted* by the ~~Board~~ *Authority*.

"Licensee" means any person to whom a license has been granted by the ~~Board~~ *Authority*.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not

approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

*"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.*

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the ~~Board~~ Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The ~~Board~~ Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-101. Virginia Alcoholic Beverage Control Authority created; public purpose.**

A. *The General Assembly has determined that there exists in the Commonwealth a need to control the possession, sale, transportation, distribution, and delivery of alcoholic beverages in the Commonwealth. Further, the General Assembly determines that the creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. To achieve this objective, there is hereby created an independent political subdivision of the Commonwealth, exclusive of the legislative, executive, or judicial branches of state government, to be known as the Virginia Alcoholic Beverage Control Authority. The Authority's exercise of powers and duties conferred by this title shall be deemed the performance of an essential governmental function and a matter of public necessity for which public moneys may be spent. The Board of Directors of the Authority is vested with control of the possession, sale, transportation, distribution, and delivery of alcoholic beverages in the Commonwealth, with plenary power to prescribe and enforce regulations and conditions under which alcoholic beverages are possessed, sold, transported, distributed, and delivered, so as to prevent any corrupt, incompetent, dishonest, or unprincipled practices and to promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. The exercise of the powers granted by this title shall be in all respects for the benefit of the citizens of the Commonwealth and for the promotion of their safety, health, welfare, and convenience. No part of the assets or net earnings of the Authority shall inure to the benefit of, or be distributable to, any private individual, except that reasonable compensation may be paid for services rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Authority.*

B. ~~The Department of Virginia Alcoholic Beverage Control is created and~~ Authority shall consist of the Virginia Alcoholic Beverage Control Board of Directors, the Chief Executive Officer, and the agents and employees of the Authority. *The Virginia Alcoholic Beverage Control Authority shall be deemed successor in interest to the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board.*

C. *Nothing contained in this title shall be construed as a restriction or limitation upon any powers that the Board of Directors of the Authority might otherwise have under any other law of the Commonwealth.*

##### **§ 4.1-101.01. Board of Directors; membership; terms; compensation.**

A. *The Authority shall be governed by a Board of Directors, which shall consist of five citizens at large appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. Each appointee shall (i) have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office; (ii) hold, at a minimum, a baccalaureate degree in business or a related field of study; and (iii) possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. Appointees shall be subject to a background check in accordance with § 4.1-101.03.*

B. *After the initial staggering of terms, members shall be appointed for a term of five years. All members shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired term. No member appointed by the Governor shall be eligible to serve more than two consecutive terms; however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the Board may be removed from office by the Governor for cause, including the improper use of its police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of*

duty, absenteeism, conflict of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

C. The Governor shall appoint the chairman and vice-chairman of the Board from among the membership of the Board. The Board may elect other subordinate officers, who need not be members of the Board. The Board may also form committees and advisory councils, which may include representatives who are not members of the Board, to undertake more extensive study and discussion of the issues before the Board. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority.

D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written request of a majority of the Board members.

E. Members of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of their official duties as set forth in the general appropriation act for members of the House of Delegates when the General Assembly is not in session, except that the chairman of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when the General Assembly is not in session.

F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the Authority.

**§ 4.1-101.02. Appointment, salary, and powers of Chief Executive Officer; appointment of confidential assistant to the Chief Executive Officer.**

A. The Chief Executive Officer of the Authority shall be appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Chief Executive Officer shall not be a member of the Board; shall hold, at a minimum, a baccalaureate degree in business or a related field of study; and shall possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. The Chief Executive Officer shall receive such compensation as determined by the Board and approved by the Governor, including any performance bonuses or incentives as the Board deems advisable. The Chief Executive Officer shall be subject to a background check in accordance with § 4.1-101.03. The Chief Executive Officer shall (i) carry out the powers and duties conferred upon him by the Board or imposed upon him by law and (ii) meet performance measures or targets set by the Board and approved by the Governor. The Chief Executive Officer may be removed from office by the Governor for cause, including the improper use of the Authority's police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests, failure to meet performance measures or targets as set by the Board and approved by the Governor, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

B. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

C. The Chief Executive Officer shall supervise and administer the operations of the Authority in accordance with this title.

D. The Chief Executive Officer shall:

1. Serve as the secretary to the Board and keep a true and full record of all proceedings of the Authority and preserve at the Authority's general office all books, documents, and papers of the Authority;

2. Exercise and perform such powers and duties as may be delegated to him by the Board or as may be conferred or imposed upon him by law;

3. Appoint a chief financial officer and employ or retain such agents or employees subordinate to the Chief Executive Officer as may be necessary to fulfill the duties of the Authority conferred upon the Chief Executive Officer, subject to the Board's approval; and

4. Make recommendations to the Board for legislative and regulatory changes.

E. Neither the Chief Executive Officer nor the spouse or any member of the immediate family of the Chief Executive Officer shall make any contribution to a candidate for office or officeholder at the local or state level or cause such a contribution to be made on his behalf.

F. To assist the Chief Executive Officer in the performance of his duties, the Governor shall also appoint one confidential assistant for administration who shall be deemed to serve on an employment-at-will basis.

**§ 4.1-101.03. Background investigations of Board members and Chief Executive Officer.**

All members of the Board and the Chief Executive Officer shall be fingerprinted before, and as a condition of, appointment. These fingerprints shall be submitted to the Federal Bureau of Investigation for a national criminal history records search and to the Department of State Police for a Virginia criminal history records search. The Department of State Police shall be reimbursed by the Authority for the cost of investigations conducted pursuant to this section. No person shall be appointed to the Board or appointed by the Board who (i) has defrauded or attempted to defraud any federal, state, or local government or governmental agency or authority by making or filing any report, document, or tax return required by statute or regulation that is fraudulent or contains a false representation of a material fact; (ii) has willfully deceived or attempted to deceive any federal, state, or local government or governmental agency or governmental authority by making or maintaining business records required by statute or regulation that are false and fraudulent; or (iii) has been convicted of

(a) a felony or a crime involving moral turpitude or (b) a violation of any law applicable to the manufacture, transportation, possession, use, or sale of alcoholic beverages within the five years immediately preceding appointment.

**§ 4.1-101.04. Financial interests of Board, employees, and family members prohibited.**

No Board member or employee of the Authority shall (i) be a principal stockholder or (ii) otherwise have any financial interest, direct or indirect, in any licensee subject to the provisions of this title or in any entity that has submitted an application for a license under Chapter 2 (§ 4.1-200 et seq.). No Board member and no spouse or immediate family member of a Board member shall make any contribution to a candidate for office or officeholder at the local or state level or cause such a contribution to be made on his behalf.

**§ 4.1-101.05. Employees of the Authority.**

A. Employees of the Authority shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System and participation in all health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law. Employees of the Authority shall be employed on such terms and conditions as established by the Board. The Board shall develop and adopt policies and procedures that afford its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants, and prohibit discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

B. Notwithstanding any other provision of law, the Authority shall give preference in hiring to employees of the former Department of Alcoholic Beverage Control. The Authority shall issue a written notice to all persons whose employment at the former Department of Alcoholic Beverage Control will be transferred to the Authority. The date upon which such written notice is issued shall be referred to herein as the "Option Date." Each person whose employment will be transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of the former Department of Alcoholic Beverage Control who (i) elects not to become employed by the Authority and who is not reemployed by any department, institution, board, commission, or agency of the Commonwealth; (ii) is not offered the opportunity to transfer to employment by the Authority; or (iii) is not offered a position with the Authority for which the employee is qualified or is offered a position that requires relocation or a reduction in salary, shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority shall not be considered to be involuntarily separated from state employment and shall not be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act.

C. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred.

D. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 shall continue to be a member of the Virginia Retirement System or other such authorized retirement plan under the same terms and conditions as if no transfer had occurred.

**§ 4.1-101.06. Moneys of Authority.**

All moneys of the Authority, from whatever source derived, shall be paid in accordance with § 4.1-116.

**§ 4.1-101.07. Forms of accounts and records; audit; annual report.**

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts or his legally authorized representatives shall annually examine the accounts and books of the Authority. The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain the audited annual financial statements of the Authority for the year ending the previous June 30. The Authority shall also submit a six-year plan detailing its assumed revenue forecast, assumed operating costs, number of retail facilities, capital costs, including lease payments, major acquisitions of services and tangible or intangible property, any material changes to the policies and procedures issued by the Authority related to procurement or personnel, and any proposed marketing activities.

**§ 4.1-101.08. Leases of property.**

The Authority shall be exempt from the provisions of § 2.2-1149 and from any rules, regulations, and guidelines of the Division of Engineering and Buildings in relation to leases of real property into which it enters.

**§ 4.1-101.09. Exemptions from taxes or assessments.**

The exercise of the powers granted by this title shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their living conditions, and as the undertaking of activities in the furtherance of the purposes of the Authority constitutes the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any property acquired or used by the Authority under the provisions of this title or upon the income therefrom, including sales and use taxes on the tangible personal property used in the operations of the Authority. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of any property of the Authority businesses for which local or state taxes would otherwise be required.

**§ 4.1-101.010. Exemption of Authority from personnel and procurement procedures; information systems.**

*The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this title. Nor shall the provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 apply to the Authority in the exercise of any power conferred under this title.*

**§ 4.1-101.011. Reversion to the Commonwealth.**

*In the event of the dissolution of the Authority, all assets of the Authority, after satisfaction of creditors, shall revert to the Commonwealth.*

**§ 4.1-103. General powers of Board.**

The Board shall have the power to:

1. *Sue and be sued, implead and be impleaded, and complain and defend in all courts;*
2. *Adopt, use, and alter at will a common seal;*
3. *Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;*
4. *Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;*
5. *Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;*
6. *Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;*
7. *Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed;*
8. *Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;*
9. *Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;*
10. *Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;*
11. *Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;*
- ~~12. Buy and sell any mixers;~~
- ~~13. Control the possession, sale, transportation and delivery of alcoholic beverages;~~
- ~~14. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;~~
- ~~15. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;~~
- ~~16. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;~~
- ~~17. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;~~
- ~~18. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;~~
- ~~19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon;~~
- ~~20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;~~

~~11~~ 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

~~12~~ 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

~~13~~ 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

~~14~~ 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~15~~ 25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~16~~ 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~17~~ 27. Establish minimum food sale requirements for all retail licensees; and

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title; and

~~18~~ 30. Do all acts necessary or advisable to carry out the purposes of this title.

**§ 4.1-103.1. Criminal history records check required on certain employees; reimbursement of costs.**

On or after July 1, 1994, all persons ~~Persons~~ hired by the Board Authority whose job duties involve access to or handling of departmental ~~the Authority's~~ funds or merchandise shall be subject to a criminal history records check before, and as a condition of, employment.

*No person who has been convicted of a felony or a crime involving moral turpitude shall be employed or appointed by the Authority.*

The Department of State Police shall be reimbursed by the Board Authority for the cost of investigations conducted pursuant to this section.

**§ 4.1-119. Operation of government stores.**

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. *Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.*

D. Alcoholic beverages at government stores shall be sold by employees of the Board Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises, provided:

1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;

2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;

3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;

4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency;

5. Such licensee is employing traditional distilling techniques, including the use of copper or stainless steel pot stills to blend or produce spirits in any county with a population of less than 20,000; or

6. Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the ~~Board~~ *Authority* and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the ~~Board~~ *Authority* shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the ~~Board~~ *Authority*, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the ~~Board~~ *Authority* shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

*J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.*

#### **§ 4.1-121. Referendum on establishment of government stores.**

A. The qualified voters of any county, city, or town having a population of 1,000 or more may file a petition with the circuit court of the county or city, or of the county wherein the town or the greater part thereof is situated, asking that a referendum be held on the question of whether the sale by the ~~Board of Virginia Alcoholic Beverages Beverage Control Authority~~, other than beer and wine not produced by farm wineries, should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least ~~ten~~ 10 percent of the number registered in the jurisdiction on January 1 preceding its filing or by at least 100 qualified voters, whichever is greater. Upon the filing of a petition, the court shall order the election officials of the county, city, or town, on the date fixed in the order, to conduct a referendum on the question. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in the county, city, or town once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale by the Virginia Alcoholic Beverage Control ~~Board~~ *Authority* of alcoholic beverages, other than beer and wine not produced by farm wineries, be permitted in ..... (name of county, city, or town)?"

The referendum shall be ordered and held and the results certified as provided in § 24.2-684. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the county, city, or town.

B. Once a referendum has been held, no other referendum on the same question shall be held in the county, city, or town within four years of the date of the prior referendum. However, a town shall not be prescribed from holding a

referendum within such period although an election has been held in the county in which the town or a part thereof is located less than four years prior thereto.

**§ 4.1-124. Referendum on the sale of mixed beverages.**

A. The provisions of this title relating to the sale of mixed beverages shall not become effective in any town, county, or supervisor's election district of a county until a majority of the voters voting in a referendum vote affirmatively on the question of whether mixed alcoholic beverages should be sold by restaurants licensed under this title. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the *Virginia Alcoholic Beverage Control Board Authority* be permitted in ..... (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages permitted to be sold by such referendum may in accordance with this title be sold by restaurants licensed by the Board within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

The provisions of this section shall not require any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 to hold a referendum on the same question if a majority of the voters voting in the former city had previously approved the sale of mixed beverages by restaurants licensed by the Board in such city.

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § 4.1-210. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin or sex.

**§ 4.1-128. Local ordinances or resolutions regulating or taxing alcoholic beverages.**

A. No county, city, or town shall, except as provided in § 4.1-205 or § 4.1-129, adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, wholesale distribution, handling, transportation, drinking, use, advertising or dispensing of alcoholic beverages in the Commonwealth. Nor shall any county, city, or town adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the ~~Alcoholic Beverage Control Board~~, and federal law at a licensed farm winery.

No provision of law, general or special, shall be construed to authorize any county, city or town to adopt any ordinance or resolution that imposes a sales or excise tax on alcoholic beverages, other than the taxes authorized by §§ § 58.1-605, 58.1-3833 or § 58.1-3840. The foregoing limitation shall not affect the authority of any county, city or town to impose a

license or privilege tax or fee on a business engaged in whole or in part in the sale of alcoholic beverages if the license or privilege tax or fee (i) is based on an annual or per event flat fee specifically authorized by general law or (ii) is an annual license or privilege tax specifically authorized by general law, which includes alcoholic beverages in its taxable measure and treats alcoholic beverages the same as if they were nonalcoholic beverages.

B. However, the governing body of any county, city, or town may adopt an ordinance which (i) prohibits the acts described in subsection A of § 4.1-308 subject to the provisions of subsection B of § 4.1-308, or the acts described in § 4.1-309 and may provide a penalty for violation thereof and (ii) subject to subsection C of § 4.1-308, regulates or prohibits the possession of opened alcoholic beverage containers in its local public parks, playgrounds, public streets, and any sidewalk adjoining any public street.

C. Except as provided in this section, all local acts, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this title, are repealed to the extent of such inconsistency.

**§ 4.1-209.1. Direct shipment of wine and beer; shipper's license.**

A. Holders of wine shippers' licenses and beer shippers' licenses issued pursuant to this section may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or farm winery located within or outside the Commonwealth may apply to the Board for issuance of a wine shipper's license that shall authorize the shipment of brands of wine and farm wine identified in such application. Any brewery located within or outside the Commonwealth may apply to the Board for issuance of a beer shipper's license that shall authorize the shipment of brands of beer identified in such application. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine or beer shipper's license, or both, if such person satisfies the requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. The notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section, including regulations that permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or beer identified in such shipper's license.

B. Any applicant for a wine or beer shipper's license that does not own or have the right to control the distribution of the brands of wine, farm wine, or beer identified in such person's application may be issued a shipper's license for wine or beer or both, if the applicant has obtained and filed with its application for a shipper's license, and with any subsequent application for renewal thereof, the written consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor, that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery, or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw from such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or brands from the shipper's license.

C. The direct shipment of beer and wine by holders of licenses issued pursuant to this section shall be by approved common carrier only. The Board shall develop regulations pursuant to which common carriers may apply for approval to provide common carriage of wine or beer, or both, shipped by holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to submit to the Board such information as the Board may prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their independent acts.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each shipment of wine or beer by a wine shipper licensee or a beer shipper licensee shall constitute a sale in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the ~~Department of Alcoholic Beverage Control~~ *Authority* and any sales taxes to the Department of Taxation.

E. Notwithstanding the provisions of § 4.1-203, the holder of a wine shipper license or beer shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state

locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. For the purposes of this subsection, "wine-of-the-month club" or "beer-of-the-month club" shall mean an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

F. Notwithstanding the provisions of § 4.1-203, a wine or beer shipper licensee may ship wine or beer as authorized by this section through the use of the services of an approved fulfillment warehouse. For the purposes of this section, a "fulfillment warehouse" means a business operating a warehouse and providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop regulations pursuant to which fulfillment warehouses may apply for approval to provide storage, packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved fulfillment warehouse to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the fulfillment warehouse and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the provisions of this section.

G. Notwithstanding the provisions of § 4.1-203, a wine or beer shipper licensee may sell wine or beer as authorized by this section through the use of the services of an approved marketing portal. For the purposes of this section, a "marketing portal" means a business organized as an agricultural cooperative association under the laws of a state, soliciting and receiving orders for wine or beer and accepting and processing payment of such orders as the agent of a licensed wine or beer shipper. The Board shall develop regulations pursuant to which marketing portals may apply for approval to provide marketing services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the marketing portal to demonstrate that it is appropriately organized as an agricultural cooperative association and licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the marketing portal and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes of complying with the provisions of this section.

**§ 4.1-212.1. Permits; delivery of wine and beer; regulations of Board.**

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal consumption.

B. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal consumption.

C. All such deliveries shall be to consumers within the Commonwealth for personal consumption only, and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by the owner or any agent, officer, director, shareholder or employee of the permittee. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold; except that the permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Department in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; and (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the ~~Department of Alcoholic Beverage Control~~ **Department of Alcoholic Beverage Control Authority** and any sales taxes to the Department of Taxation.

**§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such

wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from pre-mixing containers of sangria to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to *subdivision B 11 of § 4.1-111 B* ††;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-210.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this ~~clause~~ *subdivision*, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; or (iv) pursuant to subdivision A 12 of § 4.1-201. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

#### § 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the ~~Department of Virginia~~ *Department of Virginia* Alcoholic Beverage Control *Authority*; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Board Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and  
57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of such county, city or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control ~~Board~~ Authority; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

**§ 9.1-500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, the Department of Conservation and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a nonprobationary officer of one of the following agencies:

a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, the Department of Motor Vehicles, or the Department of Conservation and Recreation;

b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has ~~ten~~ 10 or more law-enforcement officers; or

c. Any conservation police officer as defined in § 9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county.

**§ 9.1-801. Public safety officer defined.**

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of this Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or rescue squad that has been recognized by an ordinance or resolution of the governing body of any county, city or town of this Commonwealth as an integral part of the official safety program of such county, city

or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control ~~Board~~ Authority; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

**§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-207:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority;
4. The sale and shipment of wine to the *Virginia Alcoholic Beverage Control* ~~Board~~ Authority, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority, and federal law; or
6. The sale of wine-related items that are incidental to the sale of wine.

**§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;

3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*;

4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*, and federal law;

5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*, and federal law; or

6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

**§ 18.2-57. Assault and battery; penalty.**

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

**§ 18.2-246.6. Definitions.**

For purposes of this article:

"Adult" means a person who is at least the legal minimum purchasing age.

"Board" means the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority*.

"Consumer" means an individual who is not permitted as a wholesaler pursuant to § 58.1-1011 or who is not a retailer.

"Delivery sale" means any sale of cigarettes to a consumer in the Commonwealth regardless of whether the seller is located in the Commonwealth where either (i) the purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the Internet or other online service; or (ii) the cigarettes are delivered by use of the mails or a delivery service. A sale of cigarettes not for personal consumption to a person who is a wholesale dealer or retail dealer, as such terms are defined in § 58.1-1000, shall not be a delivery sale. A delivery of cigarettes, not through the mail or by a common carrier, to a consumer performed by the owner, employee or other individual acting on behalf of a retailer authorized to sell such cigarettes shall not be a delivery sale.

"Delivery service" means any person who is engaged in the commercial delivery of letters, packages, or other containers.

"Legal minimum purchasing age" is the minimum age at which an individual may legally purchase cigarettes in the Commonwealth.

"Mails" or "mailing" means the shipment of cigarettes through the United States Postal Service.

"Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.

"Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

**§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that

possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States, national guard, or naval militia, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

**§ 18.2-308.03. Fees for concealed handgun permits.**

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the *Virginia Alcoholic Beverage Control Board Authority* or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

**§ 18.2-308.012. Prohibited conduct.**

A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control *Board Authority* under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

**§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.**

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product.

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a

place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 18 years of age making a delivery of tobacco products, nicotine vapor products, or alternative nicotine products in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, or alternative nicotine products to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control ~~Board~~ Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

**§ 19.2-81. Arrest without warrant authorized in certain cases.**

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;
2. Sheriffs of the various counties and cities, and their deputies;
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;
4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;
5. Regular conservation police officers appointed pursuant to § 29.1-200;
6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;
7. Conservation officers appointed pursuant to § 10.1-115;
8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
9. Special agents of the ~~Department of~~ *Virginia Alcoholic Beverage Control Authority*; and
10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or *capias* for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

**§ 19.2-386.21. Forfeiture of counterfeit and contraband cigarettes.**

Counterfeit cigarettes possessed in violation of § 18.2-246.14 and cigarettes possessed in violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure, forfeiture, and destruction or court-ordered assignment for use by a law-enforcement undercover operation by the Virginia Alcoholic Beverage Control ~~Board~~ Authority or any law-enforcement officer of the Commonwealth. However, any undercover operation that makes use of counterfeit cigarettes shall ensure that the counterfeit cigarettes remain under the control and command of law enforcement and shall not be distributed to a member of the general public who is not the subject of a criminal investigation. All fixtures, equipment, materials, and personal property used in substantial connection with (i) the sale or possession of counterfeit cigarettes in a knowing and intentional violation of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2 or (ii) the sale or possession of cigarettes in a knowing and intentional violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.), applied *mutatis mutandis*.

**§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Board Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

#### **§ 22.1-206. Instruction concerning drugs, alcohol, and substance abuse.**

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The ~~Department of Virginia~~ *Department of Virginia* Alcoholic Beverage Control *Authority* shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

#### **§ 23-7.4:1. Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety personnel, and certain foreign students.**

A. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a prisoner of war, or of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a bona fide domiciliary of Virginia at the time of entering such active military service or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to, or has had a physical presence in Virginia for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death or had a physical presence in Virginia on the date of his death and has had a physical presence in Virginia for at least five years immediately prior to his death; (iv) in the case of a qualified child, is deceased and the surviving parent had been, at some time previous to marrying the deceased parent, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to or has had a physical presence in Virginia for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years or has had a physical presence in Virginia for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia Military Survivors and Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution.

The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

The maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

4. The Commissioner of the Department of Veterans Services shall designate a senior-level official who shall be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of the Department of Veterans Services shall report annually to the Governor and the General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program. The report shall also include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the ~~Department of Virginia~~ *Alcoholic Beverage Control Authority*, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

1. The ~~chief administrative officer~~ *Chief Executive Officer* of the *Virginia Alcoholic Beverage Control Board Authority*, emergency medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was killed in the line of duty while serving or living in the Commonwealth; and

2. The child or spouse shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that

the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, institutional charges and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

C. For the purposes of subsection B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided the number of foreign students does not exceed the number of students paying full tuition and required fees to the institution under the provisions of the exchange program for a given three-year period.

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.

**§ 32.1-357. Board of Trustees; appointment; officers; quorum; executive committee; compensation and expenses.**

A. The Foundation shall be governed and administered by a Board of Trustees consisting of 23 members. Two members shall be appointed by the Speaker of the House of Delegates from among the membership of the House of Delegates, one representing rural interests and one representing urban interests; two members shall be appointed by the Senate Committee on Rules, one representing rural interests and one representing urban interests, from among the membership of the Senate; two members shall be the Commissioner of the Department of Health or his designee and the Chairman of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* or his designee; and 17 nonlegislative citizen members shall be appointed by the Governor, subject to confirmation by the General Assembly, as follows: (i) five designated representatives of public health organizations, such as the American Cancer Society, American Heart Association, Virginia Pediatric Society, Virginia Academy of Family Physicians, Virginia Dental Association, American Lung Association of Virginia, Medical Society of Virginia, Virginia Association of School Nurses, Virginia Nurses Association, and the Virginia Thoracic Society; (ii) four health professionals in the fields of oncology, cardiology, pulmonary medicine, and pediatrics; and (iii) eight citizens at large, including two youths. Of the eight citizen at large members, three adults shall be appointed by the Governor from a list of six provided by members of the General Assembly appointed to the Foundation and one member who is under the age of 18 years shall be appointed by the Governor from a list of three provided by the members of the General Assembly appointed to the Foundation.

Legislative members and the Commissioner of the Department of Health and the Chairman of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* shall serve terms coincident with their terms of office. Following the initial staggering of terms, nonlegislative citizen members shall serve four-year terms. Vacancies in the membership of the Board shall be filled by appointment for the unexpired portion of the term. Vacancies shall be filled in the same manner as the original appointments. Legislative members may be reappointed for successive terms. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms; however, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Immediately after such appointment, the members shall enter upon the performance of their duties.

B. The Foundation shall appoint from the membership of the Board a chairman and vice-chairman, both of whom shall serve in such capacities at the pleasure of the Foundation. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

The Board may establish an executive committee composed of the chairman, vice-chairman, and three additional members elected by the Board from its membership. The chairman of the Board shall serve as the chairman of the executive committee and shall preside over its meetings. In the absence of the chairman, the vice-chairman shall preside. The executive committee may exercise the powers and transact the business of the Board in the absence of the Board or when otherwise directed or authorized by the Board. A majority of the members of the executive committee shall constitute a quorum for the transaction of business. Any actions or business conducted by the executive committee shall be acted upon by the full board as soon as practicable.

C. Legislative members shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided by §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

D. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the Board or his service to the Foundation.

E. Members of the Board and employees of the Foundation shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.

**§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority*;
7. Employees of the regulatory and hearings divisions of the *Department of Virginia Alcoholic Beverage Control Authority* and special agents of the *Department of Virginia Alcoholic Beverage Control Authority*;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

**§ 48-17.1. Temporary injunctions against alcoholic beverage sales.**

A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to temporarily enjoin the sale of alcohol at any establishment licensed by the *Virginia Alcoholic Beverage Control Board Authority*. The basis for such petition shall be the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol at the establishment, if it appears to the satisfaction of the court that the threat to public safety complained of exists and is likely to continue if such injunction is not granted. The court hearing on the petition shall be held within 10 days of service upon the respondent. The respondent shall be served with notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change of ownership, management, or business operations at the establishment, or other change in circumstance.

B. The *Virginia Alcoholic Beverage Control Board Authority* shall be given notice of any hearing under this section. In the event an injunction is granted, the *Virginia Alcoholic Beverage Control Board Authority* shall initiate an investigation into the activities at the establishment complained of and conduct an administrative hearing. After the *Virginia Alcoholic Beverage Control Board Authority* hearing and when a final determination has been issued by the *Virginia Alcoholic Beverage Control Board Authority*, regardless of disposition, any injunction issued hereunder shall be null, without further action by the complainant, respondent, or the court.

**§ 51.1-212. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23, (iii) conservation police officer in the Department of Game and Inland Fisheries appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the ~~Department of~~ *Virginia Alcoholic Beverage Control Authority* appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of *Title 4.1*, (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) any parole officer appointed pursuant to § 53.1-143, and (viii) any commercial vehicle enforcement officer employed by the Department of State Police.

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

**§ 58.1-3. Secrecy of information; penalties.**

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the *Virginia* Alcoholic Beverage Control ~~Board~~ Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of

charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; and (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation

that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

**§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.**

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

**§ 59.1-148.3. Purchase of handguns of certain officers.**

A. The Department of State Police, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control *Authority*, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service

after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with 5 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

**§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.**

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is

covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer lifesaving and rescue squad members, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, the term "firefighter" shall include special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

#### **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, paramedic or emergency medical technician, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the ~~Department of Virginia~~ *Department of Virginia* Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits

pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

**2. That the fourth enactments of Chapters 870 and 932 of the Acts of Assembly of 2007 are amended and reenacted as follows:**

**4. That the Virginia Alcoholic Beverage Control Board Authority shall assist the Commissioner of Agriculture and Consumer Services in the formation and operation of the nonprofit, nonstock corporation established pursuant to § 3.1-14.01 of this act.**

**3. That § 4.1-102 of the Code of Virginia is repealed.**

**4. That the provisions of this act shall become effective on July 1, 2018, except that the provisions of the thirteenth and fourteenth enactments of this act shall become effective on July 1, 2015.**

**5. That the Alcoholic Beverage Control Board or its successor in interest shall continue to receive IT infrastructure and security services pursuant to Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 of the Code of Virginia until July 1, 2019, unless otherwise provided for as part of the Commonwealth's disentanglement plan pursuant to the Comprehensive Infrastructure Agreement with Northrop Grumman. However, in no event shall the Alcoholic Beverage Control Authority be disentangled prior to October 1, 2018.**

**6. That the initial appointments of the members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority shall be staggered as follows: one member for a term of five years, one member for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year.**

**7. That the regulations of the Alcoholic Beverage Control Board promulgated pursuant to Title 4.1 of the Code of Virginia shall be administered by the Virginia Alcoholic Beverage Control Authority and shall remain in full force and effect until altered, amended, or rescinded by the Board of Directors of the Virginia Alcoholic Beverage Control Authority.**

**8. That in the event that ex officio membership on any board, commission, council, committee, or other body is affected by the provisions of this act, the Governor shall designate an appropriate successor officer, employee, or member of a board or agency established pursuant to the provisions of this act as a replacement.**

**9. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.**

**10. That the Virginia Alcoholic Beverage Control Authority shall be deemed successor in interest to the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board to the extent this act transfers powers and duties. All right, title, and interest in and to real or tangible personal property vested in the Department of Alcoholic Beverage Control or the Alcoholic Beverage Control Board to the extent that this act transfers powers and duties as of the effective date of this act shall be transferred and taken as standing in the name of the Virginia Alcoholic Beverage Control Authority.**

**11. That wherever in the Code of Virginia the term "Department of Alcoholic Beverage Control" is used, it shall be deemed to mean the Virginia Alcoholic Beverage Control Authority and wherever in the Code of Virginia the term "Alcoholic Beverage Control Board" is used, it shall mean the Board of Directors of the Virginia Alcoholic Beverage Control Authority.**

12. That any accrued sick leave or annual leave of any employee of the Department of Alcoholic Beverage Control who transfers to the Virginia Alcoholic Beverage Control Authority in accordance with the provisions of this act shall transfer with the employee.

13. That the Virginia Freedom of Information Advisory Council shall include in its study of the Virginia Freedom of Information Act in accordance with House Joint Resolution No. 96 of the Acts of Assembly of 2014 a review of the provisions of § 2.2-3705.7 of the Code of Virginia as amended by this act and make any recommendations it deems necessary and appropriate.

14. That by October 15 each year, the Department of Alcoholic Beverage Control or its successor shall, for the purposes of identifying the total costs of the operation and administration of the Department or its successors to be funded from the revenues generated by such entity, submit to the General Assembly a report detailing the total percentage of gross revenues required for the operation and administration of the Department, excluding expenditures made for the purchase of distilled spirits, for the prior fiscal year, and a relative comparison to the three prior fiscal years.

15. That by January 1, 2017, the Department of Alcoholic Beverage Control shall submit to the General Assembly for its review the proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Virginia Alcoholic Beverage Control Authority's procurement process, that are developed for the use of the Authority in place of Department policies currently governing personnel and procurement. The submission shall detail all instances in which the proposed policies and procedures materially differ from those governing state agencies.

## CHAPTER 39

*An Act to amend and reenact § 15.2-5158 of the Code of Virginia, relating to community development authorities.*

[S 1448]

Approved March 6, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-5158 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 15.2-5158. Additional powers of community development authorities.**

A. Each community development authority created under this article, in addition to the powers provided in Article 3 (§ 15.2-5110 et seq.) of Chapter 51 of this title, may:

1. Subject to any statutory or regulatory jurisdiction and permitting authority of all applicable governmental bodies and agencies having authority with respect to any area included therein, finance, fund, plan, establish, acquire, construct or reconstruct, enlarge, extend, equip, operate, and maintain the infrastructure improvements enumerated in the ordinance or resolution establishing the district, as necessary or desirable for development or redevelopment within or affecting the district or to meet the increased demands placed upon the locality as a result of development or redevelopment within or affecting the district, including, but not limited to:

a. Roads, bridges, parking facilities, curbs, gutters, sidewalks, traffic signals, storm water management and retention systems, gas and electric lines and street lights within or serving the district which meet or exceed the specifications of the locality in which the roads are located.

b. Parks and facilities for indoor and outdoor recreational, cultural and educational uses; entrance areas; security facilities; fencing and landscaping improvements throughout the district.

c. Fire prevention and control systems, including fire stations, water mains and plugs, fire trucks, rescue vehicles and other vehicles and equipment.

d. School buildings and related structures, which may be leased, sold or donated to the school district, for use in the educational system when authorized by the local governing body and the school board.

e. Infrastructure and recreational facilities for age-restricted active adult communities, and any other necessary infrastructure improvements as provided above, with a minimum population approved under local zoning laws of 1,000 residents. Such development may include security facilities and systems or measures which control or restrict access to such community and its improvements.

2. Issue revenue bonds of the development authority as provided in § 15.2-5125, including but not limited to refunding bonds, subject to such limitation in amount, and terms and conditions regarding capitalized interest, reserve funds, contingent funds, and investment restrictions, as may be established in the ordinance or resolution establishing the district, for all costs associated with the improvements enumerated in subdivision 1 of this subsection. Such revenue bonds shall be payable solely from revenues received by the development authority. The revenue bonds issued by a development authority shall not require the consent of the locality, except where consent is specifically required by the provisions of the resolution authorizing the collection of revenues and/or the trust agreement securing the same, and shall not be deemed to constitute a debt, liability, or obligation of any other political subdivision, and shall not impact upon the debt capacity of any other political subdivision.

3. Request annually that the locality levy and collect a special tax on taxable real property within the development authority's jurisdiction to finance the services and facilities provided by the authority. Notwithstanding the provisions of

Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, any such special tax imposed by the locality shall be levied upon the assessed fair market value of the taxable real property. Unless requested by every property owner within the proposed district, the rate of the special tax shall not be more than \$.25 per \$100 of the assessed fair market value of any taxable real estate or the assessable value of taxable leasehold property as specified by § 58.1-3203. ~~The proceeds of the special taxes shall be collected at the same time and in the same manner as the locality's taxes are collected, and the proceeds collected~~ shall be kept in a separate account and be used only for the purposes provided in this chapter. All revenues received by the locality from such special tax shall be paid over to the development authority for its use pursuant to this chapter subject to annual appropriation. No other funds of the locality shall be loaned or paid to the development authority without the prior approval of the local governing body.

4. Provide special services, including: garbage and trash removal and disposal, street cleaning, snow removal, extra security personnel and equipment, recreational management and supervision, and grounds keeping.

5. Finance the services and facilities it provides to abutting property within the district by special assessment thereon imposed by the local governing body. All assessments pursuant to this section shall be subject to the laws pertaining to assessments under Article 2 (§ 15.2-2404 et seq.) of Chapter 24; provided that any other provision of law notwithstanding, (i) the taxes or assessments shall not exceed the full cost of the improvements, including without limitation the legal, financial and other directly attributable costs of creating the district and the planning, designing, operating and financing of the improvements which include administration of the collection and payment of the assessments and reserve funds permitted by applicable law; (ii) the taxes or assessments may be imposed upon abutting land which is later subdivided in accordance with the terms of the ordinance forming the district, in amounts which do not exceed the peculiar benefits of the improvements to the abutting land as subdivided; and (iii) the taxes or assessments may be made subject to installment payments for up to 40 years in an amount calculated to cover principal, interest and administrative costs in connection with any financing by the authority, without a penalty for prepayment. Notwithstanding any other provision of law, any assessments made pursuant to this section may be made effective as a lien upon a specified date, by ordinance, but such assessments may not thereafter be modified in a manner inconsistent with the terms of the debt instruments financing the improvements. All assessments pursuant to this section may also be made subject to installment payments and other provisions allowed for local assessments under this section or under Article 2 of Chapter 24. All revenues received by the locality pursuant to any such special assessments which the locality elects to impose upon request of the development authority shall be paid over to the development authority for its use under this chapter, subject to annual appropriation, and may be used for no other purposes.

6. Fix, charge, and collect rates, fees, and charges for the use of, or the benefit derived from, the services and/or facilities provided, owned, operated, or financed by the authority benefiting property within the district. Such rates, fees, and charges may be charged to and collected by such persons and in such manner as the authority may determine from (i) any person contracting for the services or using the facilities and/or (ii) the owners, tenants, or customers of the real estate and improvements that are served by, or benefit from the use of, any such services or facilities, in such manner as shall be authorized by the authority in connection with the provision of such services or facilities.

7. Purchase development rights that will be dedicated as easements for conservation, open space or other purposes pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.). For purposes of this subdivision, "development rights" means the level and quantity of development permitted by the zoning ordinance expressed in terms of housing units per acre, floor area ratio or equivalent local measure. An authority shall not use the power of condemnation to acquire development rights.

8. Subject to any statutory or regulatory jurisdiction and permitting authority of all applicable governmental bodies and agencies having authority with respect to any area included therein, finance and fund the acquisition of land within the district. All financing authority and methods provided by subsections 2, 3, 4, 5, 6, and 7 shall be permitted for the acquisition of land as provided herein.

9. *Any special tax levied pursuant to subdivision 3 and any special assessment imposed pursuant to subdivision 5, whether previously or hereafter levied or imposed, constitute a lien on real estate ranking on parity with real estate taxes, and any such delinquent special tax or delinquent special assessment may be collected in accordance with the procedures set forth in Article 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, provided that the enforcement of the lien for any special assessment under subdivision 5 made subject to installment payments shall be limited to the installment payments due or past due at the time the lien is enforced through sale in accordance with Article 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, and any sale to enforce payment of any delinquent taxes, assessments, or other levies shall not extinguish installment payments that are not yet due.*

B. Nothing contained in this chapter shall relieve the local governing body of its general obligations to provide services and facilities to the district to the same extent as would otherwise be provided were the district not formed.

**2. That an emergency exists and this act is in force from its passage.**

**3. That the provisions of this act are not intended to reverse the decision in CVAS 2, LLC v. City of Fredericksburg (Record No. 140505, January 8, 2015) as to CVAS 2, LLC, the Petitioner in such case.**

## CHAPTER 40

*An Act to amend the Code of Virginia by adding a section numbered 46.2-1148.1, relating to overweight permits for hauling forest products.*

[S 989]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 46.2-1148.1 as follows:****§ 46.2-1148.1. Overweight permit for hauling forest products.**

A. For purposes of this section, "forest products" means raw logs to market and wood residuals, including wood chips, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

## CHAPTER 41

*An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to vehicles equipped with flashing amber, purple, or green warning lights.*

[H 1344]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1025 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1025. Flashing amber, purple, or green warning lights.**

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus, ambulances, and rescue and life-saving vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;
9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

20. Vehicles used as pace cars, security vehicles, or ~~fire-fighting~~ *firefighting* vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; and

22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, ~~fire-fighting~~ *firefighting*, or rescue personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

## CHAPTER 42

*An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales and use tax exemption; certain light bulbs.*

[H 1345]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-609.1. Governmental and commodities exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the four-day period that begins each year on the Friday before the second Monday in October and ends at midnight on the second Monday in October.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

## CHAPTER 43

*An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to warrant requirement for certain telecommunications records; prohibition on collection by law enforcement.*

[H 1408]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2 through 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or

an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or
4. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian

reports certifying that they are true and complete and that they are prepared in the regular course of business. When so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. *An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 4, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.*

L. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

## CHAPTER 44

*An Act to amend the Code of Virginia by adding a section numbered 10.1-1021.2, relating to conservation easements; disputes over easement terms.*

[H 1488]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 10.1-1021.2 as follows:**

**§ 10.1-1021.2. Additional powers of the Foundation; requests for conservation easement dispute mediation.**

*Any private owner of the fee interest in land that is subject to a perpetual conservation easement pursuant to Chapter 10.1 (§ 10.1-1009 et seq.), any holder of such an easement, or any holder of a third-party right of enforcement of such an easement may submit a request, pursuant to guidelines adopted by the Foundation, that the Foundation utilize the process set forth in the Administrative Dispute Resolution Act, Chapter 41.1 (§ 2.2-4115 et seq.) of Title 2.2, to resolve a dispute that is not part of a dispute already in litigation and arises out of or relates to the interpretation or administration of a conservation easement made or entered into pursuant to Chapter 10.1 (§ 10.1-1009 et seq.).*

## CHAPTER 45

*An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, relating to the right to breastfeed in public places.*

[H 1499]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, as follows:**

CHAPTER 17.  
BREASTFEEDING.

**§ 32.1-370. Right to breastfeed.**

*A mother may breastfeed in any place where the mother is lawfully present, including any location where she would otherwise be allowed on property that is owned, leased, or controlled by the Commonwealth in accordance with § 2.2-1147.1.*

**CHAPTER 46**

*An Act to amend and reenact § 10.1-413.3 of the Code of Virginia, relating to designating a segment of the Dan River in Halifax County a state scenic river.*

[H 1507]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-413.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-413.3. Dan State Scenic River.**

A. The Dan River from Berry Hill Road at Route 880 in Pittsylvania County to the downstream property boundary of Abreu/Grogan Park in Danville, a distance of approximately 15 miles, ~~is~~ and the Dan River from the North Carolina-Virginia state line in Halifax County to the confluence with Aaron's Creek in Halifax County, a distance of approximately 38.6 miles, are hereby designated ~~a component~~ components of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge in the designated ~~area~~ areas.

**CHAPTER 47**

*An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to use of remote trap-checking technology.*

[H 1516]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.**

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit ~~on bear-style~~ body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. *The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.*

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers, (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

## CHAPTER 48

*An Act to repeal § 2.2-220 of the Code of Virginia, relating to the Secretary of Natural Resources; report on tributary strategies; repeal.*

[H 1535]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-220 of the Code of Virginia is repealed.**

## CHAPTER 49

*An Act to amend and reenact § 58.1-439.7 of the Code of Virginia, relating to the recyclable materials tax credit.*

[H 1554]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.7. Tax credit for purchase of machinery and equipment for processing recyclable materials.**

A. 1. For taxable years beginning on and after January 1, 1999, but before January 1, ~~2015~~ 2020, a taxpayer shall be allowed a credit against the tax imposed pursuant to Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3 of this title, in an amount equal to ~~40~~ 20 percent of the purchase price paid during the taxable year for machinery and equipment used ~~exclusively~~ predominantly in or on the premises of manufacturing facilities or plant units which

manufacture, process, compound, or produce items of tangible personal property from recyclable materials, within the Commonwealth, for sale. For purposes of determining "purchase price paid" under this section, the taxpayer may use the original total capitalized cost of such machinery and equipment, less capitalized interest.

2. The Department of Environmental Quality shall certify that such machinery and equipment are integral to the recycling process before the taxpayer shall be ~~entitled to~~ allowed the tax credit under this section. The taxpayer shall also submit purchase receipts, and invoices, ~~and such other documentation~~ as may be necessary to confirm the taxpayer's statement of purchase price paid, with the income tax return to verify the amount of purchase price paid for the recycling machinery and equipment.

3. *No taxpayer shall be denied the credit under this section based solely on another person's use of the tangible personal property produced by the taxpayer, provided that the tangible personal property was sold by the taxpayer to an unaffiliated person in an arm's-length sale.*

4. *No credit shall be allowed under this section for machinery and equipment unless the machinery and equipment manufacture, process, compound, or produce items of tangible personal property from recyclable materials.*

B. The total credit allowed under this section in any taxable year shall not exceed 40 percent of the Virginia income tax liability of such taxpayer.

C. Any tax credit not used for the taxable year in which the purchase price on recycling machinery and equipment was paid may be carried over for credit against the taxpayer's income taxes in the 10 succeeding taxable years until the total credit amount is used.

*D. The Department of Taxation shall administer the tax credits under this section. Beginning with credits allowable for taxable year 2015, in no case shall the Department issue more than \$2 million in tax credits pursuant to this section in any fiscal year of the Commonwealth. A taxpayer shall not be allowed to claim any tax credit unless it has applied to the Department of Environmental Quality for certification as described in subdivision A 2 and the Department of Environmental Quality has issued a written certification stating that the machinery and equipment purchased are integral to the recycling process. If the amount of tax credits approved under this section by the Department of Taxation for any taxable year exceeds \$2 million, the Department shall apportion the credits by dividing \$2 million by the total amount of tax credits so approved, to determine the percentage of otherwise allowed tax credits each taxpayer shall receive.*

~~D- E.~~ In the event a corporation converts to a partnership, limited liability company, or electing small business corporation (S corporation), such business entity shall be entitled to any unused credits of the corporation. Credits earned by a partnership, limited liability company, electing small business corporation (S corporation), or a predecessor corporation entitled to such credits, shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

**2. That the Department of Taxation, in consultation with the Department of Environmental Quality, shall develop and update as necessary guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).**

**3. That the provisions of this act shall become effective for taxable years beginning on or after January 1, 2015.**

## CHAPTER 50

*An Act to amend and reenact § 58.1-3965 of the Code of Virginia, relating to multijurisdictional sale of tax delinquent property.*

[H 1567]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3965 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3965. When land may be sold for delinquent taxes; notice of sale; owner's right of redemption.**

A. When any taxes on any real estate in a locality are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance; (ii) any nuisance as that term is defined in § 15.2-900; (iii) any derelict building as that term is defined in § 15.2-907.1; or (iv) any property that has been declared to be blighted as that term is defined in § 36-49.1:1, the first anniversary of the date on which such taxes have become due, such real estate may be sold for the purpose of collecting all delinquent taxes on such property.

Upon a finding by the court, on real estate with an assessed value of \$100,000 or less in any locality, that (i) any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due or (ii) there is a lien on such real estate pursuant to § 15.2-900, 15.2-906, 15.2-907, 15.2-907.1, 15.2-908.1, or 36-49.1:1, which lien remains unpaid on December 31 following the first anniversary of the date on which such lien was recorded, the property shall be deemed subject to sale by public auction pursuant to proper notice under this subsection.

The officer charged with the duty of collecting taxes for the locality wherein the real property lies shall, at least 30 days prior to instituting any judicial proceeding pursuant to this section, send a notice to (i) the last known address of the property owner as such owner and address appear in the records of the treasurer, (ii) the property address if the property address is different from the owner's address and if the real estate is listed with the post office by a numbered and named street address

and (iii) the last known address of any trustee under any deed of trust, mortgagee under any mortgage and any other lien creditor, if such trustee, mortgagee or lien creditor is not otherwise made a party defendant under § 58.1-3967, advising such property owner, trustee, mortgagee or other lien creditor of the delinquency and the officer's intention to take action. Such notice shall advise the taxpayer that the taxpayer may request the treasurer to enter into a payment agreement to permit the payment of the delinquent taxes, interest, and penalties over a period not to exceed 36 months in accordance with the provisions of subsection C. Such officer shall also cause to be published at least once a list of real estate which will be offered for sale under the provisions of this article in a newspaper of general circulation in the locality, at least 30 days prior to the date on which judicial proceedings under the provisions of this article are to be commenced.

The pro rata cost of such publication shall become a part of the tax and together with all other costs, including reasonable attorneys' fees set by the court and the costs of any title examination conducted in order to comply with the notice requirements imposed by this section, shall be collected if payment is made by the owner in redemption of the real property described therein whether or not court proceedings have been initiated. A notice substantially in the following form shall be sufficient:

Notice

Judicial Sale of Real Property

On .... (date) ..... proceedings will be commenced under the authority of § 58.1-3965 et seq. of the Code of Virginia to sell the following parcels for payment of delinquent taxes:

(description of properties)

B. The owner of any property listed may redeem it at any time before the date of the sale by paying all accumulated taxes, penalties, reasonable attorneys' fees, interest and costs thereon, including the pro rata cost of publication hereunder. Partial payment of delinquent taxes, penalties, reasonable attorneys' fees, interest or costs shall not be sufficient to redeem the property, and shall not operate to suspend, invalidate or make moot any action for judicial sale brought pursuant to this article.

C. Notwithstanding the provisions of subsection B and of § 58.1-3954, the treasurer or other officer responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to this article upon entering into an agreement with the owner of the real property for the payment of all delinquent amounts in installments over a period which is reasonable under the circumstances, but in no event shall exceed 36 months. Any such agreement shall be secured by the lien of the locality pursuant to § 58.1-3340.

D. During the pendency of any installment agreement permitted under subsection C, any proceeding for a sale previously commenced shall not abate, but shall be continued on the docket of the court in which such action is pending. It shall be the duty of the treasurer or other officer responsible for collecting taxes to promptly notify the clerk of such court when obligations arising under such an installment agreement have been fully satisfied. Upon the receipt of such notice, the clerk shall cause the action to be stricken from the docket.

E. In the event the owner of the property or other responsible person defaults upon obligations arising under an installment agreement permitted by subsection C, or during the term of any installment agreement, defaults on any current obligation as it becomes due, such agreement shall be voidable by the treasurer or other officer responsible for collecting taxes upon 15 days' written notice to the signatories of such agreement irrespective of the amount remaining due. Any action for the sale previously commenced pursuant to this article may proceed without any requirement that the notice or advertisement required by subsection A, which had previously been made with respect to such property, be repeated. No owner of property which has been the subject of a defaulted installment agreement shall be eligible to enter into a second installment agreement with respect to the same property within three years of such default.

F. Any corporate, partnership or limited liability officer, as those terms are defined in § 58.1-1813, who willfully fails to pay any tax being enforced by this section, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax not paid, to be assessed and collected in the same manner as such taxes are assessed and collected.

G. During the pendency of the action, the circuit court in which the action is pending may, on its own motion or on the motion of any party, refer the parties to a dispute resolution proceeding pursuant to the provisions of Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01.

*H. In any case in which real estate subject to delinquent taxes is situated in two or more jurisdictions, a suit to sell the entirety of the real estate pursuant to this article may be brought in a single jurisdiction provided that (i) taxes are delinquent in all jurisdictions for periods not less than the minimum applicable periods set forth in subsection A and (ii) the treasurer of each jurisdiction within which the property is situated consents to the suit.*

*The suit shall identify the taxes, penalties, interest, and other charges due in each jurisdiction. The publications and notices required pursuant to this section shall identify each of the jurisdictions in which the property is situated. Upon sale of the property, the order confirming the sale shall provide for the payment of taxes, penalties, interest, and other charges to each jurisdiction, and copies of the order confirming the sale and the deed conveying the property to the purchaser shall be recorded among the land records of the clerk's office of the circuit court for each jurisdiction within which the property that is the subject of the suit is situated.*

## CHAPTER 51

*An Act to amend and reenact § 32.1-45.1 of the Code of Virginia, relating to deemed consent for blood testing; school board personnel.*

[H 1587]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 32.1-45.1 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.**

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C of this section, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, paramedic or emergency medical technician is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, paramedic or emergency medical technician in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, paramedic or emergency medical technician shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed. *If the person whose blood specimen is sought for testing is a minor, the parent, guardian, or person standing in loco parentis of such minor shall be notified prior to initiating such testing.* In other than emergency situations, it shall be the responsibility of the school board employee to inform the person of this provision prior to the contact that creates a risk of such exposure.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court shall be advised by the Commissioner or his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

## CHAPTER 52

*An Act to amend and reenact §§ 63.2-1923, 63.2-1924, and 63.2-1954 of the Code of Virginia, relating to proration of child support.*

[H 1602]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 63.2-1923, 63.2-1924, and 63.2-1954 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 63.2-1923. Immediate withholding from income; exception; notices required.**

A. Every administrative support order directing a noncustodial parent to pay child or child and spousal support shall provide for immediate income withholding from the noncustodial parent's income as defined in § 63.2-1900 of an amount for current support plus an amount to be applied toward liquidation of arrearages, if any, unless the obligor and the Department, on behalf of the obligee, agree to a written alternative payment arrangement, or good cause is shown. Good cause shall be based upon a written determination that, and explanation by the Department of why, implementing immediate withholding would not be in the best interests of the child. The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

B. The order shall include, but not be limited to, notice (i) of the amount that will be withheld, (ii) that the withholding applies to any current or subsequent period of employment, (iii) of the right to contest whether a duty of support is owed and the information specified in the administrative order is correct, (iv) that a written request to appeal the withholding shall be made to the Department within 10 days of receipt of the notice, and (v) of the actions that will be taken by the Department if an appeal is noted, which shall include the opportunity to present his objections to the administrative hearing officer at a hearing held pursuant to § 63.2-1942. Upon service of the order on the employer by first-class or certified mail, or service in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329, the employer shall deliver the order to the noncustodial parent. A copy shall be sent by first-class mail to the obligee.

C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic means, including facsimile transmission, an administrative order for withholding of income which shall conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set out in § 20-79.3.

~~D. If the Department or its designee receives payments deducted from income of an obligor pursuant to more than one administrative order or a combination of judicial and administrative orders, the Department shall ensure that such payments are allocated among the obligees under such orders with priority given to payment of the order for current support. Where the Department or its designee receives payments pursuant to two or more orders for current support, the payments received~~

shall be prorated on the basis of the amounts due under each such order. Upon satisfaction of any amounts due for current support, the remainder of the payments received shall be prorated on the basis of amount due under each such order. Upon satisfaction of any amounts due for current support, the remainder of the payments received shall be prorated on the basis of amounts due under any orders for accrued arrearages.

~~E.~~ Administrative orders for withholding from income shall be promptly terminated or modified by the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii) the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is appropriate because of a change in the amount of the obligation.

**§ 63.2-1924. Withholding from income; default of administrative or judicial support order; notices required; priorities; orders from other states.**

A. As part of every administrative support order directing a noncustodial parent to pay child or child and spousal support or by separate order at any time thereafter, provision shall be made for withholding from the income of the noncustodial parent the amount of the withholding order plus an amount to be applied toward liquidation of arrearages if the noncustodial parent fails to make payments in an amount equal to the support payable for one month. The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

B. Upon default of an administrative or judicial support order, the Department shall serve notice on the noncustodial parent of the delinquency in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 or by certified mail or electronic means, including facsimile transmission, for delivery to the noncustodial parent. The obligee shall also be sent a copy of such notice. The notice shall inform the noncustodial parent (i) of the amount that will be withheld, (ii) that the withholding applies to any current or subsequent period of employment, (iii) of the right to contest but that the only basis for contesting the withholding is a mistake of fact, (iv) that a written request to contest the withholding must be made to the Department within 10 days of receipt of the notice, (v) of the actions that will be taken by the Department if a request to contest is noted, which shall include the opportunity to present his objections, which shall be limited to a mistake of fact, to the administrative hearing officer at a hearing held pursuant to § 63.2-1942, (vi) that a determination on the contest will be made no later than 45 days from the date of service of such notice, and (vii) that payment of overdue support upon receipt of the required notice shall not be a bar to the implementation of withholding. Upon service of the notice on the employer for delivery to the obligor, a copy shall be sent by first-class mail to the obligee.

C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic means, including facsimile transmission, an administrative order for withholding of income that shall conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set out in § 20-79.3.

D. The Department shall have the authority in the issuance of an administrative order under § 20-79.3, based on an existing court order, to convert the terms of payment to conform with the obligor's pay period interval. The Department shall utilize the conversion formula established by the Committee on District Courts.

~~E. If the Department or its designee receives payments deducted from income of an obligor pursuant to more than one administrative order or a combination of judicial and administrative orders, the Department shall ensure that such payments are allocated among the obligees under such orders with priority given to payment of the order for current support. Where the Department or its designee receives payments pursuant to two or more orders for current support, the payments received shall be prorated on the basis of the amounts due under each such order. Upon satisfaction of any amounts due for current support, the remainder of the payments received shall be prorated on the basis of amounts due under any orders for accrued arrearages.~~

~~F.~~ Administrative orders for withholding from income shall be promptly terminated or modified by the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii) the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is appropriate because of a change in the amount of the obligation.

~~G. F.~~ If a court of competent jurisdiction or the agency operating pursuant to an approved state plan under Sections 452 and 454 of the Social Security Act, as amended, in any state, territory of the United States or the District of Columbia has ordered a person to pay child or child and spousal support, upon notice and hearing as provided in this section, the Department shall issue an order, conforming to § 20-79.3, to the noncustodial parent's employer in this Commonwealth to withhold from the income of the noncustodial parent pursuant to a foreign support order in the same manner as provided in this section for administrative orders originating in this Commonwealth. Similar orders of the Department may be enforced in a similar manner in such other state, territory or district.

**§ 63.2-1954. Distribution of collection.**

~~Support payments received by the Department or the Department's designee shall be prorated among the obligees based upon the current amounts due pursuant to more than one judicial or administrative order, or a combination thereof, with any remaining amounts prorated among the obligees with orders for accrued arrearages in the same proration as the current support payments. Support payments received by the Department pursuant to one or more judicial or administrative orders, or a combination thereof, shall be allocated among the obligees under such orders with priority given to payment of the order for current support. Where payments are received pursuant to two or more orders for current support, the Department shall prorate the payments on the basis of any amounts due for current support under each such order. Upon satisfaction of any amounts due for current support, the Department shall prorate the remainder of the payments on the~~

basis of accrued arrearages owed to the obligees under each such order. Payments received pursuant to federal tax refund offset shall be allocated pursuant to subsection h of 45 C.F.R. § 303.72.

All support payments received by the Department or the Department's designee shall be distributed to the obligee within two business days of receipt, provided that sufficient information accompanies the payment or is otherwise available to the Department within that time to identify the obligee and the place to which distribution should be made. The term "business day" means any day that is not a Saturday, Sunday, legal holiday or other day on which state offices are closed.

### CHAPTER 53

*An Act to amend the Code of Virginia by adding a section numbered 32.1-282.1, relating to per diem medicolegal death investigators.*

[H 1607]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 32.1-282.1 as follows:**

**§ 32.1-282.1. Per diem medicolegal death investigators.**

*The Chief Medical Examiner may appoint per diem medicolegal death investigators, who shall have knowledge of standards and procedures for medicolegal death investigations, to assist the Office of the Chief Medical Examiner with medicolegal death investigations. Per diem medicolegal death investigators shall be agents of the Commonwealth.*

### CHAPTER 54

*An Act to amend and reenact §§ 4.1-100 and 4.1-207 of the Code of Virginia, relating to alcoholic beverage control; alcohol by volume.*

[H 1634]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-100 and 4.1-207 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than ~~18~~ 21 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than ~~18~~ 21 percent alcohol by volume. *"Farm winery" includes an accredited public or private institution of higher education provided that (i) no wine manufactured by the institution shall be sold, (ii) the wine manufactured by the institution shall be used solely for research and educational purposes, (iii) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (iv) such farm winery is operated in strict conformance with the requirements of this sentence and Board regulations.* As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-207. Wine licenses.**

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board.

2. Wholesale wine licenses, including those granted pursuant to § 4.1-207.1, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Wine importers' licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing ~~18~~ 21 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, § 4.1-326 notwithstanding, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded

warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

6. Internet wine retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

## CHAPTER 55

*An Act to amend and reenact § 22.1-217.01 of the Code of Virginia, relating to information on services for students identified as hearing or visually impaired; school division website posting.*

[H 1679]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-217.01 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-217.01. Information on educational and other services for students identified as hearing or visually impaired.**

The Department of Education shall annually prepare and distribute to local school boards packets of information describing the educational and other services available through the Virginia School for the Deaf and the Blind, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and Vision Impaired to students who are identified as hearing impaired or visually impaired. Local school boards shall annually ~~distribute~~ *post* this information ~~to~~ *on the school division's website and inform* the parents of those students who are identified as hearing impaired or visually impaired *of its availability. School boards shall ensure that packets of such information are available in an accessible format for review by parents who do not have Internet access.*

## CHAPTER 56

*An Act to amend and reenact §§ 58.1-439.21 and 58.1-439.24 of the Code of Virginia, relating to neighborhood assistance tax credits.*

[H 1701]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-439.21 and 58.1-439.24 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-439.21. Tax credit; amount; limitation; carry over.**

A. The Superintendent of Public Instruction and the Commissioner of the State Department of Social Services shall certify to the Department of Taxation, or in the case of business firms subject to a tax under Article 1 (§ 58.1-2500 et seq.) of Chapter 25 or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, to the State Corporation Commission, the applicability of the tax credit provided herein for a business firm.

B. A business firm shall be eligible for a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, in an amount equal to 65 percent of the value of the money, property, professional services, and contracting services donated by the business firm during its taxable year to neighborhood organizations for programs approved pursuant to § 58.1-439.20. Notwithstanding any other law and for purposes of this article, the value of a motor vehicle donated by a business firm shall, in all cases, be such value as determined for federal income tax purposes using the laws and regulations of the United States relating to federal income taxes. No tax credit ~~of less than \$400~~ shall be granted for any donation *made in the taxable year with a value of less than \$616.*

*A business firm shall be eligible for a tax credit under this section only to the extent that sufficient tax credits allocated to the neighborhood organization for an approved project are available. Notwithstanding that this section establishes a tax credit of 65 percent of the value of the qualified donation, a business firm may by written agreement accept a lesser tax credit percentage from a neighborhood organization for any otherwise qualified donation it has made. No tax credit shall be granted to any business firm for donations to a neighborhood organization providing job training or education for individuals employed by the business firm. Any tax credit not usable for the taxable year the donation was made may be carried over to the extent usable for the next five succeeding taxable years or until the full credit has been utilized,*

whichever is sooner. Credits granted to a partnership, electing small business (Subchapter S) corporation, or limited liability company shall be allocated to their individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. A tax credit shall be issued by the Superintendent of Public Instruction or the Commissioner of the State Department of Social Services to a business firm upon receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant to § 58.1-439.20. The certification shall identify the type and value of the donation received ~~and~~, the business firm making the donation, *and the tax credit percentage to be used in determining the amount of the tax credit. The certification shall also include any written agreement under which a business firm accepts a tax credit of less than 65 percent for a donation. A business firm shall be eligible for a tax credit under this section only to the extent that sufficient tax credits allocated to the neighborhood organization for an approved project are available.*

**§ 58.1-439.24. Donations by individuals.**

For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any individual included in the definition of a "business firm" as such term is defined in § 58.1-439.18.

A. Notwithstanding any provision of this article limiting eligibility for tax credits, an individual making a monetary donation or a donation of marketable securities to a neighborhood organization approved under this article shall be eligible for a credit against taxes imposed by § 58.1-320 as provided in this section.

B. Notwithstanding any provision of this article specifying the amount of a tax credit, a tax credit issued to an individual making a monetary donation or a donation of marketable securities to an approved project shall be equal to 65 percent of the value of such donation; however, tax credits (i) shall not be issued for any donation made in the taxable year with a value of less than \$500 and (ii) shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. The maximum aggregate donations of \$125,000 for the taxable year for which tax credits may be issued and the minimum required donation of \$500 shall apply on an individual basis.

C. An individual shall be eligible for a tax credit under this section only to the extent that sufficient tax credits allocated to the neighborhood organization approved under this article are available. *Notwithstanding that this section establishes a tax credit of 65 percent of the value of the qualified donation, an individual may by written agreement accept a lesser tax credit percentage from a neighborhood organization for any otherwise qualified donation he has made.*

D. The amount of credit allowed pursuant to this section, if such credit has been issued by the Superintendent of Public Instruction or the Commissioner of the State Department of Social Services, shall not exceed the tax imposed pursuant to § 58.1-320 for such taxable year. Any credit not usable for the taxable year may be carried over for credit against the individual's income taxes until the earlier of (i) the full amount of the credit is used or (ii) the expiration of the fifth taxable year after the taxable year in which the tax credit has been issued to such individual. If an individual that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of the Code of Virginia, or has a credit carryover from a preceding taxable year, such individual shall be considered to have first utilized any credit allowed that does not have a carryover provision, and then any credit that is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

E. A tax credit shall be issued by the Superintendent of Public Instruction or the Commissioner of the State Department of Social Services to an individual only upon receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant to § 58.1-439.20.

The certification shall identify the type and value of the donation received ~~and~~, the individual making the donation, *and the tax credit percentage to be used in determining the amount of the tax credit. The certification shall also include any written agreement under which an individual accepts a tax credit of less than 65 percent for a donation.*

**2. That the provisions of this act shall become effective for taxable years beginning on or after January 1, 2015.**

## CHAPTER 57

*An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to the transient occupancy tax.*

[H 1704]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3819. Transient occupancy tax.**

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, *Bland County*, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County,

Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, *mutatis mutandis*.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

## CHAPTER 58

*An Act to designate a portion of Virginia Route 24 the "Hugh T. Pendleton Memorial Highway."*

[H 1707]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the portion of Virginia Route 24 in Campbell County between Virginia Route 501 and a point 0.60 miles east of Virginia Route 615 is hereby designated the "Hugh T. Pendleton Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

## CHAPTER 59

*An Act to amend and reenact § 58.1-3975 of the Code of Virginia, relating to real property tax; nonjudicial sale of certain tax-delinquent property.*

[H 1711]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3975 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 58.1-3975. Nonjudicial sale of tax delinquent real properties of minimal size and value.**

Notwithstanding any other provision of this title, the treasurer or other officer responsible for collecting taxes may sell, at public auction, any unimproved parcel of real property that is assessed at less than \$10,000, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due, and either such parcel (i) measures less than 4,000 square feet (.0918 acres), or (ii) is determined to be unsuitable for building due to the size, shape, zoning or soils of the parcel by the locality's zoning administrator *or other official designated by the locality to administer its zoning ordinance and carry out the duties set forth in subdivision A 4 of § 15.2-2286*. For purposes of determining the area of any parcel, the area or acreage found in the locality's land book shall be determinative.

Prior to conducting such sale the treasurer or other officer responsible for collecting taxes shall send notice by certified or registered mail to the record owner or owners of such property and anyone appearing to have an interest in the property at their last known address as contained in the records of the treasurer or other officer responsible for collecting taxes and shall post notice of such sale at the property location, if such property has frontage on any public or private street, and at the circuit courthouse of the locality at least 30 days prior to such sale. The treasurer or other officer responsible for collecting taxes shall also cause a notice of sale to be published in the legal classified section of a newspaper of general circulation at

least seven days but no more than 21 days prior to the sale. The pro rata costs of publication and mailing shall become a part of the tax and shall be collected if payment is made by the owner in redemption of such real property. The treasurer or other officer responsible for collecting taxes may advertise and sell multiple parcels at the same time and place pursuant to one notice of sale. The treasurer or other officer responsible for collecting taxes may enter into an agreement with the owner of such parcel for payment over time, not to exceed 12 months. The owner of any property listed may redeem it at any time prior to the date of the sale by paying all accumulated taxes, penalties, interest and costs thereon, including the pro rata costs of publication and mailing. Partial payment of delinquent taxes, penalties, interest or costs shall be insufficient to redeem the property, and shall not operate to suspend, invalidate or nullify any sale brought pursuant to this section.

At the time of sale, the treasurer or other officer responsible for collecting taxes shall sell to the highest bidder at public auction each parcel that has not been redeemed by the owner. Such sale shall be free and clear of the tax lien, but shall not affect easements recorded prior to the date of sale. The treasurer or other officer responsible for collecting taxes shall tender a treasurer's deed to effectuate the conveyance of the parcel to the highest bidder. If the sale proceeds are insufficient to pay the taxes in full, the remaining delinquent tax amount shall remain the personal liability of the former owner. The sale proceeds shall be applied first to the costs of sale, then to the taxes, penalty, and interest due on the parcel, and thereafter to any other taxes or other charges owed by the former owner to the jurisdiction. Any excess proceeds shall remain the property of the former owner and shall be kept by the treasurer in an interest-bearing escrow account. If no claim for payment of excess proceeds is made by the former owner within two years after the date of sale, the treasurer shall deposit the excess proceeds in the jurisdiction's general fund. If the sale does not produce a successful bidder, the treasurer shall add the costs of sale incurred by the jurisdiction to the delinquent real estate account.

## CHAPTER 60

*An Act to amend and reenact § 58.1-322 of the Code of Virginia, relating to an individual income tax subtraction for certain income attributable to the discharge of a student loan.*

[H 1716]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 58.1-322 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount

withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

37. For taxable years beginning on or after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as

defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 61

*An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's taxation system with the Internal Revenue Code.*

[H 1727]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 58.1-301. Conformity to Internal Revenue Code.**

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on ~~January 2, 2013~~ *December 31, 2014*, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply *mutatis mutandis*. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. The amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code for taxable years beginning on or after January 1, 2010. For Virginia income tax purposes, two-thirds of the amount deducted pursuant to § 199 of the Internal Revenue Code for federal income tax purposes during the taxable year may be

deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2010. For taxable years beginning on and after January 1, 2013, the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code may be deducted for Virginia income tax purposes; and

6. For taxable years beginning on or after January 1, 2018, the provisions of § 32(b)(3) of the Internal Revenue Code relating to the earned income tax credit.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 62

*An Act to amend and reenact § 4.1-119 of the Code of Virginia, relating to alcoholic beverage control; operation of government store by distiller licensee.*

[H 1796]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-119 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-119. Operation of government stores.**

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises; ~~provided:~~

~~1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;~~

~~2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;~~

~~3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;~~

~~4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency;~~

~~5. Such licensee is employing traditional distilling techniques, including the use of copper or stainless steel pot stills to blend or produce spirits in any county with a population of less than 20,000; or~~

~~6. Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.~~

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by

the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

## CHAPTER 63

*An Act to amend and reenact §§ 23-218, 40.1-118, and 40.1-125 of the Code of Virginia, relating to apprenticeship-related instruction.*

[H 1822]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 23-218, 40.1-118, and 40.1-125 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 23-218. Plan for comprehensive community colleges; appropriations; tuition fees and charges; grants or contributions; apprenticeships.**

A. The Board is authorized and directed to prepare and administer a plan providing standards and policies for the establishment, development and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges, develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective shall be to provide and maintain a system of comprehensive community colleges through which appropriate educational opportunities and programs to accomplish the purposes set forth in subdivision (a) of § 23-214 shall be made available throughout the Commonwealth. In providing these offerings, the Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve.

B. The Board shall have the authority to control and expend funds appropriated by law, and to fix tuition fees and charges. The Board may establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System. The Board may exercise the powers conferred by Chapter 3 (§ 23-14 et seq.) of this title as any other educational institution as defined in § 23-14.

C. The Board shall be authorized, with the approval of the Governor, to accept from any government or governmental department or agency or any public or private body or from any other source, grants or contributions of money or property which the Board may use for or in aid of any of its purposes.

~~D. The Board shall establish policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies. The Chancellor, with the approval of the State Board for Community Colleges, shall provide for the administration and supervision of related and supplemental instruction for apprentices.~~

##### **§ 40.1-118. Authority of Council.**

The Council may:

1. Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this chapter;
2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;
3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes pursuant to subdivision C 3 of § 40.1-119;

4. Perform such other duties as are necessary to carry out the intent of this chapter; and  
 5. Advise the ~~State Board for Community Colleges~~ *Commissioner* on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

**§ 40.1-125. Commissioner to administer chapter.**

A. The Commissioner, with the advice and guidance of the Council, shall be responsible for administering the provisions of this chapter.

B. The Commissioner shall:

1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that meets the standards established under this chapter;

2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;

3. Keep a record of apprenticeship agreements and their disposition;

4. Issue certificates of completion upon the completion of the apprenticeship;

5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship; ~~and~~

6. *Establish policies governing the provision of apprenticeship-related instruction delivered by state and local public education agencies and shall provide for the administration and supervision of related and supplemental instruction for apprentices; and*

7. Perform such other duties as are necessary to carry out the intent of this chapter.

## CHAPTER 64

*An Act to amend and reenact §§ 10.1-115 through 10.1-119 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120, relating to conservation officers; Breaks Interstate Park.*

[H 1859]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-115 through 10.1-119 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120 as follows:**

**§ 10.1-115. Appointment of conservation officers; qualifications; oath.**

A. The Director ~~of the Department~~, when he deems it necessary, may request the Governor to commission ~~individuals~~ *an individual* designated by the Director to act as a conservation ~~officers~~ *officer* of the Commonwealth. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a conservation officer commission to the designated individual. The Secretary of the Commonwealth shall deliver a copy of the commission to the Director. Any individual so commissioned shall hold his commission during his term of employment with the Department, subject to the provisions of § 10.1-118.

B. *The Director, upon the request of the Breaks Interstate Park Commission, may request the Governor to commission an individual who meets the requirements of § 10.1-120 and is designated by the Director to act as a conservation officer of the Commonwealth. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a conservation officer commission to the designated individual. The Secretary of the Commonwealth shall deliver a copy of the commission to the Director.*

C. To be qualified to receive a conservation officer commission, a person shall (i) be at least ~~twenty-one~~ 21 years of age and (ii) have graduated from high school or obtained an equivalent diploma.

~~E. D.~~ Each conservation officer shall qualify before the clerk of the circuit court of the city or county in which he resides, or in which he first is assigned duty, by taking the oaths prescribed by law. *An employee of the Breaks Interstate Park Commission shall qualify before the clerk of the circuit court of Dickenson County.*

~~D. E.~~ The Director may designate certain conservation officers to be special conservation officers. Special conservation officers shall have the same authority and power as sheriffs throughout the Commonwealth to enforce the laws of the Commonwealth.

**§ 10.1-116. Jurisdiction of conservation officers.**

Conservation officers shall have jurisdiction throughout the Commonwealth on all Department lands and waters and upon lands and waters under the management or control of the Department; on property of the United States government or a department or agency thereof on which the Commonwealth has concurrent jurisdiction and is contiguous with land of the Department or on which the Department has a management interest; *on property operated by the Breaks Interstate Park Commission within the Commonwealth of Virginia with the written agreement of the Commission*, on a property of another state agency or department whose property is contiguous with land of the Department; and in those local jurisdictions in which mutual aid agreements have been established pursuant to § 15.2-1736.

Special conservation officers appointed pursuant to § 10.1-115 shall have jurisdiction throughout the Commonwealth.

**§ 10.1-117. Powers and duties of conservation officers.**

A. It shall be the duty of all conservation officers to uphold and enforce the laws of the Commonwealth ~~and~~, the regulations of the Department, *and the rules and regulations of the Breaks Interstate Park Commission*.

B. Commissioned conservation officers shall be law-enforcement officers and shall have the power to enforce the laws of the Commonwealth ~~and~~, the regulations of the Department and the collegial bodies under administrative support of the Department, *and the rules and regulations of the Breaks Interstate Park Commission*. If requested by the chief law-enforcement officer of the locality, conservation officers shall coordinate the investigation of felonies with the local law-enforcement agency.

**§ 10.1-118. Decommissioning of conservation officers.**

Upon separation from the Department *or the Breaks Interstate Park Commission*, incapacity, death, or other good cause, the Director may recommend in writing the decommissioning of any conservation officer to the Governor. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a certificate of decommissioning to the conservation officer. The Secretary of the Commonwealth shall deliver a copy of the certificate to the Director. Upon receipt of the decommissioning certificate, the Director shall ensure that the certificate is recorded at the office of the clerk of the circuit court of any city or county in which the individual took his oath of office.

**§ 10.1-119. Defense of conservation officer of the Department prosecuted on criminal charges.**

If any conservation officer ~~appointed by the Director~~ shall be brought before any regulatory body, summoned before any grand jury, investigated by any other law-enforcement agency, or arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Director may employ special counsel approved by the Attorney General to defend such officer. Upon a finding that (i) the officer did not violate a law or regulation resulting from the act that was the subject of the investigation and (ii) the officer will not be terminated from employment as the result of such act, the Director shall ~~pay~~ *arrange for payment* for the special counsel employed. The compensation for special counsel employed pursuant to this section shall, subject to the approval of the Attorney General, be paid out of the funds appropriated for the administration of the Department of Conservation and Recreation *or the Breaks Interstate Park Commission as may be applicable*.

**§ 10.1-120. Commissioning of Breaks Interstate Park Commission employees as conservation officers.**

A. *The Director shall ensure that an employee of the Breaks Interstate Park Commission whom the Commission recommends for commissioning as a conservation officer in accordance with subsection B of § 10.1-115 meets the minimum qualifications for law-enforcement officers set out in § 15.2-1705, is subject to the minimum training standards set out in § 9.1-114, abides by the Department's law-enforcement in-service training requirements, and abides by the law-enforcement directives of the Department unless exceptions by the Department are granted in writing. For the purposes of law-enforcement directives, the Breaks Interstate Park shall be treated as a Virginia State Park.*

B. *The Commission shall bear the expenses associated with training and equipping a Commission employee as a conservation officer to Department standards unless the Department agrees otherwise.*

**CHAPTER 65**

*An Act to amend and reenact § 17.1-276 of the Code of Virginia, relating to remote access to land records; fee; Department of Historic Resources.*

[H 1875]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 17.1-276 of the Code of Virginia is amended and reenacted as follows:****§ 17.1-276. Fee allowed for providing secure remote access to land records.**

A. A clerk of the circuit court who provides secure remote access to land records pursuant to § 17.1-294 may charge a fee as provided in this section. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § 17.1-295. The clerk may charge a flat clerk's fee to be assessed for each subscriber, as defined in § 17.1-295, in an amount not to exceed \$50 per month and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275. The clerk's fees shall be used to cover operational expenses as defined in § 17.1-295. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access, in accordance with the security standards established by the Virginia Information Technologies Agency.

The Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, *the Department of Historic Resources*, and the Department of Rail and Public Transportation shall be exempt from paying any fee for remote access to land records. If any clerk contracts with an outside vendor to provide remote access to land records to subscribers, such contract shall contain a provision exempting the Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, *the Department of Historic Resources*, and the Department of Rail and Public Transportation from paying any access or subscription fee.

B. The clerk may establish a program under which the clerk assesses a reasonable convenience fee that shall not exceed \$2 per transaction for remote access to land records and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275.

C. Nothing herein shall be construed to require the use by the general public of the secure remote access to land records made available by the clerk, and such records may continue to be accessed in person in the clerk's office.

## CHAPTER 66

*An Act to amend and reenact § 17.1-513 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 19.2-327.2:1 and 19.2-327.10:1, relating to petition for writ of actual innocence; bail hearing.*

[H 1882]

Approved March 10, 2015

### Be it enacted by the General Assembly of Virginia:

**1. That § 17.1-513 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 19.2-327.2:1 and 19.2-327.10:1 as follows:**

#### **§ 17.1-513. Jurisdiction of circuit courts.**

The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature of quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals created or existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters of proceedings arising from or pertaining to the action of the boards of supervisors or other governing bodies of the several counties for which such courts are respectively held or in other cases in which it may be necessary to prevent the failure of justice and in which mandamus may issue according to the principles of common law. They shall have appellate jurisdiction in all cases, civil and criminal, in which an appeal may, as provided by law, be taken from the judgment or proceedings of any inferior tribunal.

They shall have original and general jurisdiction of all civil cases, except cases upon claims to recover personal property or money not of greater value than \$100, exclusive of interest, and except such cases as are assigned to some other tribunal; also in all cases for the recovery of fees in excess of \$100; penalties or cases involving the right to levy and collect toll or taxes or the validity of an ordinance or bylaw of any corporation; and also, of all cases, civil or criminal, in which an appeal may be had to the Supreme Court.

They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or extending a protective order pursuant to § 16.1-279.1 or 19.2-152.10 if the circuit court issued such order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic relations district court in accordance with § 16.1-297. They shall also have original jurisdiction of all indictments for felonies and of presentments, informations and indictments for misdemeanors. *They shall also have jurisdiction for bail hearings pursuant to §§ 19.2-327.2:1 and 19.2-327.10:1.*

They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of error or supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have jurisdiction of all other matters, civil and criminal, made cognizable therein by law and when a motion to recover money is allowed in such tribunals, they may hear and determine the same, although it is to recover less than \$100.

#### **§ 19.2-327.2:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.**

*The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.2. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Supreme Court on the writ under § 19.2-327.5.*

#### **§ 19.2-327.10:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.**

*The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.10. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Court of Appeals on the writ under § 19.2-327.13.*

CHAPTER 67

An Act to authorize the issuance of bonds, in an amount up to \$67,500,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth.

[H 1892]

Approved March 10, 2015

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. Title.**

This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015."

**§ 2. Authorization of bonds and bond anticipation notes.**

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series ...." in an aggregate principal amount not exceeding \$67,500,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:

Institution	Project Title	Amount
Virginia Polytechnic Institute and State University	Construct Upper Quad Residential Facilities	\$67,500,000
Total		\$67,500,000

**§ 3. Application of proceeds.**

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

**§ 4. Details, sale of bonds and BANs.**

Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

*The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.*

*In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series ....."*

**§ 5. Execution of bonds and BANs.**

*Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN such persons may not have been such officers.*

**§ 6. Sources for payment of expenses.**

*All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.*

**§ 7. Revenues.**

*The institution of higher education named in § 2 is hereby authorized (i) to fix, revise, charge and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.*

**§ 8. Investments and contracts.**

*A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.*

*B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.*

*C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.*

**§ 9. Security for bonds and BANs.**

*The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.*

§ 10. *Exemption of interest from tax.*

*The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.*

§ 11. *Refunding bonds and BANs.*

*The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.*

§ 12. *Defeasance.*

*Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (b) or (c) of the Constitution of Virginia, as the case may be.*

§ 13. *Severability.*

*The provisions of this act or the application thereof to any person or circumstance that are held invalid shall not affect the validity of other provisions or applications of this act that can be given effect without the invalid provisions or applications.*

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 68

*An Act to amend and reenact § 29.1-109 of the Code of Virginia, relating to Director of Department of Game and Inland Fisheries; law-enforcement agreements with other states.*

[H 1961]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-109 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-109. Department of Game and Inland Fisheries; Director.**

A. The Department of Game and Inland Fisheries shall exist to provide public, informational and educational services related to this title, and to serve as the agency responsible for the administration and enforcement of all rules and regulations of the Board, the statutory provisions of this title, and related legislative acts. The Department shall employ scientific principles and procedures, as developed, researched, recognized and accepted within the bounds of comprehensive professional wildlife resource management, in the management of the Commonwealth's wildlife and natural resources.

B. The Board shall appoint a Director, subject to confirmation and reconfirmation every four years by the General Assembly, to head the Department and to act as principal administrative officer. In addition to the powers designated elsewhere in this title, the Director shall have the power to:

1. Enforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof. Inland waters shall include all waters above tidewater and the brackish and freshwater streams, creeks, bays, including Back Bay, inlets, and ponds in the tidewater counties and cities. In waters of the Albemarle and Currituck watersheds, the management of the recreational and commercial harvest of blue crabs shall rest with the Marine Resources Commission.

2. Initiate prosecution of all persons who violate such laws, and seize and confiscate wild birds, wild animals and fish that have been illegally killed, caught, transported or shipped.

3. Enter into reciprocal or mutual aid agreements with other states pertaining to the enforcement of laws set forth in Chapters 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 6 (§ 29.1-600 et seq.) across state boundaries.

4. Employ persons necessary for the administrative requirements of the Board and to designate the official position and duties of each. The salaries of all such employees shall be as provided in accordance with law.

5. Perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife projects with the federal government as prescribed by acts of Congress and in compliance with rules and regulations promulgated by the Secretary of the Interior.

5. 6. Make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including, but not limited to, contracts with the United States, other state agencies and governmental subdivisions of the Commonwealth.

6. 7. When practicable, consult with, and keep informed, wildlife and boating constituent organizations so as to benefit Virginia's wildlife and natural resources and accomplish the Department's mission.

## CHAPTER 69

*An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to local motor vehicle taxes and license fees.*

[H 1966]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-752 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.**

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer rescue squads,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer rescue squads,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer rescue squads, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer rescue squads and volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active membership, and no member shall be issued more than one such license free of charge,
  12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
  13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
  14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
  15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
  16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
  17. Vehicles owned or leased by salaried emergency medical technicians; however no salaried emergency medical technician shall be issued more than one such license free of charge,

18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,

19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and

20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer,

or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the particular county, city, or town.

*M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect current, non-delinquent license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county or for the county treasurer to collect current, non-delinquent license fees or taxes owed to the town. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.*

## CHAPTER 70

*An Act to amend and reenact § 58.1-344.3 of the Code of Virginia, relating to voluntary contributions of income tax refunds; Federation of Virginia Food Banks.*

[H 2047]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-344.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-344.3. Voluntary contributions of refunds requirements.**

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the Department of Emergency Management.

All moneys contributed shall be paid to the Department of Emergency Management.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay restoration contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

## CHAPTER 71

*An Act to amend and reenact § 17.1-258.6 of the Code of Virginia, relating to acceptability of electronic medium; submission of trial court record to appellate court.*

[H 2172]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-258.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.**

A. In connection with civil proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of the Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of the Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law.

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

**2. That the provisions of this act shall become effective on January 1, 2016.**

## CHAPTER 72

*An Act to amend the Code of Virginia by adding a section numbered 46.2-1148.1, relating to overweight permits for hauling forest products.*

[H 2072]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-1148.1 as follows:**

**§ 46.2-1148.1. Overweight permit for hauling forest products.**

A. For purposes of this section, "forest products" means raw logs to market and wood residuals, including wood chips, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or

felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

### CHAPTER 73

An Act to amend and reenact § 33.2-500 of the Code of Virginia, relating to use of HOT lanes by law-enforcement vehicles. [H 2235]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-500 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles ~~using~~ *being used* in HOT lanes in the performance of ~~their~~ law-enforcement duties, which shall not include the use of such vehicles for commuting to and from the workplace *or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of persons known or suspected to be engaged in or with knowledge of criminal activity*, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a portion of a highway containing one or more travel lanes separated from other lanes that has an electronic toll collection system, provides for free passage by vehicles that meet the high-occupancy requirement, and contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a portion of a highway containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated pursuant to § 33.2-320.

"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the Department of Transportation or some other entity.

"Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to detect the presence of a vehicle that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant to subdivision 4 a of § 33.2-503.

### CHAPTER 74

An Act to amend and reenact § 62.1-132.12 of the Code of Virginia, relating to police powers of the Virginia Port Authority. [H 2273]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-132.12 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-132.12. Employment, jurisdiction, and power of special police officers.**

A. The Authority may appoint and employ special police officers to enforce the laws of the Commonwealth and rules and regulations adopted pursuant to § 62.1-132.11 on *property owned, leased, or operated by the Authority* ~~property or any of its subsidiaries~~. By agreement with the locality within which the property is located, the concurrent jurisdiction and authority of such special police, upon order entered of record by the circuit court for the locality, may be extended to a specific place or places in a locality outside the geographic boundaries of Authority property. Such special police officers shall have the powers vested in police officers under §§ 15.2-1704 and 52-8. Such special police officers may issue summons to appear, or arrest on view or on information without warrant as permitted by law, and conduct before the court of the city or county of competent jurisdiction any person violating, upon property under the control of the Authority, any rule or regulation of the Authority, any law of the Commonwealth, or any ordinance or regulation of any political subdivision of the Commonwealth.

B. The court or courts having jurisdiction for the trial of criminal offenses of the city or county wherein the offense was committed shall have jurisdiction to try persons charged with violating any such laws, ordinances, rules, or regulations. Fines and costs assessed or collected for violation of any such law, ordinance, rule, or regulation shall be paid into the Literary Fund.

## CHAPTER 75

*An Act to amend and reenact §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia, relating to criminal procedure; postal inspectors.*

[S 685]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-12. Who are conservators of the peace.**

Every judge and attorney for the Commonwealth throughout the Commonwealth and every magistrate within the geographical area for which he is appointed or elected, shall be a conservator of the peace. In addition, every commissioner in chancery, while sitting as such commissioner; any special agent or law-enforcement officer of the United States Department of Justice, National Marine Fisheries Service of the United States Department of Commerce, Department of Treasury, Department of Agriculture, Department of Defense, Department of State, Office of the Inspector General of the Department of Transportation, Department of Homeland Security, and Department of Interior; any inspector, law-enforcement official or police personnel of the United States Postal ~~Inspection~~ Service; any United States marshal or deputy United States marshal whose duties involve the enforcement of the criminal laws of the United States; any officer of the Virginia Marine Police; any criminal investigator of the Department of Professional and Occupational Regulation, who meets the minimum law-enforcement training requirements established by the Department of Criminal Justice Services for in-service training; any criminal investigator of the United States Department of Labor; any special agent of the United States Naval Criminal Investigative Service, any special agent of the National Aeronautics and Space Administration, and any sworn municipal park ranger, who has completed all requirements under § 15.2-1706, shall be a conservator of the peace, while engaged in the performance of their official duties.

**§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

The judge, magistrate or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed to (i) the sheriff, sergeant, or any policeman of the county, city or town in which the place to be searched is located, (ii) any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police, or (iii) jointly to any such sheriff, sergeant, policeman or law-enforcement officer or agent and an agent, special agent or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official or police personnel of the United States Postal ~~Inspection~~ Service, or the Drug Enforcement Administration. The warrant shall (i) name the affiant, (ii) recite the offense in relation to which the search is to be made, (iii) name or describe the place to be searched, (iv) describe the property or person to be searched for, and (v) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime.

The warrant shall command that the place be forthwith searched, either in day or night, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section,

the warrant may be executed jointly or by the policeman, law-enforcement officer or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (i) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (ii) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or without the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was issued. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

#### **§ 19.2-187. Admission into evidence of certain certificates of analysis.**

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the ~~federal~~ *United States* Postal ~~Inspection~~ Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request

made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance or marijuana shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed, either by hand or by electronic means, by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The attestation signature of a person performing the analysis or examination may be either hand or electronically signed.

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

**§ 19.2-187.01. Certificate of analysis as evidence of chain of custody of material described therein.**

A report of analysis duly attested by the person performing such analysis or examination in any laboratory operated by (i) the Division of Consolidated Laboratory Services, the Department of Forensic Science or any of its regional laboratories, or by any laboratory authorized by such Division or Department to conduct such analysis or examination; (ii) the Federal Bureau of Investigation; (iii) the federal Bureau of Alcohol, Tobacco and Firearms; (iv) the Naval Criminal Investigative Service; (v) the federal Drug Enforcement Administration; (vi) the *United States Postal Inspection Service*; (vii) the U.S. Secret Service; or (viii) the Forensic Document Laboratory of the U.S. Department of Homeland Security shall be prima facie evidence in a criminal or civil proceeding as to the custody of the material described therein from the time such material is received by an authorized agent of such laboratory until such material is released subsequent to such analysis or examination. Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The signature of the person who received the material for the laboratory on the request for laboratory examination form shall be deemed prima facie evidence that the person receiving the material was an authorized agent and that such receipt constitutes proper receipt by the laboratory for purposes of this section.

## CHAPTER 76

*An Act to amend and reenact § 58.1-1833 of the Code of Virginia, relating to the payment of individual income tax refunds.*

[S 701]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-1833 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-1833. Interest on overpayments or improper collection.**

A. Interest shall be allowed and paid upon the overpayment of any tax administered by the Department, the refund of which is permitted or required under the provisions of this article, or on moneys improperly collected from the taxpayer and refunded pursuant to § 58.1-1822, at a rate equal to the rate of interest established pursuant to § 58.1-15. Such interest shall accrue from a date sixty days after payment of the tax, or sixty days after the last day prescribed by law for such payment, whichever is later, and shall end on a date determined by the Department preceding the date of the refund check by not more than thirty days. Notwithstanding the above, any tax refunded pursuant to a court order or otherwise as a result of an erroneous assessment shall bear interest from the date the assessment was paid. No interest will be paid on sales taxes refunded to a dealer unless the dealer agrees to pass such interest on to the purchaser.

B. 1. Notwithstanding the provisions of subsection A, if an individual overpays his individual income tax, the overpayment was for individual income taxes for the immediately preceding taxable year, and the overpayment has not been refunded, then interest shall accrue on the amount of the overpayment, beginning:

(i) thirty days after payment of such tax if the individual filed his individual income tax return via electronic means; or  
(ii) sixty days after payment of such tax if the individual filed his individual income tax return using a method other than electronic means.

In no case shall interest be paid for the overpayment of the same tax pursuant to this subsection and subsection A.

2. For the purposes of this subsection, interest shall accrue at a rate equal to the rate of interest established pursuant to § 58.1-15. Such interest shall end on a date determined by the Department preceding the date of the refund check by not more than seven days.

C. For purposes of this section:

1. Any individual income tax deducted and withheld at the source and paid to the Department, and any amount paid as estimated tax, shall be deemed to have been paid on the day on which the return for such year's income was filed;

2. Any corporate or estate and trust income tax deducted and withheld at the source and paid to the Department, and any amount paid as estimated tax, shall be deemed to have been paid on the day on which the return for such year's income was filed, or the last day prescribed by law for filing such return, whichever is later; and

3. Any overpayment of tax resulting from the carry-back of a net operating loss or net capital loss shall be deemed to have been made on the day on which the return for the year in which the loss occurred was filed, or the last day prescribed by law for such filing, whichever is later.

*D. The Tax Commissioner and the State Comptroller shall implement procedures to allow an individual requesting a refund of the overpayment of individual income tax when filing his individual income tax return to elect on such return to have the refund paid by check mailed to the address provided on his return. The ability of the individual to elect such refund check shall be in addition to other methods utilized by the State Comptroller for the payment of such refund, including but not limited to direct deposits or other electronic means.*

**2. That the provisions of this act shall be applicable to individual income tax returns relating to taxable year 2015 and taxable years thereafter.**

## CHAPTER 77

*An Act to amend and reenact § 46.2-1049 of the Code of Virginia, relating to antique vehicle exhaust systems; noise.*

[S 702]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1049 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1049. Exhaust system in good working order.**

No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.

The term "exhaust system," as used in this section, means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle manufactured prior to 1950, provided the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

## CHAPTER 78

*An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax.*

[S 759]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3819. Transient occupancy tax.**

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, *Isle of Wight County*, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult

with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

## CHAPTER 79

*An Act to amend and reenact § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; representations related to special flood hazard areas.*

[S 775]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-519 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-519. Required disclosures.**

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary including obtaining a certified home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance

with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property~~ pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that~~ such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, *or any maintenance agreement for such facilities*, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, *or any maintenance agreement for such facilities*, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that~~ such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that~~ such contract; ~~and~~

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; *and*

*10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.*

C. Any ~~buyer~~ purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such ~~buyer~~ purchaser.

## CHAPTER 80

*An Act to exempt certain diesel-powered incinerators from certain carbon monoxide emissions regulations.*

[S 869]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That carbon monoxide emissions from any diesel-powered incinerator that is installed prior to July 1, 2015, owned by a locality, and used exclusively for the incineration of animal carcasses collected from the public rights-of-way shall be exempt from the State Air Pollution Control Board's air permitting minor new source review regulation requiring Best Available Control Technology for carbon monoxide emissions, including the emission limitations for carbon monoxide established as Best Available Control Technology.*

**2. That the provisions of this act shall expire on July 1, 2019.**

## CHAPTER 81

*An Act to amend and reenact § 9.1-907 of the Code of Virginia, relating to the Sex Offender and Crimes Against Minors Registry; verification of registration information.*

[S 918]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-907 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 9.1-907. Procedures upon a failure to register or reregister.**

A. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or, if the person failed to comply with the duty to register, in the jurisdiction in which the person was last convicted of an offense for which registration or reregistration is required or if the person was convicted of an offense requiring registration outside the Commonwealth, in the jurisdiction in which the person resides. The State

Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the duty to register or reregister. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the duty to register or reregister in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

B. Nothing in this section shall prohibit a law-enforcement officer employed by a sheriff's office or police department of a locality from enforcing the provisions of this chapter, including obtaining a warrant, or assisting in obtaining an indictment for a violation of § 18.2-472.1. The local law-enforcement agency shall notify the State Police forthwith of such actions taken pursuant to this chapter or under the authority granted pursuant to this section.

C. The State Police shall physically verify or cause to be physically verified the registration information within 30 days of the initial registration and semiannually each year thereafter and within 30 days of a change of address of those persons who are not under the control of the Department of Corrections or ~~Community Supervision~~ *community supervision* as defined by § 53.1-1, who are required to register pursuant to this chapter. Whenever it appears that a person has provided false registration information, the State Police shall promptly investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

D. The Department of Corrections or ~~Community Supervision~~ *community supervision* as defined by § 53.1-1 shall physically verify or cause to be physically verified by the State Police the registration information within 30 days of the original registration and semiannually each year thereafter and within 30 days of a change of address of all persons who are under the control of the Department of Corrections or ~~Community Supervision~~ *community supervision*, and those who are under supervision pursuant to § 37.2-919, who are required to register pursuant to this chapter. The Department of Corrections or ~~Community Supervision~~ *community supervision*, upon request, shall provide the State Police the verification information, in an electronic format approved by the State Police, regarding persons under their control who are required to register pursuant to the chapter. Whenever it appears that a person has provided false registration information, the Department of Corrections or ~~Community Supervision~~ *community supervision* shall promptly notify the State Police, who shall investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

## CHAPTER 82

*An Act to amend and reenact § 58.1-322 of the Code of Virginia, relating to an individual income tax subtraction for certain income attributable to the discharge of a student loan.*

[S 933]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-322 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation

plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or

experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

37. *For taxable years beginning on or after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.*

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use

the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 83

*An Act to amend and reenact § 2, as amended, of Article III of Chapter 560 of the Acts of Assembly of 1950, which provided a charter for the Town of Montross in the County of Westmoreland, relating to election times.*

[S 940]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2, as amended, of Article III of Chapter 560 of the Acts of Assembly of 1950 is amended and reenacted as follows:**

§ 2. On the first Tuesday in May, 1992, there shall be elected by the qualified voters of the town seven electors, who shall be denominated councilmen, and shall constitute the town council. The four electors receiving the highest number of votes shall serve four-year terms and the three remaining electors shall serve two-year terms. On the first Tuesday in May, 1994, there shall be elected three electors to serve four-year terms. *However, beginning with the election held in 2016, there shall be elected four electors at the time set for the November general election to take office on January 1 following their election. The mayor and members in office on June 30, 2016, shall continue to serve until their duly elected successors have qualified.* Thereafter, there shall be an election every two years in even-numbered years at the regular ~~May municipal~~ *November general* election time to fill the pending vacancies and the electors so elected shall serve four-year terms or until their successors are duly elected and have qualified. They shall enter upon the duties of their offices on the first day of ~~July~~ *January* next succeeding their election. The councilmen at their first meeting in ~~July~~ *January* shall elect from their number one who shall be denominated mayor, who shall immediately enter upon the duties of his office and whose term of office as such shall be two years. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

### CHAPTER 84

*An Act to allow agencies of the Commonwealth and local governments to refer to Buggs Island Lake by other names.*

[S 972]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. Notwithstanding House Joint Resolution No. 51 (1952), all agencies of the Commonwealth and local government may also refer to Buggs Island Lake as the John H. Kerr Reservoir or Kerr Lake.**

### CHAPTER 85

*An Act to amend and reenact § 8.06 and § 16.02, as amended, of Chapter 367 of the Acts of Assembly of 1973, which provided a charter for the City of Suffolk, relating to the board of equalization and the school board.*

[S 1014]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.06 and § 16.02, as amended, of Chapter 367 of the Acts of Assembly of 1973 are amended and reenacted as follows:**

§ 8.06. Annual assessment of real estate.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more assessors within the city and prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of general law, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law.

The ~~council~~ *circuit court of the city of Suffolk* shall appoint a board of equalization of real estate assessments to be composed of three members who shall be freeholders of the city. The initial terms of the members of the board shall be for one, two, and three years with subsequent appointments for terms of three years. Such board of equalization shall have and may exercise the powers to revise, correct, and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings or requests for review, and looking to the further facilitation and simplification of proceedings before the board. This section shall not apply to assessments of any real estate assessable by the State Corporation Commission.

§ 16.02. School board.

On July 1, 1992, and thereafter, the school board shall consist of one member each from the Chuckatuck, Cypress, Holy Neck, Sleepy Hole, Whaleyville, Suffolk, and Nansemond Boroughs. ~~The two members of the school board from the Suffolk Borough serving on the board prior to July 1, 1992, shall serve out their terms, and thereafter all~~ *All* members of the

school board shall be ~~appointed by council~~ *elected* for terms of ~~three~~ *four* years, as required under the procedure established by the general laws of the Commonwealth of Virginia. Vacancies shall be filled *as provided by the council general laws* for any unexpired term. School board members may be compensated as authorized by the general laws of the Commonwealth of Virginia.

## CHAPTER 86

*An Act to amend and reenact §§ 23-218, 40.1-118, and 40.1-125 of the Code of Virginia, relating to apprenticeship-related instruction.*

[S 1024]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23-218, 40.1-118, and 40.1-125 of the Code of Virginia are amended and reenacted as follows:**

**§ 23-218. Plan for comprehensive community colleges; appropriations; tuition fees and charges; grants or contributions; apprenticeships.**

A. The Board is authorized and directed to prepare and administer a plan providing standards and policies for the establishment, development and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges, develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective shall be to provide and maintain a system of comprehensive community colleges through which appropriate educational opportunities and programs to accomplish the purposes set forth in subdivision (a) of § 23-214 shall be made available throughout the Commonwealth. In providing these offerings, the Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve.

B. The Board shall have the authority to control and expend funds appropriated by law, and to fix tuition fees and charges. The Board may establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System. The Board may exercise the powers conferred by Chapter 3 (§ 23-14 et seq.) ~~of this title~~ as any other educational institution as defined in § 23-14.

C. The Board shall be authorized, with the approval of the Governor, to accept from any government or governmental department or agency or any public or private body or from any other source, grants or contributions of money or property which the Board may use for or in aid of any of its purposes.

~~D. The Board shall establish policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies. The Chancellor, with the approval of the State Board for Community Colleges, shall provide for the administration and supervision of related and supplemental instruction for apprentices.~~

**§ 40.1-118. Authority of Council.**

The Council may:

1. Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this chapter;
2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;
3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes pursuant to subdivision C 3 of § 40.1-119;
4. Perform such other duties as are necessary to carry out the intent of this chapter; and
5. Advise the ~~State Board for Community Colleges~~ *Commissioner* on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

**§ 40.1-125. Commissioner to administer chapter.**

A. The Commissioner, with the advice and guidance of the Council, shall be responsible for administering the provisions of this chapter.

B. The Commissioner shall:

1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that meets the standards established under this chapter;
2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;
3. Keep a record of apprenticeship agreements and their disposition;
4. Issue certificates of completion upon the completion of the apprenticeship;
5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship; ~~and~~
6. ~~Establish policies governing the provision of apprenticeship-related instruction delivered by state and local public education agencies and shall provide for the administration and supervision of related and supplemental instruction for apprentices; and~~
7. Perform such other duties as are necessary to carry out the intent of this chapter.

## CHAPTER 87

*An Act to amend and reenact § 58.1-3203 of the Code of Virginia, relating to real property tax exemption; certain leasehold interests.*

[S 1031]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3203 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3203. Taxation of certain leasehold interests; concessions.**

All leasehold interests in real property which is exempt from assessment for taxation from the owner shall be assessed for local taxation to the lessee. If the remaining term of the lease is fifty years or more, or the lease permits the lessee to acquire the real property for a nominal sum at the completion of the term, such leasehold interest shall be assessed as if the lessee were the owner. Otherwise, such assessment shall be reduced two percent for each year that the remainder of such term is less than fifty years; however, no such assessment shall be reduced more than eighty-five percent. If the lessee has a right to renew without the consent of the lessor, the term of such lease shall be the sum of the original lease term plus all such renewal terms.

When any real property is exempt from taxation under Section 6 (a) (1) or (2) or by designation under Section 6 (a) (6) of Article X of the Constitution of Virginia, the leasehold interest in such property may also be exempt from taxation, provided that the property is leased to a lessee ~~who~~ *that* is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code *or to a lessee that is entitled to or has received federal rehabilitation tax credits relating to the property pursuant to 26 U.S.C. § 47 or any successor thereto*, and is used exclusively by such lessee primarily for charitable, literary, scientific, *cultural*, or educational purposes. No leasehold interest or concession, as defined in § 33.2-1800, of tax exempt property of a governmental agency shall be subject to assessment for local property tax purposes where the property is leased to a public service corporation or subsidiary thereof or a nonstock, nonprofit corporation whose occupation, use or operation of the tax exempt property is in aid of or promotes the governmental purposes set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 or to a private entity that is party to a concession agreement with a responsible public entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or to similar federal law. The provisions of this section shall not apply to any leasehold interests exempted or partially exempted by other provisions of law.

## CHAPTER 88

*An Act to amend and reenact § 2.2-5206 of the Code of Virginia, relating to community policy and management teams.*

[S 1041]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-5206 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-5206. Community policy and management teams; powers and duties.**

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;
2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;
3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;
4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § 16.1-309.3;
5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council, *including a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams*, and a process to review the teams' recommendations and requests for funding;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Establish procedures for obtaining bids on the development of new services;
8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;

9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council;

10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts for the provision or operation of services upon approval of the participating governing bodies;

11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;

12. Collect and provide uniform data to the Council as requested by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 16 of § 2.2-2648;

13. Review and analyze data in management reports provided by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 18 of § 2.2-2648 to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive Services Act program. Every team shall also review local and statewide data provided in the management reports on the number of children served, children placed out of state, demographics, types of services provided, duration of services, service expenditures, child and family outcomes, and performance measures. Additionally, teams shall track the utilization and performance of residential placements using data and management reports to develop and implement strategies for returning children placed outside of the Commonwealth, preventing placements, and reducing lengths of stay in residential programs for children who can appropriately and effectively be served in their home, relative's homes, family-like setting, or their community;

14. Administer funds pursuant to § 16.1-309.3;

15. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § 2.2-5211 are not used;

16. Submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall include:

- a. The child or adolescent's date of birth;
- b. Date admission was attempted; and
- c. Reason the patient could not be admitted into the hospital or facility;

17. Establish policies for providing intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program, consistent with guidelines developed pursuant to subdivision D 22 of § 2.2-2648; and

18. Establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided to the youth and family pursuant to an individual family services plan developed by the local family assessment and planning team. Such policies and procedures shall not apply to appeals made pursuant to § 63.2-915 or in accordance with the Individuals with Disabilities Education Act or federal or state laws or regulations governing the provision of medical assistance pursuant to Title XIX of the Social Security Act.

## CHAPTER 89

*An Act to authorize the issuance of bonds, in an amount up to \$67,500,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth.*

[S 1043]

Approved March 10, 2015

*Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and*

*Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,*

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. Title.**

*This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015."*

*§ 2. Authorization of bonds and bond anticipation notes.*

*The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series ...." in an aggregate principal amount not exceeding \$67,500,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:*

<i>Institution</i>	<i>Project Title</i>	<i>Amount</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Construct Upper Quad Residential Facilities</i>	<i>\$67,500,000</i>
<i>Total</i>		<i>\$67,500,000</i>

*§ 3. Application of proceeds.*

*The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.*

*§ 4. Details, sale of bonds and BANs.*

*Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.*

*The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.*

*In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series ...."*

*§ 5. Execution of bonds and BANs.*

*Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN such persons may not have been such officers.*

*§ 6. Sources for payment of expenses.*

*All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.*

§ 7. Revenues.

The institution of higher education named in § 2 is hereby authorized (i) to fix, revise, charge and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (b) or (c) of the Constitution of Virginia, as the case may be.

§ 13. Severability.

*The provisions of this act or the application thereof to any person or circumstance that are held invalid shall not affect the validity of other provisions or applications of this act that can be given effect without the invalid provisions or applications.*

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 90

*An Act to amend the Code of Virginia by adding in Title 67 a chapter numbered 15, consisting of sections numbered 67-1500 through 67-1509, relating to the Virginia Solar Energy Development Authority.*

[S 1099]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 67 a chapter numbered 15, consisting of sections numbered 67-1500 through 67-1509, as follows:**

### CHAPTER 15.

#### VIRGINIA SOLAR ENERGY DEVELOPMENT AUTHORITY.

##### **§ 67-1500. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Authority" means the Virginia Solar Energy Development Authority created pursuant to this chapter.*

*"Developer" means any private developer of solar energy projects.*

*"Solar energy project" means an electric generation facility located within the Commonwealth and includes interests in land, improvements, and ancillary facilities.*

##### **§ 67-1501. Authority created; purpose.**

*The Virginia Solar Energy Development Authority is created as a body corporate and a political subdivision of the Commonwealth and as such shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Authority is established for the purposes of facilitating, coordinating, and supporting the development, either by the Authority or by other qualified entities, of the solar energy industry and solar energy projects by developing programs that increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities, both public and private, to partner on solar energy projects. The Authority may also consult with research institutions, businesses, nonprofit organizations, and stakeholders as the Authority deems appropriate. The Authority shall have only those powers enumerated in this chapter.*

##### **§ 67-1502. Membership; terms; vacancies; expenses.**

*A. The Authority shall be composed of 11 nonlegislative citizen members appointed as follows: six members shall be appointed by the Governor; three members shall be appointed by the Speaker of the House of Delegates; and two members shall be appointed by the Senate Committee on Rules. All members of the Authority shall reside in the Commonwealth. Members may include representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics.*

*B. Except as otherwise provided herein, all appointments shall be for terms of four years each. No member shall be eligible to serve more than two successive four-year terms. After expiration of an initial term of three years or less, two additional four-year terms may be served by such member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.*

*C. The initial appointments of members by the Governor shall be as follows: two members shall be appointed for terms of four years, two members shall be appointed for terms of three years, and two members shall be appointed for terms of two years. The initial appointments of members by the Speaker of the House of Delegates shall be as follows: one member shall be appointed for a term of four years, one member shall be appointed for a term of three years, and one member shall be appointed for a term of two years. The initial appointments of members by the Senate Committee on Rules shall be as follows: one member shall be appointed for a term of four years, and one member shall be appointed for a term of three years. Thereafter all appointments shall be for terms of four years.*

*D. The Authority shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Authority. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Authority. The meetings of the Authority shall be held on the call of the chairman or whenever a majority of the members so request. A majority of members of the Authority serving at any one time shall constitute a quorum for the transaction of business.*

*E. Members shall serve without compensation. However, all members may be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds as may be appropriated to the Authority by the General Assembly.*

*F. Members of the Authority shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.*

*G. Except as otherwise provided in this chapter, members of the Authority shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

**§ 67-1503. Partnerships.**

*A. The Authority may establish public-private partnerships with entities pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) to increase the number of solar energy generation systems on or located adjacent to public and private facilities in the Commonwealth. Any partnership established pursuant to this section shall stipulate that the Authority and the developers shall share the costs of the installation and operation of solar energy facilities and equipment.*

*B. The Authority may provide a central hub for appropriate entities, both public and private, to enter into partnerships that result in solar energy generation projects being developed in the Commonwealth. The Authority may act as a good faith broker in these matters to facilitate appropriate partnerships, including public-private partnerships.*

**§ 67-1504. Federal loan guarantees.**

*A. The Authority, on behalf of the Commonwealth, may apply to the U.S. Department of Energy for federal loan guarantees authorized or made available pursuant to Title XVII of the Energy Policy Act of 2005, 42 U.S.C. § 16511 et seq., the American Recovery and Reinvestment Act of 2009, P.L. 111-5, or other similar federal legislation, to facilitate the development of solar energy projects.*

*B. Upon obtaining federal loan guarantees for solar energy projects pursuant to subsection A, the Authority, subject to any restrictions imposed by federal law, may allocate or assign all or portions thereof to qualified third parties, on such terms and conditions as the Authority finds are appropriate. Actions of the Authority relating to the allocation and assignment of such loan guarantees shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 4 of § 2.2-4002. Decisions of the Authority shall be final and not subject to review or appeal.*

**§ 67-1505. Powers and duties of the Authority.**

*In addition to such other powers and duties established under this chapter, the Authority shall have the power and duty to:*

- 1. Adopt, use, and alter at will an official seal;*
- 2. Make bylaws for the management and regulation of its affairs;*
- 3. Maintain an office at such place or places within the Commonwealth as it may designate;*
- 4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Authority, absolutely or in trust, from any source, public or private, for the purposes for which the Authority is created;*
- 5. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;*
- 6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Authority;*
- 7. Invest its funds as permitted by applicable law;*
- 8. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, or real or personal property for the benefit of the Authority, and receive and accept from the Commonwealth or any state, and from any municipality, county, or other political subdivision thereof and any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made;*
- 9. Enter into agreements with any department, agency, or instrumentality of the United States or of the Commonwealth and with lenders and enter into loans with contracting parties for the purpose of planning, regulating, and providing for the financing or assisting in the financing of any project;*
- 10. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied;*
- 11. Identify and take steps to mitigate existing state and regulatory or administrative barriers to the development of the solar energy industry, including facilitating any permitting processes;*
- 12. Enter into interstate partnerships to develop the solar energy industry and solar energy projects;*
- 13. Collaborate with entities, including institutions of higher education, to increase the training and development of the workforce needed by the solar industry in the Commonwealth, including industry-recognized credentials and certifications; and*
- 14. Conduct any other activities as may seem appropriate to increase solar energy generation in the Commonwealth and the associated jobs and economic development and competitiveness benefits.*

**§ 67-1506. Director; staff; counsel to the Authority.**

*A. The Director of the Department of Mines, Minerals and Energy shall serve as Director of the Authority and shall administer the affairs and business of the Authority in accordance with the provisions of this chapter and subject to the policies, control, and direction of the Authority. The Director may obtain non-state-funded support to carry out any duties assigned to the Director. Funding for this support may be provided by any source, public or private, for the purposes for*

which the Authority is created. The Director shall maintain, and be custodian of, all books, documents, and papers of or filed with the Authority. The Director may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely on such certificates. The Director also shall perform such other duties as prescribed by the Authority in carrying out the purposes of this chapter.

B. The Department of Mines, Minerals and Energy shall serve as staff to the Authority.

C. The Office of the Attorney General shall provide counsel to the Authority.

**§ 67-1507. Annual report.**

On or before October 15 of each year, beginning in 2016, the Authority shall submit an annual summary of its activities and recommendations to the Governor and the Chairmen of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate Commerce and Labor Committees.

**§ 67-1508. Confidentiality of information.**

A. The Authority shall hold in confidence the personal and financial information supplied to it, or maintained by it, concerning the siting and development of solar energy projects.

B. Nothing in this section shall prohibit the Authority, in its discretion, from releasing any information that has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

C. Information supplied by or maintained on persons or entities applying for or receiving allocations of federal loan guarantees, as well as specific information relating to the amount and identity of recipients of such distributions, shall be subject to disclosure in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

**§ 67-1509. Declaration of public purpose; exemption from taxation.**

A. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the citizens of the Commonwealth and for the promotion of their welfare, convenience, and prosperity.

B. The Authority shall be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter, and the property of the Authority and its income and operations shall be exempt from taxation or assessments upon any property acquired or used by the Authority under the provisions of this chapter.

**2. That the provisions of this act shall expire on July 1, 2025.**

## CHAPTER 91

An Act to amend and reenact § 3.2-5135 of the Code of Virginia, relating to the seizure of food and dairy products; sampling.

[S 1115]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-5135 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-5135. Authority to seize food and dairy products; analysis; disposition of remainder.**

A. The Commissioner is authorized at all times to seize and take possession of any and all food and dairy products, substitutes, or imitations kept for sale, exposed for sale, or held in possession or under the control of any person that in the opinion of the Commissioner are believed to be in violation of any provision of law.

B. When the Commissioner seizes any goods pursuant to subsection A, he ~~shall~~ may take a sample from the goods for the purpose of analysis; ~~box and seal the remainder,~~ and shall leave the remainder in the possession of the person from whom they were seized, subject to the determined disposition.

C. Any person making a seizure under this section shall forward ~~the~~ any sample taken pursuant to subsection B that in the determination of the Commissioner requires laboratory analysis to the Division of Consolidated Laboratory Services of the Department of General Services (the Division). The Division of Consolidated Laboratory Services shall turn over the sample to a qualified analyst who shall analyze the sample and certify the results of the analysis. ~~Their~~ Where the qualified analyst is an employee of the Division, the analyst's certificate shall be prima facie evidence of the facts certified to; in ~~an~~ any appropriate court where the sample may be offered in evidence.

## CHAPTER 92

An Act to amend and reenact § 58.1-408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-422.2, relating to apportionment of corporate income for taxpayers establishing enterprise data center operations in the Commonwealth.

[S 1142]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-408 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-422.2 as follows:**

**§ 58.1-408. What income apportioned and how.**

The Virginia taxable income of any corporation, except those subject to the provisions of § 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, ~~or~~ 58.1-422.1, *or* 58.1-422.2, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus twice the sales factor, and the denominator of which is four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.

**§ 58.1-422.2. Apportionment; taxpayers with enterprise data center operations.**

A. For taxable years beginning on or after July 1, 2016, the Virginia taxable income of taxpayers with enterprise data center operations, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2016, until July 1, 2017, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

2. From July 1, 2017, and thereafter, by multiplying such income by the sales factor.

B. As used in this section:

"Enterprise data center operations" means operations that (i) physically house information technology equipment such as servers, switches, routers, data storage devices, or related equipment; (ii) manage and process digital data and information to provide application services or management for data processing, such as web hosting, Internet, intranet, telecommunication, and information technology; (iii) are developed and owned by the taxpayer; and (iv) are operated by the taxpayer or any of its affiliates substantially for their own use.

C. The provisions of this section requiring an apportionment formula for taxpayers with enterprise data center operations shall apply only to taxpayers that have entered into a memorandum of understanding with the Virginia Economic Development Partnership Authority on or after July 1, 2015, to make a new capital investment of at least \$150 million in an enterprise data center in the Commonwealth on or after such date. The apportionment formula under this section shall apply to such taxpayers beginning with the taxable year for which the Virginia Economic Development Partnership provides a written certification to the taxpayer that the new capital investment has been completed.

D. The General Assembly of Virginia finds that capital investment in data centers is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality data centers. Accordingly, the provisions of subsection C relating to capital investment in enterprise data centers are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

## CHAPTER 93

An Act to amend and reenact §§ 15.2-979, 55-79.41, and 55-509 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-79.84:01 and 55-516.01, relating to the Condominium Act and the Property Owners' Association Act; notice of sale under deed of trust; responsibility of owner.

[S 1157]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-979, 55-79.41, and 55-509 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 55-79.84:01 and 55-516.01 as follows:**

**§ 15.2-979. Notice of sale under deed of trust.**

A. Notice shall be given to the chief administrative officer or designee of a locality and, if the property is located in a common interest community as defined in § 55-528, to the common interest community association, when residential property located within that locality or common interest community becomes subject to a sale under a deed of trust.

B. The notice required by this section shall:

1. Be made by the trustee or any substitute trustee authorized to conduct the sale under the deed of trust;

2. Be given no later than 60 days after the sale of the residential property under the deed of trust;

3. Include (i) the street address of the residential property, (ii) the name of all property owners whose ownership was subject to the deed of trust, (iii) the name and contact information, including telephone number, of the person filing the notice, and (iv) the name and address of all owners holding the property as a result of the sale.

C. For residential properties described in subsection A, if the mortgage loan secured by the deed of trust has been registered with a national mortgage loan electronic registration system to which the locality has access and which registry includes a unique mortgage identification number specific to the loan and which number is tied to the name of the borrower, the street address of the property, and contact information consisting of the name, telephone number, and electronic address,

if any, of the current mortgage lender or mortgage loan service provider and of the current property preservation contact, then the person authorized to conduct the sale under the deed of trust shall not have to give the locality the notice described in this section and shall be deemed to have complied with any such ordinance.

D. For purposes of this section, "residential property" means single-family detached dwellings, single-family attached dwellings, ~~and~~ individual residential condominium units, *and individual residential lots located in a development subject to the Property Owners' Association Act (§ 55-508 et seq.).*

**§ 55-79.41. Definitions.**

When used in this chapter:

"Capital components" means those items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement or restoration and for which the executive organ determines funding is necessary.

"Common elements" means all portions of the condominium other than the units.

"Common expenses" means all expenditures lawfully made or incurred by or on behalf of the unit owners' association, together with all funds lawfully assessed for the creation and/or maintenance of reserves pursuant to the provisions of the condominium instruments.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Condominium" means real property, and any incidents thereto or interests therein, lawfully submitted to this chapter by the recordation of condominium instruments pursuant to the provisions of this chapter. No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common elements are vested in the unit owners.

"Condominium instruments" is a collective term referring to the declaration, bylaws, and plats and plans, recorded pursuant to the provisions of this chapter. Any exhibit, schedule, or certification accompanying a condominium instrument and recorded simultaneously therewith shall be deemed an integral part of that condominium instrument. Any amendment or certification of any condominium instrument shall, from the time of the recordation of such amendment or certification, be deemed an integral part of the affected condominium instrument, so long as such amendment or certification was made in accordance with the provisions of this chapter.

"Condominium unit" means a unit together with the undivided interest in the common elements appertaining to that unit. (Cf. the definition of unit, *infra*.)

"Contractable condominium" means a condominium from which one or more portions of the submitted land may be withdrawn in accordance with the provisions of the declaration and of this chapter. If such withdrawal can occur only by the expiration or termination of one or more leases, then the condominium shall not be deemed a contractable condominium within the meaning of this chapter.

"Conversion condominium" means a condominium containing structures which before the recording of the declaration, were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

"Convertible land" means a building site; that is to say, a portion of the common elements, within which additional units and/or limited common elements may be created in accordance with the provisions of this chapter.

"Convertible space" means a portion of a structure within the condominium, which portion may be converted into one or more units and/or common elements, including but not limited to limited common elements in accordance with the provisions of this chapter. (Cf. the definition of unit, *infra*.)

"Declarant" means any person, or group of persons acting in concert, that (i) offers to dispose of his or its interest in a condominium unit not previously disposed of, including an institutional lender which may not have succeeded to or accepted any special declarant rights pursuant to § 55-79.74:3; (ii) reserves or succeeds to any special declarant right; or (iii) applies for registration of the condominium. However, for the purposes of clauses (i) and (iii), the term "declarant" shall not include an institutional lender which acquires title by foreclosure or deed in lieu thereof unless such lender offers to dispose of its interest in a condominium unit not previously disposed of to anyone not in the business of selling real estate for his own account, except as otherwise provided in § 55-79.74:3. The term "declarant" shall not include an individual who acquires title to a condominium unit at a foreclosure sale.

"Dispose" or "disposition" refers to any voluntary transfer of a legal or equitable interest in a condominium unit to a purchaser, but shall not include the transfer or release of security for a debt.

"Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act shall have the meaning set forth in such section.

"Executive organ" means an executive and administrative entity, by whatever name denominated, designated in the condominium instruments as the governing body of the unit owners' association.

"Expandable condominium" means a condominium to which additional land may be added in accordance with the provisions of the declaration and of this chapter.

"Financial update" means an update of the financial information referenced in subdivisions C 2 through C 7 of § 55-79.97.

"Future common expenses" means common expenses for which assessments are not yet due and payable.

"Identifying number" means one or more letters and/or numbers that identify only one unit in the condominium.

"Institutional lender" means one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds, or business trusts including but not limited to real estate investment trusts, any other lender regularly engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such a lender, or any combination of any of the foregoing entities.

"Land" is a three-dimensional concept and includes parcels with upper or lower boundaries, or both upper and lower boundaries, as well as parcels extending ab solo usque ad coelum. Parcels of airspace constitute land within the meaning of this chapter. Any requirement in this chapter of a legally sufficient description shall be deemed to include a requirement that the upper or lower boundaries, if any, of the parcel in question be identified with reference to established datum.

"Leasehold condominium" means a condominium in all or any portion of which each unit owner owns an estate for years in his unit, or in the land within which that unit is situated, or both, with all such leasehold interests due to expire naturally at the same time. A condominium including leased land, or an interest therein, within which no units are situated or to be situated shall not be deemed a leasehold condominium within the meaning of this chapter.

"Limited common element" means a portion of the common elements reserved for the exclusive use of those entitled to the use of one or more, but less than all, of the units.

"Meeting" or "meetings" means the formal gathering of the executive organ where the business of the unit owners' association is discussed or transacted.

"Nonbinding reservation agreement" means an agreement between the declarant and a prospective purchaser which is in no way binding on the prospective purchaser and which may be canceled without penalty at the sole discretion of the prospective purchaser by written notice, hand-delivered or sent by United States mail, return receipt requested, to the declarant or to any sales agent of the declarant at any time prior to the formation of a contract for the sale or lease of a condominium unit or an interest therein. Such agreement shall not contain any provision for waiver or any other provision in derogation of the rights of the prospective purchaser as contemplated by this subsection, nor shall any such provision be a part of any ancillary agreement.

"Offer" means any inducement, solicitation, or attempt to encourage any person or persons to acquire any legal or equitable interest in a condominium unit, except as security for a debt. Nothing shall be considered an "offer" which expressly states that the condominium has not been registered with the Common Interest Community Board and that no unit in the condominium can or will be offered for sale until such time as the condominium has been so registered.

"Officer" means any member of the executive organ or official of the unit owners' association.

"Par value" means a number of dollars or points assigned to each unit by the declaration. Substantially identical units shall be assigned the same par value, but units located at substantially different heights above the ground, or having substantially different views, or having substantially different amenities or other characteristics that might result in differences in market value, may, but need not, be considered substantially identical within the meaning of this subsection. If par value is stated in terms of dollars, that statement shall not be deemed to reflect or control the sales price or fair market value of any unit, and no opinion, appraisal, or fair market transaction at a different figure shall affect the par value of any unit, or any undivided interest in the common elements, voting rights in the unit owners' association or liability for common expenses assigned on the basis thereof.

"Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

"Purchaser" means any person or persons, other than a declarant, who acquire by means of a voluntary transfer a legal or equitable interest in a condominium unit, other than (i) a leasehold interest, including renewal options, of less than 20 years or (ii) as security for a debt.

"Resale certificate update" means an update of the financial information referenced in subdivisions C 2 through C 9 and C 12 of § 55-79.97. The update shall include a copy of the original resale certificate.

"Settlement agent" means the same as that term is defined in § 55-525.16.

"Size" means the number of cubic feet, or the number of square feet of ground and/or floor space, within each unit as computed by reference to the plat and plans and rounded off to a whole number. Certain spaces within the units including, without limitation, attic, basement, and/or garage space may, but need not, be omitted from such calculation or partially discounted by the use of a ratio, so long as the same basis of calculation is employed for all units in the condominium, and so long as that basis is described in the declaration.

"Special declarant rights" means any right reserved for the benefit of a declarant, or of a person or group of persons that becomes a declarant, to (i) expand an expandable condominium, (ii) contract a contractable condominium, (iii) convert convertible land or convertible space or both, (iv) appoint or remove any officers of the unit owners' association or the executive organ pursuant to subsection A of § 55-79.74, (v) exercise any power or responsibility otherwise assigned by any condominium instrument or by this chapter to the unit owners' association, any officer or the executive organ, or (vi) maintain sales offices, management offices, model units and signs pursuant to § 55-79.66.

"Unit" means a portion of the condominium designed and intended for individual ownership and use. (Cf. the definition of condominium unit, supra.) For the purposes of this chapter, a convertible space shall be treated as a unit in accordance with subsection (d) of § 55-79.62.

"Unit owner" means one or more persons who own a condominium unit, or, in the case of a leasehold condominium, whose leasehold interest or interests in the condominium extend for the entire balance of the unexpired term or terms. ~~This~~

~~term shall~~ "Unit owner" includes any purchaser of a condominium unit at a foreclosure sale, regardless of whether the deed is recorded in the land records where the unit is located. "Unit owner" does not include any person or persons holding an interest in a condominium unit solely as security for a debt.

**§ 55-79.84:01. Notice of sale under deed of trust.**

*In accordance with the provisions of § 15.2-979, the unit owners' association shall be given notice whenever a condominium unit becomes subject to a sale under a deed of trust. Upon receipt of such notice, the executive organ, on behalf of the unit owners' association, shall exercise whatever due diligence it deems necessary with respect to the unit subject to a sale under a deed of trust to protect the interests of the unit owners' association.*

**§ 55-509. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Property Owners' Association Act.

"Association" means the property owners' association.

"Board of directors" means the executive body of a property owners' association, or a committee which is exercising the power of the executive body by resolution or bylaw.

"Capital components" means those items, whether or not a part of the common area, for which the association has the obligation for repair, replacement or restoration and for which the board of directors determines funding is necessary.

"Common area" means property within a development which is owned, leased or required by the declaration to be maintained or operated by a property owners' association for the use of its members and designated as common area in the declaration.

"Common interest community" means the same as that term is defined in § 55-528.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Declarant" means the person or entity signing the declaration and its successors or assigns who may submit property to a declaration.

"Declaration" means any instrument, however denominated, recorded among the land records of the county or city in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money in connection with the provision of maintenance and/or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition. "Declaration" shall not include a declaration of a condominium, real estate cooperative, time-share project or campground.

"Development" means real property located within this Commonwealth subject to a declaration which contains both lots, at least some of which are residential or are occupied for recreational purposes, and common areas with respect to which any person, by virtue of ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Disclosure packet update" means an update of the financial information referenced in subdivisions A 2 through A 9 of § 55-509.5. The update shall include a copy of the original disclosure packet.

"Financial update" means an update of the financial information referenced in subdivisions A 2 through A 7 of § 55-509.5.

"Lot" means (i) any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area, and (ii) a unit in a condominium association or a unit in a real estate cooperative if the condominium or cooperative is a part of a development.

*"Lot owner" means one or more persons who own a lot, including any purchaser of a lot at a foreclosure sale, regardless of whether the deed is recorded in the land records where the lot is located. "Lot owner" does not include any person holding an interest in a lot solely as security for a debt.*

"Meeting" or "meetings" means the formal gathering of the board of directors where the business of the association is discussed or transacted.

"Professionally managed" means a common interest community that has engaged (i) a common interest community manager to provide management services to the community or (ii) a person as an employee for compensation to provide management services to the community, other than a resident of the community who provides bookkeeping, billing, or recordkeeping services for that community.

"Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration.

"Settlement agent" means the same as that term is defined in § 55-525.16.

**§ 55-516.01. Notice of sale under deed of trust.**

*In accordance with the provisions of § 15.2-979, the association shall be given notice whenever a lot becomes subject to a sale under a deed of trust. Upon receipt of such notice, the board of directors, on behalf of the association, shall exercise whatever due diligence it deems necessary with respect to the lot subject to a sale under a deed of trust to protect the interests of the association.*

## CHAPTER 94

*An Act to amend and reenact § 58.1-439.7 of the Code of Virginia, relating to the recyclable materials tax credit.*

[S 1205]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.7. Tax credit for purchase of machinery and equipment for processing recyclable materials.**

A. *1.* For taxable years beginning on and after January 1, 1999, but before January 1, ~~2015~~ 2020, a taxpayer shall be allowed a credit against the tax imposed pursuant to Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3 of this title, in an amount equal to ~~40~~ 20 percent of the purchase price paid during the taxable year for machinery and equipment used ~~exclusively~~ predominantly in or on the premises of manufacturing facilities or plant units which manufacture, process, compound, or produce items of tangible personal property from recyclable materials, within the Commonwealth, for sale. For purposes of determining "purchase price paid" under this section, the taxpayer may use the original total capitalized cost of such machinery and equipment, less capitalized interest.

2. The Department of Environmental Quality shall certify that such machinery and equipment are integral to the recycling process before the taxpayer shall be ~~entitled to~~ allowed the tax credit under this section. The taxpayer shall also submit purchase receipts, *and* invoices, ~~and such other documentation~~ as may be necessary to confirm the taxpayer's statement of purchase price paid, with the income tax return to verify the amount of purchase price paid for the recycling machinery and equipment.

3. *No taxpayer shall be denied the credit under this section based solely on another person's use of the tangible personal property produced by the taxpayer, provided that the tangible personal property was sold by the taxpayer to an unaffiliated person in an arm's-length sale.*

4. *No credit shall be allowed under this section for machinery and equipment unless the machinery and equipment manufacture, process, compound, or produce items of tangible personal property from recyclable materials.*

B. The total credit allowed under this section in any taxable year shall not exceed 40 percent of the Virginia income tax liability of such taxpayer.

C. Any tax credit not used for the taxable year in which the purchase price on recycling machinery and equipment was paid may be carried over for credit against the taxpayer's income taxes in the 10 succeeding taxable years until the total credit amount is used.

*D. The Department of Taxation shall administer the tax credits under this section. Beginning with credits allowable for taxable year 2015, in no case shall the Department issue more than \$2 million in tax credits pursuant to this section in any fiscal year of the Commonwealth. A taxpayer shall not be allowed to claim any tax credit unless it has applied to the Department of Environmental Quality for certification as described in subdivision A 2 and the Department of Environmental Quality has issued a written certification stating that the machinery and equipment purchased are integral to the recycling process. If the amount of tax credits approved under this section by the Department of Taxation for any taxable year exceeds \$2 million, the Department shall apportion the credits by dividing \$2 million by the total amount of tax credits so approved, to determine the percentage of otherwise allowed tax credits each taxpayer shall receive.*

~~D- E.~~ In the event a corporation converts to a partnership, limited liability company, or electing small business corporation (S corporation), such business entity shall be entitled to any unused credits of the corporation. Credits earned by a partnership, limited liability company, electing small business corporation (S corporation), or a predecessor corporation entitled to such credits, shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

**2. That the Department of Taxation, in consultation with the Department of Environmental Quality, shall develop and update as necessary guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).**

**3. That the provisions of this act shall become effective for taxable years beginning on or after January 1, 2015.**

## CHAPTER 95

*An Act to amend and reenact § 46.2-1177 of the Code of Virginia, relating to the motor vehicle emissions inspection program.*

[S 1218]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1177 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1177. Emissions inspection program.**

The Director shall administer an emissions inspection program. Such program shall require biennial inspections of motor vehicles at official emissions inspection stations in accordance with this article and may require additional

inspections of motor vehicles that have been shown by on-road testing to exceed emissions standards established by the Board.

The emissions inspections required in § 46.2-1178 shall not apply to any:

1. Vehicle powered by a clean special fuel as defined in § 46.2-749.3, provided provisions of the federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;
2. Motorcycle or autocycle, unless such autocycle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency;
3. Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or approved by the federal government;
4. Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730;
5. Vehicle for which no testing standards have been adopted by the Board; or
6. (Contingent effective date) Vehicle manufactured for the current model year or any of the three immediately preceding model years unless identified by the remote sensing program as violating the emissions standards established for that program.

## CHAPTER 96

*An Act to amend and reenact § 58.1-3523 of the Code of Virginia, relating to tangible personal property tax relief for autocycles.*

[S 1219]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3523 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3523. Definitions.**

As used in this chapter:

"Commissioner of the revenue" means the same as that set forth in § 58.1-3100. For purposes of this chapter, in a county or city which does not have an elected commissioner of the revenue, "commissioner of the revenue" means the officer who is primarily responsible for assessing motor vehicles for the purposes of tangible personal property taxation.

"Department" means the Department of Motor Vehicles.

"Effective tax rate" means the tax rate imposed by a locality on tangible personal property multiplied by any assessment ratio in effect.

"Leased" means leased by a natural person as lessee and used for nonbusiness purposes.

"Privately owned" means owned by a natural person and used for nonbusiness purposes.

"Qualifying vehicle" means any passenger car, motorcycle, *autocycle*, and pickup or panel truck, as those terms are defined in § 46.2-100, that is determined by the commissioner of the revenue of the county or city in which the vehicle has situs as provided by § 58.1-3511 to be (i) privately owned; (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle; or (iii) held in a private trust for nonbusiness purposes. In determining whether a vehicle is a qualifying vehicle, the commissioner of revenue must rely on the registration of such vehicle with the Department pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or, for leased vehicles, the information of the Department pursuant to subsections B and C of § 46.2-623, unless the commissioner of the revenue has information that the Department's information is incorrect, or to the extent that the Department's information is incomplete. For purposes of this chapter, all-terrain vehicles and off-road motorcycles titled with the Department of Motor Vehicles and mopeds shall not be deemed qualifying vehicles.

"Tangible personal property tax" means the tax levied pursuant to Article 1 (§ 58.1-3500 et seq.) of Chapter 35 of Title 58.1.

"Tax year" means the 12-month period beginning in the calendar year for which tangible personal property taxes are imposed.

"Treasurer" means the same as that set forth in § 58.1-3123, when used herein with respect to a county or city. When used herein with respect to a town, "treasurer" means the officer who is primarily responsible for the billing and collection of tangible personal property taxes levied upon motor vehicles by such town, and means the treasurer of the county or counties in which such town is located if such functions are performed for the town by the county treasurer or treasurers.

"Used for nonbusiness purposes" means the preponderance of use is for other than business purposes. The preponderance of use for other than business purposes shall be deemed not to be satisfied if: (i) the motor vehicle is expensed on the taxpayer's federal income tax return pursuant to Internal Revenue Code § 179; (ii) more than 50 percent of the basis for depreciation of the motor vehicle is depreciated for federal income tax purposes; or (iii) the allowable expense of total annual mileage in excess of 50 percent is deductible for federal income tax purposes or reimbursed pursuant to an arrangement between an employer and employee.

"Value" means the fair market value determined by the method prescribed in § 58.1-3503 and used by the locality in valuing the qualifying vehicle.

**2. That the provisions of this act shall become effective for "tax years," as such term is defined in § 58.1-3523 of the Code of Virginia, beginning on or after January 1, 2016.**

### CHAPTER 97

*An Act to amend and reenact § 44-146.18 of the Code of Virginia, relating to Department of Emergency Management; electromagnetic pulses and geomagnetic disturbances.*

[S 1238]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 44-146.18 of the Code of Virginia is amended and reenacted as follows:**

**§ 44-146.18. Department of Emergency Services continued as Department of Emergency Management; administration and operational control; coordinator and other personnel; powers and duties.**

A. The State Office of Emergency Services is continued and shall hereafter be known as the Department of Emergency Management. Wherever the words "State Department of Emergency Services" are used in any law of the Commonwealth, they shall mean the Department of Emergency Management. During a declared emergency this Department shall revert to the operational control of the Governor. The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the Governor and also serve as State Emergency Planning Director. The Department shall employ the professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

B. The ~~State~~ Department of Emergency Management shall in the administration of emergency services and disaster preparedness programs:

1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth has up-to-date assessments and preparedness plans to prevent, respond to and recover from all disasters including acts of terrorism;

2. Conduct a statewide emergency management assessment in cooperation with political subdivisions, private industry and other public and private entities deemed vital to preparedness, public safety and security. The assessment shall include a review of emergency response plans, which include the variety of hazards, natural and man-made. The assessment shall be updated annually;

3. Submit to the Governor and to the General Assembly, no later than the first day of each regular session of the General Assembly, an annual executive summary and report on the status of emergency management response plans throughout the Commonwealth and other measures taken or recommended to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made available to the Division of Legislative Automated Systems for the processing of legislative documents and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of § 2.2-3705.2 shall not be disclosed unless:

a. It is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act;

b. The agency holding the record is served with a proper judicial order; or

c. The agency holding the record has obtained written consent to release the information from the ~~State~~ Department of Emergency Management;

4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness, response and recovery programs;

5. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery operations that assigns primary and support responsibilities for basic emergency services functions to state agencies, organizations and personnel as appropriate;

6. Coordinate and administer disaster mitigation, preparedness, response and recovery plans and programs with the proponent federal, state and local government agencies and related groups;

7. Provide guidance and assistance to state agencies and units of local government in developing and maintaining emergency management and continuity of operations (COOP) programs, plans and systems;

8. Make necessary recommendations to agencies of the federal, state, or local governments on preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

9. Determine requirements of the Commonwealth and its political subdivisions for those necessities needed in the event of a declared emergency which are not otherwise readily available;

10. Assist state agencies and political subdivisions in establishing and operating training programs and programs of public information and education regarding emergency services and disaster preparedness activities;

11. Consult with the Board of Education regarding the development and revision of a model school crisis and emergency management plan for the purpose of assisting public schools in establishing, operating, and maintaining emergency services and disaster preparedness activities;

12. Consult with the State Council of Higher Education in the development and revision of a model institutional crisis and emergency management plan for the purpose of assisting public and private two-year and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities and, as needed, in developing an institutional crisis and emergency management plan pursuant to § 23-9.2:9;

13. Develop standards, provide guidance and encourage the maintenance of local and state agency emergency operations plans, which shall include the requirement for a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies;

14. Prepare, maintain, coordinate or implement emergency resource management plans and programs with federal, state and local government agencies and related groups, and make such surveys of industries, resources, and facilities within the Commonwealth, both public and private, as are necessary to carry out the purposes of this chapter;

15. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation, preparation, response, and recovery;

16. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as authorized by the Governor;

17. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency services intelligence pertaining to all probable hazards affecting the Commonwealth;

18. Coordinate intelligence activities relating to terrorism with the Department of State Police; and

19. Develop an emergency response plan to address the needs of individuals with household pets and service animals in the event of a disaster and assist and coordinate with local agencies in developing an emergency response plan for household pets and service animals.

*The Department of Emergency Management shall ensure that all such plans, assessments, and programs required by this subsection include specific preparedness for, and response to, disasters resulting from electromagnetic pulses and geomagnetic disturbances.*

C. The ~~State~~ Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

3. Providing an adequate communications and warning system capable of notifying all political subdivisions in the Commonwealth of an impending disaster within a reasonable time;

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies;

7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure orderly and timely response to and recovery from disaster effects.

D. The ~~State~~ Department of Emergency Management shall be provided the necessary facilities and equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of the various federal, state, and other agencies during a state of emergency declaration by the Governor or following a major disaster declaration by the President.

E. The ~~State~~ Department of Emergency Management is authorized to enter into all contracts and agreements necessary or incidental to performance of any of its duties stated in this section or otherwise assigned to it by law, including contracts with the United States, other states, agencies and government subdivisions of the Commonwealth, and other appropriate public and private entities.

F. The ~~State~~ Department of Emergency Management shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management on or before April 1 of each year, to facilitate overall Commonwealth preparedness. For the purposes of this section, "private industry" means companies, private hospitals, and other businesses or organizations deemed by the State Coordinator of Emergency Management to be essential to the public safety and well-being of the citizens of the Commonwealth.

## CHAPTER 98

*An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax.*

[S 1240]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3819. Transient occupancy tax.**

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, *Bland*

County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Grayson County, Greene County, Greenville County, Halifax County, Highland County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, *Russell County*, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism, or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, *mutatis mutandis*.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

## CHAPTER 99

*An Act to amend and reenact §§ 53.1-10 and 53.1-31.1 of the Code of Virginia, relating to Department of Corrections; interstate transportation of prisoners.*

[S 1258]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-10 and 53.1-31.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 53.1-10. Powers and duties of Director.**

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8. Such system shall include, as applicable, elementary, secondary, post-secondary, career and technical education, adult, and special education schools.
  - a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.
  - b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.
  - c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. *Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each state to retain authority over its prisoners while in the other state.*

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record; and

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General.

#### **§ 53.1-31.1. Transportation of prisoners.**

A. Notwithstanding any other provision of law, the Department shall provide all transportation to and from court for any prisoner in connection with a crime committed within a state correctional facility, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.), unless the affected sheriff and the Department agree on other transportation. Auxiliary police forces established under § 15.2-1731 who have met the training requirements of § 9.1-102, with the concurrence of the sheriff or other chief law-enforcement officer as appropriate, are specifically authorized to provide such transportation.

*B. Authorized corrections personnel from any other state, the United States, and any political subdivisions thereof who transport a prisoner through the Commonwealth, deliver a prisoner to the Commonwealth, or take custody of a prisoner in the Commonwealth for transport to another jurisdiction are deemed to have lawful custody of such prisoner while in the Commonwealth.*

*C. Authorized Virginia corrections personnel who have a need to travel with a prisoner through or to another state are authorized to travel through such state and retain authority over such prisoner as allowed by such state.*

## CHAPTER 100

*An Act to amend and reenact §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia, relating to acquisition of battlefield properties.*

[S 1306]

Approved March 10, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 10.1-2200. Definitions.**

As used in this subtitle, unless the context requires a different meaning:

*"Battlefield property" means any real property in the Commonwealth that is listed in the Report on the Nation's Civil War Battlefields by the Civil War Sites Advisory Commission (Civil War Sites Advisory Commission/National Park Service, 1993, as amended); the Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States by the American Battlefield Protection Program of the National Park Service (U.S. Department of the Interior/National Park Service, 2007, as amended or superseded); or the Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields, Commonwealth of Virginia, by the American Battlefield Protection Program (U.S. Department of the Interior/National Park Service, 2009, as amended or superseded).*

*"Board" means the Board of Historic Resources.*

*"Department" means the Department of Historic Resources.*

*"Director" means the Director of the Department of Historic Resources.*

##### **§ 10.1-2202. Powers and duties of the Director.**

In addition to the powers and duties conferred upon the Director elsewhere and in order to encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources; in order to establish and maintain a permanent record of those resources; and in order to foster a greater appreciation of these resources among the citizens of the Commonwealth, the Director shall have the following powers and duties which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
3. To apply for and accept bequests, grants and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. The Director shall have the authority to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
4. To perform acts necessary or convenient to carry out the duties conferred by law;
5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks;
6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects, and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible remains of the Commonwealth's cultural, political, economic, military, or social history;
7. To publish lists of properties, including buildings, structures, districts, objects, and sites, designated as landmarks by the Board, to inspect designated properties from time to time, and periodically publish a complete register of designated properties setting forth appropriate information concerning those properties;
8. With the consent of the landowners, to provide appropriately designed markers for designated buildings, structures, districts, objects and sites;
9. To acquire and to administer *battlefield properties* and designated landmarks, or easements or interests therein;
10. To aid and to encourage counties, cities and towns to establish historic zoning districts for designated landmarks and to adopt regulations for the preservation of historical, architectural, archaeological, or cultural values;
11. To provide technical advice and assistance to individuals, groups and governments conducting historic preservation programs and regularly to seek advice from the same on the effectiveness of Department programs;

12. To prepare and place, in cooperation with the Department of Transportation, highway historical markers approved by the Board of Historic Resources on or along the highway or street closest to the location which is intended to be identified by the marker;

13. To develop a procedure for the certification of historic districts and structures within the historic districts for federal income tax purposes;

14. To aid and to encourage counties, cities, and towns in the establishment of educational programs and materials for school use on the importance of Virginia's historic, architectural, archaeological, and cultural resources;

15. To conduct a program of archaeological research with the assistance of the State Archaeologist which includes excavation of significant sites, acquisition and maintenance of artifact collections for the purposes of study and display, and dissemination of data and information derived from the study of sites and collections;

16. To manage and administer the Historic Resources Fund as provided in § 10.1-2202.1; and

17. [Expired.]

**§ 10.1-2204. Duties of Board of Historic Resources.**

A. The Board of Historic Resources shall:

1. Designate historic landmarks, including buildings, structures, districts, objects and sites which constitute the principal historical, architectural, archaeological, and cultural resources which are of local, statewide or national significance and withdraw designation either upon a determination by the Board that the property has failed to retain those characteristics for which it was designated or upon presentation of new or additional information proving to the satisfaction of the Board that the designation had been based on error of fact;

2. Establish and endorse appropriate historic preservation practices for the care and management of designated landmarks;

3. Approve the proposed text and authorize the manufacture of highway historical markers;

4. Acquire by purchase or gift *battlefield properties* and designated landmarks, or easements or interests therein;

5. Review the programs and services of the Department of Historic Resources, including annual plans and make recommendations to the Director and the Governor concerning the effectiveness of those programs and services;

6. In cooperation with the Department, and through public lectures, writings, and other educational activities, promote awareness of the importance of historic resources and the benefits of their preservation and use; and

7. Apply for gifts, grants and bequests for deposit in the Historic Resources Fund to promote the missions of the Board and the Department.

B. For the purposes of this chapter, designation by the Board of Historic Resources shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and cultural significance into account in their planning, the local government comprehensive plan, and their decision making. Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

## CHAPTER 101

*An Act to amend and reenact §§ 53.1-133.02 and 53.1-160 of the Code of Virginia, relating to notice to be given to victim upon prisoner transfer.*

[S 1311]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-133.02 and 53.1-160 of the Code of Virginia are amended and reenacted as follows:**

**§ 53.1-133.02. Notice to be given upon prisoner release, escape, etc.**

Prior to the release, including work release, or discharge of any prisoner, ~~or and as soon as practicable following his transfer to a prison, a different jail facility, or any other correctional or detention facility, or upon his escape, or the change of his name, the sheriff or superintendent who has custody of the prisoner shall give notice of any such occurrence, delivered by first-class mail or by telephone or both, to any victim of the offense as defined in § 19.2-11.01 who, in writing, requests notice or to any person designated in writing by the victim. The notice shall be given at least fifteen 15 days prior to release or transfer, or discharge and as soon as practicable following a transfer, an escape, or a change of name. Notice shall be given using the address and telephone number provided in writing by the victim. For the purposes of this section, "prisoner" means a person sentenced to serve more than thirty 30 days of incarceration or detention. Such notification may be provided through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.~~

No civil liability shall attach for a failure to give notice as provided in this section.

**§ 53.1-160. Notice to be given upon prisoner release, escape, etc.**

A. Prior to the release or discharge of any prisoner, the Department shall have notice of the release or discharge delivered by first-class mail or by electronic means to the court that committed the person to the Department of Corrections and to the sheriff, chief of police, and attorney for the Commonwealth (i) of the jurisdiction in which the offense occurred,

(ii) of the jurisdiction in which the person resided prior to conviction, and (iii), if different from clauses (i) and (ii), of the jurisdiction in which the person intends to reside subsequent to being released or discharged. Such notice shall include, but not be limited to, identification of the specific offense or offenses for which the prisoner had been sentenced, the term or terms of imprisonment imposed, and the date the prisoner was committed to the Department of Corrections.

The Department shall (a) have notice of the release or discharge of any prisoner, ~~or of his transfer to a jail facility, a different prison facility, or any other correctional or detention facility,~~ delivered by first-class mail 15 days prior to any such occurrence, or by telephone if notice by first-class mail cannot be delivered 15 days prior to the occurrence; (b) *give notice as soon as practicable following the transfer of any prisoner to a jail facility, a different prison facility, or any other correctional or detention facility by first-class mail or telephone;* (c) give notice as soon as practicable by telephone upon the escape of a prisoner; and ~~(e)~~ (d) give notice *as soon as practicable* by first-class mail upon the change of a prisoner's name, to any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was incarcerated or to any person designated in writing by the victim. Notice shall be given using the address and telephone number provided by the victim. For the purposes of this section, "prisoner" means a person sentenced to serve more than 30 days of incarceration or detention.

B. Fifteen days prior to the release of any prisoner to an authorized work release program or release to attend a business, educational or other related community program, the Department shall give notice to (i) the attorney for the Commonwealth, (ii) the chief law-enforcement officer of the jurisdiction in which the work on release will be performed or attendance at an authorized program will be permitted, and (iii) any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was incarcerated or any person designated in writing by the victim at the address or phone number provided by the victim.

Every notice to the attorney for the Commonwealth or to the chief law-enforcement officer shall include the name, address, and criminal history of the participating prisoner, and other information upon request. The transmission of information shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Notification under this section may be provided to a victim as defined in § 19.2-11.01 through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

No civil liability shall attach for the failure to give notice as provided in this section.

## CHAPTER 102

*An Act to amend the Code of Virginia by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2, relating to transfer of incarcerated persons to Immigration and Customs Enforcement.*

[S 1361]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2 as follows:**

**§ 53.1-220.2. *Transfer of certain incarcerated persons to Immigration and Customs Enforcement.***

*The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated may, upon receipt of a detainer from U.S. Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs Enforcement no more than five days prior to the date that he would otherwise be released from custody. Upon transfer of custody, notwithstanding any other provision of law, the alien shall receive credit for the number of days remaining before he would otherwise have been released.*

## CHAPTER 103

*An Act to amend and reenact §§ 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia, relating to coal mine safety.*

[S 1366]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia are amended and reenacted as follows:**

**§ 45.1-161.174. *Checking system; tracking system.***

- A. Each mine shall have a personnel checking system containing the following:
1. Every person underground shall have on his person means of positive identification bearing a number recorded by the operator;
  2. An accurate record of the persons in the mine shall be kept on the surface in a place that will not be affected by an explosion;
  3. The record shall consist of a written record, check board, lamp check, or time-clock record; and

4. The record shall bear a number identical to that carried by the person underground.

*B. Mine-wide tracking systems shall be maintained in useable and operative conditions.*

**§ 45.1-161.193. Electric equipment.**

A. Electric equipment taken into or used in by the last open crosscut or in other than intake air shall be permissible equipment.

B. Permissible equipment used in areas specified in subsection A shall be maintained in permissible condition.

C. Electric equipment shall not be taken into or operated in any place where a methane level of one percent or more is detected.

D. Voltage limitations for underground installations of electric equipment using direct or alternating current shall conform to the voltages provided in 30 C.F.R. § 18.47.

E. Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

F. Electric conductors and cables installed in or by the last open crosscut, or within 150 feet of pillar workings or longwall faces, shall be:

1. Shielded high-voltage cables supplying power to permissible longwall and other equipment;
2. Interconnecting conductors and cables of permissible longwall equipment;
3. Conductors and cables of intrinsically safe circuits; or
4. Cables and conductors supplying power to low and medium voltage permissible equipment.

*G. Electric equipment shall be maintained in safe operating condition at all times while it is being used, and any unsafe condition shall be corrected promptly or the equipment shall be removed from service.*

**§ 45.1-161.200. Firefighting equipment; fire prevention.**

A. Each mine shall be provided with suitable ~~fire-fighting~~ firefighting equipment, adequate for the size of the mine.

B. The following equipment, at a minimum, shall be immediately available at each mine:

1. A water car filled with water and provided with hose and pump, or waterlines and necessary hoses;
2. At least three 20-pound dry chemical fire extinguishers;
3. Ten 50-pound bags of rock dust, available at doors or other strategic places;
4. Bolt cutters which may be used to cut trolley wire in an emergency;
5. One pair of rubber gloves to be used with bolt cutters when cutting trolley wire;
6. Two sledge hammers; and
7. Five hundred square feet of brattice cloth, nails and hammer.

C. Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station, such as substations, transformer stations and permanent pump stations, so as to be out of the smoke in case of a fire in the station.

D. Suitable fire extinguishers shall be provided at all (i) electrical stations, such as substations, transformer stations, and permanent pump stations; (ii) self-propelled mobile equipment; (iii) belt heads and at the inby end of belts; (iv) areas used for the storage of flammable materials; (v) fueling stations; and (vi) other areas that may constitute a fire hazard, so as to be on the fresh air side in case of a fire.

E. All ~~fire-fighting~~ firefighting equipment and fire sensor systems shall be maintained in a useable and operative condition. Chemical extinguishers shall be examined every six months and the date of the examination shall be indicated on a tag attached to the extinguishers.

F. A sufficient number of approved one-hour self-contained self-rescuers shall be readily available, not more than 100 feet away, for the persons involved in the moving or transporting of any unit of off-track mining equipment.

**§ 45.1-161.249. Duties of mine foreman.**

A. The mine foreman shall see that the requirements of this Act that pertain to his duties and to the health and safety of the miners are fully complied with at all times.

B. The mine foreman shall see that every miner employed to work in such mine before beginning work therein, is aware of all hazardous conditions incident to his work in such mine. ~~The mine foreman shall also see that every miner employed in such mine shall be furnished with copies of this Act and the printed rules pertaining to such mine.~~ Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

**§ 45.1-161.258. Areas with safety or health hazards; duties of surface mine foreman.**

A. Any hazardous condition shall be corrected promptly or the affected area shall be barricaded or posted with warning signs specifying the hazard and proper safety procedures. Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

*B. The surface mine foreman shall see that the requirements of this Act pertaining to his duties and to the health and safety of the miners are fully complied with at all times.*

*C. The surface mine foreman shall see that every miner employed to work at the mine, before beginning work therein, is aware of all hazardous conditions incident to his work at the mine.*

## CHAPTER 104

*An Act to amend and reenact §§ 62.1-44.3, 62.1-44.16, and 62.1-44.19:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-44.16:1, relating to fees for the land application of industrial wastes.*

[S 1413]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-44.3, 62.1-44.16, and 62.1-44.19:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-44.16:1 as follows:**

**§ 62.1-44.3. Definitions.**

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Certificate" means any certificate issued by the Board.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under § 62.1-44.15 (10).

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to § 62.1-44.15 (7).

"Ruling" means a ruling issued under § 62.1-44.15 (9).

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

#### **§ 62.1-44.16. Industrial wastes.**

(+) A. Any owner who erects, constructs, opens, reopens, expands or employs new processes in or operates any establishment from which there is a potential or actual discharge of industrial wastes or other wastes to state waters shall first provide facilities approved by the Board for the treatment or control of such industrial wastes or other wastes.

Application for such discharge shall be made to the Board and shall be accompanied by pertinent plans, specifications, maps, and such other relevant information as may be required, in scope and details satisfactory to the Board.

(+) 1. Public notice of every such application shall be given by notice published once a week for two successive weeks in a newspaper of general circulation in the county or city where the certificate is applied for or by such other means as the Board may prescribe.

(+) 2. The Board shall review the application and the information that accompanies it as soon as practicable and making a ruling within a period of four months from the date the application is filed with the Board approving or disapproving the application and stating the grounds for conditional approval or disapproval. If the application is approved, the Board shall grant a certificate for the discharge of the industrial wastes or other wastes into state waters or for the other alteration of the physical, chemical or biological properties of state waters, as the case may be. If the application is disapproved, the Board shall notify the owner as to what measures, if any, the owner may take to secure approval.

(-) (+) B. Any owner operating under a valid certificate issued by the Board who fails to meet water quality standards established by the Board solely as a result of a change in water quality standards or in the law shall provide the necessary facilities approved by the Board within a reasonable time to meet such new requirements; provided, however, that such facilities shall be reasonable and practicable of attainment giving consideration to the public interest and the equities of the case. The Board may amend such certificate, or revoke it and issue a new one to reflect such facilities after proper hearing, with at least thirty days' notice to the owner of the time, place and purpose thereof. If such revocation or amendment of a certificate is mutually agreeable to the Board and the owner involved, the hearing and notice may be dispensed with.

(+) C. The Board shall revoke the certificate in case of a failure to comply with all such requirements and may issue a special order under subdivisions (8a), (8b), and (8c) of § 62.1-44.15 (8).

*D. Any locality may adopt an ordinance that provides for the testing and monitoring of the land application of solid or semisolid industrial wastes within its political boundaries to ensure compliance with applicable laws and regulations.*

*E. The Board shall adopt regulations requiring the payment of a fee for the land application of solid or semisolid industrial wastes, pursuant to permits issued under this section, in localities that have adopted ordinances in accordance*

with subsection D. The person land applying industrial wastes shall (i) provide advance notice of the estimated fee to the generator of the industrial wastes unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department of Environmental Quality as provided by regulation. The fee shall be imposed on each dry ton of solid or semisolid industrial wastes that is land applied in a locality in accordance with the regulations adopted by the Board. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department of Environmental Quality;
2. The deposit of collected fees into the Sludge Management Fund established by subsection G of § 62.1-44.19:3; and
3. Disbursement of proceeds from the Sludge Management Fund by the Department of Environmental Quality pursuant to subsection G of § 62.1-44.19:3.

F. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of industrial wastes. The program shall include, at a minimum, instruction in (i) the provisions of the Virginia Pollution Abatement Permit Regulation; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of industrial wastes that are land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G of § 62.1-44.19:3. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of solid or semisolid industrial wastes performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to subsection G of § 62.1-44.19:3; and
2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

**§ 62.1-44.16:1. Local enforcement of industrial waste permits.**

A. Any locality that has adopted an ordinance for the testing and monitoring of the land application of industrial wastes pursuant to § 62.1-44.16 shall have the authority to order the abatement of any violation of § 62.1-44.16 or of any violation of any permit or certificate issued under that section. Such abatement order shall identify the activity constituting the violation, specify the provision of the Code of Virginia or permit condition violated by the activity, and order that the activity cease immediately.

B. In the event of any dispute concerning the existence of a violation, the activity alleged to be in violation shall be halted pending a determination by the Director, whose decision shall be final and binding unless reversed on judicial appeal pursuant to § 2.2-4026. Any person who fails or refuses to halt such activity may be compelled to do so by injunction issued by a court having competent jurisdiction. Upon determination by the Director that there has been a violation of § 62.1-44.16 or of any permit or certificate issued under that section and that such violation poses an imminent threat to public health, safety, or welfare, the Department shall commence appropriate action to abate the violation and immediately notify the chief administrative officer of any locality potentially affected by the violation. Neither the Board, the Commonwealth, nor any employee of the Commonwealth shall be liable for failing to provide the notification required by this section.

C. Local governments shall promptly notify the Department of all results from the testing and monitoring of the land application of industrial wastes performed by persons employed by local governments and any violation of § 62.1-44.16 or of any violation of any permit or certificate issued under that section, discovered by local governments.

**§ 62.1-44.19:3. Prohibition on land application, marketing and distribution of sewage sludge without permit; ordinances; notice requirement; fees.**

A. 1. No owner of a sewage treatment works shall land apply, market or distribute sewage sludge from such treatment works except in compliance with a valid Virginia Pollutant Discharge Elimination System Permit or valid Virginia Pollution Abatement Permit.

2. Sewage sludge shall be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. No person shall alter the composition of sewage sludge at a site approved for land application of sewage sludge under a Virginia Pollution Abatement Permit or a Virginia Pollutant Discharge Elimination System. Any person who engages in the alteration of such sewage sludge shall be subject to the penalties provided in Article 6 (§ 62.1-44.31 et seq.) of this chapter. The addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition of sewage sludge. The Department may authorize public institutions of higher education to conduct scientific research on the composition of sewage sludge that may be applied to land.

3. No person shall contract or propose to contract, with the owner of a sewage treatment works, to land apply, market or distribute sewage sludge in the Commonwealth, nor shall any person land apply, market or distribute sewage sludge in the Commonwealth without a current Virginia Pollution Abatement Permit authorizing land application, marketing or distribution of sewage sludge and specifying the location or locations, and the terms and conditions of such land application, marketing or distribution. The permit application shall not be complete unless it includes the landowner's written consent to apply sewage sludge on his property.

4. The land disposal of lime-stabilized septage and unstabilized septage is prohibited.

5. Beginning July 1, 2007, no application for a permit or variance to authorize the storage of sewage sludge shall be complete unless it contains certification from the governing body of the locality in which the sewage sludge is to be stored that the storage site is consistent with all applicable ordinances. The governing body shall confirm or deny consistency within 30 days of receiving a request for certification. If the governing body does not so respond, the site shall be deemed consistent.

B. The Board, with the assistance of the Department of Conservation and Recreation and the Department of Health, shall adopt regulations to ensure that (i) sewage sludge permitted for land application, marketing, or distribution is properly treated or stabilized; (ii) land application, marketing, and distribution of sewage sludge is performed in a manner that will protect public health and the environment; and (iii) the escape, flow or discharge of sewage sludge into state waters, in a manner that would cause pollution of state waters, as those terms are defined in § 62.1-44.3, shall be prevented.

C. Regulations adopted by the Board, with the assistance of the Department of Conservation and Recreation and the Department of Health pursuant to subsection B, shall include:

1. Requirements and procedures for the issuance and amendment of permits, including general permits, authorizing the land application, marketing or distribution of sewage sludge;

2. Procedures for amending land application permits to include additional application sites and sewage sludge types;

3. Standards for treatment or stabilization of sewage sludge prior to land application, marketing or distribution;

4. Requirements for determining the suitability of land application sites and facilities used in land application, marketing or distribution of sewage sludge;

5. Required procedures for land application, marketing, and distribution of sewage sludge;

6. Requirements for sampling, analysis, recordkeeping, and reporting in connection with land application, marketing, and distribution of sewage sludge;

7. Provisions for notification of local governing bodies to ensure compliance with §§ 62.1-44.15:3 and 62.1-44.19:3.4;

8. Requirements for site-specific nutrient management plans, which shall be developed by persons certified in accordance with § 10.1-104.2 prior to land application for all sites where sewage sludge is land applied, and approved by the Department of Conservation and Recreation prior to permit issuance under specific conditions, including but not limited to, sites operated by an owner or lessee of a Confined Animal Feeding Operation, as defined in subsection A of § 62.1-44.17:1, or Confined Poultry Feeding Operation, as defined in § 62.1-44.17:1.1, sites where the permit authorizes land application more frequently than once every three years at greater than 50 percent of the annual agronomic rate, and other sites based on site-specific conditions that increase the risk that land application may adversely impact state waters;

9. Procedures for the prompt investigation and disposition of complaints concerning land application of sewage sludge, including the requirements that (i) holders of permits issued under this section shall report all complaints received by them to the Department and to the local governing body of the jurisdiction in which the complaint originates, and (ii) localities receiving complaints concerning land application of sewage sludge shall notify the Department and the permit holder. The Department shall maintain a searchable electronic database of complaints received during the current and preceding calendar year, which shall include information detailing each complaint and how it was resolved; and

10. Procedures for receiving and responding to public comments on applications for permits and for permit amendments authorizing land application at additional sites. Such procedures shall provide that an application for any permit amendments to increase the acreage authorized by the initial permit by 50 percent or more shall be treated as a new application for purposes of public notice and public hearings.

D. Prior to issuance of a permit authorizing the land application, marketing or distribution of sewage sludge, the Department shall consult with, and give full consideration to the written recommendations of the Department of Health and the Department of Conservation and Recreation. Such consultation shall include any public health risks or water quality impacts associated with the permitted activity. The Department of Health and the Department of Conservation and Recreation may submit written comments on proposed permits within 30 days after notification by the Department.

E. Where, because of site-specific conditions, including soil type, identified during the permit application review process, the Department determines that special requirements are necessary to protect the environment or the health, safety or welfare of persons residing in the vicinity of a proposed land application site, the Department may incorporate in the permit at the time it is issued reasonable special conditions regarding buffering, transportation routes, slope, material source, methods of handling and application, and time of day restrictions exceeding those required by the regulations adopted under this section. Before incorporating any such conditions into the permit, the Department shall provide written notice to the permit applicant, specifying the reasons therefor and identifying the site-specific conditions justifying the additional requirements. The Department shall incorporate into the notice any written requests or recommendations concerning such site-specific conditions submitted by the local governing body where the land application is to take place. The permit applicant shall have at least 14 days in which to review and respond to the proposed conditions.

F. The Board shall adopt regulations prescribing a fee to be charged to all permit holders and persons applying for permits and permit modifications pursuant to this section. All fees collected pursuant to this subsection shall be deposited into the Sludge Management Fund. The fee for the initial issuance of a permit shall be \$5,000. The fee for the reissuance, amendment, or modification of a permit for an existing site shall not exceed \$1,000 and shall be charged only for permit actions initiated by the permit holder. Fees collected under this section shall be exempt from statewide indirect costs charged and collected by the Department of Accounts and shall not supplant or reduce the general fund appropriation to the Department.

G. There is hereby established in the treasury a special fund to be known as the Sludge Management Fund, hereinafter referred to as the Fund. The fees required by this section *and by subsection E of § 62.1-44.16* shall be transmitted to the Comptroller to be deposited into the Fund. The income and principal of the Fund shall be used only and exclusively (i) for the Department's direct and indirect costs associated with the processing of an application to issue, reissue, amend, or modify any permit to land apply, distribute, or market sewage sludge, *or industrial wastes*, the administration and management of the Department's sewage sludge *and industrial wastes* land application ~~program programs~~, including ~~but not limited to~~, monitoring and inspecting, *and* the Department of Conservation and Recreation's costs for implementation of the sewage sludge application program; and (ii) to reimburse localities with duly adopted ordinances providing for the testing and monitoring of the land application of sewage sludge *or solid or semisolid industrial wastes*. The State Treasurer shall be the custodian of the moneys deposited in the Fund. No part of the Fund, either principal or interest earned thereon, shall revert to the general fund of the state treasury.

H. All persons holding or applying for a permit authorizing the land application of sewage sludge shall provide to the Board written evidence of financial responsibility, which shall be available to pay claims for cleanup costs, personal injury, and property damages resulting from the transportation, storage or land application of sewage sludge. The Board shall, by regulation, establish and prescribe mechanisms for meeting the financial responsibility requirements of this section.

I. Any county, city or town may adopt an ordinance that provides for the testing and monitoring of the land application of sewage sludge within its political boundaries to ensure compliance with applicable laws and regulations.

J. The Department, upon the timely request of any individual to test the sewage sludge at a specific site, shall collect samples of the sewage sludge at the site prior to the land application and submit such samples to a laboratory. The testing shall include an analysis of the (i) concentration of trace elements, (ii) coliform count, and (iii) pH level. The results of the laboratory analysis shall be (a) furnished to the individual requesting that the test be conducted and (b) reviewed by the Department. The person requesting the test and analysis of the sewage sludge shall pay the costs of sampling, testing, and analysis.

K. At least 100 days prior to commencing land application of sewage sludge at a permitted site, the permit holder shall deliver or cause to be delivered written notification to the chief executive officer or his designee for the local government where the site is located. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. This requirement shall not apply to any application commenced prior to October 10, 2005. If the site is located in more than one county, the notice shall be provided to all jurisdictions where the site is located.

L. The permit holder shall deliver or cause to be delivered written notification to the Department at least 14 days prior to commencing land application of sewage sludge at a permitted site. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site.

M. The Department shall randomly conduct unannounced site inspections while land application of sewage sludge is in progress at a sufficient frequency to determine compliance with the requirements of this section, § 62.1-44.19:3.1, or regulations adopted under those sections.

N. Surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service.

O. The Board shall develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestlands; or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. Such extended buffers may be included by the Department as site specific permit conditions pursuant to subsection E, as an alternative to surface incorporation when necessary to protect odor sensitive receptors as determined by the Department or the local monitor.

P. The Board shall adopt regulations requiring the payment of a fee for the land application of sewage sludge, pursuant to permits issued under this section. The person land applying sewage sludge shall (i) provide advance notice of the estimated fee to the generator of the sewage sludge unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department as provided for by regulation. The fee shall be imposed on each dry ton of sewage sludge that is land applied in the Commonwealth. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department;
2. Deposit of the fees into the Fund; and
3. Disbursement of proceeds by the Department pursuant to subsection G.

Q. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of sewage sludge. The program shall include, at a minimum, instruction in: (i) the provisions of the Virginia Biosolids Use Regulations; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of sewage sludge that is land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of sewage sludge performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to this section; and
2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

R. Localities, as part of their zoning ordinances, may designate or reasonably restrict the storage of sewage sludge based on criteria directly related to the public health, safety, and welfare of its citizens and the environment. Notwithstanding any contrary provision of law, a locality may by ordinance require that a special exception or a special use permit be obtained to begin the storage of sewage sludge on any property in its jurisdiction, including any area that is zoned as an agricultural district or classification. Such ordinances shall not restrict the storage of sewage sludge on a farm as long as such sludge is being stored (i) solely for land application on that farm and (ii) for a period no longer than 45 days. No person shall apply to the State Health Commissioner or the Department of Environmental Quality for a permit, a variance, or a permit modification authorizing such storage without first complying with all requirements adopted pursuant to this subsection.

**2. That the State Water Control Board shall promulgate regulations to implement the provisions of this act to be effective no later than January 1, 2016. The State Water Control Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, except that the Department of Environmental Quality shall utilize a regulatory advisory panel to assist in the development of necessary regulations and shall provide an opportunity for public comment on the regulations prior to adoption.**

**3. That upon the effective date of this act, the fee imposed on each dry ton of solid or semisolid industrial waste that is land applied pursuant to subsection E of § 62.1-44.16 of the Code of Virginia, as created by this act, shall be \$5 until altered, amended, or rescinded by the State Water Control Board.**

## CHAPTER 105

*An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, relating to the right to breastfeed in public places.*

[S 1427]

Approved March 10, 2015

**Be it enacted by the General Assembly of Virginia:**

- 1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, as follows:**

### CHAPTER 17. BREASTFEEDING.

#### **§ 32.1-370. Right to breastfeed.**

*A mother may breastfeed in any place where the mother is lawfully present, including any location where she would otherwise be allowed on property that is owned, leased, or controlled by the Commonwealth in accordance with § 2.2-1147.1.*

## CHAPTER 106

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03, relating to discharge planning; designation of individual to provide care.*

[H 1413]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03 as follows:**

**§ 32.1-137.03. Discharge planning; designation of individual to provide care.**

A. Every hospital (i) shall provide each patient admitted as an inpatient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment, and services that the patient may require and (ii) upon admission, shall record in the patient's medical record the name of the individual designated by the patient, the relationship between the patient and the person, and the person's telephone number and address. If the patient fails or refuses to designate an individual to receive information regarding his discharge plan and any follow-up care, treatment, and services, the hospital shall record the patient's failure or refusal in the patient's medical record. For the purposes of this subsection, "residence" does not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home.

B. A patient may change the designated individual at any time prior to the patient's release, and the hospital shall record in the patient's medical record the name of the designated individual, the relationship between the patient and the person, and the person's telephone number and address, within 24 hours of such change.

C. Prior to discharging a patient who has designated an individual pursuant to subsection A or B, the hospital shall notify the designated individual of the patient's discharge and shall provide the designated individual with a copy of the patient's discharge plan and instructions and information regarding any follow-up care, treatment, or services that the designated individual will provide and consult with the designated individual regarding the designated individual's ability to provide the care, treatment, or services. Such discharge plan shall include (i) the name and contact information of the designated individual; (ii) a description of the follow-up care, treatment, and services that the patient requires; and (iii) information, including contact information, about any health care, long-term care, or other community-based services and supports necessary for the implementation of the patient's discharge plan. A copy of the discharge plan and any instructions or information provided to the designated individual shall be included in the patient's medical record.

D. The hospital shall provide each individual designated pursuant to subsection A or B the opportunity for a demonstration of specific follow-up care tasks that the designated individual will provide to the patient in accordance with the patient's discharge plan prior to the patient's discharge, including opportunity for the designated individual to ask questions regarding the performance of follow-up care tasks. Such opportunity shall be provided in a culturally competent manner and in the designated individual's native language.

E. Designation of an individual pursuant to subsection A or B shall not create any obligation on the part of the designated individual regarding the provision of any follow-up care, treatment, and services that the patient may require.

F. Nothing in this section shall create a private right of action against any hospital, its employees, or its contractors.

G. No hospital or its employees or contractors shall be liable for any civil damages for any injuries resulting from any act of an individual designated pursuant to subsection A or B related to the provision of or failure to provide follow-up care, treatment, or services pursuant to a patient's discharge plan.

H. Nothing in this section shall interfere with an individual acting under a valid health care directive.

I. The Department shall promulgate regulations for the implementation of this section.

## CHAPTER 107

An Act to amend and reenact §§ 32.1-282, 54.1-2952, and 54.1-2957 of the Code of Virginia, relating to appointment of physician assistants and nurse practitioners as medical examiners.

[H 1435]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-282, 54.1-2952, and 54.1-2957 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-282. Medical examiners.**

A. The Chief Medical Examiner shall appoint for each county and city one or more medical examiners, who shall be licensed to practice as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner in the Commonwealth and appointed as agents of the Commonwealth, to assist the Office of the Chief Medical Examiner with medicolegal death investigations. A physician assistant appointed as a medical examiner shall have a practice agreement with and be under the continuous supervision of a physician medical examiner in accordance with § 54.1-2952. A nurse practitioner appointed as a medical examiner shall have a practice agreement with and practice in collaboration with a physician medical examiner in accordance with § 54.1-2957.

B. Each medical examiner appointed pursuant to subsection A shall take office on the first day of October of the year of appointment. The term of each medical examiner so appointed shall be three years.

C. The Chief Medical Examiner shall fill any medical examiner vacancy for the unexpired term and shall make any necessary temporary appointments.

**§ 54.1-2952. Supervision of assistants by licensed physician, or podiatrist; services that may be performed by assistants; responsibility of licensee; employment of assistants.**

A. A physician or a podiatrist licensed under this chapter may apply to the Board to supervise assistants and delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board. The physician shall provide continuous supervision as required by this section; however, the requirement for physician supervision of assistants shall not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by assistants. Each team of supervising physician and physician assistant shall identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance.

*Physician assistants appointed as medical examiners pursuant to § 32.1-282 shall be under the continuous supervision of a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282.*

No licensee shall be allowed to supervise more than six assistants at any one time.

Any professional corporation or partnership of any licensee, any hospital and any commercial enterprise having medical facilities for its employees which are supervised by one or more physicians or podiatrists may employ one or more assistants in accordance with the provisions of this section.

Activities shall be delegated in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a written practice supervision agreement between the assistant and the supervising health care provider and may include health care services which are educational, diagnostic, therapeutic, preventive, or include treatment, but shall not include the establishment of a final diagnosis or treatment plan for the patient unless set forth in the written practice supervision agreement. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a licensee is authorized to delegate and supervise initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, when performed under the direction, supervision and control of the supervising licensee. When practicing in a hospital, the assistant shall report any acute or significant finding or change in a patient's clinical status to the supervising physician as soon as circumstances require, and shall record such finding in appropriate institutional records. The assistant shall transfer to a supervising physician the direction of care of a patient in an emergency department who has a life-threatening injury or illness. The supervising physician shall review, prior to the patient's discharge, the services rendered to each patient by a physician assistant in a hospital's emergency department. An assistant who is employed to practice in an emergency department shall be under the supervision of a physician present within the facility.

Further, unless otherwise prohibited by federal law or by hospital bylaws, rules, or policies, nothing in this section shall prohibit any physician assistant who is not employed by the emergency physician or his professional entity from practicing in a hospital emergency department, within the scope of his practice, while under continuous physician supervision as required by this section, whether or not the supervising physician is physically present in the facility. The supervising physician who authorizes such practice by his assistant shall (i) retain exclusive supervisory control of and responsibility for the assistant and (ii) be available at all times for consultation with both the assistant and the emergency department physician. Prior to the patient's discharge from the emergency department, the assistant shall communicate the proposed disposition plan for any patient under his care to both his supervising physician and the emergency department physician. No person shall have control of or supervisory responsibility for any physician assistant who is not employed by the person or the person's business entity.

B. No assistant shall perform any delegated acts except at the direction of the licensee and under his supervision and control. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient has signed the practice agreement, pursuant to regulations of the Board, to act as supervising physician for that assistant. Every licensee, professional corporation or partnership of licensees, hospital or commercial enterprise that employs an assistant shall be fully responsible for the acts of the assistant in the care and treatment of human beings.

C. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures consistent with Board regulations, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

**§ 54.1-2957. Licensure and practice of nurse practitioners; practice agreements.**

A. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It shall be unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

B. A nurse practitioner shall only practice as part of a patient care team. Each member of a patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his usual professional activities. Nurse practitioners practicing as part of a patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. Nurse practitioners who are certified registered nurse anesthetists shall practice under the supervision of a

licensed doctor of medicine, osteopathy, podiatry, or dentistry. *Nurse practitioners appointed as medical examiners pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282.* Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site where health care is delivered in the manner and at the frequency determined by the patient care team.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

C. The Board of Medicine and the Board of Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include a provision for appropriate physician input in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

D. The Boards may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, in the opinion of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth.

E. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

F. As used in this section:

"Collaboration" means the communication and decision-making process among members of a patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments; and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

## CHAPTER 108

*An Act to amend and reenact §§ 2.2-3705.5, 2.2-3711, 2.2-4002, 32.1-283.5, and 63.2-1606 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-283.6, relating to local and regional adult fatality review teams; penalty.*

[H 1558]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3705.5, 2.2-3711, 2.2-4002, 32.1-283.5, and 63.2-1606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-283.6 as follows:**

**§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court

of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be open to inspection and copying as provided in § 2.2-3704. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and records and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this section shall prohibit disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information and records acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent made confidential by § 32.1-283.3; or (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent made confidential by § 32.1-283.6.

10. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

11. Records of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions, to the extent such records may identify any practitioner who may be, or who is actually, impaired to the extent disclosure is prohibited by § 54.1-2517.

12. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5, to the extent such records contain (i) medical or mental health records, or other data identifying individual patients or (ii) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

13. Any record copied, recorded or received by the Commissioner of Health in the course of an examination, investigation or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

14. Records, information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

17. Records of the State Health Commissioner relating to the health of any person or persons subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; this provision shall not, however, be construed to prohibit the disclosure of statistical summaries, abstracts or other information in aggregate form.

18. Records containing the names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, ~~and~~ those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, ~~and~~ those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, *those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.*

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 2.2-4002. Exemptions from chapter generally.**

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.
10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23-9.6:2.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.
16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
18. The Virginia Small Business Financing Authority.
19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

23. (Expires July 1, 2016) The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.

24. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7.

26. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.
2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
3. The location, design, specifications or construction of public buildings or other facilities.
4. Grants of state or federal funds or property.
5. The chartering of corporations.
6. Customary military, militia, naval or police functions.
7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.
8. The conduct of elections or eligibility to vote.
9. Inmates of prisons or other such facilities or parolees therefrom.
10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1 *and any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5.*

18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

**§ 32.1-283.5. Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc.**

A. There is hereby created the Adult Fatality Review Team, referred to in this section as "the Team," which shall develop and implement procedures to ensure that adult deaths occurring in the Commonwealth are analyzed in a systematic way. The Team shall review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth, or who does not reside in the Commonwealth but who is temporarily in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services *or law-enforcement* investigation; (ii) whose death was due to abuse ~~or~~ neglect, *or exploitation* or acts suggesting abuse ~~or~~ neglect, *or exploitation*; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner pursuant to § 32.1-283. The Team shall not initiate an adult death review until the conclusion of any law-enforcement investigation or criminal prosecution. *The operating procedures for the review of adult deaths shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 17 of § 2.2-4002.*

B. The 16-member team shall consist of the following persons or their designees: the Chief Medical Examiner, the Commissioner of Behavioral Health and Developmental Services, the Commissioner for Aging and Rehabilitative Services, the Director of the Office of Licensure and Certification of the Department of Health, and the State Long-Term Care Ombudsman. In addition, the Governor shall appoint one representative from each of the following entities: a licensed funeral services provider, the Medical Society of Virginia, and local departments of social services, emergency medical services, attorneys for the Commonwealth, law-enforcement agencies, nurses specializing in geriatric care, psychiatrists specializing in geriatric care, and long-term care providers. The Team further shall include two members appointed by the Governor who are advocates for elderly or disabled populations in Virginia. The Chief Medical Examiner shall serve as chair of the Team.

After the initial staggering of terms, members appointed by the Governor shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The Chief Medical Examiner and other ex officio members of the Team shall serve terms coincident with their terms of office.

C. Upon the request of the chair of the Team, made after the conclusion of any law-enforcement investigation or prosecution, information and records regarding an adult whose death is being reviewed by the Team shall be inspected and copied by the chair or his designee, including but not limited to any report of the circumstances of the event maintained by any state or local law-enforcement agency or the Office of the Chief Medical Examiner and information or records on the adult maintained by any facility that provided services to the adult, by any social services agency, or by any court. Information, records, or reports maintained by any attorney for the Commonwealth shall be made available for inspection and copying by the chair or his designee pursuant to procedures that shall be developed by the Chief Medical Examiner and the Commonwealth Attorneys Services Council established by § 2.2-2617. In addition, a health care provider shall provide the Team, upon request, with access to the health and mental health records of (i) the adult whose death is subject to review, without authorization; (ii) any adult relative of the deceased, with authorization; and (iii) any minor child of the deceased, with the authorization of the minor's parent or guardian. The chair of the Team also may copy and inspect the presentence report, prepared pursuant to § 19.2-299, of any person convicted of a crime that led to the death of the adult who is the subject of review by the Team.

D. All information obtained or generated by the Team regarding a review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. Such information shall not be subject to subpoena or discovery or be admissible in any civil or criminal proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Team during an adult death review. The Team shall compile all information collected during a review. The findings of the Team may be disclosed or published in statistical or other form, but shall not identify any individuals. *The portions of meetings in which individual adult death cases are discussed by the Team shall be closed pursuant to subdivision A 21 of § 2.2-3711.*

E. All Team members and other persons attending closed Team meetings, including any persons presenting information or records on specific fatalities, shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which the Team reviews a specific death. No Team member or other person who participates in a review shall be required to make any statement regarding the review or any information collected during the review. Upon conclusion of a review, all information and records concerning the victim and the family shall be shredded or otherwise destroyed in order to ensure confidentiality. Violations of this subsection are punishable as a Class 3 misdemeanor.

F. Upon notification of an adult death, any state or local government agency or facility that provided services to the adult or maintained records on the adult or the adult's family shall retain the records for the longer of 12 months or until such time as the Team has completed its review of the case.

G. The Team shall compile an annual report by October 1 of each year that shall be made available to the Governor and the General Assembly. The annual report shall include any policy, regulatory, or budgetary recommendations developed by the Team. Any statistical compilations prepared by the Team shall be public record and shall not contain any personally identifying information.

**§ 32.1-283.6. Local and regional adult fatality review teams established; membership; authority; confidentiality; immunity.**

A. *Upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, community services board, or official with the Adult Protective Services Unit established pursuant to § 51.5-148, local or regional adult fatality review teams may be established for the purpose of conducting contemporaneous reviews of local adult deaths in order to develop interventions and strategies for prevention specific to the locality or region. For the purposes of this section, the team may review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services or law-enforcement investigation; (ii) whose death was due to abuse, neglect, or exploitation or acts suggesting abuse, neglect, or exploitation; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner as occurring in any suspicious, unusual, or unnatural manner, pursuant to § 32.1-283. Each team shall establish rules and procedures to govern the review process. Agencies may share information*

but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. The Office of the Chief Medical Examiner shall develop a model protocol for the development and implementation of local or regional adult fatality review teams and such model protocol shall include relevant procedures for conducting reviews of adult fatalities.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local adult protective services official, a local social services official, a director of the relevant local or district health department, an executive director of the local area agency on aging or other department representing the interests of the elderly or disabled, a chief law-enforcement officer, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, a local judge, and such additional persons as may be appointed to serve by the chair of the local or regional team. The chair shall be elected from among the designated membership. The additional members appointed by the chair may include, but are not restricted to, representatives of local human services agencies, local health care professionals specializing in geriatric care or care of incapacitated adults, local emergency medical services personnel, local long-term care providers, representatives of local advocacy or service organizations for elderly or disabled populations, experts in forensic medicine and pathology, local funeral services providers, local centers for independent living, local long-term care ombudsmen, and representatives of the local bar.

C. Each local or regional team shall establish operating procedures to govern the review process prior to conducting the first adult fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding a review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information and records shall not be subject to subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during the fatality review. No person who participated in the review and no member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form that does not identify any individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in an adult fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to review teams as part of such review shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

**§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.**

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities inspectors of the Department of Health are exempt from reporting suspected abuse immediately while conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the local department or the adult protective services hotline in accordance with requirements of this section by the following persons acting in their professional capacity:

1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the exception of persons licensed by the Board of Veterinary Medicine;
2. Any mental health services provider as defined in § 54.1-2400.1;
3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;
4. Any guardian or conservator of an adult;
5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;
6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but not limited to, companion, chore, homemaker, and personal care workers; and
7. Any law-enforcement officer.

B. The report shall be made in accordance with subsection A to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may, however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional adult fatality review team, shall be subject to ~~all of the Team's~~ applicable confidentiality requirements of the Team or a local or regional adult fatality review team.

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected exploitation to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline. For purposes of this section, financial institution staff means any employee of a bank, savings institution, credit union, securities firm, accounting firm, or insurance company.

D. Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.

E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to the local department or to the adult protective services hotline. Employers whose employees are mandated reporters shall notify employees upon hiring of the requirement to report.

G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be false shall be guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision shall be a Class 2 misdemeanor.

H. Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process Act.

I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. The medical examiner and the law-enforcement agency shall receive the report and determine if an investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or to the adult protective services hotline.

J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge that the same matter has already been reported to the local department or to the adult protective services hotline.

K. All law-enforcement departments and other state and local departments, agencies, authorities and institutions shall cooperate with each adult protective services worker of a local department in the detection, investigation and prevention of adult abuse, neglect and exploitation.

## CHAPTER 109

*An Act to amend and reenact § 54.1-2984 of the Code of Virginia, relating to advance directives; directions about life-prolonging procedures during pregnancy.*

[H 1657]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-2984 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2984. Suggested form of written advance directives.**

An advance directive executed pursuant to this article may, but need not, be in the following form:

**ADVANCE MEDICAL DIRECTIVE**

I, \_\_\_\_\_, willingly and voluntarily make known my wishes in the event that I am incapable of making an informed decision, as follows:

I understand that my advance directive may include the selection of an agent as well as set forth my choices regarding health care. The term "health care" means the furnishing of services to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability, including but not limited to, medications; surgery; blood transfusions; chemotherapy; radiation therapy; admission to a hospital, nursing home, assisted living facility, or other health care facility; psychiatric or other mental health treatment; and life-prolonging procedures and palliative care.

The phrase "incapable of making an informed decision" means unable to understand the nature, extent and probable consequences of a proposed health care decision or unable to make a rational evaluation of the risks and benefits of a proposed health care decision as compared with the risks and benefits of alternatives to that decision, or unable to communicate such understanding in any way.

The determination that I am incapable of making an informed decision shall be made by my attending physician and a capacity reviewer, if certification by a capacity reviewer is required by law, after a personal examination of me and shall be certified in writing. Such certification shall be required before health care is provided, continued, withheld or withdrawn, before any named agent shall be granted authority to make health care decisions on my behalf, and before, or as soon as reasonably practicable after, health care is provided, continued, withheld or withdrawn and every 180 days thereafter while the need for health care continues.

If, at any time, I am determined to be incapable of making an informed decision, I shall be notified, to the extent I am capable of receiving such notice, that such determination has been made before health care is provided, continued, withheld, or withdrawn. Such notice shall also be provided, as soon as practical, to my named agent or person authorized by § 54.1-2986 to make health care decisions on my behalf. If I am later determined to be capable of making an informed decision by a physician, in writing, upon personal examination, any further health care decisions will require my informed consent.

(SELECT ANY OR ALL OF THE OPTIONS BELOW.)

**OPTION I: APPOINTMENT OF AGENT (CROSS THROUGH OPTIONS I AND II BELOW IF YOU DO NOT WANT TO APPOINT AN AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.)**

I hereby appoint \_\_\_\_\_ (primary agent), of \_\_\_\_\_ (address and telephone number), as my agent to make health care decisions on my behalf as authorized in this document. If \_\_\_\_\_ (primary agent) is not reasonably available or is unable or unwilling to act as my agent, then I appoint \_\_\_\_\_ (successor agent), of \_\_\_\_\_ (address and telephone number), to serve in that capacity.

I hereby grant to my agent, named above, full power and authority to make health care decisions on my behalf as described below whenever I have been determined to be incapable of making an informed decision. My agent's authority hereunder is effective as long as I am incapable of making an informed decision.

In exercising the power to make health care decisions on my behalf, my agent shall follow my desires and preferences as stated in this document or as otherwise known to my agent. My agent shall be guided by my medical diagnosis and prognosis and any information provided by my physicians as to the intrusiveness, pain, risks, and side effects associated with treatment or nontreatment. My agent shall not make any decision regarding my health care which he knows, or upon reasonable inquiry ought to know, is contrary to my religious beliefs or my basic values, whether expressed orally or in writing. If my agent cannot determine what health care choice I would have made on my own behalf, then my agent shall make a choice for me based upon what he believes to be in my best interests.

**OPTION II: POWERS OF MY AGENT (CROSS THROUGH ANY LANGUAGE YOU DO NOT WANT AND ADD ANY LANGUAGE YOU DO WANT.)**

The powers of my agent shall include the following:

A. To consent to or refuse or withdraw consent to any type of health care, treatment, surgical procedure, diagnostic procedure, medication and the use of mechanical or other procedures that affect any bodily function, including, but not limited to, artificial respiration, artificially administered nutrition and hydration, and cardiopulmonary resuscitation. This authorization specifically includes the power to consent to the administration of dosages of pain-relieving medication in excess of recommended dosages in an amount sufficient to relieve pain, even if such medication carries the risk of addiction or of inadvertently hastening my death;

B. To request, receive, and review any information, verbal or written, regarding my physical or mental health, including but not limited to, medical and hospital records, and to consent to the disclosure of this information;

C. To employ and discharge my health care providers;

D. To authorize my admission to or discharge (including transfer to another facility) from any hospital, hospice, nursing home, assisted living facility or other medical care facility. If I have authorized admission to a health care facility for treatment of mental illness, that authority is stated elsewhere in this advance directive;

E. To authorize my admission to a health care facility for the treatment of mental illness for no more than 10 calendar days provided I do not protest the admission and a physician on the staff of or designated by the proposed admitting facility examines me and states in writing that I have a mental illness and I am incapable of making an informed decision about my admission, and that I need treatment in the facility; and to authorize my discharge (including transfer to another facility) from the facility;

F. To authorize my admission to a health care facility for the treatment of mental illness for no more than 10 calendar days, even over my protest, if a physician on the staff of or designated by the proposed admitting facility examines me and states in writing that I have a mental illness and I am incapable of making an informed decision about my admission, and that I need treatment in the facility; and to authorize my discharge (including transfer to another facility) from the facility. [My physician or licensed clinical psychologist hereby attests that I am capable of making an informed decision and that I understand the consequences of this provision of my advance directive: \_\_\_\_\_];

G. To authorize the specific types of health care identified in this advance directive [specify cross-reference to other sections of directive] even over my protest. [My physician or licensed clinical psychologist hereby attests that I am capable of making an informed decision and that I understand the consequences of this provision of my advance directive: \_\_\_\_\_];

H. To continue to serve as my agent even in the event that I protest the agent's authority after I have been determined to be incapable of making an informed decision;

I. To authorize my participation in any health care study approved by an institutional review board or research review committee according to applicable federal or state law that offers the prospect of direct therapeutic benefit to me;

J. To authorize my participation in any health care study approved by an institutional review board or research review committee pursuant to applicable federal or state law that aims to increase scientific understanding of any condition that I may have or otherwise to promote human well-being, even though it offers no prospect of direct benefit to me;

K. To make decisions regarding visitation during any time that I am admitted to any health care facility, consistent with the following directions: \_\_\_\_\_; and

L. To take any lawful actions that may be necessary to carry out these decisions, including the granting of releases of liability to medical providers. Further, my agent shall not be liable for the costs of health care pursuant to his authorization, based solely on that authorization.

**OPTION III: HEALTH CARE INSTRUCTIONS**

(CROSS THROUGH PARAGRAPHS A AND/OR B IF YOU DO NOT WANT TO GIVE ADDITIONAL SPECIFIC INSTRUCTIONS ABOUT YOUR HEALTH CARE.)

A. I specifically direct that I receive the following health care if it is medically appropriate under the circumstances as determined by my attending physician: \_\_\_\_\_.

B. I specifically direct that the following health care not be provided to me under the following circumstances (you may specify that certain health care not be provided under any circumstances): \_\_\_\_\_.

**OPTION IV: END OF LIFE INSTRUCTIONS**

(CROSS THROUGH THIS OPTION IF YOU DO NOT WANT TO GIVE INSTRUCTIONS ABOUT YOUR HEALTH CARE IF YOU HAVE A TERMINAL CONDITION.)

If at any time my attending physician should determine that I have a terminal condition where the application of life-prolonging procedures - including artificial respiration, cardiopulmonary resuscitation, artificially administered nutrition, and artificially administered hydration - would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

*OPTION: LIFE-PROLONGING PROCEDURES DURING PREGNANCY. (If you wish to provide additional instructions or modifications to instructions you have already given regarding life-prolonging procedures that will apply if you are pregnant at the time your attending physician determines that you have a terminal condition, you may do so here.)*

*If I am pregnant when my attending physician determines that I have a terminal condition, my decision concerning life-prolonging procedures shall be modified as follows:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OPTION: OTHER DIRECTIONS ABOUT LIFE-PROLONGING PROCEDURES.** (If you wish to provide your own directions, or if you wish to add to the directions you have given above, you may do so here. If you wish to give specific

instructions regarding certain life-prolonging procedures, such as artificial respiration, cardiopulmonary resuscitation, artificially administered nutrition, and artificially administered hydration, this is where you should write them.) I direct that:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

OPTION: My other instructions regarding my care if I have a terminal condition are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

In the absence of my ability to give directions regarding the use of such life-prolonging procedures, it is my intention that this advance directive shall be honored by my family and physician as the final expression of my legal right to refuse health care and acceptance of the consequences of such refusal.

OPTION V: APPOINTMENT OF AN AGENT TO MAKE AN ANATOMICAL GIFT OR ORGAN, TISSUE OR EYE DONATION (CROSS THROUGH IF YOU DO NOT WANT TO APPOINT AN AGENT TO MAKE AN ANATOMICAL GIFT OR ANY ORGAN, TISSUE OR EYE DONATION FOR YOU.)

Upon my death, I direct that an anatomical gift of all of my body or certain organ, tissue or eye donations may be made pursuant to Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 and in accordance with my directions, if any. I hereby appoint \_\_\_\_\_ as my agent, of \_\_\_\_\_ (address and telephone number), to make any such anatomical gift or organ, tissue or eye donation following my death. I further direct that: \_\_\_\_\_ (declarant's directions concerning anatomical gift or organ, tissue or eye donation).

This advance directive shall not terminate in the event of my disability.

AFFIRMATION AND RIGHT TO REVOKE: By signing below, I indicate that I am emotionally and mentally capable of making this advance directive and that I understand the purpose and effect of this document. I understand I may revoke all or any part of this document at any time (i) with a signed, dated writing; (ii) by physical cancellation or destruction of this advance directive by myself or by directing someone else to destroy it in my presence; or (iii) by my oral expression of intent to revoke.

\_\_\_\_\_  
(Date) (Signature of Declarant)

The declarant signed the foregoing advance directive in my presence.

(Witness) \_\_\_\_\_

(Witness) \_\_\_\_\_

**CHAPTER 110**

*An Act to amend and reenact § 54.1-2819 of the Code of Virginia, relating to surface transportation or removal service; manager of record.*

[H 1803]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2819 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2819. Registration of surface transportation and removal services; penalty.**

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in this Commonwealth.

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

The Board of ~~Funeral Directors and Embalmers~~ shall promulgate regulations for such registration including proper procedures in the handling of all dead human bodies being transported, *the* application process for registration, and *the* establishment of registration fees. These regulations shall not require the use of a casket for transportation. No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.

*Every applicant for registration as a surface transportation and removal service shall include the name of a manager of record on any application for registration and shall notify the Board within 30 days of any change in the manager of record. Such notice shall include the name of the new manager of record of the surface transportation and removal service.*

All registrations as a surface transportation and removal service shall be renewed annually and no person, private business, or funeral service establishment shall engage in the business as a surface transportation and removal service without holding a valid registration.

Any surface transportation or removal service ~~which~~ *that* is not registered or persons who knowingly engage in transportation or removal services without registration shall be subject to the disciplinary actions provided in this chapter.

This section shall not be construed to prohibit private individuals from transporting or removing the remains of deceased family members and relatives either by preference or in observation of religious beliefs and customs.

## CHAPTER 111

*An Act to amend and reenact § 32.1-164.1:1 of the Code of Virginia, relating to onsite sewage systems; waivers.*

[H 1804]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 32.1-164.1:1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 32.1-164.1:1. Validity of certain septic tank permits.**

A. Any septic tank permit issued shall be valid for a period of 18 months from the date of issuance unless there has been a substantial, intervening change in the soil or site conditions where the septic system is to be located. However, if a building permit has been obtained or building construction has commenced, the permit may be extended for an additional 18 months. Applicants shall be informed of the septic tank permit validity period and advised to apply only when ready to begin construction.

B. Further, whenever any onsite sewage system is failing, or an owner has elected to voluntarily upgrade an onsite sewage system pursuant to § 32.1-164.1:3, and it is on or serves real property consisting of not less than one nor more than four dwelling units and the Board's regulations impose (i) a requirement for treatment beyond the level of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements. The Commissioner shall grant any request for such waiver, unless he finds that the system was installed illegally without a permit. Any such waivers shall be recorded in the land records of the clerk of the circuit court in the jurisdiction in which the property on which the relevant onsite sewage system is located. Except as provided in subsection C, waivers granted hereunder shall not be transferable and shall be null and void upon transfer or sale of the property on which the onsite sewage system is located. Additional treatment or pressure dosing requirements shall be imposed in such instances when the property is transferred or sold.

*Any owner who (a) obtained a waiver to repair a failing onsite sewage system pursuant to this subsection on or between July 1, 2004, and December 6, 2011, (b) completed such repair, and (c) voluntarily upgrades the system may request, and shall receive, a voluntary upgrade waiver in accordance with this section and § 32.1-164.1:3. Any such waiver shall be recorded in the land records of the clerk of the circuit court in the jurisdiction where the onsite sewage system is located and shall supersede any prior waiver recorded pursuant to this section.*

The owner of the relevant property shall disclose, in accordance with subsection D, that any operating permit for the onsite sewage system that has been granted a waiver authorized by this subsection shall be null and void at the time of transfer or sale of the property and that the Board's regulatory requirements for additional treatment or pressure dosing shall be required before an operating permit may be reinstated.

The provisions of this subsection shall apply only with respect to transfers by sale, exchange, installment land sales contract, or lease with option to buy residential real property consisting of not less than one nor more than four dwelling units, whether or not the transaction is with the assistance of a licensed real estate broker or salesperson.

##### **C. The following are specifically allowed under the provisions of subsection B:**

1. Transfers pursuant to court order including, but not limited to, transfers ordered by a court in administration of an estate, transfers pursuant to a writ of execution, transfers by foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

2. Transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by a trustee under a deed of trust pursuant to a foreclosure, or transfers by a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a foreclosure sale under a deed of trust or has acquired the real property by deed in lieu of foreclosure.

3. Transfers not for value by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

4. Transfers between spouses resulting from a decree of divorce or a property settlement stipulation pursuant to the provisions of Title 20.

5. Transfers to or from any governmental entity or public or quasi-public housing authority or agency.

6. Transfers pursuant to real estate purchase contracts where the owner has obtained a permit to voluntarily upgrade an onsite sewage system pursuant to § 32.1-164.1:3.

7. Other transfers consistent with criteria established by the Board of Health and the Real Estate Board.

D. The owner of residential real property subject to subsection B shall deliver to the purchaser a written disclosure prior to the acceptance of a real estate purchase contract. The written disclosure statement shall be in a separate document, developed by the Real Estate Board on or before January 1, 2006. Prior to that time, it shall be the obligation of the owner of such residential real property to prepare the written disclosure statement and provide it to the purchaser as otherwise provided herein.

E. If the disclosure required by subsection B is delivered to the purchaser after the acceptance of the real estate purchase contract, the purchaser's sole remedy shall be to terminate the real estate purchase contract at or prior to the earliest of the following: (i) three days after delivery of the disclosure in person; (ii) five days after the postmark if the disclosure is deposited in the United States mail, postage prepaid, and properly addressed to the purchaser; (iii) settlement upon purchase of the property; (iv) occupancy of the property by the purchaser; (v) the execution by the purchaser of a written waiver of the purchaser's right of termination under this chapter contained in a writing separate from the real estate purchase contract; or (vi) the purchaser making written application to a lender for a mortgage loan where such application contains a disclosure that the right of termination shall end upon the application for the mortgage loan.

In order to terminate a real estate purchase contract when permitted by this subsection, the purchaser shall, within the time required by this chapter, give written notice to the owner either by hand delivery or by United States mail, postage prepaid, and properly addressed to the owner. If the purchaser terminates a real estate purchase contract in compliance with this chapter, the termination shall be without penalty to the purchaser, and any deposit shall be promptly returned to the purchaser. Any rights of the purchaser to terminate the contract provided by this chapter shall end if not exercised prior to the earlier of (i) the making of a written application to a lender for a mortgage loan where the application contains a disclosure that the right of termination shall end upon the application for the mortgage loan or (ii) settlement or occupancy by the purchaser, in the event of a sale, or occupancy, or in the event of a lease with option to purchase.

F. A real estate licensee representing an owner of residential real property as the listing broker shall have a duty to inform each such owner represented by that licensee of the owner's rights and obligations under subsection B. A real estate licensee representing a purchaser of residential real property or, if the purchaser is not represented by a licensee, the real estate licensee representing an owner of residential real estate and dealing with the purchaser shall have a duty to inform each such purchaser of the purchaser's rights and obligations under subsection B. Provided a real estate licensee performs those duties, the licensee shall have no further duties to the parties to a residential real estate transaction under this section, and shall not be liable to any party to a residential real estate transaction for a violation of subsection B or for any failure to disclose any information regarding any real property subject to subsection B.

G. For the purposes of this section:

"Acceptance" means the full execution of a real estate purchase contract by all parties.

"Real estate purchase contract" means a contract for the sale, exchange, or lease with option to buy of real estate subject to this section.

H. The Real Estate Board shall enforce subsections D, E, and F pursuant to the provisions of Chapter 21 of Title 54.1 (§ 54.1-2100 et seq.).

## CHAPTER 112

*An Act relating to the Virginia Retirement System; revocation of participation by the Town of Damascus.*

[H 1885]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *That notwithstanding the provisions of § 51.1-139 of the Code of Virginia and based on its not having made contributions to the Virginia Retirement System for a period of 25 consecutive years, the Town of Damascus may revoke, in writing, its agreement to contribute to the Virginia Retirement System on behalf of any eligible employees for creditable service rendered on or after the date of the revocation.*

## CHAPTER 113

*An Act to require the Department of Health to work with stakeholders to develop guidelines for hospitals to ensure patients and family members with sensory disabilities are able to communicate with health care providers.*

[H 1956]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *That the Department of Health shall (i) work with stakeholders to develop guidelines for hospitals to ensure that hospitals are complying with requirements of the Americans with Disabilities Act and that patients and family members with sensory disabilities are able to communicate effectively with health care providers and (ii) report on its progress in developing such guidelines to the General Assembly no later than December 1, 2015.*

## CHAPTER 114

*An Act to amend and reenact § 54.1-2400.2 of the Code of Virginia, relating to Department of Health Professions; disclosure of confidential information.*

[H 1963]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2400.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2400.2. Confidentiality of information obtained during an investigation or disciplinary proceeding; penalty.**

A. Any reports, information or records received and maintained by *the Department of Health Professions* or any health regulatory board in connection with possible disciplinary proceedings, including any material received or developed by a board during an investigation or proceeding, shall be strictly confidential. ~~A~~ *The Department of Health Professions* or a board may only disclose such confidential information:

1. In a disciplinary proceeding before a board or in any subsequent trial or appeal of an action or order, or to the respondent in entering into a confidential consent agreement under § 54.1-2400;

2. To regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession, including the coordinated licensure information system, as defined in § 54.1-3030;

3. To hospital committees concerned with granting, limiting or denying hospital privileges if a final determination regarding a violation has been made;

4. Pursuant to an order of a court of competent jurisdiction for good cause arising from extraordinary circumstances being shown;

5. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any person is first deleted. Such release shall be made pursuant to a written agreement to ensure compliance with this section; or

6. To the Health Practitioners' Monitoring Program within the Department of Health Professions in connection with health practitioners who apply to or participate in the Program.

B. In no event shall confidential information received, maintained or developed by *the Department of Health Professions* or any board, or disclosed by the *Department of Health Professions* or a board to others, pursuant to this section, be available for discovery or court subpoena or introduced into evidence in any civil action. This section shall not, however, be construed to inhibit an investigation or prosecution under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

C. Any claim of a physician-patient or practitioner-patient privilege shall not prevail in any investigation or proceeding by any health regulatory board acting within the scope of its authority. The disclosure, however, of any information pursuant to this provision shall not be deemed a waiver of such privilege in any other proceeding.

D. This section shall not prohibit the Director of the Department of Health Professions, after consultation with the relevant health regulatory board president or his designee, from disclosing to the Attorney General, or the appropriate attorney for the Commonwealth, investigatory information which indicates a possible violation of any provision of criminal law, including the laws relating to the manufacture, distribution, dispensing, prescribing or administration of drugs, other than drugs classified as Schedule VI drugs and devices, by any individual regulated by any health regulatory board.

E. This section shall not prohibit the Director of the Department of Health Professions from disclosing matters listed in subdivision A 1, A 2, or A 3 of § 54.1-2909; from making the reports of aggregate information and summaries required by § 54.1-2400.3; or from disclosing the information required to be made available to the public pursuant to § 54.1-2910.1.

F. *This section shall not prohibit the Director of the Department of Health Professions, following consultation with the relevant health regulatory board president or his designee, from disclosing information about a suspected violation of state or federal law or regulation to other agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies having jurisdiction over the suspected violation or requesting an inspection or investigation of a licensee by such state or federal agency when the Director has reason to believe that a possible violation of federal or state law has occurred. Such disclosure shall not exceed the minimum information necessary to permit the state or federal agency having jurisdiction over the suspected violation of state or federal law to conduct an inspection or investigation. Disclosures by the Director pursuant to this subsection shall not be limited to requests for inspections or investigations of licensees. Nothing in this subsection shall require the Director to make any disclosure. Nothing in this section shall permit any agency to which the Director makes a disclosure pursuant to this section to re-disclose any information, reports, records, or materials received from the Department.*

G. Whenever a complaint or report has been filed about a person licensed, certified, or registered by a health regulatory board, the source and the subject of a complaint or report shall be provided information about the investigative and disciplinary procedures at the Department of Health Professions. Prior to interviewing a licensee who is the subject of a complaint or report, or at the time that the licensee is first notified in writing of the complaint or report, whichever shall occur first, the licensee shall be provided with a copy of the complaint or report and any records or supporting documentation, unless such provision would materially obstruct a criminal or regulatory investigation. If the relevant board concludes that a disciplinary proceeding will not be instituted, the board may send an advisory letter to the person who was

the subject of the complaint or report. The relevant board may also inform the source of the complaint or report (i) that an investigation has been conducted, (ii) that the matter was concluded without a disciplinary proceeding, (iii) of the process the board followed in making its determination, and (iv), if appropriate, that an advisory letter from the board has been communicated to the person who was the subject of the complaint or report. In providing such information, the board shall inform the source of the complaint or report that he is subject to the requirements of this section relating to confidentiality and discovery.

~~G. H.~~ Orders and notices of the health regulatory boards relating to disciplinary actions shall be disclosed. Information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the complaint or report by the relevant board prior to the proceeding. The source shall be notified of the disposition of a disciplinary case.

~~H. I.~~ This section shall not prohibit investigative staff authorized under § 54.1-2506 from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses any portion of records or other supporting documentation necessary to refresh the fact witnesses' recollection.

~~I. J.~~ Any person found guilty of the unlawful disclosure of confidential information possessed by a health regulatory board shall be guilty of a Class 1 misdemeanor.

## CHAPTER 115

*An Act to amend and reenact §§ 38.2-3418.16 and 54.1-3303 of the Code of Virginia, relating to the provision of health care services through telemedicine services.*

[H 2063]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-3418.16 and 54.1-3303 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-3418.16. Coverage for telemedicine services.**

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section.

B. As used in this section, "telemedicine services," as it pertains to the delivery of health care services, means the use of *electronic technology or media, including interactive audio, or video, or other electronic media used for the purpose of diagnosis, consultation, diagnosing or treatment treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment.* "Telemedicine services" ~~do~~ does not include an audio-only telephone, electronic mail message, ~~or~~ facsimile transmission, *or online questionnaire.*

C. An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services.

D. An insurer, corporation, or health maintenance organization shall not be required to reimburse the treating provider or the consulting provider for technical fees or costs for the provision of telemedicine services; however, such insurer, corporation, or health maintenance organization shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis that the insurer, corporation, or health maintenance organization is responsible for coverage for the provision of the same service through face-to-face consultation or contact.

E. Nothing shall preclude the insurer, corporation, or health maintenance organization from undertaking utilization review to determine the appropriateness of telemedicine services, provided that such appropriateness is made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan. Any such utilization review shall not require pre-authorization of emergent telemedicine services.

F. An insurer, corporation, or health maintenance organization may offer a health plan containing a deductible, copayment, or coinsurance requirement for a health care service provided through telemedicine services, provided that the deductible, copayment, or coinsurance does not exceed the deductible, copayment, or coinsurance applicable if the same services were provided through face-to-face diagnosis, consultation, or treatment.

G. No insurer, corporation, or health maintenance organization shall impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

H. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2011, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

I. This section shall not apply to short-term travel, accident-only, or limited or specified disease policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

**§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.

For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects.

*For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.*

Any practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than medicinally or for therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

B. In order to determine whether a prescription that appears questionable to the pharmacist results from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.

C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, for the close contact except for the physical examination required in clause (iii) of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine authorized to issue such prescription if the prescription

complies with the requirements of this chapter and ~~Chapter 34 the Drug Control Act~~ (§ 54.1-3400 et seq.); ~~known as the "Drug Control Act."~~

E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in ~~Chapter 34 the Drug Control Act~~ (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in ~~Chapter 34 the Drug Control Act~~ (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain, (ii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa, (iii) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act, and (iv) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

## CHAPTER 116

*An Act to amend and reenact § 37.2-308.1 of the Code of Virginia, relating to the acute psychiatric bed registry; frequency of updating.*

[H 2118]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 37.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 37.2-308.1. Acute psychiatric bed registry.**

A. The Department shall develop and administer a web-based acute psychiatric bed registry to collect, aggregate, and display information about available acute beds in public and private inpatient psychiatric facilities and public and private residential crisis stabilization units to facilitate the identification and designation of facilities for the temporary detention and treatment of individuals who meet the criteria for temporary detention pursuant to § 37.2-809.

B. The acute psychiatric bed registry created pursuant to subsection A shall:

1. Include descriptive information for every public and private inpatient psychiatric facility and every public and private residential crisis stabilization unit in the Commonwealth, including contact information for the facility or unit;

2. Provide real-time information about the number of beds available at each facility or unit and, for each available bed, the type of patient that may be admitted, the level of security provided, and any other information that may be necessary to allow employees or designees of community services boards and employees of inpatient psychiatric facilities or public and private residential crisis stabilization units to identify appropriate facilities for detention and treatment of individuals who meet the criteria for temporary detention; and

3. Allow employees and designees of community services boards, employees of inpatient psychiatric facilities or public and private residential crisis stabilization units, and health care providers as defined in § 8.01-581.1 working in an emergency room of a hospital or clinic or other facility rendering emergency medical care to perform searches of the registry to identify available beds that are appropriate for the detention and treatment of individuals who meet the criteria for temporary detention.

C. Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall participate in the acute psychiatric bed registry established pursuant to subsection A and shall designate such employees as may be necessary to submit information for inclusion in the acute psychiatric bed registry and serve as a point of contact for addressing requests for information related to data reported to the acute psychiatric bed registry.

D. *Every state facility, community services board, behavioral health authority, and private inpatient provider licensed by the Department shall update information included in the acute psychiatric bed registry whenever there is a change in bed availability for the facility, board, authority, or provider or, if no change in bed availability has occurred, at least daily.*

E. The Commissioner may enter into a contract with a private entity for the development and administration of the acute psychiatric bed registry established pursuant to subsection A.

## CHAPTER 117

*An Act to amend and reenact § 54.1-3304.1 of the Code of Virginia, relating to Board of Pharmacy; practitioners dispensing controlled substances.*

[H 2192]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-3304.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3304.1. Authority to license and regulate practitioners; permits.**

A. The Board of Pharmacy shall have the authority to license and regulate the dispensing of controlled substances by practitioners of the healing arts. *Except as prescribed in this chapter or by Board regulations, it shall be unlawful for any practitioner of the healing arts to dispense controlled substances within the Commonwealth unless licensed by the Board to sell controlled substances.*

B. *Facilities from which practitioners of the healing arts dispense controlled substances shall obtain a permit from the Board and comply with the regulations for practitioners of the healing arts to sell controlled substances. Facilities in which only one practitioner of the healing arts is licensed by the Board to sell controlled substances shall be exempt from fees associated with obtaining and renewing such permit.*

**2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

## CHAPTER 118

*An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; disclosure of information.*

[S 817]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. *Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.*

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

## CHAPTER 119

*An Act to amend and reenact § 54.1-2400.6 of the Code of Virginia, relating to home health and hospice organizations; reporting requirements.*

[S 944]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2400.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2400.6. Hospitals, other health care institutions, home health and hospice organizations, and assisted living facilities required to report disciplinary actions against and certain disorders of health professionals; immunity from liability; failure to report.**

A. The chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, *the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure*, and the administrator of every licensed assisted living facility in the Commonwealth shall report within 30 days, except as provided in subsection B, to the Director of the Department of Health Professions, *or in the case of a director of a home health or hospice organization, to the Office of Licensure and Certification at the Department of Health (the Office)*, the following information regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification or registration unless exempted under subsection E:

1. Any information of which he may become aware in his official capacity indicating that such a health professional is in need of treatment or has been committed or admitted as a patient, either at his institution or any other health care institution, for treatment of substance abuse or a psychiatric illness that may render the health professional a danger to himself, the public or his patients.

2. Any information of which he may become aware in his official capacity indicating, after reasonable investigation and consultation as needed with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations. The report required under this ~~section~~ *subdivision* shall be submitted within 30 days of the date that the chief executive officer ~~or~~ chief of staff, *director, or administrator* determines that a reasonable probability exists.

3. Any disciplinary proceeding begun by the institution, *organization*, or facility as a result of conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this ~~section~~ *subdivision* shall be submitted within 30 days of the date of written communication to the health professional notifying him of the initiation of a disciplinary proceeding.

4. Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination of privileges or restriction of privileges that results from conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this ~~section~~ *subdivision* shall be submitted within 30 days of the date of written communication to the health professional notifying him of any disciplinary action.

5. The voluntary resignation from the staff of the health care institution, *home health or hospice organization*, or assisted living facility, or voluntary restriction or expiration of privileges at the institution, *organization*, or facility of any health professional while such health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the institution, *organization*, or facility or a committee thereof for any reason related to possible intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, medical incompetence, unprofessional conduct, moral turpitude, mental or physical impairment, or substance abuse.

Any report required by this section shall be in writing directed to the Director of the Department of Health Professions or to the *Director of the Office of Licensure and Certification at the Department of Health*, shall give the name and address of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported. The report shall include the names and contact information of individuals with knowledge about the facts required to be reported and the names and contact information of individuals from whom the hospital or health care institution, *organization*, or facility sought information to substantiate the facts required to be reported. All relevant medical records shall be attached to the report if patient care or the health professional's health status is at issue. The reporting hospital, health care institution, *home health or hospice organization*, or assisted living facility shall also provide notice to the Department or the *Office* that it has submitted a report to the National Practitioner Data Bank under the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). The reporting hospital, health care institution, *home health or hospice organization*, or assisted living facility shall give the health professional who is the subject of the report an opportunity to review the report. The health professional may submit a separate report if he disagrees with the substance of the report.

This section shall not be construed to require the hospital, health care institution, *home health or hospice organization*, or assisted living facility to submit any proceedings, minutes, records, or reports that are privileged under § 8.01-581.17, except that the provisions of § 8.01-581.17 shall not bar (i) any report required by this section or (ii) any requested medical records that are necessary to investigate unprofessional conduct reported pursuant to this subtitle or unprofessional conduct that should have been reported pursuant to this subtitle. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17. No person or entity shall be obligated to report any matter to the Department or the *Office* if the person or entity has actual notice that the same matter has already been reported to the Department or the *Office*.

B. Any report required by this section concerning the commitment or admission of such health professional as a patient shall be made within five days of when the chief ~~administrative~~ *executive officer, chief of staff, director, or administrator* learns of such commitment or admission.

C. The State Health Commissioner or the Commissioner of the Department of Social Services shall report to the Department any information of which their agencies may become aware in the course of their duties that a health professional may be guilty of fraudulent, unethical, or unprofessional conduct as defined by the pertinent licensing statutes and regulations. *However, the State Health Commissioner shall not be required to report information reported to the Director of the Office of Licensure and Certification pursuant to this section to the Department of Health Professions.*

D. Any person making a report by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

E. Medical records or information learned or maintained in connection with an alcohol or drug prevention function that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be exempt from the reporting requirements of this section to the extent that such reporting is in violation of 42 U.S.C. § 290dd-2 or regulations adopted thereunder.

F. Any person who fails to make a report to the Department as required by this section shall be subject to a civil penalty not to exceed \$25,000 assessed by the Director. The Director shall report the assessment of such civil penalty to the Commissioner of Health or the Commissioner of Social Services, as appropriate. Any person assessed a civil penalty

pursuant to this section shall not receive a license or certification or renewal of such unless such penalty has been paid pursuant to § 32.1-125.01. The Medical College of Virginia Hospitals and the University of Virginia Hospitals shall not receive certification pursuant to § 32.1-137 or Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 unless such penalty has been paid.

## CHAPTER 120

*An Act to amend and reenact § 16.1-281 of the Code of Virginia, relating to foster care plan.*

[S 947]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 16.1-281 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 16.1-281. Foster care plan.**

A. In any case in which (i) a local board of social services places a child through an agreement with the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody of a child is given to a local board of social services or a child welfare agency, the local department of social services or child welfare agency shall prepare a foster care plan for such child, as described hereinafter. The individual family service plan developed by the family assessment and planning team pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements of this section.

The representatives of such department or agency shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child. The representatives of such department or agency shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department or agency shall include in the plan a full description of the reasons therefor.

The department or child welfare agency shall file the plan with the juvenile and domestic relations district court within 45 days following the transfer of custody or the board's placement of the child unless the court, for good cause shown, allows an extension of time, which shall not exceed an additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be prepared if the child is returned to his prior family or placed in an adoptive home within 45 days following transfer of custody to the board or agency or the board's placement of the child.

B. The foster care plan shall describe in writing (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians; (ii) the participation and conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and other contacts which will be permitted between the child and his parents and other prior custodians, and between the child and his siblings; (iv) the nature of the placement or placements which will be provided for the child; (v) for school-age children, the school placement of the child; and (vi) for children 14 years of age and older, the child's needs and goals in the areas of counseling, education, housing, employment, and money management skills development, along with specific independent living services that will be provided to the child to help him reach these goals. In cases in which a foster care plan approved prior to July 1, 2011, identifies independent living as the goal for the child, and in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living, the plan shall also describe the programs and services which will help the child prepare for the transition from foster care to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts which lead to the return of the child to his parents or other prior custodians within the shortest practicable time which shall be specified in the plan. The child's health and safety shall be the paramount concern of the court and the agency throughout the placement, case planning, service provision and review process.

If the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, ~~in a separate section of the plan~~ the department, child welfare agency or team shall (a) include a full description of the reasons for this conclusion; (b) provide information on the opportunities for placing the child with a relative or in an adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest practicable time, and if neither of such placements is feasible; (d) explain why permanent foster care is the plan for the child or independent living is the plan for the child in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living.

"Independent living" as used in this section has the meaning set forth in § 63.2-100.

The local board or other child welfare agency having custody of the child shall not be required by the court to make reasonable efforts to reunite the child with a parent if the court finds that (1) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (2) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any

foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child; (3) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (4) based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but otherwise meets the definition of "aggravated circumstances."

Within 30 days of making a determination that reasonable efforts to reunite the child with the parents are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other person standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child, to the parents or other person standing in loco parentis, and such other persons as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan, ~~excluding the section of the plan describing the reasons why the child cannot be returned home and the alternative chosen,~~ shall be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster care placement, if the child was placed through an agreement between the parents or guardians and the local department of social services or a child welfare agency; (ii) the original preliminary removal order hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the dispositional hearing at which the child was placed in foster care and an order was entered pursuant to § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the changes shall be sent by the court to all persons who received a copy of the original of that part of the plan.

C1. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide for, as appropriate, any terms or conditions which would promote the child's interest and welfare; ongoing provision of social services to the child and the child's custodian; and court review of the child's placement.

C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the United States as a refugee or asylee and is over 16 years of age and independent living has been identified as the permanency goal for the child, by directing the board or agency to provide the child with services to achieve independent living status, if the child has attained the age of 16 years, pursuant to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

D. The court in which the foster care plan is filed shall be notified immediately if the child is returned to his parents or other persons standing in loco parentis at the time the board or agency obtained custody or the board placed the child.

E. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall schedule a foster care review hearing to be held within four months in accordance with § 16.1-282. However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review hearing to be held within 12 months of the entry of such order in accordance with the provisions of § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan

is reviewed shall be given notice of the date set for the foster care review hearing and parties who are not present shall be summoned as provided in § 16.1-263.

F. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile court, upon order of the judge, to review the status of children in the custody of local boards of social services or placed by local boards of social services on its own motion. The court shall appoint an attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster care plan filed for the child or to review the child's status in foster care.

## CHAPTER 121

*An Act to amend and reenact §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia, relating to temporary detention order; custody.*

[S 966]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-340.1:1. Facility of temporary detention.**

A. In each case in which an employee or designee of the local community services board is required to make an evaluation of a minor pursuant to subsection B, G, or H of § 16.1-340, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the minor will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the minor necessary to allow the state facility to determine the services the minor will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the minor. Under no circumstances shall a state facility fail or refuse to admit a minor who meets the criteria for temporary detention pursuant to § 16.1-340.1 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the minor for temporary detention, and the minor shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the minor to the state facility or alternative facility in accordance with the provisions of § 16.1-340.2. If an alternative facility is identified and agrees to accept the minor for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the State Board of Behavioral Health and Developmental Services.

**§ 37.2-809.1. Facility of temporary detention.**

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

## CHAPTER 122

*An Act to amend and reenact § 54.1-2959 of the Code of Virginia, relating to chiropractic schools; student training and practice.*

[S 1058]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2959 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2959. Supervised training programs; students enrolled in schools of medicine or chiropractic schools allowed to engage in certain activities; prohibition of unauthorized pelvic exams.**

A. Students enrolled in schools of medicine may (i) participate in preceptorship programs ~~which~~ *that* are a part of the training program of the medical school; or (ii) practice in clinics, hospitals, educational institutions, private medical offices, or other health facilities, in a program approved by the school, under the direct tutorial supervision of a licensed physician who holds an appointment on the faculty of a school of medicine approved by the Board.

B. *Students enrolled in chiropractic schools may (i) participate in preceptorship programs that are a part of the training program of the chiropractic school or (ii) practice in clinics, hospitals, educational institutions, private medical offices, or other health facilities, in a program approved by the school, under the direct tutorial supervision of a licensed chiropractor who holds an appointment on the faculty of a chiropractic school approved by the Board.*

C. Students participating in a course of professional instruction or clinical training program shall not perform a pelvic examination on an anesthetized or unconscious female patient unless the patient or her authorized agent gives informed consent to such examination, the performance of such examination is within the scope of care ordered for the patient, or in the case of a patient incapable of giving informed consent, the examination is necessary for diagnosis or treatment of such patient.

## CHAPTER 123

*An Act to repeal § 51.5-35.1 of the Code of Virginia, relating to obsolete references to the Board for Rights of the Disabled and the Board for the Rights of Virginians with Disabilities.*

[S 1330]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.5-35.1 of the Code of Virginia is repealed.**

## CHAPTER 124

*An Act to amend and reenact § 64.2-454 of the Code of Virginia, relating to the appointment of an administrator for prosecution of personal injury or wrongful death action.*

[H 1350]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 64.2-454 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.**

An administrator may be appointed in any case in which it is represented that a civil action for personal injury or death by wrongful act arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if *at least 60 days have elapsed since the decedent's death and an executor or administrator of the estate has not been appointed under § 64.2-500 or 64.2-502, solely for the purpose of prosecution of such action, by the clerk of the circuit court in the county or city in which jurisdiction and venue would have been properly laid for such action if the person for whom the appointment is sought had survived.*

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

## CHAPTER 125

*An Act to amend and reenact § 8.01-628 of the Code of Virginia, relating to temporary injunction; affidavit or verified pleading.*

[H 1367]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-628 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-628. Equity of prayer for temporary injunction to be shown by affidavit or otherwise.**

No temporary injunction shall be awarded unless the court shall be satisfied of the plaintiff's equity. *An application for a temporary injunction may be supported or opposed by an affidavit or verified pleading.*

## CHAPTER 126

*An Act to amend and reenact §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia, relating to criminal procedure; postal inspectors.*

[H 1545]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-12, 19.2-56, 19.2-187, and 19.2-187.01 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-12. Who are conservators of the peace.**

Every judge and attorney for the Commonwealth throughout the Commonwealth and every magistrate within the geographical area for which he is appointed or elected, shall be a conservator of the peace. In addition, every commissioner in chancery, while sitting as such commissioner; any special agent or law-enforcement officer of the United States Department of Justice, National Marine Fisheries Service of the United States Department of Commerce, Department of Treasury, Department of Agriculture, Department of Defense, Department of State, Office of the Inspector General of the Department of Transportation, Department of Homeland Security, and Department of Interior; any inspector, law-enforcement official or police personnel of the United States Postal Inspection Service; any United States marshal or deputy United States marshal whose duties involve the enforcement of the criminal laws of the United States; any officer of the Virginia Marine Police; any criminal investigator of the Department of Professional and Occupational Regulation, who meets the minimum law-enforcement training requirements established by the Department of Criminal Justice Services for in-service training; any criminal investigator of the United States Department of Labor; any special agent of the United States Naval Criminal Investigative Service, any special agent of the National Aeronautics and Space Administration, and any sworn municipal park ranger, who has completed all requirements under § 15.2-1706, shall be a conservator of the peace, while engaged in the performance of their official duties.

**§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

The judge, magistrate or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed to (i) the sheriff, sergeant, or any policeman of the county, city or town in which the place to be searched is located, (ii) any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police, or (iii) jointly to any such sheriff, sergeant, policeman or law-enforcement officer or agent and an agent, special agent or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official or police personnel of the United States Postal Inspection Service, or the Drug Enforcement Administration. The warrant shall (i) name the affiant, (ii) recite the offense in relation to which the search is to be made, (iii) name or describe the place to be searched, (iv) describe the property or person to be searched for, and (v) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime.

The warrant shall command that the place be forthwith searched, either in day or night, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (i) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct

of the search and (ii) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or without the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was issued. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

#### **§ 19.2-187. Admission into evidence of certain certificates of analysis.**

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the ~~federal~~ *United States Postal Inspection Service*, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance or marijuana shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed, either by hand or by electronic means, by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The attestation signature of a person performing the analysis or examination may be either hand or electronically signed.

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

**§ 19.2-187.01. Certificate of analysis as evidence of chain of custody of material described therein.**

A report of analysis duly attested by the person performing such analysis or examination in any laboratory operated by (i) the Division of Consolidated Laboratory Services, the Department of Forensic Science or any of its regional laboratories, or by any laboratory authorized by such Division or Department to conduct such analysis or examination; (ii) the Federal Bureau of Investigation; (iii) the federal Bureau of Alcohol, Tobacco and Firearms; (iv) the Naval Criminal Investigative Service; (v) the federal Drug Enforcement Administration; (vi) the *United States* Postal ~~Inspection~~ Service; (vii) the U.S. Secret Service; or (viii) the Forensic Document Laboratory of the U.S. Department of Homeland Security shall be prima facie evidence in a criminal or civil proceeding as to the custody of the material described therein from the time such material is received by an authorized agent of such laboratory until such material is released subsequent to such analysis or examination. Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The signature of the person who received the material for the laboratory on the request for laboratory examination form shall be deemed prima facie evidence that the person receiving the material was an authorized agent and that such receipt constitutes proper receipt by the laboratory for purposes of this section.

## CHAPTER 127

*An Act to amend and reenact § 2.2-3705.5 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for certain health records.*

[H 1633]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3705.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be open to inspection and copying as provided in § 2.2-3704. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and records and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this section shall prohibit disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information and records acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent made confidential by § 32.1-283.3; or (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5.

10. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

11. Records of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions, to the extent such records may identify any practitioner who may be, or who is actually, impaired to the extent disclosure is prohibited by § 54.1-2517.

12. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5, to the extent such records contain (i) medical or mental health records, or other data identifying individual patients or (ii) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

13. Any record copied, recorded or received by the Commissioner of Health in the course of an examination, investigation or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

14. Records, information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

17. Records of the State Health Commissioner relating to the health of any person or persons subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; this provision shall not, however, be construed to prohibit the disclosure of statistical summaries, abstracts or other information in aggregate form.

18. Records containing the names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

19. *Records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.*

## CHAPTER 128

*An Act to amend and reenact § 8.01-247.1 of the Code of Virginia, relating to statute of limitation on defamation.*

[H 1635]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-247.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-247.1. Limitation on action for defamation, etc.**

Every action for injury resulting from libel, slander, insulting words, or defamation shall be brought within one year after the cause of action accrues.

*If a publisher of statements actionable under this section publishes anonymously or under a false identity on the Internet, an action may be filed under this section and the statute of limitations shall be tolled until the identity of the publisher is discovered or, by the exercise of due diligence, reasonably should have been discovered.*

## CHAPTER 129

*An Act to amend and reenact §§ 8.01-606 and 64.2-454 of the Code of Virginia, relating to actions for personal injury and wrongful death; qualification of fiduciary.*

[H 2016]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-606 and 64.2-454 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-606. Payment of small amounts to certain persons through court without intervention of fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.**

A. Whenever there is due to any person, any sum of money from any source, not exceeding \$25,000, the fund may be paid into the circuit court of the county or city in which the fund became due or such person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it is due, if the person is considered by the court competent to expend and use the same in his behalf, or (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the person to whom the money is paid, which shall show the source from which it was derived, the amount, to whom it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the person receiving the money, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money shall be discharged of such obligation. No bond shall be required of the party to whom the money is paid by the court.

B. Whenever (i) it appears to the court having control of a fund, tangible personal property or intangible personal property or supervision of its administration, whether a suit is pending therefor or not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a sum of money or for delivery of tangible personal property or intangible personal property to a person under a disability who has no fiduciary is rendered by any court, and the amount to which such person is entitled or the value of the tangible personal property or intangible personal property is not more than \$25,000, or (iii) a person under a disability is entitled to receive payments of income, tangible personal property or intangible personal property and the amount of the income payments is not more than \$25,000 in any one year, or the value of the tangible personal property is not more than \$25,000, or the current market value of the intangible personal property is not more than \$25,000, the court may, without the intervention of a fiduciary, cause such fund, property or income to be paid or delivered to any person deemed by the court capable of properly handling it, to be used solely for the education, maintenance and support of the person under a disability. In any case in which an infant is entitled to such fund, property or income, the court may, upon its being made to appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously, cause the fund to be paid or delivered directly to the infant.

C. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the amount or value of the fund or property, or the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority herein conferred upon a court including exemption from filing further accounts where the value of the fund being administered is less than \$25,000.

D. Whenever an incapacitated person or infant is entitled to a fund or such property distributable by a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to distribute the property or fund to the incapacitated person or infant without the intervention of a guardian, conservator or committee, and the amount or value of such fund or property, or

the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a court or judge thereof.

E. Whenever a fiduciary is administering funds not exceeding \$25,000, the circuit court of the county or city in which the fund is being administered by order entered of record may authorize the fiduciary, when considered competent to administer the funds, to continue to administer the funds for the benefit of the person entitled to the fund without the necessity of filing any further accounts, whether such person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and the date the court entered the order exempting the filing of further accounts. The receipt shall be signed and acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a fiduciary granted an exemption from filing any further accounts.

F. *Whenever a fiduciary qualifies pursuant to § 64.2-454 for the sole purpose of prosecuting or defending an action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned.*

**§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.**

An administrator may be appointed in any case in which it is represented that *either* a civil action for personal injury or death by wrongful act, *or both*, arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if an executor of the estate has not been appointed, solely for the purpose of prosecution *or defense* of any such ~~action~~ *actions*, by the clerk of the circuit court in the county or city in which jurisdiction and venue would have been properly laid for such ~~action~~ *actions* if the person for whom the appointment is sought had survived. *An administrator appointed pursuant to this section may prosecute actions for both personal injury and death by wrongful act.*

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

## CHAPTER 130

*An Act to amend and reenact §§ 8.01-606 and 64.2-454 of the Code of Virginia, relating to actions for personal injury and wrongful death; qualification of fiduciary.*

[S 963]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-606 and 64.2-454 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-606. Payment of small amounts to certain persons through court without intervention of fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.**

A. Whenever there is due to any person, any sum of money from any source, not exceeding \$25,000, the fund may be paid into the circuit court of the county or city in which the fund became due or such person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it is due, if the person is considered by the court competent to expend and use the same in his behalf, or (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the person to whom the money is paid, which shall show the source from which it was derived, the amount, to whom it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the person receiving the money, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money shall be discharged of such obligation. No bond shall be required of the party to whom the money is paid by the court.

B. Whenever (i) it appears to the court having control of a fund, tangible personal property or intangible personal property or supervision of its administration, whether a suit is pending therefor or not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a sum of money or for delivery of tangible personal property or intangible personal property to a person under a disability who has no fiduciary is rendered by any court, and the amount to which such person is entitled or the value of the tangible personal property or intangible personal property is not more than \$25,000, or (iii) a person under a disability is entitled to receive payments of income, tangible personal property or intangible personal property and the amount of the income payments is not more than \$25,000 in any one year, or the value of the tangible personal property is not more than \$25,000, or the current market value of the intangible personal property is not more than \$25,000, the court may, without the intervention of a fiduciary, cause such fund, property or income to be paid or delivered to any person

deemed by the court capable of properly handling it, to be used solely for the education, maintenance and support of the person under a disability. In any case in which an infant is entitled to such fund, property or income, the court may, upon its being made to appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously, cause the fund to be paid or delivered directly to the infant.

C. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the amount or value of the fund or property, or the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority herein conferred upon a court including exemption from filing further accounts where the value of the fund being administered is less than \$25,000.

D. Whenever an incapacitated person or infant is entitled to a fund or such property distributable by a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to distribute the property or fund to the incapacitated person or infant without the intervention of a guardian, conservator or committee, and the amount or value of such fund or property, or the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a court or judge thereof.

E. Whenever a fiduciary is administering funds not exceeding \$25,000, the circuit court of the county or city in which the fund is being administered by order entered of record may authorize the fiduciary, when considered competent to administer the funds, to continue to administer the funds for the benefit of the person entitled to the fund without the necessity of filing any further accounts, whether such person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and the date the court entered the order exempting the filing of further accounts. The receipt shall be signed and acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a fiduciary granted an exemption from filing any further accounts.

*F. Whenever a fiduciary qualifies pursuant to § 64.2-454 for the sole purpose of prosecuting or defending an action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned.*

**§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.**

An administrator may be appointed in any case in which it is represented that *either* a civil action for personal injury or death by wrongful act, *or both*, arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if an executor of the estate has not been appointed, solely for the purpose of prosecution *or defense of any such action* actions, by the clerk of the circuit court in the county or city in which jurisdiction and venue would have been properly laid for such ~~action~~ actions if the person for whom the appointment is sought had survived. *An administrator appointed pursuant to this section may prosecute actions for both personal injury and death by wrongful act.*

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

## CHAPTER 131

*An Act to amend and reenact §§ 2.2-3701 and 2.2-3707 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exception to open meeting requirements.*

[S 969]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3701 and 2.2-3707 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3701. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. ~~The~~ *Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the*

*purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall not be deemed a "meeting" subject to the provisions of this chapter.*

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

**§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708, 2.2-3708.1 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by placing the notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the public body, or in the case of a public body that has no clerk, in the office of the chief administrator. All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on their websites and on the electronic calendar maintained by the Virginia Information Technologies Agency commonly known as the Commonwealth Calendar. Publication of meeting notices by electronic means by other public bodies shall be encouraged. The notice shall be posted at least three working days prior to the meeting. Notices for meetings of state public bodies on which there is at least one member appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

D. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.

~~G. Nothing in this chapter shall be construed to prohibit the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of~~

~~public business may be a topic of discussion or debate at such public meeting.~~ The notice provisions of this chapter shall not apply to informal meetings or gatherings of the members of the General Assembly.

H. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

I. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708, minutes of state public bodies shall include (a) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communications means, (b) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (c) the identity of the members of the public body who were not present at the locations identified in clauses (a) and (b), but who monitored such meeting through electronic communications means.

## CHAPTER 132

*An Act to amend and reenact § 15.2-1610 of the Code of Virginia, relating to sheriff's office.*

[H 1331]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1610 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1610. Standard uniforms and motor vehicle markings to be adopted by sheriffs.**

A. Except as provided in § 15.2-1611, all uniforms used by sheriffs and their deputies and police officers under the direct control of a sheriff while in the performance of their duties shall (i) easily identify local law-enforcement officers to members of the public, (ii) be of a design and style approved by the sheriff of the locality, and (iii) be worn according to the policies established by the sheriff of the locality.

B. All marked motor vehicles used by sheriffs' offices shall be solid dark brown or, with the concurrence of the local governing body and the local sheriff, some other solid color, with a reflectorized gold, five-point star on each front side door. The lettering on such stars shall say "Sheriff's Office" or "*Sheriff*" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. The name of the county or city shall be placed in a half-circle below the Seal. The words "Sheriff's Office" or "*Sheriff*" shall be placed on the rear of the trunk.

C. All sheriffs' offices shall be in full compliance with specifications for uniforms and motor vehicle markings, if the sheriff prescribes that uniforms be worn and marked motor vehicles be utilized.

## CHAPTER 133

*An Act to amend and reenact §§ 24.2-604, 24.2-639, 24.2-653, and 24.2-655 of the Code of Virginia, relating to designation of authorized representatives of political parties.*

[H 1333]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-604, 24.2-639, 24.2-653, and 24.2-655 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.**

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. *If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman.* Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, except that authorized representatives shall not be allowed to use such devices when they contain a camera or other imaging device to film or photograph inside a polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board, and its general registrar, may conduct a special election day program for high school students, selected by the electoral board in cooperation with high school authorities, in one or more polling places designated by the electoral board, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth.

I. A local electoral board may authorize in writing the presence of additional neutral observers as it deems appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any

indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

#### **§ 24.2-639. Duties of officers of election.**

The officers of election of each precinct at which voting or counting machines are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. *If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman.* Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

If any counter, other than a protective or private counter, on a ballot scanner or direct recording electronic machine is found not to register zero, the officers of election shall immediately notify the electoral board which shall, if possible, substitute a machine in good working order, that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or direct recording electronic machine shall be used if any counter, other than a protective or private counter, is found not to register zero.

#### **§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.**

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. *If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman.* Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any

provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

**§ 24.2-655. Representatives of political parties and candidates to be present on request.**

Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of each political party having candidates in the election and one representative of each independent candidate or primary candidate request to be present while the absentee ballots are cast, votes are counted, and returns are completed.

Each representative shall be a qualified voter of any jurisdiction in the Commonwealth and shall present to the officers of election a written statement certifying that he is an authorized representative, signed by his party chairman for the jurisdiction in which the election is held, the independent candidate, or the candidate in a primary, as appropriate. *If the party chairman for the jurisdiction in which the election is held is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the party chairman for the jurisdiction in which the election is held.* Such representatives shall be entitled to be present while the votes are counted and shall remain until the returns are completed.

In case such representatives, or any of them, do not request to be present, the officers shall notify the bystanders, if any, and select one or more to be present with any available representatives of the parties or candidates so that there are as many as four bystanders and representatives present.

The representatives and bystanders lawfully present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed. The representatives and bystanders lawfully present are prohibited from interfering with the officers of election in any way.

## CHAPTER 134

*An Act to amend and reenact § 24.2-643 of the Code of Virginia, relating to voter identification; name on identification substantially similar to name in pollbook.*

[H 1538]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-643 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the ~~voter's name is found on the pollbook~~, if he voter presents one of the forms of identification listed above, *if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name stated by the voter*, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter

shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

## CHAPTER 135

*An Act to authorize certain state-recognized Indian tribes to enforce the Uniform Statewide Building Code.*

[H 2283]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1.** § 1. *That, recognizing the unique relationship between the Commonwealth and certain of its state-recognized Indian tribes, and notwithstanding any other provision of law, neither the Commonwealth nor any locality therein is responsible for the enforcement of the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) on any Indian reservation recognized by the Commonwealth whereupon a state-recognized Indian tribe has, by duly enacted tribal ordinance, adopted the Uniform Statewide Building Code and (i) assumed sole responsibility for existing buildings and new construction on the reservation and (ii) for purposes of enforcing the ordinance, retained firms or individuals to function as the building official on such reservation.*

**2.** **That nothing in this act shall be construed to confer or infer responsibility or liability on any party for any action undertaken prior to the effective date of this act.**

## CHAPTER 136

*An Act to amend the Code of Virginia by adding a section numbered 15.2-1517.1, relating to the formation of a not-for-profit benefits consortium by localities.*

[S 1046]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-1517.1 as follows:**

**§ 15.2-1517.1. Formation of not-for-profit benefits consortium.**

A. *As used in this section:*

*"Benefits consortium" means a nonstock corporation formed pursuant to subsection B.*

*"Benefits plan" means a plan adopted by the board of directors of a benefits consortium to provide health and welfare benefits to employees of localities that are members of the benefits consortium and their dependents.*

*"Employee welfare benefit plan" has the meaning set forth in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1).*

*"Locality" means any city or county or the school board with authority over public schools within the boundaries of a city or county.*

B. *Notwithstanding any provision of law to the contrary, the governing bodies of three or more localities that as of December 31, 2014, comprised the membership of a multiple employer welfare arrangement may form a not-for-profit benefits consortium for the purpose of establishing a self-funded employee welfare benefits plan by acting as incorporators of a nonstock corporation pursuant to the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.). In addition to provisions required or permitted by the Virginia Nonstock Corporation Act, the organizational documents of the benefits consortium shall:*

*1. Limit membership in the benefits consortium to localities;*

*2. Set forth the name and address of each of the initial members of the corporation;*

*3. Set forth requirements for the admission of additional localities to the corporation;*

*4. Set forth the procedure for admission of additional localities to the corporation;*

*5. Require that each initial member of the corporation and each additional locality admitted to membership agree to remain a member of the benefits consortium for a period of at least five years from the date the consortium begins operations or the date of the additional locality's admission to membership, as the case may be;*

*6. Provide that the number of directors of the corporation shall be equal to the number of members;*

7. Provide that the board of directors shall have exclusive fiscal control over and be responsible for the operation of the benefits plan and shall govern the benefits consortium in accordance with applicable law;

8. Vest in the board of directors the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of same in the name of the corporation;

9. State the purposes of the benefits consortium, including the types of risks to be shared by its members;

10. Provide that each member shall be contractually liable for its allocated share of the liabilities of the benefits consortium as determined by the board of directors;

11. Require that the benefits consortium purchase and maintain (i) a bond that satisfies the requirements of applicable law, (ii) fiduciary liability insurance, and (iii) a policy or policies of excess insurance with a retention level determined in accordance with sound actuarial principles from an insurer licensed to transact the business of insurance in the Commonwealth;

12. Require that the benefits consortium be audited annually by an independent certified public accountant engaged by the board of directors; and

13. Not include in the name of the corporation the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the corporation is not an insurance company and is not carrying on the business of insurance.

C. A benefits consortium shall establish and maintain reserves determined in accordance with sound actuarial principles. Capital may be maintained in the form of an irrevocable letter of credit issued to the benefits consortium by a state or national bank authorized to engage in the banking business in the Commonwealth.

D. A benefits consortium may create a self-funded trust through which the members provide for their employees and their dependents any benefit that a member that is a locality is authorized to provide under an accident and health insurance program authorized by § 15.2-1517.

E. Except to the extent specifically provided in this section, a benefits consortium organized under and operated in conformity with this section, so long as it remains in good standing under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and otherwise meets the requirements set forth in this section, shall be exempt from all state taxation, and shall not otherwise be subject to the provisions of Title 38.2, including regulation as a multiple employer welfare arrangement.

## CHAPTER 137

An Act to amend and reenact §§ 2.2-2715 and 2.2-3705.7 of the Code of Virginia, relating to the Veterans Services Foundation.

[H 1967]

Approved March 16, 2015

### Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2715 and 2.2-3705.7 of the Code of Virginia are amended and reenacted as follows:

#### § 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency supporting the Department of Veterans Services in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) *accept and* raise revenue from all sources, including private source fundraising, to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans and Defense Affairs on or before November 30 of each year. The quarterly report and the annual report shall be submitted electronically.

B. The board of trustees of the Foundation shall consist of the Commissioner of Veterans Services and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting members, and 16 members to be appointed as follows: eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced geographical representation on the Board to facilitate fundraising efforts across the state.

After initial appointments, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the

same manner as the original appointments. Any member of the Board of Trustees may be removed at the pleasure of the appointing authority.

C. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

D. The Secretary of Veterans and Defense Affairs shall designate a state agency to provide the Foundation with administrative and other services.

E. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may provide. Ex officio members shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting members of the board of trustees shall constitute a quorum.

F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, *unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation*. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

### CHAPTER 138

*An Act to amend and reenact §§ 54.1-2808.1 and 54.1-2808.2 of the Code of Virginia, relating to unclaimed cremains of veterans; eligible dependents; veterans service organizations.*

[S 1106]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2808.1 and 54.1-2808.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2808.1. Disposition of cremains.**

Except as otherwise provided in § 54.1-2808.2, a funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after 120 days from the date of cremation, the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all cremains which identifies the method and site of final disposition. The costs and all reasonable expenses incurred in disposing of the cremains shall be borne by the contracting agent. Upon the disposition of the cremains, the funeral director shall not be liable for the cremains or for the method of final disposition. Except as otherwise provided in § 54.1-2808.2, any funeral director in possession of unclaimed cremains prior to July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However, no funeral director shall, without written permission of the contracting agent, dispose of cremains in a manner or a location in which the cremains of the deceased are commingled, except in the scattering of cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the cremains of persons in the same container or urn.

For the purposes of this section and § 54.1-2808.2, "contracting agent" means any person, organization, association, institution, or group of persons who contracts with a funeral director or funeral establishment for funeral services.

**§ 54.1-2808.2. Identification of unclaimed cremains of veterans and eligible dependents.**

*A. For the purposes of this section:*

*"Eligible dependent" means a veteran's spouse, a veteran's unmarried child younger than 21 years of age, or veteran's unmarried adult child who before the age of 21 became permanently incapable of self-support because of physical or mental disability.*

*"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress and any employee or representative of such association or entity.*

*B. If the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition within 90 days from the date of cremation, the funeral director shall provide names and any other identifying information of the unclaimed cremains to the Department of Veterans Services or a veterans service organization in order for the Department or organization to determine if the unclaimed cremains are those of a veteran or eligible dependent. The names and any personal identifying information submitted by a funeral director to the Department of Veterans Services or veterans service organization in compliance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

~~*B. Commencing July 1, 2014, the*~~ *C. The Department of Veterans Services or veterans service organization shall notify the funeral director within 30 45 days of receipt of the information required by subsection ~~A~~ B if the cremains are those of a veteran or eligible dependent and, if so, whether such veteran or eligible dependent is eligible for burial in a veterans cemetery in order to permit the transfer of the unclaimed cremains to a veterans cemetery. If the cremains are those of an eligible veteran or eligible dependent, a funeral director may transfer the cremains to the Department of Veterans Services or a veterans service organization for the purpose of disposition of such cremains.*

~~C. D.~~ No disposal of the unclaimed remains of an eligible veteran or eligible dependent shall be made until the funeral director has notified the Virginia Department of Veterans Services or a veterans service organization and has received a determination as to whether the remains are those of an eligible veteran or eligible dependent. Absent bad faith or malicious intent, no funeral director who transfers the remains of a veteran or eligible dependent to the Virginia Department of Veterans Services or a veterans service organization for purposes of disposition or a veterans service organization that receives remains for the purposes of disposition as provided in this section shall be liable for civil negligence.

### CHAPTER 139

*An Act to amend the Code of Virginia by adding a section numbered 22.1-287.02, relating to students' personally identifiable information.*

[H 1334]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-287.02 as follows:**

**§ 22.1-287.02. Students' personally identifiable information.**

*A. The Department of Education shall develop and make publicly available on its website policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and state law applicable to students' personally identifiable information, including policies for (i) access to students' personally identifiable information and (ii) the approval of requests for student data from public and private entities and individuals for the purpose of research.*

*B. In cases in which electronic records containing personally identifiable information are reasonably believed by the Department of Education or a local school division to have been disclosed in violation of the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) or other federal or state law applicable to such information, the Department or local school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in § 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.*

### CHAPTER 140

*An Act to amend and reenact §§ 2.2-208, 22.1-23, and 23-224 of the Code of Virginia, relating to education; agency coordination.*

[H 1335]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-208, 22.1-23, and 23-224 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-208. Position established; agencies for which responsible; powers and duties.**

*A. The position of Secretary of Education (the "Secretary") is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, the Commission for the Arts, and the Board of Visitors of the Virginia School for the Deaf and the Blind. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.*

*B. Unless the Governor expressly reserves such a power to himself, the Secretary ~~is empowered to~~ may (i) resolve administrative, jurisdictional, or policy conflicts between any agencies or officers for which he is responsible and ~~to~~ (ii) provide policy direction for programs involving more than a single agency. ~~He is authorized to~~*

*C. The Secretary may direct the preparation of alternative policies, plans, and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible. ~~He~~*

*D. The Secretary shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.*

*E. The Secretary shall consult with the agencies for which he is responsible and biennially report to the General Assembly on the coordination efforts among such agencies.*

**§ 22.1-23. Duties in general.**

The Superintendent of Public Instruction shall:

1. Serve as secretary of the Board of Education;
2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;

3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are required by law;  
 4. (Expires July 1, 2015) At least annually, survey all local school divisions to identify critical shortages of teachers and administrative personnel by geographic area, by school division, or by subject matter, and report such critical shortages to each local school division and to the Virginia Retirement System;

5. Along with the State Health Commissioner, work to combat childhood obesity and other chronic health conditions that affect school-age children; ~~and~~

6. *Designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges; and*

7. Perform such other duties as the Board of Education may prescribe.

**§ 23-224. Duties of Chancellor generally.**

(~~a~~) ~~It shall be the duty of the~~ A. The Chancellor of Community Colleges ~~to~~ shall formulate such rules and regulations, and provide for such assistance in his office as shall be necessary for the proper performance of the duties prescribed by the provisions of this chapter.

(~~b~~) B. The State Board shall prescribe the duties of the Chancellor, in addition to those duties otherwise prescribed for him by law, and, in its discretion, approve the appointment by the Chancellor of such agents and employees as may be needed by the Chancellor in the exercise of the functions, duties, and powers conferred and imposed by law and in order to effect a proper organization to carry out his duties.

C. *The Chancellor shall designate an employee of the State Board to serve as its liaison to the Board of Education.*

**CHAPTER 141**

*An Act to amend and reenact § 23-231.20 of the Code of Virginia, relating to the Institute for Advanced Learning and Research; board membership.*

[H 1423]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-231.20 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-231.20. Board of trustees; membership; appointments; terms; compensation and expenses; officers.**

A. The Institute shall be governed by a 15-member Board of Trustees consisting of the presidents or their designees of Averett University, Danville Community College, and Virginia Polytechnic Institute and State University; the chairman or his designee of the Board of the Future of the Piedmont Foundation; one resident of the City of Danville to be appointed by the Danville City Council; one resident of Pittsylvania County to be appointed by the Pittsylvania County Board of Supervisors; and nine citizens representing business and industry ~~and residing~~ *who (i) reside in Southside Virginia, (ii) own a business headquartered or otherwise operating in Southside Virginia, or (iii) serve as a member of either the board of directors or senior management of a business headquartered or otherwise operating in Southside Virginia, of whom three* ~~to~~ shall be appointed by the Governor, three ~~to~~ shall be appointed by the Senate Committee on Rules, and three ~~to~~ shall be appointed by the Speaker of the House of Delegates. All members appointed shall be nonelected citizens of the Commonwealth.

B. The presidents or their designees of the named institutions of higher education and the chairman or his designee of the Board of the Future of the Piedmont Foundation shall serve terms coincident with their terms of office. Of the initial citizen appointments to be made in 2004, one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall serve for one-year terms and one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate shall serve for two-year terms. After the initial staggering of terms, all citizen appointments shall be for terms of three years, except that appointments to fill vacancies shall be for the unexpired terms.

No citizen member of the Board shall be eligible to serve more than two successive three-year terms; however, after expiration of a term of less than three years, or after the remainder of a three-year term to which a member was appointed to fill a vacancy, a member may serve two additional three-year terms, if so appointed.

C. The Board shall elect a chairman and vice-chairman from among its members and may establish bylaws as necessary.

D. Members of the Board shall not be entitled to receive compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses of the members shall be provided by the Institute.

**CHAPTER 142**

*An Act to amend the Code of Virginia by adding a section numbered 22.1-279.1:1, relating to the use of seclusion and restraint in public schools; Board of Education regulations.*

[H 1443]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-279.1:1 as follows:**

**§ 22.1-279.1:1. *The use of seclusion and restraint in public schools; Board of Education regulations.***

*The Board shall adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion: Resource Document; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.*

## CHAPTER 143

*An Act to amend and reenact § 22.1-93 of the Code of Virginia, relating to school budgets.*

[H 1484]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-93 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-93. Approval of annual budget for school purposes.**

Notwithstanding any other provision of law, including but not limited to Chapter 25 (§ 15.2-2500 et seq.) of Title 15.2, the governing body of a county ~~shall prepare and approve an annual budget for educational purposes by May first or within thirty days of the receipt by the county of the estimates of state funds, whichever shall later occur,~~ and the governing body of a municipality shall *each* prepare and approve an annual budget for educational purposes by May ~~fifteen~~ 15 or within thirty days of the receipt by the *county or* municipality of the estimates of state funds, whichever shall later occur. Upon approval, each local school division shall publish the approved annual budget, including the estimated required local match, on the division's website, and the document shall also be made available in hard copy as needed to citizens for inspection.

The Superintendent of Public Instruction shall, no later than the fifteenth day following final adjournment of the Virginia General Assembly in each session, submit estimates to be used for budgetary purposes relative to the Basic School Aid Formula to each school division and to the local governing body of each county, city and town that operates a separate school division. Such estimates shall be for each year of the next biennium or for the then next fiscal year.

## CHAPTER 144

*An Act to create uniform student eligibility for an expedited retake of a Standards of Learning test.*

[H 1490]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That the Board of Education shall promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course.**

## CHAPTER 145

*An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to the Standards of Learning; integrated assessments.*

[H 1615]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science *and may be integrated to include multiple subject areas.*

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall

(1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford

Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

## CHAPTER 146

*An Act to amend and reenact § 23-38.56 of the Code of Virginia, relating to senior citizens higher education; maximum income.*

[H 2068]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 23-38.56 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 23-38.56. Attendance at state institutions; conditions.**

A senior citizen shall be permitted, under regulations as may be prescribed by the State Council of Higher Education:

(i) To register for and enroll in courses as a full-time or part-time student for academic credit if such senior citizen had a taxable individual income not exceeding ~~\$15,000~~ \$23,850 for Virginia income tax purposes for the year preceding the year in which enrollment is sought;

(ii) To register for and audit courses offered for academic credit; and

(iii) To register for and enroll in courses not offered for academic credit in any state institution of higher education in this Commonwealth.

Such senior citizen shall pay no tuition or fees except fees established for the purpose of paying for course materials, such as laboratory fees, but shall be subject to the admission requirements of the institution and a determination by the institution of its ability to offer the course or courses for which the senior citizen registers. The State Council of Higher Education shall establish procedures to ensure that tuition-paying students are accommodated in courses before senior citizens participating in this program are enrolled. However, the state institutions of higher education may make individual exceptions to these procedures when the senior citizen has completed seventy-five percent of the requirements for a degree.

## CHAPTER 147

*An Act to amend the Code of Virginia by adding a section numbered 22.1-279.1:1, relating to the use of seclusion and restraint in public schools; Board of Education regulations.*

[S 782]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 22.1-279.1:1 as follows:****§ 22.1-279.1:1. The use of seclusion and restraint in public schools; Board of Education regulations.**

*The Board shall adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations and the Fifteen Principles contained in the U.S. Department of Education's Restraint and Seclusion: Resource Document; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.*

## CHAPTER 148

*An Act to create uniform student eligibility for an expedited retake of a Standards of Learning test.*

[S 874]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the Board of Education shall promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course.*

## CHAPTER 149

*An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to public schools; Standards of Learning assessments.*

[S 900]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, ~~(i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.~~

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level

Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents

annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

## CHAPTER 150

*An Act to direct the Board of Education to promulgate regulations establishing additional accreditation ratings.*

[S 1320]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. *§ 1. The Board of Education shall promulgate regulations establishing additional accreditation ratings that recognize the progress of schools that do not meet accreditation benchmarks but have significantly improved their pass rates, are within specified ranges of benchmarks, or have demonstrated significant growth for the majority of their students. The Board shall implement such regulations no later than the 2016-2017 school year.*

## CHAPTER 151

*An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of assessment.*

[H 1291]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. **That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 58.1-3330. Notice of change in assessment.**

A. Whenever in any county, city or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least fifteen days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city or town shall require the officer of such county, city or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior two *tax years' final* assessed values of land, and the new and immediately prior two *tax years' final* assessed values of improvements. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. The notice shall also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332, and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332. In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy, based on the current tax rate at the time the notices are prepared, and the amounts of the total tax levies for the immediately prior two tax years, *based on the final tax rates for those tax years multiplied by the final assessed values of land and improvements for those tax years*, and the percentage changes in the new tax levy from the tax levies in the immediately prior two tax years.

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice, shall transmit the notice to such owner, at his last known address, immediately on receipt thereof, and shall be liable to such owner in an action at law for liquidated damages in the amount of twenty-five dollars, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city or town.

## CHAPTER 152

*An Act to amend and reenact § 58.1-3523 of the Code of Virginia, relating to tangible personal property tax relief for autocycles.*

[H 1340]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3523 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3523. Definitions.**

As used in this chapter:

"Commissioner of the revenue" means the same as that set forth in § 58.1-3100. For purposes of this chapter, in a county or city which does not have an elected commissioner of the revenue, "commissioner of the revenue" means the officer who is primarily responsible for assessing motor vehicles for the purposes of tangible personal property taxation.

"Department" means the Department of Motor Vehicles.

"Effective tax rate" means the tax rate imposed by a locality on tangible personal property multiplied by any assessment ratio in effect.

"Leased" means leased by a natural person as lessee and used for nonbusiness purposes.

"Privately owned" means owned by a natural person and used for nonbusiness purposes.

"Qualifying vehicle" means any passenger car, motorcycle, *autocycle*, and pickup or panel truck, as those terms are defined in § 46.2-100, that is determined by the commissioner of the revenue of the county or city in which the vehicle has situs as provided by § 58.1-3511 to be (i) privately owned; (ii) leased pursuant to a contract requiring the lessee to pay the tangible personal property tax on such vehicle; or (iii) held in a private trust for nonbusiness purposes. In determining whether a vehicle is a qualifying vehicle, the commissioner of revenue must rely on the registration of such vehicle with the Department pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2 or, for leased vehicles, the information of the Department pursuant to subsections B and C of § 46.2-623, unless the commissioner of the revenue has information that the Department's information is incorrect, or to the extent that the Department's information is incomplete. For purposes of this chapter, all-terrain vehicles and off-road motorcycles titled with the Department of Motor Vehicles and mopeds shall not be deemed qualifying vehicles.

"Tangible personal property tax" means the tax levied pursuant to Article 1 (§ 58.1-3500 et seq.) of Chapter 35 of Title 58.1.

"Tax year" means the 12-month period beginning in the calendar year for which tangible personal property taxes are imposed.

"Treasurer" means the same as that set forth in § 58.1-3123, when used herein with respect to a county or city. When used herein with respect to a town, "treasurer" means the officer who is primarily responsible for the billing and collection of tangible personal property taxes levied upon motor vehicles by such town, and means the treasurer of the county or counties in which such town is located if such functions are performed for the town by the county treasurer or treasurers.

"Used for nonbusiness purposes" means the preponderance of use is for other than business purposes. The preponderance of use for other than business purposes shall be deemed not to be satisfied if: (i) the motor vehicle is expensed on the taxpayer's federal income tax return pursuant to Internal Revenue Code § 179; (ii) more than 50 percent of

the basis for depreciation of the motor vehicle is depreciated for federal income tax purposes; or (iii) the allowable expense of total annual mileage in excess of 50 percent is deductible for federal income tax purposes or reimbursed pursuant to an arrangement between an employer and employee.

"Value" means the fair market value determined by the method prescribed in § 58.1-3503 and used by the locality in valuing the qualifying vehicle.

**2. That the provisions of this act shall become effective for "tax years," as such term is defined in § 58.1-3523 of the Code of Virginia, beginning on or after January 1, 2016.**

## CHAPTER 153

*An Act to amend and reenact § 58.1-439.22 of the Code of Virginia, relating to neighborhood assistance tax credits.*

[H 1459]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439.22 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.22. Donations of professional services.**

A. A sole proprietor, partnership or limited liability company engaged in the business of providing professional services shall be eligible for a tax credit under this article based on the time spent by the proprietor or a partner or member, respectively, who renders professional services to a program that has received an allocation of tax credits from the Superintendent of Public Instruction or the Commissioner of the State Department of Social Services. The value of the professional services, for purposes of determining the amount of the tax credit allowable, rendered by the proprietor or a partner or member to an approved program shall not exceed the lesser of (i) the reasonable cost for similar services from other providers or (ii) \$125 per hour.

B. A business firm shall be eligible for a tax credit under this article for the time spent by a salaried employee who renders professional services to an approved program. The value of the professional services, for purposes of determining the amount of tax credit allowed to a business firm for time spent by its salaried employee in rendering professional services to an approved project, shall be equal to the salary that such employee was actually paid for the period of time that such employee rendered professional services to the approved program.

C. Notwithstanding any provision of this article limiting eligibility for tax credits to business firms, physicians, chiropractors, dentists, nurses, nurse practitioners, physician assistants, optometrists, dental hygienists, professional counselors, clinical social workers, clinical psychologists, marriage and family therapists, physical therapists, and pharmacists licensed pursuant to Title 54.1 who provide health care services within the scope of their licensure, without charge, to patients of a clinic operated by an organization that has received an allocation of tax credits from the Commissioner of the State Department of Social Services and such clinic is organized in whole or in part for the delivery of health care services without charge, or to a clinic operated not for profit providing health care services for charges not exceeding those set forth in a scale prescribed by the State Board of Health pursuant to § 32.1-11 for charges to be paid by persons based upon ability to pay, shall be eligible for a tax credit pursuant to § 58.1-439.21 based on the time spent in providing health care services to patients of such clinic, regardless of where the services are delivered.

Notwithstanding any provision of this article limiting eligibility for tax credits, a pharmacist who donates pharmaceutical services to patients of a free clinic, which clinic is an organization exempt from taxation under the provisions of § 501(c)(3) of the Internal Revenue Code, with such pharmaceutical services performed at the direction of an approved neighborhood organization that has received an allocation of tax credits from the Commissioner of the State Department of Social Services, shall be eligible for tax credits under this article based on the time spent in providing such pharmaceutical services, regardless of where the services are delivered.

Notwithstanding any provision of this article limiting eligibility for tax credits, mediators certified pursuant to guidelines promulgated by the Judicial Council of Virginia who provide services within the scope of such certification, without charge, at the direction of an approved neighborhood organization that provides court-referred mediation services and that has received an allocation of tax credits from the Commissioner of the State Department of Social Services shall be eligible for tax credits under this article based on the time spent in providing such mediation services, regardless of where the services are delivered.

The value of such services, for purposes of determining the amount of the tax credit allowable, rendered by the physician, chiropractor, dentist, nurse, nurse practitioner, physician assistant, optometrist, dental hygienist, professional counselor, clinical social worker, clinical psychologist, marriage and family therapist, physical therapist, pharmacist, or mediator shall not exceed the lesser of (i) the reasonable cost for similar services from other providers or (ii) \$125 per hour.

*D. Notwithstanding any provision of this article limiting eligibility for tax credits and for tax credit allocations beginning with fiscal year 2015-2016, a physician specialist who donates specialty medical services to patients referred from an approved neighborhood organization (i) that has received an allocation of tax credits from the Commissioner of Social Services, (ii) whose sole purpose is to provide specialty medical referral services to patients of participating clinics or federally qualified health centers, and (iii) that is exempt from taxation under the provisions of § 501(c)(3) of the Internal*

Revenue Code shall be eligible for tax credits under this article issued to such organization regardless of where the specialty medical services are delivered.

The value of such services, for purposes of determining the amount of tax credit allowable, rendered by the physician specialist shall not exceed the lesser of (a) the reasonable cost for similar services from other providers or (b) \$125 per hour.

## CHAPTER 154

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1, relating to the authority of depository institutions to sponsor savings promotions.

[H 1487]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 6.2 a section numbered 6.2-603.1 as follows:**

**§ 6.2-603.1. Savings promotions.**

A. As used in this section, unless the context requires a different meaning:

"Depository institution" means a bank, savings institution, or credit union that is subject to any provision of this title and that offers savings accounts, share accounts, certificates of deposit, or other savings products or programs.

"Nonqualifying account" means a savings account, share account, certificate of deposit, or other savings product or program offered by a depository institution that is not a qualifying account.

"Qualifying account" means a savings account, share account, share certificate, or other savings product or program offered by a depository institution through which depositors may obtain chances to win prizes in a savings promotion.

"Savings promotion" means a contest or promotion sponsored by a depository institution in which a chance of winning designated prizes is obtained by its depositors for the purposes of encouraging depositors to build and maintain savings deposits.

B. Any depository institution may sponsor a savings promotion in accordance with the provisions of this section, to the extent (i) the savings promotion is not prohibited by federal law or regulation and (ii) the savings promotion complies with the following requirements:

1. Participants in the savings promotion shall not be required to provide any consideration in order to obtain entries to win. For purposes of this subdivision, participants shall not be deemed to have provided consideration due to the requirement that they deposit a specified amount of money for a specified time period in a qualifying account in order to obtain entries to win, provided that:

a. The interest rate associated with any such qualifying account is not reduced when compared with other comparable nonqualifying accounts offered by any depository institution, to account for the possibility of depositors winning specified prizes; and

b. The depository institution does not charge a fee for participating in the savings promotion;

2. All fees charged in connection with a qualifying account shall be comparable with all fees charged in connection with other comparable nonqualifying accounts, if any, offered by the depository institution;

3. The savings promotion shall be conducted such that each entry in the savings promotion has an equal chance of being drawn;

4. Participants in the savings promotion shall not be required to be present at a prize drawing in order to win; and

5. The savings promotion is conducted in a manner that complies with the applicable requirements of Chapter 31 (§ 59.1-415 et seq.) of Title 59.1.

C. For purposes of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, a savings promotion offered in accordance with this section shall not constitute illegal gambling or otherwise be deemed to entail the promotion of gambling or a lottery.

## CHAPTER 155

An Act to amend and reenact § 46.2-1569 of the Code of Virginia, relating to the prohibition of coercion of motor vehicle dealers to provide access to consumer data.

[H 1549]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1569 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.**

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant (i) lacks good moral character, (ii) lacks reasonable motor vehicle dealership management experience and qualifications, (iii) lacks financial ability to be the dealer, or (iv) fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the

condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than ten miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line-make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or

incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or

distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney's fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

*11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.*

*The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.*

*If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.*

*It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.*

*A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.*

## CHAPTER 156

*An Act to amend and reenact § 58.1-472 of the Code of Virginia, relating to the payment of withholding taxes.*

[H 2307]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-472 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-472. Employer's returns and payments of withheld taxes.**

Every employer required to deduct and withhold from an employee's wages under this article shall make return and pay over to the Tax Commissioner the amount required to be withheld hereunder as follows:

1. Every employer whose monthly liability is less than \$100 or who is subject to subdivision 3 shall make return and pay over the required amount on or before the last day of the month following the close of each quarterly period;

2. Every employer whose average monthly liability can reasonably be expected to be \$100 or more shall file a return and pay the tax monthly, on or before the twenty-fifth day of the following month;

3. Every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall, in addition to the requirements of subdivision 1 of this section, file a form with the Commissioner within three banking days following the close of any period for which the employer is required to deposit federal withholding tax and pay the amount so withheld, except when a payment is due within three days of the due date for the filing of the quarterly returns, then such payment shall be made with such return. *Any employer otherwise required to file a return and pay the withholding tax pursuant to this subdivision that has no more than five employees subject to withholding under this article may request a waiver from the Tax Commissioner authorizing the employer to file the return and pay the withholding tax pursuant to subdivision 2.*

The Tax Commissioner may authorize an employer to file seasonal returns when in his opinion the administration of the tax imposed under this article would be enhanced. Any employer making payment under subdivision 3 of this section will be deemed to have met the requirements hereof if at least ninety percent of actual tax liability for such period is paid. Employers authorized to file seasonal returns under this paragraph shall file each return on or before the twentieth of the month following the close of the reporting period.

The returns and forms filed under this section shall be in such form and contain such information as the Commissioner may prescribe.

**CHAPTER 157**

*An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of assessment.*

[S 678]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3330. Notice of change in assessment.**

A. Whenever in any county, city or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least fifteen days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city or town shall require the officer of such county, city or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior two *tax years' final* assessed values of land, and the new and immediately prior two *tax years' final* assessed values of improvements. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. The notice shall also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332, and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332. In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy, based on the current tax rate at the time the notices are prepared, and the amounts of the total tax levies for the immediately prior two tax years, *based on the final tax rates for those tax years multiplied by the final assessed values of land and improvements for those tax years*, and the percentage changes in the new tax levy from the tax levies in the immediately prior two tax years.

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax

rate changes. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice, shall transmit the notice to such owner, at his last known address, immediately on receipt thereof, and shall be liable to such owner in an action at law for liquidated damages in the amount of twenty-five dollars, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city or town.

## CHAPTER 158

*An Act to amend and reenact §§ 3.2-801 and 54.1-3401 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, relating to industrial hemp production and manufacturing.*

[H 1277]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-801 and 54.1-3401 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, as follows:**

**§ 3.2-801. Powers and duties of Commissioner.**

The Commissioner shall exercise or perform the powers and duties imposed upon him by this chapter. The Commissioner shall make surveys for noxious weeds and when the Commissioner determines that an infestation exists within the Commonwealth, he may request the Board to declare the weed to be noxious under this chapter and the Board shall proceed as specified in § 3.2-802.

The Commissioner in coordination with the Department of Game and Inland Fisheries shall develop a plan for the identification and control of noxious weeds in the surface waters and lakes of the Commonwealth.

The Commissioner may cooperate with any person or any agency of the federal government in carrying out the provisions of this chapter.

Expenses incurred on property owned or controlled by the federal government shall be reimbursed and refunded to the appropriation from which they were expended.

~~The Commissioner may, upon request, cooperate with federal, other state agencies, or political subdivisions in the enforcement of the narcotics laws to the extent of preventing the spread of and destroying marijuana or hemp, Cannabis species, or other plants that produce drugs that have been condemned for destruction under the narcotics laws, and the expenses incurred shall be reimbursed and shall be refunded to the appropriation from which they were expended. Such drug producing plants are hereby declared noxious and subject to all provisions of this chapter pertaining to eradication and spread subject to the above conditions.~~

### CHAPTER 41.1. INDUSTRIAL HEMP.

**§ 3.2-4112. Definitions.**

*As used in this chapter:*

*"Grower" means any person licensed pursuant to § 3.2-4115 to grow industrial hemp as part of the industrial hemp research program.*

*"Hemp products" means all products made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and seed for cultivation.*

*"Industrial hemp" means all parts and varieties of the plant Cannabis sativa, cultivated or possessed by a licensed grower, whether growing or not, that contain a concentration of THC that is no greater than that allowed by federal law. Industrial hemp as defined and applied in this chapter is excluded from the definition of marijuana as found in § 54.1-3401.*

*"Industrial hemp research program" means the research program established pursuant to § 3.2-4120.*

*"Seed research" means research conducted to develop or re-create better varieties of industrial hemp, particularly for the purposes of seed production.*

*"Tetrahydrocannabinol" or "THC" means the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives, of the genus Cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.*

**§ 3.2-4113. Production of industrial hemp lawful.**

*A. It is lawful for a person licensed pursuant to § 3.2-4115 to cultivate, produce, or otherwise grow industrial hemp in the Commonwealth for the purpose of research as part of the industrial hemp research program. No person licensed pursuant to § 3.2-4115 shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1*

for (i) the possession or cultivation of industrial hemp plant material or seeds as part of the industrial hemp research program or (ii) the manufacture of industrial hemp products as part of the industrial hemp research program. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower.

**§ 3.2-4114. Regulations.**

The Board may adopt regulations pursuant to this chapter as necessary to (i) license persons to grow industrial hemp or (ii) administer the industrial hemp research program.

**§ 3.2-4115. Issuance of licenses.**

A. The Commissioner shall establish a program of licensure to allow a person to grow industrial hemp in the Commonwealth in a controlled fashion solely and exclusively as part of the industrial hemp research program. This form of licensure shall only be allowed subject to a grant of necessary permissions, waivers, or other form of valid legal status by the U.S. Drug Enforcement Administration or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp.

B. Any person seeking to grow industrial hemp as part of the industrial hemp research program shall apply to the Commissioner for a license on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;
2. The legal description and geographic data sufficient for locating the production fields to be used to grow industrial hemp. A license shall authorize industrial hemp propagation only on the land areas specified in the license;
3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a license under this section shall not be eligible for the license;
4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a license is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant and to ensure compliance with the requirements of this chapter. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction. All testing for THC levels shall be performed as provided in subsection K;
5. Documentation of an agreement between a public institution of higher education and the applicant that states that the applicant, if licensed pursuant to this section, will be a participant in the industrial hemp research program managed by that public institution of higher education;
6. Any other information required by the Commissioner; and
7. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

C. The Commissioner shall require a state and national fingerprint-based criminal history background check by the Department of State Police on any person applying for licensure. The Department of State Police may charge a fee, as established by the Department of State Police, to be paid by the applicant for the actual cost of processing the background check. A copy of the results of the background check shall be sent to the Commissioner.

D. All license applications shall be processed as follows:

1. Upon receipt of a license application, the Commissioner shall forward a copy of the application to the Department of State Police, which shall initiate its review thereof;
2. The Department of State Police shall, within 60 days, perform the required state and national criminal history background check of the applicant; approve the application, if it is determined that the requirements relating to prior criminal convictions have been met; and return all applications to the Commissioner together with its findings and a copy of the state and national criminal history background check; and
3. The Commissioner shall review all license applications returned from the Department of State Police. If the Commissioner determines that all requirements have been met and that a license should be granted to the applicant, taking into consideration any prior convictions of the applicant, the Commissioner shall approve the application for issuance of a license.

E. The Commissioner may approve licenses for only those selected growers whose demonstration plots will, in the discretion of the Commissioner, advance the goals of the industrial hemp research program to the furthest extent possible based on location, soil type, growing conditions, varieties of industrial hemp and their suitability for particular hemp products, and other relevant factors. The location and acreage of each demonstration plot to be grown by a license holder, as well as the total number of plots to be grown by a license holder, shall be determined at the discretion of the Commissioner.

F. An industrial hemp research program grower license shall not be subject to a minimum acreage.

G. Each license shall be valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal shall require the payment of a license renewal fee.

H. The Commissioner shall establish the fee amounts required for license applications and license renewals allowed under this section. All application and license renewal fees collected by the Commissioner shall be deposited in the State Treasury.

I. A copy or appropriate electronic record of each license issued by the Commissioner under this section shall be forwarded immediately to the chief law-enforcement officer of each county or city where the industrial hemp is licensed to be planted, grown, and harvested.

J. All records, data, and information filed in support of a license application shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

K. The Commissioner shall be responsible for monitoring the industrial hemp grown by any license holder and shall provide for random testing of the industrial hemp for compliance with THC levels and for other appropriate purposes established pursuant to § 3.2-4114 at the cost of the license holder.

**§ 3.2-4116. Industrial hemp grower license conditions.**

A. A person shall obtain an industrial hemp grower license pursuant to § 3.2-4115 prior to planting or growing any industrial hemp in the Commonwealth.

B. A person granted an industrial hemp grower license pursuant to § 3.2-4115 shall:

1. Maintain records that reflect compliance with this chapter and with all other state laws regulating the planting and cultivation of industrial hemp;

2. Retain all industrial hemp production records for at least three years;

3. Allow industrial hemp crops, throughout sowing, growing, and harvesting, to be inspected by and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of the locality; and

4. Maintain a current written agreement with a public institution of higher education that states that the grower is a participant in the industrial hemp research program managed by that public institution of higher education.

**§ 3.2-4117. Additional industrial hemp licenses.**

A. The Board may adopt regulations as necessary to license persons to grow industrial hemp in the Commonwealth for any purpose.

B. The Commissioner may establish a program of licensure, including the establishment of any fees, to allow a person to grow industrial hemp in the Commonwealth for any purpose.

C. Subsections A and B shall only be allowed subject to the authorization of industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.

**§ 3.2-4118. Forfeiture of industrial hemp grower license.**

A. The Commissioner shall deny the application, or suspend or revoke the license, of any industrial hemp grower if the grower violates any provision of this chapter. The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to § 2.2-4019 to any industrial hemp grower in connection with the denial, suspension, or revocation of the grower's license.

B. If a license is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The grower may appeal a final order to the circuit court in accordance with the Administrative Process Act.

C. The Commissioner may revoke any license of any person who has pled guilty to, or been convicted of, a felony.

**§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

Industrial hemp growers licensed under this chapter may be eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

**§ 3.2-4120. Industrial hemp research program.**

A. To the extent that adequate funds are available for the program, the Commissioner shall undertake research of industrial hemp production through the establishment and oversight of an industrial hemp research program to be directly managed by public institutions of higher education. This research program shall consist primarily of demonstration plots planted and cultivated in Virginia by selected growers. The growers shall be licensed pursuant to subsection A of § 3.2-4115 prior to planting any industrial hemp.

B. As part of the industrial hemp research program directly managed by public institutions of higher education, the Commissioner may:

1. Oversee and analyze the growth of industrial hemp by licensed growers, for agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

2. Conduct seed research on various types of industrial hemp that are best suited to be grown in Virginia, including seed availability, creation of Virginia hybrid types, and in-the-ground variety trials and seed production, and may establish a program to recognize certain industrial hemp seeds as being Virginia varieties of hemp seed;

3. Study the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in the Commonwealth;

4. Report on the estimated value-added benefits, including environmental benefits, to Virginia businesses of an industrial hemp market of Virginia-grown industrial hemp varieties;

5. Study the agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use;  
6. Research and promote on the world market industrial hemp and hemp seed that can be grown on farms in the Commonwealth;

7. Promote research into the development of industrial hemp and commercial markets for Virginia industrial hemp and hemp products;

8. Study the feasibility of attracting federal or private funding for the Virginia industrial hemp research program; and

9. Study the use of industrial hemp in new energy technologies, including electricity generation, biofuels, or other forms of energy resources; the growth of industrial hemp on reclaimed mine sites; the use of hemp seed oil in the production of fuels; and the production costs, environmental issues, and costs and benefits involved with the use of industrial hemp for energy.

C. The research activities outlined in subsection B shall not:

1. Subject the industrial hemp research program to any criminal liability under the controlled substances laws of the Commonwealth. This exemption from criminal liability is a limited exemption that shall be strictly construed and that shall not apply to any activities of the industrial hemp research program that are not authorized; or

2. Alter, amend, or repeal by implication any provision of this Code relating to controlled substances.

D. The Commissioner shall pursue any permits or waivers from the U.S. Drug Enforcement Administration or appropriate federal agency that are necessary for the advancement of the industrial hemp research program.

E. The Commissioner shall notify the Superintendent of State Police and all local law-enforcement agencies of the duration, size, and location of all industrial hemp demonstration plots.

F. The Commissioner is permitted to cooperatively seek funds from public and private sources to implement the industrial hemp research program.

G. By November 1, 2015, and annually thereafter, the Commissioner shall report on the status and progress of the industrial hemp research program to the Governor and to the General Assembly.

#### **§ 54.1-3401. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. *Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.*

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws

and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning - may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

## CHAPTER 159

*An Act to amend and reenact § 58.1-2403 of the Code of Virginia, relating to motor vehicle sales and use tax; exemption.*

[H 1279]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-2403 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-2403. Exemptions.**

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, ~~or~~ daughter, or parent of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;
8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;
9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;
10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;
11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or  
b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;
12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;
13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;
14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;
15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;
16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;
17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;
18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;
19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;
20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;
21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;
22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;
23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;
24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or

transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;

27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter; or

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

## CHAPTER 160

*An Act to amend and reenact § 29.1-735.2 of the Code of Virginia, relating to exemption from the boating safety education requirement.*

[H 1324]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 29.1-735.2 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 29.1-735.2. Boating safety education required; Board to promulgate regulations.**

A. No person shall operate a motorboat with a motor of 10 horsepower or greater or personal watercraft on the public waters of the Commonwealth, unless the operator has met the requirements for boating safety education in accordance with the age provisions established in subsection D.

B. A person shall be considered in compliance with the requirements for boating safety education if the person meets one of the following:

1. Completes and passes a boating safety course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Department;

2. Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;

3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government;

4. Possesses a state-approved nonrenewable temporary operator's certificate to operate a motorboat for 90 days that was issued with the certificate of number for the motorboat, if the boat is new or was sold with a transfer of ownership;

5. Possesses a rental or lease agreement from a motorboat rental or leasing business, which lists the person as the authorized operator of the motorboat;

6. Operates the motorboat under onboard direct supervision of a person who meets the requirements of this section;

7. Demonstrates that he is not a resident, is temporarily using the waters of Virginia for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;

8. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator, and is returning the motorboat to shore in order to provide assistance or care for the operator;

9. Is registered as a commercial fisherman pursuant to § 28.2-241 or a person who is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat; ~~or~~

10. Provides documentation that he is serving or has qualified as a surface warfare officer or enlisted surface warfare specialist in the United States Navy; *or*

11. *Provides documentation that he is serving or has qualified as an Officer of the Deck Underway, boat coxswain, boat officer, boat operator, watercraft operator, or Marine Deck Officer in any branch of the Armed Forces of the United States, United States Coast Guard, or Merchant Marine.*

C. The Board shall promulgate regulations by July 1, 2008, to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements.

D. Such regulations shall include provisions that phase-in the requirements for boating safety education according to the following:

1. Personal watercraft operators 20 years of age or younger to meet the requirements by July 1, 2009;

2. Personal watercraft operators 35 years of age or younger to meet the requirements by July 1, 2010;

3. Personal watercraft operators 50 years of age or younger to meet the requirements by July 1, 2011;

4. All personal watercraft operators, regardless of age, to meet the requirements by July 1, 2012;

5. Motorboat operators 20 years of age or younger to meet the requirements by July 1, 2011;
6. Motorboat operators 30 years of age or younger to meet the requirements by July 1, 2012;
7. Motorboat operators 40 years of age or younger to meet the requirements by July 1, 2013;
8. Motorboat operators 45 years of age or younger to meet the requirements by July 1, 2014;
9. Motorboat operators 50 years of age or younger to meet the requirements by July 1, 2015; and
10. All motorboat operators, regardless of age, to meet the requirements by July 1, 2016.

E. Such regulations may include, but not be limited to, provisions for compliance, statewide availability of NASBLA-approved courses including through the Internet, the issuance of certificates to document successful course completion, duplicate certificates, recordkeeping, requirements for course providers, instructor certification, student name and address changes, equivalency exam criteria, provisions for an open-book test for classroom based courses, requirements for motorboat rental and leasing businesses, issuance of a temporary operator's certificate, and the establishment of fees (not to exceed the cost of giving such instruction for each person participating in and receiving the instruction) for boating safety courses and certificates.

F. The Board shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating retail, leasing, and dealer business community in the promulgation of such regulations.

G. Any person who operates a motorboat on the waters of the Commonwealth shall, upon the request of a law-enforcement officer, present to the officer evidence that he has complied with subsection B.

H. Any person who violates any provision of this section or any regulation promulgated hereunder shall be subject to a civil penalty of \$100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701.

I. The provisions of this section shall not apply to law-enforcement officers while they are engaged in the performance of their official duties.

## CHAPTER 161

*An Act to amend and reenact § 46.2-1177 of the Code of Virginia, relating to the motor vehicle emissions inspection program.*

[H 1341]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1177 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1177. Emissions inspection program.**

The Director shall administer an emissions inspection program. Such program shall require biennial inspections of motor vehicles at official emissions inspection stations in accordance with this article and may require additional inspections of motor vehicles that have been shown by on-road testing to exceed emissions standards established by the Board.

The emissions inspections required in § 46.2-1178 shall not apply to any:

1. Vehicle powered by a clean special fuel as defined in § 46.2-749.3, provided provisions of the federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;
2. Motorcycle or autocycle, unless such autocycle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency;
3. Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or approved by the federal government;
4. Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730;
5. Vehicle for which no testing standards have been adopted by the Board; or
6. (Contingent effective date) Vehicle manufactured for the current model year or any of the three immediately preceding model years unless identified by the remote sensing program as violating the emissions standards established for that program.

## CHAPTER 162

*An Act to amend the Code of Virginia by adding a section numbered 46.2-203.2, relating to the Department of Motor Vehicles; emergency contact program.*

[H 1392]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-203.2 as follows:**

**§ 46.2-203.2. Emergency contact information program.**

A. As used in this section, "emergency contact" means a person 18 years of age or older whom the customer may designate to be contacted by a law-enforcement officer in an emergency situation.

B. The Department may establish an emergency contact information program to assist law-enforcement personnel in emergency situations. To establish such a program, a person who currently holds a learner's permit, temporary driver's license, driver's license, commercial driver's license, or special identification card issued by the Department or completes an application for the same may voluntarily submit emergency contact information for inclusion in his customer record with the Department. Such emergency contact information may include the name, relationship to the customer, address, and telephone number for an individual the customer designates as a contact in the event of an emergency situation.

C. Any person voluntarily submitting emergency contact information to the Department for inclusion in the applicant's customer record is responsible for maintaining current emergency contact information with the Department. Each applicant submitting emergency contact information to the Department shall certify in his application that he has notified the person he has designated as an emergency contact that such information will be supplied to the Department. The Department shall provide a method by which applicants submitting emergency contact information to the Department may submit such information electronically pursuant to § 46.2-216.1. Customers may add, modify, or delete information at any time. Such modifications or deletions will overwrite all previously provided information.

D. In the event of an emergency situation, the Department shall make emergency contact information in customer records electronically available to a law-enforcement officer who in the exercise of his official duties requires assistance in reaching a customer's emergency contact. Emergency contact information provided to the Department by the customer shall only be disclosed as permitted in this section and shall not be considered a public record subject to disclosure under the Freedom of Information Act and shall not be subject to disclosure by court order or other means of discovery.

E. In the absence of gross negligence or willful misconduct, the Department, its employees, and law-enforcement officers shall be immune from any civil or criminal liability in connection with the maintenance and use of emergency contact information voluntarily provided by customers for use in an emergency situation.

**2. That the provisions of this act shall become effective on January 1, 2016.**

## CHAPTER 163

*An Act to designate the Interstate 395 bridge over S. Glebe Road in Arlington County the "Trooper Jacqueline Vernon Memorial Bridge."*

[H 1401]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Interstate 395 bridge over S. Glebe Road in Arlington County is hereby designated the "Trooper Jacqueline Vernon Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

## CHAPTER 164

*An Act to amend and reenact §§ 10.1-2117, 10.1-2128, 10.1-2129, 10.1-2131, 10.1-2132, 62.1-44.15:35, and 62.1-44.19:13 of the Code of Virginia, relating to removing references to the tributary strategy plans for cleaning up the Chesapeake Bay and its tributaries in the Water Quality Improvement Act.*

[H 1536]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-2117, 10.1-2128, 10.1-2129, 10.1-2131, 10.1-2132, 62.1-44.15:35, and 62.1-44.19:13 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 10.1-2117. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Biological nutrient removal technology" means technology that will typically achieve at least an 8 mg/L total nitrogen concentration or at least a 1 mg/L total phosphorus concentration in effluent discharges.

"Chesapeake Bay Agreement" means the Chesapeake Bay Agreement of 2000 and any amendments thereto.

"Eligible nonsignificant discharger" means any publicly owned treatment works that is not a significant discharger but due to expansion or new construction is subject to a technology-based standard under § 62.1-44.19:15 or 62.1-44.19:16.

"Fund" means the Virginia Water Quality Improvement Fund established by Article 4 (§ 10.1-2128 et seq.) ~~of this chapter.~~

"Individual" means any corporation, foundation, association or partnership or one or more natural persons.

"Institutions of higher education" means any educational institution meeting the requirements of § 60.2-220.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision of the Commonwealth.

"Nonpoint source pollution" means pollution of state waters washed from the land surface in a diffuse manner and not resulting from a discernible, defined or discrete conveyance.

"Nutrient removal technology" means state-of-the-art nutrient removal technology, biological nutrient removal technology, or other nutrient removal technology.

"Point source pollution" means pollution of state waters resulting from any discernible, defined or discrete conveyances.

"Publicly owned treatment works" means a publicly owned sewage collection system consisting of pipelines or conduits, pumping stations and force mains, and all other construction, devices, and appliances appurtenant thereto, or any equipment, plant, treatment works, structure, machinery, apparatus, interest in land, or any combination of these, not including an onsite sewage system, that is used, operated, acquired, or constructed for the storage, collection, treatment, neutralization, stabilization, reduction, recycling, reclamation, separation, or disposal of wastewater, or for the final disposal of residues resulting from the treatment of sewage, including but not limited to: treatment or disposal plants; outfall sewers, interceptor sewers, and collector sewers; pumping and ventilating stations, facilities, and works; and other real or personal property and appurtenances incident to their development, use, or operation.

"Reasonable sewer costs" means the amount expended per household for sewer service in relation to the median household income of the service area as determined by guidelines developed and approved by the State Water Control Board for use with the Virginia Water Facilities Revolving Fund established pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1.

"Significant discharger" means (i) a publicly owned treatment works discharging to the Chesapeake Bay watershed with a design capacity of 0.5 million gallons per day or greater, (ii) a publicly owned treatment works discharging to the Chesapeake Bay watershed east of the fall line with a design capacity of 0.1 million gallons per day or greater, (iii) a planned or newly expanding publicly owned treatment works discharging to the Chesapeake Bay watershed, which is expected to be in operation by 2010 with a permitted design of 0.5 million gallons per day or greater, or (iv) a planned or newly expanding publicly owned treatment works discharging to the Chesapeake Bay watershed east of the fall line with a design capacity of 0.1 million gallons per day or greater, which is expected to be in operation by 2010.

"State-of-the-art nutrient removal technology" means technology that will achieve at least a 3 mg/L total nitrogen concentration or at least a 0.3 mg/L total phosphorus concentration in effluent discharges.

"State waters" means all waters on the surface or under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdictions.

~~"Tributary strategy plans" means plans that are developed by the Secretary of Natural Resources pursuant to the provisions of the Chesapeake Bay Agreement for the tidal tributaries of the Chesapeake Bay and the tidal creeks and embayments of the western side of the Eastern Shore of Virginia: This term shall include any amendments to the tributary strategy plans initially developed by the Secretary of Natural Resources pursuant to the Chesapeake Bay Agreement.~~

"Water Quality Improvement Grants" means grants available from the Fund for projects of local governments, institutions of higher education, and individuals (i) to achieve nutrient reduction goals in ~~tributary strategy plans or applicable regulatory requirements~~ *regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan* or (ii) to achieve other water quality restoration, protection or enhancement benefits.

#### **§ 10.1-2128. Virginia Water Quality Improvement Fund established; purposes.**

A. There is hereby established in the state treasury a special permanent, nonreverting fund, to be known as the "Virginia Water Quality Improvement Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of sums appropriated to it by the General Assembly which shall include, unless otherwise provided in the general appropriation act, 10 percent of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act and 10 percent of any unrestricted and uncommitted general fund balance at the close of each fiscal year whose reappropriation is not required in the general appropriation act. The Fund shall also consist of such other sums as may be made available to it from any other source, public or private, and shall include any penalties or damages collected under this article, federal grants solicited and received for the specific purposes of the Fund, and all interest and income from investment of the Fund. Any sums remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All moneys designated for the Fund shall be paid into the state treasury and credited to the Fund. Moneys in the Fund shall be used solely for Water Quality Improvement Grants. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon the written request of the Director of the Department of Environmental Quality or the Director of the Department of Conservation and Recreation as provided in this chapter.

B. Except as otherwise provided under this article, the purpose of the Fund is to provide Water Quality Improvement Grants to local governments, soil and water conservation districts, state agencies, institutions of higher education and individuals for point and nonpoint source pollution prevention, reduction and control programs and efforts undertaken in accordance with the provisions of this chapter. The Fund shall not be used for agency operating expenses or for purposes of replacing or otherwise reducing any general, nongeneral, or special funds allocated or appropriated to any state agency; however, nothing in this section shall be construed to prevent the award of a Water Quality Improvement Grant to a local government in connection with point or nonpoint pollution prevention, reduction and control programs or efforts undertaken

on land owned by the Commonwealth and leased to the local government. In keeping with the purpose for which the Fund is created, it shall be the policy of the General Assembly to provide annually its share of financial support to qualifying applicants for grants in order to fulfill the Commonwealth's responsibilities under Article XI of the Constitution of Virginia.

C. For the fiscal year beginning July 1, 2005, \$50 million shall be appropriated from the general fund and deposited into the Fund. Except as otherwise provided under this article, such appropriation and any amounts appropriated to the Fund in subsequent years in addition to any amounts deposited to the Fund pursuant to the provisions of subsection A shall be used solely to finance the costs of design and installation of nutrient removal technology at publicly owned treatment works designated as significant dischargers or eligible nonsignificant dischargers for compliance with the effluent limitations for total nitrogen and total phosphorus ~~as required by of the tributary strategy plans~~ *Chesapeake Bay TMDL Watershed Implementation Plan* or applicable regulatory or permit requirements. Notwithstanding the provisions of this section, the Governor and General Assembly may, at any time, provide additional funding for nonpoint source pollution reduction activities through the Fund in excess of the deposit required under subsection A.

At such time as grant agreements specified in § 10.1-2130 have been signed by every significant discharger and eligible nonsignificant discharger and available funds are sufficient to implement the provisions of such grant agreements, the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance shall review the financial assistance provided under this section and determine (i) whether such deposits should continue to be made, (ii) the size of the deposit to be made, (iii) the programs and activities that should be financed by such deposits in the future, and (iv) whether the provisions of this section should be extended.

**§ 10.1-2129. Agency coordination; conditions of grants.**

A. If, in any fiscal year beginning on or after July 1, 2005, there are appropriations to the Fund in addition to those made pursuant to subsection A of § 10.1-2128, the Secretary of Natural Resources shall distribute those moneys in the Fund provided from the 10 percent of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act, and the 10 percent of any unrestricted and uncommitted general fund balance at the close of each fiscal year whose reappropriation is not required in the general appropriation act, as follows:

1. Seventy percent of the moneys shall be distributed to the Department of Conservation and Recreation and shall be administered by it for the sole purpose of implementing projects or best management practices that reduce nitrogen and phosphorus nonpoint source pollution, with a priority given to agricultural best management practices. In no single year shall more than 60 percent of the moneys be used for projects or practices exclusively within the Chesapeake Bay watershed; and

2. Thirty percent of the moneys shall be distributed to the Department of Environmental Quality, which shall use such moneys for making grants for the sole purpose of designing and installing nutrient removal technologies for publicly owned treatment works designated as significant dischargers or eligible nonsignificant dischargers. The moneys shall also be available for grants when the design and installation of nutrient removal technology utilizes the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.).

3. Except as otherwise provided in the Appropriation Act, in any fiscal year when moneys are not appropriated to the Fund in addition to those specified in subsection A of § 10.1-2128, or when moneys appropriated to the Fund in addition to those specified in subsection A of § 10.1-2128 are less than 40 percent of those specified in subsection A of § 10.1-2128, the Secretary of Natural Resources, in consultation with the Secretary of Agriculture and Forestry, the State Forester, the Commissioner of Agriculture and Consumer Services, and the Directors of the Departments of Environmental Quality and Conservation and Recreation, and with the advice and guidance of the Board of Conservation and Recreation, the Virginia Soil and Water Conservation Board, and the State Water Control Board, and following a public comment period of at least 30 days and a public hearing, shall allocate those moneys deposited in the Fund, but excluding any moneys deposited into the Virginia Natural Resources Commitment Fund established pursuant to § 10.1-2128.1, between point and nonpoint sources, both of which shall receive moneys in each such year.

B. 1. Except as may otherwise be specified in the general appropriation act, the Secretary of Natural Resources, in consultation with the Secretary of Agriculture and Forestry, the State Forester, the Commissioner of Agriculture and Consumer Services, the State Health Commissioner, and the Directors of the Departments of Environmental Quality and Conservation and Recreation, and with the advice and guidance of the Board of Conservation and Recreation, the Virginia Soil and Water Conservation Board, and the State Water Control Board, shall develop written guidelines that (i) specify eligibility requirements; (ii) govern the application for and the distribution and conditions of Water Quality Improvement Grants; (iii) list criteria for prioritizing funding requests; and (iv) define criteria and financial incentives for water reuse.

2. In developing the guidelines, the Secretary shall evaluate and consider, in addition to such other factors as may be appropriate to most effectively restore, protect and improve the quality of state waters: (i) specific practices and programs proposed in ~~any tributary strategy plan~~ *the Chesapeake Bay TMDL Watershed Implementation Plan*, and the associated effectiveness and cost per pound of nutrients removed; (ii) water quality impairment or degradation caused by different types of nutrients released in different locations from different sources; and (iii) environmental benchmarks and indicators for achieving improved water quality. The process for development of guidelines pursuant to this subsection shall, at a minimum, include (a) use of an advisory committee composed of interested parties; (b) a 60-day public comment period on draft guidelines; (c) written responses to all comments received; and (d) notice of the availability of draft guidelines and final guidelines to all who request such notice.

3. In addition to those the Secretary deems advisable to most effectively restore, protect and improve the quality of state waters, the criteria for prioritizing funding requests shall include: (i) the pounds of total nitrogen and the pounds of total phosphorus reduced by the project; (ii) whether the location of the water quality restoration, protection or improvement project or program is within a watershed or subwatershed with documented water nutrient loading problems or adopted nutrient reduction goals; (iii) documented water quality impairment; and (iv) the availability of other funding mechanisms. Notwithstanding the provisions of subsection E of § 10.1-2131, the Director of the Department of Environmental Quality may approve a local government point source grant application request for any single project that exceeds the authorized grant amount outlined in subsection E of § 10.1-2131. Whenever a local government applies for a grant that exceeds the authorized grant amount outlined in this chapter or when there is no stated limitation on the amount of the grant for which an application is made, the Directors and the Secretary shall consider the comparative revenue capacity, revenue efforts and fiscal stress as reported by the Commission on Local Government. The development or implementation of cooperative programs developed pursuant to subsection B of § 10.1-2127 shall be given a high priority in the distribution of Virginia Water Quality Improvement Grants from the moneys allocated to nonpoint source pollution.

**§ 10.1-2131. Point source pollution funding; conditions for approval.**

A. The Department of Environmental Quality shall be the lead state agency for determining the appropriateness of any grant related to point source pollution to be made from the Fund to restore, protect or improve state water quality.

B. The Director of the Department of Environmental Quality shall, subject to available funds and in coordination with the Director of the Department of Conservation and Recreation, direct the State Treasurer to make Water Quality Improvement Grants in accordance with the guidelines established pursuant to § 10.1-2129. The Director of the Department of Environmental Quality shall enter into grant agreements with all facilities designated as significant dischargers or eligible nonsignificant dischargers that apply for grants; however, all such grant agreements shall contain provisions that payments thereunder are subject to the availability of funds.

C. Notwithstanding the priority provisions of § 10.1-2129, the Director of the Department of Environmental Quality shall not authorize the distribution of grants from the Fund for purposes other than financing the cost of design and installation of nutrient removal technology at publicly owned treatment works *in the Chesapeake Bay watershed* until such time as ~~all tributary strategy plans are developed and implemented~~ *nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan are satisfied*, unless he finds that there exists in the Fund sufficient funds for substantial and continuing progress in implementation of the ~~tributary strategy plans~~ *reductions established in accordance with regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan within the Chesapeake Bay watershed*. In addition to the provisions of § 10.1-2130, all grant agreements related to nutrients shall include: (i) numerical technology-based effluent concentration limitations on nutrient discharges to state waters based upon the technology installed by the facility; (ii) enforceable provisions related to the maintenance of the numerical concentrations that will allow for ~~exceedences~~ *exceedances* of 0.8 mg/L for total nitrogen or no more than 10 percent, whichever is greater, for ~~exceedences~~ *exceedances* of 0.1 mg/L for total phosphorus or no more than 10%, and for ~~exceedences~~ *exceedances* caused by extraordinary conditions; and (iii) recognition of the authority of the Commonwealth to make the Virginia Water Facilities Revolving Fund (§ 62.1-224 et seq.) available to local governments to fund their share of the cost of designing and installing nutrient removal technology based on financial need and subject to availability of revolving loan funds, priority ranking and revolving loan distribution criteria. If, pursuant to § 10.1-1187.6, the State Water Control Board approves an alternative compliance method to technology-based concentration limitations in Virginia Pollutant Discharge Elimination System permits, the concentration limitations of the grant agreement shall be suspended subject to the terms of such approval. The cost of the design and installation of nutrient removal technology at publicly owned treatment works meeting the nutrient ~~reduction~~ *reductions goal in an applicable tributary strategy plan or an applicable regulatory requirement* of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan and incurred prior to the execution of a grant agreement is eligible for reimbursement from the Fund provided the grant is made pursuant to an executed agreement consistent with the provisions of this chapter.

Subsequent to the implementation of ~~the tributary strategy plans~~ *any applicable regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan*, the Director may authorize disbursements from the Fund for any water quality restoration, protection and improvements related to point source pollution that are clearly demonstrated as likely to achieve measurable and specific water quality improvements, including, but not limited to, cost effective technologies to reduce nutrient loads. Notwithstanding the previous provisions of this subsection, the Director may, at any time, authorize grants, including grants to institutions of higher education, for technical assistance related to nutrient reduction.

D. The grant percentage provided for financing the costs of the design and installation of nutrient removal technology at publicly owned treatment works shall be based upon the financial need of the community as determined by comparing the annual sewer charges expended within the service area to the reasonable sewer cost established for the community.

E. Grants shall be awarded in the following manner:

1. In communities for which the ratio of annual sewer charges to reasonable sewer cost is less than 0.30, the Director of the Department of Environmental Quality shall authorize grants in the amount of 35 percent of the costs of the design and installation of nutrient removal technology;

2. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.30 and less than 0.50, the Director shall authorize grants in the amount of 45 percent of the costs of the design and installation of nutrient removal technology;

3. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.50 and less than 0.80, the Director shall authorize grants in the amount of 60 percent of the costs of design and installation of nutrient removal technology; and

4. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.80, the Director shall authorize grants in the amount of 75 percent of the costs of the design and installation of nutrient removal technology.

**§ 10.1-2132. Nonpoint source pollution funding; conditions for approval.**

A. The Department of Conservation and Recreation shall be the lead state agency for determining the appropriateness of any grant related to nonpoint source pollution to be made from the Fund to restore, protect and improve the quality of state waters.

B. The Director of the Department of Conservation and Recreation shall, subject to available funds and in coordination with the Director of the Department of Environmental Quality, direct the State Treasurer to make Water Quality Improvement Grants in accordance with the guidelines established pursuant to § 10.1-2129. The Director shall manage the allocation of grants from the Fund to ensure the full funding of executed grant agreements.

C. Grant funding may be made available to local governments, soil and water conservation districts, institutions of higher education and individuals who propose specific initiatives that are clearly demonstrated as likely to achieve reductions in nonpoint source pollution, including, but not limited to, excess nutrients and suspended solids, to improve the quality of state waters. Such projects may include, but are in no way limited to, the acquisition of conservation easements related to the protection of water quality and stream buffers; conservation planning and design assistance to develop nutrient management plans for agricultural operations; instructional education directly associated with the implementation or maintenance of a specific nonpoint source pollution reduction initiative; the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities; implementation of cost-effective nutrient reduction practices; and reimbursement to local governments for tax credits and other kinds of authorized local tax relief that provides incentives for water quality improvement. The Director shall give priority consideration to the distribution of grants from the Fund for the purposes of implementing ~~tributary strategy plans~~ *any applicable regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan*, with a priority given to agricultural practices. In no single year shall more than 60 percent of the moneys be used for projects or practices exclusively within the Chesapeake Bay watershed.

D. The Director of the Department of Conservation and Recreation shall manage the allocation of Water Quality Improvement Grants from the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1.

**§ 62.1-44.15:35. Nutrient credit use and additional offsite options for construction activities.**

A. As used in this section:

"Nutrient credit" or "credit" means a nutrient credit certified pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

"Tributary," *within the Chesapeake Bay watershed*, has the same meaning as in § 62.1-44.19:13. For areas outside of the Chesapeake Bay ~~Watershed watershed~~, "tributary" includes the following watersheds: Albemarle Sound, Coastal; Atlantic Ocean, Coastal; Big Sandy; Chowan; Clinch-Powell; New Holston (Upper Tennessee); New River; Roanoke; and Yadkin.

"Virginia Stormwater Management Program Authority" or "VSMP authority" has the same meaning as in § 62.1-44.15:24 and includes, until July 1, 2014, any locality that has adopted a local stormwater management program.

B. A VSMP authority is authorized to allow compliance with stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28, in whole or in part, through the use of the applicant's acquisition of nutrient credits in the same tributary.

C. No applicant shall use nutrient credits to address water quantity control requirements. No applicant shall use nutrient credits or other offsite options in contravention of local water quality-based limitations (i) determined pursuant to subsection B of § 62.1-44.19:14, (ii) adopted pursuant to § 62.1-44.15:33 or other applicable authority, (iii) deemed necessary to protect public water supplies from demonstrated adverse nutrient impacts, or (iv) as otherwise may be established or approved by the Board. Where such a limitation exists, offsite options may be used provided that such options do not preclude or impair compliance with the local limitation.

D. A VSMP authority shall allow offsite options in accordance with subsection I when:

1. Less than five acres of land will be disturbed;

2. The postconstruction phosphorous control requirement is less than 10 pounds per year; or

3. The state permit applicant demonstrates to the satisfaction of the VSMP authority that (i) alternative site designs have been considered that may accommodate onsite best management practices, (ii) onsite best management practices have been considered in alternative site designs to the maximum extent practicable, (iii) appropriate onsite best management practices will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met onsite. For purposes of this subdivision, if an applicant demonstrates onsite control of at least 75 percent of the required phosphorous nutrient reductions, the applicant shall be deemed to have met the requirements of clauses (i) through (iv).

E. Documentation of the applicant's acquisition of nutrient credits shall be provided to the VSMP authority and the Department in a certification from the credit provider documenting the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity. Until the effective date of regulations establishing application fees in accordance with § 62.1-44.19:20, the credit provider shall pay the Department a water quality enhancement fee equal to six percent of the amount paid by the applicant for the credits. Such fee shall be deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29.

F. Nutrient credits used pursuant to subsection B shall be generated in the same or adjacent eight-digit hydrologic unit code as defined by the United States Geological Survey as the permitted site except as otherwise limited in subsection C. Nutrient credits outside the same or adjacent eight-digit hydrologic unit code may only be used if it is determined by the VSMP authority that no credits are available within the same or adjacent eight-digit hydrologic unit code when the VSMP authority accepts the final site design. In such cases, and subject to other limitations imposed in this section, credits available within the same tributary may be used. In no case shall credits from another tributary be used.

G. For that portion of a site's compliance with stormwater nonpoint nutrient runoff water quality criteria being obtained through nutrient credits, the applicant shall (i) comply with a 1:1 ratio of the nutrient credits to the site's remaining postdevelopment nonpoint nutrient runoff compliance requirement being met by credit use and (ii) use credits certified as perpetual credits pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

H. No VSMP authority may grant an exception to, or waiver of, postdevelopment nonpoint nutrient runoff compliance requirements unless offsite options have been considered and found not available.

I. The VSMP authority shall require that nutrient credits and other offsite options approved by the Department or applicable state board, including locality pollutant loading pro rata share programs established pursuant to § 15.2-2243, achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity. A pollutant loading pro rata share program established by a locality pursuant to § 15.2-2243 and approved by the Department or applicable state board prior to January 1, 2011, including those that may achieve nutrient reductions after the commencement of the land-disturbing activity, may continue to operate in the approved manner for a transition period ending July 1, 2014. The applicant shall have the right to select between the use of nutrient credits or other offsite options, except during the transition period in those localities to which the transition period applies. The locality may use funds collected for nutrient reductions pursuant to a locality pollutant loading pro rata share program under § 15.2-2243 for nutrient reductions in the same tributary within the same locality as the land-disturbing activity or for the acquisition of nutrient credits. In the case of a phased project, the applicant may acquire or achieve the offsite nutrient reductions prior to the commencement of each phase of the land-disturbing activity in an amount sufficient for each such phase.

J. Nutrient reductions obtained through nutrient credits shall be credited toward compliance with any nutrient allocation assigned to a municipal separate storm sewer system in a Virginia Stormwater Management Program Permit or Total Maximum Daily Load applicable to the location where the activity for which the nutrient credits are used takes place. If the activity for which the nutrient credits are used does not discharge to a municipal separate storm sewer system, the nutrient reductions shall be credited toward compliance with the applicable nutrient allocation.

K. A VSMP authority shall allow the full or partial substitution of perpetual nutrient credits for existing onsite nutrient controls when (i) the nutrient credits will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the original land-disturbing activity or (ii) existing onsite controls are not functioning as anticipated after reasonable attempts to comply with applicable maintenance agreements or requirements and the use of nutrient credits will account for the deficiency. Upon determination by the VSMP authority that the conditions established by clause (i) or (ii) have been met, the party responsible for maintenance shall be released from maintenance obligations related to the onsite phosphorous controls for which the nutrient credits are substituted.

L. To the extent available, with the consent of the applicant, the VSMP authority, the Board or the Department may include the use of nutrient credits or other offsite measures in resolving enforcement actions to compensate for (i) nutrient control deficiencies occurring during the period of noncompliance and (ii) permanent nutrient control deficiencies.

M. This section shall not be construed as limiting the authority established under § 15.2-2243; however, under any pollutant loading pro rata share program established thereunder, the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through nutrient credits or other offsite options.

N. In order to properly account for allowed nonpoint nutrient offsite reductions, an applicant shall report to the Department, in accordance with Department procedures, information regarding all offsite reductions that have been authorized to meet stormwater postdevelopment nonpoint nutrient runoff compliance requirements.

O. An applicant or a permittee found to be in noncompliance with the requirements of this section shall be subject to the enforcement and penalty provisions of this article.

#### **§ 62.1-44.19:13. Definitions.**

As used in this article, unless the context requires a different meaning:

"Annual mass load of total nitrogen" (expressed in pounds per year) means the daily total nitrogen concentration (expressed as mg/L to the nearest 0.01 mg/L) multiplied by the flow volume of effluent discharged during the 24-hour period (expressed as MGD to the nearest 0.01 MGD), multiplied by 8.34 and rounded to the nearest whole number to convert to pounds per day (lbs/day) units, then totaled for the calendar month to convert to pounds per month (lbs/mo) units, and then totaled for the calendar year to convert to pounds per year (lbs/yr) units.

"Annual mass load of total phosphorus" (expressed in pounds per year) means the daily total phosphorus concentration (expressed as mg/L to the nearest 0.01mg/L) multiplied by the flow volume of effluent discharged during the 24-hour period (expressed as MGD to the nearest 0.01 MGD) multiplied by 8.34 and rounded to the nearest whole number to convert to pounds per day (lbs/day) units, then totaled for the calendar month to convert to pounds per month (lbs/mo) units, and then totaled for the calendar year to convert to pounds per year (lbs/yr) units.

"Association" means the Virginia Nutrient Credit Exchange Association authorized by this article.

"Attenuation" means the rate at which nutrients are reduced through natural processes during transport in water.

"Best management practice," "practice," or "BMP" means a structural practice, nonstructural practice, or other management practice used to prevent or reduce nutrient loads associated with stormwater from reaching surface waters or the adverse effects thereof.

"Biological nutrient removal technology" means (i) technology that will achieve an annual average total nitrogen effluent concentration of eight milligrams per liter and an annual average total phosphorus effluent concentration of one milligram per liter, or (ii) equivalent reductions in loads of total nitrogen and total phosphorus through the recycle or reuse of wastewater as determined by the Department.

"Delivered total nitrogen load" means the discharged mass load of total nitrogen from a point source that is adjusted by the delivery factor for that point source.

"Delivered total phosphorus load" means the discharged mass load of total phosphorus from a point source that is adjusted by the delivery factor for that point source.

"Delivery factor" means an estimate of the number of pounds of total nitrogen or total phosphorus delivered to tidal waters for every pound discharged from a permitted facility, as determined by the specific geographic location of the permitted facility, to account for attenuation that occurs during riverine transport between the permitted facility and tidal waters. Delivery factors shall be calculated using the Chesapeake Bay Program watershed model.

"Department" means the Department of Environmental Quality.

"Equivalent load" means 2,300 pounds per year of total nitrogen and 300 pounds per year of total phosphorus at a flow volume of 40,000 gallons per day; 5,700 pounds per year of total nitrogen and 760 pounds per year of total phosphorus at a flow volume of 100,000 gallons per day; and 28,500 pounds per year of total nitrogen and 3,800 pounds per year of total phosphorus at a flow volume of 500,000 gallons per day.

"Facility" means a point source discharging or proposing to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries. This term does not include confined animal feeding operations, discharges of stormwater, return flows from irrigated agriculture, or vessels.

"General permit" means the general permit authorized by this article.

"MS4" means a municipal separate storm sewer system.

"Nutrient credit" or "credit" means a nutrient reduction that is certified pursuant to this article and expressed in pounds of phosphorus or nitrogen either (i) delivered to tidal waters when the credit is generated within the Chesapeake Bay Watershed or (ii) as otherwise specified when generated in the Southern Rivers watersheds. "Nutrient credit" does not include point source nitrogen credits or point source phosphorus credits as defined in this section.

"Nutrient credit-generating entity" means an entity that generates nonpoint source nutrient credits.

"Permitted facility" means a facility authorized by the general permit to discharge total nitrogen or total phosphorus. For the sole purpose of generating point source nitrogen credits or point source phosphorus credits, "permitted facility" shall also mean the Blue Plains wastewater treatment facility operated by the District of Columbia Water and Sewer Authority.

"Permittee" means a person authorized by the general permit to discharge total nitrogen or total phosphorus.

"Point source nitrogen credit" means the difference between (i) the waste load allocation for a permitted facility specified as an annual mass load of total nitrogen, and (ii) the monitored annual mass load of total nitrogen discharged by that facility, where clause (ii) is less than clause (i), and where the difference is adjusted by the applicable delivery factor and expressed as pounds per year of delivered total nitrogen load.

"Point source phosphorus credit" means the difference between (i) the waste load allocation for a permitted facility specified as an annual mass load of total phosphorus, and (ii) the monitored annual mass load of total phosphorus discharged by that facility, where clause (ii) is less than clause (i), and where the difference is adjusted by the applicable delivery factor and expressed as pounds per year of delivered total phosphorus load.

"State-of-the-art nutrient removal technology" means (i) technology that will achieve an annual average total nitrogen effluent concentration of three milligrams per liter and an annual average total phosphorus effluent concentration of 0.3 milligrams per liter, or (ii) equivalent load reductions in total nitrogen and total phosphorus through recycle or reuse of wastewater as determined by the Department.

"Tributaries" means those river basins ~~for which separate tributary strategies were prepared pursuant to § 2-2-218 listed in the Chesapeake Bay TMDL~~ and includes the Potomac, Rappahannock, York, and James River Basins, and the Eastern Coastal Basin Shore, which encompasses the creeks and rivers of the Eastern Shore of Virginia that are west of Route 13 and drain into the Chesapeake Bay.

"Waste load allocation" means (i) the water quality-based annual mass load of total nitrogen or annual mass load of total phosphorus allocated to individual facilities pursuant to the Water Quality Management Planning Regulation (9 VAC 25-720) or its successor, or permitted capacity in the case of nonsignificant dischargers; (ii) the water quality-based annual mass load of total nitrogen or annual mass load of total phosphorus acquired pursuant to § 62.1-44.19:15 for new or

expanded facilities; or (iii) applicable total nitrogen or total phosphorus waste load allocations under the Chesapeake Bay total maximum daily loads (TMDLs) to restore or protect the water quality and beneficial uses of the Chesapeake Bay or its tidal tributaries.

## CHAPTER 165

*An Act to amend and reenact § 46.2-1049 of the Code of Virginia, relating to antique vehicle exhaust systems; noise.*

[H 1551]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1049 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1049. Exhaust system in good working order.**

No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.

The term "exhaust system," as used in this section, means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle manufactured prior to 1950, provided the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order; or (ii) converted electric vehicles.

## CHAPTER 166

*An Act to amend and reenact § 2.2-205 of the Code of Virginia, relating to the economic development policy for the Commonwealth; Secretary of Agriculture and Forestry.*

[H 1588]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-205 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-205. Economic development policy for the Commonwealth.**

A. During the first year of each new gubernatorial administration, the Secretary, with the assistance of a cabinet-level committee appointed in accordance with subsection B, shall develop and implement a written comprehensive economic development policy for the Commonwealth. In developing this policy, the Secretary and the committee shall review the economic development policy in effect at the commencement of the Governor's term of office. The Secretary shall make such revisions to the existing policy as the Secretary deems necessary to ensure that it is appropriate for the Commonwealth. Once the policy has been adopted by the Secretary and the committee and approved by the Governor, it shall be submitted to the General Assembly for its consideration.

B. During the first year of each new gubernatorial administration, the Governor shall issue an executive order creating a cabinet-level committee to assist the Secretary in the development of the comprehensive economic development policy for the Commonwealth. The Secretary shall be the chairman of the committee, and the Secretaries of Administration, Agriculture and Forestry, Education, Health and Human Resources, Natural Resources, Technology, and Transportation shall serve as committee members. The Governor may also appoint members of regional and local economic development groups and members of the business community to serve on the committee.

## CHAPTER 167

*An Act to amend and reenact § 46.2-345 of the Code of Virginia, relating to special identification cards issued by the Department of Motor Vehicles.*

[H 1603]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-345 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address;
2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;
3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and
4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age exactly divisible by five. At no time shall any special identification card be issued for less than three nor more than seven years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or before the last day of the month of birth of the applicant and shall be valid for five years, expiring in the next year in which the applicant's age is exactly divisible by five, except under the provisions of subsection B of § 46.2-328.1. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

K. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

L. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

M. When requested by the applicant, *the applicant's parent if the applicant is a minor, or the applicant's guardian*, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection M of § 46.2-342.

## CHAPTER 168

*An Act to amend and reenact § 33.2-330 of the Code of Virginia, relating to relocation or removal of utility facilities in connection with state secondary system highway construction projects.*

[H 1613]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-330 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-330. Relocation or removal of utility facilities within secondary state highway system construction projects.**

A. As used in this section:

"Cost of highway construction" includes the cost of relocating or removing utility facilities in connection with any project on the secondary state highway system.

"Cost of relocation or removal" includes the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

"Facility of a utility" includes tracks, pipes, mains, conduits, cables, wires, towers, and other structures, equipment, and appliances.

"Utility" includes utilities owned by a county, city, town, or public authority, and nonprofit, consumer-owned company located in a county having a population of at least ~~32,000~~ 30,000 but no more than 34,000 that (i) is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code, (ii) is organized to provide suitable drinking water, (iii) has no assistance from investors, (iv) does not pay dividends, and (v) does not sell stock to the general public.

B. Whenever it is necessary that the facility of a utility in, on, under, over, or along an existing highway that is to be included within any construction project on the secondary state highway system should be relocated or removed, the owner or operator of such facility shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, including the cost of installing such facility in a new location, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal shall be ascertained and paid by the Board as a part of the cost of such project.

## CHAPTER 169

*An Act to amend and reenact §§ 2.2-3711 and 10.1-104.7 of the Code of Virginia, relating to resource management plans; closed meetings.*

[H 1618]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3711 and 10.1-104.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance

of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. *Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act

(§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 10.1-104.7. Resource management plans; effect of implementation; exclusions.**

A. Notwithstanding any other provision of law, agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan, in accordance with the criteria for such plans set out in § 10.1-104.8 and any regulations adopted thereunder, shall be deemed to be in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment.

B. The presumption of full compliance provided in subsection A shall not prevent or preclude enforcement of provisions pursuant to (i) a resource management plan or a nutrient management plan otherwise required by law for such operation, (ii) a Virginia Pollutant Discharge Elimination System permit, (iii) a Virginia Pollution Abatement permit, or (iv) requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.).

C. Landowners or operators who implement and maintain a resource management plan in accordance with this article shall be eligible for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department in accordance with program eligibility rules and requirements. Such landowners and operators may also be eligible for state tax credits in accordance with §§ 58.1-339.3 and 58.1-439.5.

D. Nothing in this article shall be construed to limit, modify, impair, or supersede the authority granted to the Commissioner of Agriculture and Consumer Services pursuant to Chapter 4 (§ 3.2-400 et seq.) of Title 3.2.

E. Any personal or proprietary information collected pursuant to this article shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information. This subsection shall not preclude the application of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) in all other instances of federal or state regulatory actions. *Pursuant to subdivision A 46 of § 2.2-3711, public bodies may hold closed meetings for discussion or consideration of certain records excluded from the provisions of this article and the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

## CHAPTER 170

*An Act to amend and reenact §§ 58.1-1601, 58.1-1602, 58.1-1604, 58.1-1605, 58.1-1612, and 58.1-1617 of the Code of Virginia and to repeal §§ 58.1-1613, 58.1-1614, and 58.1-1622 of the Code of Virginia, relating to the forest products tax.*

[H 1724]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-1601, 58.1-1602, 58.1-1604, 58.1-1605, 58.1-1612, and 58.1-1617 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-1601. Definitions.**

As used in this chapter, unless the context clearly shows otherwise, ~~the term or phrase:~~

*"Fixed place of business" means a mill, plant, yard, or other location at which occurs a regular and continuous course of dealing. The use of portable machinery or equipment alone at the place of severance of forest products does not constitute a fixed place of business.*

*"F.o.b. loading out point" means loaded on a railroad car, loaded on a barge or boat, or delivered to place of use by truck.*

*"Forest product" ~~includes all types of forest products;~~ means wood, derived from trees severed in Virginia for commercial purposes, of any type or form, including but is not limited to logs, timber, pulpwood, excelsior wood, chemical wood, woodchips, biomass chips, fuel chips, mulch, bolts, billets, crossties, switch ties, poles, piles, fuel wood, posts, all cooorage products, tanbark, mine ties, mine props, and all other types of forest products used in mines.*

*"Manufacturer" means the person who: (i) operates a sawmill for the sawing of logs into rough lumber in its various sizes and forms; (ii) operates a cooorage mill, veneer mill, excelsior mill, paper mill, chipmill, chemical plant or other operation for the processing of forest products into products other than lumber; (iii) purchases from the person who severs crossties, switch ties, mine ties, mine props, and other forest products used in connection with mining, piles or poles, except fish net poles, or (iv) severs posts, fuel wood, fish net poles and similar products any person that for commercial purposes at a fixed place of business (i) processes forest products into various sizes and forms, including chips; (ii) processes forest products into other products; (iii) uses or consumes forest products; or (iv) stores forest products for sale or shipment out of state.*

*"Shipper" means any person in this Commonwealth ~~who~~ that sells or ships outside the Commonwealth by railroad, truck, barge, boat, or by any other means of transportation any forest product in an unmanufactured condition, whether as owner, lessee, woodyard operator, agent, or contractor.*

"Severer" means any person ~~who~~ *in this Commonwealth that* fells, cuts, or otherwise separates timber or any other such forest product from the soil.

**§ 58.1-1602. Levy of tax for forest conservation.**

A. To provide further for the conservation of the natural resources of the Commonwealth by the protection and development of forest resources and reforestation of forest lands, there is hereby levied, in addition to all other taxes imposed, a forest products tax *on all forest products*. The tax shall be paid ~~by every person engaged in this Commonwealth in business as a manufacturer or shipper of forest products for sale, profit, or commercial use once on any forest product. Unless the tax has previously been paid by a severer, the tax shall be paid by the first manufacturer using, consuming, processing, or storing the forest products for sale or shipment out-of-state. No manufacturer shall be liable for the tax if the manufacturer has received proper documentation from a severer that the tax has been paid as provided in subsection B. A severer that sells or delivers forest products to any person that is not a manufacturer registered for the forest products tax shall be liable for the tax. A signed agreement, bill of sale, or invoice between the severer and a manufacturer stating that the manufacturer is registered and liable for the tax on any forest products sold or delivered to the manufacturer shall relieve the severer of liability for the tax on such forest products.~~

B. *Each manufacturer purchasing or receiving forest products upon which the tax imposed by this chapter has been paid shall obtain written documentation of the payment, such as a signed agreement, bill of sale, or invoice, from the severer showing or including (i) the severer's name, address, and Virginia forest products tax registration number; (ii) the date of sale or delivery; (iii) a description of the products sold or delivered; and (iv) a statement that the Virginia forest products tax has been paid with regard to the forest products sold or delivered.*

C. *Any out-of-state manufacturer may register to pay the forest products tax and shall be liable for the tax until, upon his request or otherwise, his registration is terminated by the Department.*

**§ 58.1-1604. Tax rates.**

The tax hereby imposed shall be assessed at the following rates:

1. On pine lumber in its various sizes and forms, including railroad switch ties, bridge timber, and dimension stock, the rate per 1000 board feet measure shall be \$1.15; or at the election of the taxpayer, 20 cents per ton of logs received.

2. On hardwood, cypress and all other species of lumber the rate per 1000 board feet measure shall be 22 1/2/c; or at the election of the taxpayer, 4 cents per ton of logs received.

3. On timber sold as logs and not converted into lumber or other products in the Commonwealth, the rate per 1000 feet log scale, International 1/4" Kerf Rule, shall be \$1.15 on pine; and 22 1/2 cents on other species; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

4. On logs to be converted into veneer the rate per 1000 board feet log scale, International 1/4" Kerf Rule, shall be \$1.15 for pine and 22 1/2 cents for other species; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

5. On pulpwood, excelsior wood, chemical wood, bolts or billets, fuel wood, tanbark, and other products customarily sold by the cord, the rate per standard cord of 128 cubic feet shall be 47 1/2 cents for pine, 11 1/4 cents per cord on all other species; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

6. On chips ~~manufactured from roundwood and customarily sold by the pound, the rate per 100 pounds shall be 0.986 cents for pine, and 0.234 cents for other species and mulch, including products such as biomass chips and fuel chips, the rate shall be \$0.20 per ton for pine, \$0.04 per ton for other species, and \$0.10 per ton for loads consisting of both pine and other species.~~

7. On railroad crossties the rate per piece shall be 3 8/10 cents on pine, and one cent on all other species; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

8. On posts, mine ties, mine props, round mine collars, and other types of timber used in connection with mining and ordinarily sold by the piece, the rate per 100 pieces shall be as follows: 38 cents for pine, and 9 cents for other species, where each piece is 4' or less in length; 61 3/4 cents for pine and 14 1/4 cents for other species, where each piece is more than 4' but not over 8' in length; and 76 cents for pine and 18 cents for other species, where each piece is more than 8' in length. If the taxpayer so elects, he may pay the taxes due on the above forest products at the rate of \$1.045 for pine and 24 3/4 cents for other species, per 1000 lineal feet; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

9. On piling and poles of all types the rate shall equal 2.31 percent of invoice value f.o.b. loading out point; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

10. On keg staves the rate per standard 400-inch bundle shall be 3 8/10 cents for pine and 1 1/2 cents for other species; the rate per 100 keg heads shall be 11 5/10 cents on pine and 4 1/2 cents for other species; and on tight cooperage, 4 1/2 cents per 100 staves and 9 cents per 100 heads; or at the election of the taxpayer, 20 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

11. On any other type of forest product not herein enumerated, severed or separated from the soil, the Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume relationship between the product and the cubic foot volume of 1000 feet board measure of pine when the product is pine, or on the unit rate of cedar or hardwood lumber when the product is a species other than pine.

**§ 58.1-1605. Alternative for rates.**

On or before November 1, in the last year of each biennium, the State Forester shall submit to the Governor a report of the total revenues collected from the forest products tax for the immediately preceding two years. If the General Assembly fails to appropriate for such next biennium from the general fund for the reforestation of timberland activity a sum which equals or exceeds such revenues, the tax hereby imposed shall, beginning on July 1 of such next biennium, be at the rates set forth below. Such rates shall remain in effect until an appropriation from the general fund for any biennium equals or exceeds the revenues actually collected from this tax for the immediately preceding biennium at the rates imposed by § 58.1-1604.

1. On pine lumber in its various sizes and forms, including railroad switch ties, bridge timber, and dimension stock the rate per 1000 board feet measure shall be 15/c; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received.

2. On hardwood, cypress, and all other species of lumber the rate per 1000 board feet measure shall be 22 1/2/c; or at the election of the taxpayer, 4 cents per ton of logs received.

3. On timber sold as logs and not converted into lumber or other products in this Commonwealth, the rate per 1000 log feet scale, International 1/4" Kerf Rule, shall be 15 cents on pine and 22 1/2 cents on other species; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

4. On logs to be converted into veneer the rate per 1000 board feet log scale, International 1/4" Kerf Rule, shall be 15 cents for pine, and 22 1/2 cents for other species; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

5. On pulpwood, excelsior wood, chemical wood, bolts or billets, fuel wood, tanbark, and other products customarily sold by the cord, the rate per standard cord of 128 cubic feet shall be 7 1/2 cents for pine and 11 1/4 cents per cord on all other species; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

6. On chips ~~manufactured from roundwood and customarily sold by the pound, the rate per 100 pounds shall be 0.156 cents for pine and 0.234 cents for other species~~ and mulch, including products such as biomass chips and fuel chips, the rate shall be \$0.026 per ton for pine, \$0.04 per ton for other species, and \$0.03 per ton for loads consisting of both pine and other species.

7. On railroad crossties, the rate shall be one-half cent per piece on species of pine and one cent per piece on all other species; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

8. On posts, mine ties, mine props, round mine collars, and other types of timber used in connection with mining and ordinarily sold by the piece, the rate per 100 pieces shall be as follows: 6 cents for pine and 9 cents for other species, where each piece is 4' or less in length; 9 3/4 cents for pine and 14 1/4 cents for other species, where each piece is more than 4' in length but not over 8' in length; and 12 cents for pine and 18 cents for other species, where each piece is more than 8' in length. If the taxpayer so elects, he may pay the taxes due on the abovementioned forest products at the rate of 16 1/2 cents per 1000 lineal feet for pine and 24 3/4 cents for other species; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

9. On piling and poles of all types the rate shall equal two-sevenths of one percent of invoice value f.o.b. loading out point; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

10. On keg staves the rate per standard 400-inch bundle shall be 1 1/2/c; the rate per 100 keg heads shall be 4 1/2/c; and on tight cooperage, 4 1/2 cents per 100 staves and 9 cents per 100 heads; or at the election of the taxpayer, 2 6/10 cents per ton of pine logs received; and 4 cents per ton of logs of other species received.

11. On any other type of forest product not herein enumerated, severed or separated from the soil the Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume relationship between the product and the cubic foot volume of 1000 board feet measure of pine lumber when the product is pine or on the unit rate of hardwood lumber when the product is a species other than pine.

**§ 58.1-1612. Returns to be filed by manufacturer and severers; time of payment of tax.**

Every manufacturer *or severer liable for the forest products tax*, within ~~thirty~~ 30 days after the expiration of each quarter, expiring respectively on the last day of March, June, September, and December of each year, shall file with the Department a return on forms prescribed by the Department showing:

1. The kinds and gross quantity of forest products ~~manufactured~~ severed, used, consumed, processed, or stored during the preceding quarter *upon which the person is liable for the tax*;

2. The county or counties in which such products were severed from the soil;

3. The gross quantity of forest products severed from soil outside this Commonwealth; and

4. Other reasonable and necessary information pertaining thereto as the Department may require for the proper enforcement of the provisions of this chapter.

At the time of rendering such quarterly returns, the manufacturer *or severer liable for the tax* shall pay to the Department the forest products tax ~~imposed by this chapter, with respect to~~ on all forest products severed from the soil in this Commonwealth and embraced in such return.

**§ 58.1-1617. Records to be kept.**

It shall be the duty of every manufacturer ~~in this Commonwealth and of every shipper who shall ship forest products out of this Commonwealth in an unmanufactured condition,~~ and severer to keep and preserve records and other such books

or accounts as may be necessary to determine the amount of tax for which it is liable, under the provisions of this chapter. Such records shall be organized so that the forest products handled are grouped into classifications ~~which~~ *that* conform to the various tax rates levied by this chapter. Such records and books shall be kept and preserved for a period of three years; and shall be open for examination at any time by the Department or its duly authorized agents.

**2. That §§ 58.1-1613, 58.1-1614, and 58.1-1622 of the Code of Virginia are repealed.**

## CHAPTER 171

*An Act to amend and reenact § 46.2-380 of the Code of Virginia, relating to accident reports maintained by the Department of Motor Vehicles.*

[H 1748]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-380 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-380. Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period.**

A. Any report of an accident made pursuant to § 46.2-372, 46.2-373, 46.2-375, or 46.2-377 shall be maintained by the Department in either hard copy or electronic form for a period of at least 36 months from the date of the accident and shall be open to the inspection of any person involved or injured in the accident or as a result thereof, or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which the person has applied for issuance or renewal of a policy of automobile insurance. The Commissioner shall on written request of the person or attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which the person has applied for issuance or renewal of a policy of automobile insurance, furnish a copy of the report, in either hard copy or electronic form, at the expense of the person, attorney, or representative. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the accident, including his guardian, conservator, executor, committee, *next of kin as defined in § 54.1-2800*, or administrator, or, if the person injured or killed is under 18 years of age, his parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a procedure for payment.

B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by a law-enforcement officer relating to a nonfatal accident, shall maintain the negatives for such photographs in their records for at least 36 months from the date of the accident.

## CHAPTER 172

*An Act to amend and reenact § 10.1-602 of the Code of Virginia, relating to flood protection plan.*

[H 1817]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-602 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-602. Powers and duties of Department.**

The Department shall:

1. Develop a flood protection plan for the Commonwealth. This plan shall include:
  - a. An inventory of flood-prone areas;
  - b. An inventory of flood protection studies;
  - c. A record of flood damages;
  - d. Strategies to prevent or mitigate flood damage; and
  - e. The collection and distribution of information relating to flooding and flood plain management.

*The flood protection plan shall be reviewed and updated by the Department on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.*

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current knowledge of the identification of flood-prone communities and of the status of applications made by localities to participate in the National Flood Insurance Program.

8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program in furtherance of the policy of the Commonwealth to assure that all citizens living in flood-prone areas may have the opportunity to indemnify themselves from flood losses through the purchase of flood insurance under the regular flood insurance program of the National Flood Insurance Act of 1968 as amended.

9. Subject to the provisions of the Appropriations Act, provide financial and technical assistance to localities in an amount not to exceed fifty percent of the nonfederal costs of flood protection projects.

**2. That the Department, in carrying out its responsibilities under this act, shall work in cooperation with the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding HJ 16 (2014); SJ 3 (2014). The Department and the Joint Subcommittee shall receive input from interested parties in preparation of the Department's plan update.**

## CHAPTER 173

*An Act to amend and reenact § 62.1-44.17:3 of the Code of Virginia, relating to submission of toxic substances report.*

[H 1829]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-44.17:3 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.17:3. Toxic substances reduction in state waters; report required.**

A. The Board shall (i) conduct ongoing assessments of the amounts of toxics in Virginia's waters and (ii) develop and implement a plan for the reduction of toxics in Virginia's waters.

B. The status of the Board's efforts to reduce the level of toxic substances in state waters shall be reported ~~annually~~ *biennially*, no later than January 1 *in each odd-numbered year*, to the House ~~Committees~~ *Committee on Conservation Agriculture, Chesapeake and Natural Resources and Chesapeake and Its Tributaries*, and the Senate Committee on Agriculture, Conservation and Natural Resources. ~~The initial report shall be submitted no later than January 1, 1998, and shall include data from the previous five years on the trends of the reduction and monitoring of toxics in state waters. The initial report and each subsequent annual~~ *The report shall include, but not be limited to, the following information:*

1. Compliance data on permits that have limits for toxics;

2. The number of new permits or reissued permits that have toxic limits and the location of each permitted facility;

3. The location and number of monitoring stations and the period of time that monitoring has occurred at each location;

4. A summary of pollution prevention and pollution control activities for the reduction of toxics in state waters;

5. The sampling results from the monitoring stations for the previous ~~year~~ *two years*;

6. The Board's plan for continued reduction of the discharge of toxics, which shall include, but not be limited to, additional monitoring activities, a work plan for the pollution prevention program, and any pilot projects established for the use of innovative technologies to reduce the discharge of toxics;

7. The identification of any segments for which the Board or the Director of the Department of Environmental Quality has made a decision to conduct additional evaluation or monitoring. Information regarding these segments shall include, at a minimum, the geographic location of the stream segment within a named county or city; and

8. The identification of any segments that are designated as toxic impaired waters as defined in § 62.1-44.19:4 and any plans to address the impairment.

## CHAPTER 174

*An Act to amend and reenact § 17.1-276 of the Code of Virginia, relating to remote access to land records; indemnification.*

[H 1983]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-276 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-276. Fee allowed for providing secure remote access to land records.**

A. A clerk of the circuit court who provides secure remote access to land records pursuant to § 17.1-294 may charge a fee as provided in this section. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § 17.1-295. The clerk may charge a flat clerk's fee to be assessed for each subscriber, as defined in § 17.1-295, in an amount not to exceed \$50 per month and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275. The clerk's fees shall be used to cover operational expenses as defined in § 17.1-295. ~~The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access, in accordance with the security standards established by the Virginia Information Technologies Agency.~~

The Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, and the Department of Rail and Public Transportation shall be exempt from paying any fee for remote access to land records. If any clerk contracts with an outside vendor to provide remote access to land records to subscribers, such contract shall contain a provision exempting the Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, and the Department of Rail and Public Transportation from paying any access or subscription fee.

~~B. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access, in accordance with the security standards established by the Virginia Information Technologies Agency. Any such agreement between a state agency or employee thereof acting in the employee's official capacity and the clerk or an outside vendor contracted by the clerk to provide remote access to land records to subscribers, or such an agreement between a state agency or employee thereof acting in the employee's official capacity and both the clerk and the outside vendor, shall not contain any provision requiring the state agency or employee thereof acting in the employee's official capacity to indemnify the clerk or the vendor.~~

C. The clerk may establish a program under which the clerk assesses a reasonable convenience fee that shall not exceed \$2 per transaction for remote access to land records and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275.

~~D. Nothing herein shall be construed to require the use by the general public of the secure remote access to land records made available by the clerk, and such records may continue to be accessed in person in the clerk's office.~~

## CHAPTER 175

*An Act to amend and reenact § 62.1-132.6 of the Code of Virginia, relating to the Virginia Port Authority; exemptions from Public Procurement Act.*

[H 2019]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-132.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-132.6. Powers not restrictive; exemptions from Public Procurement Act and the Virginia Personnel Act.**

A. The Authority shall have the power to perform any act or carry out any function not inconsistent with state law, whether included in the provisions of this chapter, which may be, or tend to be, useful in carrying out the provisions of this chapter. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any of its powers in accordance with this chapter, provided the Authority implement, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

B. The provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2 shall not apply to the Authority.

C. Additionally, the provisions of §§ 2.2-1124, 2.2-1131.1, 2.2-1136, 2.2-1149, 2.2-1150, and 2.2-1153; ~~2.2-1154, and through 2.2-1156~~ shall not apply to the Authority provided that (i) the Authority adopts and the Board approves *policies or regulations* governing the acquisition, lease, or sale of surplus and real property consistent with the provisions of the above-referenced sections; and (ii) any acquisition, lease, or sale of real property valued in excess of \$20 million shall be approved by the Governor.

D. Additionally, the provisions of §§ 2.2-1117 and 53.1-47 shall not apply to the Authority.

**2. That the Virginia Port Authority shall develop policies or adopt regulations to implement the provisions of this act by January 1, 2017.**

**3. Prior to January 1, 2017, the Virginia Port Authority may exercise the authority granted by this act subject to the approval of the Secretary of Transportation.**

## CHAPTER 176

*An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to limitation of prosecution for Building Code violations.*

[H 2094]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-8. Limitation of prosecutions.**

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official; provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the ~~discovery of~~ *issuance of a notice of violation for* the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be

commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

## CHAPTER 177

*An Act to amend and reenact §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia, relating to salvage, nonrepairable, and rebuilt vehicles; penalty.*

[H 2184]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1600, 46.2-1601, 46.2-1602, 46.2-1603.2, 46.2-1605, 46.2-1608, and 46.2-1608.2 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 46.2-1600. Definitions.**

The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context indicates otherwise:

"Actual cash value," as applied to a vehicle, means the retail cash value of the vehicle prior to damage as determined, using recognized evaluation sources, either (i) by an insurance company responsible for paying a claim or (ii) if no insurance company is responsible therefor, by the Department.

"Auto recycler" means any person licensed by the Commonwealth to engage in business as a salvage dealer, rebuilder, demolisher, or scrap metal processor.

"Cosmetic damage," as applied to a vehicle, means damage to custom or performance aftermarket equipment, audio-visual accessories, nonfactory-sized tires and wheels, custom paint, and external hail damage. "Cosmetic damage" does not include (i) damage to original equipment and parts installed by the manufacturer or (ii) damage that requires any repair to enable a vehicle to pass a safety inspection pursuant to § 46.2-1157. The cost for cosmetic damage repair shall not be included in the cost to repair the vehicle when determining the calculation for a nonrepairable vehicle.

"Current salvage value," as applied to a vehicle, means (i) the salvage value of the vehicle, as determined by the insurer responsible for paying the claim, or (ii) if no insurance company is responsible therefor, 25 percent of the actual cash value.

"Demolisher" means any person whose business is to crush, flatten, *bale, shred, log*, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

"Diminished value compensation" means the amount of compensation that an insurance company pays to a third party vehicle owner, in addition to the cost of repairs, for the reduced value of a vehicle due to damage.

"Independent appraisal firm" means any business providing cost estimates for the repair of damaged motor vehicles for insurance purposes and having all required business licenses and zoning approvals. This term shall not include insurance companies that provide the same service, nor shall any such entity be a rebuilder or affiliated with a rebuilder.

"Late model vehicle" means the current-year model of a vehicle and the five preceding model years, or any vehicle whose actual cash value is determined to have been at least \$10,000 prior to being damaged.

"Licensee" means any person who is licensed or is required to be licensed under this chapter.

"Major component" means any one of the following subassemblies of a motor vehicle: (i) front clip assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission; (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

"Nonrepairable certificate" means a document of ownership issued by the Department for any nonrepairable vehicle upon surrender or cancellation of the vehicle's title and registration or salvage certificate.

"Nonrepairable vehicle" means (i) any late model vehicle that has been damaged and whose estimated cost of repair, *excluding the cost to repair cosmetic damages*, exceeds 90 percent of its actual cash value prior to damage; ~~or~~; (ii) any vehicle ~~which that~~ has been determined to be nonrepairable by its insurer or owner, and for which a nonrepairable certificate has been issued or applied for; or (iii) any other vehicle ~~which that~~ has been damaged, is inoperable, and has no value except for use as parts and scrap metal.

"Rebuilder" means any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a 12-month period.

"Rebuilt vehicle" means (i) any salvage vehicle that has been ~~damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence and has been~~ repaired for use on the public highways and the estimated cost of repair ~~exceeded 75~~ *did not exceed* 90 percent of its actual cash value; ~~for use on the public highways~~ or (ii) any late model vehicle ~~which that~~ has been repaired and the estimated cost of repair exceeded 75 percent of its actual cash value, excluding the cost to repair damage to the engine, transmission, or drive axle assembly.

"Repairable vehicle" means a late model vehicle that is ~~neither not a rebuilt nor a repaired~~ vehicle, but is repaired to its pre-loss condition by an insurance company and is not accepted by the owner of said vehicle immediately prior to its acquisition by said insurance company as part of the claims process.

~~"Repaired vehicle" means any salvage vehicle that has had repairs less than the amount necessary to make it a rebuilt vehicle.~~

"Salvage certificate" means a document of ownership issued by the Department for any salvage vehicle upon surrender or cancellation of the vehicle's title and registration.

"Salvage dealer" means any person who acquires any vehicle for the purpose of reselling any parts thereof.

"Salvage pool" means any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company ~~which that~~ stores and displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

"Salvage vehicle" means (i) any late model vehicle ~~which that~~ has been (a) acquired by an insurance company as a part of the claims process other than a stolen vehicle or (b) damaged as a result of collision, fire, flood, accident, trespass, or any other occurrence to such an extent that its estimated cost of repair, excluding charges for towing, storage, and temporary replacement/rental vehicle or payment for diminished value compensation, would exceed its actual cash value less its current salvage value; (ii) any recovered stolen vehicle acquired by an insurance company as a part of the claims process, whose estimated cost of repair exceeds 75 percent of its actual cash value; or (iii) any other vehicle ~~which that~~ is determined to be a salvage vehicle by its owner or an insurance company by applying for a salvage certificate for the vehicle, provided that such vehicle is not a nonrepairable vehicle.

"Scrap metal processor" means any person who ~~is engaged in the business of processing~~ *acquires one or more whole vehicles to process* into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

*"Vehicle" shall have the meaning ascribed to it in § 46.2-100. A vehicle that has been demolished or declared to be nonrepairable pursuant to this chapter shall no longer be considered a vehicle. For the purposes of this chapter, a major component shall not be considered a vehicle.*

"Vehicle removal operator" means any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

#### **§ 46.2-1601. Licensing of dealers of salvage vehicles; fees.**

A. It shall be unlawful for any person to engage in business in the Commonwealth as a ~~demolisher, rebuilder, salvage dealer~~ *an auto recycler*, salvage pool, or vehicle removal operator without first acquiring a license issued by the Commissioner for each such business at each location. The fee for the first such license issued or renewed under this chapter shall be \$100 per license year or part thereof. The fee for each additional license issued or renewed under this chapter for the same location shall be \$25 per license year or part thereof. However, no fee shall be charged for supplemental locations of a business located within 500 yards of the licensed location.

B. No license shall be issued or renewed for any person unless (i) the licensed business contains at least 600 square feet of enclosed space, (ii) the licensed business is shown to be in compliance with all applicable zoning ordinances, and (iii) the applicant may (a) certify to the Commissioner that the licensed business is permitted under a Virginia Pollutant Discharge Elimination System individual or general permit issued by the State Water Control Board for discharges of storm water associated with industrial activity and provides the permit number(s) from such permit(s) or (b) certify to the Commissioner that the licensed business is otherwise exempt from such permitting requirements. Nothing in this section shall authorize any person to act as a motor vehicle dealer or salesperson without being licensed under Chapter 15 (§ 46.2-1500 et seq.) and meeting all requirements imposed by such chapter.

C. Licenses issued under this section shall be deemed not to have expired if the renewal application and required fees as set forth in subsection A are received by the Commissioner or postmarked not more than 30 days after the expiration date of such license. Whenever the renewal application is received by the Commissioner or postmarked not more than 30 days after the expiration date of such license, the license fees shall be 150 percent of the fees provided for in subsection A.

D. The Commissioner may offer an optional multiyear license for any license set forth in this section. When such option is offered and chosen by the licensee, all fees due at the time of licensing shall be multiplied by the number of years for which the license will be issued.

#### **§ 46.2-1602. Certain sales prohibited; exceptions.**

A. It shall be unlawful:

1. For any scrap metal processor to sell a vehicle or vehicle components or parts;
2. For any salvage pool to sell *either in person or through any Internet auction* a salvage vehicle *stored in the Commonwealth* to any person who is not a ~~scrap metal processor or licensed as a salvage dealer, rebuilder, demolisher~~ *licensed as an auto recycler*, motor vehicle dealer, or vehicle removal operator *by the Commonwealth or regulated as a similar business under the laws of another state*;
3. For any person to sell a nonrepairable vehicle to any person who is not a ~~scrap metal processor or licensed as a salvage dealer, demolisher~~ *licensed as an auto recycler* or vehicle removal operator *by the Commonwealth or regulated as a similar business under the laws of another state*; or
4. For any person to sell a rebuilt vehicle without first having disclosed the fact that the vehicle is a rebuilt vehicle to the buyer in writing on a form prescribed by the Commissioner.

B. Notwithstanding the provisions of subsection A of this section, it shall not be unlawful:

1. For a salvage dealer to sell vehicle components or parts to unlicensed persons; or

2. For an individual to dispose of a salvage vehicle acquired or retained for his own use when it has been acquired or retained and used in good faith and not for the purpose of avoiding the provisions of this chapter.

**§ 46.2-1603.2. Owner may declare vehicle nonrepairable; insurance company required to obtain a nonrepairable certificate; applicability of certain other laws to nonrepairable certificates; titling and registration of nonrepairable vehicle prohibited.**

A. The owner of any vehicle titled in the Commonwealth may declare such vehicle to be a nonrepairable vehicle by applying to the Department for a nonrepairable certificate.

B. Every insurance company or its authorized agent shall apply to the Department and obtain a nonrepairable certificate for each vehicle acquired by the insurance company as a result of the claims process if such vehicle is titled in the Commonwealth and is (i) a late model nonrepairable vehicle or (ii) a stolen vehicle that has been recovered and determined to be a nonrepairable vehicle. The application shall be accompanied by the vehicle's title certificate or salvage certificate ~~and shall contain a description of the damage to the nonrepairable vehicle.~~ Application for the nonrepairable certificate shall be made within ~~fifteen~~ 15 days after payment has been made to the owner, lienholder, or both.

C. Every insurance company or its authorized agent shall notify the Department of each late model vehicle titled in the Commonwealth upon which a claim has been paid if such vehicle is a nonrepairable vehicle that is retained by its owner.

D. The Department, upon receipt of an application for a nonrepairable certificate for a vehicle titled in the Commonwealth, or upon receipt of notification from an insurance company or its authorized agent as provided in subsection C of this section that a vehicle registered in the Commonwealth has become a nonrepairable vehicle, shall cause the title of such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

There shall be no fee for the issuance of a nonrepairable certificate. All provisions of this Code applicable to a motor vehicle certificate of title shall apply, mutatis mutandis, to a nonrepairable certificate, except that no registration or license plates shall be issued for the vehicle described in a nonrepairable certificate. No vehicle for which a nonrepairable certificate has been issued shall ever be titled or registered for use on the highways in the Commonwealth.

E. The Department, upon receipt of a title, salvage certificate, or other ownership document from a licensed salvage dealer or demolisher pursuant to subdivision A 1 of § 46.2-1603.1, shall cause the title, salvage certificate, or other ownership document to such vehicle to be cancelled and a nonrepairable certificate issued to the vehicle's owner.

**§ 46.2-1605. Vehicles rebuilt for highway use; examinations; branding of titles.**

~~Each salvage vehicle that has been repaired or rebuilt for use on the highways shall be examined by the Department or by a local law-enforcement official prior to the issuance of a title for the vehicle.~~ A. *Each salvage vehicle that has been rebuilt for use on the highways shall be submitted for a state safety inspection in accordance with § 46.2-1157. The inspection shall be conducted by an inspector wholly unaffiliated with the person requesting the inspection of the vehicle.*

B. *Upon passage of a state safety inspection, each rebuilt vehicle shall be examined by the Department prior to the issuance of a title for the vehicle. The examination by the Department shall include a review of video or photographic images of the vehicle prior to being rebuilt, if available; all documentation for the parts and labor used for the repair of the salvage vehicle; and a verification of the vehicle's identification number, confidential number, and odometer reading, and engine, transmission, or electronic modules, if applicable. This inspection shall serve as an antitheft and antifraud measure and shall not certify the safety or roadworthiness of the vehicle. The Commissioner shall ensure that, in scheduling and performing examinations of salvage vehicles under this section, single vehicles owned by private owner-operators are afforded no lower priority than examinations of vehicles owned by motor vehicle dealers, salvage dealers, demolishers, rebuilders, salvage pools, licensed auto recyclers, or vehicle removal operators. The Commissioner may charge a fee of \$125 per vehicle, for the examination of repaired and rebuilt vehicles. When the examination is conducted by a local law-enforcement official, the Department shall reimburse the local law-enforcement department \$75 for its costs in conducting the examination and reporting its findings to the Department.*

C. Any salvage vehicle whose vehicle identification number or confidential number has been altered, is missing, or appears to have been tampered with may be impounded by the Department ~~or a local law-enforcement official~~ until completion of an investigation by the Department. The vehicle may not be moved, sold, or tampered with until the completion of this investigation. Upon completion of an investigation by the Department, if the vehicle identification number is found to be missing or altered, a new vehicle identification number may be issued by the Department. If the vehicle is found to be a stolen vehicle and its owner can be determined, the vehicle shall be returned to him. If the owner cannot be determined or located and the person seeking to title the vehicle has been convicted of a violation of § 46.2-1074 or 46.2-1075, the vehicle shall be deemed forfeited to the Commonwealth and said forfeiture shall proceed in accordance with Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

D. If the Department's examination of a ~~repaired or~~ rebuilt salvage vehicle indicates no irregularities, a title and registration may be issued for the vehicle upon application therefor to the Department by the owner of the salvage vehicle. The title issued by the Department and any subsequent title thereafter issued for the ~~repaired or~~ rebuilt vehicle shall be permanently branded to indicate that it is a ~~repaired or~~ rebuilt vehicle. All ~~repaired and~~ rebuilt vehicles shall be subject to all safety equipment requirements provided by law. No title or registration shall be issued by the Department for any *rebuilt vehicle that has not first passed a safety inspection or for any vehicle for which a nonrepairable certificate has ever been issued.*

*E. If the Department's examination of a rebuilt salvage vehicle reveals irregularities in the required documentation or obvious defects, the Department shall identify to the owner the irregularities and defects that must be corrected before the Department's examination can be completed.*

*F. When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the rebuilt salvage vehicle to and from an official Virginia safety inspection station.*

**§ 46.2-1608. Maintenance and contents of records.**

A. Each licensee shall maintain a record of the receipt *and sale* of any vehicle. Such record shall be maintained at the licensee's place of business. The record, at a minimum, shall contain:

1. A description of each vehicle *sold*, purchased, exchanged, or acquired by the licensee, including, but not limited to, the model, make, year of the vehicle as well as the vehicle's title number with state of issuance and vehicle identification number;

2. The price paid for each vehicle;

3. The name and address of the seller from whom each vehicle is purchased, exchanged, or acquired *and the name and address of the buyer to whom the vehicle is sold*;

4. The date and hour the *sale*, purchase, exchange, or acquisition was made;

5. A photocopy of the seller's *and buyer's* driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph;

6. ~~A digital photograph~~ *For the sale of nonrepairable vehicles, a photocopy of the buyer's business license if the buyer is authorized to purchase a vehicle under § 46.2-1602 or, if the buyer represents a third party authorized to purchase a vehicle under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of that third party;*

7. ~~Digital photographs of the seller, along with the buyer, and the vehicle that he is selling or exchanging with the licensee being sold, purchased, exchanged, or acquired through or from the licensee; and~~

~~7. 8.~~ The signature of the licensee ~~and~~, the seller, *and the buyer* as executed at the time of the *sale*, purchase, exchange, or acquisition of the vehicle by the licensee.

B. If any major component, as defined in § 46.2-1600, is sold, the salvage dealer shall provide, upon request of any law-enforcement official, the information required by this section as to the vehicle from which the part was taken.

C. The provisions of subdivisions A 5 ~~and A~~, 6, *and 7* shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in § 46.2-1206 or this chapter.

D. The provisions of this section shall not apply to salvage pools as defined in § 46.2-1600, except that salvage pools shall maintain a record of the receipt of any vehicle that contains (i) the date of receipt of the vehicle; *and its make, year, model, and identification number;* (ii) the name; and address of the person from whom it was acquired; (iii) *the name and address of the buyer as well as (a) a photocopy of the buyer's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph and (b) a photocopy of the buyer's business license or, if the buyer represents a third party authorized to purchase the vehicle under § 46.2-1602, then a photocopy of the third party's business license and documentation that the buyer is authorized to act on behalf of the third party; and (iv) the vehicle's title number; and state of issuance.*

**§ 46.2-1608.2. Licensees to update records of the Department for motor vehicles that are to be demolished or dismantled.**

A. ~~A licensee or scrap metal processor~~ *licensed auto recycler* may be exempted from the waiting period in subsection B of § 46.2-1608.1 by:

1. Entering into a contractual agreement with the Department to update records of motor vehicles to be demolished or dismantled if such motor vehicles have either been issued a certificate of title, salvage certificate, or nonrepairable certificate in the Commonwealth or are titled in ~~a foreign jurisdiction~~ *another state*. In addition to the contractual agreement, the ~~licensee or scrap metal processor~~ *licensed auto recycler* shall be required to comply with the Department's procedures for securely accessing and updating the Department's records; and

2. Notifying the Department that a motor vehicle is being demolished or dismantled or of the intention to demolish, dismantle, or reduce the motor vehicle to a state where it can no longer be considered a motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number.

B. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* in possession of the certificate of title, salvage certificate, or nonrepairable certificate from the Commonwealth may demolish or dismantle the subject motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number within required time frames pursuant to subsection D of § 46.2-1603.1.

C. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* in possession of a certificate of title issued by a ~~foreign jurisdiction~~ *another state* may demolish or dismantle the subject motor vehicle. ~~Licensees or scrap metal processors~~ *Licensed auto recyclers* shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title number, vehicle identification number, year, make, and model within required time frames pursuant to subsection D of § 46.2-1603.1.

D. ~~Licenses or scrap metal processors~~ *Licensed auto recyclers* that do not possess a certificate of title, salvage certificate, or nonrepairable certificate may demolish the subject motor vehicle if the motor vehicle is a model year that is at least 10 years older than the current model year. The ~~licensee or scrap metal processor~~ *licensed auto recycler* shall provide electronically to the Department the vehicle identification number and the year, make, and model of the motor vehicle and shall remit to the Department the fees set out in § 46.2-627 and an additional \$10 transaction fee. Upon receipt of such notification, the Department shall check the records of nationally recognized databases. The ~~licensee or scrap metal processor~~ *licensed auto recycler* may not demolish or dismantle the vehicle until the Department has notified the ~~licensee or scrap metal processor~~ *licensed auto recycler* of the results of that inquiry. If a ~~licensee or scrap metal processor~~ *licensed auto recycler* is not in possession of the certificate of title, salvage certificate, or nonrepairable certificate and the subject motor vehicle is of the current model year or of a model year that is nine years old or less, that vehicle shall be processed in accordance with § 46.2-1202.

E. Nothing in this section shall release a ~~licensee or scrap metal processor~~ *licensed auto recycler* from complying with the provisions of §§ 46.2-1603.1, 46.2-1608, and 46.2-1608.1.

### CHAPTER 178

*An Act to designate the U.S. Route 220 Business bridge in the Town of Rocky Mount the "Peter Saunders Veterans' Memorial Bridge."*

[H 2279]

Approved March 16, 2015

#### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *The U.S. Route 220 Business bridge in the Town of Rocky Mount is hereby designated the "Peter Saunders Veterans' Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

### CHAPTER 179

*An Act to amend and reenact § 33.2-335 of the Code of Virginia, relating to taking certain streets into secondary state highway system.*

[S 792]

Approved March 16, 2015

#### **Be it enacted by the General Assembly of Virginia:**

1. **That § 33.2-335 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 33.2-335. Taking certain streets into secondary state highway system.**

A. For the purposes of this section:

"County" means a county in which the secondary state highway system is constructed and maintained by the Department and that has adopted a local ordinance for control of the development of subdivision streets to the necessary standards for acceptance into the secondary state highway system.

"Qualifying rural addition cost" means that portion of the estimated engineering and construction cost to improve the street to the minimum standards for acceptance remaining after reducing the total estimated cost by any prorated amount deemed the responsibility of others based on speculative interests.

"Rural addition funds" means those funds reserved from the county's annual allocation of secondary state highway system construction funds, as defined in § 33.2-324, for the purpose of this section. If such funds are not used by such county for such purpose during the fiscal year they are so allocated, the funds may be held for such purpose for the four succeeding fiscal years. A maximum of five percent of the annual secondary state system highway construction allocation may be reserved by the local governing body for rural additions.

"Speculative interest" means that the original developer or a successor developer retains ownership in any lot abutting such street for development or speculative purposes. In instances where it is determined that speculative interest is retained by the original developer, developers, or successor developers and the governing body of the county deems that extenuating circumstances exist, the governing body of the county shall require a pro rata participation by such original developer, developers, or successor developers as prescribed in subsection D as a condition of the county's recommendation pursuant to this section.

"Street" means a street or highway shown on a plat that ~~was has been~~ recorded or otherwise opened to public use ~~prior to July 1, 1992, at which time it was open to~~ and used by motor vehicles, *for at least 20 years* and that, for any reason, has not been taken into the secondary state highway system and serves at least three families per mile.

B. Whenever the governing body of a county recommends in writing to the Department that any street in the county be taken into and become a part of the secondary state highway system in such county, the Department thereupon, within the limit of available funds and the mileage available in such county for the inclusion of highways and streets in the secondary

state highway system, shall take such street into the secondary state highway system for maintenance, improvement, construction, and reconstruction if such street, at the time of such recommendation, (i) has a minimum dedicated width of 40 feet or (ii) in the event of extenuating circumstances as determined by the Commissioner of Highways, has a minimum dedicated width of 30 feet. In either case, such streets must have easements appurtenant thereto that conform to the policy of the Board with respect to drainage. After the streets are taken into the secondary state highway system, the Department shall maintain the same in the manner provided by law. However, no such street shall be taken into and become a part of the secondary state highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction.

C. Such street shall only be taken into the secondary state highway system if the governing body of the county has identified and made available the funds required to improve the street to the required minimum standards. The county may consider the following options to fund the required improvements for streets accepted under this section:

1. The governing body of the county may use a portion of the county's annual secondary state highway system construction allocation designated as rural addition funds to fund the qualifying rural addition costs for qualifying streets if the county agrees to contribute from county revenue or the special assessment of the landowners on the street in question one-half of the qualifying rural addition cost to bring the streets up to the necessary minimum standards for acceptance. No such special assessment of landowners on such streets shall be made unless the governing body of the county receives written declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such streets stating their acquiescence in such assessments. The basis for such special assessments, at the option of the local governing body, shall be either (i) the proportion the value of each abutting parcel bears to the total value of all abutting parcels on such street as determined by the current evaluation of the property for real estate tax purposes, (ii) the proportion the abutting road front footage of each parcel abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel shall exceed one-third of the current valuation of such property for real estate tax purposes. Special assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2, *mutatis mutandis*, for assessments for local improvements.

2. The governing body of any county may use a portion of its annual secondary state highway system construction allocation designated as rural addition funds to fund the qualifying rural addition cost for qualifying streets within the limitation of funds and the mileage limitation of the Board's policy on rural additions.

3. The governing body of any county may use revenues derived from the sale of bonds to finance the construction of rural additions to the secondary state highway system of such county. In addition, from the funds allocated by the Commonwealth for the construction of secondary state highway improvements, such local governing body may use funds allocated within the Board policy for the construction of rural additions to pay principal and interest on bonds associated with rural additions in such county, provided the revenue derived from the sale of such bonds is not used as the county matching contribution under § 33.2-357. The provisions of this section shall not constitute a debt or obligation of the Board or the Commonwealth.

4. The governing body of the county may expend general county revenue for the purposes of this section.

5. The governing body of the county may permit one or more of the landowners on the street in question to pay to the county a sum equal to one-half of the qualifying rural addition cost to bring the street up to the necessary minimum standards for acceptance into the secondary state highway system, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the special assessment of landowners on such street, the county shall use such special assessment funds to reimburse, without interest, the one or more landowners for those funds that they previously advanced to the county to bring the street up to the necessary minimum standards for acceptance.

6. The governing body of the county may utilize the allocations made to the county in accordance with § 33.2-357.

D. In instances where it is determined that speculative interest exists, the basis for the pro rata percentage required of such developer, developers, or successor developers shall be the proportion that the value of the abutting parcels owned or partly owned by the developer, developers, or successor developers bears to the total value of all abutting property as determined by the current valuation of the property for real estate purposes. The pro rata percentage shall be applied to the Department's total estimated cost to construct such street to the necessary minimum standards for acceptance to determine the amount of costs to be borne by the developer, developers, or successor developers. Property so valuated shall not be assessed in the special assessment for the determination of the individual pro rata share attributable to other properties. Further, when such pro rata participation is accepted by the governing body of the county from such original developer, developers, or successor developers, such amount shall be deducted from the Department's total estimated cost, and the remainder of such estimated cost, the qualifying rural addition cost, shall then be the basis of determining the assessment under the special assessment provision or determining the amount to be provided by the county when funded from general county revenue under the definition of speculative interest in subsection A or determining the amount to be funded as a rural addition under the definition of qualifying rural addition cost in subsection A.

E. Acceptance of any street into the secondary state highway system for maintenance, improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire any additional right-of-way or easements should they be necessary by virtue of faulty construction or design.

## CHAPTER 180

*An Act to amend and reenact §§ 3.2-801 and 54.1-3401 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, relating to industrial hemp production and manufacturing.*

[S 955]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-801 and 54.1-3401 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 41.1, consisting of sections numbered 3.2-4112 through 3.2-4120, as follows:**

**§ 3.2-801. Powers and duties of Commissioner.**

The Commissioner shall exercise or perform the powers and duties imposed upon him by this chapter. The Commissioner shall make surveys for noxious weeds and when the Commissioner determines that an infestation exists within the Commonwealth, he may request the Board to declare the weed to be noxious under this chapter and the Board shall proceed as specified in § 3.2-802.

The Commissioner in coordination with the Department of Game and Inland Fisheries shall develop a plan for the identification and control of noxious weeds in the surface waters and lakes of the Commonwealth.

The Commissioner may cooperate with any person or any agency of the federal government in carrying out the provisions of this chapter.

Expenses incurred on property owned or controlled by the federal government shall be reimbursed and refunded to the appropriation from which they were expended.

~~The Commissioner may, upon request, cooperate with federal, other state agencies, or political subdivisions in the enforcement of the narcotics laws to the extent of preventing the spread of and destroying marijuana or hemp, Cannabis species, or other plants that produce drugs that have been condemned for destruction under the narcotics laws, and the expenses incurred shall be reimbursed and shall be refunded to the appropriation from which they were expended. Such drug producing plants are hereby declared noxious and subject to all provisions of this chapter pertaining to eradication and spread subject to the above conditions.~~

CHAPTER 41.1.  
INDUSTRIAL HEMP.

**§ 3.2-4112. Definitions.**

As used in this chapter:

"Grower" means any person licensed pursuant to § 3.2-4115 to grow industrial hemp as part of the industrial hemp research program.

"Hemp products" means all products made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and seed for cultivation.

"Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, cultivated or possessed by a licensed grower, whether growing or not, that contain a concentration of THC that is no greater than that allowed by federal law. Industrial hemp as defined and applied in this chapter is excluded from the definition of marijuana as found in § 54.1-3401.

"Industrial hemp research program" means the research program established pursuant to § 3.2-4120.

"Seed research" means research conducted to develop or re-create better varieties of industrial hemp, particularly for the purposes of seed production.

"Tetrahydrocannabinol" or "THC" means the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives, of the genus *Cannabis*, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

**§ 3.2-4113. Production of industrial hemp lawful.**

A. It is lawful for a person licensed pursuant to § 3.2-4115 to cultivate, produce, or otherwise grow industrial hemp in the Commonwealth for the purpose of research as part of the industrial hemp research program. No person licensed pursuant to § 3.2-4115 shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for (i) the possession or cultivation of industrial hemp plant material or seeds as part of the industrial hemp research program or (ii) the manufacture of industrial hemp products as part of the industrial hemp research program. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article I (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower.

**§ 3.2-4114. Regulations.**

The Board may adopt regulations pursuant to this chapter as necessary to (i) license persons to grow industrial hemp or (ii) administer the industrial hemp research program.

**§ 3.2-4115. Issuance of licenses.**

A. The Commissioner shall establish a program of licensure to allow a person to grow industrial hemp in the Commonwealth in a controlled fashion solely and exclusively as part of the industrial hemp research program. This form of licensure shall only be allowed subject to a grant of necessary permissions, waivers, or other form of valid legal status by the U.S. Drug Enforcement Administration or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp.

B. Any person seeking to grow industrial hemp as part of the industrial hemp research program shall apply to the Commissioner for a license on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;
2. The legal description and geographic data sufficient for locating the production fields to be used to grow industrial hemp. A license shall authorize industrial hemp propagation only on the land areas specified in the license;
3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a license under this section shall not be eligible for the license;
4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a license is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant and to ensure compliance with the requirements of this chapter. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction. All testing for THC levels shall be performed as provided in subsection K;

5. Documentation of an agreement between a public institution of higher education and the applicant that states that the applicant, if licensed pursuant to this section, will be a participant in the industrial hemp research program managed by that public institution of higher education;

6. Any other information required by the Commissioner; and

7. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

C. The Commissioner shall require a state and national fingerprint-based criminal history background check by the Department of State Police on any person applying for licensure. The Department of State Police may charge a fee, as established by the Department of State Police, to be paid by the applicant for the actual cost of processing the background check. A copy of the results of the background check shall be sent to the Commissioner.

D. All license applications shall be processed as follows:

1. Upon receipt of a license application, the Commissioner shall forward a copy of the application to the Department of State Police, which shall initiate its review thereof;
2. The Department of State Police shall, within 60 days, perform the required state and national criminal history background check of the applicant; approve the application, if it is determined that the requirements relating to prior criminal convictions have been met; and return all applications to the Commissioner together with its findings and a copy of the state and national criminal history background check; and

3. The Commissioner shall review all license applications returned from the Department of State Police. If the Commissioner determines that all requirements have been met and that a license should be granted to the applicant, taking into consideration any prior convictions of the applicant, the Commissioner shall approve the application for issuance of a license.

E. The Commissioner may approve licenses for only those selected growers whose demonstration plots will, in the discretion of the Commissioner, advance the goals of the industrial hemp research program to the furthest extent possible based on location, soil type, growing conditions, varieties of industrial hemp and their suitability for particular hemp products, and other relevant factors. The location and acreage of each demonstration plot to be grown by a license holder, as well as the total number of plots to be grown by a license holder, shall be determined at the discretion of the Commissioner.

F. An industrial hemp research program grower license shall not be subject to a minimum acreage.

G. Each license shall be valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal shall require the payment of a license renewal fee.

H. The Commissioner shall establish the fee amounts required for license applications and license renewals allowed under this section. All application and license renewal fees collected by the Commissioner shall be deposited in the State Treasury.

I. A copy or appropriate electronic record of each license issued by the Commissioner under this section shall be forwarded immediately to the chief law-enforcement officer of each county or city where the industrial hemp is licensed to be planted, grown, and harvested.

*J. All records, data, and information filed in support of a license application shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

*K. The Commissioner shall be responsible for monitoring the industrial hemp grown by any license holder and shall provide for random testing of the industrial hemp for compliance with THC levels and for other appropriate purposes established pursuant to § 3.2-4114 at the cost of the license holder.*

**§ 3.2-4116. Industrial hemp grower license conditions.**

*A. A person shall obtain an industrial hemp grower license pursuant to § 3.2-4115 prior to planting or growing any industrial hemp in the Commonwealth.*

*B. A person granted an industrial hemp grower license pursuant to § 3.2-4115 shall:*

*1. Maintain records that reflect compliance with this chapter and with all other state laws regulating the planting and cultivation of industrial hemp;*

*2. Retain all industrial hemp production records for at least three years;*

*3. Allow industrial hemp crops, throughout sowing, growing, and harvesting, to be inspected by and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of the locality; and*

*4. Maintain a current written agreement with a public institution of higher education that states that the grower is a participant in the industrial hemp research program managed by that public institution of higher education.*

**§ 3.2-4117. Additional industrial hemp licenses.**

*A. The Board may adopt regulations as necessary to license persons to grow industrial hemp in the Commonwealth for any purpose.*

*B. The Commissioner may establish a program of licensure, including the establishment of any fees, to allow a person to grow industrial hemp in the Commonwealth for any purpose.*

*C. Subsections A and B shall only be allowed subject to the authorization of industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.*

**§ 3.2-4118. Forfeiture of industrial hemp grower license.**

*A. The Commissioner shall deny the application, or suspend or revoke the license, of any industrial hemp grower if the grower violates any provision of this chapter. The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to § 2.2-4019 to any industrial hemp grower in connection with the denial, suspension, or revocation of the grower's license.*

*B. If a license is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The grower may appeal a final order to the circuit court in accordance with the Administrative Process Act.*

*C. The Commissioner may revoke any license of any person who has pled guilty to, or been convicted of, a felony.*

**§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

*Industrial hemp growers licensed under this chapter may be eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.*

**§ 3.2-4120. Industrial hemp research program.**

*A. To the extent that adequate funds are available for the program, the Commissioner shall undertake research of industrial hemp production through the establishment and oversight of an industrial hemp research program to be directly managed by public institutions of higher education. This research program shall consist primarily of demonstration plots planted and cultivated in Virginia by selected growers. The growers shall be licensed pursuant to subsection A of § 3.2-4115 prior to planting any industrial hemp.*

*B. As part of the industrial hemp research program directly managed by public institutions of higher education, the Commissioner may:*

*1. Oversee and analyze the growth of industrial hemp by licensed growers, for agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;*

*2. Conduct seed research on various types of industrial hemp that are best suited to be grown in Virginia, including seed availability, creation of Virginia hybrid types, and in-the-ground variety trials and seed production, and may establish a program to recognize certain industrial hemp seeds as being Virginia varieties of hemp seed;*

*3. Study the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in the Commonwealth;*

*4. Report on the estimated value-added benefits, including environmental benefits, to Virginia businesses of an industrial hemp market of Virginia-grown industrial hemp varieties;*

*5. Study the agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use;*

*6. Research and promote on the world market industrial hemp and hemp seed that can be grown on farms in the Commonwealth;*

*7. Promote research into the development of industrial hemp and commercial markets for Virginia industrial hemp and hemp products;*

*8. Study the feasibility of attracting federal or private funding for the Virginia industrial hemp research program; and*

*9. Study the use of industrial hemp in new energy technologies, including electricity generation, biofuels, or other forms of energy resources; the growth of industrial hemp on reclaimed mine sites; the use of hemp seed oil in the production*

*of fuels; and the production costs, environmental issues, and costs and benefits involved with the use of industrial hemp for energy.*

*C. The research activities outlined in subsection B shall not:*

*1. Subject the industrial hemp research program to any criminal liability under the controlled substances laws of the Commonwealth. This exemption from criminal liability is a limited exemption that shall be strictly construed and that shall not apply to any activities of the industrial hemp research program that are not authorized; or*

*2. Alter, amend, or repeal by implication any provision of this Code relating to controlled substances.*

*D. The Commissioner shall pursue any permits or waivers from the U.S. Drug Enforcement Administration or appropriate federal agency that are necessary for the advancement of the industrial hemp research program.*

*E. The Commissioner shall notify the Superintendent of State Police and all local law-enforcement agencies of the duration, size, and location of all industrial hemp demonstration plots.*

*F. The Commissioner is permitted to cooperatively seek funds from public and private sources to implement the industrial hemp research program.*

*G. By November 1, 2015, and annually thereafter, the Commissioner shall report on the status and progress of the industrial hemp research program to the Governor and to the General Assembly.*

#### **§ 54.1-3401. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29

(§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. *Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.*

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning - may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

## CHAPTER 181

*An Act to amend and reenact § 46.2-1110 of the Code of Virginia, relating to penalties for overweight vehicles.*

[S 956]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1110 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1110. Height of vehicles; damage to overhead obstruction; penalty.**

No loaded or unloaded vehicle shall exceed a height of 13 feet, six inches.

Nothing contained in this section shall require either the public authorities or railroad companies to provide vertical clearances of overhead bridges or structures in excess of 12 feet, six inches, or to make any changes in the vertical clearances of existing overhead bridges or structures crossing highways. The driver or owner of vehicles on highways shall be held financially responsible for any damage to overhead bridges or structures that results from collisions therewith.

The driver or owner of any vehicle colliding with an overhead bridge or structure shall immediately notify, either in person or by telephone, a law-enforcement officer or the public authority or railroad company, owning or maintaining such overhead bridge or structure of the fact of such collision, and his name, address, driver's license number, and the registration number of his vehicle. Failure to give such notice immediately, either in person or by telephone, shall constitute a Class 1 misdemeanor.

On any highway maintained by the ~~Virginia~~ Department of Transportation over which there is a bridge or structure having a vertical clearance of less than 14 feet, the Commissioner of Highways shall have at least two signs erected setting forth the height of the bridge or structure. Such signs shall be located at least 1,500 feet ahead of the bridge or structure.

On any highway maintained by a county, city, or town over which a bridge or structure has a vertical clearance of less than 14 feet, the local governing body shall have at least two signs erected setting forth the height of the bridge or structure. Such signs shall be located at least 1,500 feet ahead of the bridge or structure.

The ~~Virginia~~ Department of Transportation may install and use overheight vehicle optical detection systems to identify vehicles that exceed the overhead clearance of the westbound tunnel of the Hampton Roads Bridge Tunnel on Interstate ~~Route~~ 64. When the optical system sensor located closest to the westbound tunnel entrance is used in identifying such vehicles, the system shall be installed at the specified height as determined by measurement standards that have been certified by the Commissioner of the ~~Virginia~~ Department of Agriculture and Consumer Services, and are traceable to national standards of measurement. Such identification by such system shall, for all purposes of law, be equivalent to having measured the height of the vehicle with a tape measure or other measuring device. *When an employee of the Department of Transportation or the Department of State Police identifies a vehicle whose height exceeds 13 feet, six inches and whose driver is driving or attempting to drive through the westbound tunnel of the Hampton Roads Bridge Tunnel on Interstate 64, the driver of such vehicle may elect to wait until the end of peak traffic periods, as determined by the Department of Transportation, so that the Department of Transportation or Department of State Police may safely stop traffic and allow such vehicle to proceed in the opposite direction. If the driver does not elect to wait, he shall be subject to the penalties under this section.*

Any person who drives or attempts to drive any vehicle or combination of vehicles into or through any tunnel when the height of such vehicle, any vehicle in a combination of vehicles, or any load on any such vehicle exceeds that permitted for such tunnel, shall be guilty of a misdemeanor and, in addition, shall be assessed three driver demerit points. In addition, the driver of any such vehicle shall be fined \$1,000, of which \$1,000 shall be a mandatory minimum. For subsequent offenses, the owner of any such vehicle shall be fined \$2,500, of which \$2,500 shall be a mandatory minimum.

A violation of this section shall be deemed for all purposes a moving violation.

## CHAPTER 182

*An Act to amend and reenact § 2.2-3711 of the Code of Virginia, relating to the Virginia Freedom of Information Act; open meeting exemptions; discussions relating to cybersecurity.*

[S 1109]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 2.2-3711 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

###### **A. Public bodies may hold closed meetings only for the following purposes:**

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity *or specific cybersecurity threats or vulnerabilities* and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such ~~activity matters~~ *or a related threat to public safety; or discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program;* or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 183

*An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exemption for public safety; cybersecurity.*

[S 1129]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3705.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information, the disclosure of which would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

Those portions of engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

3. Documentation or other information that describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

4. Plans and information to prevent or respond to terrorist activity *or cyber attacks*, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; ~~and~~ (iii) engineering or architectural records, or records containing information derived from such records, to the extent such records reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; *and (iv) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program.* The same categories of records of any governmental or nongovernmental person or entity submitted to a public body for the purpose of antiterrorism response *planning or cybersecurity planning or protection* may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism *or cybersecurity* planning or protection. Such statement shall be a public record and shall be disclosed upon request. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

6. Engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

7. Security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster or other catastrophic event, or (ii) any person on school property has suffered or been threatened with any personal injury.

8. [Expired.]

9. Records of the Commitment Review Committee concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; except that in no case shall records identifying the victims of a sexually violent predator be disclosed.

10. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

11. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

12. Records of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work. In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

13. Documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

14. Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

15. Records of a salaried or volunteer Fire/EMS company or Fire/EMS department, to the extent that the records disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 184

*An Act to remove the Little Creek watershed from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.*

[S 1203]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That no state agency shall consider or include the Little Creek watershed as part of the James River Basin when developing or implementing the Chesapeake Bay Watershed Implementation Plan.*

## CHAPTER 185

*An Act to amend and reenact § 10.1-200.1 of the Code of Virginia, relating to state park master plans; update schedule.*

[S 1376]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-200.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-200.1. State park master planning.**

A. The Department shall undertake a master planning process (i) for all existing state parks, (ii) following the substantial acquisition of land for a new state park, and (iii) prior to undertaking substantial improvements to state parks. A master plan shall be considered a guide for the development, utilization and management of a park and its natural, cultural and historic resources and shall be adhered to closely. Each plan shall be developed in stages allowing for public input.

Stage one of the plan shall include the development of a characterization map indicating, at a minimum, boundaries, inholdings, adjacent property holdings, and other features such as slopes, water resources, soil conditions and types, natural resources, and cultural and historic resources. The stage one plan shall include a characterization of the potential types of uses for different portions of the parks and shall provide a narrative description of the natural, physical, cultural and historic attributes of the park. The stage one plan shall include the specific purposes for the park and goals and objectives to support those purposes.

Upon completion of a stage one plan, a stage two plan shall be developed by the Department which shall include the potential size, types and locations of facilities and the associated infrastructure including roads and utilities, as applicable. Proposed development of any type shall be in keeping with the character of existing improvements, if appropriate, and the natural, cultural and historic heritage and attributes of the park. The stage two plan shall include a proposed plan for phased development of the potential facilities and infrastructure. The Department shall project the development costs and the operational, maintenance, staffing and financial needs necessary for each of the various phases of park development. Projections shall also be made for the park's resource management needs and related costs. The projections shall be made part of the stage two plan.

Upon completion of the stage two plan, the stage one and stage two plans along with supporting documents shall be combined to form a master plan for the park. Development of a park shall not begin until the master plan has been reviewed by the Board of *Conservation and Recreation* and adopted by the Director.

B. All members of the General Assembly shall be given notice of public meetings and, prior to their adoption, the availability for review of stage one, stage two and master plans and proposed amendments for substantial improvements.

C. The master planning process shall not be considered an impediment to the acquisition of inholdings or adjacent properties. Such properties, when acquired, shall be incorporated into the master plan and their uses shall be amended into the master plan.

D. Stage one and stage two plans shall be considered complete following review and adoption by the Director. Stage one and stage two plans may only be adopted by the Director following public notice and a public meeting. The Director may make nonsubstantial amendments to master plans following public notice. A master plan or a substantial amendment to a master plan may only be adopted by the Director after considering the recommendations of the Board of *Conservation and Recreation* following public notice and a public meeting.

E. The Department shall solicit and consider public comment in the development of the stage one and two plans as well as the master plan and any amendments thereto. Such solicitation shall include reasonable notice to appropriate trade

associations and private businesses within a 10-mile radius of the park that offer similar categories of service, including private campgrounds, marinas, and recreational facilities.

F. Master plans shall be reviewed and updated by the Department and the Board of *Conservation and Recreation* no less frequently than once every ~~five~~ 10 years and shall be referenced in the Virginia Outdoors Plan.

G. Materials, documents and public testimony and input produced or taken for purposes of park planning prior to January 1, 1999, may be utilized in lieu of the process established in this section provided that it conforms with the requirements of this section and that a master plan shall be developed that conforms with this section which shall not be deemed complete until reviewed and approved in accordance with subsection D.

H. The planning process contained in this section satisfies the Department of General Services master planning requirements for lands owned or managed by the Department of Conservation and Recreation. The Department of Conservation and Recreation's Facility Development Plans shall continue to meet the Department of General Service's requirements.

I. For purposes of this section, unless the context requires a different meaning:

"Development of a park" means any substantial physical alterations within the park boundaries other than those necessary for the repair or maintenance of existing resources or necessary for the development of the master plan.

"Substantial acquisition" means the purchase of land valued at \$500,000 or more or the acquisition of the major portion of land for a new state park whichever is less.

"Substantial improvement" means physical improvements and structures valued at \$500,000 or more.

## CHAPTER 186

*An Act to amend the Code of Virginia by adding a section numbered 15.2-2223.3, relating to comprehensive plan; sea-level rise.*

[S 1443]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2223.3 as follows:**

**§ 15.2-2223.3. *Comprehensive plan shall incorporate strategies to combat projected sea-level rise and recurrent flooding.***

*Beginning July 1, 2015, any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request. Where federal regulations as effective July 1, 2015 require a local hazard mitigation plan for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. For a locality not participating in the FEMA Community Rating System, the comprehensive plan may include an action plan and time frame for such participation.*

## CHAPTER 187

*An Act to amend and reenact § 3 of Chapter 240 of the Acts of Assembly of 1908, which provided a charter for the Town of Branchville in the County of Southampton, relating to elections.*

[H 1284]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3 of Chapter 240 of the Acts of Assembly of 1908 is amended and reenacted as follows:**

**§ 3.** The government of said town shall be vested in a mayor and six councilmen, to be elected ~~every two years, on the second Tuesday of June, and all~~ on the Tuesday after the first Monday in November at the time of the general election, as follows: At the 2015 election, the candidate for mayor receiving the most votes and the candidates for council receiving the three highest vote totals shall be elected to serve four-year terms, and new elections for mayor and those three council seats shall be held at the time of the November 2019 general election and every four years thereafter. At the 2015 election, the candidates for council receiving the next three highest vote totals shall be elected to serve two-year terms, and new elections for those three council seats shall be held at the time of the November 2017 general election and every four years thereafter. The term of office for mayor and council members shall begin on the first day of January next following the date of their election and shall continue until their successors have been duly elected and qualified. Council members serving on council who were elected in May 2014 shall have their terms of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve. All elections shall conform

to the general State elections governing towns. Any person entitled to vote in the county of Southampton, and who has been a resident of said town for thirty days, and whose name has been properly registered on the town registration books, and who has otherwise complied with the laws of the State in regard to capitation tax, shall be entitled to vote at any and all elections held under this act of incorporation.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 188

*An Act to amend and reenact § 46.2-816 of the Code of Virginia, relating to drivers following too closely.*

[H 1342]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-816 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-816. Following too closely.**

The driver of a motor vehicle shall not follow another ~~motor~~ vehicle, trailer, or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic on, and conditions of, the highway at the time.

## CHAPTER 189

*An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary mail vehicle.*

[H 1379]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-838 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-838. Passing when overtaking a vehicle.**

A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left of the overtaken vehicle and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as otherwise provided in this article.

B. *The driver of any motor vehicle, upon overtaking a stationary vehicle that is displaying a flashing, blinking, or alternating amber light as provided in § 46.2-892 or subdivision A 10 of § 46.2-1025, shall proceed with due caution and maintain a safe speed for highway conditions.*

## CHAPTER 190

*An Act to amend and reenact § 55-246.1 of the Code of Virginia, relating to landlord and tenant law; who may recover rent or possession.*

[H 1452]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-246.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-246.1. Who may recover rent or possession.**

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager, or a managing agent of a landlord as defined in § 55-248.4, or (iii) any employee, who is authorized in writing by a corporate officer with the approval of the board of directors, or by a manager, a general partner or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership ~~or~~ business trust, *or family trust* to sign pleadings as the agent of the business entity may obtain a judgment (a) for possession in the general district court for the county or city wherein the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, in any general district court where venue is proper under § 8.01-259, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a warrant in debt, suggestion for summons in garnishment, garnishment summons, writ of possession, or writ of fieri facias arising out of a landlord tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03.

## CHAPTER 191

*An Act to amend and reenact § 2.2-2472 of the Code of Virginia, relating to the Virginia Board of Workforce Development; qualification for Workforce Investment Act-related services.*

[H 1523]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2472 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2472. Powers and duties of the Board; Virginia Workforce Network created.**

A. The Board shall undertake the following actions to implement and foster workforce training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues;
2. Provide policy direction to local workforce investment boards;
3. Provide recommendations on the policy, plans, and procedures for secondary and postsecondary career and technical education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
4. Provide recommendations on the policy, plans, and procedures for other education and workforce development programs that provide resources and funding for training and employment services as identified by the Governor or Board;
5. Identify current and emerging statewide workforce needs of the business community;
6. Forecast and identify training requirements for the new workforce;
7. Recommend strategies that will match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;
8. Develop WIA incentive grant applications and approve criteria for awarding incentive grants;
9. Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce investment boards;
10. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce training, and leadership funds for workforce development programs;
11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and review and recommend industry credentials that align with high demand occupations;
12. Define the Board's role in certifying WIA training providers, including those not subject to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;
13. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13;
14. Create procedures, guidelines, and directives applicable to local workforce investment boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and
15. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the WIA;
2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;
3. A performance and accountability committee to coordinate with the Virginia Employment Commission, State Council of Higher Education for Virginia, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network to measure comprehensive accountability and performance; and
4. A military transition assistance committee to focus on military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce process and qualification barriers to training and employment services.

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers comprising elements of Virginia's Career Pathways System and Workforce Network.

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of the WIA Wagner-Peyser State Plan; development and continuous improvement of a statewide workforce development and career pathways system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; review of local plans; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including,

without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce investment boards have obtained funding from sources other than the WIA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce investment board shall develop and submit to the Governor and the Virginia Board of Workforce Development an annual workforce demand plan for its workforce investment board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce investment activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIA funds; report performance statistics to the Virginia Board of Workforce Development; and certify local training providers in accordance with criteria provided by the Virginia Board of Workforce Development. Further, a local training provider certified by any workforce investment board has reciprocal certification for all workforce investment boards.

Each local workforce investment board shall share information regarding its meetings and activities with the public.

F. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce investment board and one-stop center; and collaborate with the local workforce investment board on local plans and program oversight.

G. Each local workforce investment board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); and
11. Other programs or activities as required by the WIA.

H. *For the purposes of implementing the WIA, income from service in the Virginia National Guard shall not disqualify unemployed service members from WIA-related services.*

I. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.

## CHAPTER 192

*An Act to amend the Code of Virginia by adding a section numbered 15.2-925.1, relating to local notifications.*

[H 1553]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-925.1 as follows:**  
**§ 15.2-925.1. Local notifications.**

*Any locality may by ordinance establish a system to deliver notifications to residents by email, phone, text message or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for non-emergency notifications.*

**2. That a notification system adopted by a locality prior to the effective date of this act shall be deemed to have met the requirements of § 15.2-925.1.**

### CHAPTER 193

*An Act to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA data bank; State Police to verify receipt of sample for persons required to register.*

[H 1578]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a violation of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, (iv) § 18.2-130 or (v) § 18.2-370.6 shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of \$25 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and one-half of the fee shall be paid into the general fund of the locality where the sample was taken and one-half of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of a felony who is in custody after July 1, 1990, shall provide a blood, saliva or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

*F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.*

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

~~G.~~ H. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

## CHAPTER 194

*An Act to amend the Code of Virginia by adding a section numbered 44-40.01, relating to the Virginia National Guard; nonjudicial punishment.*

[H 1597]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 44-40.01 as follows:****§ 44-40.01. Nonjudicial disciplinary proceedings.**

*Service members of the Virginia National Guard, not in federal service, are subject to nonjudicial punishment pursuant to Part V of the Manual for Courts-Martial, United States. A commander's authority to impose nonjudicial punishment shall not include the authority to impose correctional custody, arrest in quarters, restriction, or extra duties. Reduction in rank shall not be imposed if the service member has more than 10 years of military service and is in the rank of E-5 or above. When nonjudicial punishment is to be imposed by a commanding officer of the rank of major or above, a service member shall not be allowed to demand trial by court-martial in lieu of nonjudicial punishment. Service members shall retain all appeal rights available under the Manual for Courts-Martial, and the appeal shall include a review for abuse of discretion and legal sufficiency of the evidence.*

## CHAPTER 195

*An Act to amend and reenact §§ 2.2-3701 and 9.1-101 of the Code of Virginia, relating to private police departments.*

[H 1606]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-3701 and 9.1-101 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-3701. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers *and private police departments as defined in § 9.1-101* shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

**§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, *or any full-time or part-time employee of a private police department*, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; ~~or~~ (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; *or (x) private police officer employed by a private police department*. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department ~~or~~ sheriff's office, *or private police department*.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,

*duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department, provided it complies with the requirements set forth herein.*

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

**2. That an emergency exists and this act is in force from its passage.**

**3. That, for the purposes of this act, the following private police departments were in existence on January 1, 2013, and were recognized as private police departments by the Department of Criminal Justice Services at that time: Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department.**

**4. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 196

*An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; location of offense.*

[H 1611]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-57 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-57. Assault and battery; penalty.**

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency

medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties *anywhere in the Commonwealth*, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Department of Alcoholic Beverage Control, conservation police officers appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

**2. That the provisions of this act are declarative of existing law.**

## CHAPTER 197

*An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary refuse-collection vehicle.*

[H 1649]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-838 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-838. Passing when overtaking a vehicle.**

A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left of the overtaken vehicle and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as otherwise provided in this article.

B. *The driver of any motor vehicle, upon overtaking a stationary vehicle in the process of refuse collection operations, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe or on highways having fewer than four lanes, proceed with due caution and decrease speed to 10 miles per hour below the posted speed limit and pass at least two feet to the left of the vehicle.*

## CHAPTER 198

*An Act to amend and reenact § 7.4 of Chapters 779 and 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City, relating to director of planning.*

[H 1656]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 7.4 of Chapters 779 and 798 of the Acts of Assembly of 1993 is amended and reenacted as follows:**

§ 7.4. Division of planning.

The planning division shall be composed of a director of planning and such employees as the board of supervisors may determine. The planning division shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. ~~The director of planning shall have immediate direction and control of the division; shall be appointed by the manager of development management and shall serve subject to the same terms and conditions as are applicable to other department heads. The director of planning shall report to the manager of development management.~~

## CHAPTER 199

*An Act to amend and reenact §§ 2.1, 3.1, 3.3, 3.5, 3.6, and 5.1 of Chapter 29 of the Acts of Assembly of 1992, which provided a charter for the Town of Buchanan, relating to powers; elections.*

[H 1663]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1, 3.1, 3.3, 3.5, 3.6, and 5.1 of Chapter 29 of the Acts of Assembly of 1992 are amended and reenacted as follows:**

§ 2.1. The Town of Buchanan shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ ~~15.1-837~~ 15.2-1100 through ~~15.1-907~~ 15.2-1133 of the Code of Virginia; of 1950, as amended.

§ 3.1. Legislative powers in council.

The legislative powers of the municipality shall be vested in a council, consisting of ~~seven~~ five members, one of whom in addition shall be the mayor.

§ 3.3. Election of council: term of office, mayor and vice-mayor.

On the first Tuesday in May, 1992, and every two years thereafter, there shall be elected by the qualified voters of the town, six electors who shall be denominated ~~councilmen~~ council members. In addition thereto, the qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of July next succeeding their election. *Notwithstanding the provisions of this paragraph, effective January 1, 2017, the number of council members shall be four.*

*However, beginning in 2016 and every two years thereafter, the mayor and four council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. The mayor and council members who were elected in May, 2014, and whose terms would expire on June 30, 2016, shall continue in office until their successors have been duly elected and have qualified to serve.*

Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor.

§ 3.5. Meetings of council.

Council shall hold at least one regular meeting each month of each calendar year. All meetings of the council shall be public meetings except as provided for by § ~~2.1-340~~ 2.2-3700 et seq. of the Code of Virginia. No official action shall be taken by the council in executive session. Council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings, the time of its meetings, and the calling of special meetings.

§ 3.6. Vacancies in office of council member or mayor.

Vacancies in the office of ~~councilmen~~ *council member* or mayor, for whatever cause, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If council shall fail to fill a vacancy within sixty days, such vacancy shall be filled by appointment of the judge of the Circuit Court for Botetourt County, Virginia, upon notice to the court by petition filed by the mayor or any ~~councilman~~ *council member*.

§ 5.1. Eminent domain.

The powers of eminent domain as set forth in Title ~~15.1~~ 15.2 and Title ~~25~~ 25.1 of the Code of Virginia, as amended, are hereby conferred upon the Town of Buchanan.

## CHAPTER 200

*An Act to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to petition for permit of restoration of right to possess firearms; venue.*

[H 1666]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.**

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, or (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms.

C. Any person prohibited from possessing, transporting, or carrying a firearm, *ammunition for a firearm*, or a stun weapon under subsection A, may petition the circuit court of the jurisdiction in which he resides *or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A*, for a permit to possess or carry a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

## CHAPTER 201

*An Act to amend and reenact §§ 2.02, 3.01, 3.02, 3.04, 3.06:1, and 3.07, as amended, §§ 3.13, 3.16, and 3.17, §§ 5.01 and 6.03, as amended, §§ 7.16, 7.20, and 10.03.1, and §§ 11.01, 13.02, and 13.03, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, and to repeal Chapter 14 (§§ 14.01 through 14.05) of Chapter 536 of the Acts of Assembly of 1950, relating to powers, mayor, city council, city collector, and department of finance.*

[H 1682]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.02, 3.01, 3.02, 3.04, 3.06:1, and 3.07, as amended, §§ 3.13, 3.16, and 3.17, §§ 5.01 and 6.03, as amended, §§ 7.16, 7.20, and 10.03.1, and §§ 11.01, 13.02, and 13.03, as amended, of Chapter 536 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power:

(1) To levy and collect ad valorem taxes on real estate and personal property and machinery and tools not exempt by law from taxation, or segregated to the State for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all money owned by or credits due to any person living in the city and doing business therein and employed in said business though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside of the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest or money, dividends of banks or other corporations, provided that no capital, interest or dividend shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed upon stocks of a corporation and upon the dividends thereon; and provided, further, that such property has not been segregated to the State for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may by curative ordinances, ratify and confirm assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. The rate of the tax that is levied on real estate shall be fixed once each calendar year and such rate shall not thereafter be changed during the same calendar year.

(2) ~~To levy and collect a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city.~~

(3) To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge.

(4) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(5) Unless prohibited by general law to require licenses for the privilege of engaging in any business, profession, occupation, or trade, prohibit the conduct of any business, profession, occupation, or trade without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, occupations, and trades, and to refuse such license to any person not entitled by law thereto.

(6) To require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses. In any prosecution of a violation of any ordinance requiring such licenses, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state, shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city.

(7) To impose penalties on persons following any business, profession, or trade in the city without the license prescribed therefor.

(b) To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed in Chapters 5 and 6 of this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, such sums as the council may deem necessary in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided, that any such appropriation shall require at least a two-thirds affirmative vote of council members present and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools, to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning in addition to those owned or exclusively controlled by the city and to make appropriations to nonsectarian schools of manual, industrial or technical training and also to any school or institution of learning owned or exclusively controlled by the city.

(g) To establish a system of pensions for injured, retired or superannuated city officers and employees, subject to the limitations imposed by Chapter 8 of this charter.

(h) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof.

#### § 3.01. Composition of the council.

The Council shall consist of the mayor and six members at large elected as provided in Chapter 10 of this charter, and they shall serve for terms of three years or until their successors shall have been elected and take office; ~~provided, however, that the terms of the members of the council incumbent at the effective date of this charter shall continue through the thirtieth day of June 1952, or until their successors shall have been elected and shall take office.~~

#### § 3.02. Compensation of the council.

Members of the council *and the mayor* shall receive in full compensation for their services ~~the sum of four hundred dollars per month; provided, however, that the mayor shall receive in full compensation for his services the sum of four hundred and fifty dollars per month; provided, further, that the rate of compensation for the members of the council and the mayor may be changed~~ set by ordinance, except that no such rate of compensation shall be increased to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast.

#### § 3.04. Powers.

All powers of the city as granted in Chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (a) Appoint and remove the city manager.
- (b) Adopt the budget of the city.
- (c) Authorize the issuance of bonds by a bond ordinance.

(d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies. ~~There are hereby created the departments of finance, public works, police, fire, public health, social services, and recreation and parks, the heads of which shall be appointed by the city manager. The council by ordinance may create, change, and abolish offices, departments, or agencies. The council may not change or abolish any offices or agencies created by this charter and may not eliminate the function of any department created by this charter. The council by ordinance may assign duties or functions to the offices, departments and agencies created by this charter. When a vacancy occurs in any office to which the incumbent is elected by the council, the council is empowered to fill the vacancy, and when such vacancy occurs otherwise than by the regular expiration of the term of the incumbent, the election shall only be for the unexpired term.~~

(f) Appoint the members of ~~the school board~~, the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) Provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

#### § 3.06:1. Administrative assistants.

Notwithstanding any other provision of this charter, the ~~city clerk~~ *mayor and each council member* may, ~~upon the direction of the city council~~, appoint one administrative assistant for each member of council, including the mayor. No member of the immediate family of a member of the council shall be eligible for appointment as an administrative assistant. For the purpose of this section, the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law,

sister-in-law, son-in-law or daughter-in-law of a council member shall be considered a member of the member's immediate family.

§ 3.07. Induction of members.

~~The council members in office at the time this charter takes effect shall continue in office through the thirtieth of June, 1952, or until their successors shall have been elected and take office.~~ The first meeting of a newly elected council shall take place at ~~7:30~~ 7:00 P.M. on the ~~first~~ *second* day of ~~July~~ *January* following their election, or if such day shall fall on Saturday, Sunday or a legal holiday, then on the next business day following the ~~fourth~~ *second* day of ~~July~~ *January*.

§ 3.13. Submission of ordinances or issues to the qualified voters of the city.

The Council shall have authority to submit by resolution directed to the ~~corporation~~ *circuit* court of the City of Alexandria or the judge thereof in vacation, any proposed ordinance, question or issue to the qualified voters of the city for an advisory referendum thereon. Upon the receipt of such resolution, the ~~corporation~~ *circuit* court of the City of Alexandria or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by the general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city.

§ 3.16. Removal of council members.

Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the ~~corporation~~ *circuit* court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council.

§ 3.17. Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, and any officer or employee of the city. The council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the ~~corporation~~ *circuit* court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the ~~corporation~~ *circuit* court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the ~~corporation~~ *circuit* court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations.

§ 5.01. Department of finance.

There shall be a Department of Finance, which shall include the functions of ~~budgeting~~, accounting and control, purchasing, and such other functions as may be provided by ordinance. The Department of Finance shall include all the functions of the administration of the financial affairs of the city, including the powers conferred and duties imposed by § 5.04 (i), (j), (k), and (l) of this charter.

§ 6.03. Preparation of budgets.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the Sheriff, the Attorney for the Commonwealth, and clerks of courts to file with the City Manager or with the ~~Director of Finance~~ *another employee of the city* designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the ~~Director of Finance~~ *City Manager or his designee* and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the City Manager may require to be submitted thereon. The ~~Director of Finance~~ *employee designated by the City Manager* shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the City Manager in the preparation of the budgets. The City Manager shall hold such hearings as he may deem advisable, and with the assistance of the ~~Director of Finance~~ *city staff* shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure.

§ 7.16. Contents of bond ordinance for revenue producing utilities.

In addition to the requirements of § 7.06 of this chapter, the ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

(a) That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of ~~section one hundred twenty-seven (b)~~ of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by ~~section one hundred twenty-seven~~ of the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on such bonds, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness; or

(b) That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the City of Alexandria shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provisions of ~~section one hundred and twenty-seven (b)~~ of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by ~~section one hundred twenty-seven~~ of the Constitution of Virginia.

§ 7.20. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year ~~19 20\_\_~~" (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty per centum of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty per centum of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four per centum of the amount originally issued.

§ 10.03.1. Voter registration offices.

It shall be the duty of the general registrar of the city to maintain *and the city to provide and furnish*, in the city hall, or other ~~municipal building; of the city~~, an office wherein all qualified voters of the city may be registered ~~and, in addition, it shall be his duty to maintain one temporary or permanent office, wherein qualified voters of the city may be registered, for each fifty thousand population of the city and for any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census.~~ It shall also be the duty of the general registrar to maintain as many other temporary or permanent offices, wherein qualified voters of the city may be registered, as city council may, in its sole judgment, deem necessary or desirable; provided, however, that such offices shall not be established, located or maintained in any private home. ~~The city shall furnish the general registrar of the city a suitable office in the city hall; or other municipal building and, in addition, shall furnish such registrar with one temporary or permanent office for each fifty thousand population of the city and for any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census. The city shall also furnish such registrar with such other temporary or permanent offices as the city council, in its sole judgment, has deemed necessary or desirable, except that such office shall not be established, located or maintained in any private home.~~

§ 11.01. City attorney.

(a) The city attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth who has actively practiced law for at least five years immediately preceding his appointment. The city manager shall review the applications of all applicants for the office and forward his recommendations to the city council.

(b) The council shall, ~~in September, 1982, or sooner if the office becomes vacant~~, appoint *a* the city attorney. ~~The, and the~~ terms and conditions of such appointment shall be set forth in an employment agreement consistent with the provisions of this Charter. ~~Any subsequent vacancy in the office of city attorney shall be filled by appointment by the council. The city attorney holding office on August 31, 1982, shall continue in office until his successor is appointed.~~

(c) The entire compensation of the city attorney shall be fixed by the council on a salary basis.

§ 13.02. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State or is unknown.

Such proceedings may be instituted in the circuit court of the city, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly

within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law, provided, however, that the provisions of § ~~25-233~~ 25.1-102 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

§ 13.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In either event the date of valuation shall be the time of the lawful taking by the petitioner, or the date of the filing of the petition in condemnation, whichever occurs first. The resolution or ordinance directing the acquisition of any property as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ ~~8-71, 8-72, and 8-76 of the Code of 1950~~ 8.01-316, 8.01-317, and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of the property so taken or damaged agreed upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § ~~25-46.20~~ 25.1-227.2 of the Code of ~~1950~~ Virginia, as amended, or as provided for in § 13.02, and all proceedings thereafter shall be had as provided in §§ ~~25-46.4:2 and 25-46.17 to 25-46.36, inclusive,~~ Article 6 (§ 25.1-230 et seq.) of Chapter 2 of Title 25.1 of the Code of ~~1950~~ Virginia, as amended, insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.

**2. That Chapter 14 (§§ 14.01 through 14.05) of Chapter 536 of the Acts of Assembly of 1950 are repealed.**

## CHAPTER 202

*An Act to amend and reenact §§ 9.1-139 and 9.1-144 of the Code of Virginia, relating to private investigators; personal protection specialists; independent contractors; insurance.*

[H 1718]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 9.1-139 and 9.1-144 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.**

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field.

B. No person shall act as private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article. *Notwithstanding any other provision of this article, a licensed private security services business may hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department.*

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and Board regulations.

E. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, locksmith, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other requirements of this article and Board regulations.

G. A temporary certification as a private security instructor or private security training school may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary certification as a private security services instructor until he has (i) met the education, training and experience requirements established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a temporary certification as a private security services training school until (a) he has designated a training director, (b) each principal of the training school has submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c) he has met all other requirements of this article and Board regulations.

H. A licensed private security services business in the Commonwealth shall not employ as an unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, locksmith, or electronic security technician, any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, except that such person may be so employed for not more than 90 days while completing compulsory minimum training standards.

I. No person shall be employed as an electronic security employee, electronic security technician's assistant, unarmed alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician or supervisor until he has submitted his fingerprints to the Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. The provisions of this subsection shall not apply to an out-of-state central station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.

J. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each private security registrant and certified employee employed by his private security services business has complied with, or been exempted from, the compulsory minimum training standards required by the Board. Before January 1, 2003, the compliance agent shall ensure that an investigation to determine suitability of each unarmed security officer employee has been conducted, except that any such unarmed security officer, upon initiating a request for such investigation under the provisions of subdivision A 11 of § 19.2-389, may be employed for up to 30 days pending completion of such investigation. After January 1, 2003, no person shall be employed as an unarmed security officer until he has submitted his fingerprints to the Department for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003, shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.

K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any felony shall be (a) employed as a registered or certified employee by a private security services business or training school, or (b) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department may waive such prohibition.

L. The Department may grant a temporary exemption from the requirement for licensure, certification, or registration for a period of not more than 30 days in a situation deemed an emergency by the Department.

M. All private security services businesses and private security services training schools in the Commonwealth shall include their license or certification number on all business advertising materials.

N. A licensed private security services business in the Commonwealth shall not employ as armored car personnel any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141, except such person may serve as a driver of an armored car for not more than 90 days while completing compulsory minimum training standards, provided such person does not possess or have access to a firearm while serving as a driver.

#### **§ 9.1-144. Bond or insurance required; actions against bond.**

A. Every person licensed as a private security services business under subsection A of § 9.1-139 or certified as a private security services training school under subsection B of § 9.1-139 shall, at the time of receiving the license or certification and before the license or certification shall be operative, file with the Department (i) a cash bond or evidence that the licensee or certificate holder is covered by a surety bond, executed by a surety company authorized to do business in the Commonwealth, in a reasonable amount to be fixed by the Department, conditioned upon the faithful and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance in an amount and with coverage as fixed by the Department. The bond or liability insurance shall be maintained for so long as the licensee or certificate holder is licensed or certified by the Department.

*Every personal protection specialist and private investigator who has been issued a registration by the Department and is hired as an independent contractor by a licensed private security services business shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by the Department, evidence of which shall be provided to the private security services business prior to the hiring of such independent contractor pursuant to subsection C of § 9.1-139.*

B. If any person aggrieved by the misconduct of any person licensed or certified under subsection A or B of § 9.1-139 recovers judgment against the licensee or certificate holder, which judgment is unsatisfied in whole or in part, such person may bring an action in his own name on the bond of the licensee or certificate holder.

## **CHAPTER 203**

*An Act to amend and reenact § 58.1-3851.1 of the Code of Virginia, relating to tourism zones; tax revenue for tourism projects.*

[H 1756]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3851.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3851.1. Entitlement to tax revenues from tourism project.**

A. For purposes of this section, unless the context requires a different meaning:

"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.

"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of an authorized tourism project and the debt and equity capital provided by the developer of the project.

B. 1. If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a tourism project to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and the tourism project has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by this section, the authorized tourism project shall be entitled to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project. The entitlement shall be contingent on the locality enacting an ordinance designating certain local tax revenues to the tourism project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon. The entitlement shall continue until the gap financing is paid in full. Entitled sales tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.

2. On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized tourism project is located. The county or city shall remit the revenues to the economic development authority. No payments herein shall be made until an agreement exists between the developer of the authorized tourism project and the economic development authority.

3. The state sales tax entitlement established in subdivision 1 shall not include any sales tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1.

C. If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized tourism project to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project, the local governing body of the county or city in which the authorized tourism project is located shall also direct by ordinance that an amount equal to the revenues generated by at least a one percent local sales and use tax, or an equivalent amount of other local tax revenues as designated by the ordinance, generated by transactions taking place on the premises of the authorized tourism project shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, mutatis mutandis.

D. Prior to any entitlement to tax revenues for an authorized tourism project pursuant to subsections B and C, the owner of such project shall have a minimum of ~~80~~ 70 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority on a quarterly basis. The access fee and the sales tax entitlement shall be used solely to make payments of principal and interest on the qualified gap funding.

E. In the event that the total amount of sales tax entitlement and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

## CHAPTER 204

*An Act to amend and reenact §§ 3.03 and 3.04 of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, relating to the election of mayor and city council members.*

[H 1761]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 3.03 and 3.04 of Chapter 640 of the Acts of Assembly of 2011 are amended and reenacted as follows:**

##### **§ 3.03. Election of Mayor and City Council members.**

a. On the first Tuesday in May in nineteen hundred seventy-four, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which time the qualified voters of the city shall elect three City Council members for terms of four years. On the first Tuesday in May nineteen hundred seventy-six, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which the qualified voters of the city shall elect a Mayor and three Council members for terms of four years. All terms shall begin on the first day of July next following the date of their election.

However, beginning in 2012, the municipal election shall be held at the time of the November general election with terms to commence on January 1. No term of a Mayor or member of Council elected in 2008 or 2010 shall be shortened in implementing the change to the November election date. The Mayor and members of Council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

b. The candidates at any municipal election for the election of City Council members, equal in number to the places to be filled, who receive the largest number of votes cast at such election shall be declared elected to the office of City Council. The candidate for Mayor who receives the largest number of votes at any municipal election shall be declared elected to the office of Mayor.

c. In the event any member of City Council during his or her tenure of office shall desire to be a candidate for the office of Mayor, he or she shall be eligible to do so; ~~but shall tender resignation as a member of City Council not fewer than ten days prior to the final date for the filing of petitions and notices of acceptance as specified herein, such resignation to be effective on December 31st of the election year. Such resignation shall state the council member's intention to run for the office of Mayor and shall require no formal acceptance by the remaining members of City Council and shall be final and irrevocable as of the date it is tendered without being required to resign his or her office.~~

d. ~~The remaining two-year term of office of any City Council member who has resigned for the stated purpose of running for office of Mayor shall be filled at the same succeeding general municipal election at which the office of Mayor is filled. The two-year term shall be filled by the candidate for City Council receiving the next highest vote to those candidates declared elected to the office of City Council member pursuant to subsection b. above. Such two-year term shall begin on the first day of January next following the date of such election.~~

e. The City Clerk shall notify all successful candidates of the process to qualify for office immediately after their election has been certified by the proper officials.

#### § 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, ~~except for resignations to run for the office of Mayor which should be filled as specified in § 3.03 e. above;~~ such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within sixty days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant.

## CHAPTER 205

*An Act to amend and reenact §§ 9.1-102 and 44-146.18 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1718.2, relating to missing persons; search and rescue.*

[H 1808]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-102 and 44-146.18 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-1718.2 as follows:**

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a

consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Cley Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; ~~and~~

57. *Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol; and*

58. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 15.2-1718.2. Receipt of critically missing adult reports.**

*A. No police or sheriff's department shall establish or maintain any policy that requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.*

*B. For purposes of this section:*

*"Critically missing adult" means any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.*

*"Critically missing adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information, including a photograph, to the Department of State Police.*

**§ 44-146.18. Department of Emergency Services continued as Department of Emergency Management; administration and operational control; coordinator and other personnel; powers and duties.**

A. The State Office of Emergency Services is continued and shall hereafter be known as the Department of Emergency Management. Wherever the words "State Department of Emergency Services" are used in any law of the Commonwealth, they shall mean the Department of Emergency Management. During a declared emergency this Department shall revert to the operational control of the Governor. The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the Governor and also serve as State Emergency Planning Director. The Department shall employ the professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

B. The State Department of Emergency Management shall in the administration of emergency services and disaster preparedness programs:

1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth has up-to-date assessments and preparedness plans to prevent, respond to and recover from all disasters including acts of terrorism;

2. Conduct a statewide emergency management assessment in cooperation with political subdivisions, private industry and other public and private entities deemed vital to preparedness, public safety and security. The assessment shall include a review of emergency response plans, which include the variety of hazards, natural and man-made. The assessment shall be updated annually;

3. Submit to the Governor and to the General Assembly, no later than the first day of each regular session of the General Assembly, an annual executive summary and report on the status of emergency management response plans throughout the Commonwealth and other measures taken or recommended to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made available to the Division of Legislative Automated Systems for the processing of legislative documents and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of § 2.2-3705.2 shall not be disclosed unless:

a. It is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act;

b. The agency holding the record is served with a proper judicial order; or

c. The agency holding the record has obtained written consent to release the information from the State Department of Emergency Management;

4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness, response and recovery programs;

5. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery operations that assigns primary and support responsibilities for basic emergency services functions to state agencies, organizations and personnel as appropriate;

6. Coordinate and administer disaster mitigation, preparedness, response and recovery plans and programs with the proponent federal, state and local government agencies and related groups;

7. Provide guidance and assistance to state agencies and units of local government in developing and maintaining emergency management and continuity of operations (COOP) programs, plans and systems;

8. Make necessary recommendations to agencies of the federal, state, or local governments on preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

9. Determine requirements of the Commonwealth and its political subdivisions for those necessities needed in the event of a declared emergency which are not otherwise readily available;

10. Assist state agencies and political subdivisions in establishing and operating training programs and programs of public information and education regarding emergency services and disaster preparedness activities;

11. Consult with the Board of Education regarding the development and revision of a model school crisis and emergency management plan for the purpose of assisting public schools in establishing, operating, and maintaining emergency services and disaster preparedness activities;

12. Consult with the State Council of Higher Education in the development and revision of a model institutional crisis and emergency management plan for the purpose of assisting public and private two-year and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities and, as needed, in developing an institutional crisis and emergency management plan pursuant to § 23-9.2:9;

13. Develop standards, provide guidance and encourage the maintenance of local and state agency emergency operations plans, which shall include the requirement for a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of

Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies;

14. Prepare, maintain, coordinate or implement emergency resource management plans and programs with federal, state and local government agencies and related groups, and make such surveys of industries, resources, and facilities within the Commonwealth, both public and private, as are necessary to carry out the purposes of this chapter;

15. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation, preparation, response, and recovery;

16. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as authorized by the Governor;

17. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency services intelligence pertaining to all probable hazards affecting the Commonwealth;

18. Coordinate intelligence activities relating to terrorism with the Department of State Police; and

19. Develop an emergency response plan to address the needs of individuals with household pets and service animals in the event of a disaster and assist and coordinate with local agencies in developing an emergency response plan for household pets and service animals.

C. The State Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

3. Providing an adequate communications and warning system capable of notifying all political subdivisions in the Commonwealth of an impending disaster within a reasonable time;

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies;

7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure orderly and timely response to and recovery from disaster effects.

D. The State Department of Emergency Management shall be provided the necessary facilities and equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of the various federal, state, and other agencies during a state of emergency declaration by the Governor or following a major disaster declaration by the President.

E. The State Department of Emergency Management is authorized to enter into all contracts and agreements necessary or incidental to performance of any of its duties stated in this section or otherwise assigned to it by law, including contracts with the United States, other states, agencies and government subdivisions of the Commonwealth, and other appropriate public and private entities.

F. The State Department of Emergency Management shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management on or before April 1 of each year, to facilitate overall Commonwealth preparedness. For the purposes of this section, "private industry" means companies, private hospitals, and other businesses or organizations deemed by the State Coordinator of Emergency Management to be essential to the public safety and well-being of the citizens of the Commonwealth.

*G. The State Department of Emergency Management shall establish a Coordinator of Search and Rescue. Powers and duties of the Coordinator shall include:*

*1. Coordinating the search and rescue function of the State Department of Emergency Management;*

*2. Coordinating with local, state, and federal agencies involved in search and rescue;*

*3. Coordinating the activities of search and rescue organizations involved in search and rescue;*

*4. Maintaining a register of search and rescue certifications, training, and responses;*

*5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and its respective member agencies regarding search and rescue efforts;*

*6. Providing on-scene search and rescue coordination when requested by an authorized person;*

*7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency managers, volunteer search and rescue responders, and others who might have a duty to respond to a search and rescue emergency;*

*8. Gathering and maintaining statistics on search and rescue in the Commonwealth;*

*9. Compiling, maintaining, and making available an inventory of search and rescue resources available in the Commonwealth;*

*10. Periodically reviewing search and rescue cases and developing best professional practices; and*

*11. Providing an annual report to the Secretary of Public Safety and Homeland Security on the current readiness of Virginia's search and rescue efforts.*

*Nothing in this chapter shall be construed as authorizing the State Department of Emergency Management to take direct operational responsibilities from local, state, or federal law enforcement in the course of search and rescue or missing person cases.*

## CHAPTER 206

*An Act to amend and reenact § 5, as amended, of Chapter 338 of the Acts of Assembly of 1928, which provided a charter for the Town of Luray, relating to town elections.*

[H 1834]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 5, as amended, of Chapter 338 of the Acts of Assembly of 1928 is amended and reenacted as follows:**

§ 5. A. The mayor shall be elected at large and shall hold office for four years from the first day of July next following the date of his election, and until his successor has been duly elected and qualified. A municipal election for the election of a mayor shall be held on the first Tuesday in May in 1976, and every fourth year thereafter. The term of office of the mayor previously elected in 1971 shall expire on June 31, 1976. The mayor elected at the municipal election to be held on the first Tuesday in May, 1976, shall hold office for a term of four years from the first day of July next following date of his election. The council members shall be elected at large and shall hold office for four years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. A municipal election for the election of council members shall be held on the first Tuesday in May in 1974, and every second year thereafter. The terms of office of the three council members previously elected in 1969 shall expire on June 31, 1974, and the terms of office of the three council members previously elected in 1971 shall expire on June 31, 1976. Three council members shall be elected at a municipal election for the election of council members to be held on the first Tuesday in May, 1974, and shall hold office for a term of four years from the first day of July next following the date of their election. Three council members shall be elected at a municipal election for the election of council members to be held on the first Tuesday in May, 1976, and shall hold office for a term of four years from the first day of July next following the date of their election. A justice of the peace shall be elected at large and shall hold office for two years from the first day of July next following the date of his election, and until his successor has been duly elected and qualified. The term of office of the justice of the peace previously elected in 1971 shall expire on June 31, 1974. A justice of the peace shall be elected at the municipal election to be held on the first Tuesday in May, 1974, and shall hold office for a term of two years from the first day of July next following the date of his election.

*B. Notwithstanding the provisions of subsection A, beginning with the municipal elections to be held in 2016, the time of the election shall transition to the time of the November general election, and those elected shall take office on January 1 following the election. The mayor, council members, and any other locally elected officials whose terms would expire on June 30, 2016, or June 30, 2018, shall have their terms extended for six months. All officials shall serve until their successors have been duly elected and qualified.*

C. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them.

## CHAPTER 207

*An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.9, consisting of a section numbered 59.1-284.28, relating to economic development performance grants for manufacturers of pulp, paper, and fertilizer products.*

[H 1898]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.9, consisting of a section numbered 59.1-284.28, as follows:**

## CHAPTER 22.9.

*PULP, PAPER, AND FERTILIZER ADVANCED MANUFACTURING PERFORMANCE GRANT PROGRAM.***§ 59.1-284.28. Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program and Fund.**

A. As used in this section:

*"Capital investment" means an investment in real property, tangible personal property, or both, made or caused to be made by a qualified entity in a facility.*

*"Eligible county" means Chesterfield County.*

*"Facility" means any facility that, pursuant to a memorandum of understanding, is to be owned or leased by the qualified entity and operated by the qualified entity for the manipulation and manufacture of pulp, paper, and fertilizer products.*

*"Grant" means an installment of the pulp, paper, and fertilizer advanced manufacturing performance grant paid in a particular fiscal year as described in this section.*

"Memorandum of understanding" means a performance agreement to be entered into by July 31, 2015, by a qualified entity and the Commonwealth setting forth the requirements for capital investment, the creation of new full-time jobs, and other criteria that will make the qualified entity eligible for grants under this section.

"New full-time job" means employment of an indefinite duration in a facility, for which the average annual wage is at least equal to the prevailing average annual wage in an eligible county and for which the standard fringe benefits are provided by the qualified entity, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such qualified entity's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions and positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as new full-time jobs under this section. Other positions, which may or may not be of indefinite duration, including supplemental employees of affiliates, subsidiaries, joint ventures, contractors, or subcontractors of the qualified entity, may be considered new full-time jobs if designated as such in the memorandum of understanding.

"Qualified entity" means a for-profit corporation or other entity that is or will be engaged in the manipulation and manufacture of pulp, paper, and fertilizer products and that will commit itself in the memorandum of understanding to (i) make or cause to be made a new capital investment of at least \$2 billion on or after July 1, 2014, at a facility; (ii) create or cause to be created, on or after July 1, 2014, at least 2,000 new full-time jobs related to the qualified entity's operations; and (iii) meet the other criteria set forth in the memorandum of understanding.

"Secretary" means the Secretary of Commerce and Trade or his designee.

B. 1. Any qualified entity shall be eligible to receive a grant each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2016, and ending with the Commonwealth's fiscal year starting on July 1, 2022, unless such time frame is extended in accordance with this section. The grants under this section (i) shall be paid, subject to appropriation by the General Assembly, from a nonreverting fund entitled the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program Fund, which Fund is hereby established on the books of the Comptroller; (ii) shall not exceed \$20 million in the aggregate; (iii) shall be paid to a qualified entity during each fiscal year contingent upon the qualified entity's meeting the requirements for the creation of new full-time jobs, new capital investment, and other criteria set forth in the memorandum of understanding; and (iv) shall be expended by or for the benefit of the qualified entity on the costs of developing a facility or establishing or maintaining the qualified entity's operations.

2. The amount of the grant to be paid in each fiscal year shall be conditioned upon the qualified entity's meeting the requirements for (i) the aggregate number of new full-time jobs created throughout the calendar year that immediately precedes the beginning of such fiscal year, (ii) the aggregate amount of the capital investment made throughout the calendar year that immediately precedes the beginning of such fiscal year, and (iii) other criteria described in the memorandum of understanding. If the qualified entity has not met the grant requirements set forth in the memorandum of understanding by December 31, 2020, the period of eligibility may be extended for up to three years, provided that the grants paid in any given fiscal year shall not exceed \$3 million, plus any amounts deferred in accordance with subsection C or D. Grants shall be paid based upon such requirements as agreed to on or before July 31, 2015, regardless if such memorandum of understanding is later modified, amended, superseded, or otherwise changed.

3. The aggregate amount of grants that may be awarded in a particular fiscal year shall not exceed the following:

- a. \$2 million for the Commonwealth's fiscal year beginning July 1, 2016;
- b. \$5 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2017;
- c. \$8 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2018;
- d. \$11 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2019;
- e. \$14 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2020;
- f. \$17 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2021; and
- g. \$20 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022.

C. Any qualified entity applying for a grant under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs created and the substantial retention of the same throughout the calendar year that immediately precedes the fiscal year in which the grant is to be paid, (ii) the aggregate amount of the capital investment made and substantially retained as of the last day of the calendar year that immediately precedes the fiscal year in which the grant is to be paid, and (iii) progress toward meeting all other requirements described in the memorandum of understanding. The application and evidence shall be filed with the Secretary in person or by mail no later than April 1 of each year following the calendar year in which the qualified entity meets such aggregate new full-time job requirements, aggregate capital investments, and other requirements described in the memorandum of understanding. Failure to meet the filing deadline shall result in a deferral of a scheduled grant payment set forth in subsection B. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

D. The memorandum of understanding may provide that if a grant payment has been deferred for any reason, including any failure to meet the aggregate capital investment or the aggregate new full-time job requirements or any other requirement set forth in the memorandum of understanding, payment in a subsequent fiscal year for which such requirements have been met for the immediately preceding calendar year (i) shall include both the deferred payment and the scheduled grant payment as provided in subsection B or (ii) that a proportional payment be made, based on the proportional share of the required capital investment, new additional full-time jobs, or other applicable criteria.

E. As a condition of receipt of a grant, a qualified entity shall make available to the Secretary for inspection upon his request relevant and applicable documents to determine whether the qualified entity has met the requirements for the receipt of grants as set forth in this section and the memorandum of understanding. The Comptroller shall not draw any warrants to issue checks for the grant program under this section without a specific appropriation for the same. All such documents appropriately identified by the qualified entity shall be considered confidential and proprietary.

## CHAPTER 208

An Act to amend and reenact §§ 55-417 and 55-419 of the Code of Virginia, relating to the Virginia Self-Service Storage Act; notice of default.

[H 1921]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 55-417 and 55-419 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-417. Definitions.**

As used in this chapter, unless the context clearly requires otherwise:

1. "Self-service storage facility" means any real property designed and used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes.

2. "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized to manage the facility or to receive rent from any occupant under a rental agreement.

The owner of a self-service storage facility is not a warehouseman as defined in § 8.7-102, unless the owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, in which event, the owner and the occupant are subject to the provisions of Title 8.7 dealing with warehousemen.

3. "Occupant" means a person, his lessee, successor, or assign, entitled to the use of a leased space at a self-service storage facility under a rental agreement.

4. "Rental agreement" means any agreement or lease that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility.

5. "Leased space" means the individual storage space at the self-service facility which is leased or rented to an occupant pursuant to a rental agreement.

6. "Personal property" means movable property, not affixed to land and includes, but is not limited to, goods, wares, merchandise, and household items and furnishings.

7. "Default" means the failure to perform on time any obligation or duty set forth in the rental agreement or this chapter.

8. "Last known address" means that address *or electronic mail address* provided by the occupant in the rental agreement or the address *or electronic mail address* provided by the occupant in a subsequent written notice of a change of address.

9. "Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

**§ 55-419. Enforcement of lien.**

A. 1. If any occupant is in default under a rental agreement, the owner shall notify the occupant of such default by regular mail at his last known address *or, if expressly provided for in the rental agreement, such notice may be given by electronic means*. If such default is not cured within ~~ten~~ 10 days after its occurrence, then the owner may proceed to enforce such lien by selling the contents of the occupant's unit at public auction, for cash, and apply the proceeds to satisfaction of the lien, with the surplus, if any, to be disbursed as hereinafter provided. Before conducting such a public auction, the owner shall notify the occupant as prescribed in subsection C of this section and shall advertise the time, place, and terms thereof in such manner as to give publicity thereto.

2. In the case of personal property having a fair market value in excess of \$1,000, and against which a creditor has filed a financing statement in the name of the occupant at the State Corporation Commission or in the city or county where the self-service storage facility is located or in the city or county in Virginia shown as the last known address of the occupant, or if such personal property is a watercraft required by the laws of Virginia to be registered and the Department of Game and Inland Fisheries shows a lien on the certificate of title, the owner shall notify the lienholder of record, by certified mail, at

the address on the financing statement or certificate of title, at least 10 days prior ~~thereto~~ *to* the time and place of the proposed public auction.

If the owner of the personal property cannot be ascertained, the name of "John Doe" shall be substituted in the proceedings hereunder and no written notice shall be required. Whenever a watercraft is sold hereunder, the Department of Game and Inland Fisheries shall issue a certificate of title and registration to the purchaser thereof upon his application containing the serial or motor number of the watercraft purchased, together with an affidavit by the lienholder, or by the person conducting the public auction, evidencing compliance with the provisions hereof.

B. Whenever the occupant is in default, the owner shall have the right to deny the occupant access to the leased space.

C. After the occupant has been in default for a period of ~~ten~~ 10 days, and before the owner can sell the occupant's personal property in accordance with this chapter, the owner shall send a further notice of default, by ~~registered or certified~~ *verified* mail, postage prepaid, to the occupant at his last known address *or, if expressly provided for in the rental agreement, such notice may be given by electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.* Such notice of default shall include:

1. An itemized statement of the owner's claim, indicating the charges due on the date of the notice and the date when the charges became due;

2. A demand for payment of the charges due within a specified time not less than ~~twenty~~ 20 days after the date of the notice;

3. A statement that the contents of the occupant's leased space are subject to the owner's lien;

4. A conspicuous statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at public auction at a specified time and place; and

5. The name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to the notice.

D. At any time prior to the public auction pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and thereby redeem the personal property.

E. In the event of a public auction pursuant to this section, the owner may satisfy his lien from the proceeds of the public auction, and shall hold the balance, if any, for delivery on demand to the occupant or other lienholder referred to in this chapter. However, the owner shall not be obligated to hold any balance for a lienholder of record notified pursuant to subdivision A 2, or any other lien creditor, that fails to claim an interest in the balance within ~~thirty~~ 30 days of the public auction. So long as the owner complies with the provisions of this chapter, the owner's liability to the occupant under this chapter shall be limited to the net proceeds received from the public auction of any personal property, and as to other lienholders, shall be limited to the net proceeds received from the public auction of any personal property covered by such superior lien.

F. Any public auction of the personal property shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored. An advertisement shall be published in a newspaper of general circulation in the county, city or town in which the public auction is to be held at least once prior to the public auction. The advertisement must state (i) the fact that it is a public auction; (ii) the date, time and location of the public auction; and (iii) form of payment.

G. A purchaser in good faith of any personal property sold or otherwise disposed of pursuant to this chapter takes such property free and clear of any rights of persons against whom the lien was valid.

H. Any notice made pursuant to this section shall be presumed delivered when it is (i) deposited with the United States Postal Service and properly addressed to the occupant's last known address with postage prepaid *or (ii) sent by electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery. In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of default.*

I. In the case of any motor vehicle, so long as the motor vehicle remains stored within such leased space, the owner shall have a lien on such vehicle in accordance with § 46.2-644.01.

## CHAPTER 209

*An Act to amend and reenact §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.*

[H 1928]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of

a *misdeemeanor* violation of ~~(i)~~ § 16.1-253.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, ~~(ii)~~ § 18.2-67.4:1, 18.2-67.4:2, ~~(iii)~~ subsection E of § 18.2-67.5, ~~(iv)~~ § 18.2-102, 18.2-121, 18.2-130 or ~~(v)~~ §, 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-479.1 shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of ~~\$25~~ \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and ~~one-half~~ \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and ~~one-half~~ \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of a ~~felony~~ *an offense listed in subsection A* who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

G. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

#### **§ 19.2-310.7. Expungement when DNA taken for a conviction.**

A person whose DNA profile has been included in the data bank pursuant to § 19.2-310.2 may request expungement on the grounds that the ~~felony~~ conviction on which the authority for including his DNA profile was based has been reversed and the case dismissed. ~~The~~ *Provided that the person's DNA profile is not otherwise required to be included in the data bank pursuant to § 9.1-903, 16.1-299.1, 19.2-310.2, or 19.2-310.2:1, the* Department of Forensic Science shall purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of (i) a written request for expungement pursuant to this section and (ii) a certified copy of the court order reversing and dismissing the conviction.

**2. That the provisions of this act shall apply only to persons convicted on or after July 1, 2015.**

### **CHAPTER 210**

*An Act to amend and reenact § 9.1-111 of the Code of Virginia, relating to the Advisory Committee on Juvenile Justice; quorum and meetings.*

[H 1978]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-111 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-111. Advisory Committee on Juvenile Justice; membership; terms; quorum; compensation and expenses; duties.**

A. The Advisory Committee on Juvenile Justice (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards, and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth.

The membership of the Advisory Committee shall comply with the membership requirements contained in the *federal Juvenile Justice and Delinquency Prevention Act* pursuant to 42 U.S.C. § 5633, as amended, and shall consist of: the Commissioner of Behavioral Health and Developmental Services; the Commissioner of Social Services; the Director of the Department of Juvenile Justice; the Superintendent of Public Instruction; one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the Chairman of the Senate Committee for Courts of Justice; one member of the House Committee on Health, Welfare and Institutions appointed by the Speaker of the House of Delegates after consideration of the recommendation of the Chairman of the House Committee on Health, Welfare and Institutions; and such number of nonlegislative citizen members appointed by the Governor to comply with the membership range established by such federal act.

Legislative members, the Superintendent of Public Instruction, and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and be appointed by the Governor for a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.

The Advisory Committee shall elect its chairman and vice-chairman from among its members.

B. Gubernatorial appointed members of the Advisory Committee shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

~~C. The majority of the Twelve members of the Advisory Committee, including voting and nonvoting members, shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.~~

~~D. The Advisory Committee may adopt bylaws for its operation.~~

~~E. D. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of the expenses shall be provided from federal funds received for such purposes by the Department of Criminal Justice Services.~~

~~F. E. The Advisory Committee shall have the following duties and responsibilities duty and responsibility to:~~

1. Review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;

2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and

3. Advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (~~P. L.~~ *P.L.* 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention of the administration of juvenile justice.

~~G. F. The Department of Criminal Justice Services shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.~~

## CHAPTER 211

*An Act to amend the Code of Virginia by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2, relating to transfer of incarcerated persons to Immigration and Customs Enforcement.*

[H 2043]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 10 of Title 53.1 a section numbered 53.1-220.2 as follows:**

**§ 53.1-220.2. Transfer of certain incarcerated persons to Immigration and Customs Enforcement.**

*The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated may, upon receipt of a detainer from U.S. Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs Enforcement no more than five days prior to the date that he would otherwise be released from custody. Upon transfer of custody, notwithstanding any other provision of law, the alien shall receive credit for the number of days remaining before he would otherwise have been released.*

## CHAPTER 212

*An Act to amend the Code of Virginia by adding in Article 7 of Chapter 26 of Title 2.2 a section numbered 2.2-2619.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37, relating to the Commonwealth's Attorneys Training Fund.*

[H 2222]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 7 of Chapter 26 of Title 2.2 a section numbered 2.2-2619.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37 as follows:**

**§ 2.2-2619.1. Commonwealth's Attorneys Training Fund established; administration.**

*A. There is hereby created in the state treasury a special nonreverting revolving fund to be known as the Commonwealth's Attorneys Training Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller.*

*B. The Fund shall consist of all proceeds distributed to the Commonwealth's Attorneys' Services Council in January 2014 as a result of the federal equitable sharing distribution following the settlement of United States v. Abbott Laboratories, Case No. 1:12-CR-00026 (W.D Va.) (Settlement). The Fund shall also consist of any moneys appropriated from the general fund, grants and donations received by the Council, and other moneys received by the State Treasurer and designated for deposit in the Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

*C. Notwithstanding any other provision of law, the moneys and other property comprising the Fund shall be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.37. The State Treasurer shall not be held liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.*

*D. The Fund shall be expended solely for the purpose of supporting prosecutor training and, as appropriate, law-enforcement training and associated costs approved by the Council and any other purpose permitted by this article that is consistent with the Settlement described in subsection B.*

*E. An amount not to exceed six percent of the moving average of the market value of the Fund calculated over the previous five years or since inception, whichever is shorter, on a one-year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.37, may be expended in a calendar year for any purpose permitted by this article. The Council shall not be required to expend such amount in a calendar year, and any amount up to such six percent that is not expended in a calendar year may be expended in any other calendar year.*

*F. The disbursement of moneys from the Fund shall be made by the State Comptroller at the written request of the Council.*

**§ 51.1-124.37. Investment of assets of the Commonwealth's Attorneys Training Fund.**

*A. In addition to such other powers as shall be vested in the Board of the Virginia Retirement System (Board), the Board shall have the full power to invest, reinvest, and manage the assets of the Commonwealth's Attorneys Training Fund (Fund). The Board shall maintain a separate accounting for the assets of the Fund.*

*B. The Board shall invest the assets of the Fund with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.*

*C. No officer, director, or member of the Board or of any advisory committee of the Virginia Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care set forth in subsection B shall be held personally liable for losses suffered by the Retirement System on investments made under the authority of this section.*

*D. The provisions of §§ 51.1-124.32, 51.1-124.33, 51.1-124.34, and 51.1-124.35 shall apply to the Board's activities with respect to moneys in the Fund.*

*E. The Board may assess the Commonwealth's Attorneys' Services Council a reasonable administrative fee for its services.*

## CHAPTER 213

*An Act to allow the City of Lynchburg to establish an airport police department at the Lynchburg Regional Airport.*

[H 2035]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport.*

*Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609 and 15.2-1704 of the Code of Virginia. The airport police department and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722 of the Code of Virginia; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this act shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 of the Code of Virginia. An airport police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2 of the Code of Virginia.*

## CHAPTER 214

*An Act to amend and reenact §§ 55-79.76 and 55-79.77 of the Code of Virginia, relating to the Condominium Act; suspension of voting rights prohibited.*

[H 2055]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 55-79.76 and 55-79.77 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 55-79.76. Same; quorums.**

(a) A. Unless the condominium instruments otherwise provide *or as specified in subsection G of § 55-79.77*, a quorum shall be deemed to be present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than 33 1/3 percent of the votes are present at the beginning of such meeting. The bylaws may provide for a larger percentage, or for a smaller percentage not less than 10 percent.

(b) B. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of the executive organ if persons entitled to cast one-half of the votes in that body are present at the beginning of such meeting.

##### **§ 55-79.77. Same; voting.**

A. The bylaws may allocate to each unit depicted on plats and plans that comply with subsections A and B of § 55-79.58 a number of votes in the unit owners' association proportionate to the undivided interest in the common elements appertaining to each such unit.

B. Otherwise, the bylaws shall allocate to each such unit an equal number of votes in the unit owners' association, subject to the following exception: Each convertible space so depicted shall be allocated a number of votes in the unit owners' association proportionate to the size of each such space, vis-a-vis the aggregate size of all units so depicted, while the remaining votes in the unit owners' association shall be allocated equally to the other units so depicted.

C. Since a unit owner may be more than one person, if only one of such persons is present at a meeting of the unit owners' association, that person shall be entitled to cast the votes appertaining to that unit. But if more than one of such persons is present, the vote appertaining to that unit shall be cast only in accordance with their unanimous agreement unless the condominium instruments expressly provide otherwise, and such consent shall be conclusively presumed if any one of them purports to cast the votes appertaining to that unit without protest being made forthwith by any of the others to the person presiding over the meeting. Since a person need not be a natural person, the word "person" shall be deemed for the purposes of this subsection to include, without limitation, any natural person having authority to execute deeds on behalf of any person, excluding natural persons, which is, either alone or in conjunction with another person or persons, a unit owner.

D. The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Except to the extent otherwise provided in the condominium instruments, any proxy shall be void if it is not dated, or if it purports to be revocable without notice as aforesaid. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate after the first meeting held on or after the date of that proxy or any recess or adjournment of that meeting. The proxy shall include a brief explanation of the effect of leaving the proxy uninstructed. To the extent the condominium instruments or rules adopted thereto expressly so provide, a vote or proxy may be submitted by electronic transmission, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the unit owner or the unit owner's proxy.

E. If 50 percent or more of the votes in the unit owners' association appertain to 25 percent or less of the units, then in any case where a majority vote is required by the condominium instruments or by this chapter, the requirement for such a

majority shall be deemed to include, in addition to the specified majority of the votes, assent by the unit owners of a like majority of the units.

F. All votes appertaining to units owned by the unit owners' association shall be deemed present for quorum purposes at all duly called meetings of the unit owners' association and shall be deemed cast in the same proportions as the votes cast by unit owners other than the unit owners' association.

G. *Except to the extent that the condominium instruments provide otherwise, the voting interest allocated to the unit or member that has been suspended by the unit owners' association or the executive organ pursuant to the condominium instruments shall not be counted in the total number of voting interests used to determine the quorum for any meeting or vote under the condominium instruments.*

## CHAPTER 215

*An Act to amend and reenact §§ 3.03 and 3.04 of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, relating to the election of mayor and city council members.*

[S 749]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 3.03 and 3.04 of Chapter 640 of the Acts of Assembly of 2011 are amended and reenacted as follows:**

##### § 3.03. Election of Mayor and City Council members.

a. On the first Tuesday in May in nineteen hundred seventy-four, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which time the qualified voters of the city shall elect three City Council members for terms of four years. On the first Tuesday in May nineteen hundred seventy-six, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which the qualified voters of the city shall elect a Mayor and three Council members for terms of four years. All terms shall begin on the first day of July next following the date of their election.

However, beginning in 2012, the municipal election shall be held at the time of the November general election with terms to commence on January 1. No term of a Mayor or member of Council elected in 2008 or 2010 shall be shortened in implementing the change to the November election date. The Mayor and members of Council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

b. The candidates at any municipal election for the election of City Council members, equal in number to the places to be filled, who receive the largest number of votes cast at such election shall be declared elected to the office of City Council. The candidate for Mayor who receives the largest number of votes at any municipal election shall be declared elected to the office of Mayor.

c. In the event any member of City Council during his or her tenure of office shall desire to be a candidate for the office of Mayor, he or she shall be eligible to do so; ~~but shall tender resignation as a member of City Council not fewer than ten days prior to the final date for the filing of petitions and notices of acceptance as specified herein; such resignation to be effective on December 31st of the election year. Such resignation shall state the council member's intention to run for the office of Mayor and shall require no formal acceptance by the remaining members of City Council and shall be final and irrevocable as of the date it is tendered without being required to resign his or her office.~~

d. ~~The remaining two-year term of office of any City Council member who has resigned for the stated purpose of running for office of Mayor shall be filled at the same succeeding general municipal election at which the office of Mayor is filled. The two-year term shall be filled by the candidate for City Council receiving the next highest vote to those candidates declared elected to the office of City Council member pursuant to subsection b. above. Such two-year term shall begin on the first day of January next following the date of such election.~~

e. The City Clerk shall notify all successful candidates of the process to qualify for office immediately after their election has been certified by the proper officials.

##### § 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, ~~except for resignations to run for the office of Mayor which should be filled as specified in § 3.03 e. above,~~ such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within sixty days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant.

## CHAPTER 216

*An Act to amend and reenact §§ 54.1-828 through 54.1-831.01, 54.1-833, and 54.1-834 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 54.1-829.1, and to repeal § 54.1-835 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; amateur boxing and martial arts.*

[S 790]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-828 through 54.1-831.01, 54.1-833, and 54.1-834 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-829.1 as follows:**

**§ 54.1-828. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Amateur" means an individual who has never participated in a boxing, martial arts, or professional wrestling event for money, compensation, or reward other than a suitably inscribed memento.

"Boxer" means a person competing in the sport of boxing or martial arts.

"Boxing" means the contact sport of attack or defense using fists, feet, or both, including ~~professional~~ kick boxing, boxing, martial arts, or any similar contest.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

"Contractor" means any person who has been recognized by the Director, through a contract, as an appropriate responsible party to provide services to assist the Commonwealth in complying with the provisions of this chapter.

"Department" means the Department of Professional and Occupational Regulation or its successor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Event" means any ~~professional~~ boxing, martial arts, or professional wrestling show ~~which~~ that includes one or more contests or matches.

"Exhibition" means any occurrence in which boxers or martial artists show or display skills without striving to win.

"License" means a method of regulation whereby any person arranging, conducting or participating in boxing, martial arts, or professional wrestling activities is required to obtain a prior authorization from the Department.

"Licensee" means any person holding a valid license under the provisions of this chapter.

"Manager" means any person who ~~receives compensation for service~~ serves as a representative or agent of a boxer, martial artist, or professional wrestler to arrange for his participation in an event.

"Martial artist" means a person competing in the sport of martial arts.

"Martial arts" or "mixed martial arts" means any of several Asian arts of combat or self-defense, *alone or in combination*, including but not limited to aikido, karate, judo, *muay thai*, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

"Matchmaker" means any person who proposes, selects, arranges for, or in any manner procures specific individuals to be contestants in an event.

"Person" means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other entity.

"Professional" means a person who participates or has ever participated for money, compensation, or reward other than a suitably inscribed memento in any boxing, martial arts, or professional wrestling event.

"Professional wrestler" means any professional participating in professional wrestling.

"Professional wrestling" means an event in which contestants incorporate the sport of wrestling into choreographed performances.

"Promote" or "promotion" means to organize, arrange, publicize, or conduct an event *or exhibition* in the Commonwealth.

"Promoter" means any person who undertakes to promote an event *or exhibition*.

"Sanctioning organization" means an entity approved by the Director pursuant to § 54.1-829.1.

"Trainer," "second" or "cut man" means an individual who undertakes to assure the well-being of a boxer *or martial artist* by providing instruction or advice concerning techniques or strategies of boxing *or martial arts*, and who may work in the corner with a boxer *or martial artist* between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

"Wrestler" means any person competing or participating as an opponent in wrestling.

"Wrestling" means any ~~contact sport or exhibition~~ of several styles of physical competition in which individuals attempt to subdue or unbalance an opponent, including Greco-Roman, freestyle, grappling, or submission, usually practiced as a sport.

**§ 54.1-829. License required; bond; physical examination; ambulance; physician; and health insurance.**

A. ~~Unless exempted by § 54.1-830, no~~ No person shall promote or conduct a boxing, martial arts, or professional wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. ~~Unless exempted by § 54.1-830, no~~ No person shall act as a promoter, matchmaker, trainer, boxer, martial artist, or professional wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with ~~boxers and wrestlers~~ professional contestants in accordance with Department regulations. *This subsection shall not apply to a promoter applying to conduct an amateur-only event under the authority of a sanctioning organization approved by the Director.*

D. Each boxer and martial artist shall, and each professional wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department or sanctioning organization and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

E. No ~~boxing~~ event in which boxers or martial artists are contestants shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ambulance is at the site of the ~~boxing~~ event.

F. No boxer or martial artist shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.

**§ 54.1-829.1. Sanctioning organization; amateur events.**

A. *No event in which amateur participants compete in boxing or martial arts shall be permitted in the Commonwealth unless the amateur event is conducted by a sanctioning organization approved by the Director.*

B. *The Director shall approve such sanctioning organizations that apply for and satisfactorily demonstrate evidence of standards and operations at least as rigorous as those required by this chapter. The Director may withdraw his approval for a sanctioning organization's failure to comply with this chapter, associated regulations, or any administrative requirements for demonstrating compliance.*

C. *Minimum provisions for approval as an amateur sanctioning organization shall include that the sanctioning organization (i) has at least five years' documented experience without adverse financial or disciplinary action in any jurisdiction; (ii) provides evidence that none of its officers, employees, or agents, directly or indirectly, have any pecuniary interest in, or hold any position with, any business associated with a licensee; (iii) certifies the contestants' physical condition prior to any contest and at ringside; and (iv) ensures the continuous presence of a ringside physician and an on-site ambulance.*

D. *Approved sanctioning organizations shall ensure that each boxer and martial artist provides a negative test for the following prior to an event in order to participate:*

1. *Antibodies to the human immunodeficiency virus;*
2. *Hepatitis B surface antigen (HBsAg); and*
3. *Antibodies to virus hepatitis C.*

*Such tests shall be conducted within the 180 days preceding the event. A boxer or martial artist who fails to provide negative results for all required tests shall not be permitted to compete in the event.*

E. *Each approved sanctioning organization shall submit an annual report to the Director on or before February 1, with a summary of the events conducted for the preceding calendar year.*

**§ 54.1-830. Exemptions.**

~~Amateur exhibitions and the participants therein shall be exempt from the provisions of this chapter provided the participants receive no money, compensation or reward other than a suitably inscribed memento for their participation. The provisions of this chapter shall not apply to:~~

1. *Amateur wrestling bouts;*
2. *Amateur exhibitions and the amateur participants therein; or*
3. *Engagements involving amateur boxing or martial arts that are conducted by or held under the sponsorship of (i) any elementary or secondary school or public or private institution of higher education located in the Commonwealth or (ii) the Department of Corrections involving inmates of any state correctional institution.*

**§ 54.1-831. Powers and duties of the Department.**

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in

which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing *or martial arts* match. The Department shall have direct oversight of events to assure the safety and well-being of boxers, *martial artists*, and *professional* wrestlers.

2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201.

3. Conduct investigations to determine the suitability of applicants for licensure and to determine the licensee's compliance with applicable statutes and regulations.

4. Conduct investigations as to whether monopolies, combinations or other circumstances exist to restrain matches or exhibitions of ~~professional~~ boxing, *martial arts*, or *professional* wrestling anywhere in the Commonwealth. The Attorney General may assist investigations at the request of the Department.

5. Exercise jurisdiction over all ~~wrestling and~~ boxing, *martial arts*, and *professional wrestling* conducted within the Commonwealth by any person, except where otherwise exempted.

**§ 54.1-831.01. Boxing, Martial Arts, and Professional Wrestling Advisory Board.**

A. The ~~Professional~~ Boxing, *Martial Arts*, and *Professional Wrestling* and ~~Martial Arts~~ Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government to advise the Director on matters relating to ~~professional~~ boxing, *martial arts*, and *professional wrestling* events and ~~martial arts~~ competitions in the Commonwealth.

B. The Board shall consist of seven members appointed by the Director as follows: one representative of the sport of boxing; one representative of the sport of *professional* wrestling; one representative of the sport of ~~nontraditional mixed~~ martial arts; one representative of either the sport of boxing, ~~wrestling or nontraditional mixed~~ martial arts, or *professional wrestling*; one member who is a martial arts instructor who has obtained the rank of black belt or higher; and two citizen members. All members shall be residents of the Commonwealth. ~~After the original appointments, all~~ All appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for more than two successive full terms.

C. The Board shall elect its chairman and vice-chairman from among its members. The Board shall meet at least once each year to conduct its business and upon the call of the Director or chair of the Board. Four members shall constitute a quorum.

D. Members of the Board shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

E. Such staff support as is necessary for the conduct of the Board's business shall be furnished by the Department.

**§ 54.1-833. Reports; cable television systems; fee on receipts.**

A. Each promoter shall furnish to the Department, within twenty-four hours after the completion of each event, a written and verified report on the form provided by the Department showing the number of tickets sold, unsold and given away and the amount of gross proceeds thereof for such events originating in the Commonwealth, and its total gross receipts from the sale of rights to distribute in any manner such event by any video, telephonic or other communication method involving the control of electrons or other charge carriers for such live events originating in the Commonwealth. Within the twenty-four-hour period, the promoter shall pay to the Department a fee of (i) five percent of the first \$100,000 of its total gross receipts; and (ii) two and one-half percent of the remainder of its total gross receipts. Records of the promoter shall be subject to audit by the Department.

B. Each cable television system *or other multichannel video programming service* shall report to the Department in writing the name and address of each person from whom it obtains the rights to provide a live event originating in the Commonwealth.

C. The Department shall hold all license fees in a special fund of the state treasury subject to appropriation of the General Assembly. Payments from this fund shall be made to the contractors for their services on behalf of the Commonwealth. No payment shall exceed the balance of the fund. The Department shall draw from the fund to cover any expenses associated with the provisions of this chapter.

**§ 54.1-834. Prohibited activities; penalties.**

A. No ~~person licensed to conduct an event shall permit~~ betting or wagering *shall be permitted at an event or exhibition authorized to be conducted by a promoter or other licensee* before, during or after the event in the building where the event is held.

B. No ~~boxer, promoter or trainer licensee~~ shall participate in a sham or fake boxing contest. The Department shall have the authority to order, without a hearing, the person controlling the purse to hold the distribution to contestants, promoters and trainers pending a public hearing by the Department. The Department shall, simultaneously with the issuance of such order to retain the share or purse, institute proceedings for a hearing to determine whether a sham or fake boxing contest has occurred.

C. ~~Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor~~ *It shall be a Class 1 misdemeanor for any person to violate this section or any statute or regulation governing a profession regulated pursuant to this chapter.*

D. ~~The third or any subsequent conviction for violating any provision of this section during a 36-month period shall constitute a Class 6 felony.~~

**2. That § 54.1-835 of the Code of Virginia is repealed.**

3. That the provisions of this act shall become effective on October 1, 2015.

4. That the Director of the Department of Professional and Occupational Regulation shall convene a work group of interested parties affected by the provisions of this act to determine an appropriate method for holding professional-amateur events.

## CHAPTER 217

*An Act to amend and reenact § 46.2-118 of the Code of Virginia, relating to towing vehicles with occupants.*

[S 793]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-118 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.**

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;
2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;
3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;
4. Obtain any fee by fraud or misrepresentation;
5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or
6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;
  2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;
  3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;
  4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;
  5. Obtain any fee by fraud or misrepresentation;
  6. Advertise services in any manner that deceives, misleads, or defrauds the public;
  7. Advertise or offer services under a name other than one's own name;
  8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;
  9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;
  10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;
  11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;
  12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;
  13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;
  14. Employ a driver required to register as a sex offender as provided in § 9.1-901;
  15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;
  16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;
  17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or
  18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209.
- C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

## CHAPTER 218

*An Act to amend and reenact § 46.2-909 of the Code of Virginia, relating to standing while riding a motorcycle.*

[S 836]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-909 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-909. Riding on motorcycles, generally.**

Every person operating a motorcycle, as defined in § 46.2-100, excluding three-wheeled vehicles, shall ride only upon the permanent seat attached to the motorcycle, ~~and such~~ *unless safety dictates standing on both footpegs for no longer than is necessary.* Such operator shall not carry any other person: ~~No other person shall ride on a motorcycle,~~ unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent seat if designed for two persons, or on another seat firmly attached to the rear or side of the seat for the operator. If the motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger.

## CHAPTER 219

*An Act for the relief of Jonathan Christopher Montgomery.*

[S 843]

Approved March 16, 2015

Whereas, on June 23, 2008, Jonathan Christopher Montgomery (Mr. Montgomery) was convicted of forcible sodomy, aggravated sexual battery, and animate object sexual penetration against Elizabeth P. Coast (Ms. Coast) and was sentenced on April 10, 2009, to 45 years in prison with 37 years and 6 months suspended; and

Whereas, on October 30, 2012, Ms. Coast voluntarily recanted and stated to her friend and colleague Hampton Police Officer Jim Auer that she had falsely testified against Mr. Montgomery, and on November 1, 2012, Ms. Coast voluntarily made a videotaped statement recounting her false testimony; and

Whereas, Governor Robert McDonnell granted a conditional pardon to Mr. Montgomery on November 20, 2012; and

Whereas, on May 21, 2013, Ms. Coast pled guilty to perjury, and on August 19, 2013, she was sentenced to five years in prison and ordered to pay \$90,000 in restitution; and

Whereas, Mr. Montgomery served in a state or regional correctional facility in Virginia from December 2, 2008, until November 20, 2012; Mr. Montgomery's convictions were vacated and he received a writ of actual innocence on December 20, 2013; and

Whereas, Mr. Montgomery has no other means to obtain adequate relief except by action of this body; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$175,440 for the relief of Mr. Montgomery, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Montgomery may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (i) an initial lump sum of \$35,088 to be paid to Mr. Montgomery by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$140,352 to purchase an annuity no later than September 30, 2015, for the primary benefit of Mr. Montgomery, the terms of such annuity structured in Mr. Montgomery's best interests based on consultation among Mr. Montgomery or his representatives, the State Treasurer, and other necessary parties. In the event of Mr. Montgomery's death, such compensation shall be paid to the estate of Mr. Montgomery upon execution of a release by the personal representative of Mr. Montgomery's estate from any present or future claims the estate may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision thereof. In the event that Mr. Montgomery receives the restitution due to him by Ms. Coast, the amounts remaining and not yet paid from his annuity shall be reduced by the amount of restitution he receives. If the amount of restitution exceeds the amounts not yet paid from his annuity, the annuity shall cease.*

**§ 2.** *That Mr. Montgomery shall be entitled to receive reimbursement for career and technical training within the Virginia Community College System free of tuition charged, up to a maximum of \$10,000, pursuant to subsection C of § 8.01-195.11. Such career and technical training may include online courses. The cost of the tuition benefit shall be paid by the community college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2020.*

## CHAPTER 220

*An Act to amend and reenact §§ 15.2-1721, 30-34.2:2, and 52-11.5 of the Code of Virginia, relating to unclaimed firearms; Department of Forensic Science.*

[S 936]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 15.2-1721, 30-34.2:2, and 52-11.5 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-1721. Disposal of unclaimed firearms or other weapons in possession of sheriff or police.**

Any locality may destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than ~~sixty~~ 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the chief of police, sheriff, or their duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the chief of police, sheriff, or their duly authorized agents shall comply with the notice provision contained in § 15.2-1719.

*In lieu of destroying any such unclaimed firearm, the locality may donate the firearm to the Department of Forensic Science, upon agreement of the Department.*

**§ 30-34.2:2. Disposal of unclaimed firearms or other weapons in possession of the Division of Capitol Police.**

Subject to the provisions of § 19.2-386.29, the Division of Capitol Police may destroy unclaimed firearms and other weapons that have been in the possession of the Division for a period of more than ~~60~~ 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the chief of police or his designee, unclaimed firearms or other weapons may be destroyed by any means that renders the firearms or other weapons permanently inoperable. Prior to the destruction of such firearms or other weapons, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of the property and (ii) obtain from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division of Capitol Police in writing a statement advising that the item is not needed in any criminal prosecution.

*In lieu of destroying any such unclaimed firearm, the chief of police or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department.*

**§ 52-11.5. Disposal of unclaimed firearms or other weapons in possession of the State Police.**

Subject to the provisions of § 19.2-386.29, the State Police may destroy unclaimed firearms and other weapons that have been in the possession of the Department for a period of more than ~~60~~ 120 days and that have been determined by the Superintendent or his designee to be unsuitable to be placed in service with the Department. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

At the discretion of the Superintendent or his designee, unclaimed firearms or other weapons may be destroyed by any means that render the firearms or other weapons permanently inoperable. Prior to the destruction of such firearms or other weapons, the Superintendent or his designee shall comply with the notice provisions contained in § 52-11.4.

*In lieu of destroying any such unclaimed firearm, the Superintendent or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department of Forensic Science.*

## CHAPTER 221

*An Act to amend and reenact §§ 2.2-2905, 8.01-327.2, 18.2-308, 44-1, 44-4, 44-80, 44-81, 44-82, 44-85, 44-93, 44-93.2, 44-93.3, 44-93.4, 44-94, 44-96 through 44-100, 44-104, 44-113, 44-114, 44-114.1, 44-115, 44-119, 44-129, 44-136, 44-137, 44-139, 46.2-827, 65.2-101, and 65.2-103 of the Code of Virginia and to repeal §§ 44-3, 44-7, 44-18, and 44-24.1, Articles 5 and 6 (§§ 44-55 through 44-74) of Chapter 1 of Title 44, §§ 44-123, 44-133, and 44-146.25, Chapter 4 (§§ 44-147 through 44-151) of Title 44, and §§ 44-205, 44-206, and 44-207 of the Code of Virginia and*

*Chapters 216 and 319 of the Acts of Assembly of 1942 and Chapter 111 of the Acts of Assembly of 1944, relating to military and emergency laws.*

[S 1050]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2905, 8.01-327.2, 18.2-308, 44-1, 44-4, 44-80, 44-81, 44-82, 44-85, 44-93, 44-93.2, 44-93.3, 44-93.4, 44-94, 44-96 through 44-100, 44-104, 44-113, 44-114, 44-114.1, 44-115, 44-119, 44-129, 44-136, 44-137, 44-139, 46.2-827, 65.2-101, and 65.2-103 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2905. Certain officers and employees exempt from chapter.**

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard ~~and the naval militia~~;
10. Student employees in institutions of learning and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission; and
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23-232.

**§ 8.01-327.2. Who are privileged from arrest under civil process.**

In addition to the exemptions made by §§ 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97, the following persons shall not be arrested, apprehended, or detained under any civil process during the times respectively herein set forth, but shall not otherwise be privileged from service of civil process by this section:

1. The President of the United States, and the Governor of the Commonwealth at all times during their terms of office;
2. The Lieutenant Governor of the Commonwealth during attendance at sessions of the General Assembly and while going to and from such sessions;
3. Members of either house of the Congress of the United States during the session of Congress and for fifteen days next before the beginning and after the ending of any session, and during any time that they are serving on any committee or performing any other service under an order or request of either house of Congress;
4. A judge, grand juror or witness, required by lawful authority to attend any court or place, during such attendance and while going to and from such court or place;
5. Members of the ~~national guard or naval militia~~ *National Guard* while going to, attending at, or returning from, any muster or court-martial;
6. Ministers of the gospel while engaged in performing religious services in a place where a congregation is assembled and while going to and returning from such place; and
7. Voters going to, attending at, or returning from an election. Such privilege shall only be on the days of such attendance.

**§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without

cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States; ~~national guard, or naval militia~~ or *National Guard*, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

#### **§ 44-1. Composition of militia.**

The militia of the Commonwealth of Virginia shall consist of all able-bodied residents of the Commonwealth who are citizens of the United States and all other able-bodied persons resident in the Commonwealth who have declared their intention to become citizens of the United States, who are at least 16 years of age and, except as hereinafter provided, not

more than 55 years of age. The militia shall be divided into ~~four~~ *three* classes: the National Guard, which includes the Army National Guard and the Air National Guard; the Virginia Defense Force; ~~the naval militia~~; and the unorganized militia.

**§ 44-4. Composition of unorganized militia.**

The unorganized militia shall consist of all able-bodied persons as set out in § 44-1, except such as may be included in §§ 44-2; ~~44-3~~; and 44-54.6; and except such as may be exempted as hereinafter provided.

**§ 44-80. Order in which classes of militia called into service.**

The National Guard, the Virginia Defense Force; ~~the naval militia~~, and the unorganized militia or any part thereof may be ordered into service by the Governor in such order as he determines.

**§ 44-81. Length of service when called out.**

The National Guard, the Virginia Defense Force; ~~the naval militia~~, or the unorganized militia, when called into service by the Governor, shall serve for such time as, in the Governor's judgment, may be necessary.

**§ 44-82. How troops paid while in service; transportation to be furnished; movement of troops and supplies not to be delayed.**

All officers and enlisted personnel of the National Guard; *or* Virginia Defense Force; ~~or naval militia~~, whenever called out in aid of the civil authorities, shall receive the compensation herein provided, and such compensation, and the necessary expenses incurred in furnishing supplies, subsistence, quartering, and transporting troops, shall be paid no later than 10 work days after the receipt of required payroll documentation by the Payroll Services Bureau of the Department of Accounts by the State Treasurer. Such payments shall be made on warrants to be drawn by the Comptroller, on the State Treasurer, upon certificates of the officer in actual command of the troops, and upon payrolls prepared according to such forms as the state regulations shall prescribe. Such payrolls and certificates are to be transmitted to the Adjutant General through the regular military channels, and he shall approve them before such warrants shall be drawn. The Comptroller and the State Treasurer are hereby authorized and directed to draw the warrants and make the payments herein provided for in accordance with current or subsequently amended pay and allowances of United States armed forces.

The several transportation companies in this Commonwealth shall furnish transportation for troops so called out, stores, munitions and equipments, upon application of the officer in actual command, accompanied by a certificate from him of the number of personnel to be carried and their destination, and a copy of the order calling them out. For such transportation the transportation company shall be entitled to receive compensation from the Commonwealth.

Transportation of troops and military supplies shall be as speedy as possible and have the right-of-way over all passenger and freight traffic on transportation lines within the Commonwealth, and failure to furnish transportation when called upon, or unnecessary delay in transporting such troops and supplies, shall be punishable by a fine of not less than \$1,000 or more than \$10,000.

**§ 44-85. Regulations and penalties.**

Whenever any part of the unorganized militia is ordered out, it shall be governed by the same rules and regulations and be subject to the same penalties as the National Guard ~~or naval militia~~.

**§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.**

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States; *or* National Guard; ~~or naval militia~~ shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of § 44-75.1 or § 44-78.1.

There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty.

When relieved from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay, if the position exists, or in a comparable vacant position for which they are qualified, unless to do so would be unreasonable.

For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.

B. In addition to the provisions of subsection A, any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

**§ 44-93.2. Leaves of absence from nongovernmental employment.**

A member of the Virginia National Guard; *or* Virginia Defense Force; ~~or naval militia~~ called to state active duty or military duty pursuant to Title 32 of the United States Code shall have the right to take leave without pay from his

nongovernmental employment. No member of the National Guard; *or* Virginia Defense Force; ~~or naval militia~~ shall be forced to use or exhaust his vacation or other accrued leaves from his nongovernmental employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

**§ 44-93.3. Reemployment rights.**

Upon honorable release from state active duty or military duty pursuant to Title 32 of the United States Code, a member of the Virginia National Guard; *or* Virginia Defense Force ~~or naval militia~~ shall make written application to his previous employer for reemployment within (i) 14 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services does not exceed 180 days or (ii) 90 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. When released from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which they are qualified, unless to do so would be unreasonable. This section shall not apply when the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services exceeds five years.

**§ 44-93.4. Discrimination against persons who serve in the Virginia National Guard or Virginia Defense Force and acts of reprisal prohibited.**

A. A member of the Virginia National Guard; *or* Virginia Defense Force; ~~or naval militia~~ who performs, has performed, applies to perform, or has an obligation to perform state active duty or military duty pursuant to Title 32 of the United States Code shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

B. A person shall be considered to have denied a member of the Virginia National Guard; *or* Virginia Defense Force; ~~or naval militia~~ initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the member's membership, application for membership, performance of service, application for service, or obligation for service is a motivating factor in that person's action, unless the person can prove by the greater weight of the evidence that the same unfavorable action would have taken place in the absence of the member's membership, application for membership, performance of service, application for service, or obligation for service.

**§ 44-94. Exemption from jury duty.**

The active officers and members of the National Guard ~~and naval militia~~ shall be exempt from serving on juries in civil and criminal cases upon presentation to the clerk of the court of a certificate of such membership signed by the commanding officer of the unit of which the person summoned for jury service is a member.

**§ 44-96. Military property exempt from levy and sale.**

The uniforms, arms, and equipment required by law or regulations of every commissioned and warrant officer and every enlisted person of the Virginia National Guard; *and* Virginia Defense Force; ~~and naval militia~~ shall be exempt from sale under any execution, distress, or other process for debt and taxes.

**§ 44-97. Exemption from arrest.**

No person belonging to the Virginia National Guard; *or* Virginia ~~State~~ Defense Force ~~or the naval militia~~ shall be arrested on any process issued by or from any civil officer or court, except in cases of felony or breach of the peace, while going to, remaining at or returning from any place at which he may be required to attend for military duty; nor in any case whatsoever while actually engaged in the performance of his military duties, except with the consent of his commanding officer.

**§ 44-97.1. Continuance or time for filing pleading, etc., where party or attorney is on active duty.**

Any party to or attorney in an action or proceeding in any court, including the Supreme Court of Virginia, commission, or other tribunal having judicial or quasi-judicial powers or jurisdiction who has been ordered to participate in state active duty, annual active duty for training, or temporary active duty in the reserve forces of any of the armed services of the United States; *or* National Guard; ~~or naval militia~~ shall be entitled to a continuance, not to exceed three weeks, as a matter of right during the period of such duty, provided the continuance is requested at least four days prior to the first day for which the continuance is sought. The period required by any statute or rule for the filing of any pleading or the performance of any act relating thereto shall be extended for seven days after such active duty, provided a request is made four days prior to the date the pleading or act is due. The failure of any court, commission, or other tribunal to allow such continuance when requested to do so or the returning of such filing or act during the period hereinabove specified shall constitute reversible error. This section shall not prevent the granting of temporary injunctive relief or the dissolution or extension of a temporary injunction, but the right to such relief shall remain in the sound discretion of the court or other such tribunal.

**§ 44-98. Interference with employment of members of Virginia National Guard or Virginia Defense Force.**

A person; who, either by himself; or with another, deprives a member of the Virginia National Guard; *or* Virginia Defense Force ~~or naval militia~~ of his employment, or prevents, by himself or another, such member being employed, or obstructs or annoys such member or his employer at his trade, business, or employment, because such member of such organization is such member, *or* dissuades any person from enlistment in the Virginia National Guard; *or* Virginia Defense Force ~~or naval militia~~ by threat or injury to him in his ~~employment, trade or~~ business, *or* employment in case he shall so

enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding \$500, or imprisonment in jail not more than 30 days, or shall suffer both fine and imprisonment.

**§ 44-99. Organizations may own property; suits.**

Companies or other organizations of the Virginia National Guard, ~~and Virginia Defense Force and naval militia~~ shall have the right to own and keep real and personal property necessary for their use, which shall belong to and be under control of the active members of the unit; and the commanding officer of any unit shall have the right and power to maintain any suit, in his own name, to recover for the use of the unit any debts or effects belonging to the unit, or damages for the injury thereof; and no suit pending in his name shall be abated by his ceasing to be the commanding officer of the unit; but upon motion of the commander succeeding him, such commander shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally instituted by him. Armories owned by such units shall be exempt from all state, county and municipal taxation.

**§ 44-100. No action allowed on account of military duties; counsel for members sued or prosecuted.**

No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court, nor shall any member of the Virginia National Guard, ~~or Virginia Defense Force, or naval militia~~ be liable to civil action or suit or criminal prosecution for any act done while in the discharge of his military duty.

If any member of the Virginia National Guard, ~~or Virginia Defense Force, or naval militia~~ is sued civilly or arrested, indicted, or otherwise prosecuted for any act committed in the discharge of his official duty while on state duty, the Adjutant General may employ special counsel approved by the Attorney General to defend such member. The compensation for special counsel employed pursuant to this section shall, subject to the approval by the Attorney General, be paid out of the funds appropriated for the administration of the Department of Military Affairs.

**§ 44-104. Care required and liability of officers.**

All commissioned officers of the Virginia National Guard, ~~and Virginia Defense Force and naval militia~~ shall exercise the strictest care and vigilance for the preservation of the uniforms, arms, supplies, equipment and military property furnished to their several commands under the provisions of this chapter. Any officer receiving public property for military use shall be responsible for the articles so received by him; and he shall not transfer such property, or any portion thereof, to another, either as a loan or permanently, without the authority of the Adjutant General, or his duly authorized representative.

**§ 44-113. County, city and town appropriations.**

Counties, cities, and towns may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard, ~~or the Virginia Defense Force, or naval militia~~, when such organizations are maintained within the limits of the counties, cities, and towns respectively; and counties may appropriate such sums of money and real and personal property as they may deem proper to the various organizations of the National Guard if such organizations are maintained in any incorporated town or city of the second class located within the geographical limits of such counties respectively.

**§ 44-114. Allowances made to organizations from state appropriations.**

For the necessary expenses of the maintenance of the National Guard, ~~the naval militia~~ and the Virginia State Defense Force, to include the providing of one flag of the Commonwealth of Virginia to the next of kin of any individual, upon his death, who was serving in, or honorably served for a period of 20 years in and retired from, the Virginia National Guard, the Virginia State Defense Force, or a combination of both, the Adjutant General shall annually allot to each organization or unit such amounts as may in his judgment be advisable, and as may be available from the appropriation to the Department of Military Affairs, such allotment to be based upon such scheme of distribution as may appear equitable to the Adjutant General and best suited to the needs of the military forces of the Commonwealth.

**§ 44-114.1. Orders transmitted to and through the Governor.**

All orders from the federal government or any of its officers, agencies, or departments to the state militia of Virginia, including the National Guard, ~~the naval militia,~~ and the unorganized militia ~~which, that~~ relate to the call, induction, ~~or~~ drafting of Virginia state troops of any type or description, into the federal service for active duty or otherwise and withdrawing them from the control of the Governor of Virginia shall be first transmitted to and through the Governor of Virginia. The Governor, as commander in chief of the state militia, shall not approve, consent to, or concur in any such order ~~which that~~ has not been transmitted as herein required.

**§ 44-115. Custom and usage of United States army, air force and navy; applicability of § 44-40 and Article 4 of this chapter.**

All matters relating to the organization, discipline and government of the Virginia National Guard, not otherwise provided for by law or by regulations, shall be decided by the custom and usage of the United States army, air force or navy, as appropriate. In addition, all members of the Virginia Defense Force, ~~the naval militia,~~ and the unorganized militia on state active duty shall be subject to military discipline. Infractions of military discipline shall be punishable under the provisions of § 44-40 and Article 4 (§ 44-42 et seq.) ~~of this chapter.~~

**§ 44-119. Retired list of officers, warrant officers and enlisted persons.**

There shall be a retired list of officers, warrant officers and enlisted persons of the Virginia National Guard.

The following persons, upon their written applications through regular military channels to the Adjutant General, may be placed on the retired list of the Virginia National Guard:

1. Former Adjutant Generals who have resigned or been relieved;
2. Officers or enlisted persons in the guard who have been honorably discharged and have served for at least ten years in active service of the guard, or ten years computing the period served in the Virginia National Guard and the period of active service in the United States armed forces.

Officers who have served honorably and efficiently in the Virginia National Guard or the Virginia militia shall be commissioned on the retired list of the Virginia militia, unorganized, in their respective grade, or the highest grade held by them in the military service of the Commonwealth, except that officers who have to their credit fifteen years or more of exemplary service may, at the discretion of the Adjutant General, be retired with commission of the next higher grade to the highest grade held by them in the military service of the Commonwealth of Virginia.

Warrant officers and noncommissioned officers shall be placed on the retired list with the highest rank held by them in the Virginia National Guard.

Reentry into the active military service of the Commonwealth or of the United States shall discharge officers, warrant officers and enlisted persons from the retired list, and for any future retirement new application shall be made.

~~All officers, warrant officers and enlisted personnel heretofore placed on the retired list by virtue of the provisions of an act approved March 3, 1892, as amended, shall be transferred to and borne upon the retired list of the Virginia militia, unorganized.~~

**§ 44-129. Joint use of public buildings for armories.**

The governing body of any county, city or incorporated town, wherein a unit or units of the *Virginia National Guard and naval militia of Virginia* have been, or may hereafter be established, may either severally, or acting jointly with each other, or with the Adjutant General, construct or acquire by purchase, contract, lease, gift, donation or condemnation, grounds and/or buildings which shall be suitable for public assemblages, conventions, exhibitions and entertainments; provided, that such buildings, or the plans and specifications therefor, are first approved by the Adjutant General as suitable for use as armories by such National Guard units; provided further, that such governing bodies or either of them, shall have contracted with the Adjutant General for the use of such buildings as an armory by such National Guard unit or units upon terms not inconsistent with this chapter.

**§ 44-136. Sale or lease of armories.**

When the Adjutant General shall receive information from the Governor of the disbandment of an organization of the National Guard ~~or naval militia~~ occupying or using an armory provided by the Commonwealth under the direction of the Adjutant General, he shall determine whether such armory shall be sold or not, and if it is determined that such armory be sold after due publication as prescribed by the laws of the Commonwealth for the sale of real estate under a deed of trust, it shall be sold at public auction for the highest price to be paid for same, and upon such terms and conditions as may seem best to the Adjutant General. The proceeds of such sale shall be divided between the Commonwealth, county, city or individual, as their interest may appear.

In case an armory becomes vacant by any reason mentioned in this section, the Adjutant General may lease such armory for a period not to exceed one year, or, when duly authorized by the Governor, may lease the same for a period of years, the proceeds due the Commonwealth therefrom in either case to be turned into the state treasury to be credited to the Armory Fund. Should there be other owner or owners than the Commonwealth then the balance of the proceeds shall be equitably turned over to them as their interest may appear. During the time that the troops quartered in an armory are absent from their home station, in federal service, the armory may be leased as above provided, but not sold.

**§ 44-137. City and county aid.**

Every city and county in the Commonwealth having an active National Guard; *or Virginia Defense Force;* ~~or naval militia~~ organization or organizations is authorized to render such financial assistance as it may deem wise and patriotic to such organization or organizations, either by donating land or buildings, or donating the use of land or buildings, or by contributing to their equipment and maintenance.

**§ 44-139. Reversions of donations.**

In the event that any real property is donated to a National Guard ~~or naval militia~~ organization under the provisions of this chapter, and the organization shall fail to accept such property, or shall, after accepting it, be disbanded, the title to the property thus donated shall revert to the person, county or municipality donating the same as their interest may appear.

**§ 46.2-827. Right-of-way of United States forces, troops, National Guard, etc.**

United States forces or troops, or any portion of the Virginia ~~national guard or naval militia~~ *National Guard*, parading or performing any duty according to law, or any civil defense personnel performing any duty according to law, shall have the right-of-way in any highway through which they may pass. Such passage, however, shall not interfere with the carrying of the United States mails and the legitimate functions of police and fire fighters or with the passage of emergency vehicles as defined in § 46.2-920.

**§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted.

When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard; ~~the Virginia Naval Militia~~ and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard; ~~the Virginia Naval Militia~~ or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer lifesaving or volunteer rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer lifesaving or volunteer rescue squad member shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard ~~and the Virginia Naval Militia~~, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard ~~or Naval Militia~~ shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard ~~or Naval Militia~~ who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of ~~this the~~ Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly

employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer lifesaving or rescue squad, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, volunteer emergency medical technicians, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer lifesaving or rescue squad members, the companies or squads for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad when engaged in activities related principally to participation as a member of such squad whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the

case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

**§ 65.2-103. Coverage of members of the Virginia National Guard or Virginia Defense Force during response to orders.**

A claim for workers' compensation benefits shall be deemed to be in the course of employment with the Virginia National Guard; ~~or Virginia Defense Force; or naval militia~~ for any member thereof who, reacting to an order to report received while he is outside an assigned shift or work location, undertakes in direct obedience to a lawful military order travel by the most expeditious route to his designated place of state active duty pursuant to §§ 44-54.4, 44-75.1, and 44-78.1. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

**2. That §§ 44-3, 44-7, 44-18, and 44-24.1, Articles 5 and 6 (§§ 44-55 through 44-74) of Chapter 1 of Title 44, §§ 44-123, 44-133, and 44-146.25, Chapter 4 (§§ 44-147 through 44-151) of Title 44, and §§ 44-205, 44-206 and 44-207 of the Code of Virginia and Chapters 216 and 319 of the Acts of Assembly of 1942 and Chapter 111 of the Acts of Assembly of 1944 are repealed.**

**CHAPTER 222**

*An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3, relating to powers and duties of the Department of Criminal Justice Services; committees related to sexual and domestic violence.*

[S 1094]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3 as follows:

**§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; ~~and~~

57. ~~Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; and~~

58. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 9.1-116.2. Advisory Committee on Sexual and Domestic Violence; membership; terms; compensation and expenses; duties.**

*A. The Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards, and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and reduction of sexual and domestic violence in the Commonwealth, and to promote the efficient administration of grant funds to state and local programs that work in these areas.*

*The Advisory Committee shall have a total of 15 members consisting of the following, or their designees: the Commissioner of Social Services; the Director of the Department of Criminal Justice Services; the Commissioner of Health; the Director of the Department of Housing and Community Development; the Executive Director of the Virginia sexual and domestic violence coalition; one member of the Senate to be appointed by the Senate Committee on Rules; one member of the House of Delegates to be appointed by the Speaker of the House; the Chairman of the Virginia State Crime Commission; and the Attorney General. The membership shall also consist of six nonlegislative citizen members appointed by the Governor; one of whom shall be a representative of a crime victims' organization or a victim of sexual or domestic violence, one of whom shall be a member of the board of the Virginia Victim Assistance Network, and four of whom shall be directors of local sexual and domestic violence programs, of whom one shall be a director of a program that concentrates solely on domestic violence, one shall be a director of a program that concentrates solely on sexual violence, and two shall be directors of programs that work in both sexual and domestic violence. The appointments of the four directors shall be representative of regional and geographic locations of the Commonwealth.*

*Legislative members and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and shall serve a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.*

*The Advisory Committee shall elect its chairman and vice-chairman from among its members.*

*B. No member of the Advisory Committee appointed by the Governor shall be eligible to serve for more than two consecutive full terms. A term of three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.*

*C. A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.*

*D. The Advisory Committee may adopt bylaws for its operation.*

*E. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the costs of the expenses shall be provided from federal funds received for such purposes by the Department.*

*F. The Advisory Committee shall have the following duties and responsibilities:*

- 1. Provide guidance on appropriate standards for the accreditation of sexual and domestic violence programs;*
- 2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of local services to victims of sexual and domestic violence in the Commonwealth;*
- 3. Advise on all matters related to federal funds received by the Commonwealth for crime prevention and crime victim assistance related to sexual and domestic violence and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of these federal programs;*

4. Promote coordination among state agencies and local service providers to improve the Commonwealth's identification of and response to sexual and domestic violence, including the effective implementation of trauma-informed services, evidence-based homicide reduction strategies, and evidence-based prevention strategies;

5. Develop a comprehensive plan for data collection on sexual and domestic violence;

6. Review statewide reports and conduct studies to identify service demands and gaps and make funding recommendations that ensure adequate funding and improve the administration of both state and federal funds to local sexual and domestic violence programs; and

7. Make recommendations on improving efficiencies in the administration of grants of both state and federal funds to local sexual and domestic violence programs.

G. The Department shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.

**§ 9.1-116.3. Virginia Sexual and Domestic Violence Program Professional Standards Committee.**

The Virginia Sexual and Domestic Violence Program Professional Standards Committee (the Committee) shall establish voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. The Committee may adopt bylaws for its operation, membership terms, fees, and other items as necessary. Fees for accreditation shall be used to support any administrative costs of the Department. Upon request of the Committee, the Department and the Virginia sexual and domestic violence coalition may provide accreditation assistance and training and resource material that will assist the local programs in obtaining or retaining accreditation.

The Committee shall consist of the following: six directors of local sexual and domestic violence programs appointed by the Advisory Committee on Sexual and Domestic Violence, six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The appointments made by the Advisory Committee on Sexual and Domestic Violence and the Virginia sexual and domestic violence coalition shall both adhere to the following requirements: appointments shall be representative of regional and geographic locations and types of local sexual and domestic violence programs and shall include a director of a program concentrating solely on sexual violence, a director of a program concentrating solely on domestic violence, and four directors of programs concentrating on both sexual and domestic violence. A chairman and vice-chairman, who shall be voting members, shall be elected annually, and each position shall alternate between a director who is appointed by the Advisory Committee and a director who is appointed by the coalition; if the chairman is a director appointed by the Advisory Committee, the vice-chairman shall be a person appointed by the coalition, and vice versa.

## CHAPTER 223

An Act to amend and reenact §§ 9.1-102 and 44-146.18 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1718.2, relating to missing persons; search and rescue.

[S 1184]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-102 and 44-146.18 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-1718.2 as follows:**

**§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training,

resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; ~~and~~

57. *Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol; and*

58. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 15.2-1718.2. Receipt of critically missing adult reports.**

A. No police or sheriff's department shall establish or maintain any policy that requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

B. For purposes of this section:

"Critically missing adult" means any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.

"Critically missing adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information, including a photograph, to the Department of State Police.

**§ 44-146.18. Department of Emergency Services continued as Department of Emergency Management; administration and operational control; coordinator and other personnel; powers and duties.**

A. The State Office of Emergency Services is continued and shall hereafter be known as the Department of Emergency Management. Wherever the words "State Department of Emergency Services" are used in any law of the Commonwealth, they shall mean the Department of Emergency Management. During a declared emergency this Department shall revert to the operational control of the Governor. The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the Governor and also serve as State Emergency Planning Director. The Department shall employ the professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

B. The State Department of Emergency Management shall in the administration of emergency services and disaster preparedness programs:

1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth has up-to-date assessments and preparedness plans to prevent, respond to and recover from all disasters including acts of terrorism;

2. Conduct a statewide emergency management assessment in cooperation with political subdivisions, private industry and other public and private entities deemed vital to preparedness, public safety and security. The assessment shall include a review of emergency response plans, which include the variety of hazards, natural and man-made. The assessment shall be updated annually;

3. Submit to the Governor and to the General Assembly, no later than the first day of each regular session of the General Assembly, an annual executive summary and report on the status of emergency management response plans throughout the Commonwealth and other measures taken or recommended to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made available to the Division of Legislative Automated Systems for the processing of legislative documents and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of § 2.2-3705.2 shall not be disclosed unless:

a. It is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act;

b. The agency holding the record is served with a proper judicial order; or

c. The agency holding the record has obtained written consent to release the information from the State Department of Emergency Management;

4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness, response and recovery programs;

5. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery operations that assigns primary and support responsibilities for basic emergency services functions to state agencies, organizations and personnel as appropriate;

6. Coordinate and administer disaster mitigation, preparedness, response and recovery plans and programs with the proponent federal, state and local government agencies and related groups;

7. Provide guidance and assistance to state agencies and units of local government in developing and maintaining emergency management and continuity of operations (COOP) programs, plans and systems;

8. Make necessary recommendations to agencies of the federal, state, or local governments on preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

9. Determine requirements of the Commonwealth and its political subdivisions for those necessities needed in the event of a declared emergency which are not otherwise readily available;

10. Assist state agencies and political subdivisions in establishing and operating training programs and programs of public information and education regarding emergency services and disaster preparedness activities;

11. Consult with the Board of Education regarding the development and revision of a model school crisis and emergency management plan for the purpose of assisting public schools in establishing, operating, and maintaining emergency services and disaster preparedness activities;

12. Consult with the State Council of Higher Education in the development and revision of a model institutional crisis and emergency management plan for the purpose of assisting public and private two-year and four-year institutions of

higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities and, as needed, in developing an institutional crisis and emergency management plan pursuant to § 23-9.2:9;

13. Develop standards, provide guidance and encourage the maintenance of local and state agency emergency operations plans, which shall include the requirement for a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies;

14. Prepare, maintain, coordinate or implement emergency resource management plans and programs with federal, state and local government agencies and related groups, and make such surveys of industries, resources, and facilities within the Commonwealth, both public and private, as are necessary to carry out the purposes of this chapter;

15. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation, preparation, response, and recovery;

16. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as authorized by the Governor;

17. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency services intelligence pertaining to all probable hazards affecting the Commonwealth;

18. Coordinate intelligence activities relating to terrorism with the Department of State Police; and

19. Develop an emergency response plan to address the needs of individuals with household pets and service animals in the event of a disaster and assist and coordinate with local agencies in developing an emergency response plan for household pets and service animals.

C. The State Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

3. Providing an adequate communications and warning system capable of notifying all political subdivisions in the Commonwealth of an impending disaster within a reasonable time;

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies;

7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure orderly and timely response to and recovery from disaster effects.

D. The State Department of Emergency Management shall be provided the necessary facilities and equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of the various federal, state, and other agencies during a state of emergency declaration by the Governor or following a major disaster declaration by the President.

E. The State Department of Emergency Management is authorized to enter into all contracts and agreements necessary or incidental to performance of any of its duties stated in this section or otherwise assigned to it by law, including contracts with the United States, other states, agencies and government subdivisions of the Commonwealth, and other appropriate public and private entities.

F. The State Department of Emergency Management shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management on or before April 1 of each year, to facilitate overall Commonwealth preparedness. For the purposes of this section, "private industry" means companies, private hospitals, and other businesses or organizations deemed by the State Coordinator of Emergency Management to be essential to the public safety and well-being of the citizens of the Commonwealth.

*G. The State Department of Emergency Management shall establish a Coordinator of Search and Rescue. Powers and duties of the Coordinator shall include:*

*1. Coordinating the search and rescue function of the State Department of Emergency Management;*

*2. Coordinating with local, state, and federal agencies involved in search and rescue;*

*3. Coordinating the activities of search and rescue organizations involved in search and rescue;*

*4. Maintaining a register of search and rescue certifications, training, and responses;*

*5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and its respective member agencies regarding search and rescue efforts;*

*6. Providing on-scene search and rescue coordination when requested by an authorized person;*

*7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency managers, volunteer search and rescue responders, and others who might have a duty to respond to a search and rescue emergency;*

*8. Gathering and maintaining statistics on search and rescue in the Commonwealth;*

*9. Compiling, maintaining, and making available an inventory of search and rescue resources available in the Commonwealth;*

*10. Periodically reviewing search and rescue cases and developing best professional practices; and*

11. *Providing an annual report to the Secretary of Public Safety and Homeland Security on the current readiness of Virginia's search and rescue efforts.*

*Nothing in this chapter shall be construed as authorizing the State Department of Emergency Management to take direct operational responsibilities from local, state, or federal law enforcement in the course of search and rescue or missing person cases.*

## CHAPTER 224

*An Act to amend and reenact §§ 2.2-3701 and 9.1-101 of the Code of Virginia, relating to private police departments.*

[S 1217]

Approved March 16, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 2.2-3701 and 9.1-101 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 2.2-3701. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers *and private police departments as defined in § 9.1-101* shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

##### **§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, *or any full-time or part-time employee of a private police department*, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; ~~or~~ (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; *or (x) private police officer employed by a private police department*. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department ~~or~~ sheriff's office, *or private police department*.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B

*et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department, provided it complies with the requirements set forth herein.*

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

**2. That an emergency exists and this act is in force from its passage.**

**3. That, for the purposes of this act, the following private police departments were in existence on January 1, 2013 and were recognized as private police departments by the Department of Criminal Justice Services at that time: Aquia Harbour Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department.**

**4. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 225

*An Act to amend and reenact § 1 of Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, relating to affordable housing in the City of Charlottesville.*

[S 1245]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1 of Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, is amended and reenacted as follows:**

§ 1. A. The governing body of the City of Charlottesville may provide in its comprehensive plan for the physical development within the city, adopted pursuant to § 15.2-2223, for densities of development ranging between a floor area ratio (FAR) of 1.0 FAR and 10.0 FAR, or greater, and as such, the governing body may adopt as part of its zoning ordinance requirements for the provision of (i) on-site or off-site "Affordable Dwelling Units," as defined herein, or (ii) a cash contribution to the city's affordable housing fund, in lieu of such units, in such amounts as set out herein, as a condition of the governing body's approval of a rezoning or special use application for residential or the residential portion of mixed-use projects with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre. Residential or the residential portion of mixed-use projects with a density less than 1.0 FAR, or an equivalent density based on units per acre, shall be exempt from the requirements of this section and the city's zoning ordinance adopted pursuant to this section. The city's zoning ordinance requirements shall provide as follows:

1. Upon approval of a rezoning or special use application approving a residential, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the applicant shall provide on-site Affordable Dwelling Units as part of the project, the total gross square footage of such units shall be five percent of the amount of the gross floor area of the project that exceeds 1.0 FAR or an equivalent density based on units per acre. For purposes of this section, "applicant" shall mean the person or entity submitting a rezoning or special use application for approval of a residential or mixed-use project that contains residential dwelling units in the city and shall include the successors or assigns of the applicant.

2. As an alternative, upon approval of a rezoning or special use application approving a residential, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the applicant may elect to provide any one of the following:

a. Affordable Dwelling Units at an off-site location in the city, the total gross square footage of such units shall be five percent of the amount of the gross floor area of the project that is over 1.0 FAR, or an equivalent density based on units per acre; or

b. A cash contribution to the city's affordable housing fund, which contribution shall be calculated as follows for each of the density tiers described below:

(1) Two dollars per square foot of gross floor area for residential projects greater than 1.0 FAR or an equivalent density based on units per acre.

(2) For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of residential gross floor area at two dollars per square foot.

The cash contribution shall be indexed to the Consumer Price Index for Housing in the south urban region as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the changes made in January to such index.

3. For purposes of this section, "~~Affordable Dwelling Units~~" ~~mean units committed for a 30-year term as means units that are affordable to households with incomes at 60 percent or less not more than 80 percent of the area median income and that are committed to remain affordable for a term of not more than 30 years. However, the city may establish a minimum term as it deems necessary to ensure the establishment of committed Affordable Dwelling Units in accordance with subdivision 1 or 2.~~

B. With the exception of the authority under § 15.2-2305, this section establishes the legislative authority for the city to obtain Affordable Dwelling Units in exchange for the approval of a rezoning or special use application for a residential, or mixed-use project that contains residential dwelling units in the city, and may not be used in combination with any other provision of law in this chapter to obtain Affordable Dwelling Units from an applicant. Nothing in this section shall be construed to repeal the city's authority under any other provision of law.

## CHAPTER 226

*An Act to amend the Code of Virginia by adding in Article 7 of Chapter 26 of Title 2.2 a section numbered 2.2-2619.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37, relating to the Commonwealth's Attorneys Training Fund.*

[S 1360]

Approved March 16, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 7 of Chapter 26 of Title 2.2 a section numbered 2.2-2619.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37 as follows:**

**§ 2.2-2619.1. Commonwealth's Attorneys Training Fund established; administration.**

A. There is hereby created in the state treasury a special nonreverting revolving fund to be known as the Commonwealth's Attorneys Training Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller.

B. The Fund shall consist of all proceeds distributed to the Commonwealth's Attorneys' Services Council in January 2014 as a result of the federal equitable sharing distribution following the settlement of *United States v. Abbott Laboratories, Case No. 1:12-CR-00026 (W.D. Va.) (Settlement)*. The Fund shall also consist of any moneys appropriated from the general fund, grants and donations received by the Council, and other moneys received by the State Treasurer and designated for deposit in the Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Notwithstanding any other provision of law, the moneys and other property comprising the Fund shall be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.37. The State Treasurer shall not be held liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

D. The Fund shall be expended solely for the purpose of supporting prosecutor training and, as appropriate, law-enforcement training and associated costs approved by the Council and any other purpose permitted by this article that is consistent with the Settlement described in subsection B.

E. An amount not to exceed six percent of the moving average of the market value of the Fund calculated over the previous five years or since inception, whichever is shorter, on a one-year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.37, may be expended in a calendar year for any purpose permitted by this article. The Council shall not be required to expend such amount in a calendar year, and any amount up to such six percent that is not expended in a calendar year may be expended in any other calendar year.

F. The disbursement of moneys from the Fund shall be made by the State Comptroller at the written request of the Council.

**§ 51.1-124.37. Investment of assets of the Commonwealth's Attorneys Training Fund.**

A. In addition to such other powers as shall be vested in the Board of the Virginia Retirement System (Board), the Board shall have the full power to invest, reinvest, and manage the assets of the Commonwealth's Attorneys Training Fund (Fund). The Board shall maintain a separate accounting for the assets of the Fund.

B. The Board shall invest the assets of the Fund with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.

*C. No officer, director, or member of the Board or of any advisory committee of the Virginia Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care set forth in subsection B shall be held personally liable for losses suffered by the Retirement System on investments made under the authority of this section.*

*D. The provisions of §§ 51.1-124.32, 51.1-124.33, 51.1-124.34, and 51.1-124.35 shall apply to the Board's activities with respect to moneys in the Fund.*

*E. The Board may assess the Commonwealth's Attorneys' Services Council a reasonable administrative fee for its services.*

## CHAPTER 227

*An Act to amend and reenact §§ 23-38.75, 23-38.76, 23-38.77, 23-38.80, 23-38.81, and 58.1-322 of the Code of Virginia, relating to establishing Achieving a Better Life Experience (ABLE) savings trust accounts to be administered by the Virginia College Savings Plan to assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities.*

[S 1404]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23-38.75, 23-38.76, 23-38.77, 23-38.80, 23-38.81, and 58.1-322 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 23-38.75. Definitions.**

As used in this chapter, unless the context requires a different meaning:

*"ABLE savings trust account" means an account established pursuant to this chapter to assist individuals and families to save private funds to support individuals with disabilities to maintain health, independence, and quality of life, with such account used to apply distributions for qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

*"Board" means the Board of the Virginia College Savings Plan.*

*"College savings trust account" means an account established pursuant to this chapter to assist individuals and families to enhance the accessibility and affordability of higher education, with such account used to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

*"Contributor" means a person who contributes money to a savings trust account established pursuant to this chapter on behalf of a qualified beneficiary and who is listed as the owner of the savings trust account.*

*"Plan" means the Virginia College Savings Plan.*

*"Prepaid tuition contract" means the contract entered into by the Board and a purchaser pursuant to this chapter for the advance payment of tuition at a fixed, guaranteed level by the purchaser for a qualified beneficiary to attend any two-year or four-year public institution of higher education in the Commonwealth to which the qualified beneficiary is admitted.*

*"Purchaser" means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract and who is listed as the owner of the prepaid tuition contract.*

*"Qualified beneficiary" or "beneficiary" means (i) a resident of the Commonwealth, as determined by the Board, who is the beneficiary of a *prepaid tuition* contract and who may apply advance tuition payments to tuition as set forth in this chapter; (ii) a beneficiary of a *prepaid tuition* contract purchased by a resident of the Commonwealth, as determined by the Board, who may apply advance tuition payments to tuition as set forth in this chapter; or (iii) a beneficiary of a savings trust account established pursuant to this chapter.*

~~*"Savings trust account" means an account established by a contributor pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law*~~ *ABLE savings trust account or a college savings trust account.*

*"Savings trust agreement" means the agreement entered into by the Board and a contributor establishing a savings trust account.*

*"Tuition" means the quarter, semester, or term charges imposed for undergraduate tuition by any two-year or four-year public institution of higher education in the Commonwealth and all mandatory fees required as a condition of enrollment of all students. A beneficiary may apply benefits under a prepaid tuition contract and distributions from a savings trust account toward graduate-level tuition and toward tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion.*

#### **§ 23-38.76. Virginia College Savings Plan established; governing board; terms.**

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, there is hereby established as a body politic and corporate and an independent agency of the Commonwealth, the Virginia College Savings Plan (the Plan). ~~*Moneys Certain moneys of the Plan shall be held in the state treasury in a special nonreverting fund (the Fund), which shall consist of that are contributions to savings trust accounts made pursuant to this chapter, except as*~~

otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. The savings program moneys in such accounts shall be paid out on checks, drafts payable on demand, electronic wire transfers, or other means authorized by officers or employees of the Plan.

All other moneys of the Plan, including payments received pursuant to prepaid tuition contracts or contributions to savings trust accounts made pursuant to this chapter, bequests, endowments or grants from the United States government, or its agencies and or instrumentalities, and any other available sources of funds, public or private, shall be first deposited in the state treasury in a special nonreverting fund (the Fund). Such moneys then shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Benefits related to prepaid tuition contracts and Plan operating expenses shall be paid from the Fund. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the State Treasurer or his designee; the State Comptroller or his designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of Delegates, with significant experience in finance, accounting, law, or investment management.

Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for or during more than two successive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their terms of office.

C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties. The Board shall elect from its membership a chairman and a vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

#### **§ 23-38.77. Powers and duties of Board.**

The Board shall administer the Plan established by this chapter and shall develop and implement programs for (i) the prepayment of undergraduate tuition, as defined in § 23-38.75, at a fixed, guaranteed level for application at a two-year or four-year public institution of higher education in the Commonwealth and; (ii) contributions to college savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law; and (iii) contributions to ABLE savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law. In addition, the Board shall have the power and duty to:

1. Invest moneys in the Plan in any instruments, obligations, securities, or property deemed appropriate by the Board;
2. Develop requirements, procedures, and guidelines regarding prepaid tuition contracts and savings trust accounts, including, but not limited to, residency and other eligibility requirements; the number of participants in the Plan; the termination, withdrawal, or transfer of payments under a prepaid tuition contract or savings trust account; time limitations for the use of tuition benefits or savings trust account distributions; and payment schedules;
3. Enter into contractual agreements, including contracts for legal, actuarial, financial, and consulting services and contracts with other states to provide savings trust accounts for residents of contracting states;
4. Procure insurance against any loss in connection with the Plan's property, assets, or activities and indemnifying Board members from personal loss or accountability from liability arising from any action or inaction as a Board member;
5. Make arrangements with two-year and four-year public institutions in the Commonwealth to fulfill obligations under prepaid tuition contracts and to apply college savings trust account distributions, including, but not limited to, payment from the Plan of the then actual in-state undergraduate tuition cost on behalf of a qualified beneficiary of a prepaid tuition contract to the institution in which the beneficiary is admitted and enrolled and application of such benefits towards graduate-level tuition and towards tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion;
6. Develop and implement scholarship and/or matching grant programs, as the Board may deem appropriate, to further its goal of making higher education more affordable and accessible to all citizens of the Commonwealth;
7. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives;
8. Promulgate regulations and procedures and to perform any act or function consistent with the purposes of this chapter; and

9. Reimburse, at its option, all or part of the cost of employing legal counsel and such other costs as are demonstrated to have been reasonably necessary for the defense of any Board member, officer, or employee of the Plan upon the acquittal, dismissal of charges, nolle prosequi, or any other final disposition concluding the innocence of such member, officer or employee who is brought before any regulatory body, summoned before any grand jury, investigated by any law-enforcement agency, arrested, indicted, or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of his official duties which alleges a violation of state or federal securities laws. The Board shall provide for the payment of such legal fees and expenses out of funds appropriated or otherwise available to the Board.

**§ 23-38.80. Standard of care; investment and administration of Plan.**

A. In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of the Plan, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, shall act as trustee and shall exercise the judgment of care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but to the permanent disposition of funds, considering the probable income as well as the probable safety of their capital. If the annual accounting and audit required by § 23-38.85 reveal that there are insufficient funds to ensure the actuarial soundness of the Plan, the Board shall be authorized to adjust the terms of subsequent prepaid tuition contracts, arrange refunds for current purchasers to ensure actuarial soundness, or take such other action the Board deems appropriate.

B. The assets of the Plan shall be preserved, invested, and expended solely pursuant to and for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the Commonwealth for any other purpose. Within the standard prescribed in subsection A ~~of this section~~, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, is authorized to acquire and retain every kind of property and every kind of investment, specifically including but not limited to (i) debentures and other corporate obligations of foreign or domestic corporations; (ii) common or preferred stocks traded on foreign or domestic stock exchanges; (iii) not less than all of the stock or 100 percent ownership of a corporation or other entity organized by the Board under the laws of the Commonwealth for the purposes of acquiring and retaining real property that the Board is authorized under this chapter to acquire and retain; and (iv) securities of any open-end or closed-end management type investment company or investment trust registered under the federal Investment Company Act of 1940, as amended, including such investment companies or investment trusts which, in turn, invest in the securities of such investment companies or investment trusts, which persons of prudence, discretion, and intelligence acquire or retain for their own account. Within the limitations of the foregoing standard, the Board may retain property properly acquired, without time limitation and without regard to its suitability for original purchase. This section shall not be construed to prohibit the investment of the Plan, by purchase or otherwise, in bonds, notes, or other obligations of the Commonwealth or its agencies and instrumentalities.

All provisions of this subsection shall apply to the portion of the Plan assets attributable to savings trust account contributions and the earnings thereon.

C. The selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, ~~record-keeping~~ *recordkeeping*, or consulting services, shall be governed by the foregoing standard and shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. No Board member nor any person, investment manager, or committee to whom the Board delegates any of its investment authority who acts within the standard of care set forth in subsection A shall be held personally liable for losses suffered by the Plan on investments made pursuant to this chapter.

E. To the extent necessary to lawfully administer the Plan and in order to comply with federal, state, and local tax reporting requirements, the Plan may obtain all necessary social security account or tax identification numbers *and such other data as the Plan deems necessary for such purposes, whether from a contributor or purchaser or from another state agency.*

**§ 23-38.81. Prepaid tuition contracts and college and ABLE savings trust agreements; terms; termination; etc.**

A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:

1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;
2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;
3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;
4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;
5. Terms and conditions for a substitution for the qualified beneficiary originally named;
6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person or persons entitled to terminate the contract;
7. The time period during which the qualified beneficiary must claim benefits from the Plan;
8. The number of credit hours or quarters, semesters, or terms contracted for by the purchaser;
9. All other rights and obligations of the purchaser and the trust; and
10. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the contract with the requirements of Internal Revenue Code § 529, as amended, which specifies the requirements for qualified state tuition programs.

B. Each *college* savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses at eligible institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;
2. Provisions for withdrawals, refunds, transfers, and any penalties;
3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;
4. Terms and conditions for a substitution for the qualified beneficiary originally named;
5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person or persons entitled to terminate the account;
6. The time period during which the qualified beneficiary must use benefits from the savings trust account;
7. All other rights and obligations of the contributor and the Plan; and
8. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

C. *Each ABL*E savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. *The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;*
2. *Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;*
3. *The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;*
4. *Terms and conditions for a substitution for the qualified beneficiary originally named;*
5. *Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person or persons entitled to terminate the account;*
6. *The time period during which the qualified beneficiary must use benefits from the savings trust account;*
7. *All other rights and obligations of the contributor and the Plan; and*
8. *Any other terms and conditions that the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

D. In addition to the provisions required by subsection A ~~of this section~~, each prepaid tuition contract shall include provisions for the application of tuition prepayments (i) at accredited, nonprofit, independent institutions of higher education located in Virginia, including actual interest and income earned on such prepayments and (ii) at public and at accredited, nonprofit, independent institutions of higher education located in other states, including principal and reasonable return on such principal as determined by the Board. Payments authorized for accredited, nonprofit, independent institutions located in Virginia may not exceed the projected highest payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board. Payments authorized for public and for accredited, nonprofit, independent institutions of higher education located in other states may not exceed the projected average payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board.

~~D~~. E. All prepaid tuition contracts and savings trust agreements shall specifically provide that, if after a specified period of time the contract or savings trust agreement has not been terminated nor the qualified beneficiary's rights exercised, the Board, after making reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55-210.12.

~~E~~. F. Notwithstanding any provision of law to the contrary, money in the Plan shall be exempt from creditor process and shall not be liable to attachment, garnishment, or other process, nor shall it be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any purchaser, contributor or beneficiary, *provided, however, that the state of residence of the beneficiary of an ABL*E savings trust account shall be a creditor of such account in the event of the death of the beneficiary.

~~F~~. G. No contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

~~G~~. H. The Board's decision on any dispute, claim, or action arising out of or related to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits thereunder shall be considered a case decision as defined in § 2.2-4001 and all proceedings related thereto shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be exclusively provided pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

**§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of

§ 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or *college* savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or *college* savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a *college* savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or *college* savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or *college* savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or *college* savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or *college* savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a *college* savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or *college* savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a *college* savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 228

*An Act to amend the Code of Virginia by adding a section numbered 19.2-349.1, relating to the collection of fines, costs, forfeitures, penalties, or restitution by the Department of Motor Vehicles.*

[S 1411]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 19.2-349.1 as follows:**

**§ 19.2-349.1. Receipt of unpaid fines, costs, forfeitures, penalties, or restitution by Department of Motor Vehicles.**

*At the direction of the Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into an agreement with the Commissioner of the Department of Motor Vehicles authorizing the Department of Motor Vehicles to receive, on behalf of a district or circuit court, payment of any delinquent fines, costs, forfeitures, and penalties, including any court-ordered restitution of a sum certain, imposed by a court for the violation of a state law or a local ordinance. However, in no case shall the Department of Motor Vehicles be authorized to establish an installment plan for any such payments or to receive partial payment of the full amount imposed by the court for the violation of a state law or a local ordinance.*

*For each such payment it receives, the Department of Motor Vehicles may impose and collect a processing fee, to be used to defray the costs of the transaction to the Department. Such transaction fee shall be \$2, unless payment is made by credit card or debit card and the merchant's fees and other transaction costs imposed by the card issuer are charged to the Department of Motor Vehicles, in which case the processing fee shall be the greater of (i) \$2 or (ii) an amount not to exceed four percent of the amount of the payment. The Department may also collect any processing fee charged by a private vendor operating under contract to distribute to the court payments received by the Department. All processing fees imposed and collected by the Department of Motor Vehicles under this section shall be in addition to the other fees specified in this chapter. All such processing fees collected by the Department of Motor Vehicles shall be paid into the state treasury as provided in § 46.2-206 and used to meet the expenses of the Department of Motor Vehicles. The service charge provided under § 46.2-212.1 shall not be added to the processing fee authorized under this section. Other fees specified in this chapter, including those payable pursuant to collections contracts made by attorneys for the Commonwealth, shall not be diminished or offset due to receipt of payments by the Department of Motor Vehicles.*

**2. That the Commissioner of the Department of Motor Vehicles and the Executive Secretary of the Supreme Court shall submit a report of their progress in implementing the provisions of this act by December 1 of each year to the Chairmen of the House and Senate Committees for Courts of Justice and the House and Senate Committees on Transportation.**

## CHAPTER 229

*An Act to amend and reenact § 58.1-1833 of the Code of Virginia, relating to the payment of individual income tax refunds.*

[H 1286]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-1833 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-1833. Interest on overpayments or improper collection.**

A. Interest shall be allowed and paid upon the overpayment of any tax administered by the Department, the refund of which is permitted or required under the provisions of this article, or on moneys improperly collected from the taxpayer and refunded pursuant to § 58.1-1822, at a rate equal to the rate of interest established pursuant to § 58.1-15. Such interest shall accrue from a date sixty days after payment of the tax, or sixty days after the last day prescribed by law for such payment, whichever is later, and shall end on a date determined by the Department preceding the date of the refund check by not more than thirty days. Notwithstanding the above, any tax refunded pursuant to a court order or otherwise as a result of an erroneous assessment shall bear interest from the date the assessment was paid. No interest will be paid on sales taxes refunded to a dealer unless the dealer agrees to pass such interest on to the purchaser.

B. 1. Notwithstanding the provisions of subsection A, if an individual overpays his individual income tax, the overpayment was for individual income taxes for the immediately preceding taxable year, and the overpayment has not been refunded, then interest shall accrue on the amount of the overpayment, beginning:

(i) thirty days after payment of such tax if the individual filed his individual income tax return via electronic means; or  
(ii) sixty days after payment of such tax if the individual filed his individual income tax return using a method other than electronic means.

In no case shall interest be paid for the overpayment of the same tax pursuant to this subsection and subsection A.

2. For the purposes of this subsection, interest shall accrue at a rate equal to the rate of interest established pursuant to § 58.1-15. Such interest shall end on a date determined by the Department preceding the date of the refund check by not more than seven days.

C. For purposes of this section:

1. Any individual income tax deducted and withheld at the source and paid to the Department, and any amount paid as estimated tax, shall be deemed to have been paid on the day on which the return for such year's income was filed;

2. Any corporate or estate and trust income tax deducted and withheld at the source and paid to the Department, and any amount paid as estimated tax, shall be deemed to have been paid on the day on which the return for such year's income was filed, or the last day prescribed by law for filing such return, whichever is later; and

3. Any overpayment of tax resulting from the carry-back of a net operating loss or net capital loss shall be deemed to have been made on the day on which the return for the year in which the loss occurred was filed, or the last day prescribed by law for such filing, whichever is later.

*D. The Tax Commissioner and the State Comptroller shall implement procedures to allow an individual requesting a refund of the overpayment of individual income tax when filing his individual income tax return to elect on such return to have the refund paid by check mailed to the address provided on his return. The ability of the individual to elect such refund check shall be in addition to other methods utilized by the State Comptroller for the payment of such refund, including but not limited to direct deposits or other electronic means.*

**2. That the provisions of this act shall be applicable to individual income tax returns relating to taxable year 2015 and taxable years thereafter.**

## CHAPTER 230

*An Act to amend the Code of Virginia by adding in Article 2 of Chapter 35 of Title 58.1 a section numbered 58.1-3508.6, relating to machinery and tools tax; machinery and tools used directly in producing or generating renewable energy.*

[H 1297]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 2 of Chapter 35 of Title 58.1 a section numbered 58.1-3508.6 as follows:**

**§ 58.1-3508.6. *Separate classification of machinery and tools used directly in producing or generating renewable energy.***

*Machinery and tools, including repair and replacement parts, owned by a business and used directly in producing or generating renewable energy shall constitute a classification for local taxation separate from other classifications of machinery and tools as defined in § 58.1-3507. The governing body of any county, city, or town may levy a tax on such classification of property at a different rate from the tax levied on other machinery and tools. The rate of tax and the rate of assessment shall not exceed that applicable to the general class of machinery and tools.*

*The rate of tax and rate of assessment under this section shall not apply to machinery and tools owned by a business and used directly in producing or generating renewable energy covered under Chapter 26 (§ 58.1-2600 et seq.), unless the rate of tax and rate of assessment under this section would result in a lower property tax on such machinery and tools.*

*As used in this section, "renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, or geothermal power and does not include energy derived from coal, oil, natural gas, or nuclear power.*

## CHAPTER 231

*An Act to amend the Code of Virginia by adding in Title 56 a chapter numbered 28, consisting of sections numbered 56-610, 56-611, and 56-612, relating to natural gas system expansion infrastructure; recovery and deferral of costs.*

[H 1475]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 56 a chapter numbered 28, consisting of sections numbered 56-610, 56-611, and 56-612, as follows:**

### CHAPTER 28.

#### NATURAL GAS SYSTEM EXPANSION INFRASTRUCTURE.

##### § 56-610. *Definitions.*

*As used in this chapter, unless the context requires otherwise:*

*"Affected customer" means any customer of a natural gas utility receiving service at a premises served by eligible system expansion infrastructure. Any customer receiving natural gas service for which the natural gas utility has received the entire amount required to cover the cost of the eligible system expansion infrastructure as a contribution in aid to construction shall not be considered an affected customer.*

"Eligible expansion investment" means that portion of the total capital investment made by a natural gas utility in constructing eligible system expansion infrastructure that is in excess of those costs that would be considered economic under a natural gas utility's economic test, net of any contributions in aid of construction, up to the maximum level of investment per affected customer specified in a system expansion plan.

"Eligible system expansion infrastructure" means natural gas main pipelines and associated facilities, including service lines, meters, and other pertinent facilities, that are constructed and operated by a natural gas utility to deliver natural gas service to affected customers located in an unserved area.

"Eligible system expansion infrastructure costs" includes:

1. Return on investment. In calculating the return on investment, the Commission shall use the natural gas utility's weighted average cost of capital, including the cost of debt and equity, based on its regulatory capital structure used in determining the natural gas utility's base rates in effect during the construction period of the eligible system expansion, applied to eligible expansion investment. The investment, as adjusted for the reserve for depreciation and accumulated deferred income taxes, shall be multiplied by the weighted average cost of capital to determine the return on investment;

2. A revenue conversion factor, which factor, including income taxes and an allowance for bad debt expense, shall be applied to the required operating income resulting from the eligible system infrastructure expansion costs;

3. Education and outreach expense. Such expense shall include costs for education and outreach for increasing program awareness;

4. Depreciation, the calculation of which by the Commission shall be based on the natural gas utility's current depreciation rates applied to eligible expansion investment; and

5. Property taxes attributable to eligible expansion investment.

"Natural gas utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"System expansion plan" means a plan filed by a natural gas utility that identifies the level of eligible system expansion infrastructure costs that are projected to be incurred over the term of the plan and provides the calculation of a system expansion rider.

"System expansion rider" means a recovery mechanism that will allow for recovery of the eligible system expansion infrastructure costs from affected customers, through a separate mechanism from the customer rates established in a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6. A system expansion rider shall be designed to recover eligible system expansion infrastructure costs.

**§ 56-611. Petition to establish or amend expansion plan; cost recovery; procedures.**

A. Notwithstanding the provisions of § 56-235.4, a natural gas utility may file a system expansion plan as provided in this chapter. Such a plan shall provide for (i) a business rationale explaining that the expansion plan is in the public interest and of benefit to the affected customers served under the system expansion plan, (ii) the period the system expansion rider is proposed to be in effect, (iii) the estimated eligible system expansion infrastructure costs and a maximum level of investment to be included in the program, (iv) a maximum level of investment per affected customer, (v) the projected number of customers by rate class that will be served by the proposed investment, (vi) a schedule for recovery of the related eligible system expansion infrastructure costs through a system expansion rider, (vii) a methodology for deferral of unrecovered eligible system expansion infrastructure costs, calculated as determined pursuant to § 56-612, (viii) the class or classes of customers eligible to participate in a system expansion plan, and (ix) the period of time that a customer at a premises receiving natural gas service from eligible system expansion infrastructure will be considered an affected customer for purposes of this chapter. The natural gas utility shall demonstrate that the system expansion plan is prudent and reasonable. The Commission may approve such a plan after such notice and opportunity for a hearing as the Commission may prescribe, subject to the provisions of this chapter.

B. The Commission shall approve a natural gas utility's system expansion plan if it finds that the plan (i) includes the components set forth in subsection A, (ii) provides for the recovery of eligible system expansion infrastructure costs in accordance with the provisions of this chapter, and (iii) is prudent and reasonable. In a final order approving a natural gas utility's system expansion plan, the Commission may require the natural gas utility to file an annual report with the Commission demonstrating whether the natural gas utility's recovery of eligible system expansion infrastructure costs pursuant to its system expansion plan complies with the requirements of clause (ii). Upon a finding by the Commission that a natural gas utility's system expansion plan does not comply with the requirements of clause (ii), the Commission may direct, by order, the natural gas utility to exclude from deferral any unrecovered costs in excess of costs that may be recovered by a system expansion rider.

C. The Commission shall act on a natural gas utility's initial application for a system expansion plan within 180 days. Within that time period, the Commission shall approve, deny, or modify the plan as required by the public interest. A plan filed pursuant to this section shall not require the filing of rate schedules typically filed in conjunction with a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based rate regulation plan authorized by § 56-235.6. The Commission shall act on a natural gas utility's application to amend a previously approved plan within 120 days. Within that time period, the Commission shall approve, deny, or modify the amended plan as required by the public interest. If the Commission denies such a plan or amendment or any part thereof, it shall set forth with specificity the reasons for such denial, and the utility shall have the right to refile, without prejudice, an amended plan or amendment within 60 days, and the Commission shall thereafter have 90 days to approve or deny the amended plan or amendment. The

time period for Commission review provided for in this subsection shall not apply if the system expansion plan is filed in conjunction with a rate case using the cost-of-service methodology set forth in § 56-235.2 or a performance-based rate regulation plan authorized by § 56-235.6.

D. Any system expansion plan and any system expansion rider that is submitted to and approved by the Commission shall allocate and charge costs in accordance with the appropriate cost causation principles in order to avoid any undue cross-subsidization between rate classes.

E. No other revenue requirement or ratemaking issues may be examined in consideration of the application filed pursuant to the provisions of this chapter.

F. Costs recovered pursuant to this chapter shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other Commission-approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism.

G. A natural gas utility shall have the opportunity to seek recovery of any costs associated with eligible expansion investment not yet recovered at the end of a system expansion plan in a rate case using the cost-of-service methodology set forth in § 56-235.2 or performance-based regulation plan authorized by § 56-235.6. Such recovery shall be subject to Commission approval based upon a determination that the benefits provided by affected customers added under the system expansion plan or plans equal or exceed the impact of recovering such costs from existing customers of the natural gas utility.

H. The provisions of this chapter shall not preclude the filing of other plans or tariff provisions related to extending natural gas infrastructure.

I. The provisions of this chapter shall not apply to interstate pipeline companies regulated by the Federal Energy Regulatory Commission.

**§ 56-612. Deferral of eligible system expansion infrastructure costs.**

A. A natural gas utility shall account for the difference between actual monthly eligible system expansion infrastructure costs incurred on the cumulative investment in eligible system expansion infrastructure and revenue collected through a system expansion rider as a deferred cost. Such deferred costs shall be accounted for as a regulatory asset and shall not be subject to write-off or write-down by the Commission in an earnings test filing made pursuant to Commission rules governing utility rate increases and annual informational filings.

B. If a natural gas utility collects all of the deferred eligible system expansion infrastructure costs, as well as all eligible expansion investment, through a system expansion rider prior to the expiration of the time period specified in its system expansion plan pursuant to clause (ii) of subsection A of § 56-611, the system expansion rider shall terminate. A natural gas utility may extend the system expansion rider beyond the period it is proposed to be in effect if necessary to recover any uncollected deferral or eligible system expansion infrastructure costs. A natural gas utility shall notify the Commission of any termination or extension of a system expansion rider at least 60 days prior to its termination or extension. Such termination or extension of the system expansion rider shall be subject to Commission approval.

C. Deferral of costs recovered pursuant to this chapter shall have no effect on the recovery of any other cost by the natural gas utility and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism.

**2. That, in recognition of the importance of environmentally responsible practices when constructing utility infrastructure in the Commonwealth, each construction project that is undertaken pursuant to the provisions of this act shall be completed in compliance with the current Annual Standards and Specifications, as amended from time to time, that is filed with the Department of Environmental Quality by the natural gas utility that undertakes the project.**

**CHAPTER 232**

*An Act to amend and reenact § 33.2-2604 of the Code of Virginia, relating to use of population estimates in connection with decisions of the Hampton Roads Transportation Accountability Commission.*

[H 1510]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-2604 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-2604. Decisions of Commission.**

A majority of the Commission, which majority shall include at least a majority of the chief elected officers of the counties and cities embraced by the Commission, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission present and voting, and two-thirds of the chief elected officers of the counties and cities embraced by Planning District 23 who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's sole negative

vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population ~~projections~~ *estimates* made by the Weldon Cooper Center for Public Service of the University of Virginia.

### CHAPTER 233

*An Act to amend the Code of Virginia by adding a section numbered 15.2-968.01, relating to parking in certain residential areas.*

[H 1593]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-968.01 as follows:**

**§ 15.2-968.01. Parking in certain residential areas.**

*Notwithstanding any other provision of general law, localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way.*

### CHAPTER 234

*An Act to amend and reenact § 58.1-3203 of the Code of Virginia, relating to real property tax exemption; certain leasehold interests.*

[H 1766]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3203 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3203. Taxation of certain leasehold interests; concessions.**

All leasehold interests in real property which is exempt from assessment for taxation from the owner shall be assessed for local taxation to the lessee. If the remaining term of the lease is fifty years or more, or the lease permits the lessee to acquire the real property for a nominal sum at the completion of the term, such leasehold interest shall be assessed as if the lessee were the owner. Otherwise, such assessment shall be reduced two percent for each year that the remainder of such term is less than fifty years; however, no such assessment shall be reduced more than eighty-five percent. If the lessee has a right to renew without the consent of the lessor, the term of such lease shall be the sum of the original lease term plus all such renewal terms.

When any real property is exempt from taxation under Section 6 (a) (1) or (2) or by designation under Section 6 (a) (6) of Article X of the Constitution of Virginia, the leasehold interest in such property may also be exempt from taxation, provided that the property is leased to a lessee ~~who~~ *that* is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code *or to a lessee that is entitled to or has received federal rehabilitation tax credits relating to the property pursuant to 26 U.S.C. § 47 or any successor thereto*, and is used exclusively by such lessee primarily for charitable, literary, scientific, *cultural*, or educational purposes. No leasehold interest or concession, as defined in § 33.2-1800, of tax exempt property of a governmental agency shall be subject to assessment for local property tax purposes where the property is leased to a public service corporation or subsidiary thereof or a nonstock, nonprofit corporation whose occupation, use or operation of the tax exempt property is in aid of or promotes the governmental purposes set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 or to a private entity that is party to a concession agreement with a responsible public entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or to similar federal law. The provisions of this section shall not apply to any leasehold interests exempted or partially exempted by other provisions of law.

### CHAPTER 235

*An Act to amend and reenact § 58.1-512 of the Code of Virginia, relating to the land preservation tax credit.*

[H 1828]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-512 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-512. Land preservation tax credits for individuals and corporations.**

A. For taxable years beginning on or after January 1, 2000, there shall be allowed as a credit against the tax liability imposed by §§ 58.1-320 and 58.1-400, an amount equal to 50 percent of the fair market value of any land or interest in land located in Virginia which is conveyed for the purpose of agricultural and forestal use, open space, natural resource, and/or

biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. For such conveyances made on or after January 1, 2007, the tax credit shall be 40 percent of the fair market value of the land or interest in land so conveyed.

B. The fair market value of qualified donations made under this section shall be determined in accordance with § 58.1-512.1 and substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions. The value of the donated interest in land that qualifies for credit under this section, as determined according to appropriate federal law and regulations, shall be subject to the limits established by United States Internal Revenue Code § 170(e). In order to qualify for a tax credit under this section, the qualified appraisal shall be signed by the qualified appraiser, who must be licensed in the Commonwealth of Virginia as provided in § 54.1-2011, and a copy of the appraisal shall be submitted to the Department. In the event that any appraiser falsely or fraudulently overstates the value of the contributed property in an appraisal that the appraiser has signed, the Department may disallow further appraisals signed by the appraiser and shall refer the appraiser to the Real Estate Appraiser Board for appropriate disciplinary action pursuant to § 54.1-2013, which may include, but need not be limited to, revocation of the appraiser's license. Any appraisal that, upon audit by the Department, is determined to be false or fraudulent, may be disregarded by the Department in determining the fair market value of the property and the amount of tax credit to be allowed under this section.

C. 1. The amount of the credit that may be claimed by each taxpayer, including credit claimed by applying unused credits as provided under subsection C of § 58.1-513, shall not exceed \$50,000 for 2000 taxable years; \$75,000 for 2001 taxable years; \$100,000 for each of 2002 through 2008 taxable years; \$50,000 for each of 2009, 2010, and 2011 taxable years; ~~and~~ \$100,000 for each of 2012, 2013, and 2014 taxable years; \$20,000 for each of 2015 and 2016 taxable years; and \$50,000 for 2017 taxable years and for each taxable year thereafter. *However, for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed \$100,000 for each taxable year, provided that no part of the charitable contributions deduction under § 170 of the Internal Revenue Code related to such fee simple donation is allowable by reason of a sale or exchange of property.* In addition, for each taxpayer, in any one taxable year the credit used may not exceed the amount of individual, fiduciary or corporate income tax otherwise due. Any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 10 consecutive taxable years following the taxable year in which the credit originated until fully expended. A credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. For taxpayers affected by the credit reduction for taxable years 2009, 2010, ~~and~~ 2011, and 2015 and thereafter, any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 13 consecutive taxable years following the taxable year in which the credit originated until fully expended.

2. Qualified donations shall include the conveyance of a fee interest in real property or the conveyance in perpetuity of a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction, provided that such less-than-fee interest qualifies as a charitable deduction under § 170(h) of the United States Internal Revenue Code of 1986, as amended.

The Department of Conservation and Recreation shall compile an annual report on qualified donations of less-than-fee interests accepted by any public or private conservation agency in the respective calendar year and shall submit the report by December 1 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate Committee on Finance. In preparing such report, the Department of Conservation and Recreation shall consult and coordinate with the Department of Taxation and the Departments of Forestry and Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" as defined in § 3.2-300 that have been protected by qualified donations of less-than-fee interests. This report shall include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters. In addition, the report shall include information, when available, on riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality. This information shall be reported in summary fashion as appropriate to preserve confidentiality of information. Qualified donations shall not include the conveyance of a fee interest, or a less-than-fee interest, in real property by a charitable organization that (i) meets the definition of "holder" in § 10.1-1009 and (ii) holds one or more conservation easements acquired pursuant to the authority conferred on a "holder" by § 10.1-1010.

3. Any fee interest, or a less-than-fee interest, in real property that has been dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits shall not be a qualified donation under this article.

4. Qualified donations shall be eligible for the tax credit herein described if such donations are made to the Commonwealth of Virginia, an instrumentality thereof, or a charitable organization described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, if such charitable organization (i) meets the requirements of § 509(a)(2) or (ii) meets the requirements of § 509(a)(3) and is controlled by an organization described in § 509(a)(2).

5. The preservation, agricultural preservation, historic preservation or similar use and purpose of such property shall be assured in perpetuity. In the case of conveyances of a fee interest to a charitable organization that is a "holder" as defined in

§ 10.1-1009, the credit shall not be allowed until the charitable organization agrees that subsequent conveyances of the fee interest in the property will be (i) subject to a previous conveyance in perpetuity of a conservation easement, as that term is defined in § 10.1-1009, or subject to the conveyance in perpetuity of an open-space easement, as that term is defined in § 10.1-1700, or (ii) conveyed to the Commonwealth of Virginia or to a federal conservation agency. No credit shall be allowed with respect to any subsequent conveyances by the charitable organization.

D. The issuance of tax credits under this article for donations made on and after January 1, 2007, shall be in accordance with procedures and deadlines established by the Department and shall be administered under the following conditions:

1. The taxpayer shall apply for a credit after completing the donation by submitting a form or forms prescribed by the Department in consultation with the Department of Conservation and Recreation. If the application requests a credit of \$1 million or more or if the donation meets the conditions of subdivision 3 c, then a copy of the application shall also be filed with the Department of Conservation and Recreation by the taxpayer. The application shall include, but not be limited to:

- a. A description of the conservation purpose or purposes being served by the donation;
- b. The fair market value of land being donated in the absence of any easement or other restriction;
- c. The public benefit derived from the donation;
- d. The extent to which water quality best management practices will be implemented on the property; and
- e. Whether the property is fully or partially forested and a forest management plan is included in the terms of the donation.

2. Applications for otherwise qualified donations of a less-than-fee interest shall be accompanied by an affidavit describing how the donated interest in land meets the requirements of § 170(h) of the United States Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder. The application with accompanying affidavit shall be submitted to the Department of Taxation, with a copy also provided to the Department of Conservation and Recreation.

3. a. No credit in the amount of \$1 million or more shall be issued with respect to a donation unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation, based on the criteria adopted by the Virginia Land Conservation Foundation for this purpose. Such criteria and subsequent amendments shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), but the Virginia Land Conservation Foundation shall provide for adequate public participation, including adequate notice and opportunity to provide comments on the proposed criteria. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action.

b. For purposes of determining whether a credit requires verification of the conservation value, the credits allowed under this article with respect to donations of any other portion of a recorded parcel of land within the preceding 11 years shall be aggregated with the credit claimed for the current donation. This subdivision shall not apply if (i) all owners of the parcel who have been allowed credit for a qualified donation are not affiliated with the person or entity seeking credit for the current donation of a different portion of the parcel and (ii) in the case of an individual seeking credit, the individual has not previously made a qualified donation for any portion of the parcel and is not an immediate family member of any such owners.

c. If (i) the real property that is the subject of the donation was partitioned from or part of another parcel of land and any other portion of such parcel, or any land partitioned from such parcel of land, has been allowed a tax credit under this article (or an application for tax credit is pending) within three years of such donation and (ii) the tax credit that would otherwise be allowed to the donor for such donation is at least \$250,000, then no credit under this article shall be issued with respect to such donation described in clause (i) unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action. Nothing in this subdivision shall be construed or interpreted (a) as allowing additional tax credit for any land or interest in land previously conveyed for which tax credit has already been allowed under this article or (b) affecting the validity of any tax credit allowed under this article for a prior conveyance of any land or interest in land.

4. a. Tax credits shall be issued on a calendar year basis, and in no case shall the Department issue more than the maximum allowed for the calendar year. The maximum amount of credits that may be issued in a calendar year shall be \$100 million plus any credits previously issued under this article but subsequently disallowed or invalidated by the Department. Credits previously issued but subsequently disallowed or invalidated shall be reissued in a subsequent calendar year. All credits shall be issued in the order that each complete application is ~~received~~ *filed*. *For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing.* If within 30 days after an application for credits has been filed the Tax Commissioner provides written notice to the donor that he has determined that the preparation of a second qualified appraisal is warranted, the application shall not be deemed complete until the fair market value of the donation has been finally determined by the Tax Commissioner. The Tax Commissioner shall make a final determination within 180 days of notifying the donor, unless the donor has filed an appeal. The donor shall have the right to appeal any decision of the Department in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.). If more than one complete application is ~~received~~ *filed* at the same time, the credits with respect to those applications shall be issued in the order that the conveyances were recorded in the appropriate circuit court of the Commonwealth. In the event that a credit requires verification of the conservation value by the Department of Conservation and Recreation and such verification has not been received at the time the maximum \$100 million allowed is reached for the

calendar year of the donation, such credit shall not be issued for that calendar year but shall be issued in the calendar year that the conservation value of the credit is verified by the Department of Conservation and Recreation.

*No credit shall be allowed for any land or interest in land conveyed on or after July 1, 2015, unless a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the year following the calendar year of the conveyance. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. Solely for purposes of this condition, any application for which the Tax Commissioner has given written notice to the donor that the preparation of a second qualified appraisal is warranted shall be deemed timely filed, provided that the application was otherwise complete as of such filing deadline.*

b. Beginning with calendar year 2008, the \$100 million amount contained in subdivision 4 a shall be increased by an amount equal to \$100 million multiplied by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending August 31 of the preceding year exceeds the CPI-U for the 12-month period ending August 31, 2006.

c. Beginning with calendar year ~~2013~~ 2015, the maximum amount of credits that may be issued in a calendar year shall not exceed ~~\$100~~ \$75 million. *In no case shall the Department issue any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.*

Beginning with the submission due on or before December 20, ~~2013~~ 2015, and in each year thereafter, the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund equal to the difference between the amount calculated pursuant to subdivision b and ~~\$100~~ \$75 million, but not more than \$20 million, to be allocated as follows: 80 percent to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent to the Civil War Site Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent to the Virginia Farmland Preservation Fund to be used in accordance with § 3.2-201.

5. a. Any taxpayer that has been issued a tax credit by the Department shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 10 consecutive taxable year carryforward provisions of this article, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, ~~and~~ 2011, *and 2015 and taxable years thereafter.* Such a taxpayer shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 13 consecutive taxable year carryforward provisions of this article.

b. Any taxpayer to whom a credit has been transferred may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 11 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, ~~and~~ 2011, *and 2015 and taxable years thereafter.* Such a taxpayer may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 14 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer.

6. Neither the verification of conservation value by the Department of Conservation and Recreation nor the issuance of a credit by the Department of Taxation shall in any way be construed or interpreted as prohibiting the Department of Taxation or the Tax Commissioner from auditing any credit claimed pursuant to the provisions of this article or from assessing tax relating to the claiming of any credit under this article.

E. In any review or appeal before the Tax Commissioner or in any court in the Commonwealth the burden of proof shall be on the taxpayer to show that the fair market value and conservation value at the time of the qualified donation is consistent with this section and that all requirements of this article have been satisfied.

## CHAPTER 236

*An Act to amend and reenact §§ 46.2-1500, 46.2-1566, 46.2-1568, and 46.2-1569 of the Code of Virginia, relating to coercion of motor vehicle dealers by franchisors and affiliates.*

[H 1935]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1500, 46.2-1566, 46.2-1568, and 46.2-1569 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-1500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

*"Affiliate" means any entity in which a manufacturer, factory branch, distributor, or distributor branch has voting control or owns at least 51 percent of the ownership equity, or any entity in which another entity has voting control or owns at least 51 percent of the ownership equity and also has voting control and owns at least 51 percent of the ownership of a manufacturer, factory branch, distributor, or distributor branch. An entity that provides vehicle purchase or lease financing that uses the name of the manufacturer or distributor, or the name of any line make of the manufacturer or distributor, in the name of the entity under which it transacts business with a consumer, other than in the name of an individual product offered by the entity, shall be considered an "affiliate."*

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, offering and delivering pursuant to a lease, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles, trailers, or semitrailers.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor.

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing engines, transmissions, power trains, or rear axles, when such engines, transmissions, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, "motor vehicle" does not include (i) trailers and semitrailers; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) autocycles; (vi) nonrepairable vehicles, as defined in § 46.2-1600; (vii) salvage vehicles, as defined in § 46.2-1600; or (viii) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113 or Article 17 (§ 46.2-1122 et seq.) of Chapter 10.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

"Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520, and 46.2-1548.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.

11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

14. The State Department of Social Services or local departments of social services.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department of Motor

Vehicles of the Commonwealth or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of an area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles, or the area of responsibility defined in the franchise, whichever is greater.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

#### **§ 46.2-1566. Filing of franchises.**

A. It shall be the responsibility of each motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to file with the Commissioner by certified mail a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer which affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a motor vehicle dealer or prospective motor vehicle dealer in the Commonwealth no later than ~~sixty~~ 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a motor vehicle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

B. The Department shall inform the manufacturer, factory branch, distributor, distributor branch, or subsidiary and the dealer or dealers or other parties named in the agreement of a preliminary recommendation as to the consistency of the agreement with the provisions of this chapter. If any of the parties involved have comments on the preliminary recommendation, they must be submitted to the Commissioner within ~~thirty~~ 30 days of receiving the preliminary recommendation. The Commissioner shall render his decision within ~~fifteen~~ 15 days of receiving comments from the parties involved. If the Commissioner does not receive comments within the ~~thirty-day~~ 30-day time period, he shall make the final determination as to the consistency of the agreement with the provisions of this chapter.

*C. Any form or addendum that is not filed as required by this section may not be the basis for (i) any reduction in compensation due to a dealer from the franchisor; (ii) any franchisor demand or requirement by which a dealer must abide, or (iii) any penalty or detriment a franchisor imposes or attempts to impose on a motor vehicle dealer. This section shall not apply to any dealer program or dealer incentive that is not inconsistent with any form or addendum already on file by the manufacturer with the state or that expires within 12 months of its start date, or the continuation, renewal, or modification of any dealer program or dealer incentive that was in place as of July 1, 2015. This section shall not apply to any consumer program or consumer incentive, including discount pricing programs.*

**§ 46.2-1568. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts, extended service contracts or extended maintenance plans, financing, or leasing prohibited; penalty.**

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, ~~or~~ representative, or affiliate of either to coerce or attempt to coerce any retail motor vehicle dealer or prospective retail motor vehicle dealer in the Commonwealth to (i) offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or affiliate of either or (ii) sell, assign, or transfer any retail installment sales contract or lease obtained by the dealer in connection with the sale or lease by him in the Commonwealth of motor vehicles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies, affiliate, leasing company or class of leasing companies, or ~~to~~ any other specified persons by any of the following:

1. By any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is express or implied or made directly or indirectly.

2. By any act that will benefit or injure the dealer.

3. By any contract, or any express or implied offer of contract, made directly or indirectly to the dealer, for handling the motor vehicle on the condition that the dealer shall offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or that the dealer sell, assign, or transfer his retail installment sales contract on or lease of the vehicle, in the Commonwealth, to a specified finance company or class of finance companies, leasing company or class of leasing companies, or ~~to~~ any other specified person.

4. By any express or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any of his retail sales contracts or leases in the Commonwealth on motor vehicles manufactured or sold by the manufacturer or distributor to a finance company or class of finance companies, leasing company or class of leasing companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies, leasing company or leasing companies, or the specified person or persons.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. To further avoid any acts or practices, the effect of which may be to lessen or eliminate competition, it shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative thereof, or any person or company affiliated therewith, to condition the provision of lead information to a dealer upon the agreement of the dealer to sell or lease a vehicle to the prospective customer only if the financing or leasing connected with the transaction is effected through a specified finance company or class of finance companies or leasing company or class of leasing companies. For the purposes of this section, "lead information" means information concerning a prospective customer who contacts or is contacted by the manufacturer or distributor or any person or company affiliated therewith concerning the manufacturer's or distributor's products. The provisions of this subsection, however, shall not prohibit a manufacturer or distributor from so conditioning the provision of lead information concerning any prospective customer who qualifies for any manufacturer-sponsored or distributor-sponsored factory employee, factory retiree, or factory vendor new vehicle purchase program.

D. *It shall be unlawful for any manufacturer or distributor or any affiliate thereof to coerce or require a dealer that is a franchisee of the manufacturer or distributor to sell products sponsored, sold, or offered by the manufacturer, distributor, or affiliate in connection with sales of vehicles whether or not in connection with any retail installment sales contract or lease; however, this subsection shall not apply to used motor vehicles sold under a manufacturer used vehicle certification program. For purposes of this section, the refusal by an affiliate of a manufacturer or distributor to accept assignment of a retail installment sales contract or lease solely because it includes a product in connection with the sale of the vehicle not sponsored, sold, or offered by the manufacturer or distributor, or any affiliate thereof, shall be unlawful; but an affiliate of a manufacturer or distributor may establish standards for products in connection with a sale of a vehicle to be included in retail installment sales contracts or leases it will accept, provided the standards, including the establishment of maximum prices for products, are equally enforceable and enforced with respect to products in connection with the sale of a vehicle sponsored, sold, or offered by the manufacturer, distributor, or affiliate and products that are not. Nothing in this section prohibits a manufacturer, distributor, or affiliate from offering dealer or consumer incentive programs directly related to the sale of products sponsored, sold, or offered by the manufacturer, distributor, or affiliate whether or not in connection with any retail installment sales contract or lease. A dealer that chooses not to participate in these programs shall not be penalized as a result. Non-payment of the incentive due to non-participation in the incentive programs directly related to the sale of products sponsored, sold, or offered by the manufacturer, distributor, or affiliate by the dealer shall not qualify as a penalty.*

E. Any person aggrieved by an action prohibited by this section may seek a hearing, pursuant to § 46.2-1573, against any manufacturer or distributor licensed under this title.

~~E.~~ F. Nothing contained in this section shall prohibit a manufacturer or distributor from offering or providing incentive benefits or bonus programs to a retail motor vehicle dealer or prospective retail motor vehicle dealer in the Commonwealth who makes the voluntary decision to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any retail installment sale

or lease by him in the Commonwealth of motor vehicles manufactured or sold by the manufacturer or distributor to a specified finance company or leasing company controlled by or affiliated with the manufacturer or distributor.

**§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.**

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, ~~or~~ distributor branch, *or affiliate*, or any field representative, officer, agent, or their representatives: *to do any of the following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.*

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant (i) lacks good moral character, (ii) lacks reasonable motor vehicle dealership management experience and qualifications, (iii) lacks financial ability to be the dealer, or (iv) fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than ~~ten~~ 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of

termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line - make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee

of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the ~~attorney's~~ attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

**2. That the General Assembly finds that the motor vehicle franchise relationship promotes a stable local business atmosphere, enhances business development opportunities, creates employment, provides vehicle purchase and vehicle service opportunities for consumers, and promotes the general economic well-being of the Commonwealth and its citizens. Accordingly, it is appropriate to exercise the General Assembly's power to regulate commerce to protect the citizens of the Commonwealth.**

## CHAPTER 237

*An Act to amend and reenact § 58.1-408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-422.2, relating to apportionment of corporate income for taxpayers establishing enterprise data center operations in the Commonwealth.*

[H 2162]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-408 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-422.2 as follows:**

**§ 58.1-408. What income apportioned and how.**

The Virginia taxable income of any corporation, except those subject to the provisions of § 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, ~~or~~ 58.1-422.1, or 58.1-422.2, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus twice the sales factor, and the denominator of which is four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.

**§ 58.1-422.2. Apportionment; taxpayers with enterprise data center operations.**

A. For taxable years beginning on or after July 1, 2016, the Virginia taxable income of taxpayers with enterprise data center operations, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2016, until July 1, 2017, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

2. From July 1, 2017, and thereafter, by multiplying such income by the sales factor.

B. As used in this section:

"Enterprise data center operations" means operations that (i) physically house information technology equipment such as servers, switches, routers, data storage devices, or related equipment; (ii) manage and process digital data and information to provide application services or management for data processing, such as web hosting, Internet, intranet, telecommunication, and information technology; (iii) are developed and owned by the taxpayer; and (iv) are operated by the taxpayer or any of its affiliates substantially for their own use.

C. The provisions of this section requiring an apportionment formula for taxpayers with enterprise data center operations shall apply only to taxpayers that have entered into a memorandum of understanding with the Virginia Economic Development Partnership Authority on or after July 1, 2015, to make a new capital investment of at least \$150 million in an enterprise data center in the Commonwealth on or after such date. The apportionment formula under this section shall apply to such taxpayers beginning with the taxable year for which the Virginia Economic Development Partnership Authority provides a written certification to the taxpayer that the new capital investment has been completed.

D. The General Assembly of Virginia finds that capital investment in data centers is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality data centers. Accordingly, the provisions of subsection C relating to capital investment in enterprise data centers are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

## CHAPTER 238

An Act to designate New River Bridge on Interstate 81 the "Trooper Andrew Fox Memorial Bridge."

[H 2183]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. The New River Bridge on Interstate 81 in the Counties of Montgomery and Pulaski is hereby designated the "Trooper Andrew Fox Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.

## CHAPTER 239

An Act to amend and reenact § 2.2-2699.3 of the Code of Virginia, relating to the Broadband Advisory Council; membership.

[H 2207]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-2699.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2699.3. (Expires July 1, 2018) **Broadband Advisory Council; purpose; membership; compensation; chairman.**

A. The Broadband Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth.

B. The Council shall have a total membership of ~~14~~ 14 members that shall consist of ~~four~~ six legislative members, ~~five~~ four nonlegislative citizen members, and ~~two~~ four ex officio members. Members shall be appointed as follows: ~~three~~ four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~one member~~ two members of the Senate; to be appointed by the Senate Committee on Rules; and ~~four nonlegislative citizen members to be appointed by the Governor, of whom one citizen shall be a representative from~~ of the Virginia Cable Telecommunications Association; ~~one citizen shall be a representative from~~ of the Virginia Telecommunications Industry Association and, ~~one citizen shall be a representative from~~ local government recommended by the Virginia Municipal League and Virginia Association of

Counties to be appointed by the Governor; two nonlegislative citizen members to be appointed by the Governor; and the, and one shall be a representative of the Virginia Wireless Internet Service Providers Association. The Secretaries of Agriculture and Forestry, Commerce and Trade, and Technology, or their designees, ~~who~~ and the executive director of the Center for Rural Virginia shall serve ex officio. Legislative and ex officio members shall serve terms coincident with their terms of office. Other members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. Funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council shall be provided by the Office of the Secretary of Technology.

D. The Council shall elect a chairman and a ~~vice chairman~~ vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The Council shall meet at such times as may be called by the chairman or a majority of the Council.

E. Staff to the Council shall be provided by the Office of Telework Promotion and Broadband Assistance. *The Division of Legislative Services shall provide additional staff support to legislative members serving on the Council.*

**2. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after July 1, 2015, shall be made in accordance with the provisions of this act.**

## CHAPTER 240

*An Act to amend and reenact § 46.2-1601.1 of the Code of Virginia, relating to salvage advertising and display of salvage license.*

[H 2342]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1601.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1601.1. Advertising and display of license; business hours.**

A. Any license issued under this chapter shall be conspicuously displayed at the licensed place of business.

The licensee shall display his usual business hours at the licensed place of business. The hours shall be posted and maintained conspicuously on or near the main entrance of each place of business. Each licensee shall include his usual business hours on the original and every renewal application for a license issued under this chapter. Changes to these hours shall be immediately filed with the Commissioner.

B. *The purchase, sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle or the major component parts of such vehicle shall not be advertised to the public unless the advertiser is a licensee or an individual authorized to dispose of a salvage vehicle under subdivision B 2 of § 46.2-1602. The licensee advertiser shall display in such advertisement its license number issued under this chapter.*

C. *Advertisements by a licensee, subject to the provisions of subsection B, in a newspaper, on a website, or by any other means of electronic communication for the purchase, sale, transport, delivery, removal, or receipt of any salvage or nonrepairable vehicle or the major component parts of such vehicle shall clearly state the correct company name, physical address, telephone number, and license number issued under this chapter.*

## CHAPTER 241

*An Act to examine approaches to ensure that chemical storage is conducted in a manner that protects human health and the environment.*

[S 811]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. The Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management shall evaluate existing statutory and regulatory tools for ensuring that chemical storage in the Commonwealth is conducted in a manner that is protective of human health, public safety, drinking water resources, and the environment of the Commonwealth. This evaluation may include (i) an examination of Virginia's existing programs to protect drinking water resources from contamination from chemical storage; (ii) identification of any existing gaps or**

*inadequacy in drinking water protections related to chemical storage; (iii) identification of any existing gaps or inadequacy in chemical storage standards; (iv) any recommendations on chemical storage in the Commonwealth to address protection of human health, public safety, drinking water resources, the environment, and the economy of the Commonwealth; and (v) other policies and procedures that the Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management determine may enhance the protection of Virginia's drinking water resources and the safe storage of chemicals in Virginia.*

*The Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management shall report the findings of the evaluation to the State Water Commission, the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources, and the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources no later than December 1, 2016.*

*For purposes of this section, "chemical storage" means those chemicals identified by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-To-Know Act (EPCRA) that provides for hazardous chemical storage reporting requirements in Section 312 of the SARA and are stored in excess of 10,000 gallons.*

**2. That the provisions of this act shall expire on January 1, 2017.**

## CHAPTER 242

*An Act to authorize the issuance of special license plates for supporters of Newport News Shipbuilding bearing the legend  
NEWPORT NEWS SHIPBUILDING*

[S 839]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *Special license plates for supporters of Newport News Shipbuilding bearing the legend Newport News Shipbuilding.*

*On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of Newport News Shipbuilding bearing the legend NEWPORT NEWS SHIPBUILDING.*

## CHAPTER 243

*An Act to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 18.1, consisting of a section numbered  
33.2-1830, relating to the Interstate 73 Transportation Compact.*

[S 847]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 18.1, consisting of a section numbered 33.2-1830, as follows:**

### CHAPTER 18.1.

#### INTERSTATE 73 TRANSPORTATION COMPACT.

##### § 33.2-1830. *Interstate 73 Transportation Compact; form of compact.*

*The Interstate 73 Transportation Compact (the Compact) is enacted into law and entered into with all other states legally joining therein in the form substantially as follows:*

*Article 1.*

*Short Title.*

*This act shall be known and may be cited as the Interstate 73 Transportation Compact.*

*Article 2.*

*Agreement.*

*The Commonwealth of Virginia may enter into an agreement with one or more signatory states and, upon adoption of this Compact, agree as follows:*

*1. To study, develop, and promote a plan for the design, construction, financing, and operation of the Interstate 73 corridor through the Commonwealth of Virginia and the states of South Carolina, North Carolina, West Virginia, Ohio, and Michigan;*

*2. To coordinate efforts to establish a common legal framework in all the signatory states to authorize and facilitate design, construction, financing, and operation of the Interstate 73 corridor or through public-private partnerships similar to those authorized and facilitated by Virginia's Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia);*

*3. To advocate for federal funding to support the establishment of the Interstate 73 corridor;*

*4. To make available to the Interstate 73 corridor project funding and resources that are or may be appropriated and allocated for that purpose; and*

5. To do all things necessary or convenient to facilitate and coordinate the design, construction, financing, and operation of the Interstate 73 corridor to the extent that such plans and programs are not inconsistent with federal law and the laws of the Commonwealth of Virginia or other signatory states.

Article 3.

*Compact Commission Established; Membership; Chairman; Meetings; and Report.*

Each signatory state to the Compact shall establish a compact commission. In Virginia, the Interstate 73 Transportation Compact Commission (the Commission) shall be established as a regional instrumentality and common agency of the Commonwealth of Virginia and the signatory states. The compact commissions of each signatory state shall be empowered to carry out the purposes of its respective Compact.

The Commission shall consist of seven members from each signatory state to be appointed as follows:

1. From the Commonwealth of Virginia, two members of the Senate of Virginia to be appointed by the Senate Committee on Rules, three members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, the chairman of the Commonwealth Transportation Board, and another member of the Commonwealth Transportation Board to be appointed by the Governor. Members of the Virginia delegation to the Commission shall serve terms coincident with their terms of office and may be reappointed; and

2. From each other signatory state, seven members to be appointed pursuant to the laws of the signatory state.

The chairman of the Commission shall be elected by the members of the Commission from among its membership. The chairman shall serve for a term of one year, and the chairmanship shall rotate among the signatory states.

The Commission shall meet not less than twice annually; however, the Commission shall not meet more than once annually in the same state. The Commission shall issue an annual report of its activities to the governor and legislature of each signatory state.

Article 4.

*Powers and Duties of the Commission.*

In order to carry out the purposes of the Compact, the Commission shall be authorized to or may authorize a private entity to fix and revise a schedule of toll rates and to collect such tolls to provide for the design, acquisition, construction, reconstruction, operation, and maintenance of any Interstate 73 transportation project undertaken by the signatory states in accordance with applicable state and federal laws and as approved by the Commission and the legislature of the signatory state in which such toll is to be collected.

Article 5.

*Funding and Compensation.*

The Commission may utilize for its operation and expenses funds appropriated to it for such purposes by the General Assembly of Virginia and the legislatures of the other signatory states, federal funds, and revenues collected for the use of any project approved by the Commission.

Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § 30-19.12 of the Code of Virginia and shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties to the Commission as provided in §§ 2.2-2813 and 2.2-2825 of the Code of Virginia. However, all such compensation and expenses shall be paid from existing appropriations, federal funds, or other revenues collected for the use of any project approved by the Commission. Members of the Commission representing other signatory states shall receive compensation and reimbursement of expenses incurred in the performance of their duties to the Commission in accordance with the applicable laws of the respective signatory states.

Article 6.

*Staff Support.*

The Virginia Department of Transportation and the appropriate transportation agencies of the other signatory states shall provide staff support to the Commission.

Article 7.

*Withdrawal.*

The Compact shall continue in force and remain binding on each state enacting it until the legislature or the governor of such state withdraws therefrom by giving written notice to the other parties. Such action shall be effective six months after notice thereof has been sent by the legislature or the governor of the state desiring to withdraw to the governor of all states then parties to the Compact.

The Compact may be amended by the concurrent action of the parties hereto.

**2. That the provisions of this act shall become effective only upon its enactment by the Commonwealth of Virginia and the other signatory states and upon the consent of Congress.**

## CHAPTER 244

An Act to amend and reenact § 58.1-3331 of the Code of Virginia, relating to assessment of real property; explanation of increased assessment.

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3331 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3331. Public disclosure of certain assessment records.**

A. All property appraisal cards or sheets within the custody of a county, city or town assessing officer, except those cards or sheets containing information made confidential by § 58.1-3, shall be open for inspection, after the notice of reassessment is mailed as provided in § 58.1-3330, the normal office hours of such official by any taxpayer, or his duly authorized representative, desiring to review such cards or sheets.

B. Any taxpayer, or his duly authorized representative, whose real property has been assessed for taxation shall, upon request, be allowed to examine the working papers used by any such assessing official in arriving at the appraised and assessed value of such person's land and any improvements thereon.

C. Upon request of any taxpayer or his duly authorized representative, the assessing officer of the governing body shall make available information regarding the methodology employed in the calculation of a property's assessed value to include the capitalization rate used to determine the property's value, a list of comparable properties or sales figures considered in the valuation, and any other market surveys, formulas, matrices, or other factors considered in determining the value of the property. *Upon request of a taxpayer, or his duly authorized representative, whose property has been assessed for taxation, the assessing officer shall provide a written explanation or justification for an increase in the property's assessed value.* Nothing in this section shall be construed to require disclosure of information that is prohibited from disclosure pursuant to §§ 58.1-3 and 58.1-3294.

D. The assessing officer of the governing body may fix and promulgate a limited period within normal office hours when such records shall be available for inspection and copying, but such period of time may not be less than four hours per day on Monday through Friday, except on such days when the office is otherwise closed.

E. Notwithstanding any special or general laws to the contrary, in any appeal of the assessment of residential property filed by a taxpayer as an owner of real property containing less than four residential units (i) to the board of equalization pursuant to § 58.1-3379, or (ii) to circuit court pursuant to § 58.1-3984, the assessing officer shall send the taxpayer a written notice provided for in this subsection. Such notice shall be on the first page of such notice and be in bold type no smaller than fourteen points and mailed to, or posted at, the last known address of the taxpayer as shown on the current real estate tax assessment books or current real estate tax assessment records. Notice under this subsection shall satisfy the notice requirements of this section. In an appeal before the board of equalization, such written notice may be contained in the written notice of the hearing date before the board. For all applicable assessments on or after January 1, 2012, such written notice shall: (a) be given at least 45 days prior to the hearing of the taxpayer's appeal; (b) include a statement informing the taxpayer of his rights under this section to review and obtain copies of all of the assessment records pertaining to the assessing officer's determination of fair market value of such real property; and (c) advise the taxpayer of his right to request that the assessor make a physical examination of the subject property.

F. If, within at least five days prior to any action by a court under § 58.1-3984 or by a board of equalization under § 58.1-3379, the assessing officer fails to disclose or make available for inspection any information required to be disclosed or made available for inspection and copying under this section, then the assessing official and the applicable local government shall not be allowed to introduce such information or use it in any other manner in any such appeal.

**CHAPTER 245**

*An Act to authorize the issuance of special license plates for recipients of the Legion of Merit Medal; fees.*

[S 979]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. § 1. Special license plates for recipients of the Legion of Merit Medal; fees.**

*On receipt of an application and written evidence that the applicant has been awarded a Legion of Merit Medal, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for recipients of the Legion of Merit Medal. For each set of license plates issued to recipients of a Legion of Merit Medal, the Commissioner shall charge a one-time fee of \$10 at the time the plates are issued in addition to the prescribed fee for state license plates. Such license plates shall not be subject to the provisions of subdivision B 1 or B 2 of § 46.2-725 of the Code of Virginia. The design of license plates issued to persons who have been awarded this decoration may vary to reflect the degree of such decoration. Surviving spouses of persons eligible to receive special license plates for recipients of the Legion of Merit Medal who have not remarried may also be issued such license plates.*

**CHAPTER 246**

*An Act to amend and reenact § 62.1-132.3:2 of the Code of Virginia, relating to Port of Virginia Economic and Infrastructure Development Grant Fund and Program.*

[S 1007]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-132.3:2 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-132.3:2. Port of Virginia Economic and Infrastructure Development Grant Fund and Program.**

A. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, and any funds transferred at the request of the Executive Director from the Port Opportunity Fund created pursuant to § 62.1-132.3:1, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Port of Virginia Economic and Infrastructure Development Grant Fund (the Fund), to be administered by the Virginia Port Authority. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director. Moneys in the Fund shall be used solely for the purpose of grants to qualified applicants to the Port of Virginia Economic and Infrastructure Development Grant Program.

B. As used in this section, unless the context requires a different meaning:

"New, permanent full-time position" means a job of an indefinite duration, created by a qualified company as a result of operations within the Commonwealth, requiring a minimum of 35 hours of an employee's time per week for the entire normal year of the company's operations, which normal year shall consist of at least 48 weeks, or a position of indefinite duration that requires a minimum of 35 hours of an employee's time per week for the portion of the taxable year in which the employee was initially hired for the qualified company's location within the Commonwealth. "New, permanent full-time position" includes security positions as required within a foreign trade zone, established pursuant to Foreign Trade Zones Act of 1934, as amended (19 U.S.C. §§ 81a through 81u). "New, permanent full-time position" does not include seasonal or temporary positions, jobs created when a position is shifted from an existing location in the Commonwealth to the qualified company's new or expanded location, or positions in building and grounds maintenance or other positions that are ancillary to the principal activities performed by the employees at the qualified company's location within the Commonwealth.

"Qualified company" means a corporation, limited liability company, partnership, joint venture, or other business entity that (i) locates or expands a facility within the Commonwealth; (ii) creates at least 25 new, permanent full-time positions for qualified full-time employees at a facility within the Commonwealth during its first year of operation or during the year when the expansion occurs; (iii) is involved in maritime commerce or exports or imports manufactured goods through the Port of Virginia; and (iv) is engaged in one or more of the following: the distribution, freight forwarding, freight handling, goods processing, manufacturing, warehousing, crossdocking, transloading, or wholesaling of goods exported and imported through the Port of Virginia; ship building and ship repair; dredging; marine construction; or offshore energy exploration or extraction.

"Qualified full-time employee" means an employee filling a new, permanent full-time position in the qualified company's location within the Commonwealth. A "qualified full-time employee" does not include an employee (i) for whom a tax credit was previously earned pursuant to § 58.1-439 or 58.1-439.12:06 by a related party as listed in § 267(b) of the Internal Revenue Code or by a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code; (ii) who was previously employed in the same job function at an existing location in the Commonwealth by a related party as listed in § 267(b) of the Internal Revenue Code; or (iii) whose job function was previously performed at a different location in the Commonwealth by an employee of a related party as listed in § 267(b) of the Internal Revenue Code or a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code.

C. Beginning January 1, 2014, but not later than June 30, 2020, and subject to appropriation, any qualified company that locates or expands a facility within the Commonwealth shall be eligible to apply for a one-time grant from the Fund, in an amount determined as follows:

1. One thousand dollars per new, permanent full-time position if the qualified company creates at least 25 new, permanent full-time positions for qualified full-time employees during its first year of operation or during the year in which the expansion occurs;

2. Fifteen hundred dollars per new, permanent full-time position if the qualified company creates at least 50 new, permanent full-time positions for qualified full-time employees during its first year of operation or during the year in which the expansion occurs;

3. Two thousand dollars per new, permanent full-time position if the qualified company creates at least 75 new, permanent full-time positions for qualified full-time employees during its first year of operation or during the year in which the expansion occurs; and

4. Three thousand dollars per new, permanent full-time position if the qualified company creates at least 100 new, permanent full-time positions for qualified full-time employees during its first year of operation or during the year in which the expansion occurs.

D. The maximum amount of grant allowable per qualified company in any given fiscal year is \$500,000. The maximum amount of grants allowable among all qualified companies in any given fiscal year is \$5 million.

E. To qualify for a grant pursuant to this section, a qualified company must apply for the grant not later than March 31 in the year immediately following the location or expansion of a facility within the Commonwealth pursuant to an application process developed by the Virginia Port Authority. Within 90 days after the filing deadline, the Executive

Director shall certify to the Comptroller and the qualified company the amount of grant to which the qualified company is entitled under this section. Payment of each grant shall be made by check issued by the State Treasurer on warrant of the Comptroller within 60 days of such certification and in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund or \$5 million, such grants shall be paid in the next fiscal year in which funds are available.

F. A qualified company that has received a grant in accordance with the requirements provided in this section shall be eligible for a second grant from the Fund if it (i) locates or expands an additional facility in a separate location, as determined by the Virginia Port Authority, within the Commonwealth; (ii) creates at least 300 new, permanent full-time positions at the additional facility over and above those agreed upon in the qualified company's original memorandum of understanding with the Virginia Port Authority; and (iii) increases cargo volumes through the Port of Virginia by at least five percent, not including any volume increase resulting from the original grant, from the additional facility. If the qualified company satisfies the requirements provided in this subsection and receives a grant consistent with the requirements of this section, then the qualified company shall enter into another separate memorandum of understanding with the Virginia Port Authority as provided in subsection G.

G. Prior to receipt of a grant, the qualified company shall enter into a memorandum of understanding with the Virginia Port Authority establishing the requirements for maintaining the number of new, permanent full-time positions for qualified employees at the qualified company's location within the Commonwealth. If the number of new, permanent full-time positions for any of the three years immediately following receipt of a grant falls below the number of new, permanent full-time positions created during the year for which the grant is claimed, the amount of the grant must be recalculated using the decreased number of new, permanent full-time positions and the qualified company shall repay the difference.

H. No qualified company shall apply for a grant nor shall one be awarded under this section to an otherwise qualified company if (i) a credit pursuant to § 58.1-439 or 58.1-439.12:06 is claimed for the same employees or for capital expenditures at the same facility by the qualified company, by a related party as listed in § 267(b) of the Internal Revenue Code, or by a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code or (ii) the qualified company was a party to a reorganization as defined in § 368(b) of the Internal Revenue Code, and any corporation involved in the reorganization as defined in § 368(a) of the Internal Revenue Code previously received a grant under this section for the same facility or operations.

I. The Virginia Port Authority, with the assistance of the Virginia Economic Development Partnership, shall develop guidelines establishing procedures and requirements for qualifying for the grant, including the affirmative determination that each applicant is a qualified company, as defined above, engaged in a port-related business. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). For the purposes of administering this grant program, the Virginia Port Authority and the Department of Taxation shall exchange information regarding whether a qualified company, a related party as listed in § 267(b) of the Internal Revenue Code, or a trade or business under common control as defined in regulations issued pursuant to § 52(b) of the Internal Revenue Code has claimed a credit pursuant to § 58.1-439 or 58.1-439.12:06 for the same employees or for capital expenditures at the same facility.

## CHAPTER 247

*An Act to amend and reenact §§ 58.1-3 and 58.1-3.2 of the Code of Virginia, relating to the disclosure of information.*

[S 1010]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-3 and 58.1-3.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3. Secrecy of information; penalties.**

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. *This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.*

3. *This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State

Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; ~~and~~ (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; *and (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the

administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

**§ 58.1-3.2. Attorney General's and Tax Commissioner's authority to request and share information.**

Notwithstanding the provisions of § 58.1-3, the Attorney General and the Tax Commissioner are authorized to disclose any information collected by him, or reported or provided to him, on (i) the sales or purchases of cigarettes or other tobacco products, ~~and~~ (ii) tax information relating to such sales or purchases, and (iii) tax information relating to sellers and purchasers of cigarettes or other tobacco products, to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies. Such tax information shall include any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income, business or tax returns of any person, firm, or corporation.

Further, the Attorney General and the Tax Commissioner are authorized to disclose information collected by him, or reported or provided to him, on the sales or purchases of cigarettes or other tobacco products to any tobacco product manufacturer required to establish a qualified escrow fund under § 3.2-4201. Such information provided to any tobacco product manufacturer shall be limited to brands or products of that manufacturer only.

## CHAPTER 248

*An Act to amend and reenact §§ 58.1-322 and 58.1-402 of the Code of Virginia, relating to income tax subtraction; sale of land for open-space use.*

[S 1012]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-322 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, *but before January 1, 2015*, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be

reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years

in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has

(a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

#### **§ 58.1-402. Virginia taxable income.**

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related

member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, *but before January 1, 2015*, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment,

under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 249

*An Act to amend and reenact § 58.1-439.12:05 of the Code of Virginia, relating to the green job creation tax credit; sunset.*

[S 1037]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439.12:05 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.12:05. Green job creation tax credit.**

A. For taxable years beginning on or after January 1, 2010, but before January 1, ~~2015~~ 2018, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for each new green job created within the Commonwealth by the taxpayer. The amount of the annual credit for each new green job shall be \$500 for each annual salary that is \$50,000 or more. The credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Each taxpayer qualifying under this section shall be allowed the credit for up to 350 green jobs.

B. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include hydrogen and fuel cell technology, landfill gas, geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

C. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled in the Commonwealth during the respective taxable year.

D. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. If the taxpayer is eligible for the tax credits under this section and creates green jobs in an enterprise zone, as defined in § 59.1-539, such taxpayer may also qualify for the benefits under the Enterprise Zone Grant Program (§ 59.1-538 et seq.).

G. A taxpayer shall not be allowed a tax credit pursuant to this section for any green job for which the taxpayer is allowed (i) a major business facility job tax credit pursuant to § 58.1-439 or (ii) a federal tax credit for investments in manufacturing facilities for clean energy technologies that would foster investment and job creation in clean energy manufacturing.

## CHAPTER 250

*An Act to amend and reenact § 58.1-3710 of the Code of Virginia, relating to license tax; businesses ceasing operations.*

[S 1040]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 58.1-3710 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 58.1-3710. Proration of license taxes.**

A. Notwithstanding any other provision of law, general or special, and regardless of the basis or method of measurement or computation, no county, city or town shall impose a license tax based on gross receipts on a business, trade, profession, occupation or calling, or upon a person, firm or corporation for any fraction of a year during which such person, firm or corporation has permanently ceased to engage in such business, trade, profession, occupation or calling within the county, city or town. In the event a person, firm or corporation ceases to engage in a business, trade, profession or calling within a county, city or town during a year for which a license tax based on gross receipts has already been paid, the taxpayer shall be entitled upon application to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the county, city or town. The county, city or town may elect to remit any refunds in the ensuing fiscal year, and may offset against such refund any amount of past-due taxes owed by the same taxpayer. In no event shall a county, city or town be required to refund any part of a flat fee or minimum flat tax.

B. *Notwithstanding subsection A and any other provision of law, general or special, in the event that a person, firm, or corporation ceases to engage in a business, trade, profession, or calling in one year for which a license is based on gross receipts, but the person, firm, or corporation indicates to the county, city, or town that it intends to settle outstanding, existing business accounts in the year following the year in which it ceased to do business, such person, firm, or corporation shall be authorized to pay a license tax based on an estimate of gross receipts for such year, instead of a license tax based on the previous year's gross receipts. Such tax shall be subject to adjustment to the correct tax at such time as all accounts are closed. If the estimate submitted pursuant to this subsection is found to be unreasonable under the circumstances, a penalty of 10 percent of the additional license tax assessed shall be assessed. If a person, firm, or corporation that is subject to an estimated license tax under this subsection is found to continue to operate the business, for which it gave notice of the cessation of operations, during the year for which it is subject to the estimated license tax, the person, firm, or corporation shall be required to pay the full amount of the license tax due based on the previous year's gross receipts plus a penalty of 10 percent of this amount, provided that the 10 percent penalty for an unreasonable estimate of gross receipts shall not be assessed.*

## CHAPTER 251

*An Act to amend and reenact § 10.1-602 of the Code of Virginia, relating to flood protection plan.*

[S 1079]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-602 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-602. Powers and duties of Department.**

The Department shall:

1. Develop a flood protection plan for the Commonwealth. This plan shall include:
  - a. An inventory of flood-prone areas;
  - b. An inventory of flood protection studies;
  - c. A record of flood damages;
  - d. Strategies to prevent or mitigate flood damage; and
  - e. The collection and distribution of information relating to flooding and flood plain management.

*The flood protection plan shall be reviewed and updated by the Department on a regular basis, but at least once every five years, and for each of the items listed in provisions a through e, the plan shall state when that provision was last updated and when the next update is planned. The plan shall be maintained in an online format so as to be easily accessed by other government entities and by the public. The online plan shall contain links to the most current information available from other federal, state, and local sources. All agencies of the Commonwealth shall provide assistance to the Department upon request.*

2. Serve as the coordinator of all flood protection programs and activities in the Commonwealth, including the coordination of federal flood protection programs administered by the United States Army Corps of Engineers, the United States Department of Agriculture, the Federal Emergency Management Agency, the United States Geological Survey, the Tennessee Valley Authority, other federal agencies and local governments.

3. Make available flood and flood damage reduction data to localities for planning purposes, in order to assure necessary local participation in the planning process and in the selection of desirable alternatives which will fulfill the intent of this article. This shall include the development of a data base to include (i) all flood protection projects implemented by federal agencies and (ii) the estimated value of property damaged by major floods.

4. Assist localities in their management of flood plain activities in cooperation with the Department of Housing and Community Development.

5. Carry out the provisions of this article in a manner which will ensure that the management of flood plains will preserve the capacity of the flood plain to carry and discharge a hundred year flood.

6. Make, in cooperation with localities, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances, rules and regulations.

7. Coordinate with the United States Federal Emergency Management Agency to ensure current knowledge of the identification of flood-prone communities and of the status of applications made by localities to participate in the National Flood Insurance Program.

8. Establish guidelines which will meet minimum requirements of the National Flood Insurance Program in furtherance of the policy of the Commonwealth to assure that all citizens living in flood-prone areas may have the opportunity to indemnify themselves from flood losses through the purchase of flood insurance under the regular flood insurance program of the National Flood Insurance Act of 1968 as amended.

9. Subject to the provisions of the Appropriations Act, provide financial and technical assistance to localities in an amount not to exceed fifty percent of the nonfederal costs of flood protection projects.

**2. That the Department, in carrying out its responsibilities under this act, shall work in cooperation with the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding [HJ 16 (2014); SJ 3 (2014)]. The Department and the Joint Subcommittee shall receive input from interested parties in preparation of the Department's plan update.**

## CHAPTER 252

*An Act to amend and reenact § 58.1-602, as it is currently effective and as it may become effective, of the Code of Virginia, relating to sales and use tax; gross proceeds.*

[S 1119]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-602, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-602. (Contingent expiration date) Definitions.**

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. *"Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.*

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. "Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinishing repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

#### **§ 58.1-602. (Contingent effective date) Definitions.**

A. As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. *"Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.*

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property,

primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. "Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is

obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

B. Notwithstanding the definitions in subsection A, to the extent that conformity to any remote collection authority legislation enacted by the Congress of the United States shall so require, the words and terms used in this chapter related to the minimum simplification requirements shall have the same meaning as provided in such federal legislation.

## CHAPTER 253

*An Act to amend and reenact § 62.1-132.12 of the Code of Virginia, relating to police powers of the Virginia Port Authority.*  
[S 1358]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-132.12 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-132.12. Employment, jurisdiction, and power of special police officers.**

A. The Authority may appoint and employ special police officers to enforce the laws of the Commonwealth and rules and regulations adopted pursuant to § 62.1-132.11 on *property owned, leased, or operated by the Authority* ~~property or any of its subsidiaries~~. By agreement with the locality within which the property is located, the concurrent jurisdiction and authority of such special police, upon order entered of record by the circuit court for the locality, may be extended to a specific place or places in a locality outside the geographic boundaries of Authority property. Such special police officers shall have the powers vested in police officers under §§ 15.2-1704 and 52-8. Such special police officers may issue summons to appear, or arrest on view or on information without warrant as permitted by law, and conduct before the court of the city or county of competent jurisdiction any person violating, upon property under the control of the Authority, any rule or regulation of the Authority, any law of the Commonwealth, or any ordinance or regulation of any political subdivision of the Commonwealth.

B. The court or courts having jurisdiction for the trial of criminal offenses of the city or county wherein the offense was committed shall have jurisdiction to try persons charged with violating any such laws, ordinances, rules, or regulations. Fines and costs assessed or collected for violation of any such law, ordinance, rule, or regulation shall be paid into the Literary Fund.

## CHAPTER 254

*An Act to amend and reenact § 46.2-1601.1 of the Code of Virginia, relating to salvage advertising and display of salvage license.*

[S 1430]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1601.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1601.1. Advertising and display of license; business hours.**

A. Any license issued under this chapter shall be conspicuously displayed at the licensed place of business.

The licensee shall display his usual business hours at the licensed place of business. The hours shall be posted and maintained conspicuously on or near the main entrance of each place of business. Each licensee shall include his usual business hours on the original and every renewal application for a license issued under this chapter. Changes to these hours shall be immediately filed with the Commissioner.

B. *The purchase, sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle or the major component parts of such vehicle shall not be advertised to the public unless the advertiser is a licensee or an individual authorized to dispose of a salvage vehicle under subdivision B 2 of § 46.2-1602. The licensee advertiser shall display in such advertisement its license number issued under this chapter.*

C. *Advertisements by a licensee, subject to the provisions of subsection B, in a newspaper, on a website, or by any other means of electronic communication for the purchase, sale, transport, delivery, removal, or receipt of any salvage or nonrepairable vehicle or the major component parts of such vehicle shall clearly state the correct company name, physical address, telephone number, and license number issued under this chapter.*

## CHAPTER 255

*An Act relating to the expiration and renewal of waterfowl blind licenses in Virginia Beach.*

[S 1461]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. Notwithstanding the provisions of § 29.1-347, until such time as new waterfowl blinds are permitted to be licensed in Virginia Beach, licenses for such blinds in Virginia Beach that have expired during calendar year 2014 and thereafter may be renewed by the last licensee during the licensing period for the year following the expiration of the license. There shall be a late fee of \$75 per license renewed. The Department shall notify the licensee by mail or email at the licensee's last known address of the expiration of the license and the opportunity to renew late, and the licensee may request to keep the**

*blind in public waters until such renewal. If the license is not renewed during the licensing period for the year following the expiration of the license, the license shall not be renewed thereafter and the blind shall be removed from public waters.*

*Blinds in Virginia Beach shall not be required to be removed upon initial expiration if the licensee notifies the Department that he intends to renew the license.*

## CHAPTER 256

*An Act to amend and reenact §§ 33.2-100, 33.2-321, 33.2-501, 33.2-601, 33.2-612, 33.2-613, 33.2-1024, 33.2-1025, 33.2-1027, 33.2-1230, 33.2-1509, 33.2-1726, 33.2-1915, 33.2-1929, 33.2-2103, 33.2-2205, 33.2-2216, 33.2-2300, 33.2-2915, 33.2-2916, 56-366.1, and 56-468.2 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-117 and by adding in Title 33.2 a chapter numbered 33, consisting of sections numbered 33.2-3300 through 33.2-3308; and to repeal Chapter 68 (§§ 15.2-6800 through 15.2-6809) of Title 15.2, Chapter 13 (§ 33.2-1300) of Title 33.2, and §§ 33.2-2217 and 56-355.1 of the Code of Virginia, relating to transportation.*

[H 1398]

Approved March 17, 2015

### Be it enacted by the General Assembly of Virginia:

**1. That §§ 33.2-100, 33.2-321, 33.2-501, 33.2-601, 33.2-612, 33.2-613, 33.2-1024, 33.2-1025, 33.2-1027, 33.2-1230, 33.2-1509, 33.2-1726, 33.2-1915, 33.2-1929, 33.2-2103, 33.2-2205, 33.2-2216, 33.2-2300, 33.2-2915, 33.2-2916, 56-366.1, and 56-468.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-117 and by adding in Title 33.2 a chapter numbered 33, consisting of sections numbered 33.2-3300 through 33.2-3308, as follows:**

#### § 33.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Asset management" means a systematic process of operating and maintaining the systems of state highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes.

"Board" means the Commonwealth Transportation Board.

"City" has the meaning assigned to it in § 1-208.

"Commissioner" or "Commissioner of Highways" means the individual who serves as the chief executive officer of the Department of Transportation.

"Department" means the Department of Transportation.

"Federal-aid systems" are the Interstate System and the National Highway System as set forth in 23 U.S.C. § 103.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth.

"Highway purpose," "highway project," or "highway construction" means highway, passenger and freight rail, or public transportation purposes.

"Interstate highway" means any highway in or component of the Interstate System.

"Interstate System" means the same as that term is defined in 23 U.S.C. § 103(c). The "Interstate System" also includes highways or highway segments in the Commonwealth that constitute a part of the Dwight D. Eisenhower National System of Interstate and Defense Highways as authorized and designated in accordance with § 7 of the Federal-Aid Highway Act of 1944 and § 108(a) of the Federal-Aid Highway Act of 1956 and are declared by resolution of the Commonwealth Transportation Board to be portions of the Interstate System.

"Locality" has the meaning assigned to it in § 1-221.

"Maintenance" means (i) ordinary maintenance; (ii) maintenance replacement; (iii) operations that include traffic signal synchronization, incident management, and other intelligent transportation system functions; and (iv) any other categories of maintenance that may be designated by the Commissioner of Highways.

"Municipality" has the meaning assigned to it in § 1-224.

"National Highway System" means the same as that term is defined in 23 U.S.C. § 103(b).

"Primary highway" means any highway in or component of the primary state highway system.

"Primary state highway system" consists of all highways and bridges under the jurisdiction and control of the Commonwealth Transportation Board and the Commissioner of Highways and not in the secondary state highway system.

"Public transportation" or "mass transit" means passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and continuing basis. "Public transportation" or "mass transit" does not include school buses, charter or sight-seeing services, vehicular ferry service that serves as a link in the highway network, or human service agency or other client-restricted transportation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved areas.

"Secondary highway" means any highway in or component of the secondary state highway system.

"Secondary state highway system" consists of all public highways, causeways, bridges, landings, and wharves in the counties of the Commonwealth not included in the primary state highway system and that have been accepted by the Department of Transportation for supervision and maintenance.

"Secretary" means the Secretary of Transportation.

"Systems of state highways" has the meaning assigned to it in § 1-251.

"Urban highway system" consists of those public highways, or portions thereof, not included in the systems of state highways, to which the Commonwealth Transportation Board directs payments pursuant to § 33.2-319.

**§ 33.2-117. Statutes declaring streams and rivers to be highways continued.**

*All statutes heretofore enacted declaring certain streams and rivers to be highways and providing for removing obstructions therefrom and from other streams shall continue in force.*

**§ 33.2-321. Agreements between Commonwealth Transportation Board and certain counties for operation of certain devices on state highways.**

The Commissioner of Highways is empowered to enter into agreements with the governing bodies of ~~Arlington and Henrico Counties~~ *counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 11 of Chapter 415 of the Acts of Assembly of 1932*, upon such terms as may be agreeable between the parties, in order to authorize such counties to install, maintain, and control traffic signals, parking meters, lane-use control signals, and other traffic control devices at specific locations on the primary or secondary state highway system within such counties. Such counties and the Commissioner of Highways shall have the authority to do all things reasonable or convenient to effectuate the purposes of this section.

**§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. ~~Notwithstanding the foregoing provisions of this section~~ *However*, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles, ambulances, and rescue squad vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

- a. Is changing the HOV-2 designation to HOV-3 in the public interest?

- b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

- c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

#### **§ 33.2-601. Ferry across Corrotoman River.**

The public free ferry across the Corrotoman River, in the County of Lancaster, authorized by ~~the act of March 12, 1847~~ *Chapter 156 of the Acts of Assembly of 1847*, shall be kept according to such act, except as otherwise provided in this section. The Circuit Court of Lancaster may have the contract for keeping the same let to the lowest bidder for a period of five years, and the bonds thereby directed shall be to the County of Lancaster. Furthermore, the ferry shall cross from Merry Point to the upper side of the wharf and canning factory at Ottoman wharf. However, the circuit court of the county shall have the right, upon the application of the board of supervisors, to discontinue the ferry if it appears that public necessity therefor no longer exists. No such application shall be made unless and until notice is given by (i) publication once a week for two successive weeks in a newspaper published in the county or having general circulation therein and (ii) posting copies of the notice at the front door of the courthouse of the county and at both landings of the ferry. Such notice shall be posted and the first newspaper publication made at least 30 days before the day on which the application will be made to the court.

#### **§ 33.2-612. Unlawful for Department of Transportation to permit free passage over certain toll bridges and ferries; exceptions.**

Except for those persons exempted from tolls under § 33.2-613, it shall be unlawful for the Department or any employee thereof to give or permit free passage over any toll bridge, tunnel, or ferry that has been secured through the issuance of revenue bonds and which bonds are payable from the revenues of such project. Every vehicle shall pay the same toll as others similarly situated. Except as provided in § 33.2-613, the provisions ~~hereof~~ *of this section* shall apply to vehicles and employees of the state government, local governments, or other political subdivisions and to vehicles and persons of all other categories and descriptions, public, private, eleemosynary, or otherwise.

#### **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. ~~Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).~~ Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

*H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).*

**§ 33.2-1024. Reformation, alteration, revision, amendment, or invalidation of certificate.**

Upon the recordation of such certificate, no reformation, alteration, revision, amendment, or invalidation shall be made for any purpose without the prior consent of the court wherein such certificate is recorded. The court shall have jurisdiction to reform, alter, revise, amend, or invalidate in whole or in part any certificate; to correct mistakes in the description of the property affected by such certificate; to correct the name of the owner in the certificate; to correct any other error that may exist with respect to such certificate; or for any other purpose. A petition filed by the Commissioner of Highways with the court setting forth any error made in such certificate, or the necessity of any change therein, shall be deemed sufficient basis for the reformation, alteration, revision, amendment, or invalidation in whole or in part of such certificate. The court may enter an order permitting the reformation, alteration, revision, amendment, or invalidation in whole or in part, and such order, together with any revised certificate that may be necessary, shall be ~~spread~~ recorded in the current deed book. The filing of any certificate pursuant to the provisions of this section shall not alter the date of taking as established by the filing of the original certificate pursuant to § 33.2-1021 as to any land that is included in the amended certificate, and no such amended certificate shall include any land not in the original certificate. Nothing ~~herein contained~~ in this section shall be construed to prohibit or preclude any person damaged thereby from showing in the proper proceeding the damage suffered by reason of such mistake or the invalidation of a certificate of deposit as ~~herein provided in this section~~.

**§ 33.2-1025. When condemnation proceedings instituted; payment of compensation or damages; order confirming award; recording.**

Within 180 days after the recordation of such certificate, if the Commissioner of Highways and the owner of such lands or interest therein taken or damaged by the Commissioner of Highways are unable to agree as to the compensation or damages, if any, caused thereby, or such consent cannot be obtained due to the incapacity of the owner, or because such owner is unknown or cannot with reasonable diligence be found within the Commonwealth, the Commissioner of Highways shall institute condemnation proceedings, as provided in this article, unless said proceedings shall have been instituted prior to the recordation of such certificate. The amount of such compensation and damages, if any, awarded to the owner in such proceedings shall be paid out of the appropriations to the Department. The final order confirming the award of the Commissioner of Highways shall confirm absolute and indefeasible title to the land, or interest therein sought, in the Commonwealth and shall be ~~spread~~ recorded in the current deed book.

**§ 33.2-1027. Agreements as to compensation; petition and order of court thereon; disposition of deposit.**

At any time after the recordation of such certificate, but prior to the institution of condemnation proceedings, if the Commissioner of Highways and the owner of the land or interest therein taken or damaged are able to agree as to compensation for the land taken and damages, if any, caused by such taking, the Commissioner of Highways shall file with the court a petition so stating, with a copy of the agreement attached. If condemnation proceedings are already pending at the time of reaching such agreement, no such petition shall be required, but the motion for dismissal of such proceedings shall contain an averment that such agreement has been reached. Upon the filing of such petition or motion to dismiss, the court shall thereupon enter an order confirming absolute and indefeasible title to the land or interest therein in the Commonwealth. Such order shall be ~~spread~~ recorded in the current deed book. Upon entry of such order, the Commissioner of Highways and State Treasurer shall be relieved of further obligation by virtue of having filed such certificate of deposit with the court.

If it shall appear from such petition and agreement, or motion to dismiss a pending suit, that no person other than those executing such agreement are entitled to the fund on deposit, the court shall direct that such fund, after payment therefrom of any taxes that may be charged against such land taken, be disbursed and distributed in accordance with the statement or charge in the petition or motion among the parties or persons entitled thereto. If it shall appear that a controversy exists as to the persons entitled to such fund, such distribution shall be made in accordance with the provisions of § 33.2-1023.

**§ 33.2-1230. Adjustment or relocation of certain billboard signs.**

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in § 33.2-1200 by purchase or by use of the power of eminent domain by any condemnor and upon such land is situated a lawfully erected billboard sign as defined in § 33.2-1200 or whenever a lawfully erected billboard sign as defined in § 33.2-1200 is situated adjacent to such a highway and is affected by the construction of a sound wall, such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title, the size, lighting, and spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the federal-state agreement, if applicable, and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking or before construction of the sound wall, provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto. The billboard sign may remain in its original location, provided the owner of the billboard sign pays monthly rent to the Commissioner of Highways or other condemnor equivalent to the monthly rent received by the property owner for the billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence.

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. The provisions of § 33.2-1219 shall apply to any relocation.

**§ 33.2-1509. Funds for access roads to economic development sites and airports; construction, maintenance, etc., of such roads.**

A. Notwithstanding any other provision of law, there shall be appropriated to the Board funds derived from taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes, or any other state revenue allocated for highway purposes, which shall be used by the Board for the purposes hereinafter specified in this section, after deducting the costs of administration before any of such funds are distributed and allocated for any road or street purposes.

Such funds shall be expended by the Board for constructing, reconstructing, maintaining, or improving access roads within localities to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Small Business and Supplier Diversity will be built under firm contract or are already constructed and to licensed, public-use airports; in the event there is no such establishment or airport already constructed or for which the construction is under firm contract, a locality may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited. The time limits of the bond shall be based on regular review and consideration by the Board. Towns that receive highway maintenance payments under § 33.2-319 shall be considered separately from the counties in which they are located when receiving allocations of funds for access roads.

B. In deciding whether or not to construct or improve any such access road, and in determining the nature of the road to be constructed, the Board shall base its considerations on the cost thereof in relation to the volume and nature of the traffic to be generated as a result of developing the airport or the economic development site. Within any economic development site or airport, the total volume of traffic to be generated shall be taken into consideration in regard to the overall cost thereof. No such access road shall be constructed or improved on a privately owned economic development site.

C. Any access road constructed or improved under this section shall constitute a part of the secondary state highway system or the road system of the locality in which it is located and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such system.

**§ 33.2-1726. Incidental powers of the Board.**

The Board may make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this chapter and may employ engineering, architectural, and construction experts and inspectors, brokers, and such other employees as may be deemed necessary, who shall be paid such compensation as may be provided in accordance with law. All such compensation and all expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and no liability or obligation shall be incurred pursuant to this chapter beyond the extent to which money has been provided under the authority of this chapter. The Board may exercise any powers that are necessary or convenient for the execution of its powers under this chapter.

The Board shall maintain and keep in good condition and repair, or cause to be maintained and kept in good condition and repair, the projects authorized under this chapter, when acquired or constructed and opened to traffic, including any project or part thereof that may include portions of existing streets or roads within a county, municipality, or other political subdivision.

The Board is authorized and empowered to establish regulations for the use of any one or more of the projects defined in § 33.2-1700, as amended, including reasonable regulations relating to (i) maximum and minimum speed limits applicable to motor vehicles using such project, any other provision of law to the contrary notwithstanding; (ii) the types, kinds, and

sizes of vehicles that may use such projects; (iii) the nature, size, type of materials, or substances that shall not be transported over such project; and (iv) such other matters as may be necessary or expedient in the interest of public safety with respect to the use of such project, provided that as to the project authorized under the terms of subdivision 5 of the definition of "project" in § 33.2-1700, the provisions of clauses (i), (ii), (iii), and (iv) shall not apply to existing streets within a municipality and embraced by such project, except as may be otherwise agreed upon by the Board and the municipality.

The projects acquired or constructed under this chapter may be policed in whole or in part by State Police officers even though all or some portions of any such projects lie within the corporate limits of a municipality or other political subdivision. Such officers shall be under the exclusive control and direction of the Superintendent of State Police and shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws and regulations of the Commonwealth within the limits of any such projects. All other police officers of the Commonwealth and of each locality or other political subdivision through which any project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the projects at any time for the purpose of exercising such powers and jurisdiction.

The Board is authorized and empowered to employ and appoint "project guards" for the purpose of protecting the projects and to enforce the regulations of the Board, except those paralleling state law, established for the use of such projects. Such guards may issue summons to appear or arrest on view without warrant and conduct before the nearest officer authorized by law to admit to bail any persons violating, within or upon the projects, any such rule or regulation. The provisions of §§ 46.2-936 and 46.2-940 shall apply mutatis mutandis to the issuance of summons or arrests without warrants pursuant to this section.

The violation of any regulation adopted by the Board pursuant to the authority hereby granted shall be punishable as follows: If such violation would have been a violation of law if committed on any public street or highway in the county, city, or town in which such violation occurred, it shall be punishable in the same manner as if it had been committed on such public road, street, or highway; otherwise it shall be punishable as a *Class 1* misdemeanor.

The powers and duties of the Board enumerated in this chapter shall not be construed as a limitation of the general powers or duties of the Board. The Board, in addition to the powers and duties enumerated in this chapter, shall do and perform any and all things and acts necessary in the construction or acquisition, maintenance, and operation of any project to be constructed or acquired under the provisions of this chapter, to the end that such project may become and be operated free of tolls as early as possible and practicable, subject only to the express limitations of this chapter and the limitations of other laws and constitutional provisions applicable thereto.

#### **§ 33.2-1915. Powers and functions generally.**

A. Notwithstanding any other contrary provision of law, a commission shall, except as provided in subsection B, have the following powers and functions:

1. The commission shall prepare the transportation plan for the transportation district and shall revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§ 33.2-1928 et seq.).
2. The commission may, when a transportation plan is adopted according to Article 7 (§ 33.2-1928 et seq.), construct or acquire, by purchase or lease, the transportation facilities specified in such transportation plan.
3. The commission may enter into agreements or leases with private companies for the operation of its facilities or may operate such facilities itself.
4. The commission may enter into contracts or agreements with the counties and cities within the transportation district, with counties and cities that adjoin the transportation district and are within the same planning district, or with other commissions of adjoining transportation districts to provide, or cause to be provided, transit facilities and service to such counties and cities or to provide transit facilities and other modes of transportation between adjoining transportation districts. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be utilized by the transportation district to finance the construction and operation of transportation facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the transportation district.

However, except in any transportation district containing any or all of the Counties of Chesterfield, Hanover, and Henrico or the City of Richmond, being so delegated by the respective local governments, the commission shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate. In any transportation district containing any or all of the Counties of Chesterfield, Hanover, and Henrico or the City of Richmond, the commission may, upon proper authority granted by the respective component governments, regulate services provided by taxicabs, either within localities or across county or city boundaries.

#### **B. The Northern Virginia Transportation Commission:**

1. Shall not prepare a transportation plan or construct or operate transit facilities, but shall collaborate and cooperate in the manner specified in Article 7 (§ 33.2-1928 et seq.) with an agency in preparing, revising, and amending a transportation plan for such metropolitan area.
2. Shall, according to Article 7 (§ 33.2-1928 et seq.) and in cooperation with the governing bodies of the component governments embraced by the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation, and financing of transportation facilities.

3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts or agreements with an agency to contribute to the capital required for the construction or acquisition of transportation facilities and for meeting expenses and obligations in the operations of such facilities.

4. May, when a transportation plan applicable to such transportation district is adopted, enter into contracts or agreements with the counties and cities within the transportation district to provide or cause to be provided transportation facilities and service to such counties and cities.

5. Notwithstanding any other provision in this section to the contrary:

a. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise and provide transportation facilities thereon for use in connection with any transportation service;

b. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise in advance of need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

c. May, in accordance with the terms of any grant from or loan by the United States of America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation service, acquire transit facilities or any carrier that is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission by acquisition of the capital stock or transit facilities and other assets of any such carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall be for a term of no more than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating subsidies, or otherwise. No such service shall be rendered that will adversely affect transit service rendered by the transit facilities owned or controlled by the agency or any existing private transit or transportation company. When notified by the agency that it is authorized to perform or cause to be performed transportation services with motor vehicle facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or commissions and may further contract with transportation companies, cities, counties, commissions, authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal government or governments contiguous to the Commonwealth to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

C. The provisions of subdivisions B 1 through 4 and subdivisions B 5 b and c shall not apply (i) to any transportation district that may be established on or after July 1, 1986, and that includes any one or more localities that are located within a metropolitan area, but that were not, on January 1, 1986, members of any other transportation district or (ii) to any locality that, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986. The provisions of this subsection shall apply only to any transportation district or locality that is contiguous to the Northern Virginia Transportation District. Any such district or locality shall be subject to the provisions of subsection A and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner set forth in this section. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year.

E. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the U.S. Census Bureau; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performing of transportation service. In addition, the Northern Virginia Transportation Commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

F. When a transportation plan has been adopted under subdivision A 4 of § 33.2-1929, the commission shall determine the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in the transportation plan and any expenses and obligations from the operation thereof to be borne by each county and city. In making such determinations, the commission shall consider the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the proposed transportation service, and all other factors that the commission determines to be relevant. Such

determination, however, shall not create a commitment by the counties and cities, and such commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and B 4.

**§ 33.2-1929. Procedures.**

~~A~~. To ensure that the planning process specified in § 33.2-1928 is effectively and efficiently utilized, the commission shall conform to the following procedures and may prescribe such additional procedures as it deems advisable:

1. Commission meetings shall be held at least monthly and more often in the discretion of the commission, as the proper performance of its duties requires.

2. At such meetings the commission shall receive and consider reports from:

a. Its members who are also members of an agency, as to the status and progress of the work of such agency, and if the commission deems that such reports are of concern to them, shall fully inform its component governments, committees, and the Commonwealth Transportation Board with respect thereto, as a means of developing the informed views requisite for sound policy-making; and

b. Its members, technical and other committees, members of the governing bodies of the component governments, and consultants, presenting and analyzing studies and data on matters affecting the making of policies and decisions on a transportation plan and the implementation thereof.

3. The objective of the procedures specified in this section is to develop agreement, based on the best available information, among the district commission, the governing bodies of the component governments, the Commonwealth Transportation Board, and an interstate agency with respect to the various factors that affect the making of policies and decisions relating to a transportation plan and the implementation thereof. If any material disagreements occur in the planning process with respect to objectives and goals, the evaluation of basic data, or the selection of criteria and standards to be applied in the planning process, the commission shall exert its best efforts to bring about agreement and understanding on such matters. The commission may hold hearings in an effort to resolve any such basic controversies.

4. Before a transportation plan is adopted, altered, revised, or amended by the commission or by an agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision, or amendment to the governing bodies of the component governments, to the Commonwealth Transportation Board, and to its technical committees and shall release to the public information with respect thereto. A copy of the proposed transportation plan, amendment, or revision shall be kept at the commission office and shall be available for public inspection. Upon 30 days' notice, published once a week for two successive weeks in one or more newspapers of general circulation within the transportation district, a public hearing shall be held on the proposed plan, alteration, revision, or amendment. The 30 days' notice period shall begin to run on the first day the notice appears in any such newspaper. The commission shall consider the evidence submitted and statements and comments made at such hearings and, if objections in writing to the whole or any part of the plan are made by the governing body of any component government, or by the Commonwealth Transportation Board, or if the commission considers any written objection made by any other person, group, or organization to be sufficiently significant, the commission shall reconsider the plan, alteration, revision, or amendment. If, upon reconsideration, the commission agrees with the objection, then the commission shall make appropriate changes to the proposed plan, alteration, revision, or amendment and may adopt them without further hearing. If, upon reconsideration, the commission disagrees with the objection, the commission may adopt the plan, alteration, revision, or amendment. No facilities shall be located in and no service rendered, however, within any county or city that does not execute an appropriate agreement with the commission or with an interstate agency as provided in § 33.2-1922; but in such case, the commission shall determine whether the absence of such an agreement so materially and adversely affects the feasibility of the transportation plan as to require its modification or abandonment.

**§ 33.2-2103. Powers and duties of commission.**

The commission may:

1. Expend district revenues to construct, reconstruct, alter, improve, or expand; *transportation improvements and* make loans or otherwise provide for the cost of transportation improvements and for financial assistance to operate transportation improvements in the district for the use and benefit of the public.

2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise any transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of any transportation improvements in such manner and upon such terms as the commission may determine to be in the best interests of the district. However, prior to disposing of any such property or interest therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing, the residents and owners of property within the district shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from time to time.

3. Negotiate and contract with any person with regard to any matter necessary and proper to provide any transportation improvements, including the financing, acquisition, construction, reconstruction, alteration, improvement, expansion, operation, or maintenance of any transportation improvements in the district. For the purposes of this chapter, transportation improvements are within the district if they are located within the boundaries of the transportation improvement district or are reasonably deemed necessary for the construction or operation of transportation improvements within the boundaries of the transportation improvement district.

4. Enter into a continuing service contract for a purpose authorized by this chapter and make payments of the proceeds received from the special taxes levied pursuant to this chapter, together with any other revenues, for installments due under

that service contract. The district may apply such payments annually during the term of that service contract in an amount sufficient to make the installment payments due under that contract, subject to the limitation imposed by this chapter. However, payments for any such service contract shall be conditioned upon the receipt of services pursuant to the contract. Such a contract shall not obligate a county or participating town to make payments for services of the district.

5. Accept the allocations, contributions, or funds of any available source or reimburse from any available source, including any person, for the whole or any part of the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, and expansion or the operation of any transportation improvements in the district.

6. Contract for the extension and use of any public mass transit system or highway into territory outside the district on such terms and conditions as the commission determines.

7. Employ and fix the compensation of personnel who may be deemed necessary for the construction, operation, or maintenance of any transportation improvements in the district.

8. Have prepared an annual audit of the district's financial obligations and revenues, and upon review of such audit, request a tax rate adequate to provide tax revenues that, together with all other revenues, are required by the district to fulfill its annual obligations.

**§ 33.2-2205. Regulations of the Commission; enforcement.**

The Commission shall have power:

1. To adopt and enforce reasonable regulations that, after publication one time in full in a newspaper of general circulation published in or having general circulation in the City of Virginia Beach and a newspaper of general circulation published in or having general circulation in the County of Northampton and when posted where the using public may conveniently see such regulations, shall have the force and effect of law as to (i) maximum and minimum speed limits applicable to motor vehicles using the project and other property under control of the Commission; (ii) the types, kinds, and sizes of the vehicles that may use the project; (iii) the nature, size, type, or kind of materials or substances that shall not be transported through or over the project; and (iv) such other regulations as may be necessary or expedient in the interest of public safety with respect to the use of the project.

2. To punish a violation of the regulations provided for in subdivision 1 as follows:

a. If a violation would have been a violation of law or ordinance if committed on any public street or highway in the locality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed on such public street or highway.

b. If a violation occurs within one jurisdiction and is punishable within another jurisdiction, the court trying the case shall, if the accused is found guilty, apply the punishment that is prescribed for offenses occurring within the jurisdiction of the court trying the case.

c. All other violations shall be punishable as a *Class 1* misdemeanor.

3. To appoint and employ police to enforce within the area under the control of the Commission the regulations adopted by the Commission and the laws of the Commonwealth. Such police shall have the powers vested in police officers under §§ 15.2-1704 and 52-8, which sections shall apply, mutatis mutandis, to police appointed pursuant to this chapter.

Such police appointed by the Commission may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of the Commonwealth, and conduct before any police or county court of any political subdivision into which the project extends any person violating, within or upon the project or other property under the control of the Commission, any rule or regulation of the Commission or any law of the Commonwealth pertaining to the regulation and control of highway traffic on any bridge or tunnel owned or operated by the Commission, including all entrance or exit plazas and approaches adjacent or appurtenant thereto and any rule or regulation regarding the payment of tolls.

4. For the purpose of enforcing such laws and regulations, the courts of the City of Virginia Beach and the County of Northampton have concurrent jurisdiction of criminal offenses that constitute violations of the laws and regulations of the Commission.

**§ 33.2-2216. Governmental function; exemption from taxation.**

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the Commonwealth and for the increase of their commerce and prosperity *and is a public purpose*, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the project or any property acquired *by the Commission or under its jurisdiction, control, possession, or supervision, or upon its activities in the operation and maintenance of the project*, or used by the Commission under the provisions of this chapter, or upon the income therefrom, and the bonds issued under the provisions of this chapter, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from *all state and local* taxation within the Commonwealth.

**§ 33.2-2300. U.S. Route 58 Corridor Development Fund.**

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund, referred to in this chapter as "the Fund," consisting of the first \$40 million of annual collections of the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however, that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include such other funds as may be appropriated by the General

Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or commission for the purposes specified in § 33.2-2301.

**§ 33.2-2915. Acquisition of property.**

A. The Authority may acquire, solely from funds provided under the provisions of this chapter, such lands, structures, properties, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction and operation of Authority facilities, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

B. The City of Richmond, the Counties of Henrico and Chesterfield, the Commonwealth Transportation Board, and, with the approval of the Governor, public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, may lease, lend, grant, or convey to the Authority at its request upon such terms and conditions as the governing bodies of the City of Richmond, the Counties of Henrico and Chesterfield, the Commonwealth Transportation Board, or the proper authorities of such agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity of any advertisement, order of court, or other action or formality, other than the regular and formal action of the governing bodies or authorities concerned, any real property that may be necessary or convenient for the effectuation of the authorized purposes of the Authority, including public highways and any other real property already devoted to public use.

C. The City of Richmond and the Counties of Henrico and Chesterfield may, subject to the provisions of § 25.1-102, acquire by the exercise of the power of eminent domain granted to or conferred upon them, and in accordance with the procedure prescribed therefor, any real property that may be necessary or convenient for the effectuation of the authorized purposes of the Authority and lease, lend, grant, or convey such property to the Authority upon such terms and conditions as the governing bodies of the City of Richmond or Counties of Henrico and Chesterfield may deem reasonable and fair; the acquisition of such real property by the exercise of the power of eminent domain and the disposition of *the* same to the Authority as provided in this section shall be and is declared to be for a public use of such property.

D. In any eminent domain proceedings by the Authority, the City of Richmond, or the County of Henrico or Chesterfield under this chapter, the court having jurisdiction of the suit, action, or proceeding may make such orders as may be just to the Authority, the City of Richmond, or the County of Henrico or Chesterfield and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority, the City of Richmond, or the County of Henrico or Chesterfield to accept and pay for the property, or by reason of the taking of property occupied by such owners, but neither such undertaking or security nor any act or obligation of the Authority, the City of Richmond, or the County of Henrico or Chesterfield shall impose any liability upon the Commonwealth.

E. If the owner, lessee, or occupier of any property to be condemned or otherwise acquired pursuant to this chapter refuses to remove his property therefrom or give up possession thereof, the Authority, the City of Richmond, or the County of Henrico or Chesterfield may proceed to obtain possession in any manner provided by law.

F. When the Authority, the City of Richmond, or the County of Henrico or Chesterfield proposes to construct a highway across the tracks of any railroad, the exercise of the general power of eminent domain over the property of a railroad granted by § 33.2-2902 shall be limited with respect to the property, right-of-way, facilities, works, or appurtenances upon which the tracks at such proposed crossing are located, to the acquisition only of an easement therein, which crossing shall be constructed either sufficiently above or below the grade of any such railroad track so that neither the crossing then under construction nor any part thereof, including any bridge abutments, columns, supporting structures, and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation, or maintenance of the trains, tracks, works, or appurtenances of the railroad or interfere with or endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the exercise of the power of eminent domain for such an easement, plans and specifications of that portion of the project to be constructed across the railroad tracks showing compliance with such requirements and showing sufficient and safe plans and specifications for such overhead or underground structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within 30 days to approve the plans and specifications so submitted, the matter shall be submitted by the Authority, the City of Richmond, or the County of Henrico or Chesterfield to the State Corporation Commission, whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below such tracks. The overhead or underground structures and appurtenances shall be constructed in accordance with such plans and specifications and in accordance with such elevations or distances above or below such tracks so approved by the railroad or the State Corporation Commission. A copy of the plans and specifications approved by the railroad or the State Corporation Commission shall be filed as an exhibit upon the institution of any proceeding brought in the exercise of the power of eminent domain.

G. The Commonwealth hereby consents, subject to the approval of the Governor, to the use by the Authority of any other lands or property owned by the Commonwealth, including lands lying under water, that are deemed by the Authority to be necessary for the construction or operation of any project being constructed by the Authority.

**§ 33.2-2916. Transfer to City of Richmond.**

A. If the City of Richmond has rendered financial assistance or contributed in any manner to the cost of construction of a limited access highway by the Authority within or partly within and partly without the corporate limits of the City of Richmond, and the Authority has issued bonds for the construction of such limited access highway, then, when all such bonds, including refunding bonds, and the interest thereon have been paid or a sufficient amount of cash or United States government securities have been deposited and dedicated to the payment of all such bonds and the interest to the maturity or redemption date thereof in trust for the benefit of the holders of such bonds, all property, real and personal, acquired in connection with such limited access highway within the City of Richmond shall be transferred by the Authority to the City as compensation to the City for the financial assistance rendered by the City to the Authority in connection with the construction or acquisition of such limited access highway; ~~and such~~. Such highway shall upon the acceptance thereof by the City become a part of the street or highway system of the City and shall thereafter be maintained and operated as a limited access highway by the City. The governing body of the City of Richmond shall have the power to fix, revise, charge, and collect tolls for transit over such limited access highway and as compensation for other uses that may be made thereof. The proceeds from such tolls and compensation shall be first used to reimburse the City of Richmond and the Counties of Henrico and Chesterfield for any funds or expenditures made by each of them pursuant to contracts or agreements authorized by § 33.2-2913 for which reimbursement has not been made, and then for the operation, maintenance, improvement, expansion, or extension of such limited access highway and to increase its utility and benefits and for the construction, reconstruction, maintenance, and operation of other projects or highways connected with such limited access highway or with the federal or state highway systems, and for such purpose the City of Richmond shall succeed to all the functions and shall have all the powers conferred on the Authority by this chapter.

B. If the Authority constructs a limited access highway project partly within and partly without the corporate limits of the City of Richmond, any extension thereof shall be constructed or acquired only when approved by the unanimous vote of all members of the board of directors or by a vote of three-fourths of the directors and approval by the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield. If the Authority has issued bonds for the purpose of constructing such project or for the purpose of constructing or acquiring such extensions when all such bonds, including any refunding bonds, and the interest thereon have been paid or a sufficient amount of cash or United States government securities have been deposited and dedicated to the payment thereof in trust for the benefit of holders of such bonds, all property, real and personal, acquired in connection with such project or extension thereof not required to be transferred to the City of Richmond pursuant to subsection A shall be transferred by the Authority to the political subdivisions in which such property is located at the time of such transfer at no cost to such political subdivisions in the event the subdivisions adopt a resolution accepting such property. If not accepted by such subdivisions within 30 days from the offer of the property by the Authority, then the Authority shall transfer such property to the Commonwealth Transportation Board. If such property is accepted by the political subdivision where the property is located, the governing body of such subdivision shall have the power to fix, revise, charge, and collect tolls for transit over such limited access highway project or extension and as compensation for other uses that may be made thereof. The proceeds from such tolls and compensation shall be used first to reimburse the City of Richmond and the Counties of Henrico and Chesterfield for any funds or expenditures made by each of them pursuant to contracts or agreements authorized by § 33.2-2913 for which reimbursement has not been made and then for the operation, maintenance, improvement, expansion, or extension of such limited access highway project and to increase its utility and benefits and for the construction, reconstruction, maintenance, and operation of other projects or highways connected with such limited access highway or with the state or federal highway systems and for such purpose such political subdivisions shall succeed to all the functions and shall have all the powers conferred on the Authority by this chapter with respect to such property.

#### CHAPTER 33.

#### WILLIAMSBURG AREA TRANSIT AUTHORITY.

##### § 33.2-3300. Authority created.

*There is hereby created a political subdivision of the Commonwealth known as the Williamsburg Area Transit Authority, hereinafter known as "the Authority."*

*In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:*

*1. The Authority shall prepare a regional transit plan for all or a portion of the areas located within the jurisdictional boundaries of each member locality. The regional transit plan may include all or portions of those areas within the City of Williamsburg, the County of James City and such portions of York County as its governing body desires to have covered, and the areas owned or operated by the College of William and Mary and the Colonial Williamsburg Foundation, including transit improvements of regional significance, and those improvements necessary or incidental thereto, and the Authority shall from time to time revise and amend the plan.*

*2. The Authority may, when a transit plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transit facilities specified in such transit plan.*

*3. The Authority may enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself.*

*4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority, with other transit commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any state, local, private, or federal entity to provide, or cause to be provided, transit*

facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transit facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the Authority.

5. Notwithstanding any other provision of law to the contrary, the Authority may:

a. Acquire land or any interest therein by purchase, lease, or gift and provide transit facilities thereon for use in connection with any transit service;

b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or contribution to an agency, for use by that agency in connection with an adopted transit plan; or

c. Prepare a plan for mass transit services with persons, cities, counties, agencies, authorities, or transportation commissions and may further contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

**§ 33.2-3301. Counties and cities embraced by the Authority.**

Upon adoption of an approving ordinance by each of the respective governing bodies wishing to join the Authority, the Authority shall embrace the County of James City, such portions of York County as its governing body desires to have covered, and the City of Williamsburg.

**§ 33.2-3302. Composition of Authority; membership; terms.**

Upon adoption of an approving ordinance by each of the respective governing bodies wishing to join the Authority, the Authority may consist of up to seven members as follows:

Two members representing James City County;

One member representing York County; and

One member representing the City of Williamsburg.

In addition, the county and municipal corporation members may elect up to three additional members to represent the interests of higher-education facilities and private, nonprofit tourist-driven agencies in the Williamsburg area, provided that such member facilities and organizations contribute significant financial resources to the Authority.

The Authority shall appoint the chairman and vice-chairman.

**§ 33.2-3303. Staff.**

The Authority shall employ an executive director and such staff as it deems necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

**§ 33.2-3304. Decisions of Authority.**

A majority of the members of the Authority shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority.

**§ 33.2-3305. Allocation of certain Authority expenses among component members.**

The administrative expenses of the Authority, as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties, city, and educational and nonprofit agencies pursuant to a funding formula as duly adopted by the Authority.

**§ 33.2-3306. Payment to members of Authority.**

The members of the Authority may be paid for their services compensation in either (i) the amount provided in the general appropriation act for members of the General Assembly engaged in legislative business between sessions or (ii) a lesser amount as determined by the Authority. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

**§ 33.2-3307. Formation of advisory committees.**

The Authority may, in its discretion, form advisory committees to assist the Authority.

**§ 33.2-3308. Other duties and responsibilities of Authority.**

In addition to other powers herein granted, the Authority shall have the following duties and responsibilities:

1. General oversight of Williamsburg area programs involving mass transit or congestion mitigation;
2. Long-range transit planning in the Williamsburg area, both financially constrained and financially unconstrained;
3. Recommending to state, regional, and federal agencies regional transit priorities, including public-private transit projects and funding allocations;
4. Allocating to priority regional transit projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;
5. Recommending to the Commonwealth Transportation Board priority regional transit projects for receipt of federal and state funds;
6. Serving as an advocate for the transit needs of the Williamsburg area before the state and federal governments;
7. Applying to and negotiating with the government of the United States, the Commonwealth, or any agency or instrumentality thereof, for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the

*gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes.*

**§ 56-366.1. Proceedings to avoid or eliminate grade crossings by grade separation or to widen, strengthen, remodel, relocate or replace existing crossing structures on public highways.**

Whenever a road in the ~~State Highway System~~ *primary or secondary state highway system* or a public highway maintained by a locality (i) crosses a railroad, (ii) is projected across a railroad, or (iii) is to be so changed as to cross a railroad, or an existing overpass or underpass crossing of any such road and a railroad is in need of widening, strengthening, remodeling, relocating or replacing, and funds are (or are to be) allocated by the Commonwealth Transportation Board or public road authority for payment of the locality's or state's portion of the cost of constructing such an overpass or underpass structure or for widening, strengthening, remodeling, relocating or replacing such an existing structure, the Commissioner of Highways or representative of the public road authority may agree with the railroad company or companies involved, on such terms and conditions as he shall deem in the best interests of the Commonwealth or locality regarding the plans and specifications, the method and manner of construction and the division of costs and maintenance responsibility of any such separation of grade structure. In case of a separation of grade by structure at a new, or an existing, grade crossing, the project, except in special cases and under special circumstances to be mutually agreed upon by the Commissioner of Highways, the public road authority, and the railroad company or companies involved, shall be deemed to start at points on each side of the tracks of the railroad or railroads where the grade, under the proposed plans and specifications, leaves the ground line to go over or under, as the case may be, the tracks of the railroad or railroads.

In the event the Commissioner of Highways, the public road authority, and the railroad company or companies involved are unable to agree on (i) the necessity for the construction of such underpass or overpass structure or for the widening, strengthening, remodeling, relocating or replacing of any existing overpass or underpass structure, (ii) the plans and specifications for and method or manner of construction thereof, or (iii) the portion of the work, if any, to be done and the share of the cost of such project, if any, to be borne by each of the railroad company or companies involved, the Commissioner of Highways or the public road authority shall petition the State Corporation Commission setting forth the plans and specifications for and the method and manner of construction of such project and the facts which in his opinion justify the elimination of the crossing, the erection of a new separation of grade structure or the widening, strengthening, remodeling, relocating or replacing of an existing structure and the maintenance responsibility. Copies of the petition and the plans and specifications shall forthwith be served by the State Corporation Commission on the railroad company or companies involved. Within twenty days after service on it of such petition and plans and specifications, the railroad company or companies shall file an answer with the State Corporation Commission setting out its objections to the proposed project and the Commission shall hear and determine the matter as other matters are heard and determined by that body. The Commission shall consider all the facts and circumstances surrounding the case and shall determine (a) whether public necessity and convenience justifies or requires the construction of such new separation of grade structure or whether an existing structure is so dangerous to or insufficient to take care of traffic on the highway as to require the widening, strengthening, remodeling, relocating or replacing proposed, (b) whether the plans and specifications or method and manner of construction are proper and appropriate, and (c) what portion of the work, if any, to be done and what share of the cost of such project, if any, to be borne by each of the railroad company or companies involved (excluding the cost of right-of-way) is fair and reasonable, having regard to the benefits, if any, accruing to such railroad or railroads from the elimination of such grade crossing or the widening, strengthening, remodeling, relocating or replacing any existing overpass or underpass structure, and either dismiss the proceeding as against the railroad company or companies involved or enter an order deciding and disposing of all of the matters hereinbefore submitted to its jurisdiction.

Grade crossings shall be closed when replaced by a new public highway. However, the Commonwealth Transportation Board or the public road authority may authorize the continued use of the crossing for a period of two years following the construction of the new highway to familiarize the public with the new route.

**§ 56-468.2. Reimbursement for relocation costs.**

A. After July 1, 1998, certificated providers of telecommunications services shall receive reimbursement for eligible relocation costs incurred at the direction of a locality that imposes by ordinance the Public Rights-of-Way Use Fee or the Department of Transportation for new installations as defined in § 56-468.1 in any public rights-of-way in accordance with §§ 56-458 and 56-462 on the basis of age and according to the following schedule. Such reimbursement shall be received from either (i) the locality that granted the permit or franchise to use such right-of-way or (ii) the Commonwealth Transportation Board if the road or street is in the ~~State Highway System or the secondary system of state highways~~ *primary or secondary state highway system*:

1. For the first three years after the completion of the installation, the certificated provider of telecommunications service shall be reimbursed 100 percent of the eligible cost for the relocation of facilities installed in the public rights-of-way.

2. For the fourth through sixth year after the completion of the installation, the certificated provider of telecommunications service shall be reimbursed 50 percent of the eligible cost for the relocation of facilities installed in the public rights-of-way.

3. Beginning in the seventh year, the certificated provider of telecommunications service shall be responsible for the cost of relocating facilities installed in the public rights-of-way.

Such reimbursement shall be received from either (i) the locality that granted the permit or franchise to use such right-of-way or (ii) the Commonwealth Transportation Board if the road or street is in the ~~State Highway System or the secondary system of state highways~~ *primary or secondary state highway system*.

B. The amount of relocation reimbursement in any fiscal year to be reimbursed under this section shall not exceed the amount of Public Rights-of-Way Use Fees received by that locality either directly or through its secondary highway fund apportionment in the preceding fiscal year. For facilities relocated in 1998 and 1999 at the direction of the locality or the Commonwealth Transportation Board, this limit on relocation reimbursement shall be the estimated annualized fees to be collected in that locality in 1998 for 1998 relocations and in 1999 for 1999 relocations. If the relocation reimbursement limit will be exhausted on a relocation project where two or more certificated providers of telecommunications service are eligible for relocation reimbursement, then the moneys available under the cap shall be shared by those eligible providers by prorating the reimbursement based on the reimbursement to which each provider would be entitled absent the limit.

**2. That whenever any of the conditions, requirements, provisions, or contents of any section of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia are transferred in the same or modified form to a new section or chapter of Title 33.2 or any other title of the Code of Virginia and whenever any such former section is given a new number in Title 33.2 or any other title of the Code of Virginia, all references to any such former section of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia or any other title of the Code of Virginia shall be construed to apply to the new or renumbered section or chapter containing such conditions, requirements, provisions, contents, or portions thereof.**

**3. That the regulations of any department or agency affected by the revision of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.**

**4. That the provisions of § 30-152 of the Code of Virginia shall apply to this act so as to give effect to other laws enacted by the 2015 Session of the General Assembly amending Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia.**

**5. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of the Code of Virginia effective as of July 1, 2015 shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that date. Except as otherwise provided in this act, the repeal of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall apply to offenses committed prior to July 1, 2015, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this enactment, an offense was committed prior to July 1, 2015, if any of the essential elements of the offense occurred prior thereto.**

**6. That any notice given, recognizance taken, or process or writ issued before July 1, 2015, shall be valid although given, taken, or to be returned to a day after such date, in like manner as if Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia had been effective before the same was given, taken, or issued.**

**7. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall not affect the validity, enforceability, or legality of any loan agreement or other contract, or any right established or accrued under such loan agreement or contract, that existed prior to such repeal.**

**8. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall not affect the validity, enforceability, or legality of any bond or other debt obligation authorized, issued, or outstanding prior to such repeal.**

**9. That Chapter 68 (§§ 15.2-6800 through 15.2-6809) of Title 15.2, Chapter 13 (§ 33.2-1300) of Title 33.2, and §§ 33.2-2217 and 56-355.1 of the Code of Virginia are repealed.**

**10. That the provisions of § 33.2-117 of the Code of Virginia, as created by this act, shall be effective retroactively to October 1, 2014.**

**11. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after July 1, 2015, shall be made in accordance with the provisions of this act.**

## CHAPTER 257

*An Act to amend and reenact § 58.1-3018 of the Code of Virginia, relating to payment of local taxes by a third party.*

[H 1489]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3018 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3018. Payment of local taxes on behalf of taxpayer by third party; tax payment agreements.**

A. For the purposes of this section, "third-party tax payment agreement" means any agreement whereby a third party contracts with a taxpayer to pay to a county, city or town on behalf of that taxpayer the local taxes, charges, fees or other

obligations due and owing to the county, city or town. Such agreement may have as its subject current taxes, charges, fees and obligations, delinquent taxes, penalties and interest, or any combination of the foregoing.

B. The treasurer of any county, city or town may enter into agreements authorizing third parties to offer to taxpayers within such locality third-party tax payment agreements, provided that such agreements meet the following requirements:

1. Every third-party tax payment agreement shall be in writing, in a form approved by the treasurer of the locality, and shall provide for the payment of the taxes which are the subject of such agreement by the third party directly to the treasurer of the county, city or town within ten days of the acceptance of a duly executed agreement by the third party.

2. Third-party tax payment agreements shall provide for the reimbursement of the third party by the taxpayer on whose behalf taxes were paid in installments over a period not to exceed ~~twenty-four~~ *ninety-six* months, and may provide for interest, exclusive of any origination fee, at an annual rate approved by the treasurer which shall not exceed sixteen percent. Such agreements may provide for the payment by the taxpayer of an origination fee at a rate approved by the treasurer which shall not exceed ten percent of the amount paid by the third party. No interest, excluding any origination fee paid by the taxpayer, shall accrue during the six-month period commencing on the date of the payment. This subdivision shall not be construed to permit the treasurer to authorize a third party to make a "mortgage loan" as that term is defined in § 6.2-1600.

3. No fee may be charged to or collected from the treasurer or the locality with respect to any third-party tax payment agreement.

4. The third party shall provide to the treasurer monthly status reports regarding third-party tax payment agreements entered into by taxpayers of the locality. Such reports shall include, at a minimum, a listing of all active accounts, and with respect to each account, total charges, total taxpayer payments, total amounts paid to the treasurer, and total amounts subject to recourse. A summary of the monthly report, deleting any information that would identify any taxpayer and any other confidential taxpayer information, shall be retained as a public record in the treasurer's office.

C. In the event that a taxpayer who is a party to a third-party tax payment agreement fails in his obligations arising under such agreement to reimburse the third party:

1. The third party shall be entitled to receive from the treasurer a reimbursement payment equal to all taxes paid on behalf of such taxpayer pursuant to the tax payment agreement, less all payments received by the third party from the taxpayer, exclusive of interest and fees charged by the third party to the taxpayer pursuant to the agreement. No payment may be requested pursuant to this subsection unless the third party has demonstrated to the satisfaction of the treasurer that good-faith efforts to collect the obligations arising under the tax payment agreement have been made and that, notwithstanding these efforts, the taxpayer is more than thirty days delinquent in his obligations arising under the agreement.

2. Any treasurer who reimburses a third party pursuant to this subsection shall reinstate the amount of such reimbursement upon the appropriate tax rolls of the locality as delinquent taxes or current taxes, as the case may be, and shall send the taxpayer written notice of such action by first-class mail to the taxpayer's last known address within five business days of such reinstatement.

3. If the taxpayer fails to pay in full any sum reinstated pursuant to this section by the ordinary due date of the tax, the treasurer may apply penalties and interest in accordance with general law from the due date of the tax.

4. Any right of the third party to payment arising under a third-party tax payment agreement shall terminate upon the receipt by the third party of a reimbursement payment from the treasurer in accordance with the terms of this subsection.

D. With respect to each third-party tax payment agreement which has as its subject, in whole or in part, real property taxes, the third party shall cause to be recorded among the land records of the circuit court in each locality within which the real property is situated a copy of the applicable tax payment agreement. Such agreement shall be indexed by the clerk under the name of the taxpayer or taxpayers as grantor and the name of the third party as grantee. Upon the satisfaction of all obligations arising under a tax payment agreement so recorded, the third party, within ninety days of satisfaction, shall cause to be recorded a certificate of release, setting forth the names of the taxpayer and the third party, the date of the third-party tax payment agreement, and the book and page at which the agreement is recorded. Any such certificate of release shall be indexed by the clerk under the name of the third party as grantor and the taxpayer as grantee. The clerk may charge a fee not to exceed thirteen dollars for the recordation of any tax payment agreement or certificate of release.

E. Upon the payment of any tax by a third party pursuant to a tax payment agreement, the applicable period of limitation for the enforcement of each tax which is the subject of the agreement shall be tolled during any period in which outstanding obligations remain unsatisfied pursuant to the agreement.

## CHAPTER 258

*An Act to amend and reenact §§ 46.2-324.1, 46.2-341.4, 46.2-341.7, 46.2-341.8, 46.2-341.9, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.15, 46.2-341.16, 46.2-341.18:3, 46.2-341.20, 46.2-341.20:4, 46.2-348, 46.2-2011.29, 46.2-2139, 46.2-2900, 46.2-2906, 46.2-2907, and 52-8.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 6 of Title 46.2 sections numbered 46.2-649.3 and 46.2-649.4, relating to commercial motor vehicle operators.*

[H 2038]

Approved March 17, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-324.1, 46.2-341.4, 46.2-341.7, 46.2-341.8, 46.2-341.9, 46.2-341.10, 46.2-341.12, 46.2-341.14, 46.2-341.14:1, 46.2-341.15, 46.2-341.16, 46.2-341.18:3, 46.2-341.20, 46.2-341.20:4, 46.2-348, 46.2-2011.29, 46.2-2139, 46.2-2900, 46.2-2906, 46.2-2907, and 52-8.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 6 of Title 46.2 sections numbered 46.2-649.3 and 46.2-649.4 as follows:

**§ 46.2-324.1. Requirements for initial licensure of certain applicants.**

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a noncommercial driver's license.

The provisions of this section shall only apply to persons who are at least 19 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.

B. No commercial driver's license shall be issued to any applicant unless he is 18 years old or older and has complied with the requirements of *subsection A of § 46.2-341.9*. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial ~~driver's instruction~~ learner's permit and either (i) provide written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education and hold the commercial ~~driver's instruction~~ learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license or (ii) hold the commercial ~~driver's instruction~~ learner's permit for a minimum of 30 days before taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must apply for a commercial ~~driver's instruction~~ learner's permit if the upgrade requires a skills test and hold the permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

*D. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are members of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary and provide written evidence of having satisfactorily completed a military commercial driver training program shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.*

*E. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are employed by a public school division as a bus driver and provide written evidence of having satisfactorily completed a commercial driver training program with a public school division shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.*

**§ 46.2-341.4. Definitions.**

The following definitions shall apply to this article, unless a different meaning is clearly required by the context:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial ~~driver's instruction~~ learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

~~"Commercial driver's instruction permit" means a permit issued to an individual in accordance with the provisions of this article, or if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial driver's instruction permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid. For purposes of this article~~

"Commercial driver's instruction permit" shall have the same meaning as "Commercial learner's permit (CLP)" in 49 C.F.R. § 383.5 of the Federal Motor Carrier Safety regulations.

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" (CDLIS) means the CDLIS established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, as defined provided in §§ 46.2-649.3 and 46.2-698, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer's farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b) members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination shall include an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial driver's instruction learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of

registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon; or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, as amended, (49 U.S.C. § 5101 et seq.) and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F); it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission" (also known as a stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Non-commercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

*"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.*

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to ~~federal~~ Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the ~~federal~~ Federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 397), including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the Virginia laws referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial ~~driver's instruction~~ learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued, under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by Virginia or any other jurisdiction, to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private institution, the military, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

**§ 46.2-341.7. Commercial driver's license required; penalty.**

A. No person shall drive a commercial motor vehicle in the Commonwealth unless he has been issued a commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit and unless such license or permit authorizes the operation of the type and class of vehicle so driven, and unless such license or permit is valid.

B. Every driver of a commercial motor vehicle, while driving such vehicle in the Commonwealth, shall have in his immediate possession the commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit authorizing the operation of such vehicle and shall make it available to any law-enforcement officer upon request. Failure to comply with this subsection shall be punishable as provided in § 46.2-104.

C. No person shall drive a commercial vehicle in Virginia in violation of any of the restrictions or limitations stated on his commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit. A violation of the subsection shall constitute a Class 2 misdemeanor.

**§ 46.2-341.8. Nonresidents and new residents.**

A. Any person who is not domiciled in the Commonwealth, who has been duly issued a commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit by his state of domicile, who has such license or permit in his immediate possession, whose privilege or license to drive any motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from driving a commercial motor vehicle, shall be permitted without further examination or licensure by the Commonwealth, to drive a commercial motor vehicle in the Commonwealth.

Within 30 days after becoming domiciled in this Commonwealth, any person who has been issued a commercial driver's license by another state and who intends to drive a commercial motor vehicle shall apply to the Department for a Virginia commercial driver's license. If the Commissioner determines that such applicant is otherwise eligible for a commercial driver's license, the Department will issue him a Virginia commercial driver's license with the same classification and endorsements as his commercial driver's license from another state, without requiring him to take the knowledge or skills test required for such commercial driver's license in accordance with § 46.2-330. However, any such applicant seeking to transfer his commercial driver's license and to retain a hazardous materials endorsement shall have, within the two-year period preceding his application for a Virginia commercial driver's license, either (i) passed the required test for such endorsement specified in 49 C.F.R. § 383.121 or (ii) successfully completed a hazardous materials test or training that is given by a third party and that is deemed to substantially cover the same knowledge base as described in 49 C.F.R. § 383.121.

*B. Any person who is (i) domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405 may apply to the Department for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license.*

*An applicant for a nondomiciled commercial learner's permit or nondomiciled commercial driver's license shall be required to meet all requirements for a commercial learner's permit or commercial driver's license, respectively.*

*An applicant domiciled in a foreign jurisdiction shall provide an unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States.*

*An applicant for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit shall not be required to surrender his foreign license.*

*After receipt of a nondomiciled commercial driver's license or nondomiciled commercial learner's permit and for as long as it is valid, holders of such licenses or permits shall be required to notify the Department of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his driving privileges. Such notification shall be made before the end of the business day following the day the driver receives notice of the suspension, revocation, cancellation, lost privilege, or disqualification.*

**§ 46.2-341.9. Eligibility for commercial driver's license or commercial learner's permit.**

A. A Virginia commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle and, who is domiciled in the Commonwealth, ~~provided that any person who is domiciled in a jurisdiction outside the United States, but has resided in the Commonwealth for a period of six weeks, shall be and who is~~ eligible for a commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial ~~driver's instruction~~ *learner's* permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial ~~driver's instruction~~ learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial ~~driver's instruction~~ learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial ~~driver's instruction~~ learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

*B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.*

#### **§ 46.2-341.10. Special provisions relating to commercial learner's permit.**

A. The Department, upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial ~~driver's instruction~~ learner's permit. Such permit shall be valid for no more than 180 days from the date of issuance. The Department may renew the commercial ~~driver's instruction~~ learner's permit for an additional 180 days without requiring the commercial ~~driver's instruction~~ learner's permit holder to retake the general and endorsement knowledge tests. No additional renewals are permitted. A commercial ~~driver's instruction~~ learner's permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial ~~driver's instruction~~ learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial ~~driver's instruction~~ learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial ~~driver's instruction~~ learner's permit holder. The P endorsement must be class specific.

D. A commercial ~~driver's instruction~~ learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial ~~driver's instruction~~ learner's permit holder. No person shall be issued a commercial ~~driver's instruction~~ learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial ~~driver's instruction~~ learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial ~~driver's instruction~~ learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial ~~driver's instruction~~ learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any ~~instruction~~ commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of \$3 for each ~~instruction~~ *commercial learner's* permit issued under the provisions of this section.

**§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.**

A. Every application to the Department for a commercial driver's license or ~~commercial driver's instruction~~ *commercial learner's* permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight and eye and hair color;
4. Year, month and date of birth;
5. Social ~~Security~~ *security* number; ~~and~~
6. *Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and*
7. Any other information required on the application form.

The applicant's ~~Social Security~~ *social security* number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or ~~commercial driver's instruction~~ *learner's* permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
  - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
  - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
  - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
  - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
  - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, ~~legal presence~~, *citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383; and*
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or cancelled and, if so, the date of and reason therefor; *and*
6. *An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.*

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or ~~commercial driver's instruction~~ *learner's* permit. The Department shall take such action within 30 days after discovering such falsification.

E. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or ~~commercial driver's instruction~~ *learner's* permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial ~~driver's instruction~~ *learner's* permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and Social Security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial ~~driver's instruction~~ *learner's*

permit; or transfer of a commercial driver's license from another state or for drivers renewing a commercial driver's license for the first time after July 8, 2011, who have not previously had their Social Security number information verified. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. *The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.*

F. ~~On and after January 30, 2012, every~~ Every new applicant for a commercial driver's license or commercial driver's instruction learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial driver's instruction learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial driver's instruction learner's permit by the Department.

G. ~~On and after January 30, 2012, but no later than January 30, 2014, every~~ Every existing holder of a commercial driver's license or commercial driver's instruction learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

**§ 46.2-341.14. Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.**

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. ~~Prior to April 1, 1992, the Commissioner may waive the skills test for applicants licensed at the time they apply for a commercial driver's license if:~~

~~1. The applicant has not, and certifies that he has not, at any time during the two years immediately preceding the date of application:~~

~~a. Had more than one driver's license, except during the ten-day period beginning on the date such person is issued a driver's license, or unless, prior to December 31, 1989, such applicant was required to have more than one license by a state law enacted before June 1, 1986;~~

~~b. Had any driver's license or driving privilege suspended, revoked or canceled;~~

~~e. Had any convictions involving any kind of motor vehicle for the offenses listed in § 46.2-341.18, 46.2-341.19, or 46.2-341.20; and~~

~~d. Been convicted of a violation of state or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident; and~~

~~2. The applicant certifies and provides evidence satisfactory to the Commissioner that he is regularly employed in a job requiring the operation of a commercial motor vehicle, and either:~~

~~a. Has previously taken and successfully completed a skills test which was administered by a state with a classified licensing and testing system and that test was behind the wheel in a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed; or~~

~~b. Has operated, for at least two years immediately preceding the application date, a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed.~~

~~D.~~ The Commissioner may, in his discretion, designate such persons as he deems fit, including private or governmental entities, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

~~E.~~ *D.* Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision; or (ii) submit with his application a copy of the vision examination report which was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

~~F.~~ *E.* No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

~~G.~~ *F.* Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

~~H.~~ *G.* Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

*H.* Skills tests may be administered to an applicant who has taken training in Virginia and is to be licensed in another state. Such test results shall be electronically transmitted directly from Virginia to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than \$85 to any such applicant.

*I.* The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.

**§ 46.2-341.14:1. Requirements for third party testers.**

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in Virginia;
3. Have at least one certified third party examiner in his employ;

4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a Virginia location, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

a. The complete name of the driver;

b. The driver's Social Security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;

c. The date the driver took the skills test;

d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;

e. The name and certification number of the third party examiner conducting the skills test; and

f. Evidence of the driver's employment with the third party tester at the time the test was taken. If the third party tester is a school board that tests drivers who are trained but not employed by the school board, evidence that (i) the driver was employed by a school board at the time of the test and (ii) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide;

8. Maintain at a Virginia location a record of each third party examiner in the employ of the third party tester. Each record shall include:

a. Name and Social Security number;

b. Evidence of the third party examiner's certification by the Department;

c. A copy of the third party examiner's current training and driving record, which must be updated annually;

d. Evidence that the third party examiner is an employee of the third party tester; and

e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the Virginia Department of Education;

9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in Virginia for a minimum of one year;

2. Employ at least 75 Virginia-licensed drivers of commercial motor vehicles, during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory"; ~~and~~

4. Comply with the Virginia Motor Carrier Safety Regulations; *and*

5. *Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third-party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.*

**§ 46.2-341.15. Commercial driver's license and commercial learner's permit document.**

A. The commercial driver's license issued by the Department shall be identified as a Virginia commercial driver's license and shall include at least the following:

1. Full name, a Virginia address, and signature of the licensee;

2. A photograph of the licensee;

3. A physical description of the licensee, including sex and height;

4. The licensee's date of birth and license number that shall be assigned by the Department to the licensee and shall not be the same as the licensee's Social Security number;

5. A designation of the class and type of commercial motor vehicle or vehicles which the licensee is authorized to drive, together with any restrictions; and

6. The date of license issuance and expiration.

B. The commercial ~~driver's instruction~~ *learner's permit* shall be identified as such but shall in all other respects conform to subsection A of this section. A commercial ~~driver's instruction~~ *learner's permit* shall also contain a statement that the permit is invalid unless accompanied by the underlying driver's license.

C. A nondomiciled commercial driver's license or a nondomiciled commercial learner's permit shall contain the word "nondomiciled" on the face of the document.

**§ 46.2-341.16. Vehicle classifications, restrictions, and endorsements.**

A. A commercial driver's license or commercial ~~driver's instruction~~ learner's permit shall authorize the licensee or permit holder to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. - Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;

2. Class B-Heavy straight vehicle or other combination. - Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and

3. Class C-Small vehicle. - Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport 16 or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;

2. Type P-Vehicles carrying passengers;

3. Type N-Vehicles with cargo tanks;

4. Type H-Vehicles required to be placarded for hazardous materials;

5. Type S-School buses carrying 16 or more passengers, including the driver;

6. Type X-combination of tank vehicle and hazardous materials endorsements for commercial driver's licenses issued on or after July 1, 2014; and

7. At the discretion of the Department, any additional codes for groupings of endorsements with an explanation of such code appearing on the front or back of the license.

C. Commercial driver's licenses shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. L for no air brake equipped commercial motor vehicles for licenses issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

2. Z for no full air brake equipped commercial motor vehicles. If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the applicant is restricted from operating a commercial motor vehicle equipped with any braking system operating fully on the air brake principle;

3. E for no manual transmission equipped commercial motor vehicles for commercial driver's licenses issued on or after July 1, 2014;

4. O for no tractor-trailer commercial motor vehicles;

5. M for no class A passenger vehicles;

6. N for no class A and B passenger vehicles;

7. K for vehicles not equipped with air brakes for commercial driver's licenses issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brakes if he does not take or fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

8. K for intrastate only for commercial driver's licenses issued on or after July 1, 2014;

9. V for medical variance; and

10. At the discretion of the Department, any additional codes for groupings of restrictions with an explanation of such code appearing on the front or back of the license.

D. Commercial ~~driver's instruction~~ learner's permits shall be issued with endorsements authorizing the driver to operate the types of vehicles identified as follows:

1. Type P-Vehicles carrying passengers as provided in § 46.2-341.10;

2. Type N-Vehicles with cargo tanks as provided in § 46.2-341.10; and

3. Type S-School buses carrying 16 or more passengers, including the driver as provided in § 46.2-341.10.

E. Commercial ~~driver's instruction~~ learner's permits shall be issued with restrictions limiting the driver to the types of vehicles identified as follows:

1. P for no passengers in commercial motor vehicles bus;

2. X for no cargo in commercial motor vehicles tank vehicle;

3. L for no air brake equipped commercial motor vehicles for commercial ~~driver's instruction~~ learner's permits issued on or after July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;

4. M for no class A passenger vehicles;

5. N for no class A and B passenger vehicles;

6. K for vehicles not equipped with air brakes for commercial ~~driver's instruction learner's~~ permits issued before July 1, 2014. An applicant is restricted from operating a commercial motor vehicle with any type of air brake if he does not take or fails the air brake component of the knowledge test;

7. K for intrastate only for commercial ~~driver's instruction learner's~~ permits issued on or after July 1, 2014;

8. V for medical variance; and

9. Any additional jurisdictional restrictions that apply to the commercial ~~driver's instruction learner's~~ permit.

F. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

G. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

H. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

I. If any endorsement to a commercial driver's license is canceled by the Department and the licensee does not appear in person at the Department to have such endorsement removed from the license, then the Department may cancel the commercial driver's license of the licensee.

**§ 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders.**

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial ~~driver's instruction learner's~~ permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial ~~driver's instruction learner's~~ permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services.

If the holder of a commercial driver's license or commercial ~~driver's instruction learner's~~ permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

**§ 46.2-341.20. Disqualification for multiple serious traffic violations.**

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change;

5. Following the vehicle ahead too closely;

6. Driving a commercial motor vehicle without obtaining a commercial driver's license or commercial ~~driver's instruction learner's~~ permit;

7. Driving a commercial motor vehicle without a commercial driver's license or commercial ~~driver's instruction learner's~~ permit in the driver's immediate possession;

8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

9. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1 or a local ordinance relating to motor vehicle traffic control prohibiting texting while driving; and

10. A violation of a state law, including §§ 46.2-341.20:5 and 46.2-919.1, or a local ordinance relating to motor vehicle traffic control restricting or prohibiting the use of a handheld mobile telephone while driving a commercial motor vehicle.

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license or commercial ~~driver's instruction learner's~~ permit; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;

2. Reckless driving;

3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;

4. Improper or erratic traffic lane change; or

5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

1. A 60-day disqualification period for any person convicted of two serious traffic violations; or
2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

**§ 46.2-341.20:4. Disqualification of driver convicted of fraud related to the testing and issuance of a commercial learner's permit or commercial driver's license.**

A person who has been convicted of fraud pursuant to § 46.2-348 related to the issuance of a commercial ~~driver's instruction learner's~~ permit or commercial driver's license shall be disqualified for a period of one year. The application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained commercial driver's license or seeks to renew or upgrade the fraudulently obtained commercial ~~driver's instruction learner's~~ permit must also, at a minimum, be disqualified. Any disqualification must be recorded in the person's driving record. The person may not reapply for a new commercial driver's license for at least one year.

If the Department receives credible information that a commercial ~~driver's instruction learner's~~ permit holder or commercial driver's license holder is suspected, but has not been convicted, of fraud related to the issuance of his commercial ~~driver's instruction learner's~~ permit or commercial driver's license, the Department shall require the driver to retake the skills test or knowledge test, or both. Within 30 days of receiving notification from the Department that ~~re-testing~~ retesting is necessary, the affected commercial ~~driver's instruction learner's~~ permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the commercial ~~driver's instruction learner's~~ permit holder or commercial driver's license holder fails to make an appointment within 30 days, the Department shall disqualify his commercial ~~driver's instruction learner's~~ permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the Department shall disqualify his commercial ~~driver's instruction learner's~~ permit or commercial driver's license. Once a commercial ~~driver's instruction learner's~~ permit holder's or commercial driver's license holder's commercial ~~driver's instruction learner's~~ permit or commercial driver's license has been disqualified, he must reapply for a commercial ~~driver's instruction learner's~~ permit or commercial driver's license under Department procedures applicable to all commercial ~~driver's instruction learner's~~ permit and commercial driver's license applicants.

**§ 46.2-348. Fraud or false statements in applications for license; penalties.**

Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a driver's license or escort vehicle driver certificate, or any renewal or duplicate thereof, or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud during the driver's license examination, including for a commercial driver's license or commercial ~~driver's instruction learner's~~ permit, or in his application is guilty of a Class 2 misdemeanor. However, where the license is used, or the fact concealed, or fraud is done, with the intent to purchase a firearm or use as proof of residency under § 9.1-903, a violation of this section shall be punishable as a Class 4 felony.

**§ 46.2-649.3. Registration of covered farm vehicles.**

- A. For the purposes of this section, a covered farm vehicle shall be registered pursuant to the provisions of § 46.2-698.
- B. As defined in regulations promulgated by the Federal Motor Carrier Safety Administration (49 C.F.R. Part 390.5), a "covered farm vehicle" means a straight truck or articulated vehicle that is:
1. a. Registered in Virginia pursuant to the provisions of § 46.2-698; or
  - b. Registered in another state with a license plate or other designation issued by the state of registration that allows law enforcement to identify it as a farm vehicle;
  2. Operated by the owner or operator of a farm or ranch or by an employee or family member of an owner or operator of a farm or ranch;
  3. Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch;
  4. Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of subdivisions 1, 2, and 3 by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement; and
  5. Not used in transporting material found by the U.S. Secretary of Transportation to be hazardous under 49 U.S.C. § 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 C.F.R., subtitle B, chapter I, subchapter C.

C. A straight truck or articulated vehicle meeting the requirements of subsection B and having (i) a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions provided in § 46.2-649.4 without mileage limitations or (ii) a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions defined in § 46.2-649.4 anywhere in the Commonwealth or across state lines within 150 air miles (176.2 miles) of the farm or ranch with respect to which the vehicle is being operated.

D. For the purposes of this section, "agricultural commodities" means any horticultural plants and crops, cultivated plants and crops, poultry, dairy, and farm products, livestock and livestock products, and products derived from bees and beekeeping, primarily for sale, consumption, propagation, or other use by man or animals.

**§ 46.2-649.4. Covered farm vehicles; exemptions.**

A covered farm vehicle as defined in § 46.2-649.3, including the operator of that vehicle, is exempt from the following:

1. Any requirement relating to commercial driver's licenses in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 383;

2. Any requirement relating to controlled substances and alcohol use and testing in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 382;

3. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 391, Subpart E, Physical Qualifications and Examinations;

4. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 395, Hours of Service of Drivers; and

5. Any requirement in Federal Motor Carrier Safety Regulations 49 C.F.R. Part 396, Inspection, Repair, and Maintenance.

**§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.**

A. It shall be unlawful for a licensee, permittee, or certificate holder whose license, permit, or certificate has *expired or* been revoked; *or* suspended *or whose* renewal thereof *has been* denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.

B. *It shall be unlawful for a vehicle owner who is not the holder of a valid permit or certificate or whose vehicle is not validly leased to a motor carrier holding an active permit or certificate to fail or refuse to surrender to the Department on demand license plates, identification markers, and registration cards issued under this title.*

C. If any ~~law enforcement~~ law-enforcement officer finds that a ~~motor carrier~~ vehicle bearing Virginia license plates or temporary transport plates is ~~being operated~~ in violation of subsection A ~~of this section~~ or B, such ~~law enforcement~~ law-enforcement officer ~~shall~~ may remove the license plate, identification marker, and registration card ~~and~~. *If a law-enforcement officer removes a license plate, identification marker, or registration card, he shall forward the same to the Department.*

~~C.~~ D. When informed that a vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.

**§ 46.2-2139. Surrender of identification marker, license plate, and registration card; removal by law enforcement; operation of vehicle denied.**

A. It shall be unlawful for a licensee, permittee, or certificate holder whose license, permit, or certificate has *expired or* been revoked; *or* suspended; *or whose* renewal thereof *has been* denied pursuant to this chapter to fail or refuse to surrender, on demand, to the Department license plates, identification markers, and registration cards issued under this title.

B. *It shall be unlawful for a vehicle owner who is not the holder of a valid permit or certificate or whose vehicle is not validly leased to a motor carrier holding an active permit or certificate to fail or refuse to surrender to the Department on demand license plates, identification markers, and registration cards issued under this title.*

C. If any ~~law enforcement~~ law-enforcement officer finds that a ~~motor carrier~~ vehicle bearing Virginia license plates or temporary transport plates is ~~being operated~~ in violation of subsection A ~~of this section~~ or B, such ~~law enforcement~~ law-enforcement officer ~~shall~~ may remove the license plate or plates, identification marker, and registration card ~~and~~. *If a law-enforcement officer removes a license plate, identification marker, or registration card, he shall forward such license plate, identification marker, and registration card to the Department.*

~~C.~~ D. When informed that a motor carrier vehicle is being operated in violation of this section, the driver shall drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until the motor carrier is in compliance with all provisions of this chapter.

**§ 46.2-2900. Definitions.**

As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Certified escort vehicle driver" means a person; ~~21~~ 18 years of age or older; who holds a valid driver's license and a valid escort vehicle driver certificate issued (i) by the Commonwealth or (ii) by a state whose escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity.

"Escort vehicle driver certificate" means a credential issued under the laws of the Commonwealth or other state authorizing the holder to escort a permitted vehicle or vehicles.

"Permitted vehicle or vehicles" means any vehicle being operated under the provisions of a valid highway hauling permit issued pursuant to § 46.2-1139 that requires that the permitted vehicle or vehicles be accompanied by a certified escort vehicle driver or drivers.

**§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of escort vehicle driver training; fee.**

A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the Department, and the applicant shall write his usual signature in ink in the space provided on the form. A person who applies for an escort vehicle driver certificate must meet the following requirements:

1. Be at least ~~21~~ 18 years of age;
2. Hold a valid Virginia driver's license or a valid driver's license for another state;
3. Authorize the Department to review his driving record;

4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification training course, as required by § 46.2-2904;

5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80 percent or higher; and

6. Pay the appropriate fee for certificate issuance.

B. Every application shall state the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. The applicant shall also answer any questions on the application form, or otherwise propounded, and provide any other information as required by the Department incidental to the application.

C. The Commissioner shall require that each application include a certification statement, to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant an escort vehicle driver certificate.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

**§ 46.2-2907. Nonresident; extensions of reciprocal privileges.**

A nonresident age ~~21~~ 18 years or older who has been duly licensed as a driver under a law regulating the licensure of drivers in his home state and who has in his immediate possession a valid driver's license and a valid escort vehicle driver certificate issued to him in his home state, where such state's escort vehicle driver certification program has been determined to be substantially similar to the Commonwealth's and to which the Commonwealth has extended reciprocity, shall be permitted without a Virginia license or a Virginia escort vehicle driver certificate to escort a permitted vehicle or vehicles on the highways of the Commonwealth. Such nonresident shall be exempt from the escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

If such nonresident desires to also hold a Virginia escort vehicle driver certificate, in addition to the valid certificate issued to him by his home state, he must then meet all of the Virginia escort vehicle driver certification eligibility, training, and testing requirements of this chapter.

**§ 52-8.4. Powers and duties to promulgate regulations; inspection of certain records.**

A. The Superintendent of State Police, with the cooperation of such other agencies of the Commonwealth as may be necessary, shall promulgate regulations pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984. These regulations shall set forth criteria relating to driver, vehicle, and cargo safety inspections with which motor carriers and transport vehicles shall comply, and shall be no more restrictive than the applicable provisions of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation. These regulations shall not apply to hours worked by any carrier when transporting passengers or property to or from any portion of the Commonwealth for the purpose of (i) providing relief or assistance in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamity or disaster or (ii) engaging in the provision or restoration of utility services when the loss of such service is unexpected, unplanned or unscheduled. The suspension of the regulation provided for in this subsection shall expire if the Secretary of the United States Department of Transportation determines that it is in conflict with the intent of Federal Motor Carrier Safety Regulations.

B. For the purposes of this section:

"Commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce to transport passengers or property if such vehicle (i) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, whichever is greater, of more than 10,000 pounds when operated interstate or more than 26,000 pounds when operated intrastate, (ii) is designed or used to transport more than 15 passengers, including the driver, regardless of weight, or (iii) is used to transport hazardous materials in a quantity requiring placards by regulations issued under authority of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property or passengers by motor vehicle. This term also encompasses any agent, officer, representative, or employee who is responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

"Transport vehicle" means any vehicle owned or leased by a motor carrier used in the transportation of goods or persons.

"Safety inspection" means the detailed examination of a vehicle for compliance with safety regulations promulgated under this section and includes a determination of the qualifications of the driver and his hours of service.

C. Except for those offenses listed in § 52-8.4:2, any violation of the provisions of the regulations adopted pursuant to this section shall constitute a traffic infraction punishable by a fine of not more than \$1,000 for the first offense or by a fine of not more than \$5,000 for a subsequent offense. Each day of violation shall constitute a separate offense; however, any violation of any out-of-service order issued under authority of such regulations or under authority of the Federal Motor Carrier Safety Regulations shall be punished as provided in § 46.2-341.21 and the disqualification provisions of § 46.2-341.21 also shall apply to any driver so convicted.

D. The Department of State Police, together with all other law-enforcement officers certified to perform vehicle safety inspections as defined by § 46.2-1001 who have satisfactorily completed 40 hours of on-the-job training and a course of instruction as prescribed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria, shall enforce the regulations and other requirements promulgated pursuant to this section. Those law-enforcement officers certified to enforce the regulations

and other requirements promulgated pursuant to this section shall annually receive in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria.

E. Any records required to be maintained by motor carriers pursuant to regulations promulgated by the Superintendent under the authority of subsection A of this section shall be open to inspection during a carrier's normal business hours by specially trained members of the Department of State Police specifically designated by the Superintendent. Members of the Department of State Police designated for that purpose by the Superintendent shall also be authorized, with the consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2, to go upon the property of motor carriers to verify the accuracy of maintenance records by an inspection of the vehicles to which those records relate.

*Any person holding a valid commercial driver's license shall be exempt from the hours of service of drivers provisions as defined in regulations promulgated by the Federal Motor Carrier Safety Administration (49 C.F.R. Part 395) while operating a commercial motor vehicle during planting and harvest periods to transport:*

1. *Agricultural commodities from the source of the agricultural commodities to a location within 150 air miles (176.2 miles) from the source;*

2. *Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150-air-mile radius (176.2 miles) from the distribution point; or*

3. *Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150-air-mile radius (176.2 miles) from the wholesale distribution point.*

## CHAPTER 259

*An Act to amend and reenact § 46.2-625 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-602.4, relating to titling and registration of non-conventional vehicles; penalty.*

[S 1003]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-625 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-602.4 as follows:**

**§ 46.2-602.4. Titling and registration of off-road motorcycle converted to on-road use.**

A. *For the purpose of this section:*

*"Converter" means a person who, through the act of conversion, alters an off-road motorcycle for on-road use on the highways by the addition, substitution, or removal of motor vehicle equipment, creating a motor vehicle to which Federal Motor Vehicle Safety Standards for new motorcycles will become applicable at the time of the conversion. A converter shall be considered a manufacturer responsible under 49 U.S.C. § 30112 for compliance of the motorcycle with Federal Motor Vehicle Safety Standards and the certification of compliance required by those standards.*

*"Federal Motor Vehicle Safety Standards" means the standards prescribed by 49 C.F.R. Part 571.*

*"Manufacturer" means a person manufacturing or assembling motor vehicles or motor vehicle equipment.*

*"Motor vehicle equipment" means (i) any system, part, or component of a motor vehicle as originally manufactured or (ii) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle.*

*"Off-road motorcycle converted to on-road use" means every off-road motorcycle that has been converted for use on the public highways with the addition of such necessary equipment to meet all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted.*

B. *Each converter shall certify in accordance with the requirements of subsection E that the off-road motorcycle converted to on-road use meets all applicable Federal Motor Vehicle Safety Standards for new motorcycles for the year in which it is converted. If the converter is unavailable or unknown, the owner shall certify that the converter is unavailable or unknown and that he assumes responsibility for all duties and corresponding liabilities under the Federal Motor Vehicle Safety Act. If a converter or owner fails or refuses to provide the required certification, the vehicle shall remain an off-road motorcycle.*

C. *Each converter, or owner if the converter is unavailable or unknown, shall permanently affix to each vehicle a label containing the following: (i) the name of manufacturer, (ii) the month and year of manufacture, (iii) the gross vehicle weight rating, (iv) the gross axle weight rating, (v) certification that the vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture in the year in which it is converted, (vi) the vehicle identification number, and (vii) the motorcycle vehicle classification. Such label shall meet the requirements set forth in 49 C.F.R. § 567.4.*

D. *Upon receipt of an application and such evidence of ownership as required by the Commissioner pursuant to § 46.2-625, the Department shall issue a certificate of title for an off-road motorcycle converted to on-road use. The first certificate of title issued for an off-road motorcycle converted to on-road use shall be an original certificate of title, regardless of the submission of a Virginia certificate of title issued for the off-road motorcycle prior to conversion.*

*E. No off-road motorcycle converted to on-road use shall be registered or operated on the highways of the Commonwealth until the owner submits to the Department, upon a form approved and furnished by the Department, (i) certification that the motor vehicle has passed the motor vehicle safety inspection subsequent to the conversion; (ii) certification from the converter, or owner if the converter is unavailable or unknown, that the motor vehicle meets all applicable Federal Motor Vehicle Safety Standards; and (iii) certification that the motor vehicle has been labeled in accordance with subsection C.*

*F. When necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for the purpose of transporting the off-road motorcycle converted to on-road use to and from an official motor vehicle safety inspection station.*

*G. Notwithstanding §§ 46.2-105 and 46.2-605, any certification required by this section found to be knowingly given falsely is punishable as a Class 1 misdemeanor.*

**§ 46.2-625. Specially constructed, reconstructed, replica, converted electric, or foreign vehicles.**

If a vehicle for which the registration or a certificate of title is applied is (i) a specially constructed, reconstructed, replica, converted electric, or foreign vehicle or (ii) off-road motorcycle converted to on-road use, the fact shall be stated in the application and, in the case of any foreign vehicle registered outside the Commonwealth, the owner shall present to the Department the certificate of title and registration card or other evidence of registration as he may have. The Commissioner may require such other evidence of ownership as he may deem advisable and promulgate regulations establishing what additional evidence of ownership, if any, shall be required for titling and registration of (i) specially constructed, reconstructed, replica, converted electric, or foreign vehicles or (ii) off-road motorcycles converted to on-road use. All titles and registrations for specially constructed, reconstructed, replica, and converted electric vehicles and off-road motorcycles converted to on-road use shall be branded with the words "specially constructed," "reconstructed," "replica," ~~or~~ "converted electric," or "off-road motorcycle converted to on-road use," as appropriate. Titles for vehicles that are both converted electric vehicles and reconstructed vehicles shall be branded with the words "reconstructed" and "converted electric."

## CHAPTER 260

*An Act to amend and reenact § 58.1-423 of the Code of Virginia, relating to the dedication of income tax revenues to the Virginia Commercial Space Flight Authority.*

[S 1070]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-423 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-423. Income tax paid by commercial spaceflight entities.**

A. Beginning July 1, 2011, and for fiscal years 2012, 2013, 2014, ~~and~~ 2015, and 2016, the portion of the Virginia income tax net revenue generated by qualified corporations or limited liability companies that is attributable to the sale of commercial human spaceflights or commercial spaceflight training (regardless of point of sale, or where space flight takes place), or is incidental to the sale of commercial human spaceflights, shall be transferred to the Virginia Commercial Space Flight Authority, established pursuant to Article 2 (§ 2.2-2201 et seq.) of Chapter 22 of Title 2.2. The Tax Commissioner shall make a written certification to the Comptroller within 15 days of the close of each calendar quarter providing an estimate of the portion of the Virginia income tax net revenue generated during the calendar quarter by the qualified corporations or limited liability companies that is attributable to the sale of commercial human spaceflights or commercial spaceflight training or is incidental to the sale of commercial human spaceflights. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Virginia Commercial Space Flight Authority an amount from the general fund that is equal to the estimate provided by the Tax Commissioner.

B. For purposes of this section, a qualified corporation or limited liability company is a corporation or limited liability company that engages in commercial human spaceflights or commercial spaceflight training.

## CHAPTER 261

*An Act to amend and reenact § 2.2-603 of the Code of Virginia, relating to IT responsibility of agency directors.*

[S 1121]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-603 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-603. Authority of agency directors.**

A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the executive branch of state government shall have the power and duty to (i) supervise and manage the department or agency and (ii) prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The director of each agency in the executive branch of state government, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

C. Subsection A shall not be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance a listing and general description of any federal contract, grant, or money in excess of \$1,000,000 for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore and the dollar amount and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate Committee on Finance any amounts owed to the agency from any source that are more than six months delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval. Clause (i) shall not be required of public institutions of higher education.

F. *The director of every department in the executive branch of state government shall be responsible for securing the electronic data held by his department and shall comply with the requirements of the Commonwealth's information technology security and risk-management program as set forth in § 2.2-2009.*

G. The director of every department in the executive branch of state government shall report to the Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of the Commonwealth's databases and data communications resulting in exposure of data protected by federal or state laws, or other incidents compromising the security of the Commonwealth's information technology systems with the potential to cause major disruption to normal agency activities. Such reports shall be made to the Chief Information Officer within 24 hours from when the department discovered or should have discovered their occurrence.

## CHAPTER 262

*An Act to amend the Code of Virginia by adding a section numbered 62.1-256.1, relating to establishment of the Eastern Virginia Groundwater Management Advisory Committee.*

[S 1341]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 62.1-256.1 as follows:**

##### **§ 62.1-256.1. Eastern Virginia Groundwater Management Advisory Committee established.**

*A. The Eastern Virginia Groundwater Management Advisory Committee (the Committee) is hereby established as an advisory committee to assist the State Water Commission and the Department of Environmental Quality in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The Committee shall be appointed by the Director of the Department of Environmental Quality and shall be composed of nonlegislative citizen members consisting of representatives of industrial and municipal water users; representatives of public and private water providers; developers and representatives from the economic development community; representatives of agricultural, conservation, and environmental organizations; state and federal agencies' officials; and university faculty and citizens with expertise in water resources-related issues. The Committee shall meet at least four times each calendar year.*

*Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.*

*B. The Committee shall examine (i) options for developing long-term alternative water sources, including water reclamation and reuse, ground water recharge, desalination, and surface water options, including creation of storage reservoirs; (ii) the interaction between the Department of Environmental Quality's ground water management programs and local and regional water supply plans within the Eastern Virginia Groundwater Management Area for purposes of determining water demand and possible solutions for meeting that demand; (iii) potential funding options both for study and for implementation of management options; (iv) alternative management structures, such as a water resource trading program, formation of a long-term ground water management committee, and formation of a commission; (v) additional data needed to more fully assess aquifer health and sustainable ground water management strategies; (vi) potential future ground water permitting criteria; and (vii) other policies and procedures that the Director of the Department of Environmental Quality determines may enhance the effectiveness of ground water management in the Eastern Virginia Groundwater Management Area. The Committee shall develop specific statutory, budgetary, and regulatory recommendations, as necessary, to implement its recommendations.*

*C. The Committee shall report the results of its examination and related recommendations to the State Water Commission and the Director of the Department of Environmental Quality no later than August 1, 2017. The Director of the Department of Environmental Quality shall issue a report responding to the Committee's recommendations to the Governor, the State Water Commission, the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources, the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources, and the Joint Legislative Audit and Review Commission no later than November 1, 2017.*

**2. That the provisions of this act shall expire on January 1, 2018.**

**3. That unless otherwise agreed to by a ground water management permittee, the State Water Control Board and the Department of Environmental Quality shall not issue draft permits that would require reductions in permitted volumes of ground water withdrawals prior to December 31, 2015.**

## CHAPTER 263

*An Act to repeal § 15.2-5124 of the Code of Virginia, relating to the Virginia Water and Waste Authorities Act; delinquent payment.*

[H 1424]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-5124 of the Code of Virginia is repealed.**

## CHAPTER 264

*An Act to amend and reenact §§ 54.1-828 through 54.1-831.01, 54.1-833, and 54.1-834 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 54.1-829.1, and to repeal § 54.1-835 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; amateur boxing and martial arts.*

[H 1455]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-828 through 54.1-831.01, 54.1-833, and 54.1-834 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-829.1 as follows:**

**§ 54.1-828. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Amateur" means an individual who has never participated in a boxing, martial arts, or professional wrestling event for money, compensation, or reward other than a suitably inscribed memento.

"Boxer" means a person competing in the sport of boxing or martial arts.

"Boxing" means the contact sport of attack or defense using fists, feet, or both, including ~~professional~~ kick boxing, boxing, martial arts, or any similar contest.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

"Contractor" means any person who has been recognized by the Director, through a contract, as an appropriate responsible party to provide services to assist the Commonwealth in complying with the provisions of this chapter.

"Department" means the Department of Professional and Occupational Regulation or its successor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Event" means any ~~professional~~ boxing, martial arts, or professional wrestling show ~~which~~ that includes one or more contests or matches.

"Exhibition" means any occurrence in which boxers or martial artists show or display skills without striving to win.

"License" means a method of regulation whereby any person arranging, conducting or participating in boxing, martial arts, or professional wrestling activities is required to obtain a prior authorization from the Department.

"Licensee" means any person holding a valid license under the provisions of this chapter.

"Manager" means any person who ~~receives compensation for service~~ serves as a representative or agent of a boxer, martial artist, or professional wrestler to arrange for his participation in an event.

"Martial artist" means a person competing in the sport of martial arts.

"Martial arts" or "mixed martial arts" means any of several Asian arts of combat or self-defense, alone or in combination, including but not limited to aikido, karate, judo, *muay thai*, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

"Matchmaker" means any person who proposes, selects, arranges for, or in any manner procures specific individuals to be contestants in an event.

"Person" means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other entity.

"Professional" means a person who participates or has ever participated for money, compensation, or reward other than a suitably inscribed memento in any boxing, martial arts, or professional wrestling event.

"Professional wrestler" means any professional participating in professional wrestling.

"Professional wrestling" means an event in which contestants incorporate the sport of wrestling into choreographed performances.

"Promote" or "promotion" means to organize, arrange, publicize, or conduct an event or exhibition in the Commonwealth.

"Promoter" means any person who undertakes to promote an event or exhibition.

"Sanctioning organization" means an entity approved by the Director pursuant to § 54.1-829.1.

"Trainer," "second" or "cut man" means an individual who undertakes to assure the well-being of a boxer or martial artist by providing instruction or advice concerning techniques or strategies of boxing or martial arts, and who may work in the corner with a boxer or martial artist between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

"Wrestler" means any person competing or participating as an opponent in wrestling.

"Wrestling" means any ~~contact sport or exhibition~~ of several styles of physical competition in which individuals attempt to subdue or unbalance an opponent, including Greco-Roman, freestyle, grappling, or submission, usually practiced as a sport.

**§ 54.1-829. License required; bond; physical examination; ambulance; physician; and health insurance.**

A. ~~Unless exempted by § 54.1-830, no~~ No person shall promote or conduct a boxing, martial arts, or professional wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. ~~Unless exempted by § 54.1-830, no~~ No person shall act as a promoter, matchmaker, trainer, boxer, martial artist, or professional wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with ~~boxers and wrestlers~~ professional contestants in accordance with Department regulations. *This subsection shall not apply to a promoter applying to conduct an amateur-only event under the authority of a sanctioning organization approved by the Director.*

D. Each boxer and martial artist shall, and each professional wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department or sanctioning organization and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

E. No ~~boxing~~ event in which boxers or martial artists are contestants shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ambulance is at the site of the ~~boxing~~ event.

F. No boxer or martial artist shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.

**§ 54.1-829.1. Sanctioning organization; amateur events.**

A. *No event in which amateur participants compete in boxing or martial arts shall be permitted in the Commonwealth unless the amateur event is conducted by a sanctioning organization approved by the Director.*

B. *The Director shall approve such sanctioning organizations that apply for and satisfactorily demonstrate evidence of standards and operations at least as rigorous as those required by this chapter. The Director may withdraw his approval for a sanctioning organization's failure to comply with this chapter, associated regulations, or any administrative requirements for demonstrating compliance.*

C. *Minimum provisions for approval as an amateur sanctioning organization shall include that the sanctioning organization (i) has at least five years' documented experience without adverse financial or disciplinary action in any jurisdiction; (ii) provides evidence that none of its officers, employees, or agents, directly or indirectly, have any pecuniary interest in, or hold any position with, any business associated with a licensee; (iii) certifies the contestants' physical condition prior to any contest and at ringside; and (iv) ensures the continuous presence of a ringside physician and an on-site ambulance.*

D. *Approved sanctioning organizations shall ensure that each boxer and martial artist provides a negative test for the following prior to an event in order to participate:*

1. *Antibodies to the human immunodeficiency virus;*
2. *Hepatitis B surface antigen (HBsAg); and*
3. *Antibodies to virus hepatitis C.*

*Such tests shall be conducted within the 180 days preceding the event. A boxer or martial artist who fails to provide negative results for all required tests shall not be permitted to compete in the event.*

E. Each approved sanctioning organization shall submit an annual report to the Director on or before February 1, with a summary of the events conducted for the preceding calendar year.

**§ 54.1-830. Exemptions.**

Amateur exhibitions and the participants therein shall be exempt from the provisions of this chapter provided the participants receive no money, compensation or reward other than a suitably inscribed memento for their participation. The provisions of this chapter shall not apply to:

1. Amateur wrestling bouts;
2. Amateur exhibitions and the amateur participants therein; or
3. Engagements involving amateur boxing or martial arts that are conducted by or held under the sponsorship of (i) any elementary or secondary school or public or private institution of higher education located in the Commonwealth or (ii) the Department of Corrections involving inmates of any state correctional institution.

**§ 54.1-831. Powers and duties of the Department.**

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing or martial arts match. The Department shall have direct oversight of events to assure the safety and well-being of boxers, martial artists, and professional wrestlers.

2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201.

3. Conduct investigations to determine the suitability of applicants for licensure and to determine the licensee's compliance with applicable statutes and regulations.

4. Conduct investigations as to whether monopolies, combinations or other circumstances exist to restrain matches or exhibitions of professional boxing, martial arts, or professional wrestling anywhere in the Commonwealth. The Attorney General may assist investigations at the request of the Department.

5. Exercise jurisdiction over all wrestling and boxing, martial arts, and professional wrestling conducted within the Commonwealth by any person, except where otherwise exempted.

**§ 54.1-831.01. Boxing, Martial Arts, and Professional Wrestling Advisory Board.**

A. The Professional Boxing, Martial Arts, and Professional Wrestling and Martial Arts Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government to advise the Director on matters relating to professional boxing, martial arts, and professional wrestling events and martial arts competitions in the Commonwealth.

B. The Board shall consist of seven members appointed by the Director as follows: one representative of the sport of boxing; one representative of the sport of professional wrestling; one representative of the sport of nontraditional mixed martial arts; one representative of either the sport of boxing, wrestling or nontraditional mixed martial arts, or professional wrestling; one member who is a martial arts instructor who has obtained the rank of black belt or higher; and two citizen members. All members shall be residents of the Commonwealth. After the original appointments, all All appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve for more than two successive full terms.

C. The Board shall elect its chairman and vice-chairman from among its members. The Board shall meet at least once each year to conduct its business and upon the call of the Director or chair of the Board. Four members shall constitute a quorum.

D. Members of the Board shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

E. Such staff support as is necessary for the conduct of the Board's business shall be furnished by the Department.

**§ 54.1-833. Reports; cable television systems; fee on receipts.**

A. Each promoter shall furnish to the Department, within twenty-four hours after the completion of each event, a written and verified report on the form provided by the Department showing the number of tickets sold, unsold and given away and the amount of gross proceeds thereof for such events originating in the Commonwealth, and its total gross receipts from the sale of rights to distribute in any manner such event by any video, telephonic or other communication method involving the control of electrons or other charge carriers for such live events originating in the Commonwealth. Within the twenty-four-hour period, the promoter shall pay to the Department a fee of (i) five percent of the first \$100,000 of its total gross receipts; and (ii) two and one-half percent of the remainder of its total gross receipts. Records of the promoter shall be subject to audit by the Department.

B. Each cable television system *or other multichannel video programming service* shall report to the Department in writing the name and address of each person from whom it obtains the rights to provide a live event originating in the Commonwealth.

C. The Department shall hold all license fees in a special fund of the state treasury subject to appropriation of the General Assembly. Payments from this fund shall be made to the contractors for their services on behalf of the Commonwealth. No payment shall exceed the balance of the fund. The Department shall draw from the fund to cover any expenses associated with the provisions of this chapter.

**§ 54.1-834. Prohibited activities; penalties.**

A. ~~No person licensed to conduct an event shall permit~~ betting or wagering *shall be permitted at an event or exhibition authorized to be conducted by a promoter or other licensee* before, during or after the event in the building where the event is held.

B. ~~No boxer, promoter or trainer licensee~~ shall participate in a sham or fake boxing contest. The Department shall have the authority to order, without a hearing, the person controlling the purse to hold the distribution to contestants, promoters and trainers pending a public hearing by the Department. The Department shall, simultaneously with the issuance of such order to retain the share or purse, institute proceedings for a hearing to determine whether a sham or fake boxing contest has occurred.

C. ~~Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor. It shall be a Class 1 misdemeanor for any person to violate this section or any statute or regulation governing a profession regulated pursuant to this chapter.~~

D. ~~The third or any subsequent conviction for violating any provision of this section during a 36-month period shall constitute a Class 6 felony.~~

**2. That § 54.1-835 of the Code of Virginia is repealed.**

**3. That the provisions of this act shall become effective on October 1, 2015.**

**4. That the Director of the Department of Professional and Occupational Regulation shall convene a work group of interested parties affected by the provisions of this act to determine an appropriate method for holding professional-amateur events.**

## CHAPTER 265

*An Act to amend and reenact § 19.2-354 of the Code of Virginia, relating to deferred and installment payments for fines, costs, etc.; posting.*

[H 1506]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-354 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.**

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court may authorize the clerk to establish and approve the conditions of all deferred or installment payment agreements, pursuant to guidelines established by the court-, *and such guidelines shall be reduced to writing as well as posted in the clerk's office and on the court's website, if a website is available.* As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 30 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall

withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

## CHAPTER 266

*An Act to amend and reenact § 58.1-3524 of the Code of Virginia, relating to the personal property tax relief on certain motor vehicles leased by members of the military.*

[H 1589]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3524 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3524. Tangible personal property tax relief; local tax rates on vehicles qualifying for tangible personal property tax relief.**

A. For tax year 2006 and all tax years thereafter, counties, cities, and towns shall be reimbursed by the Commonwealth for providing the required tangible personal property tax relief as set forth herein.

B. For tax year 2006 and all tax years thereafter, the Commonwealth shall pay a total of \$950 million for each such tax year in reimbursements to localities for providing the required tangible personal property tax relief on qualifying vehicles in subsection C. No other amount shall be paid to counties, cities, and towns for providing tangible personal property tax relief on qualifying vehicles. Each county's, city's, or town's share of the \$950 million for each such tax year shall be determined pro rata based upon the actual payments to such county, city, or town pursuant to this chapter for tax year 2005 as compared to the actual payments to all counties, cities, and towns pursuant to this chapter for tax year 2005, as certified in writing by the Auditor of Public Accounts no later than March 1, 2006, to the Governor and to the chairmen of the Senate Committee on Finance and the House Committee on Appropriations. The amount reimbursed to a particular county, city, or town for tax year 2006 for providing tangible personal property tax relief shall be the same amount reimbursed to such county, city, or town for each subsequent tax year.

The reimbursement to each county, city, or town for tax year 2006 shall be paid by the Commonwealth over the 12-month period beginning with the month of July 2006 and ending with the month of June 2007, as provided in the general appropriation act. For all tax years subsequent to tax year 2006, reimbursements shall be paid over the same 12-month period. All reimbursement payments shall be made by check issued by the State Treasurer to the respective treasurer of the county, city, or town on warrant of the Comptroller.

C. For tax year 2006 and all tax years thereafter, each county, city, or town that will receive a reimbursement from the Commonwealth pursuant to subsection B shall provide tangible personal property tax relief on qualifying vehicles by reducing its local tax rate on qualifying vehicles as follows:

1. The local governing body of each county, city, or town shall fix or establish its tangible personal property tax rate for its general class of tangible personal property, which rate shall also be applied to that portion of the value of each qualifying vehicle that is in excess of \$20,000;

2. After fixing or establishing its tangible personal property tax rate for its general class of tangible personal property, the local governing body of the county, city, or town shall fix or establish one or more reduced tax rates (lower than the rate applied to the general class of tangible personal property) that shall be applied solely to that portion of the value of each qualifying vehicle that is not in excess of \$20,000. No other tangible personal property tax rate shall be applied to that

portion of the value of each qualifying vehicle that is not in excess of \$20,000. Such reduced tax rate or rates shall be set at an effective tax rate or rates such that (i) the revenue to be received from such reduced tax rate or rates on that portion of the value of qualifying vehicles not in excess of \$20,000 plus (ii) the revenue to be received on that portion of the value of qualifying vehicles in excess of \$20,000 plus (iii) the Commonwealth's reimbursement is approximately equal to the total revenue that would have been received by the county, city, or town from its tangible personal property tax had the tax rate for its general class of tangible personal property been applied to 100 percent of the value of all qualifying vehicles.

3. *Notwithstanding the provisions of subdivisions 1 and 2, beginning with tax year 2016, each county, city, and town that receives reimbursement shall ensure that the reimbursement pays for all of the tax attributable to the first \$20,000 of value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring him, his spouse, or both to pay the tangible personal property tax on such vehicle. The provisions of this subdivision apply only to a vehicle that would not be taxed in Virginia if the vehicle were owned by such military member, his spouse, or both.*

D. On or before the date the certified personal property tax book is required by § 58.1-3118 to be provided to the treasurer, the commissioner of the revenue shall identify each qualifying vehicle and its value to the treasurer of the locality.

E. The provisions of this section are mandatory for any county, city, or town that will receive a reimbursement pursuant to subsection B.

## CHAPTER 267

*An Act to amend and reenact §§ 1.2, 2.1, 2.2, 2.4, 3.2, 3.3, 3.4, and 3.5, § 4.1, as amended, and §§ 4.2, 4.3, and 5.2 of Chapter 520 of the Acts of Assembly of 1983, which provided a charter for the Town of Lovettsville, relating to boundaries, town powers, town council, mayor, and town officers.*

[H 1625]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 1.2, 2.1, 2.2, 2.4, 3.2, 3.3, 3.4, and 3.5, § 4.1, as amended, and §§ 4.2, 4.3, and 5.2 of Chapter 520 of the Acts of Assembly of 1983 are amended and reenacted as follows:**

#### § 1.2 - Corporate limits.

The corporate limits or boundaries of the Town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by *Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964, et seq., and by Final Order entered December 22, 2006, in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.*

#### § 2.1 - In general.

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter ~~18~~ 9 of Title ~~15~~ 15.2 of the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town of Lovettsville.

#### § 2.2 - Eminent domain.

Generally. The Powers of eminent domain which may be exercised by municipal corporations under the provisions of Title ~~15~~ 15.2 and Title ~~25~~ 25.1 of the Code of Virginia are hereby conferred upon the Town.

#### § 2.4 - Water and sewer services.

A. Generally. The Town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the Town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the Council may alter ~~at any from time to time without notice.~~

B. Rates. In operating public water and sewer services, the Town may charge a different rate for services furnished to customers outside the corporate limits of the Town from the rates charged for similar services to customers within the corporate limits.

C. Unpaid charges. The Town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

#### § 3.2 - Council.

A. The legislative powers of the Town shall be vested in a town council, composed of six members, who shall be elected as specified herein.

B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:

1. Three council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four years thereafter.

2. Three council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four years thereafter.

The council members so elected shall qualify and take office on July 1, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.

C. Any person qualified to vote in Town elections shall be eligible for the office of councilman.

D. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members of the Council from among the qualified voters of the Town. *For purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.*

E. The members of the Council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected, qualify and assume office.

#### § 3.3 - Mayor.

##### A. Powers and duties.

1. The mayor shall be the chief executive officer of the Town and shall be recognized as the head of Town government for all ceremonial purposes, the purpose of military law and the service of civil process; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall authenticate by his signature such documents as the council, this charter or the laws of the Commonwealth shall require; and he shall perform such other duties consistent with his office as may be imposed by the council.

2. The mayor shall preside at all meetings of the council, but shall have no vote except in case of tie; he shall have the power to veto resolutions, acts and ordinances of the council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds vote of the entire council; and he shall from time to time recommend to the council such measures as he may deem necessary for the welfare of the Town.

3. ~~The~~ *Except as otherwise provided herein or by law, the mayor shall have the authority to appoint such officers and employees as specifically authorized herein or committees as are necessary for the proper administration of the affairs of the Town, but shall report each appointment to the council for confirmation at the next meeting thereof following any such appointment; the mayor shall see that the duties of the various Town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the council, when the decision of the council shall be final.*

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a mayor for the Town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1, following election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

C. Qualifications. Any person qualified to vote in Town elections shall be eligible for the office of mayor.

D. Vacancies. A vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the Town. A member of the council shall not be qualified to fill a vacancy in the office of mayor. *For the purposes of this section, no distinction shall be made between a person elected as mayor and a person who has been appointed as mayor except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.*

E. The mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which he was elected, or until his successor is duly elected, qualifies and assumes office.

#### § 3.4 - Vice-Mayor.

A. The council ~~may~~ shall elect from among its members a vice-mayor, who shall preside at council meetings in the absence of the mayor. *Election of the vice-mayor shall be made at the organizational meeting of the council following the regular election of mayor and council members.*

B. In the event of the disability or absence of the mayor, his place may be filled and his duties discharged by the vice-mayor.

#### § 3.5 - Meeting.

A. All meetings of the council shall be public, unless ~~an executive~~ a closed session is called according to law. No official action shall be taken by the council while in ~~executive~~ closed session.

B. The council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least ~~one such~~ regular ~~monthly meeting~~ meetings as may be required by § 15.2-1416 of the Code of Virginia. Special meetings may be called at any time by the mayor or by three members of the council, provided all members of the council are actually notified of such meeting.

C. A majority of the council shall constitute a quorum for the transaction of business. Each member of the council shall have one vote.

#### § 4.1 - Town officers.

A. Town Clerk. A Town Clerk shall be appointed who shall be the Clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the Town's offices and open to inspection at any time during the Town's regular office hours. The Town Clerk ~~may be a resident of the Town and shall serve for a term coincident with that of the mayor at the pleasure of the town council.~~

B. Town Treasurer. A Town Treasurer shall be appointed who shall receive all money belonging to the Town and keep correct accounts of all receipts from all sources and of all expenditures; he shall be responsible for the collection of all license fees, taxes, levies and charges due to the Town and shall disburse the funds of the Town as the council may direct. The Town Treasurer ~~may be a resident of the Town and shall serve for a term coincident with that of the mayor at the pleasure of the town council.~~

C. Town Manager. A Town Manager, in the discretion of the mayor and council, may be appointed who shall serve as the chief administrative officer of the Town. The Town Manager ~~need not be a resident of the Town and shall serve at the pleasure of the mayor and council.~~

D. Other town officers. The mayor, in his discretion and with the approval of the council, may appoint a town attorney, a town zoning administrator, and such other town officers as may be deemed appropriate. Such officers ~~need not be residents of the Town and shall serve at the pleasure of the mayor and council, unless the council shall provide otherwise.~~

E. Duties, etc. Each officer shall have such duties as are specified by the council not inconsistent with the Constitution and general laws of the Commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the council, and shall receive such compensation as the council may prescribe.

F. The same person may be appointed to more than one office; provided, however, that no person may serve both as an officer of the Town and as mayor or member of the council *except as otherwise provided in this charter or by general law.*

#### § 4.2 - Boards, commissions and committees.

A. Planning commission. The council shall appoint a Town planning commission which shall have such powers and duties as are provided by general law.

B. Board of Zoning Appeals. The council shall appoint the members of the Board of Zoning Appeals for the Town, which shall consist of three or five members, and prescribe their terms of office and qualifications. The Board of Zoning Appeals shall have such powers and duties as are provided by general law.

C. Committees. The council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the council on those matters referred to such committees by the council. The report of any such committee shall not be binding upon the council, but shall be advisory only.

D. Membership. ~~Members~~ *Except as otherwise provided by law, members of the council and the mayor are eligible to serve as members of any Town commission, committee or group; provided, however, that they shall have no vote in any official matter before any such commission, committee or group; although they may participate fully in all debate and discussion. Members of the council and the mayor so serving shall be entitled to participate fully as voting members of such commission, committee or group except as otherwise provided by law.*

E. Compensation. The council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

#### § 4.3 - Fiscal control.

A. Fiscal year. The fiscal year of the Town shall begin on July 1; and end on June 30; ~~unless and until changed by ordinance.~~

B. Fiscal control. The council shall have the power to control and manage the fiscal affairs of the Town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the Town either by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall always be available for public inspection in the Town's offices during the Town's regular business hours.

#### § 5.2 - Historic districts.

Notwithstanding any other provision of law, the council may establish one or more historic districts within the Town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises which have been officially designated by the council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the Town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § ~~15.1-503.2~~ 15.2-2306 of the Code of Virginia.

## CHAPTER 268

*An Act to amend and reenact § 54.1-2349 of the Code of Virginia, relating to the Common Interest Community Board; powers and duties.*

[H 1632]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2349 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2349. Powers and duties of the Board.**

A. The Board shall administer and enforce the provisions of this chapter. In addition to the provisions of §§ 54.1-201 and 54.1-202, the Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of common interest community manager licenses. The Board shall annually assess each common interest community manager an amount equal to the lesser of (i) \$1,000, or such other amount as the Board may establish by regulation, or (ii) five hundredths of one percent (0.05%) of the gross receipts from common interest community management during the preceding year. For the purposes of clause (ii), no minimum payment shall be less than \$10. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of the Common Interest Community Management Fund established pursuant to § 55-529;

2. Establish criteria for the licensure of common interest community managers to ensure the appropriate training and educational credentials for the provision of management services to common interest communities. Such criteria may include experiential requirements and shall include designation as an Accredited Association Management Company by the Community Associations Institute. As an additional alternative to such designation, the Board shall have authority, by regulation, to include one of the following: (i) successful completion of another Board-approved training program and certifying examination, or (ii) successful completion of a Virginia testing program to determine the quality of the training and educational credentials for and competence of common interest community managers;

3. Establish criteria for the certification of the employees of common interest community managers who have principal responsibility for management services provided to a common interest community or who have supervisory responsibility for employees who participate directly in the provision of management services to a common interest community to ensure the person possesses the character and minimum skills to engage properly in the provision of management services to a common interest community. Such criteria shall include designation as a Certified Manager of Community Associations by the National Board of Certification for Community Association Managers, designation as an Association Management Specialist by the Community Associations Institute, or designation as a Professional Community Association Manager by the Community Associations Institute. As an additional alternative to such designations, the Board shall have authority, by regulation, to include one of the following: (i) successful completion of another Board-approved training program as developed by the Virginia Association of Realtors or other organization, and certifying examination, or (ii) successful completion of a Virginia testing program to determine the quality of the training and educational credentials for and competence of the employees of common interest community managers who participate directly in the provision of management services to a common interest community. The fee paid to the Board for the issuance of such certificate shall be paid to the Common Interest Community Management Information Fund established pursuant to § 55-529;

4. Approve the criteria for accredited common interest community manager training programs;

5. Approve accredited common interest community manager training programs;

6. Establish, by regulation, standards of conduct for common interest community managers and for employees of common interest community managers certified in accordance with the provisions of this chapter; ~~and~~

7. Establish, by regulation, an education-based certification program for persons who are involved in the business or activity of providing management services for compensation to common interest communities. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter; *and*

8. *Develop and publish best practices for the content of declarations consistent with the requirements of the Property Owners' Association Act (§ 55-508 et seq.).*

B. 1. The Board shall have the sole responsibility for the administration of this chapter and for the promulgation of regulations to carry out the requirements thereof.

2. The Board shall also be responsible for the enforcement of this chapter, provided that the Real Estate Board shall have the sole responsibility for the enforcement of this chapter with respect to a real estate broker, real estate salesperson, or real estate brokerage firm licensed in accordance with Chapter 21 (§ 54.1-2100 et seq.) who is also licensed as a common interest community manager.

3. For purposes of enforcement of this chapter or Chapter 4.2 (§ 55-79.39 et seq.), 21 (§ 55-360 et seq.), 24 (§ 55-424 et seq.), or 26 (§ 55-508 et seq.) of Title 55, any requirement for the conduct of a hearing shall be satisfied by an informal fact-finding proceeding convened and conducted pursuant to § 2.2-4019 of the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Board is authorized to obtain criminal history record information from any state or federal law-enforcement agency relating to an applicant for licensure or certification. Any information so obtained is for the exclusive use of the Board and shall not be released to any other person or agency except in furtherance of the investigation of the applicant or with the authorization of the applicant or upon court order.

## CHAPTER 269

*An Act to amend and reenact § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; representations related to special flood hazard areas.*

[H 1642]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 55-519 of the Code of Virginia is amended and reenacted as follows:****§ 55-519. Required disclosures.**

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary including obtaining a certified home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement ~~on a parcel of residential real property pursuant to such contract;~~

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that such contract;~~

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, *or any maintenance agreement for such facilities*, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, *or any maintenance agreement for such facilities*, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that such contract;~~

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to

exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to ~~that~~ such contract; ~~and~~

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; *and*

10. *The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.*

C. Any ~~buyer~~ purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such ~~buyer~~ purchaser.

## CHAPTER 270

*An Act to amend and reenact § 40.1-51.1 of the Code of Virginia, relating to workplace safety; employer reporting requirements.*

[H 1681]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 40.1-51.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 40.1-51.1. Duties of employers.**

A. It shall be the duty of every employer to furnish to each of his employees safe employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees, and to comply with all applicable occupational safety and health rules and regulations promulgated under this title.

B. Every employer shall provide to employees by such suitable means as shall be prescribed in rules and regulations of the Safety and Health Codes Board, information regarding their exposure to toxic materials or harmful physical agents and prompt information when they are exposed to concentration or levels of toxic materials or harmful physical agents in excess of those prescribed by the applicable safety and health standards and shall provide employees or their representatives with the opportunity to observe monitoring or measuring of exposures. Every employer shall also inform any employee who is being exposed of the corrective action being taken and shall provide former employees with access to information about their exposure to toxic materials or harmful physical agents.

C. Every employer cited for a violation of any safety and health provisions of this title or standards, rules and regulations promulgated thereunder shall post a copy of such citation at the site of the violations so noted as prescribed in the rules and regulations of the Safety and Health Codes Board.

D. Every employer shall report to the Virginia Department of Labor and Industry within eight hours any work-related incident resulting in (i) a fatality ~~or in~~, (ii) the ~~in-patient inpatient~~ hospitalization of ~~three~~ one or more persons, (iii) an amputation, or (iv) the loss of an eye, as prescribed in the rules and regulations of the Safety and Health Codes Board.

E. Every employer, through posting of notices or other appropriate means, shall keep his employees informed of their rights and responsibilities under this title and of specific safety and health standards applicable to his business establishment.

F. An employer representative shall be given the opportunity to accompany the safety and health inspectors on safety or health inspections.

G. Nothing in this section shall be construed to limit the authority of the Commissioner pursuant to § 40.1-6 or the Board pursuant to § 40.1-22 to promulgate necessary rules and regulations to protect and promote the safety and health of employees.

## CHAPTER 271

*An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to gas severance tax.*

[H 1705]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3713. (Expires December 31, 2015) Local gas road improvement and Virginia Coalfield Economic Development Authority tax.**

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Coal and Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Coal and Gas Road Improvement Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Coal and Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Coal and Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Coal and Gas Road Improvement Fund collected from the severance tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Coal and Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. ~~The provisions of this section shall expire on December 31, 2015. No tax shall be imposed under this section on or after January 1, 2018.~~

## CHAPTER 272

*An Act to amend and reenact § 54.1-2103 of the Code of Virginia, relating to the Virginia Real Estate Board; exemptions from licensure.*

[H 1795]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2103 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2103. Exemptions from chapter.**

A. The provisions of this chapter shall not apply to:

1. Any person, partnership, association ~~or~~ corporation, *entity*, or their regular employees, who as owner or lessor perform any of the acts enumerated in §§ 54.1-2100 and 54.1-2101 with reference to property owned or leased by them, where the acts are performed in the regular course of or incident to the management of the property and the investment therein. *For property governed by Chapter 21 (§ 55-360 et seq.) of Title 55, the term "owner" for purposes of this subdivision shall include affiliated entities, provided that (i) the owner has a controlling interest in the affiliated entity or (ii) the affiliated entity and the owner have a common parent company;*

2. Any person acting without compensation as attorney-in-fact under a power of attorney issued by a property owner solely for the purpose of authorizing the final performance required of such owner under a contract for the sale, lease, purchase, or exchange of real estate;

3. Service rendered by an attorney-at-law in the performance of his duties as such;
4. A person acting as a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court;
5. A trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof;
6. Any corporation managing rental housing when the officers, directors, and members in the ownership corporation and the management corporation are the same and the management corporation manages no other property for other persons, partnerships, associations, or corporations;
7. Any existing tenant of a residential dwelling unit who refers a prospective tenant to the owner of the unit or to the owner's duly authorized agent or employee and for the referral receives, or is offered, a referral fee from the owner, agent or employee;
8. Any auctioneer licensed in accordance with Chapter 6 (§ 54.1-600 et seq.) of this title selling real estate at public auction when employed for such purpose by the owner of the real estate and provided the bidding at such auction is held open for no longer than forty-eight hours. An auctioneer shall not advertise that he is authorized to sell real estate. An auctioneer may advertise for sale at public auction any real estate when employed to do so as herein provided, and may advertise that he is authorized to auction real estate at public auction;

9. [Expired.]

10. Any person who is licensed and is in good standing as a real estate broker or salesperson in another state, and who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined in § 55-526, in the Commonwealth. Such real estate licensee from another state may be compensated by a real estate broker in the Commonwealth. Nothing in this subdivision shall be construed to permit any person not licensed and in good standing as a real estate broker or salesperson in the Commonwealth to otherwise act as a real estate broker or salesperson under this chapter.

B. The provisions of this chapter shall not prohibit the selling of real estate (i) by an attorney-at-law in the performance of his duties as such, (ii) by a receiver, trustee in bankruptcy, administrator or executor, a special commissioner or any person selling real estate under order of court, or (iii) by a trustee acting under the trust agreement, deed of trust or will, or the regular salaried employees thereof.

C. The provisions of this chapter shall not apply to any salaried person employed by a licensed real estate broker for and on behalf of the owner of any real estate or the improvements thereon which the licensed broker has contracted to manage for the owner if the actions of such salaried employee are limited to (i) exhibiting residential units on such real estate to prospective tenants, if the employee is employed on the premises of such real estate; (ii) providing prospective tenants with factual information about the lease of residential real estate; (iii) accepting applications for lease of such real estate; and (iv) accepting security deposits and rentals for such real estate. Such deposits and rentals shall be made payable to the owner or the broker employed by such owner. The salaried employee shall not negotiate the amounts of such security deposits or rentals and shall not negotiate any leases on behalf of such owner or broker.

D. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this chapter if he would be otherwise exempt from such licensure.

E. An attorney-at-law referring a client to a licensee shall not be entitled to receive any compensation from a listing firm or offered by a common source information company to cooperating brokers, unless the attorney is also licensed under this chapter as a real estate broker or salesperson.

## CHAPTER 273

*An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3, relating to cigarettes; contraband; fraudulent purchase; penalties.*

[H 1807]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-1017.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3 as follows:**

**§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalties.**

Any person who possesses, with intent to distribute, more than 5,000 (25 cartons) but fewer than ~~100,000 (500 cartons)~~ 40,000 (200 cartons) tax-paid cigarettes is guilty of a Class 1 misdemeanor for a first offense and is guilty of a Class 6 felony for any second or subsequent offense. Any person who possesses, with intent to distribute, ~~100,000 (500 cartons)~~ 40,000 (200 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is guilty of a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no less than \$5,000, for a first offense; (ii) \$5 per pack, but no less than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no less than \$50,000, for

a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

The provisions of this section shall not apply to an authorized holder.

**§ 58.1-1017.3. Fraudulent purchase of cigarettes; penalties.**

*Any person who purchases 5,000 (25 cartons) cigarettes or fewer using a forged business license, a business license obtained under false pretenses, a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. Any person who purchases more than 5,000 (25 cartons) cigarettes using a forged business license, a business license obtained under false pretenses, a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses is guilty of a Class 6 felony for a first offense and a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no less than \$5,000, for a first offense; (ii) \$5 per pack, but no less than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no less than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.*

*The provisions of this section shall not preclude prosecution under any other statute.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 274

*An Act to amend and reenact § 55-248.13 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; obligations of the landlord; visible mold remediation.*

[H 1867]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-248.13 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-248.13. Landlord to maintain fit premises.**

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
3. Keep all common areas shared by two or more dwelling units of the premises in a clean and structurally safe condition;
4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;
5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold, and to promptly respond to any notices from a tenant as provided in subdivision A 10 of § 55-248.16. *Where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions in accordance with the requirements of subsection E of § 8.01-226.12 and reinspect the dwelling unit to confirm that there is no longer visible evidence of mold in the dwelling unit. The landlord shall make available to the tenant copies of any available written information related to the remediation of mold;*

6. Provide and maintain appropriate receptacles and conveniences, in common areas, for the collection, storage, and removal of ashes, garbage, rubbish and other waste incidental to the occupancy of two or more dwelling units and arrange for the removal of same;

7. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; and

8. Maintain any carbon monoxide alarm that has been installed by the landlord in a dwelling unit.

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall only be liable for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision 1 of subsection A is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision 1 of subsection A.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions 3, 6, and 7 of subsection A and also specified repairs, maintenance tasks, alterations and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord, and if the agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

## CHAPTER 275

*An Act to amend and reenact §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, and 60.2-113 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4.2 of Title 2.2 sections numbered 2.2-435.9 and 2.2-435.10 and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2, relating to workforce development; coordination of statewide delivery of workforce development and training programs and activities.*

[H 1986]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, and 60.2-113 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 4.2 of Title 2.2 sections numbered 2.2-435.9 and 2.2-435.10 and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2 as follows:**

**§ 2.2-435.7. Responsibilities of the Chief Workforce Development Advisor.**

A. The Governor's responsibilities ~~of~~ *as carried out by* the Chief Workforce Development Advisor shall include:

1. Developing a strategic plan for the statewide delivery of workforce development and training programs and activities. The strategic plan shall be developed in coordination with the development of the comprehensive economic development policy required by § 2.2-205. The strategic plan shall include performance measures that link the objectives of such programs and activities to the record of state agencies, local workforce ~~investment development~~ boards, and other relevant entities in attaining such objectives;

2. ~~To the extent permissible under applicable federal law, determining~~ *Determining* the appropriate allocation, ~~to the extent permissible under applicable federal law,~~ of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

3. Ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner by, among other activities, taking appropriate executive action to this end and recommending to the General Assembly necessary legislative actions to streamline and eliminate duplication in such efforts;

4. Facilitating efficient implementation of workforce development and training programs by cabinet secretaries and agencies responsible for such programs;

5. Developing, in coordination with the Virginia Board of Workforce Development, (i) certification standards for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

6. Monitoring, in coordination with the Virginia Board of Workforce Development, the effectiveness of each one-stop center and recommending actions needed to improve their effectiveness;

7. Establishing measures to evaluate the effectiveness of the local workforce ~~investment development~~ boards and conducting annual evaluations of the effectiveness of each local workforce ~~investment development~~ board. As part of the evaluation process, the Governor shall recommend to such boards specific best management practices;

8. Conducting annual evaluations of the performance of workforce development and training programs and activities and their administrators and providers, using the performance measures developed through the strategic planning process described in subdivision 1. The evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program or activity, (ii) a comparative rating of each program or activity based on its success in meeting program objectives, and (iii) an explanation of the extent to which each agency's appropriation requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered in allocating resources for workforce development and training programs. These evaluations shall be submitted to the chairs of the House and Senate Commerce and Labor Committees and included in the biennial reports pursuant to subdivision 10;

9. Monitoring federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for workforce development programs; and

10. Submitting biennial reports, which shall be included in the Governor's executive budget submissions to the General Assembly, on improvements in the coordination of workforce development efforts statewide. The reports shall identify (i) program success rates in relation to performance measures established by the Virginia Board of Workforce Development, (ii) obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and resource coordination.

B. The Chief Workforce Development Advisor shall report to the Governor.

**§ 2.2-435.8. Workforce program evaluations; sharing of certain data.**

A. Notwithstanding any provision of law to the contrary, the agencies specified in subsection D may share data from within their respective databases solely to (i) provide the workforce program evaluation and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of § 2.2-435.7 and (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements.

B. Data shared pursuant to subsection A shall not include any personal identifying information, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall

re-encrypt the data to prevent any participating agency from connecting shared data sets with existing agency files. For the purposes of this section:

1. "Identifying information" means the same as that term is defined in § 18.2-186.3; and
2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans Employment Training Programs;
2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce ~~Investment Innovation and Opportunity Act~~ Adult, Youth and Dislocated Worker Programs;
3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;
4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
5. Department of Education: Adult Education and Family Literacy, Special Education, and Career and Technical Education;
6. Department of Labor and Industry: Apprenticeship;
7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative for Employment Not Welfare;
8. Virginia Economic Development Partnership: Virginia Jobs Investment Program;
9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and Technical Education Programs;
10. Department of Corrections: Career and Technical Education Programs; and
11. The State Council of Higher Education for Virginia.

**§ 2.2-435.9. Annual report by publicly funded career and technical education and workforce development programs; performance on state-level metrics.**

*Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Virginia Board of Workforce Development a report detailing the program's performance against state-level metrics established by the Virginia Board of Workforce Development and the Chief Workforce Development Advisor.*

**§ 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act; memorandum of understanding; executive summaries.**

A. *The Chief Workforce Development Advisor, the Commissioner of the Virginia Employment Commission, and the Chancellor of the Virginia Community College System shall enter into a memorandum of understanding that sets forth (i) the roles and responsibilities of each of these entities in administering a state workforce system and facilitating regional workforce systems that are business-driven, aligned with current and reliable labor market data, and targeted at providing participants with workforce credentials that have demonstrated value to employers and job seekers; (ii) a funding mechanism that adequately supports operations under the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA); and (iii) a procedure for the resolution of any disagreements that may arise concerning policy, funding, or administration of the WIOA.*

B. *The Chief Workforce Development Advisor, the Virginia Employment Commission, and the Virginia Community College System shall collaborate to produce an annual executive summary, no later than the first day of each regular session of the General Assembly, of the interim activity undertaken to implement the memorandum of understanding described in subsection A and to administer the WIOA.*

**§ 2.2-2238.1. Special economic development services in rural communities; strategic plan.**

A. In order to assist the rural communities of the Commonwealth, the Authority ~~shall~~ *may* develop a program for reviewing existing economic development programs of rural communities, upon request. The program shall include (i) a review and evaluation of existing industrial sites and infrastructure, including existing streets, water and sewer systems, electricity, natural gas and communications facilities that will provide high-speed or broadband Internet access to rural and underserved areas of the Commonwealth; (ii) an assessment of the existing workforce and the provision of information on state and federal programs such as tax incentives that may be available to local or prospective employers to assist in hiring and training in areas of high unemployment; (iii) assistance in identifying community resources and the type of industries that may benefit from locating in a community with such resources; and (iv) marketing assistance to help rural communities improve their visibility to expanding industries looking for new facilities.

B. The Authority, the Center for Rural Virginia, the Virginia Department of Housing and Community Development, the Virginia Resources Authority, the Department of Small Business and Supplier Diversity, the Virginia Tobacco Indemnification and Community Revitalization Commission, the Virginia Employment Commission, the Virginia Tourism Corporation, the Virginia Community College System, institutions of higher education within rural regions of the Commonwealth, and the Department of Agriculture and Consumer Services shall jointly develop and implement a rural

economic development strategic plan that at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary and post-graduate resources, and comprehensive workforce development programs, as they may pertain to the Workforce ~~Investment~~ *Innovation and Opportunity* Act; (ii) infrastructure, including capital for water and sewer upgrading, waste management, law enforcement, housing, primary and secondary roads, and telecommunications; (iii) traditional industrial development and industry retention programs, including assistance in financing and in workforce training; (iv) recreational and cultural enhancement and related quality of life measures, including parks, civic centers, and theaters; (v) agribusiness incentives to promote the use of new technologies, and the exploration of new market opportunities; and (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities, especially small business activities in rural communities.

**§ 2.2-2470. Definitions.**

As used in this article:

"Local workforce ~~investment~~ *development* board" means a local workforce ~~investment~~ *development* board established under § ~~117 of the WIA~~ *107 of the WIOA*.

"One stop" means a conceptual approach to service delivery intended to provide a single point of access for receiving a wide range of workforce development and employment services, either on-site or electronically, through a single system.

"One-stop center" means a physical site where ~~core employment and career~~ services are provided, either ~~on-site~~ *on site* or electronically, and access to ~~intensive career~~ services, training services, and other partner program services are available for employers, employees, and job seekers.

"One-stop operator" means a single entity or consortium of entities that operate a one-stop center or centers. Operators may be public or private entities competitively selected ~~or designated through an agreement with~~ *by* a local workforce board.

"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2472.

"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220), as amended.

"WIOA" means the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128).

**§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms; compensation and expenses; staff.**

A. The Virginia Board of Workforce Development (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to assist and advise the Governor, the General Assembly, and the Chief Workforce Development Advisor in meeting workforce ~~training~~ *development* needs in the Commonwealth through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all education and workforce programs with responsibilities and resources for *employment, occupational training, and support connected to workforce credential and job attainment.*

B. The Board shall consist of a ~~maximum of 26 members as follows of the following:~~

1. ~~The Board shall include two~~ *Two* members of the House of Delegates to be appointed by the Speaker of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms;

2. The Governor or his designee who shall be selected from among the cabinet-level officials appointed to the Board *pursuant to subdivision 3; the*

3. *The* Secretaries of Commerce and Trade, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, or their designees, *each of whom shall serve ex officio; and the*

4. *The* Chancellor of the Virginia Community College System or his designee, *who shall serve as ex officio members;*

~~3. The Governor shall appoint members as follows: one~~ *5. One* local elected official *appointed by the Governor; two*

~~6. Two~~ representatives nominated by state labor federations *and appointed by the Governor; and 14*

7. *Fourteen* nonlegislative citizen members representing the business community *appointed by the Governor*, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association, one representative of proprietary employment training schools, ~~one representative of health care employers~~, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or other business executives or employers with optimum policy-making or hiring authority ~~and who represent life sciences and health care, information technology and cyber security, manufacturing, and other industry sectors that represent the Commonwealth's economic development priorities.~~ *Business members* shall represent diverse regions of the state, to include urban, suburban, and rural areas, ~~and at least two of whom~~ *members* shall ~~also~~ be members of local workforce ~~investment~~ *development* boards. Nonlegislative citizen members may be nonresidents of the Commonwealth. Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. ~~If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.~~

~~D.~~ The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from among the 14 nonlegislative citizen members representing the business community appointed in accordance with subdivision B ~~3~~ *7*. ~~No member shall be eligible to serve more than one two-year term as chairman.~~ The Board shall meet *at least every three months or upon the call of the chair or the Governor as stipulated by the Board's bylaws.* The chairman and the

vice-chairman shall select at least five members of the Board to serve as an executive committee of the Board, which shall have the limited purpose of establishing meeting agendas, *reviewing bylaws and other documents pertaining to Board governance and operations*, approving reports to the Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.

~~E.~~ D. Compensation and reimbursement of expenses of the members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12.

2. Members of the Board appointed in accordance with subdivision B 2, B 3, or B 4 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

3. Members of the Board appointed in accordance with subdivision B 3 5, B 6, or B 7 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

Funding for the costs of compensation and expenses of the members shall be provided from federal funds received under the ~~WIA~~ WIOA.

~~F. The Chief Workforce Development Advisor shall serve as lead staff to the Board. The Office of the Chancellor of the Virginia Community College System (i) shall provide staff support to accomplish the federally mandated requirements of the WIA and (ii) shall enter into a memorandum of agreement with the Offices of the Secretaries of Commerce and Trade and Education for the purpose of having personnel from the Office provide staff support to accomplish the other duties and functions of the Board. The memorandum of agreement shall address the scope of duties of the Offices' personnel in providing such staff assistance to the Board. All other agencies in the executive branch of the Commonwealth shall provide assistance to the Board upon request.~~

**§ 2.2-2471.1. Executive Director; staff support.**

A. Board staffing shall be led by a full-time Executive Director to be supervised by the Chief Workforce Development Advisor. Additional staff support, including staffing of standing committees, may include other directors or coordinators of relevant education and workforce programs as requested by the Chief Workforce Development Advisor and as in-kind support to the Board from agencies administering workforce programs.

B. The Chief Workforce Development Advisor shall enter into a written agreement with agencies administering workforce programs regarding supplemental staff support to Board committees and other logistical support for the Board. Such written agreements shall be provided to members of the Board upon request. Funding for a full-time Executive Director position shall be provided by the WIOA, and such position shall be dedicated to the support of the Board's operations and outcomes and the Board's operational budget as agreed upon and referenced in a written agreement between the Chief Workforce Development Advisor and the agencies administering workforce programs.

**§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce *development* and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues *in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment*;

2. Provide policy direction to local workforce ~~investment~~ *development* boards;

3. ~~Provide recommendations on the policy, plans, and procedures for secondary and postsecondary career and technical education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.)~~ *Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;*

4. ~~Provide recommendations on the policy, plans, and procedures for other education and workforce development programs that provide resources and funding for training and employment services as identified by the Governor or Board;~~

~~5.~~ Identify current and emerging statewide workforce needs of the business community;

~~6.~~ 5. Forecast and identify training requirements for the new workforce;

~~7.~~ 6. Recommend strategies ~~that will~~ to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

~~8.~~ ~~Develop WIA incentive grant applications and approve criteria for awarding incentive grants;~~

~~9.~~ 7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

~~10.~~ 8. Develop ~~and approve criteria for the reallocation of unexpended WIA funds from local workforce investment boards~~ *pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;*

~~10.~~ 9. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's

sources and expenditures of administrative, workforce *education and training*, and ~~leadership funds support services~~ for workforce development programs;

~~11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2-2-2477 and review 10. Review and recommend industry credentials that align with high demand occupations, which credentials shall include the Career Readiness Certificate;~~

~~12. 11. Define the Board's role in certifying WIA WIOA training providers, including those not subject to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;~~

~~13. 12. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13 11;~~

~~14. 13. Create procedures, quality standards, guidelines, and directives applicable to local workforce investment development boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and~~

~~15. 14. Perform any act or function in accordance with the purposes of this article.~~

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the ~~WIA WIOA~~;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Virginia Community College System, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network System to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on ~~military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce workforce development and employment of veterans and on reducing process and qualification barriers to training and employment services.~~

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the ~~WIA WIOA~~ and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers ~~comprising elements of Virginia's Career Pathways System and Workforce Network within Virginia's Workforce System.~~

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of ~~the WIA Wagner-Peyser State Plan any combined state plan developed pursuant to the WIOA~~; development and continuous improvement of a statewide workforce development ~~and career pathways~~ system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; ~~review of local plans~~; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce ~~investment development~~ boards have obtained funding from sources other than the ~~WIA WIOA~~; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce ~~investment development~~ board shall develop and submit to the Governor and the ~~Virginia Board of Workforce Development~~ an annual workforce demand plan for its workforce ~~investment development~~ board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; ~~Local boards shall also designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop~~; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce ~~investment development~~ activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to ~~WIA WIOA~~ funds; report performance statistics to the ~~Virginia Board of Workforce Development~~; and certify local training providers in accordance with criteria provided by the ~~Virginia Board of Workforce Development~~. Further, a local training provider certified by any workforce ~~investment development~~ board has reciprocal certification for all workforce ~~investment development~~ boards.

~~Each local workforce investment board shall share information regarding its meetings and activities with the public.~~

F. ~~Each workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and underemployed workers in the region; (iv) the development~~

of partners and guidelines for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds and in-kind contributions, to support the workforce development system; and (vii) the generation of new sources of funding to support workforce development in the region.

G. Local workforce development boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment development areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce investment development board and one-stop center; and collaborate with the local workforce investment development board on local plans and program oversight.

G. I. Each local workforce investment development board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the ~~WIA~~ WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the ~~WIA~~ WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); ~~and~~
11. Other programs or activities as required by the ~~WIA~~ WIOA; and
12. Programs authorized under Title I of the WIOA.

J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.

H. K. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network System and the implementation of the ~~WIA~~ WIOA.

**§ 2.2-2472.1. Regional convener designation required; development of regional workforce pipelines and training solutions.**

A. As used in this section, "regional convener" means the local workforce development board having responsibility for coordinating business, economic development, labor, regional planning commissions, education at all levels, and human services organizations to focus on community workforce issues and the development of solutions to current and prospective business needs for a skilled labor force at the regional level.

B. As a condition of receiving WIOA funds, each local workforce development board shall either be designated as the regional convener for the WIOA region or enter into a memorandum of agreement supporting the public or private entity identified as serving as the regional convener.

C. Each regional convener shall develop, in collaboration with other workforce development entities in the region, a local plan for employer engagement. The plan shall (i) specify the policies and protocols to be followed by all of the region's workforce development entities when engaging the region's employers, (ii) address how the region's workforce entities will involve employers in the formation of new workforce development initiatives, and (iii) identify what activities will be undertaken to address employers' specific workforce needs. Each region's plan should be reviewed by the Virginia Board of Workforce Development, and the board should recommend changes to the plans to ensure consistency across regions.

**§ 2.2-2472.2. Minimum levels of fiscal support from WIOA Adult and Dislocated Worker funds by local workforce development boards; incentives.**

A. Each local workforce development board shall allocate a minimum of 40 percent of WIOA Adult and Dislocated Worker funds to training services as defined under § 134(c)(3)(D) of the WIOA that lead to recognized postsecondary education and workforce credentials aligned with in-demand industry sectors or occupations in the local area or region. Beginning October 1, 2016, and biannually thereafter, the Chief Workforce Development Advisor shall submit a report to the Board evaluating the rate of the expenditure of WIOA Adult and Dislocated Worker funds under this section.

*B. Failure by a local workforce development board to meet the required training expenditure percentage requirement shall result in sanctions, to increase in severity for each year of noncompliance. These sanctions may include corrective action plans; ineligibility to receive state-issued awards, additional WIOA incentives, or sub-awards; the recapturing and reallocation of a percentage of the local area board's Adult and Dislocated Worker funds; or for boards with recurring noncompliance, development of a reorganization plan through which the Governor would appoint and certify a new local board.*

*C. The Virginia Community College System, in consultation with the Governor, shall develop a formula providing for 30 percent of WIOA Adult and Dislocated Worker funds reserved by the Governor for statewide activities to be used solely for providing incentives to postsecondary workforce training institutions through local workforce development boards to accelerate the increase of workforce credential attainment by participants. Fiscal incentive awards provided under this section must be expended on training activities that lead participants to a postsecondary education or workforce credential that is aligned with in-demand industry sectors or occupations within each local workforce area. Apprenticeship-related instruction shall be included as a qualifying training under this subsection if such instruction is provided through a postsecondary education institution.*

**§ 60.2-113. Employment stabilization.**

The Commission shall take all necessary steps through its appropriate divisions and with the advice of such advisory boards and committees as it may have to:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth of Virginia with priority given to those workers drawing unemployment benefits;
2. Provide Virginia State Job Service services, as described in this title, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Investment Innovation and Opportunity Act;
3. Maintain a solvent trust fund financed through equitable employer taxes that provide temporary partial income replacement to involuntarily unemployed covered workers;
4. Coordinate and conduct labor market information research studies, programs and operations, including the development, storage, retrieval and dissemination of information on the social and economic aspects of the Commonwealth and publish data needed by employers, economic development, education and training entities, government and other users in the public and private sectors;
5. Determine and publish a list of jobs, trades, and professions for which a high demand of qualified workers exists or is projected by the Commission. The Commission shall consult with the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including public two-year and four-year institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;
6. Prepare official short and long-range population projections for the Commonwealth for use by the General Assembly and state agencies with programs which involve or necessitate population projections;
7. Encourage and assist in the adoption of practical methods of vocational guidance, training and retraining; and
8. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon request.

**2. That on October 1, 2017, the Executive Director of the Virginia Board of Workforce Development shall provide members of the Virginia Board of Workforce Development with a detailed report evaluating the rate of the expenditures for incentives established under subsection C of § 2.2-2472.2, as created by this act, from July 1, 2015, through July 1, 2017.**

**CHAPTER 276**

*An Act to amend and reenact § 1 of Chapter 277 of the Acts of Assembly of 2013, relating to sidewalks; City of Charlottesville.*

[H 2051]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1 of Chapter 277 of the Acts of Assembly of 2013 is amended and reenacted as follows:**

§ 1. The governing body of the City of Charlottesville may, as a part of its subdivision ordinance as authorized by § 15.2-2242 of the Code of Virginia, and as part of its zoning ordinance enacted pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, include provisions allowing the subdivider or developer of a residential lot, or of any lot containing at least one residential unit, the option of either (i) dedicating land for and constructing a sidewalk as specified in subdivision 9 of § 15.2-2242 or (ii) contributing to a sidewalk fund, maintained and administered by the city, funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property. Nothing in this act shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

## CHAPTER 277

*An Act to amend and reenact §§ 55-79.87, 55-79.97, 55-79.97:1, 55-509.3, 55-509.5, and 55-509.6 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-79.42:1 and 55-79.87:1 and by adding in Article 1 of Chapter 26 of Title 55 a section numbered 55-509.3:1, relating to the Condominium and the Property Owners' Association Acts; allowable charges; rental of units.*

[H 2100]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 55-79.87, 55-79.97, 55-79.97:1, 55-509.3, 55-509.5, and 55-509.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 55-79.42:1 and 55-79.87:1 and by adding in Article 1 of Chapter 26 of Title 55 a section numbered 55-509.3:1 as follows:**

**§ 55-79.42:1. Association charges.**

*Except as expressly authorized in this chapter, in the condominium instruments, or as otherwise provided by law, no unit owners' association may make an assessment or impose a charge against a unit owner unless the charge is (i) authorized under § 55-79.83, (ii) a fee for services provided, or (iii) related to the provisions set out in § 55-79.97:1. The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) unit owners' association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349, and may issue a cease and desist order pursuant to § 54.1-2349 or 54.1-2352, as applicable.*

**§ 55-79.87. Exemptions from certain provisions of article.**

A. Unless the method of offer or disposition is adopted for the purpose of evasion of this chapter, the provisions of §§ 55-79.88 through 55-79.93, subsections A and C of § 55-79.94, and § 55-79.97 do not apply to:

1. Dispositions pursuant to court order;
2. Dispositions by any government or government agency;
3. Offers by the declarant on nonbinding reservation agreements;

4. Dispositions in a residential condominium in which there are three or fewer units, so long as the condominium instruments do not reserve to the declarant the right to create additional condominium units; or

5. A disposition of a unit by a sale at an auction, where ~~the~~ a current public offering statement or resale certificate was made available as part of an auction package for prospective purchasers prior to the auction sale.

B. In cases of dispositions in a condominium where all units are restricted to nonresidential use, the provisions of §§ 55-79.88 through 55-79.95 shall not apply, unless the method of offer or disposition is adopted for the purpose of evasion of this chapter.

**§ 55-79.87:1. Rental of units.**

A. *Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association may condition or prohibit the rental of a unit to a tenant by a unit owner or make an assessment or impose a charge except as provided in § 55-79.42:1.*

B. *Except as expressly authorized in this chapter or in the condominium instruments, no unit owners' association shall:*

1. *Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 as a condition of approval of such a rental during the term of any lease;*

2. *Require the unit owner to use a lease prepared by the unit owners' association; or*

3. *Charge a security deposit from the unit owner or the tenant of the unit owner.*

C. *The unit owners' association may require the unit owner to provide the unit owners' association with a copy of any (i) lease with a tenant or (ii) unit owners' association document completed by the unit owner or representative that discloses the names and contact information of tenant and occupants under the lease. The unit owners' association may require the unit owner to provide the unit owners' association with the tenant's acknowledgement of and consent to any rules and regulations of the unit owners' association.*

**§ 55-79.97. Resale by purchaser.**

A. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and § 55-79.87 A, the unit owner shall disclose in the contract that (i) the unit is located within a development which is subject to the Condominium Act, (ii) the Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser, (iii) the purchaser may cancel the contract within three days after receiving the resale certificate or being notified that the resale certificate will not be available, (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55-79.97:1, as appropriate, and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55-79.93:1, (b) the seller has made a written request to the unit owners' association that the resale certificate be provided and no such resale certificate has been received within 14 days in

accordance with subsection C, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55-79.97:1, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, if the purchaser receives the resale certificate on or before the date that the purchaser signs the contract; (ii) within three days after receiving the resale certificate if the resale certificate is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United Parcel Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate is sent to the purchaser by United States mail. Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

- a. Hand delivery;
- b. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
- c. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
- d. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55-79.84 which need not be notarized and, if applicable, an appropriate statement pursuant to § 55-79.85;
2. A statement of any expenditure of funds approved by the unit owners' association or the executive organ which shall require an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;
3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition and maintenance of the condominium unit and the use of the common elements, and the status of the account;
4. A statement whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;
5. The current reserve study report or a summary thereof, a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive organ;
6. A copy of the unit owners' association's current budget or a summary thereof prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;
7. A statement of the nature and status of any pending suits or unpaid judgments to which the unit owners' association is a party which either could or would have a material impact on the unit owners' association or the unit owners or which relates to the unit being purchased;
8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;
9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;
10. A copy of the current bylaws, rules and regulations and architectural guidelines adopted by the unit owners' association and the amendments thereto;
11. A statement of whether the condominium or any portion thereof is located within a development subject to the Property Owners' Association Act (§ 55-508 et seq.) of Chapter 26 of this title;
12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;
13. A copy of any approved minutes of the executive organ and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;
14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55-79.93:1; which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing;
15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;
16. A statement setting forth any restrictions, limitation or prohibition on the right of a unit owner to display the flag of the United States, including, but not limited to reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property; and

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

The resale certificate shall be delivered in accordance with the written request and instructions of the seller or his authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, at the option of the seller or his authorized agent, and shall specify the complete contact information for the parties to whom the resale certificate shall be delivered. The resale certificate shall be delivered within 14 days of receipt of such request. The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or his authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or his authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or his authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or his authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or his authorized agent to pay any fees to use the provider's electronic network or system. *The resale certificate shall not be delivered in hard copy if the requestor has requested delivery of such resale certificate electronically. If the resale certificate is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee of \$50 as provided in § 55-79.97:1 after the expiration of the 90-day period from the date of issuance of such certificate.* If the seller or his authorized agent asks that the resale certificate be provided in electronic format, the seller or his authorized agent may ~~designate no more than two additional recipients to receive the resale certificate in electronic format at no additional charge~~ request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requestor. If so requested, the unit owners' association or its common interest community manager may require the seller or his authorized agent to pay the fee specified in § 55-79.97:1. The preparer of the resale packet shall provide such resale packet directly to the designated persons.

E. Subject to the provisions of § 55-79.87, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55-79.1 et seq.).

F. The resale certificate required by this section need not be provided in the case of:

1. A disposition of a unit by gift;
2. A disposition of a unit pursuant to court order if the court so directs;
3. A disposition of a unit by foreclosure or deed in lieu of foreclosure; or
4. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction.

G. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the unit owners' association and provide the resale certificate to the purchaser.

**§ 55-79.97:1. Fees for resale certificate.**

A. The unit owners' association may charge fees as authorized by this section for the inspection of the property, the preparation and issuance of the resale certificate required by § 55-79.97, and for such other services as are set out in this section. Nothing in this chapter shall be construed to authorize the unit owners' association or common interest community manager to charge an inspection fee for a unit except as provided in this section.

B. A reasonable fee may be charged by the preparer of the resale certificate as follows for:

1. The inspection of the unit, as authorized in the declaration and as required to prepare the resale certificate, a fee not to exceed \$100;
2. The preparation and delivery of the resale certificate in (i) paper format, a fee not to exceed \$150 for no more than two hard copies, or (ii) electronic format, a fee not to exceed a total of \$125, for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requestor. Only one fee shall be charged for the preparation and delivery of the resale certificate;
3. At the option of the seller or his authorized agent, with the consent of the unit owners' association or the common interest community manager, expediting the inspection, preparation, and delivery of the resale certificate, an additional expedite fee not to exceed \$50;
4. At the option of the seller or his authorized agent, an additional hard copy of the resale certificate, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or his authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the resale certificate; and

6. A post-closing fee to the purchaser of the unit, collected at settlement, for the purpose of establishing the purchaser as the owner of the unit in the records of the unit owners' association, a fee not to exceed \$50.

Neither the unit owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request for the resale certificate is made. The resale certificate shall state that all fees and costs for the resale certificate shall be the personal obligation of the unit owner and shall be an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83, if not paid at settlement or within 45 days of the delivery of the resale certificate, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the resale certificate are completed within five business days of the request for a resale certificate.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the unit owners' association or its common interest community manager for compliance with the duties and responsibilities of the unit owners' association under this section. No additional fee shall be charged for access to the unit owners' association's or common interest community manager's website. The unit owners' association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so that the seller or his authorized agent will know such fees at the time of requesting the resale certificate.

D. Any fees charged pursuant to this section shall be collected at the time settlement occurs on the sale of the unit and shall be due and payable out of the settlement proceeds in accordance with this section. The seller shall be responsible for all costs associated with the preparation and delivery of the resale certificate, except for the costs of any resale certificate update or financial update, which costs shall be the responsibility of the requestor, payable at settlement. *The settlement agent shall escrow a sum sufficient to pay such costs at settlement.* Neither the unit owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate.

E. If settlement does not occur within 45 days of the delivery of the resale certificate, or funds are not collected at settlement and disbursed to the unit owners' association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the resale certificate against the unit owner, (ii) the personal obligation of the unit owner, and (iii) an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83. The seller may pay the unit owners' association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the unit owners' association. The unit owners' association shall pay the common interest community manager the amount due from the unit owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If a resale certificate has been issued within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent or the purchaser or his authorized agent, may request a resale certificate update. The requestor shall specify whether the resale certificate update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The resale certificate update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the resale certificate update or financial update may be charged by the preparer, not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the unit owners' association or the common interest community manager perform an additional inspection of the unit, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. *The settlement agent shall escrow a sum sufficient to pay such costs at settlement.* Neither the unit owners' association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate update. The requestor may request that the specified update be provided in hard copy or in electronic form.

J. No unit owners' association or common interest community manager may require the requestor to request the specified update electronically. The seller or his authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the unit owners' association. If the requestor asks that the specified update be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the requestor to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or his authorized agent.

K. When a resale certificate has been delivered as required by § 55-79.97, the unit owners' association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the unit

with respect to any violation of the condominium instruments as of the date of the statement unless the purchaser had actual knowledge that the contents of the resale certificate were in error.

L. If the unit owners' association or its common interest community manager has been requested in writing to furnish the resale certificate required by § 55-79.97, failure to provide the resale certificate substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject unit. The preparer of the resale certificate shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the condominium instruments, rules and regulations, and architectural guidelines of the unit owners' association as to all matters arising after the date of the settlement of the sale.

### **§ 55-509.3. Association charges.**

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association may (i) make an assessment or impose a charge against a lot or a lot owner unless the charge is a fee for services provided or related to use of the common area or (ii) charge a fee related to the provisions set out in § 55-509.6 or 55-509.7 that is not expressly authorized in those sections. Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55-509.6 or 55-509.7. *The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349, and may issue a cease and desist order against the violator pursuant to § 54.1-2349 or 54.1-2352, as applicable.*

#### **§ 55-509.3:1. Rental of lots.**

A. *Except as expressly authorized in this chapter or in the declaration or as otherwise provided by law, an association may not condition or prohibit the rental to a tenant of a lot by a lot owner or make an assessment or impose a charge except as provided in § 55-509.3.*

B. *Except as expressly authorized in this chapter or in the declaration, no association shall:*

1. *Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 as a condition of approval of such a rental during the term of any lease;*

2. *Require the lot owner to use a lease prepared by the association; or*

3. *Charge a security deposit from the lot owner or the tenant of the lot owner.*

C. *The association may require the lot owner to provide the association with a copy of any (i) lease with a tenant or (ii) association document completed by the lot owner or representative that discloses the names and contact information of the tenant and occupants under such lease. The association may require the lot owner to provide the association with the tenant's acknowledgement of and consent to any rules and regulations of the association.*

#### **§ 55-509.5. Contents of association disclosure packet; delivery of packet.**

A. The association shall deliver, within 14 days after receipt of a written request and instructions by a seller or his authorized agent, an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in Virginia;

2. A statement of any expenditure of funds approved by the association or the board of directors that shall require an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;

3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;

4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;

5. The current reserve study report or summary thereof, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;

6. A copy of the association's current budget or a summary thereof prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;

7. A statement of the nature and status of any pending suit or unpaid judgment to which the association is a party and that either could or would have a material impact on the association or its members or that relates to the lot being purchased;

8. A statement setting forth what insurance coverage is provided for all lot owners by the association, including the fidelity bond maintained by the association, and what additional insurance would normally be secured by each individual lot owner;

9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned thereto are or are not in violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association;

10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;

11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including but not limited to reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;

12. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;

13. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;

14. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;

15. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;

16. A copy of the fully completed one-page cover sheet developed by the Common Interest Community Board pursuant to § 54.1-2350;

17. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55-516.1, which certification shall indicate the filing number assigned by the Common Interest Community Board, and the expiration date of such filing; and

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or his authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section, shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or his authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or his authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or his authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or his authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or his authorized agent to pay any fees to use the provider's electronic network or system. *The disclosure packet shall not be delivered in hard copy if the requestor has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee of \$50 as provided in § 55-509.6 after the expiration of the 90-day period from the date of issuance of such packet.* If the seller or his authorized agent asks that the disclosure packet be provided in electronic format, the seller or his authorized agent may designate no more than two additional recipients to receive the disclosure packet in electronic format at no additional charge.

**§ 55-509.6. Fees for disclosure packet; professionally managed associations.**

A. A professionally managed association or its common interest community manager may charge certain fees as authorized by this section for the inspection of the property, the preparation and issuance of the disclosure packet required by § 55-509.5, and for such other services as set out in this section. The seller or his authorized agent shall specify in writing whether the disclosure packet shall be delivered electronically or in hard copy, at the option of the seller or his authorized agent, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. ~~If the seller or his authorized agent specifies that delivery shall be made to the purchaser or his authorized agent or settlement agent, the preparer shall provide the disclosure packet directly to the designated persons, at the same time it is delivered to the seller or his authorized agent.~~

B. A reasonable fee may be charged by the preparer as follows for:

1. The inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the association disclosure packet, a fee not to exceed \$100;

2. The preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requestor. *The preparer of the disclosure packet shall provide the disclosure packet directly to the designated persons.* Only one fee shall be charged for the preparation and delivery of the disclosure packet;

3. At the option of the seller or his authorized agent, with the consent of the association or the common interest community manager, expediting the inspection, preparation and delivery of the disclosure packet, an additional expedite fee not to exceed \$50;

4. At the option of the seller or his authorized agent, an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or his authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet; and

6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

Except as otherwise provided in subsection E, neither the association nor its common interest community manager shall require cash, check, certified funds or credit card payments at the time the request for the disclosure packet is made. The disclosure packet shall state that all fees and costs for the disclosure packet shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516, if not paid at settlement or within 45 days of the delivery of the disclosure packet, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the disclosure packet are completed within five business days of the request for a disclosure packet.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the association or its common interest community manager for compliance with the duties and responsibilities of the association under this chapter. No additional fee shall be charged for access to the association's or common interest community manager's website. The association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so the seller or his authorized agent will know such fees at the time of requesting the packet.

D. Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds in accordance with this section. *The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement.* The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the requestor, payable at settlement. Neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time of the request is made for the association disclosure packet.

E. If settlement does not occur within 45 days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the disclosure packet against the lot owner, (ii) the personal obligation of the lot owner, and (iii) an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association. The association shall pay the common interest community manager the amount due from the lot owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requestor shall specify whether the disclosure packet update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. *The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement.* Neither the association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The requestor may request that the specified update be provided in hard copy or in electronic form.

J. No association or common interest community manager may require the requestor to request the specified update electronically. The seller or his authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the requestor asks that the specified update be

provided in electronic format, neither the association nor its common interest community manager may require the requester to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or his authorized agent.

K. When an association disclosure packet has been delivered as required by § 55-509.5, the association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

L. If the association or its common interest community manager has been requested in writing to furnish the association disclosure packet required by § 55-509.5, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The preparer of the association disclosure packet shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

## CHAPTER 278

*An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal Justice Services; training standards for undercover work.*

[H 2112]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

~~6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;~~

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies,

correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the

preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;
46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);
47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);
48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);
49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;
50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;
51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;
52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;
53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;
54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;
55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;
56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and
57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

## CHAPTER 279

*An Act to amend and reenact § 1, as amended, of Article III, § 1 of Article IX, and § 1 of Article X of Chapter 397 of the Acts of Assembly of 1950, which provided a charter for the Town of Amherst, relating to town powers, mayor, council, and town manager.*

[H 2128]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §1, as amended, of Article III, § 1 of Article IX, and § 1 of Article X of Chapter 397 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

#### Article III. Administration and Government.

§ 1. (1) Mayor and councilmen as of July 1, 2010.

The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until January 1, 2011.

(2) Biennial elections; composition of town council; acts and terms of office of mayor and councilmen.

On the day specified by general law for the holding of municipal elections in every even-numbered year, there shall be elected for two year terms by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and five other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for

State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) Registrar and election officials; electorate.

There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(4) Council as judge of qualifications and returns of members; power to fine and expel council members, and to fill vacancies in council.

The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(5) Quorum of council.

A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Salaries of councilmen and mayor; mayor's salary is in lieu of fees.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

(7) Powers and duties of mayor generally.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by the general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto. ~~He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed; and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.~~

(8) Approval or veto of ordinances, and resolutions having the effect of ordinances; reconsideration and passage over veto.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town ~~clerk~~ *manager* who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) Vice mayor.

The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) Regular and special meetings of council.

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the ~~clerk~~ *town manager* at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) Council minute book.

The council shall keep a minute book, in which the ~~clerk~~ *town manager* shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) Council rules or procedures; certain matters may be adopted only by vote of majority of all members elected to council.

The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) ~~There shall be appointed by the council at its first meeting in January, or as soon as practicable thereafter, a treasurer. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.~~

(14) ~~The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council.~~

(15) Town treasurer; town depository; commingling of funds.

The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) ~~There shall be appointed by the council, at its first regular meeting in January after its election, a clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.~~

(17) ~~There shall be appointed by the council at its first regular meeting in January or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.~~

(18) [Repealed.]

(19) ~~The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.~~

(20) Effective date of ordinances, resolutions and by-laws.

All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

(21) *Creation of office, appointment, compensation, and removal of town manager.*

*The office of town manager is hereby created. The town manager shall be appointed by majority vote of the town council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the town or state, but during the manager's tenure of office, shall reside within the town. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term. The town manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution. The town council may remove the town manager at any time by a majority vote of its members.*

(22) *Powers and duties of the town manager.*

*The town manager shall be the chief executive officer of the town, responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter. The town manager shall:*

*(a) Appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;*

*(b) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by law;*

*(c) Attend all town council meetings. The town manager shall have the right to take part in discussion but shall not vote;*

*(d) See that all laws, provisions of this charter, and acts of the town council subject to enforcement by the town manager or by officers subject to the manager's direction and supervision are faithfully executed;*

*(e) Prepare and submit the annual budget and capital program to the town council and implement the final budget approved by council to achieve the goals of the town;*

*(f) Submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;*

*(g) Make such other reports as the town council may require concerning operations;*

- (h) *Keep the town council fully advised as to the financial condition and future needs of the town;*
- (i) *Make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;*
- (j) *Provide staff support services for the mayor and council members;*
- (k) *Assist the council in developing long-term goals for the town and strategies to implement these goals;*
- (l) *Encourage and provide staff support for regional and intergovernmental cooperation;*
- (m) *Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and*
- (n) *Perform such other duties as are specified in this charter or may be required by the town council.*

(23) *Council not to interfere with appointments or removals.*

*Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.*

(24) *Emergencies. In case of accident, disaster, or other circumstance creating a public emergency, the town manager may award contracts and make purchases for the purpose of meeting said emergency, but the manager shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.*

#### Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) Nuisances; maintenance of premises; things detrimental to health, morals, aesthetics, safety, convenience and welfare generally.

To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) Fire protection generally.

To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(3) Explosives; fireworks; firearms; bonfires.

To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) Health and sanitation; department of health.

To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and United States.

(5) Care, etc., of children and persons sick, aged, insane or paupers.

To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(6) Maintenance of various institutions.

To provide and maintain either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) Animals and fowl.

To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) Acts of annoyance on streets; abuse of animals.

To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(9) Markets and keeping of foodstuffs; hucksters; junk dealers.

To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(10) Exclusion from town of certain classes of undesirable persons.

To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety to the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months.

(11) Police powers; police department.

To exercise full police powers and establish and maintain a department or division of police.

(12) Drunkards, beggars, etc., gambling; houses of ill-fame; disorderly conduct.

To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent, and disorderly exhibitions in the town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the town.

(13) Malicious mischief.

To prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

(14) Minors.

To prohibit minors from and punish them for frequenting, playing or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

~~(15) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town or the sheriff of Amherst County to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Amherst County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town.~~

(16) Enjoining of ordinance violations.

To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(17) By-laws, rules, regulations and ordinances for the good order of the town, etc.

To pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or officers, thereof, or which may be necessarily incident to a municipal corporation.

(18) Maintenance of general welfare, etc.

To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, government, peace, health, trade, commerce, or industries of the town, or its inhabitants.

(19) Rewards.

To offer and pay rewards for the apprehension of criminals.

(20) Meat and milk inspection; licensing of slaughter houses.

To provide by ordinance a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

(21) Public schools and libraries.

To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(22) Inspection of commodities; weights and measure.

To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures, and scales.

(23) Alcoholic beverages.

To make and enforce ordinances, in so far as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(24) Licensing of motor vehicles.

To require every owner or operator of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the ~~treasurer of the town~~ *manager*, or such other person as may be designated by the council; to issue such license, and to require the owner to pay the annual license fee therefor to be fixed by the council, provided that the license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of the motor vehicle to attach a proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(25) Regulation of motor vehicles and traffic.

In so far as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(26) Ordinances generally.

To make and enforce ordinances, not inconsistent with the laws of this State.

(27) Implementation of powers; penalties for violation of ordinances.

To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, the penalty not to exceed five hundred dollars (\$500.00) fine or twelve months' imprisonment in jail, or both.

(28) Enumeration of powers not exclusive.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the constitution and laws of this State, it would be competent for this charter specifically to enumerate.

#### Article X. Actions against Town.

§ 1. Restrictions.

(1) No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the ~~mayor~~ *town manager* or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

### CHAPTER 280

*An Act to amend and reenact § 2.2-2316 of the Code of Virginia, relating to the Virginia Tourism Authority; Board of Directors.*

[H 2288]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2316 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2316. Executive Director; Board of Directors; members and officers.**

A. Notwithstanding the provisions of § 2.2-2318, all powers, rights and duties conferred by this article or other provisions of law upon the Authority shall be exercised by an Executive Director with the advice and comment of a Board of Directors. The Board of Directors shall be an advisory board within the meaning of § 2.2-2100.

B. The Board of Directors shall consist of the *Secretary of Agriculture and Forestry*, the Secretary of Commerce and Trade, the Secretary of Finance, the Secretary of Natural Resources, the Lieutenant Governor, and 12 members appointed by the Governor, subject to confirmation by the General Assembly. The members of the Board appointed by the Governor shall serve terms of six years each, ~~except that the original terms of four members appointed by the Governor shall end on June 30, 2000, the original term of four members appointed by the Governor shall end on June 30, 2001, and the original terms of three members appointed by the Governor shall end on June 30, 2002, all as designated by the Governor.~~ Any appointment to fill a vacancy on the Board shall be made for the unexpired term of the member whose death, resignation or removal created the vacancy. All members of the Board shall be residents of the Commonwealth. Members may be appointed to successive terms on the Board of Directors. The Governor shall make appointments in such a manner as to ensure the widest possible geographical representation of all parts of the Commonwealth.

Each member of the Board shall be reimbursed for his ~~or her~~ reasonable expenses incurred in attendance at meetings or when otherwise engaged in the business of the Authority and shall be compensated at the rate provided in § 2.2-2104 for each day or portion thereof in which the member is engaged in the business of the Authority.

C. The Governor shall designate one member of the Board as chairman. The Board may elect one member as vice-chairman, who shall exercise the powers of chairman in the absence of the chairman or as directed by the chairman. The *Secretary of Agriculture and Forestry*, the Secretary of Commerce and Trade, the Secretary of Finance, the Secretary of Natural Resources, and the Lieutenant Governor shall not be eligible to serve as chairman or vice-chairman.

D. Meetings of the Board shall be held at the call of the chairman or of any seven members. Nine members of the Board shall constitute a quorum for the transaction of the business of the Authority. An act of the majority of the members of the Board present at any regular or special meeting at which a quorum is present shall be an act of the Board of Directors.

E. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth shall be deemed to have forfeited or shall have forfeited his ~~or her~~ office or employment by reason of acceptance of membership on the Board or by providing service to the Authority.

## CHAPTER 281

*An Act to amend and reenact §§ 3.9 and 4.1 of Chapter 247 of the Acts of Assembly of 1968, which provided a charter for the Town of Culpeper in the County of Culpeper, relating to notice of special meetings and residence of the Town Manager.*

[H 2292]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 3.9 and 4.1 of Chapter 247 of the Acts of Assembly of 1968 are amended and reenacted as follows:**

##### **§ 3.9. - Meetings of council.**

The town council shall fix the time of its stated meetings, and it shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified as defined by ordinance seventy-two hours prior to any special meeting. The seventy-two hour period shall be from the time the notice ~~or~~ of special meeting is ~~duly released to the town police~~ *electronically transmitted to the council.* A special meeting may be held without prior notification to members of council upon the consent and waiver of such notice by all council members. The time required for prior notice of any special meeting may be decreased or waived by approval of two-thirds of the members of council provided all members of council are actually notified of such meeting.

##### **§ 4.1. - Appointment and qualifications.**

There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. ~~He~~ *The Town Manager* shall be appointed by the town council for an indefinite term. ~~He~~ *The Town Manager* shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his ~~the~~ office. At the time of his appointment, ~~he~~ *the Town Manager* need not be a resident of the town or the Commonwealth, but during his tenure of office, he shall reside within ~~the town~~ *Culpeper County.*

#### **2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 282

*An Act to amend the Code of Virginia by adding a section numbered 15.2-709.2, relating to county manager plan of government; county auditor.*

[H 2308]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-709.2 as follows:**

**§ 15.2-709.2. County auditor.**

*The board may appoint a county auditor for the audit and review of county agencies and county-funded functions. The county auditor shall have the power to make performance reviews of operations of county agencies or county-funded programs to ascertain that sums appropriated are expended for the purposes for which such appropriations were made and to evaluate the effectiveness of those agencies and programs. The county auditor shall make such special studies and reports as the board directs.*

*The board may provide staff assistance to the county auditor that may be independent of the administrative staff of the county. The county auditor and any such staff shall be hired on the basis of merit and shall be paid in conformity with existing pay scales. The county auditor shall serve at the pleasure of the board, and if removed, such removal shall not be subject to review by any other employee, agency, board, or commission of the county or under the grievance procedure adopted pursuant to § 15.2-1506.*

**CHAPTER 283**

*An Act to prohibit censorship of sermons made by chaplains of the Virginia National Guard and Virginia Defense Force.*

[S 690]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *Notwithstanding any contrary provisions of law, the religious content of sermons, homilies, preaching, religious messages, or other speeches within religious services made by chaplains of the Virginia National Guard while in Title 32 or State Active Duty status or of the Virginia Defense Force shall not be censored or restricted by any state government official or agency, so long as (i) the religious content offered is not in any way a precursor of, introduction to, or part of any official ceremony, gathering, or formation that is not part of the religious service; (ii) the content does not urge disobedience of lawful orders; and (iii) members of the National Guard or Defense Force are not required to attend the service or event where such content is delivered.*

**CHAPTER 284**

*An Act to repeal § 15.2-5124 of the Code of Virginia, relating to water or sewer systems; delinquent payment of rates and charges.*

[S 868]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-5124 of the Code of Virginia is repealed.**

**CHAPTER 285**

*An Act to amend and reenact §§ 40.1-28, 40.1-113, and 40.1-114 of the Code of Virginia, relating to the enforcement of child labor laws; child labor offenses.*

[S 896]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 40.1-28, 40.1-113, and 40.1-114 of the Code of Virginia are amended and reenacted as follows:**

**§ 40.1-28. Unlawful to require payment for medical examination as condition of employment.**

*It shall be unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any medical records required by the employer as a condition of employment.*

*Any employer who violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail or overnight delivery service. Such notice shall contain a description of the alleged violation. Within 21 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. If the employer fails to contest the violation by requesting such an informal conference within 21 days following its receipt of the notice of the alleged violation, the violation and proposed penalty will become a final order of the Commissioner and not subject to review by any court or agency except upon a showing of good cause. Such informal conference shall result in a decision by the Commissioner that will be appealable to the appropriate circuit court. The Department shall send a copy of the Commissioner's decision to the employer by certified mail or overnight delivery service. The employer may file a notice of an appeal only within 30 days from the receipt of the decision. The appeal shall*

be on the agency record. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support the Commissioner's findings of fact. ~~A penalty determination by the Commissioner shall be final, unless within fifteen days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court.~~

Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the Treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties which are not contested by employers.

**§ 40.1-113. Child labor offenses; civil penalties.**

A. Whoever employs, procures, or, having under his control, permits a child to be employed, ~~or issues an employment certificate,~~ in violation of any of the provisions of this chapter other than §§ 40.1-100.2, 40.1-103 and 40.1-112, shall be subject to a civil penalty that (i) shall not exceed \$10,000 for each violation that results in the employment of a child who is seriously injured or who dies in the course of that employment and (ii) shall not exceed \$1,000 for each other violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. ~~The determination by the Commissioner shall be final, unless within fifteen days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court.~~

B. ~~The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail or overnight delivery service. Such notice shall contain a description of the alleged violation. Within 21 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. If the employer fails to contest the violation by requesting such an informal conference within 21 days following receipt of the notice of the alleged violation, the violation and proposed penalty will become a final order of the Commissioner and not subject to review by any court or agency except upon a showing of good cause. Such informal conference shall result in a decision by the Commissioner that will be appealable to the appropriate circuit court. The Department shall send a copy of the Commissioner's decision to the employer by certified mail or overnight delivery service. The employer may file a notice of an appeal only within 30 days from the receipt of the decision. The appeal shall be on the agency record. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support the Commissioner's findings of fact.~~

C. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties which are not contested by employers.

**§ 40.1-114. Enforcement of child labor law.**

The Commissioner, with the assistance of state and local law-enforcement officers, shall enforce the provisions of this chapter and shall have authority to appoint such representatives as may be necessary to secure the enforcement of this chapter. He shall make all necessary rules and regulations for carrying out the purposes of this chapter, and shall prescribe and ~~supply to the proper officials blanks for employment certificates and such other forms as may be required for carrying out the provisions of this chapter.~~

## CHAPTER 286

*An Act to amend the Code of Virginia by adding in Article 2 of Chapter 4.2 of Title 55 a section numbered 55-79.72:3 and by adding in Article 1 of Chapter 26 of Title 55 a section numbered 55-509.3:1, relating to the Condominium and Property Owners' Association Acts; statement of unit and lot owner rights.*

[S 1008]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 2 of Chapter 4.2 of Title 55 a section numbered 55-79.72:3 and by adding in Article 1 of Chapter 26 of Title 55 a section numbered 55-509.3:1 as follows:**

**§ 55-79.72:3. Statement of unit owner rights.**

*Every unit owner who is a member in good standing of a unit owners' association shall have the following rights:*

- 1. The right of access to all books and records kept by or on behalf of the unit owners' association according to and subject to the provisions of § 55-79.74:1, including records of all financial transactions;*
- 2. The right to cast a vote on any matter requiring a vote by the unit owners' association membership in proportion to the unit owner's ownership interest, except to the extent that the condominium instruments provide otherwise;*
- 3. The right to have notice of any meeting of the executive organ, to make a record of such meetings by audio or visual means, and to participate in such meeting in accordance with the provisions of § 55-79.75;*

4. The right to have (i) notice of any proceeding conducted by the executive organ or other tribunal specified in the condominium instruments against the unit owner to enforce any rule or regulation of the unit owners' association and (ii) the opportunity to be heard and represented by counsel at the proceeding, as provided in § 55-79.80:2, and the right of due process in the conduct of that hearing; and

5. The right to serve on the executive organ if duly elected and a member in good standing of the unit owners' association, except to the extent that the condominium instruments provide otherwise.

The rights enumerated in this section shall be enforceable by any such unit owner pursuant to the provisions of § 55-79.53.

**§ 55-509.3:1. Statement of lot owner rights.**

Every lot owner who is a member in good standing of a property owners' association shall have the following rights:

1. The right of access to all books and records kept by or on behalf of the association according to and subject to the provisions of § 55-510, including records of all financial transactions;

2. The right to cast a vote on any matter requiring a vote by the association's membership in proportion to the lot owner's ownership interest, except to the extent that the declaration provides otherwise;

3. The right to have notice of any meeting of the board of directors, to make a record of such meetings by audio or visual means, and to participate in such meeting in accordance with the provisions of subsection F of § 55-510 and § 55-510.1;

4. The right to have (i) notice of any proceeding conducted by the board of directors or other tribunal specified in the declaration against the lot owner to enforce any rule or regulation of the association and (ii) the opportunity to be heard and represented by counsel at the proceeding, as provided in § 55-513, and the right of due process in the conduct of that hearing; and

5. The right to serve on the board of directors if duly elected and a member in good standing of the association, except to the extent the declaration provides otherwise.

The rights enumerated in this section shall be enforceable by any such lot owner pursuant to the provisions of § 55-515.

## CHAPTER 287

An Act to amend and reenact §§ 54.1-4400 through 54.1-4403, 54.1-4412.1, 54.1-4413.2, 54.1-4413.3, and 54.1-4413.4 of the Code of Virginia, relating to the Board of Accountancy; technical updates to conform with recently updated professional standards and requirements for out-of-state CPA firms.

[S 1125]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-4400 through 54.1-4403, 54.1-4412.1, 54.1-4413.2, 54.1-4413.3, and 54.1-4413.4 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-4400. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise:

"Accredited institution" means a degree-granting college or university accredited either by (i) one of the six major regional accrediting organizations-Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges-or their successors; or (ii) an accrediting organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation process and standards are substantially equivalent to the accreditation process and standards of the six major regional accrediting organizations.

"Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a financial statement with any recognition, measurement, presentation, or disclosure principles for financial statements.

"Attest services" means audit, review, or other attest services for which standards have been established by the Public Company Accounting Oversight Board, by the Auditing Standards Board or the Accounting and Review Services Committee of the American Institute of Certified Public Accountants, or by any successor standard-setting authorities.

"Board" means the Virginia Board of Accountancy.

"Compilation services" means compiling financial statements in accordance with standards established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Continuing professional education" means the education that a person obtains after passing the CPA examination and that relates to services provided to an employer in academia, government, or industry using the CPA title or to services provided to the public using the CPA title.

"CPA" means certified public accountant.

"CPA examination" means the national uniform CPA examination approved and administered by the board of accountancy of a state or by the board's designee.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

"Executive Director" means the Executive Director of the Board.

"Experience" means employment in academia, a firm, government, or industry in any capacity involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board, to provide services to an employer using the CPA title or to the public using the CPA title.

"Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it provides the Board access to peer review results via a secure website.

"Financial statement" means a presentation of historical or prospective financial information about one or more persons or entities.

*"Financial statement preparation services" means financial statement preparation services for which standards have been established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.*

"Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a corporation, a limited liability company, or any other type of entity permitted by law.

"License of another state" means the license that is issued by the board of accountancy of a state other than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the privilege of providing attest services ~~and~~, compilation services, *and financial statement preparation services* to persons and entities located in that state.

"Licensed" means holding a Virginia license or the license of another state.

"Licensee" means a person or firm holding a Virginia license or the license of another state.

"Peer review" means a review of a firm's attest services ~~and~~, compilation services, *and financial statements preparation services* that is conducted in accordance with the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or with another monitoring program approved by the Board.

"Practice of public accounting" means the giving of an assurance other than (i) by the person or persons about whom the financial information is presented or (ii) by one or more owners, officers, employees, or members of the governing body of the entity or entities about whom the financial information is presented.

"Providing services to an employer using the CPA title" means providing to an entity services that require the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board.

"Providing services to the public using the CPA title" means providing services that are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3.

"Sponsoring organization" means a Board-approved professional society or other organization responsible for the facilitation and administration of peer reviews through use of its peer review program and applicable peer review standards.

"State" means any state of the United States, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

"Using the CPA title in Virginia" means using "CPA," "Certified Public Accountant," or "public accountant" (i) in any form or manner of verbal communication to persons or entities located in Virginia or (ii) in any form or manner of written communication to persons or entities located in Virginia, including but not limited to the use in any abbreviation, acronym, phrase, or title that appears in business cards, the CPA wall certificate, Internet postings, letterhead, reports, signs, tax returns, or any other document or device.

"Virginia license" means a license that is issued by the Board giving a person the privilege of using the CPA title in Virginia or a firm the privilege of providing attest services ~~and~~, compilation services, *and financial statement preparation services* to persons and entities located in Virginia.

#### **§ 54.1-4401. Applicability of chapter.**

A. This chapter shall not be construed to prevent any person who is not licensed from:

1. Using the description "accountant" or "bookkeeper";
2. Stating that he practices accounting or bookkeeping;
3. Performing services involving the use of accounting skills;
4. Rendering tax services, or management advisory or consulting services;
5. Keeping the books of account and related accounting records; or
6. Preparing financial statements without providing assurance.

B. This chapter shall not be construed to prevent any person who is not licensed from stating that he has prepared, compiled, assembled or drafted a financial statement, provided he does not use any additional language that comprises an assurance or make any claims, representations, or statements prohibited by § 54.1-4414.

C. The prohibitions of § 54.1-4414 and the other provisions of this chapter shall not be construed to preclude any person who is not licensed from *including a statement on financial statements indicating that no assurance is provided on the financial statements* or using the following language: "I (We) have compiled the accompanying (financial statements) of (name of entity) as of (time period) and for the (period) then ended. A compilation is limited to presenting in the form of financial statements information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them. Management has elected to omit substantially all (or certain) required disclosures (and the statement of cash flows). If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the (entity's)

financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about these matters."

D. The provisions of this chapter shall not be construed, interpreted, or applied to prohibit any public official or public employee from performing his duly authorized or mandated duties.

**§ 54.1-4402. Board; membership; qualifications; powers and duties.**

A. The Board of Accountancy established under the former § 54.1-2000 and previously operating in the Department of Professional and Occupational Regulation is hereby continued and reestablished as an independent board in the executive branch of state government.

B. The Board shall consist of seven members appointed by the Governor as follows: one member shall be a public member who may be an accountant who is not licensed but otherwise meets the requirements of clauses (i) and (ii) of § 54.1-107; one member shall be an educator in the field of accounting who holds a Virginia license; four members shall be holders of Virginia licenses who have been actively engaged in providing services to the public using the CPA title for at least three years prior to appointment to the Board; and one member shall hold a Virginia license and for at least three years prior to appointment to the Board shall have been actively engaged in providing services to the public using the CPA title or in providing services to an employer in government or industry using the CPA title.

C. Members of the Board shall serve for terms of four years. The Governor may remove any member as provided in subsection B of § 2.2-108. Any member of the Board whose Virginia license is revoked or suspended shall automatically cease to be a member of the Board.

D. The Board shall restrict the practice of public accounting and the use of the CPA title in Virginia to licensed persons and firms as specified in §§ 54.1-4409.1 and 54.1-4412.1.

E. The Board shall restrict the provision of attest services ~~and~~, compilation services, *and financial statement preparation services* to persons or entities located in Virginia and ~~to~~ as specified in § 54.1-4412.1. However, this shall not affect the privilege of a person who is not licensed *to include a statement on financial statements indicating that no assurance is provided on the financial statements*, to say that financial statements have been compiled, or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

F. The Board shall take such actions as may be authorized by this chapter to ensure the continued competence of persons using the CPA title in Virginia and firms providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia; and to aid the public in determining their qualifications.

G. The Board shall take such actions as may be authorized by this chapter to ensure that persons using the CPA title in Virginia and firms providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia adhere to the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

H. The Board shall have the responsibility of enforcing this chapter and may by regulation establish rules and procedures for the implementation of the provisions of this chapter.

**§ 54.1-4403. General powers and duties of the Board.**

The Board shall have the power and duty to:

1. Establish the qualifications of applicants for licensure, provided that all qualifications shall be necessary to ensure competence and integrity.

2. Examine, or cause to be examined, the qualifications of each applicant for licensure, including the preparation, administration and grading of the CPA examination.

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by licensees, and to effectively administer the regulatory system.

4. Levy and collect fees for the issuance, renewal, or reinstatement of Virginia licenses that are sufficient to cover all expenses of the administration and operation of the Board.

5. Levy on holders of Virginia licenses special assessments necessary to cover expenses of the Board.

6. Initiate or receive complaints concerning the conduct of holders of Virginia licenses or concerning their violation of the provisions of this chapter or regulations promulgated by the Board, and to take appropriate disciplinary action if warranted.

7. Initiate or receive complaints concerning the conduct of persons who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

8. Initiate or receive complaints concerning violations of the provisions of this chapter or regulations promulgated by the Board by persons who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

9. Revoke, suspend, or refuse to reinstate a Virginia license for just causes as prescribed by the Board.

10. Revoke or suspend, for just causes as prescribed by the Board, a person's privilege of using the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or a firm's privilege of providing attest services ~~or~~, compilation

services, *or financial statement preparation services* to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1.

11. Establish requirements for peer reviews.

12. Establish continuing professional educational requirements as a condition for issuance, renewal, or reinstatement of a Virginia license.

13. Expand or interpret the standards of conduct and practice in § 54.1-4413.3.

14. Enter into contracts necessary or convenient for carrying out the provisions of this chapter or the functions of the Board.

15. Do all things necessary and convenient for carrying into effect this chapter and regulations promulgated by the Board.

**§ 54.1-4412.1. Licensing requirements for firms.**

A. Only a firm can provide attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia. However, this shall not affect the privilege of a person who is not licensed to *include a statement on financial statements indicating that no assurance is provided on the financial statements*, to say that financial statements have been compiled, or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

B. A firm that provides attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia shall obtain a Virginia license if the principal place of business in which it provides those services is in Virginia.

C. A firm that is not required to obtain a Virginia license may provide attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia if:

1. *The firm can lawfully provide attest services, compilation services, or financial statement preparation services to persons or entities in the state where its principal place of business is located; and*

2. *The firm complies with subdivisions D 1, 2, 4, 5, 6, and 8 and subsection F; and*

3. The firm's personnel working on the engagement either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; or

~~2~~. 4. The firm's personnel working on the engagement are under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

D. For a firm to obtain a Virginia license:

1. As determined on a firm-wide basis:

a. At least 51 percent of the owners of the firm shall be licensees, trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or a firm that meets this requirement; and

b. At least 51 percent of the voting equity interest in the firm shall be owned by persons who are licensees, by trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or by a firm that meets this requirement.

If the death, retirement, or departure of an owner causes either of these requirements not to be met, the requirement shall be met within one year after the death, retirement, or departure of the owner.

2. The Board shall prescribe requirements concerning the hours that owners who are not licensees work in the firm and may prescribe other requirements for those persons.

3. All attest services ~~and~~, compilation services, *and financial statement preparation services* provided for persons and entities located in Virginia shall be under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

4. Any person who releases or authorizes the release of reports on attest services ~~or~~, compilation services, *or financial statement preparation services* provided for persons or entities located in Virginia shall:

a. Either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; and

b. Meet any additional requirements the Board prescribes.

5. The firm shall conduct its attest services ~~and~~, compilation services, *and financial statement preparation services* in conformity with the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

6. The firm shall be enrolled in the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or in another monitoring program for attest services ~~and~~, compilation services, *and financial statement preparation services* that is approved by the Board. In addition, the firm shall comply with any requirements prescribed by the Board in response to the results of peer reviews.

7. The firm shall participate in the American Institute of Certified Public Accountants', or sponsoring organizations', Facilitated State Board Access process, or its successor process, for peer reviews.

8. The name of the firm shall not be false, misleading, or deceptive.

E. The Board shall prescribe the methods and fees for a firm to apply for the issuance, renewal, or reinstatement of a Virginia license.

F. An entity may not use the CPA title in Virginia unless it meets the requirements of subdivision D 1.

**§ 54.1-4413.2. The renewal and reinstatement of licenses and lifting the suspension of privileges.**

A. A Virginia license shall provide its holder with a 12-month privilege to use the CPA title in Virginia or provide attest services ~~and~~, compilation services, *and financial statement preparation services* to persons and entities located in Virginia.

B. The person or firm holding the license shall have an additional 12-month period after the expiration of a license to renew the license.

1. The Board may prescribe renewal fees and requirements that increase based on the amount of time the person or firm allows to elapse before applying for renewal.

2. During the additional 12-month period, the person or firm shall be considered to hold a Virginia license.

C. If the license is not renewed by the end of the additional 12-month period, it shall be considered to have expired and the person or firm shall be considered to no longer hold a Virginia license.

D. A person whose Virginia license expired may obtain a new Virginia license under subsection C of § 54.1-4409.2 if he holds the license of another state.

E. The license of a person whose Virginia license expired and who does not hold the license of another state may be reinstated under this subsection. In addition, a person whose privilege of using the CPA title in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of using the CPA title in Virginia:

a. The person shall disclose to the Board why he no longer holds a Virginia license or why his privilege of using the CPA title in Virginia was suspended.

b. The person shall disclose to the Board each state in which he holds or has held a license.

c. For each of the states in which the person holds a license, he shall provide documentation from the board of accountancy about whether he is in good standing with the board, whether there are any pending actions alleging violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board, and whether he has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board.

d. For each of the states in which the person has held a license, the person shall disclose why he no longer holds a license and provide documentation from the board of accountancy concerning whether he has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board.

e. The person shall describe his continuing professional education since his Virginia license expired or was suspended. The Board shall determine whether his continuing professional education complies with the continuing professional education requirement prescribed by the Board for that period.

2. After evaluating the information provided by the person, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the person its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the person believes the matters affecting the request have been satisfactorily resolved. The person may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

F. The license of a firm whose Virginia license expired may be reinstated under this subsection. In addition, a firm whose privilege of providing attest services ~~or~~ compilation services, *or financial statement preparation services* to persons or entities located in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of providing attest services ~~or~~ compilation services, *or financial statement preparation services* to persons or entities located in Virginia:

a. The firm shall disclose to the Board why it no longer holds a Virginia license or why its privilege of providing attest services ~~or~~ compilation services, *or financial statement preparation services* to persons or entities located in Virginia was suspended.

b. The firm shall disclose to the Board each state in which it holds or has held a license.

c. For each of the states in which the firm holds a license, it shall provide documentation from the board of accountancy concerning whether it is in good standing with the board, whether there are any pending actions alleging violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board, and whether it has been found guilty of any violations of these standards of conduct and practice.

d. For each of the states in which the firm has held a license, the firm shall disclose why it no longer holds a license and provide documentation from the board of accountancy concerning whether it has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board.

2. After evaluating the information provided by the firm, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the firm its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the firm believes the matters affecting the request have been satisfactorily resolved. The firm may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

G. The Board shall consider granting the privilege of using the CPA title in Virginia, or the privilege of providing attest services ~~or~~ compilation services, *or financial statement preparation services* to persons or entities located in Virginia, to persons or firms that have had the privilege revoked only when the person or firm demonstrates to the Board that there are

special facts and circumstances that warrant reconsideration by the Board of whether it should allow the person or firm to have the privilege.

**§ 54.1-4413.3. Standards of conduct and practice.**

Persons using the CPA title in Virginia and firms providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia shall conform to the following standards of conduct and practice.

1. Exercise sensitive professional and moral judgment in all activities.
2. Act in a way that serves the public interest, honors the public trust, and demonstrates commitment to professionalism.
3. Perform all professional responsibilities with the highest sense of integrity, maintain objectivity and freedom from conflicts of interest in discharging professional responsibilities, and avoid knowingly misrepresenting facts or inappropriately subordinating judgment to others.
4. Follow the Code of Professional Conduct, and the related interpretive guidance, issued by the American Institute of Certified Public Accountants, or any successor standard-setting authorities.
5. Follow the technical standards, and the related interpretive guidance, issued by committees and boards of the American Institute of Certified Public Accountants that are designated by the Council of the American Institute of Certified Public Accountants to promulgate technical standards, or that are issued by any successor standard-setting authorities.
6. Follow the standards, and the related interpretive guidance, as applicable under the circumstances, issued by the Comptroller General of the United States, the Federal Accounting Standards Advisory Board, the Financial Accounting Standards Board, the Governmental Accounting Standards Board, the Public Company Accounting Oversight Board, the U. S. Securities and Exchange Commission, comparable international standard-setting authorities, or any successor standard-setting authorities.
7. Do not engage in any activity that is false, misleading, or deceptive.

**§ 54.1-4413.4. Penalties.**

A. Penalties the Board may impose consist of:

1. Revoking the privilege of using the CPA title in Virginia or providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia;
2. Suspending or refusing to reinstate the privilege of using the CPA title in Virginia or providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia;
3. Reprimanding, censuring, or limiting the scope of practice of any person using the CPA title in Virginia or any firm providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia;
4. Placing any person using the CPA title in Virginia or any firm providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia on probation, with or without terms, conditions, and limitations;
5. Requiring a firm holding a Virginia license to have an accelerated peer review conducted as the Board may specify or to take other remedial actions;
6. Requiring a person holding a Virginia license to satisfactorily complete additional or specific continuing professional education as the Board may specify; and
7. Imposing a monetary penalty up to \$100,000 for each violation of the provisions of this chapter or regulations promulgated by the Board; any monetary penalty may be sued for and recovered in the name of the Commonwealth.

B. The Board may impose penalties on persons using the CPA title in Virginia or firms providing attest services ~~or~~, compilation services, *or financial statement preparation services* to persons or entities located in Virginia for:

1. Violation of the provisions of this chapter or regulations promulgated by the Board.
2. Fraud or deceit in obtaining, renewing, or applying for reinstatement or lifting the suspension of a Virginia license.
3. Revocation, suspension, or refusal to reinstate the license of another state for disciplinary reasons.
4. Revocation or suspension of the privilege of practicing before any state or federal agency or federal court of law.
5. Dishonesty, fraud, or gross negligence in providing services to an employer using the CPA title, in providing services to the public using the CPA title, or in providing attest services ~~or~~, compilation services, *or financial statement preparation services*.
6. Dishonesty, fraud, or gross negligence in preparing the person's or firm's own state or federal income tax return or financial statement.
7. Conviction of a felony, or of any crime involving moral turpitude, under the laws of the United States, of Virginia, or of any other state if the acts involved would have constituted a crime under the laws of Virginia.
8. Lack of the competence required to provide services to the public using the CPA title for persons and entities located in Virginia or to provide attest services ~~and~~, compilation services, *and financial statement preparation services* to persons and entities located in Virginia, as determined by the Board.

C. The Board may also impose penalties on:

1. A person who does not hold a Virginia license, or who does not meet the requirements to use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411, and commits any of the acts prohibited by § 54.1-4414; or

2. An entity that does not meet the criteria prescribed by subdivision D 1 of § 54.1-4412.1 and commits any of the acts prohibited by § 54.1-4414.

## CHAPTER 288

*An Act to amend and reenact §§ 4.1-100 and 4.1-207 of the Code of Virginia, relating to alcoholic beverage control; alcohol by volume.*

[S 1165]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 4.1-100 and 4.1-207 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than ~~18~~ 21 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than ~~18~~ 21 percent alcohol by volume. *"Farm winery" includes an accredited public or private institution of higher education provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this sentence and Board regulations.* As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### § 4.1-207. Wine licenses.

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board.

2. Wholesale wine licenses, including those granted pursuant to § 4.1-207.1, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Wine importers' licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing ~~18~~ 21 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, § 4.1-326 notwithstanding, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

6. Internet wine retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

## CHAPTER 289

*An Act to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearm, stun weapon, or other weapon on school property.*

[S 1191]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.**

A. If any person *knowingly* possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person *knowingly* possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person *knowingly* possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

## CHAPTER 290

*An Act to amend and reenact § 58.1-1017.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3, relating to cigarettes; contraband; fraudulent purchase; penalties.*

[S 1231]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-1017.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.3 as follows:**

**§ 58.1-1017.1. Possession with intent to distribute tax-paid, contraband cigarettes; penalties.**

Any person who possesses, with intent to distribute, more than 5,000 (25 cartons) but fewer than ~~100,000 (500 cartons)~~ 40,000 (200 cartons) tax-paid cigarettes is guilty of a Class 1 misdemeanor for a first offense and is guilty of a Class 6 felony for any second or subsequent offense. Any person who possesses, with intent to distribute, ~~100,000 (500 cartons)~~ 40,000 (200 cartons) or more tax-paid cigarettes is guilty of a Class 6 felony for a first offense and is guilty of a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no less than \$5,000, for a first offense; (ii) \$5 per pack, but no less than

\$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no less than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

The provisions of this section shall not apply to an authorized holder.

**§ 58.1-1017.3. Fraudulent purchase of cigarettes; penalties.**

*Any person who purchases 5,000 (25 cartons) cigarettes or fewer using a forged business license, a business license obtained under false pretenses, a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. Any person who purchases more than 5,000 (25 cartons) cigarettes using a forged business license, a business license obtained under false pretenses, a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses is guilty of a Class 6 felony for a first offense and a Class 5 felony for a second or subsequent offense. Additionally, any person who violates the provisions of this section shall be assessed a civil penalty of (i) \$2.50 per pack, but no less than \$5,000, for a first offense; (ii) \$5 per pack, but no less than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no less than \$50,000, for a third or subsequent such offense committed within a 36-month period. The civil penalties shall be assessed and collected by the Department as other taxes are collected.*

*The provisions of this section shall not preclude prosecution under any other statute.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 291

*An Act to amend and reenact § 1 of Chapter 277 of the Acts of Assembly of 2013, relating to the City of Charlottesville; authority to amend zoning ordinance.*

[S 1247]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1 of Chapter 277 of the Acts of Assembly of 2013 is amended and reenacted as follows:**

§ 1. The governing body of the City of Charlottesville may, as a part of its subdivision ordinance as authorized by § 15.2-2242 of the Code of Virginia, and as part of its zoning ordinance enacted pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, include provisions allowing the subdivider or developer of a residential lot, or of ~~a~~ any lot containing at least one residential unit, the option of either (i) dedicating land for and constructing a sidewalk as specified in subdivision 9 of § 15.2-2242 or (ii) contributing to a sidewalk fund, maintained and administered by the city, funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property. Nothing in this act shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

## CHAPTER 292

*An Act to amend and reenact §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, and 60.2-113 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4.2 of Title 2.2 sections numbered 2.2-435.9 and 2.2-435.10 and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2, relating to workforce development; coordination of statewide delivery of workforce development and training programs and activities.*

[S 1372]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, 2.2-2470, 2.2-2471, 2.2-2472, and 60.2-113 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 4.2 of Title 2.2 sections numbered 2.2-435.9 and 2.2-435.10 and by adding sections numbered 2.2-2471.1, 2.2-2472.1, and 2.2-2472.2 as follows:**

**§ 2.2-435.7. Responsibilities of the Chief Workforce Development Advisor.**

A. The Governor's responsibilities ~~of~~ as carried out by the Chief Workforce Development Advisor shall include:

1. Developing a strategic plan for the statewide delivery of workforce development and training programs and activities. The strategic plan shall be developed in coordination with the development of the comprehensive economic development policy required by § 2.2-205. The strategic plan shall include performance measures that link the objectives of

such programs and activities to the record of state agencies, local workforce ~~investment development~~ boards, and other relevant entities in attaining such objectives;

2. ~~To the extent permissible under applicable federal law, determining~~ *Determining* the appropriate allocation, ~~to the extent permissible under applicable federal law,~~ of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

3. Ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner by, among other activities, taking appropriate executive action to this end and recommending to the General Assembly necessary legislative actions to streamline and eliminate duplication in such efforts;

4. Facilitating efficient implementation of workforce development and training programs by cabinet secretaries and agencies responsible for such programs;

5. Developing, in coordination with the Virginia Board of Workforce Development, (i) certification standards for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

6. Monitoring, in coordination with the Virginia Board of Workforce Development, the effectiveness of each one-stop center and recommending actions needed to improve their effectiveness;

7. Establishing measures to evaluate the effectiveness of the local workforce ~~investment development~~ boards and conducting annual evaluations of the effectiveness of each local workforce ~~investment development~~ board. As part of the evaluation process, the Governor shall recommend to such boards specific best management practices;

8. Conducting annual evaluations of the performance of workforce development and training programs and activities and their administrators and providers, using the performance measures developed through the strategic planning process described in subdivision 1. The evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program or activity, (ii) a comparative rating of each program or activity based on its success in meeting program objectives, and (iii) an explanation of the extent to which each agency's appropriation requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered in allocating resources for workforce development and training programs. These evaluations shall be submitted to the chairs of the House and Senate Commerce and Labor Committees and included in the biennial reports pursuant to subdivision 10;

9. Monitoring federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for workforce development programs; and

10. Submitting biennial reports, which shall be included in the Governor's executive budget submissions to the General Assembly, on improvements in the coordination of workforce development efforts statewide. The reports shall identify (i) program success rates in relation to performance measures established by the Virginia Board of Workforce Development, (ii) obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and resource coordination.

B. The Chief Workforce Development Advisor shall report to the Governor.

**§ 2.2-435.8. Workforce program evaluations; sharing of certain data.**

A. Notwithstanding any provision of law to the contrary, the agencies specified in subsection D may share data from within their respective databases solely to (i) provide the workforce program evaluation and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of § 2.2-435.7 and (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements.

B. Data shared pursuant to subsection A shall not include any personal identifying information, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall re-encrypt the data to prevent any participating agency from connecting shared data sets with existing agency files. For the purposes of this section:

1. "Identifying information" means the same as that term is defined in § 18.2-186.3; and

2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans Employment Training Programs;

2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce ~~Investment Innovation and Opportunity Act~~ Adult, Youth and Dislocated Worker Programs;

3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;

4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

5. Department of Education: Adult Education and Family Literacy, Special Education, and Career and Technical Education;

6. Department of Labor and Industry: Apprenticeship;

7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative for Employment Not Welfare;
8. Virginia Economic Development Partnership: Virginia Jobs Investment Program;
9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and Technical Education Programs;
10. Department of Corrections: Career and Technical Education Programs; and
11. The State Council of Higher Education for Virginia.

**§ 2.2-435.9. Annual report by publicly funded career and technical education and workforce development programs; performance on state-level metrics.**

*Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Virginia Board of Workforce Development a report detailing the program's performance against state-level metrics established by the Virginia Board of Workforce Development and the Chief Workforce Development Advisor.*

**§ 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act; memorandum of understanding; executive summaries.**

*A. The Chief Workforce Development Advisor, the Commissioner of the Virginia Employment Commission, and the Chancellor of the Virginia Community College System shall enter into a memorandum of understanding that sets forth (i) the roles and responsibilities of each of these entities in administering a state workforce system and facilitating regional workforce systems that are business-driven, aligned with current and reliable labor market data, and targeted at providing participants with workforce credentials that have demonstrated value to employers and job seekers; (ii) a funding mechanism that adequately supports operations under the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA); and (iii) a procedure for the resolution of any disagreements that may arise concerning policy, funding, or administration of the WIOA.*

*B. The Chief Workforce Development Advisor, the Virginia Employment Commission, and the Virginia Community College System shall collaborate to produce an annual executive summary, no later than the first day of each regular session of the General Assembly, of the interim activity undertaken to implement the memorandum of understanding described in subsection A and to administer the WIOA.*

**§ 2.2-2238.1. Special economic development services in rural communities; strategic plan.**

*A. In order to assist the rural communities of the Commonwealth, the Authority shall may develop a program for reviewing existing economic development programs of rural communities, upon request. The program shall include (i) a review and evaluation of existing industrial sites and infrastructure, including existing streets, water and sewer systems, electricity, natural gas and communications facilities that will provide high-speed or broadband Internet access to rural and underserved areas of the Commonwealth; (ii) an assessment of the existing workforce and the provision of information on state and federal programs such as tax incentives that may be available to local or prospective employers to assist in hiring and training in areas of high unemployment; (iii) assistance in identifying community resources and the type of industries that may benefit from locating in a community with such resources; and (iv) marketing assistance to help rural communities improve their visibility to expanding industries looking for new facilities.*

*B. The Authority, the Center for Rural Virginia, the Virginia Department of Housing and Community Development, the Virginia Resources Authority, the Department of Small Business and Supplier Diversity, the Virginia Tobacco Indemnification and Community Revitalization Commission, the Virginia Employment Commission, the Virginia Tourism Corporation, the Virginia Community College System, institutions of higher education within rural regions of the Commonwealth, and the Department of Agriculture and Consumer Services shall jointly develop and implement a rural economic development strategic plan that at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary and post-graduate resources, and comprehensive workforce development programs, as they may pertain to the Workforce Investment Innovation and Opportunity Act; (ii) infrastructure, including capital for water and sewer upgrading, waste management, law enforcement, housing, primary and secondary roads, and telecommunications; (iii) traditional industrial development and industry retention programs, including assistance in financing and in workforce training; (iv) recreational and cultural enhancement and related quality of life measures, including parks, civic centers, and theaters; (v) agribusiness incentives to promote the use of new technologies, and the exploration of new market opportunities; and (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities, especially small business activities in rural communities.*

**§ 2.2-2470. Definitions.**

As used in this article:

"Local workforce ~~investment~~ development board" means a local workforce ~~investment~~ development board established under ~~§ 117 of the WIA~~ 107 of the WIOA.

"One stop" means a conceptual approach to service delivery intended to provide a single point of access for receiving a wide range of workforce development and employment services, either on-site or electronically, through a single system.

"One-stop center" means a physical site where ~~core~~ employment and career services are provided, either ~~on-site~~ on site or electronically, and access to ~~intensive~~ career services, training services, and other partner program services are available for employers, employees, and job seekers.

"One-stop operator" means a single entity or consortium of entities that operate a one-stop center or centers. Operators may be public or private entities competitively selected ~~or designated through an agreement with~~ by a local workforce board.

~~"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2472.~~

~~"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220), as amended.~~

~~"WIOA" means the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128).~~

**§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms; compensation and expenses; staff.**

A. The Virginia Board of Workforce Development (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to assist and advise the Governor, the General Assembly, and the Chief Workforce Development Advisor in meeting workforce ~~training~~ *development* needs in the Commonwealth through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all education and workforce programs with responsibilities and resources for *employment, occupational training, and support connected to workforce credential and job attainment.*

B. The Board shall consist of ~~a maximum of 26 members as follows of the following:~~

1. ~~The Board shall include two~~ Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms;

2. The Governor or his designee who shall be selected from among the cabinet-level officials appointed to the Board *pursuant to subdivision 3; the*

3. ~~The~~ Secretaries of Commerce and Trade, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, or their designees, *each of whom shall serve ex officio; and the*

4. ~~The~~ Chancellor of the Virginia Community College System or his designee, *who shall serve as ex officio members;*

3. ~~The Governor shall appoint members as follows: one~~ 5. *One* local elected official *appointed by the Governor; two*

6. *Two* representatives nominated by state labor federations *and appointed by the Governor; and 14*

7. *Fourteen* nonlegislative citizen members representing the business community *appointed by the Governor, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association, one representative of proprietary employment training schools, one representative of health care employers, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or other business executives or employers with optimum policy-making or hiring authority and who represent life sciences and health care, information technology and cyber security, manufacturing, and other industry sectors that represent the Commonwealth's economic development priorities. Business members shall represent diverse regions of the state, to include urban, suburban, and rural areas, and at least two of whom members shall also be members of local workforce investment development boards. Nonlegislative citizen members may be nonresidents of the Commonwealth. Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.*

C. ~~If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.~~

~~D.~~ The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from among the 14 nonlegislative citizen members representing the business community appointed in accordance with subdivision B ~~3 7. No member shall be eligible to serve more than one two-year term as chairman.~~ The Board shall meet *at least every three months* or upon the call of the chair or the Governor *as stipulated by the Board's bylaws.* The chairman and the vice-chairman shall select at least five members of the Board to serve as an executive committee of the Board, which shall have the limited purpose of establishing meeting agendas, *reviewing bylaws and other documents pertaining to Board governance and operations,* approving reports to the Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.

~~E.~~ D. Compensation and reimbursement of expenses of the members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12.

2. Members of the Board appointed in accordance with subdivision B 2, B 3, *or B 4* shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

3. Members of the Board appointed in accordance with subdivision B ~~3 5, B 6, or B 7~~ shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

Funding for the costs of compensation and expenses of the members shall be provided from federal funds received under the ~~WIA~~ *WIOA.*

~~F.~~ The Chief Workforce Development Advisor shall serve as lead staff to the Board. ~~The Office of the Chancellor of the Virginia Community College System (i) shall provide staff support to accomplish the federally mandated requirements of the WIA and (ii) shall enter into a memorandum of agreement with the Offices of the Secretaries of Commerce and Trade~~

and Education for the purpose of having personnel from the Office provide staff support to accomplish the other duties and functions of the Board. The memorandum of agreement shall address the scope of duties of the Offices' personnel in providing such staff assistance to the Board. All other agencies in the executive branch of the Commonwealth shall provide assistance to the Board upon request.

**§ 2.2-2471.1. Executive Director; staff support.**

A. Board staffing shall be led by a full-time Executive Director to be supervised by the Chief Workforce Development Advisor. Additional staff support, including staffing of standing committees, may include other directors or coordinators of relevant education and workforce programs as requested by the Chief Workforce Development Advisor and as in-kind support to the Board from agencies administering workforce programs.

B. The Chief Workforce Development Advisor shall enter into a written agreement with agencies administering workforce programs regarding supplemental staff support to Board committees and other logistical support for the Board. Such written agreements shall be provided to members of the Board upon request. Funding for a full-time Executive Director position shall be provided by the WIOA, and such position shall be dedicated to the support of the Board's operations and outcomes and the Board's operational budget as agreed upon and referenced in a written agreement between the Chief Workforce Development Advisor and the agencies administering workforce programs.

**§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce development and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues *in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment;*

2. Provide policy direction to local workforce investment development boards;

3. ~~Provide recommendations on the policy, plans, and procedures for secondary and postsecondary career and technical education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.)~~ Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;

4. ~~Provide recommendations on the policy, plans, and procedures for other education and workforce development programs that provide resources and funding for training and employment services as identified by the Governor or Board;~~

5. Identify current and emerging statewide workforce needs of the business community;

6. 5. Forecast and identify training requirements for the new workforce;

7. 6. Recommend strategies ~~that will~~ to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

8. ~~Develop WIA incentive grant applications and approve criteria for awarding incentive grants;~~

9. 7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

8. Develop ~~and approve criteria for the reallocation of unexpended WIA funds from local workforce investment boards~~ pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;

10. 9. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce education and training, and ~~leadership funds~~ support services for workforce development programs;

11. ~~Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and review~~ 10. Review and recommend industry credentials that align with high demand occupations, *which credentials shall include the Career Readiness Certificate;*

12. 11. Define the Board's role in certifying ~~WIA~~ WIOA training providers, including those not subject to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;

13. 12. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through ~~13~~ 11;

14. 13. Create ~~procedures, quality standards, guidelines, and directives~~ applicable to local workforce investment development boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

15. 14. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the ~~WIA~~ WIOA;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Virginia Community College System, and the Council on Virginia's Future to

develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network System to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on ~~military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce workforce development and employment of veterans and on reducing process and qualification barriers to training and employment services.~~

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the ~~WIA WIOA~~ and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers ~~comprising elements of Virginia's Career Pathways System and Workforce Network within Virginia's Workforce System.~~

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of ~~the WIA Wagner-Peyser State Plan~~ *any combined state plan developed pursuant to the WIOA*; development and continuous improvement of a statewide workforce development and ~~career pathways~~ system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; ~~review of local plans~~; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce ~~investment development~~ boards have obtained funding from sources other than the ~~WIA WIOA~~; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce ~~investment development~~ board shall develop and submit to the Governor and the ~~Virginia Board of Workforce Development~~ an annual workforce demand plan for its workforce ~~investment development~~ board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; *Local boards shall also designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce investment development activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIA WIOA funds; report performance statistics to the Virginia Board of Workforce Development; and certify local training providers in accordance with criteria provided by the Virginia Board of Workforce Development.* Further, a local training provider certified by any workforce ~~investment development~~ board has reciprocal certification for all workforce ~~investment development~~ boards.

~~Each local workforce investment board shall share information regarding its meetings and activities with the public.~~

F. *Each workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds and in-kind contributions, to support the workforce development system; and (vii) the generation of new sources of funding to support workforce development in the region.*

G. *Local workforce development boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.*

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce ~~investment development~~ areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce ~~investment development~~ board and one-stop center; and collaborate with the local workforce ~~investment development~~ board on local plans and program oversight.

G. I. Each local workforce ~~investment development~~ board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the ~~WIA~~ WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the ~~WIA~~ WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); ~~and~~
11. Other programs or activities as required by the ~~WIA~~ WIOA; and
12. *Programs authorized under Title I of the WIOA.*

*J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.*

~~H.~~ *K. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network System and the implementation of the ~~WIA~~ WIOA.*

**§ 2.2-2472.1. Regional convener designation required; development of regional workforce pipelines and training solutions.**

*A. As used in this section, "regional convener" means the local workforce development board having responsibility for coordinating business, economic development, labor, regional planning commissions, education at all levels, and human services organizations to focus on community workforce issues and the development of solutions to current and prospective business needs for a skilled labor force at the regional level.*

*B. As a condition of receiving WIOA funds, each local workforce development board shall either be designated as the regional convener for the WIOA region or enter into a memorandum of agreement supporting the public or private entity identified as serving as the regional convener.*

*C. Each regional convener shall develop, in collaboration with other workforce development entities in the region, a local plan for employer engagement. The plan shall (i) specify the policies and protocols to be followed by all of the region's workforce development entities when engaging the region's employers, (ii) address how the region's workforce entities will involve employers in the formation of new workforce development initiatives, and (iii) identify what activities will be undertaken to address employers' specific workforce needs. Each region's plan should be reviewed by the Virginia Board of Workforce Development, and the board should recommend changes to the plans to ensure consistency across regions.*

**§ 2.2-2472.2. Minimum levels of fiscal support from WIOA Adult and Dislocated Worker funds by local workforce development boards; incentives.**

*A. Each local workforce development board shall allocate a minimum of 40 percent of WIOA Adult and Dislocated Worker funds to training services as defined under § 134(c)(3)(D) of the WIOA that lead to recognized postsecondary education and workforce credentials aligned with in-demand industry sectors or occupations in the local area or region. Beginning October 1, 2016, and biannually thereafter, the Chief Workforce Development Advisor shall submit a report to the Board evaluating the rate of the expenditure of WIOA Adult and Dislocated Worker funds under this section.*

*B. Failure by a local workforce development board to meet the required training expenditure percentage requirement shall result in sanctions, to increase in severity for each year of noncompliance. These sanctions may include corrective action plans; ineligibility to receive state-issued awards, additional WIOA incentives, or sub-awards; the recapturing and reallocation of a percentage of the local area board's Adult and Dislocated Worker funds; or for boards with recurring noncompliance, development of a reorganization plan through which the Governor would appoint and certify a new local board.*

*C. The Virginia Community College System, in consultation with the Governor, shall develop a formula providing for 30 percent of WIOA Adult and Dislocated Worker funds reserved by the Governor for statewide activities to be used solely for providing incentives to postsecondary workforce training institutions through local workforce development boards to accelerate the increase of workforce credential attainment by participants. Fiscal incentive awards provided under this section must be expended on training activities that lead participants to a postsecondary education or workforce credential that is aligned with in-demand industry sectors or occupations within each local workforce area. Apprenticeship-related instruction shall be included as a qualifying training under this subsection if such instruction is provided through a postsecondary education institution.*

**§ 60.2-113. Employment stabilization.**

The Commission shall take all necessary steps through its appropriate divisions and with the advice of such advisory boards and committees as it may have to:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth of Virginia with priority given to those workers drawing unemployment benefits;
  2. Provide Virginia State Job Service services, as described in this title, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce ~~Investment~~ *Innovation and Opportunity Act*;
  3. Maintain a solvent trust fund financed through equitable employer taxes that provide temporary partial income replacement to involuntarily unemployed covered workers;
  4. Coordinate and conduct labor market information research studies, programs and operations, including the development, storage, retrieval and dissemination of information on the social and economic aspects of the Commonwealth and publish data needed by employers, economic development, education and training entities, government and other users in the public and private sectors;
  5. Determine and publish a list of jobs, trades, and professions for which a high demand of qualified workers exists or is projected by the Commission. The Commission shall consult with the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including public two-year and four-year institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;
  6. Prepare official short and long-range population projections for the Commonwealth for use by the General Assembly and state agencies with programs which involve or necessitate population projections;
  7. Encourage and assist in the adoption of practical methods of vocational guidance, training and retraining; and
  8. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon request.
- 2. That on October 1, 2017, the Executive Director of the Virginia Board of Workforce Development shall provide members of the Virginia Board of Workforce Development with a detailed report evaluating the rate of the expenditures for incentives established under subsection C of § 2.2-2472.2, as created by this act, from July 1, 2015, through July 1, 2017.**

## CHAPTER 293

*An Act to amend and reenact §§ 53.1-5 and 53.1-10 of the Code of Virginia, relating to powers and duties of the Board and Director of the Department of Corrections; prohibiting inmate possession of obscene materials.*

[H 1958]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-5 and 53.1-10 of the Code of Virginia are amended and reenacted as follows:**

**§ 53.1-5. Powers and duties of Board.**

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional and community correctional facilities;
2. To advise the Governor and Director on matters relating to corrections;
3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional and community correctional facilities;
4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department; ~~and~~
5. To establish and promulgate regulations regarding the provision of educational and vocational programs within the Department; *and*
6. *To adopt and promulgate regulations and require the Director and Department to enforce regulations prohibiting the possession of obscene materials, as defined and described in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities.*

**§ 53.1-10. Powers and duties of Director.**

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8. Such system shall include, as applicable, elementary, secondary, post-secondary, career and technical education, adult, and special education schools.

a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record; ~~and~~

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General; *and*

12. *To enforce and direct the Department to enforce regulatory policies promulgated by the Board prohibiting the possession of obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities.*

## CHAPTER 294

*An Act to amend and reenact §§ 2.02, 3.01, 3.02, 3.04, 3.06:1, and 3.07, as amended, §§ 3.13, 3.16, and 3.17, §§ 5.01 and 6.03, as amended, §§ 7.16, 7.20, and 10.03.1, and §§ 11.01, 13.02, and 13.03, as amended, of Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, and to repeal Chapter 14 (§§ 14.01 through 14.05) of Chapter 536 of the Acts of Assembly of 1950, relating to powers, mayor, city council, city collector, and department of finance.*

[S 1214]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.02, 3.01, 3.02, 3.04, 3.06:1, and 3.07, as amended, §§ 3.13, 3.16, and 3.17, §§ 5.01 and 6.03, as amended, §§ 7.16, 7.20, and 10.03.1, and §§ 11.01, 13.02, and 13.03, as amended, of Chapter 536 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

## § 2.02. Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power:

(1) To levy and collect ad valorem taxes on real estate and personal property and machinery and tools not exempt by law from taxation, or segregated to the State for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all money owned by or credits due to any person living in the city and doing business therein and employed in said business though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside of the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest or money, dividends of banks or other corporations, provided that no capital, interest or dividend shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed upon stocks of a corporation and upon the dividends thereon; and provided, further, that such property has not been segregated to the State for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may by curative ordinances, ratify and confirm assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. The rate of the tax that is levied on real estate shall be fixed once each calendar year and such rate shall not thereafter be changed during the same calendar year.

~~(2) To levy and collect a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city.~~

(3) To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge.

(4) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(5) Unless prohibited by general law to require licenses for the privilege of engaging in any business, profession, occupation, or trade, prohibit the conduct of any business, profession, occupation, or trade without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, occupations, and trades, and to refuse such license to any person not entitled by law thereto.

(6) To require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses. In any prosecution of a violation of any ordinance requiring such licenses, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state, shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city.

(7) To impose penalties on persons following any business, profession, or trade in the city without the license prescribed therefor.

(b) To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed in Chapters 5 and 6 of this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, such sums as the council may deem necessary in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided, that any such appropriation shall require at least a two-thirds affirmative vote of council

members present and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools, to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning in addition to those owned or exclusively controlled by the city and to make appropriations to nonsectarian schools of manual, industrial or technical training and also to any school or institution of learning owned or exclusively controlled by the city.

(g) To establish a system of pensions for injured, retired or superannuated city officers and employees, subject to the limitations imposed by Chapter 8 of this charter.

(h) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof.

#### § 3.01. Composition of the council.

The Council shall consist of the mayor and six members at large elected as provided in Chapter 10 of this charter, and they shall serve for terms of three years or until their successors shall have been elected and take office; ~~provided, however, that the terms of the members of the council incumbent at the effective date of this charter shall continue through the thirtieth day of June 1952, or until their successors shall have been elected and shall take office.~~

#### § 3.02. Compensation of the council.

Members of the council *and the mayor* shall receive in full compensation for their services ~~the sum of four hundred dollars per month; provided, however, that the mayor shall receive in full compensation for his services the sum of four hundred and fifty dollars per month; provided, further, that the rate of compensation for the members of the council and the mayor may be changed~~ *set* by ordinance, except that no such rate of compensation shall be increased to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast.

#### § 3.04. Powers.

All powers of the city as granted in Chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Appoint and remove the city manager.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds by a bond ordinance.

(d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies. ~~There are hereby created the departments of finance, public works, police, fire, public health, social services, and recreation and parks, the heads of which shall be appointed by the city manager. The council by ordinance may create, change, and abolish offices, departments, or agencies. The council may not change or abolish any offices or agencies created by this charter and may not eliminate the function of any department created by this charter. The council by ordinance may assign duties or functions to the offices, departments and agencies created by this charter. When a vacancy occurs in any office to which the incumbent is elected by the council, the council is empowered to fill the vacancy, and when such vacancy occurs otherwise than by the regular expiration of the term of the incumbent, the election shall only be for the unexpired term.~~

(f) Appoint the members of ~~the school board~~, the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) Provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

#### § 3.06:1. Administrative assistants.

Notwithstanding any other provision of this charter, the ~~city clerk~~ *mayor and each council member* may, ~~upon the direction of the city council~~, appoint one administrative assistant ~~for each member of council, including the mayor~~. No member of the immediate family of a member of the council shall be eligible for appointment as an administrative assistant. For the purpose of this section, the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of a council member shall be considered a member of the member's immediate family.

#### § 3.07. Induction of members.

~~The council members in office at the time this charter takes effect shall continue in office through the thirtieth of June, 1952, or until their successors shall have been elected and take office.~~ The first meeting of a newly elected council shall take

place at ~~7:30~~ 7:00 P.M. on the ~~first~~ *second* day of ~~July~~ *January* following their election, or if such day shall fall on Saturday, Sunday or a legal holiday, then on the next business day following the ~~fourth~~ *second* day of ~~July~~ *January*.

§ 3.13. Submission of ordinances or issues to the qualified voters of the city.

The Council shall have authority to submit by resolution directed to the ~~corporation~~ *circuit* court of the City of Alexandria or the judge thereof in vacation, any proposed ordinance, question or issue to the qualified voters of the city for an advisory referendum thereon. Upon the receipt of such resolution, the ~~corporation~~ *circuit* court of the City of Alexandria or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by the general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city.

§ 3.16. Removal of council members.

Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the ~~corporation~~ *circuit* court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council.

§ 3.17. Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, and any officer or employee of the city. The council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the ~~corporation~~ *circuit* court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the ~~corporation~~ *circuit* court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the ~~corporation~~ *circuit* court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations.

§ 5.01. Department of finance.

There shall be a Department of Finance, which shall include the functions of ~~budgeting~~, accounting and control, purchasing, and such other functions as may be provided by ordinance. The Department of Finance shall include all the functions of the administration of the financial affairs of the city, including the powers conferred and duties imposed by § 5.04 (i), (j), (k), and (l) of this charter.

§ 6.03. Preparation of budgets.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the Sheriff, the Attorney for the Commonwealth, and clerks of courts to file with the City Manager or with ~~the Director of Finance~~ *another employee of the city* designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the ~~Director of Finance~~ *City Manager or his designee* and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the City Manager may require to be submitted thereon. The ~~Director of Finance~~ *employee designated by the City Manager* shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the City Manager in the preparation of the budgets. The City Manager shall hold such hearings as he may deem advisable, and with the assistance of ~~the Director of Finance~~ *city staff* shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure.

§ 7.16. Contents of bond ordinance for revenue producing utilities.

In addition to the requirements of § 7.06 of this chapter, the ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

(a) That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of ~~section one hundred twenty-seven (b)~~ of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by ~~section one hundred~~

~~twenty-seven~~ of the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on such bonds, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness; or

(b) That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the City of Alexandria shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provisions of ~~section one hundred and twenty-seven (b)~~ of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by ~~section one hundred twenty-seven~~ of the Constitution of Virginia.

§ 7.20. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 49 20\_\_" (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty per centum of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty per centum of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four per centum of the amount originally issued.

§ 10.03.1. Voter registration offices.

It shall be the duty of the general registrar of the city to maintain *and the city to provide and furnish* in the city hall, or other ~~municipal building; of the city,~~ an office wherein all qualified voters of the city may be registered ~~and, in addition, it shall be his duty to maintain one temporary or permanent office, wherein qualified voters of the city may be registered, for each fifty thousand population of the city and for any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census.~~ It shall also be the duty of the general registrar to maintain as many other temporary or permanent offices, wherein qualified voters of the city may be registered, as city council may, in its sole judgment, deem necessary or desirable; provided, however, that such offices shall not be established, located or maintained in any private home. ~~The city shall furnish the general registrar of the city a suitable office in the city hall, or other municipal building and, in addition, shall furnish such registrar with one temporary or permanent office for each fifty thousand population of the city and for any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census. The city shall also furnish such registrar with such other temporary or permanent offices as the city council, in its sole judgment, has deemed necessary or desirable, except that such office shall not be established, located or maintained in any private home.~~

§ 11.01. City attorney.

(a) The city attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth who has actively practiced law for at least five years immediately preceding his appointment. The city manager shall review the applications of all applicants for the office and forward his recommendations to the city council.

(b) The council shall, ~~in September, 1982, or sooner if the office becomes vacant,~~ appoint *the* city attorney. ~~The, and the terms and conditions of such appointment shall be set forth in an employment agreement consistent with the provisions of this Charter. Any subsequent vacancy in the office of city attorney shall be filled by appointment by the council. The city attorney holding office on August 31, 1982, shall continue in office until his successor is appointed.~~

(c) The entire compensation of the city attorney shall be fixed by the council on a salary basis.

§ 13.02. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State or is unknown.

Such proceedings may be instituted in the circuit court of the city, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law, provided, however, that the provisions of § ~~25-233~~ 25.1-102 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

§ 13.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In either event the date of valuation shall be the time of the lawful taking by the petitioner, or the date of the filing of the petition in condemnation, whichever occurs first. The resolution or ordinance directing the acquisition of any property as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ ~~8-71, 8-72, and 8-76 of the Code of 1950~~ 8.01-316, 8.01-317, and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of the property so taken or damaged agreed upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § ~~25-46.20~~ 25.1-227.2 of the Code of ~~1950~~ Virginia, as amended, or as provided for in § 13.02, and all proceedings thereafter shall be had as provided in §§ ~~25-46.4:2 and 25-46.17 to 25-46.36, inclusive,~~ Article 6 (§ 25.1-230 et seq.) of Chapter 2 of Title 25.1 of the Code of ~~1950~~ Virginia, as amended, insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.

**2. That Chapter 14 (§§ 14.01 through 14.05) of Chapter 536 of the Acts of Assembly of 1950 are repealed.**

## CHAPTER 295

*An Act to amend and reenact §§ 8.01-401.2 and 8.01-581.1 of the Code of Virginia, relating to nurse practitioners; expert witness testimony and health care provider definition.*

[H 1476]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-401.2 and 8.01-581.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-401.2. Chiropractor, nurse practitioner, or physician assistant as expert witness.**

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. A physician assistant *or nurse practitioner*, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952. However, no physician assistant *or nurse practitioner* shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.

**§ 8.01-581.1. Definitions.**

As used in this chapter:

"Health care" means any act, professional services in nursing homes, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical diagnosis, care, treatment or confinement.

"Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, *nurse practitioner*, optometrist, podiatrist, physician assistant, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed marriage and family therapist, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

"Health maintenance organization" means any person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 who undertakes to provide or arrange for one or more health care plans.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Impartial attorney" means an attorney who has not represented (i) the claimant, his family, his partners, co-proprietors or his other business interests; or (ii) the health care provider, his family, his partners, co-proprietors or his other business interests.

"Impartial health care provider" means a health care provider who (i) has not examined, treated or been consulted regarding the claimant or his family; (ii) does not anticipate examining, treating, or being consulted regarding the claimant or his family; or (iii) has not been an employee, partner or co-proprietor of the health care provider against whom the claim is asserted.

"Malpractice" means any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient.

"Patient" means any natural person who receives or should have received health care from a licensed health care provider except those persons who are given health care in an emergency situation which exempts the health care provider from liability for his emergency services in accordance with § 8.01-225 or 44-146.23.

"Physician" means a person licensed to practice medicine or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Professional services in nursing homes" means services provided in a nursing home, as that term is defined in clause (iv) of the definition of health care provider in this section, by a health care provider related to health care, staffing to provide patient care, psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy.

**2. Nothing in this act, § 8.01-401.2:1, or § 8.01-401.3 shall be construed as a codification of Rule 702 of the Federal Rules of Evidence as presently construed.**

**CHAPTER 296**

*An Act to amend and reenact § 32.1-134.01 of the Code of Virginia, relating to information for maternity patients; safe sleep environments for infants.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-134.01 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-134.01. Certain information required for maternity patients.**

Every licensed nurse midwife, licensed midwife, or hospital providing maternity care shall, prior to releasing each maternity patient, make available to such patient and, if present, to the father of the infant, other relevant family members, or caretakers, information about the incidence of postpartum blues and perinatal depression ~~and~~, information to increase awareness of shaken baby syndrome and the dangers of shaking infants, *and information about safe sleep environments for infants that is consistent with current information available from the American Academy of Pediatrics.* This information shall be discussed with the maternity patient and the father of the infant, other relevant family members, or caretakers who are present at discharge.

**CHAPTER 297**

*An Act to amend and reenact §§ 16.1-340, 16.1-340.2, 16.1-345, 37.2-808, 37.2-810, and 37.2-829 of the Code of Virginia, relating to civil admission process; alternative transportation.*

[H 1693]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-340, 16.1-340.2, 16.1-345, 37.2-808, 37.2-810, and 37.2-829 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-340. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion, an emergency custody order when he has probable cause to believe that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law. To the extent possible, the petition shall contain the information required by § 16.1-339.1.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the minor, (3) any past mental health treatment of the minor, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any minor for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 16.1-340.1 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board serving the area in which the minor is located who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, ~~in cases in which the emergency custody order is based upon a finding that the minor who is the subject of the order has a mental illness and that, as a result of mental illness, the minor is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control,~~ the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the

order. In such cases, a copy of the emergency custody order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the minor subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the minor who is the subject of the emergency custody order was taken into custody or, if the minor has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the minor is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the minor to the facility or location to which the minor is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the minor and others from harm, (ii) is actually capable of providing the level of security necessary to protect the minor and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated in this section may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

H. A law-enforcement officer who is transporting a minor who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such minor into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the minor has revoked consent to be transported to a facility for the purpose of assessment or evaluation and (ii) based upon his observations, that probable cause exists to believe that the minor meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

I. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

J. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section.

K. The minor shall remain in custody until a temporary detention order is issued, until the minor is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

M. (Expires June 30, 2018) In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the minor is detained in a state facility pursuant to subsection D of § 16.1-340.1, the state facility and an employee or designee of the community services board may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor.

N. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to minors with mental illnesses while in emergency custody.

*O. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**§ 16.1-340.2. Transportation of minor in the temporary detention process.**

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

*D. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**§ 16.1-345. Involuntary commitment; criteria.**

After observing the minor and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any qualified evaluator's report, (v) any medical records available, (vi) the preadmission screening report, and (vii) any other evidence that may have been admitted, the court shall order the involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment pursuant to § 16.1-345.2.

Upon the expiration of an order for involuntary commitment, the minor shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 90 days from the date of the subsequent court order, or the minor or his parent rescinds the objection to inpatient treatment and consents to admission pursuant to § 16.1-338 or subsection D of § 16.1-339 or the minor is ordered to mandatory outpatient treatment pursuant to § 16.1-345.2.

A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody. However, such a minor shall not be eligible for mandatory outpatient treatment.

In conducting an evaluation of a minor who has been properly detained, if the evaluator finds, irrespective of the fact that the minor has been detained, that the minor meets the criteria for involuntary commitment in this section, the evaluator shall recommend that the minor meets the criteria for involuntary commitment.

If the parent or parents with whom the minor resides are not willing to approve the proposed commitment, the court shall order inpatient treatment only if it finds, in addition to the criteria specified in this section, that such treatment is necessary to protect the minor's life, health, safety, or normal development. If a special justice believes that issuance of a removal order or protective order may be in the child's best interest, the special justice shall report the matter to the local department of social services for the county or city where the minor resides.

Upon finding that the best interests of the minor so require, the court may enter an order directing either or both of the minor's parents to comply with reasonable conditions relating to the minor's treatment.

If the minor is committed to inpatient treatment, such placement shall be in a mental health facility for inpatient treatment designated by the community services board which serves the political subdivision in which the minor was evaluated pursuant to § 16.1-342. If the community services board does not provide a placement recommendation at the hearing, the minor shall be placed in a mental health facility designated by the Commissioner of Behavioral Health and Developmental Services.

When a minor has been involuntarily committed pursuant to this section, the judge shall determine, after consideration of information provided by the minor's treating mental health professional and any involved community services board staff regarding the minor's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a parent, family member, or friend of the minor, a representative of the community services board, a representative of the facility at which the minor was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge determines that transportation may be provided by an alternative transportation provider, the judge may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge may order transportation by the proposed alternative transportation provider. In all other cases, the judge shall order transportation by the sheriff of the jurisdiction where the minor is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction in which the minor is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the minor.

If the judge determines that the minor requires transportation by the sheriff, the sheriff, as specified in this section shall transport the minor to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's order.

*No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

#### **§ 37.2-808. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to

§ 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, ~~in cases in which the emergency custody order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information,~~ the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization

or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

M. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

N. (Expires June 30, 2018) In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

O. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

*P. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

#### **§ 37.2-810. Transportation of person in the temporary detention process.**

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, ~~in cases in which the temporary detention order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information,~~ the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

D. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

*E. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**§ 37.2-829. Transportation of person in civil admission process.**

When a person has volunteered for admission pursuant to § 37.2-814 or been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, the judge or special justice shall determine after consideration of information provided by the person's treating mental health professional and any involved community services board or behavioral health authority staff regarding the person's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a family member or friend of the person, a representative of the community services board, a representative of the facility at which the person was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge or special justice determines that transportation may be provided by an alternative transportation provider, the judge or special justice may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge or special justice finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge or special justice may order transportation by the proposed alternative transportation provider. In all other cases, the judge or special justice shall order transportation by the sheriff of the jurisdiction where the person is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

If the judge or special justice determines that the person requires transportation by the sheriff, the person may be delivered to the care of the sheriff, as specified in this section, who shall transport the person to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's or special justice's order.

If any state hospital has become too crowded to admit any such person, the Commissioner shall give notice of the fact to all community services boards and shall designate the facility to which sheriffs or alternative transportation providers shall transport such persons.

*No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**CHAPTER 298**

*An Act to amend and reenact §§ 32.1-228.1 and 32.1-229.01 of the Code of Virginia, relating to radon; persons certified as proficient to offer screening, testing, and mitigation.*

Approved March 17, 2015

[H 1723]

**Be it enacted by the General Assembly of Virginia:****1. That §§ 32.1-228.1 and 32.1-229.01 of the Code of Virginia are amended and reenacted as follows:****§ 32.1-228.1. Department designated state radiation control agency; powers and duties.**

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

1. Collect and disseminate information relating to control of sources of radiation including:

a. Establishing and maintaining a file of all applications for, issuances, denials, transfers, renewals, modifications, suspensions and revocations of, and amendments to all licenses;

b. Establishing and maintaining a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and

c. Establishing and maintaining a file of all agency rules and regulations related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

2. Establish a database of registered and certified X-ray machines, which shall include but not be limited to the name of the owner or operator and the location of the machine.

3. Pursuant to its powers enumerated in § 32.1-25, provide for scheduled and random unannounced inspections of facilities and physicians' offices that provide mammography services to ensure compliance with laws, regulations, or conditions specified by the Board.

4. Establish forms for the periodic Radiation Inspection Report.

5. Develop programs for responding adequately to radiation emergencies and coordinate such programs with the Department of Emergency Management.

6. ~~Maintain, revise as needed, and make~~ *Make* available to the public a list of persons who ~~have been listed are certified as proficient professionals~~ to offer screening, testing, or mitigation for radon ~~by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association, or the National Radon Safety Board Certified Radon Professional Program, or any other proficiency program acceptable to the Board of Health pursuant to § 32.1-229.01.~~

7. Publish and make available a list of qualified inspectors of X-rays and X-ray machines.

**§ 32.1-229.01. Companies listed as proficient to perform radon screening, testing, or mitigation; compliance.**

A. No person shall conduct or offer to conduct any radon screening, testing, or mitigation in the Commonwealth unless he ~~has been~~ *(i) is* listed as ~~proficient a professional by the United States Environmental Protection Agency, either the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program~~ or *(ii) meets* any other proficiency ~~program~~ *measures deemed acceptable to* ~~by the U.S. Environmental Protection Agency or the Board of Health to offer for the purpose of offering such screening, testing, or mitigation.~~

B. ~~Radon professionals listed as proficient~~ *Any person conducting or offering to conduct radon screening, testing, or mitigation in the Commonwealth* pursuant to subsection A shall comply with *(i) the radon mitigation and testing standards outlined in the U.S. Environmental Protection Agency's publication; EPA 402-R-93-078 402-R-92-003, as revised; or; (ii) the radon mitigation standards outlined in the American Society for Testing and Materials (ASTM International) Standard; E-2121-02 E-2121-13, as revised; or (iii) any other radon testing and mitigation standards* ~~accepted deemed acceptable by virtue of reference by the U.S. Environmental Protection Agency and or the Board.~~

**CHAPTER 299**

*An Act to amend and reenact §§ 54.1-3435 and 54.1-3435.01 of the Code of Virginia, relating to wholesale distributors; notice to Board of Pharmacy when ceasing distribution to a dispenser due to suspicious orders.*

[H 1736]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 54.1-3435 and 54.1-3435.01 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-3435. License to act as wholesale distributor; renewal; fee.**

A. It shall be unlawful for any person to engage in the wholesale distribution of prescription drugs in ~~this the~~ *the* Commonwealth without a valid unrevoked license issued by the Board. The applicant for licensure as a wholesale distributor, as defined in § 54.1-3401, in ~~this the~~ *the* Commonwealth shall apply to the Board for a license, using such forms as the Board may furnish; renew such license using such forms as the Board may furnish, if granted, annually on a date determined by the Board in regulation; notify the Board within ~~thirty~~ *thirty* 30 days of any substantive change in the information reported on the application form previously submitted to the Board; and remit a fee as determined by the Board.

B. *A wholesale distributor that ceases distribution of Schedule II through V drugs to a pharmacy, licensed physician dispenser, or licensed physician dispensing facility located in the Commonwealth due to suspicious orders of controlled substances shall notify the Board within five days of the cessation. For the purposes of this section, "suspicious orders of*

*controlled substances" means, relative to the pharmacy's, licensed physician dispenser's, or licensed physician dispensing facility's order history and the order history of similarly situated pharmacies, licensed physician dispensers, or licensed physician dispensing facilities, (i) orders of unusual size, (ii) orders deviating substantially from a normal pattern, and (iii) orders of unusual frequency.*

C. A wholesale distributor shall be immune from civil liability for giving notice in accordance with subsection B unless the notice was given in bad faith or with malicious intent.

D. The Board shall not impose any disciplinary or enforcement action against any licensee or permit holder solely on the basis of a notice received from a wholesale distributor pursuant to subsection B.

E. The Board may promulgate such regulations relating to the storage, handling, and distribution of prescription drugs by wholesale distributors as it deems necessary to implement this section, to prevent diversion of prescription drugs, and to protect the public.

**§ 54.1-3435.01. Registration of nonresident wholesale distributors; renewal; fee.**

A. Any person located outside ~~this~~ the Commonwealth who engages in the wholesale distribution of prescription drugs into ~~this~~ the Commonwealth shall be registered with the Board. The applicant for registration as a nonresident wholesale distributor shall apply to the Board using such forms as the Board may furnish; renew such registration, if granted, using such forms as the Board may furnish, annually on a date determined by the Board in regulation; notify the Board within ~~thirty~~ 30 days of any substantive change in the information previously submitted to the Board; and remit a fee, which shall be the fee specified for wholesale distributors located within the Commonwealth.

B. The nonresident wholesale distributor shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located and shall furnish proof of such upon application and at each renewal.

C. Records of prescription drugs distributed into ~~this~~ the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distributions into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of the ~~Department~~ of State Police upon request within seven days of receipt of such request.

D. A nonresident wholesale distributor that ceases distribution of Schedule II through V drugs to a pharmacy, licensed physician dispenser, or licensed physician dispensing facility located in the Commonwealth due to suspicious orders of controlled substances shall notify the Board within five days of the cessation. For the purposes of this section, "suspicious orders of controlled substances" means, relative to the pharmacy's, licensed physician dispenser's, or licensed physician dispensing facility's order history and the order history of similarly situated pharmacies, licensed physician dispensers, or licensed physician dispensing facilities, (i) orders of unusual size, (ii) orders deviating substantially from a normal pattern, and (iii) orders of unusual frequency.

E. A nonresident wholesale distributor shall be immune from civil liability for giving notice in accordance with subsection D unless the notice was given in bad faith or with malicious intent.

F. The Board shall not impose any disciplinary or enforcement action against any licensee or permit holder solely on the basis of a notice received from a nonresident wholesale distributor pursuant to subsection D.

G. This section shall not apply to persons who distribute prescription drugs directly to a licensed wholesale distributor located within ~~this~~ the Commonwealth.

## CHAPTER 300

*An Act to amend and reenact §§ 54.1-3401, 54.1-3406, 54.1-3410.2, and 54.1-3434.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 34 of Title 54.1 a section numbered 54.1-3434.05 and by adding in Article 2.1 of Chapter 34 of Title 54.1 a section numbered 54.1-3434.5, relating to outsourcing facilities and nonresident outsourcing facilities and compounding for office-based administration.*

[H 1737]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3401, 54.1-3406, 54.1-3410.2, and 54.1-3434.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 34 of Title 54.1 a section numbered 54.1-3434.05 and by adding in Article 2.1 of Chapter 34 of Title 54.1 a section numbered 54.1-3434.5 as follows:**

**§ 54.1-3401. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

*"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.*

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning - may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

#### **§ 54.1-3406. Records confidential; disclosure of information about violations of federal law.**

A. No agent of the Board or agent designated by the Superintendent of the Department of State Police having knowledge by virtue of his office of any prescriptions, papers, records, or stocks of drugs shall divulge such knowledge, except in connection with a criminal investigation authorized by the Attorney General or attorney for the Commonwealth or with a prosecution or proceeding in court or before a regulatory board or officer, to which investigation, prosecution or proceeding the person to whom such prescriptions, papers or records relate is a subject or party. This section shall not be construed to prohibit the Board president or his designee and the Director of the Department of Health Professions from discharging their duties as provided in this title.

*B. Notwithstanding the provisions of § 54.1-2400.2, the Board shall have the authority to submit to the U.S. Secretary of Health and Human Services information resulting from an inspection or an investigation indicating that a compounding pharmacy or outsourcing facility may be in violation of federal law or regulations with the exception of compounding for office-based administration in accordance with § 54.1-3410.2.*

#### **§ 54.1-3410.2. Compounding; pharmacists' authority to compound under certain conditions; labeling and record maintenance requirements.**

A. A pharmacist may engage in compounding of drug products when the dispensing of such compounded products is (i) pursuant to valid prescriptions for specific patients and (ii) consistent with the provisions of § 54.1-3303 relating to the issuance of prescriptions and the dispensing of drugs.

Pharmacists shall label all compounded drug products that are dispensed pursuant to a prescription in accordance with this chapter and the Board's regulations, and shall include on the labeling an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding.

B. A pharmacist may also engage in compounding of drug products in anticipation of receipt of prescriptions based on a routine, regularly observed prescribing pattern.

Pharmacists shall label all products compounded prior to dispensing with (i) the name and strength of the compounded medication or a list of the active ingredients and strengths; (ii) the pharmacy's assigned control number that corresponds with the compounding record; (iii) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; and (iv) the quantity.

C. In accordance with the conditions set forth in subsections A and B, pharmacists shall not distribute compounded drug products for subsequent distribution or sale to other persons or to commercial entities, including distribution to pharmacies or other entities under common ownership or control with the facility in which such compounding takes place; however, a pharmacist may distribute to a veterinarian in accordance with federal law.

Compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed by a pharmacy to a veterinarian for further distribution or sale to his own patients shall be limited to drugs necessary to treat an emergent condition when timely access to a compounding pharmacy is not available as determined by the prescribing veterinarian.

A pharmacist may, however, deliver compounded products dispensed pursuant to valid prescriptions to alternate delivery locations pursuant to § 54.1-3420.2.

A pharmacist may also provide a reasonable amount of compounded products to practitioners of medicine, osteopathy, podiatry, or dentistry; or veterinary medicine to administer to their patients in the course of their professional practice, either personally or under their direct and immediate supervision, if there is a critical need to treat an emergency condition, or as allowed by federal law or regulations. A pharmacist may also provide compounded products to practitioners of veterinary medicine for office-based administration to their patients.

Pharmacists who provide compounded products for office-based administration for treatment of an emergency condition or as allowed by federal law or regulations shall label all compounded products distributed to practitioners other than veterinarians for administration to their patients with (i) the statement "For Administering in Prescriber Practice Location Only"; (ii) the name and strength of the compounded medication or list of the active ingredients and strengths; (iii) the facility's control number; (iv) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; (v) the name and address of the pharmacy; and (vi) the quantity.

Pharmacists shall label all compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed to a veterinarian for either further distribution or sale to his own patient or administration to his own patient with (a) the name and strength of the compounded medication or list of the active ingredients and strengths; (b) the facility's control number; (c) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; (d) the name and address of the pharmacy; and (e) the quantity.

D. Pharmacists shall personally perform or personally supervise the compounding process, which shall include a final check for accuracy and conformity to the formula of the product being prepared, correct ingredients and calculations, accurate and precise measurements, appropriate conditions and procedures, and appearance of the final product.

E. Pharmacists shall ensure compliance with USP-NF standards for both sterile and non-sterile compounding.

F. Pharmacists may use bulk drug substances in compounding when such bulk drug substances:

1. Comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if such monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding; or are drug substances that are components of drugs approved by the FDA for use in the United States; or are otherwise approved by the FDA;
2. Are manufactured by an establishment that is registered by the FDA; or
3. Are distributed by a licensed wholesale distributor or registered nonresident wholesale distributor, or are distributed by a supplier otherwise approved by the FDA to distribute bulk drug substances if the pharmacist can establish purity and safety by reasonable means, such as lot analysis, manufacturer reputation, or reliability of the source.

G. Pharmacists may compound using ingredients that are not considered drug products in accordance with the USP-NF standards and guidance on pharmacy compounding.

H. Pharmacists shall not engage in the following:

1. The compounding for human use of a drug product that has been withdrawn or removed from the market by the FDA because such drug product or a component of such drug product has been found to be unsafe. However, this prohibition shall be limited to the scope of the FDA withdrawal;
2. The regular compounding or the compounding of inordinate amounts of any drug products that are essentially copies of commercially available drug products. However, this prohibition shall not include (i) the compounding of any commercially available product when there is a change in the product ordered by the prescriber for an individual patient, (ii) the compounding of a commercially manufactured drug only during times when the product is not available from the manufacturer or supplier, (iii) the compounding of a commercially manufactured drug whose manufacturer has notified the FDA that the drug is unavailable due to a current drug shortage, (iv) the compounding of a commercially manufactured drug when the prescriber has indicated in the oral or written prescription for an individual patient that there is an emergent need for a drug that is not readily available within the time medically necessary, or (v) the mixing of two or more commercially available products regardless of whether the end product is a commercially available product; or

3. The compounding of inordinate amounts of any preparation in cases in which there is no observed historical pattern of prescriptions and dispensing to support an expectation of receiving a valid prescription for the preparation. The compounding of an inordinate amount of a preparation in such cases shall constitute manufacturing of drugs.

I. Pharmacists shall maintain records of all compounded drug products as part of the prescription, formula record, formula book, or other log or record. Records may be maintained electronically, manually, in a combination of both, or by any other readily retrievable method.

1. In addition to other requirements for prescription records, records for products compounded pursuant to a prescription order for a single patient where only manufacturers' finished products are used as components shall include the name and quantity of all components, the date of compounding and dispensing, the prescription number or other identifier of the prescription order, the total quantity of finished product, the signature or initials of the pharmacist or pharmacy technician performing the compounding, and the signature or initials of the pharmacist responsible for supervising the pharmacy technician and verifying the accuracy and integrity of compounded products.

2. In addition to the requirements of subdivision I 1, records for products compounded in bulk or batch in advance of dispensing or when bulk drug substances are used shall include: the generic name and the name of the manufacturer of each component or the brand name of each component; the manufacturer's lot number and expiration date for each component or when the original manufacturer's lot number and expiration date are unknown, the source of acquisition of the component; the assigned lot number if subdivided, the unit or package size and the number of units or packages prepared; and the beyond-use date. The criteria for establishing the beyond-use date shall be available for inspection by the Board.

3. A complete compounding formula listing all procedures, necessary equipment, necessary environmental considerations, and other factors in detail shall be maintained where such instructions are necessary to replicate a compounded product or where the compounding is difficult or complex and must be done by a certain process in order to ensure the integrity of the finished product.

4. A formal written quality assurance plan shall be maintained that describes specific monitoring and evaluation of compounding activities in accordance with USP-NF standards. Records shall be maintained showing compliance with monitoring and evaluation requirements of the plan to include training and initial and periodic competence assessment of personnel involved in compounding, monitoring of environmental controls and equipment calibration, and any end-product testing, if applicable.

J. Practitioners who may lawfully compound drugs for administering or dispensing to their own patients pursuant to §§ 54.1-3301, 54.1-3304, and 54.1-3304.1 shall comply with all provisions of this section and the relevant Board regulations.

K. Every pharmacist-in-charge or owner of a permitted pharmacy or a registered nonresident pharmacy engaging in sterile compounding shall notify the Board of its intention to dispense or otherwise deliver a sterile compounded drug product into the Commonwealth. Upon renewal of its permit or registration, a pharmacy or nonresident pharmacy shall notify the Board of its intention to continue dispensing or otherwise delivering sterile compounded drug products into the Commonwealth. Failure to provide notification to the Board shall constitute a violation of Chapter 33 (§ 54.1-3300 et seq.) or Chapter 34 (§ 54.1-3400 et seq.). The Board shall maintain this information in a manner that will allow the production of a list identifying all such sterile compounding pharmacies.

**§ 54.1-3434.05. Permit to act as an outsourcing facility.**

*A. No person shall act as an outsourcing facility without first obtaining a permit from the Board.*

*B. Applications for a permit to act as an outsourcing facility shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the outsourcing facility and who will be fully engaged in the compounding performed at the location designated on the application. Such application shall be accompanied by a fee determined by the Board in regulation. All permits shall expire annually on a date determined by the Board in regulation. No permit shall be issued or renewed for an outsourcing facility unless the facility can demonstrate compliance with all applicable federal and state laws and regulations governing outsourcing facilities.*

*C. As a prerequisite to obtaining or renewing a permit from the Board, the outsourcing facility shall (i) register as an outsourcing facility with the U.S. Secretary of Health and Human Services in accordance with 21 U.S.C. § 353b and (ii) submit a copy of a current inspection report resulting from an inspection conducted by the U.S. Food and Drug Administration that indicates compliance with the requirements of state and federal law and regulations, including all applicable guidance documents and Current Good Manufacturing Practices published by the U.S. Food and Drug Administration.*

*The inspection report required pursuant to clause (ii) shall be deemed current for the purposes of this section if the inspection was conducted (a) no more than one year prior to the date of submission of an application for a permit to the Board or (b) no more than two years prior to the date of submission of an application for renewal of a permit to the Board. However, if the outsourcing facility has not been inspected by the U.S. Food and Drug Administration within the required period, the Board may accept an inspection report or other documentation from another entity that is satisfactory to the Board, or the Board may cause an inspection to be conducted by its duly authorized agent and may charge an inspection fee in an amount sufficient to cover the costs of the inspection.*

*D. Every outsourcing facility shall compound in compliance with the requirements of state and federal law and regulations except §54.1-3410.2, to include all applicable guidance documents and Current Good Manufacturing Practices published by the U.S. Food and Drug Administration.*

*E. An outsourcing facility shall not engage in compounding of drug products to be dispensed pursuant to a valid prescription for a specific patient without first obtaining a permit to operate a pharmacy.*

**§ 54.1-3434.4. Prohibited acts.**

A. It is unlawful for any person or entity which is not registered under this article to (i) conduct the business of shipping, mailing, or otherwise delivering Schedule II through VI controlled substances into Virginia or (ii) advertise the availability for purchase of any Schedule II through VI controlled substances by any citizen of the Commonwealth. Further, it shall be unlawful for any person who is a resident of Virginia to advertise the pharmacy services of a nonresident pharmacy ~~which~~ *or compounding services of an outsourcing facility that* has not registered with the Board, with the knowledge that the advertisement will or is likely to induce members of the public in the Commonwealth to use the pharmacy *or outsourcing facility* to obtain controlled substances.

B. Any controlled substance that is ordered or shipped in violation of any provision of this chapter, shall be considered as contraband and may be seized by any law-enforcement officer or any agent of the Board of Pharmacy.

**§ 54.1-3434.5. Nonresident outsourcing facilities to register with the Board.**

A. *Any outsourcing facility located outside the Commonwealth that ships, mails, or delivers in any manner Schedule II through VI drugs or devices into the Commonwealth shall be considered a nonresident outsourcing facility and shall be registered with the Board.*

B. *Applications for registration to act as a non-resident outsourcing facility shall be made on a form provided by the Board and signed by a pharmacist who is licensed as a pharmacist in Virginia and who is in full and actual charge of the outsourcing facility, is fully engaged in the compounding performed at the location stated on the application, and is fully responsible for the outsourcing facility's compliance with state and federal law and regulations. Such application shall be accompanied by a fee determined by the Board in regulation. All registrations shall expire annually on a date determined by the Board in regulation.*

C. *As a prerequisite to registering or renewing a registration with the Board, the outsourcing facility shall (i) register as an outsourcing facility with the U.S. Secretary of Health and Human Services in accordance with 21 U.S.C. § 353b and (ii) submit a copy of a current inspection report resulting from an inspection conducted by the U.S. Food and Drug Administration that indicates compliance with the requirements of state and federal law and regulations, including all applicable guidance documents and Current Good Manufacturing Practices published by the U.S. Food and Drug Administration.*

*The inspection report required pursuant to clause (ii) shall be deemed current for the purposes of this section if the inspection was conducted (a) no more than one year prior to the date of submission of an application for registration with the Board or (b) no more than two years prior to the date of submission of an application for renewal of a registration with the Board. However, if the outsourcing facility has not been inspected by the U.S. Food and Drug Administration within the required period, the Board may accept an inspection report or other documentation from another entity that is satisfactory to the Board, or the Board may cause an inspection to be conducted by its duly authorized agent and may charge an inspection fee in an amount sufficient to cover the costs of the inspection.*

D. *A nonresident outsourcing facility shall not engage in compounding of drug products to be dispensed pursuant to a valid prescription for a specific patient without first obtaining a registration to operate a nonresident pharmacy. The nonresident pharmacy shall comply with all state and federal laws, regulations, and requirements except § 54.1-3410.2.*

**2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

## CHAPTER 301

*An Act to repeal § 32.1-45.3 of the Code of Virginia, relating to HIV testing of gamete donors; testing protocol.*

[H 1792]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-45.3 of the Code of Virginia is repealed.**

## CHAPTER 302

*An Act to amend and reenact §§ 54.1-2900, 54.1-2954 through 54.1-2956.01, and 54.1-3408 of the Code of Virginia, relating to regulation of health professions; updated terminology.*

[H 1818]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2900, 54.1-2954 through 54.1-2956.01, and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2900. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means ~~individuals~~ *an individual* approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ~~x-rays~~ *ionizing radiation* to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory ~~care practitioner~~ *therapist* a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory ~~care practitioner~~ *therapist*.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or ~~who~~ is licensed to perform a comprehensive scope of diagnostic *or therapeutic* radiologic procedures employing ~~equipment which emits~~ ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, *the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health*, or other procedures ~~which that~~ contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment ~~which that~~ emits ionizing radiation ~~which that~~ is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

#### **§ 54.1-2954. Respiratory therapist; definition.**

"Respiratory ~~care practitioner~~ *therapist*" means a person who has passed the examination for the entry level practice of respiratory care administered by the National Board for Respiratory Care, Inc., or other examination approved by the Board,

who has complied with the regulations pertaining to licensure prescribed by the Board, and who has been issued a license by the Board.

**§ 54.1-2954.1. Powers of Board concerning respiratory care.**

The Board shall take such actions as may be necessary to ensure the competence and integrity of any person who claims to be a respiratory ~~care practitioner~~ *therapist* or who holds himself out to the public as a respiratory ~~care practitioner~~ *therapist* or who engages in the practice of respiratory care and to that end the Board shall license persons as respiratory ~~care practitioners~~ *therapists*. The Board shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant for licensure as a respiratory ~~care practitioner~~ *therapist* during his service as a member of any branch of the armed forces of the United States as evidence of the satisfaction of the educational requirements for licensure as a respiratory ~~care practitioner~~ *therapist*. The provisions hereof shall not prevent or prohibit other persons licensed pursuant to this chapter from continuing to practice respiratory care when such practice is in accordance with regulations promulgated by the Board.

The Board shall establish requirements for the supervised, structured education of respiratory ~~care practitioners~~ *therapists*, including preclinical, didactic and laboratory, and clinical activities, and an examination to evaluate competency. All such training programs shall be approved by the Board.

**§ 54.1-2955. Restriction of titles.**

It ~~shall be~~ *is* unlawful for any person not holding a current and valid license from the ~~State Virginia~~ Board of Medicine to practice as a respiratory ~~care practitioner~~ *therapist* or to assume the title; "Respiratory ~~Care Practitioner~~ *Therapist*" or to use, in conjunction with his name, the letters "~~RCP RT~~."

**§ 54.1-2956. Advisory Board on Respiratory Care; appointment; terms; duties; etc.**

A. The Advisory Board on Respiratory Care shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, and regulation of licensed respiratory ~~care practitioners~~ *therapists*.

The Advisory Board shall consist of five members appointed by the Governor as follows: three members shall be at the time of appointment respiratory ~~care practitioners~~ *therapists* who have practiced for not less than three years, one member shall be a physician licensed to practice medicine in the Commonwealth, and one member shall be appointed by the Governor from the Commonwealth at large. Beginning July 1, 2011, the Governor's appointments shall be staggered as follows: two members for a term of one year, one member for a term of two years, and two members for a term of three years. Thereafter, appointments shall be for four-year terms.

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two consecutive terms.

B. The Advisory Board shall, under the authority of the Board, recommend to the Board for its enactment into regulation the criteria for licensure as a respiratory ~~care practitioner~~ *therapist* and the standards of professional conduct for holders of licenses.

The Advisory Board shall also assist in such other matters dealing with respiratory care as the Board may in its discretion direct.

**§ 54.1-2956.01. Exceptions to respiratory therapist's licensure.**

The licensure requirements for respiratory ~~care practitioners~~ *therapists* provided ~~herein~~ *in this chapter* shall not prohibit the practice of respiratory care as an integral part of a program of study by students enrolled in an accredited respiratory care education program approved by the Board. Any student enrolled in accredited respiratory care education programs shall be identified as "Student ~~RCP RT~~" and shall only deliver respiratory care under the direct supervision of an appropriate clinical instructor recognized by the education program.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory ~~care practitioner~~ *therapist* as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to

possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

## CHAPTER 303

*An Act to amend and reenact §§ 54.1-3450 and 54.1-3452 of the Code of Virginia, relating to scheduling of certain controlled substances.*

[H 1839]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 54.1-3450 and 54.1-3452 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 54.1-3450. Schedule III.**

The controlled substances listed in this section are included in Schedule III:

1. Unless specifically exempted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;

Any compound, mixture or preparation containing amobarbital, secobarbital, or pentobarbital or any salt of amobarbital, secobarbital, or pentobarbital and one or more other active medicinal ingredients which are not listed in Schedules II through V;

Any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of amobarbital, secobarbital, or pentobarbital and approved by the Food and Drug Administration for marketing only as a suppository;

Chlorhexadol;

Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355);

Embutramide;

Ketamine, its salts, isomers, and salts of isomers (some other names:

[+]-2-[2-chlorophenyl]-2-[methylamino]-cyclohexanone);

Lysergic acid;

Lysergic acid amide;

- Methpyrlylon;  
 Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benxonitrile], including its salts, isomers, and salts of isomers;  
 Sulfondiethylmethane;  
 Sulfonethylmethane;  
 Sulfonmethane; and  
 Tiletamine-zolazepam combination product or any salt thereof.
2. Nalorphine.
3. Unless specifically excepted or unless listed in another schedule:
- a. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts thereof:
- Buprenorphine.
- b. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
- Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- ~~Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;~~
- ~~Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~
- Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
- Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- Benzphetamine;  
 Chlorphentermine;  
 Clortermine;  
 Phendimetrazine.
5. The Board may except by regulation any compound, mixture, or preparation containing any stimulation or depressant substance listed in subsection A from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.
6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:
- Anabolic steroids, including, but not limited to:
- 3beta,17-dihydroxy-5a-androstane;  
 3alpha,17beta-dihydroxy-5a-androstane;  
 5alpha-androstan-3,17-dione;  
 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);  
 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);  
 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);  
 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);  
 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);  
 4-androstenedione (androst-4-en-3,17-dione);  
 5-androstenedione (androst-5-en-3,17-dione);  
 Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);  
 Boldenone (Dehydrotestosterone)(17beta-hydroxyandrost-1,4,-diene-3-one);  
 Boldione (androsta-1, 4-diene-3, 17-dione);  
 Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

Clostebol (4-Chlorotestosterone)(Chlorotestosterone)(4-chloro-17beta-hydroxyandrost-4-en-3-one);  
 Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);  
 Delta1-dihydrotestosterone (1-testosterone)(17beta-hydroxy-5alpha-androst-1-en-3-one);  
 Desoxymethyltestosterone (madol)(17alpha-methyl-5alpha-androst-2-en-17beta-ol);  
 Dromostanolone (Drostanolone)(17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);  
 Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);  
 Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);  
 Formyldienolone (Formebolone)(2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);  
 Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);  
 13-beta-ethyl-17alpha-hydroxygon-4-en-3-one;  
 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);  
 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);  
 Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);  
 Mesterolone (methyl-17beta-hydroxy-[5alpha]-androstan-3-one);  
 Methandriol (methylandrostenediol)(17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);  
 Methandrostenolone  
 (Methandienone)(Dehydromethyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);  
 Methasterone (2alpha,17alpha-dimethyl-5alpha-androstan-17beta-ol-3-one);  
 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);  
 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;  
 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;  
 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);  
 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);  
 Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);  
 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);  
 17-Methyltestosterone (Methyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);  
 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);  
 17alpha-methyl-delta1-dihydrotestosterone  
 (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)(17-alpha-methyl-1-testosterone);  
 Nandrolone (19-Nortestosterone)(17beta-hydroxyestr-4-en-3-one);  
 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);  
 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);  
 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);  
 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);  
 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);  
 19-nor-4-androstenedione (estr-4-en-3,17-dione);  
 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);  
 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);  
 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);  
 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);  
 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);  
 Oxymesterone (Oxymestron)(17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);  
 Oxymetholone (Anasterone)(17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);  
 Prostanazol (17beta-hydroxy-5alpha-androstan-3-one)[3,2-c]pyrazole);  
 Stanolone (4-Dihydrotestosterone)(Dihydrotestosterone)(17beta-hydroxy-androstan-3-one);  
 Stanazolol (Androstanazole)(17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);  
 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);  
 Testolactone (1-Dehydrotestololactone)(13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);  
 Testosterone (17beta-hydroxyandrost-4-en-3-one);  
 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);  
 Trenbolone (Trienbolone)(Trienolone)(17beta-hydroxyestr-4,9,11-trien-3-one); and

Any salt, ester, or ether of a drug or substance described or listed in this paragraph. However, such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes any such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subsection.

7. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.

**§ 54.1-3452. Schedule IV.**

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

*Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11,20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;*

Alprazolam;  
 Barbitol;  
 Bromazepam;  
 Camazepam;  
 Carisoprodol;  
 Chloral betaine;  
 Chloral hydrate;  
 Chlordiazepoxide;  
 Clobazam;  
 Clonazepam;  
 Clorazepate;  
 Clotiazepam;  
 Cloxazolam;  
 Delorazepam;  
 Diazepam;  
 Dichloralphenazone;  
 Estazolam;  
 Ethchlorvynol;  
 Ethinamate;  
 Ethyl loflazepate;  
 Fludiazepam;  
 Flunitrazepam;  
 Flurazepam;  
 Fospropofol;  
 Halazepam;  
 Haloxazolam;  
 Ketazolam;  
 Loprazolam;  
 Lorazepam;  
 Lormetazepam;  
 Mebutamate;  
 Medazepam;  
 Methohexital;  
 Meprobamate;  
 Methylphenobarbital;  
 Midazolam;  
 Nimetazepam;  
 Nitrazepam;  
 Nordiazepam;  
 Oxazepam;  
 Oxazolam;  
 Paraldehyde;  
 Petrichloral;  
 Phenobarbital;  
 Pinazepam;  
 Prazepam;  
 Quazepam;

*Suvorexant*

*([(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl]][5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl] methanone), including its salts, isomers, and salts of isomers;*

Temazepam;  
 Tetrazepam;  
 Triazolam;  
 Zaleplon;  
 Zolpidem;

Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine;  
Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;  
Diethylpropion;  
Fencamfamin;  
Fenproporex;  
Mazindol;  
Mefenorex;  
Modafinil;  
Phentermine;  
Pemoline (including organometallic complexes and chelates thereof);  
Pipradrol;  
Sibutramine;  
SPA (-)-1-dimethylamino-1, 2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionyloxy butane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit-;

*2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.*

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);  
Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 304

*An Act to amend the Code of Virginia by adding in Article 7.1 of Chapter 5 of Title 32.1 a section numbered 32.1-162.15:1, relating to unlawful advertising as a home care organization.*

[H 1868]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 7.1 of Chapter 5 of Title 32.1 a section numbered 32.1-162.15:1 as follows:**

**§ 32.1-162.15:1. Unlawful advertising as a home care organization.**

*It shall be unlawful for any person not licensed as a home care organization pursuant to this article or exempt from licensure pursuant to subsection 3 of § 32.1-162.8, or whose license as a home care organization has been suspended or revoked, or whose license as a home care organization has lapsed and has not been renewed to knowingly advertise or market himself as or otherwise hold himself out to be a home care organization under § 32.1-162.7 or to otherwise assert or imply that he is licensed to provide home health, personal care, or pharmaceutical services. For the purposes of this section, a person who solely offers referrals of independent providers of home care or personal care services, and who*

*advertises or markets himself as such, shall not be deemed to be holding himself out as, or asserting or implying that he is, a home care organization or otherwise licensed to provide home health or personal care services.*

### CHAPTER 305

*An Act to amend and reenact § 2.2-5206 of the Code of Virginia, relating to community policy and management teams.*

[H 2083]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-5206 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-5206. Community policy and management teams; powers and duties.**

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;
2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;
3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;
4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § 16.1-309.3;
5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council, *including a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams*, and a process to review the teams' recommendations and requests for funding;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Establish procedures for obtaining bids on the development of new services;
8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;
9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council;
10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts for the provision or operation of services upon approval of the participating governing bodies;
11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;
12. Collect and provide uniform data to the Council as requested by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 16 of § 2.2-2648;
13. Review and analyze data in management reports provided by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 18 of § 2.2-2648 to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive Services Act program. Every team shall also review local and statewide data provided in the management reports on the number of children served, children placed out of state, demographics, types of services provided, duration of services, service expenditures, child and family outcomes, and performance measures. Additionally, teams shall track the utilization and performance of residential placements using data and management reports to develop and implement strategies for returning children placed outside of the Commonwealth, preventing placements, and reducing lengths of stay in residential programs for children who can appropriately and effectively be served in their home, relative's homes, family-like setting, or their community;
14. Administer funds pursuant to § 16.1-309.3;
15. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § 2.2-5211 are not used;
16. Submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall include:

- a. The child or adolescent's date of birth;
- b. Date admission was attempted; and
- c. Reason the patient could not be admitted into the hospital or facility;

17. Establish policies for providing intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program, consistent with guidelines developed pursuant to subdivision D 22 of § 2.2-2648; and

18. Establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided to the youth and family pursuant to an individual family services plan developed by the local family assessment and planning team. Such policies and procedures shall not apply to appeals made pursuant to § 63.2-915 or in accordance with the Individuals with Disabilities Education Act or federal or state laws or regulations governing the provision of medical assistance pursuant to Title XIX of the Social Security Act.

## CHAPTER 306

*An Act to amend and reenact §§ 8.01-401.2 and 8.01-581.1 of the Code of Virginia, relating to nurse practitioners; expert witness testimony and health care provider definition.*

[S 861]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 8.01-401.2 and 8.01-581.1 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 8.01-401.2. Chiropractor, nurse practitioner, or physician assistant as expert witness.**

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. A physician assistant *or nurse practitioner*, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952. However, no physician assistant *or nurse practitioner* shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.

##### **§ 8.01-581.1. Definitions.**

As used in this chapter:

"Health care" means any act, professional services in nursing homes, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical diagnosis, care, treatment or confinement.

"Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, *nurse practitioner*, optometrist, podiatrist, physician assistant, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed marriage and family therapist, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

"Health maintenance organization" means any person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 who undertakes to provide or arrange for one or more health care plans.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Impartial attorney" means an attorney who has not represented (i) the claimant, his family, his partners, co-proprietors or his other business interests; or (ii) the health care provider, his family, his partners, co-proprietors or his other business interests.

"Impartial health care provider" means a health care provider who (i) has not examined, treated or been consulted regarding the claimant or his family; (ii) does not anticipate examining, treating, or being consulted regarding the claimant or his family; or (iii) has not been an employee, partner or co-proprietor of the health care provider against whom the claim is asserted.

"Malpractice" means any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient.

"Patient" means any natural person who receives or should have received health care from a licensed health care provider except those persons who are given health care in an emergency situation which exempts the health care provider from liability for his emergency services in accordance with § 8.01-225 or 44-146.23.

"Physician" means a person licensed to practice medicine or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Professional services in nursing homes" means services provided in a nursing home, as that term is defined in clause (iv) of the definition of health care provider in this section, by a health care provider related to health care, staffing to provide patient care, psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy.

**2. Nothing in this act, § 8.01-401.2:1, or § 8.01-401.3 shall be construed as a codification of Rule 702 of the Federal Rules of Evidence as presently construed.**

## CHAPTER 307

*An Act to amend the Code of Virginia by adding a section numbered 54.1-3005.1, relating to Board of Nursing; criminal history record check for applicants for licensure.*

[S 1018]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 54.1-3005.1 as follows:**

**§ 54.1-3005.1. Criminal history background checks.**

*The Board shall require each applicant for licensure as a practical nurse or registered nurse to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant.*

*The Central Criminal Records Exchange shall forward the results of the state and federal criminal history record search to the Board, which shall be a governmental entity. If an applicant is denied licensure because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation and the Central Criminal Records Exchange. The information shall not be disseminated except as provided in this section.*

**2. That the provisions of this act shall become effective on January 1, 2016.**

## CHAPTER 308

*An Act to amend and reenact §§ 16.1-340, 16.1-340.2, 16.1-345, 37.2-808, 37.2-810, and 37.2-829 of the Code of Virginia, relating to civil admission process; alternative transportation.*

[S 1263]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-340, 16.1-340.2, 16.1-345, 37.2-808, 37.2-810, and 37.2-829 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-340. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion, an emergency custody order when he has probable cause to believe that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusionary thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law. To the extent possible, the petition shall contain the information required by § 16.1-339.1.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in

Virginia, if available, (2) any past actions of the minor, (3) any past mental health treatment of the minor, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any minor for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 16.1-340.1 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board serving the area in which the minor is located who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, ~~in cases in which the emergency custody order is based upon a finding that the minor who is the subject of the order has a mental illness and that, as a result of mental illness, the minor is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control,~~ the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the minor subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the minor who is the subject of the emergency custody order was taken into custody or, if the minor has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the minor is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the minor to the facility or location to which the minor is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the minor and others from harm, (ii) is actually capable of providing the level of security necessary to protect the minor and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated in this section may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the

purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

H. A law-enforcement officer who is transporting a minor who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such minor into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the minor has revoked consent to be transported to a facility for the purpose of assessment or evaluation and (ii) based upon his observations, that probable cause exists to believe that the minor meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

I. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

J. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section.

K. The minor shall remain in custody until a temporary detention order is issued, until the minor is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

M. (Expires June 30, 2018) In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the minor is detained in a state facility pursuant to subsection D of § 16.1-340.1, the state facility and an employee or designee of the community services board may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor.

N. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to minors with mental illnesses while in emergency custody.

*O. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

#### **§ 16.1-340.2. Transportation of minor in the temporary detention process.**

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

D. *No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**§ 16.1-345. Involuntary commitment; criteria.**

After observing the minor and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any qualified evaluator's report, (v) any medical records available, (vi) the preadmission screening report, and (vii) any other evidence that may have been admitted, the court shall order the involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment pursuant to § 16.1-345.2.

Upon the expiration of an order for involuntary commitment, the minor shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 90 days from the date of the subsequent court order, or the minor or his parent rescinds the objection to inpatient treatment and consents to admission pursuant to § 16.1-338 or subsection D of § 16.1-339 or the minor is ordered to mandatory outpatient treatment pursuant to § 16.1-345.2.

A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody. However, such a minor shall not be eligible for mandatory outpatient treatment.

In conducting an evaluation of a minor who has been properly detained, if the evaluator finds, irrespective of the fact that the minor has been detained, that the minor meets the criteria for involuntary commitment in this section, the evaluator shall recommend that the minor meets the criteria for involuntary commitment.

If the parent or parents with whom the minor resides are not willing to approve the proposed commitment, the court shall order inpatient treatment only if it finds, in addition to the criteria specified in this section, that such treatment is necessary to protect the minor's life, health, safety, or normal development. If a special justice believes that issuance of a removal order or protective order may be in the child's best interest, the special justice shall report the matter to the local department of social services for the county or city where the minor resides.

Upon finding that the best interests of the minor so require, the court may enter an order directing either or both of the minor's parents to comply with reasonable conditions relating to the minor's treatment.

If the minor is committed to inpatient treatment, such placement shall be in a mental health facility for inpatient treatment designated by the community services board which serves the political subdivision in which the minor was evaluated pursuant to § 16.1-342. If the community services board does not provide a placement recommendation at the hearing, the minor shall be placed in a mental health facility designated by the Commissioner of Behavioral Health and Developmental Services.

When a minor has been involuntarily committed pursuant to this section, the judge shall determine, after consideration of information provided by the minor's treating mental health professional and any involved community services board staff regarding the minor's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a parent, family member, or friend of the minor, a representative of the community services board, a representative of the facility at which the minor was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge determines that transportation may be provided by an alternative transportation provider, the judge may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge may order transportation by the proposed alternative transportation provider. In all other cases, the judge shall order transportation by the sheriff of the jurisdiction where the minor is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction in

which the minor is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the minor.

If the judge determines that the minor requires transportation by the sheriff, the sheriff, as specified in this section shall transport the minor to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's order.

*No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

**§ 37.2-808. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, ~~in cases in which the emergency custody order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information,~~ the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is

ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

M. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

N. (Expires June 30, 2018) In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

O. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

*P. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

#### **§ 37.2-810. Transportation of person in the temporary detention process.**

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the

jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, ~~in cases in which the temporary detention order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information,~~ the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

D. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

*E. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

#### **§ 37.2-829. Transportation of person in civil admission process.**

When a person has volunteered for admission pursuant to § 37.2-814 or been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, the judge or special justice shall determine after consideration of information provided by the person's treating mental health professional and any involved community services board or behavioral health authority staff regarding the person's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a family member or friend of the person, a representative of the community services board, a representative of the facility at which the person was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge or special justice determines that transportation may be provided by an alternative transportation provider, the judge or special justice may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If

the judge or special justice finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge or special justice may order transportation by the proposed alternative transportation provider. In all other cases, the judge or special justice shall order transportation by the sheriff of the jurisdiction where the person is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

If the judge or special justice determines that the person requires transportation by the sheriff, the person may be delivered to the care of the sheriff, as specified in this section, who shall transport the person to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's or special justice's order.

If any state hospital has become too crowded to admit any such person, the Commissioner shall give notice of the fact to all community services boards and shall designate the facility to which sheriffs or alternative transportation providers shall transport such persons.

*No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*

## CHAPTER 309

*An Act to amend and reenact §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia, relating to temporary detention order; custody.*

[H 1694]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 16.1-340.1:1 and 37.2-809.1 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 16.1-340.1:1. Facility of temporary detention.**

A. In each case in which an employee or designee of the local community services board is required to make an evaluation of a minor pursuant to subsection B, G, or H of § 16.1-340, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the minor will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the minor necessary to allow the state facility to determine the services the minor will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the minor. Under no circumstances shall a state facility fail or refuse to admit a minor who meets the criteria for temporary detention pursuant to § 16.1-340.1 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the minor for temporary detention, and the minor shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the minor to the state facility or alternative facility in accordance with the provisions of § 16.1-340.2. If an alternative facility is identified and agrees to accept the minor for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the State Board of Behavioral Health and Developmental Services.

##### **§ 37.2-809.1. Facility of temporary detention.**

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include

another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from the custody of the community services board except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

C. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

### CHAPTER 310

*An Act to amend and reenact § 8.01-581.20 of the Code of Virginia, relating to standard of care in medical malpractice proceedings; health care providers.*

[H 1775]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-581.20 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-581.20. Standard of care in proceeding before medical malpractice review panel; expert testimony; determination of standard in action for damages.**

A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, podiatrist, dentist, nurse, hospital or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any ~~physician or nurse health care provider~~ who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of ~~medicine practice~~ in which he is qualified and certified. This presumption shall also apply to any ~~physician person who, but for the lack of a Virginia license, would be defined as a health care provider under this chapter, provided that such person~~ is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. ~~This presumption shall also apply to any nurse licensed by a state participating in the Nurse Licensure Compact.~~ An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.

The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.

B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.

C. In any action described in this section, each party may designate, identify or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.

### CHAPTER 311

*An Act to amend and reenact §§ 23-38.75, 23-38.76, 23-38.77, 23-38.80, 23-38.81, and 58.1-322 of the Code of Virginia, relating to establishing Achieving a Better Life Experience (ABLE) savings trust accounts to be administered by the*

*Virginia College Savings Plan to assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities.*

[H 2306]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23-38.75, 23-38.76, 23-38.77, 23-38.80, 23-38.81, and 58.1-322 of the Code of Virginia are amended and reenacted as follows:**

**§ 23-38.75. Definitions.**

As used in this chapter, unless the context requires a different meaning:

*"ABLE savings trust account" means an account established pursuant to this chapter to assist individuals and families to save private funds to support individuals with disabilities to maintain health, independence, and quality of life, with such account used to apply distributions for qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

*"Board" means the Board of the Virginia College Savings Plan.*

*"College savings trust account" means an account established pursuant to this chapter to assist individuals and families to enhance the accessibility and affordability of higher education, with such account used to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

*"Contributor" means a person who contributes money to a savings trust account established pursuant to this chapter on behalf of a qualified beneficiary and who is listed as the owner of the savings trust account.*

*"Plan" means the Virginia College Savings Plan.*

*"Prepaid tuition contract" means the contract entered into by the Board and a purchaser pursuant to this chapter for the advance payment of tuition at a fixed, guaranteed level by the purchaser for a qualified beneficiary to attend any two-year or four-year public institution of higher education in the Commonwealth to which the qualified beneficiary is admitted.*

*"Purchaser" means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract and who is listed as the owner of the prepaid tuition contract.*

*"Qualified beneficiary" or "beneficiary" means (i) a resident of the Commonwealth, as determined by the Board, who is the beneficiary of a *prepaid tuition* contract and who may apply advance tuition payments to tuition as set forth in this chapter; (ii) a beneficiary of a *prepaid tuition* contract purchased by a resident of the Commonwealth, as determined by the Board, who may apply advance tuition payments to tuition as set forth in this chapter; or (iii) a beneficiary of a savings trust account established pursuant to this chapter.*

~~*"Savings trust account" means an account established by a contributor pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law ABE savings trust account or a college savings trust account.*~~

*"Savings trust agreement" means the agreement entered into by the Board and a contributor establishing a savings trust account.*

*"Tuition" means the quarter, semester, or term charges imposed for undergraduate tuition by any two-year or four-year public institution of higher education in the Commonwealth and all mandatory fees required as a condition of enrollment of all students. A beneficiary may apply benefits under a prepaid tuition contract and distributions from a savings trust account toward graduate-level tuition and toward tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion.*

**§ 23-38.76. Virginia College Savings Plan established; governing board; terms.**

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, there is hereby established as a body politic and corporate and an independent agency of the Commonwealth, the Virginia College Savings Plan (the Plan). ~~*Moneys Certain moneys of the Plan shall be held in the state treasury in a special nonreverting fund (the Fund), which shall consist of that are contributions to savings trust accounts made pursuant to this chapter, except as otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. The savings program moneys in such accounts shall be paid out on checks, drafts payable on demand, electronic wire transfers, or other means authorized by officers or employees of the Plan.*~~

~~*All other moneys of the Plan, including payments received pursuant to prepaid tuition contracts or contributions to savings trust accounts made pursuant to this chapter, bequests, endowments or grants from the United States government, or its agencies and or instrumentalities, and any other available sources of funds, public or private, shall be first deposited in the state treasury in a special nonreverting fund (the Fund). Such moneys then shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Benefits related to prepaid tuition contracts and Plan operating*~~

*expenses shall be paid from the Fund.* Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the State Treasurer or his designee; the State Comptroller or his designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of Delegates, with significant experience in finance, accounting, law, or investment management.

Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for or during more than two successive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their terms of office.

C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties. The Board shall elect from its membership a chairman and a vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

**§ 23-38.77. Powers and duties of Board.**

The Board shall administer the Plan established by this chapter and shall develop and implement programs for (i) the prepayment of undergraduate tuition, as defined in § 23-38.75, at a fixed, guaranteed level for application at a two-year or four-year public institution of higher education in the Commonwealth ~~and~~; (ii) contributions to *college* savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law; *and (iii) contributions to ABLE savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.* In addition, the Board shall have the power and duty to:

1. Invest moneys in the Plan in any instruments, obligations, securities, or property deemed appropriate by the Board;
2. Develop requirements, procedures, and guidelines regarding prepaid tuition contracts and savings trust accounts, including, but not limited to, residency *and other eligibility* requirements; the number of participants in the Plan; the termination, withdrawal, or transfer of payments under a prepaid tuition contract or savings trust account; time limitations for the use of tuition benefits or savings trust account distributions; and payment schedules;
3. Enter into contractual agreements, including contracts for legal, actuarial, financial, and consulting services *and contracts with other states to provide savings trust accounts for residents of contracting states*;
4. Procure insurance against any loss in connection with the Plan's property, assets, or activities and indemnifying Board members from personal loss or accountability from liability arising from any action or inaction as a Board member;
5. Make arrangements with two-year and four-year public institutions in the Commonwealth to fulfill obligations under prepaid tuition contracts and to apply *college* savings trust account distributions, including, but not limited to, payment from the Plan of the then actual in-state undergraduate tuition cost on behalf of a qualified beneficiary of a prepaid tuition contract to the institution in which the beneficiary is admitted and enrolled and application of such benefits towards graduate-level tuition and towards tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion;
6. Develop and implement scholarship and/or matching grant programs, as the Board may deem appropriate, to further its goal of making higher education more affordable and accessible to all citizens of the Commonwealth;
7. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives;
8. Promulgate regulations and procedures and to perform any act or function consistent with the purposes of this chapter; and
9. Reimburse, at its option, all or part of the cost of employing legal counsel and such other costs as are demonstrated to have been reasonably necessary for the defense of any Board member, officer, or employee of the Plan upon the acquittal, dismissal of charges, nolle prosequi, or any other final disposition concluding the innocence of such member, officer or employee who is brought before any regulatory body, summoned before any grand jury, investigated by any law-enforcement agency, arrested, indicted, or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of his official duties which alleges a violation of state or federal securities laws. The Board shall provide for the payment of such legal fees and expenses out of funds appropriated or otherwise available to the Board.

**§ 23-38.80. Standard of care; investment and administration of Plan.**

A. In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of the Plan, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, shall act as trustee and shall exercise the judgment of care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but to the permanent disposition of funds, considering the probable income as well as the probable safety of their capital. If the

annual accounting and audit required by § 23-38.85 reveal that there are insufficient funds to ensure the actuarial soundness of the Plan, the Board shall be authorized to adjust the terms of subsequent prepaid tuition contracts, arrange refunds for current purchasers to ensure actuarial soundness, or take such other action the Board deems appropriate.

B. The assets of the Plan shall be preserved, invested, and expended solely pursuant to and for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the Commonwealth for any other purpose. Within the standard prescribed in subsection A of this section, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, is authorized to acquire and retain every kind of property and every kind of investment, specifically including but not limited to (i) debentures and other corporate obligations of foreign or domestic corporations; (ii) common or preferred stocks traded on foreign or domestic stock exchanges; (iii) not less than all of the stock or 100 percent ownership of a corporation or other entity organized by the Board under the laws of the Commonwealth for the purposes of acquiring and retaining real property that the Board is authorized under this chapter to acquire and retain; and (iv) securities of any open-end or closed-end management type investment company or investment trust registered under the federal Investment Company Act of 1940, as amended, including such investment companies or investment trusts which, in turn, invest in the securities of such investment companies or investment trusts, which persons of prudence, discretion, and intelligence acquire or retain for their own account. Within the limitations of the foregoing standard, the Board may retain property properly acquired, without time limitation and without regard to its suitability for original purchase. This section shall not be construed to prohibit the investment of the Plan, by purchase or otherwise, in bonds, notes, or other obligations of the Commonwealth or its agencies and instrumentalities.

All provisions of this subsection shall apply to the portion of the Plan assets attributable to savings trust account contributions and the earnings thereon.

C. The selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, ~~record-keeping~~ *recordkeeping*, or consulting services, shall be governed by the foregoing standard and shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. No Board member nor any person, investment manager, or committee to whom the Board delegates any of its investment authority who acts within the standard of care set forth in subsection A shall be held personally liable for losses suffered by the Plan on investments made pursuant to this chapter.

E. To the extent necessary to lawfully administer the Plan and in order to comply with federal, state, and local tax reporting requirements, the Plan may obtain all necessary social security account or tax identification numbers *and such other data as the Plan deems necessary for such purposes, whether from a contributor or purchaser or from another state agency.*

**§ 23-38.81. Prepaid tuition contracts and college and ABLE savings trust agreements; terms; termination; etc.**

A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:

1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;
2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;
3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;
4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;
5. Terms and conditions for a substitution for the qualified beneficiary originally named;
6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person or persons entitled to terminate the contract;
7. The time period during which the qualified beneficiary must claim benefits from the Plan;
8. The number of credit hours or quarters, semesters, or terms contracted for by the purchaser;
9. All other rights and obligations of the purchaser and the trust; and
10. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the contract with the requirements of Internal Revenue Code § 529, as amended, which specifies the requirements for qualified state tuition programs.

B. Each *college* savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses at eligible institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;
2. Provisions for withdrawals, refunds, transfers, and any penalties;
3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;
4. Terms and conditions for a substitution for the qualified beneficiary originally named;
5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person or persons entitled to terminate the account;
6. The time period during which the qualified beneficiary must use benefits from the savings trust account;
7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

*C. Each ABLÉ savings trust agreement made pursuant to this chapter shall include the following terms and provisions:*

*1. The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;*

*2. Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;*

*3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;*

*4. Terms and conditions for a substitution for the qualified beneficiary originally named;*

*5. Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person or persons entitled to terminate the account;*

*6. The time period during which the qualified beneficiary must use benefits from the savings trust account;*

*7. All other rights and obligations of the contributor and the Plan; and*

*8. Any other terms and conditions that the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.*

~~D.~~ In addition to the provisions required by subsection A of this section, each prepaid tuition contract shall include provisions for the application of tuition prepayments (i) at accredited, nonprofit, independent institutions of higher education located in Virginia, including actual interest and income earned on such prepayments and (ii) at public and at accredited, nonprofit, independent institutions of higher education located in other states, including principal and reasonable return on such principal as determined by the Board. Payments authorized for accredited, nonprofit, independent institutions located in Virginia may not exceed the projected highest payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board. Payments authorized for public and for accredited, nonprofit, independent institutions of higher education located in other states may not exceed the projected average payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board.

~~E.~~ All prepaid tuition contracts and savings trust agreements shall specifically provide that, if after a specified period of time the contract or savings trust agreement has not been terminated nor the qualified beneficiary's rights exercised, the Board, after making reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55-210.12.

~~F.~~ Notwithstanding any provision of law to the contrary, money in the Plan shall be exempt from creditor process and shall not be liable to attachment, garnishment, or other process, nor shall it be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any purchaser, contributor or beneficiary, provided, however, that the state of residence of the beneficiary of an ABLÉ savings trust account shall be a creditor of such account in the event of the death of the beneficiary.

~~G.~~ No contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

~~H.~~ The Board's decision on any dispute, claim, or action arising out of or related to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits thereunder shall be considered a case decision as defined in § 2.2-4001 and all proceedings related thereto shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be exclusively provided pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

**§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2015. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or *college* savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or *college* savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a *college* savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or *college* savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or *college* savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or *college* savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or *college* savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a *college* savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or *college* savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a *college* savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired

boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 312

*An Act to amend and reenact § 19.2-305.1 of the Code of Virginia, relating to restitution; damage to Capitol Square or any building, monument, etc., in Capitol Square.*

[H 2298]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-305.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss

caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

*B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.*

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.

E1. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

F. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims. The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. Before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the clerk's report to be entitled to restitution.

G. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

## CHAPTER 313

*An Act to amend and reenact §§ 24.2-452, 24.2-465, 24.2-466, 24.2-612, 24.2-646.1, 24.2-702.1, 24.2-706, 24.2-707, and 24.2-712 of the Code of Virginia and to repeal § 24.2-702 of the Code of Virginia, relating to Uniform Military and Overseas Voters Act; efficiencies reforms.*

[H 2397]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-452, 24.2-465, 24.2-466, 24.2-612, 24.2-646.1, 24.2-702.1, 24.2-706, 24.2-707, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-452. Definitions.**

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:
  - a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
  - b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision 2 of § 24.2-700;
  - c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
  - d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
  - e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:
    - (1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and
    - (2) The voter has not previously registered to vote in any other state.
2. "Dependent" means an individual recognized as a dependent by a uniformed service.
3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).
4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.
5. "Military-overseas ballot" means:
  - a. A federal write-in absentee ballot;
  - b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title, ~~including an early ballot authorized in § 24.2-702;~~ or
  - c. A ballot cast by a covered voter in accordance with this title.
6. "Overseas voter" means a United States citizen who is outside the United States.
7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
8. "Uniformed service" means:
  - a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;
  - b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - c. The Virginia National Guard.
9. "Uniformed-service voter" means an individual who is qualified to vote and is:
  - a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
  - b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
  - c. A member on activated status of the National Guard; or
  - d. A spouse or dependent of a member referred to in this definition.
10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

**§ 24.2-465. Publication of election notice.**

At least 100 days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, ~~an official in each jurisdiction charged with printing and distributing ballots and balloting materials~~ the Department of Elections shall make election information available for ~~that~~ each jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date ~~the official expects~~ are expected to be on the ballot on the date of the election. The notice

also must contain, or enable access to, specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested. Specific instructions may include a website address or a telephone number.

**§ 24.2-466. Sending and updating notices.**

A. A covered voter may request *and upon such request the Department of Elections shall provide* a copy of an election notice *without cost to the voter*. ~~The official charged with preparing the election notice~~ *Department of Elections shall send the notice to the voter using the method requested and to the address provided by the voter.*

B. As soon as ballot styles are verified ~~by the State Board~~ pursuant to § 24.2-612 and not later than the date ballots are required to be transmitted to voters under §§ 24.2-460 and 24.2-612, ~~the official charged with preparing the election notice under § 24.2-465~~ *Department of Elections shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.*

C. A local election jurisdiction that maintains a website shall make the election notice prepared under § 24.2-465 and updated versions of the election notice regularly available on the website.

**§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.**

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the ~~State Board~~ *Department of Elections* a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the electoral board shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. ~~The State Board~~ *Department of Elections shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board Department of Elections for verification shall not invalidate any election.*

Each electoral board shall have printed the number of ballots it determines will be sufficient to conduct the election.

Notwithstanding any other provisions of this title, ~~the State Board~~ *Department of Elections* may print or otherwise provide ~~(i) one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1 or (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702 only for federal elections under § 24.2-453.~~ *The State Board Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the State Board Department of Elections shall execute the statement required by § 24.2-616. The State Board Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate electoral boards pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board shall affix its seal. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the State Board Department of Elections shall specifically direct.*

The electoral board shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the electoral board shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each electoral board shall report to the ~~State Board~~ *Department of Elections*, in writing on a form approved by the ~~State Board~~ *Department of Elections*, whether it has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The electoral boards shall send to the ~~State Board~~ *Department of Elections* a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the ~~State Board~~ *Department of Elections* finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.

**§ 24.2-646.1. Permitted use of paper ballots.**

The official paper ballot shall be used by a voter to cast his vote only in one of the following circumstances:

1. The official paper ballot is the only ballot in use in the precinct.
2. The official paper ballot is used by voters voting outside the polling place pursuant to § 24.2-649.
3. The voter is casting a provisional ballot.
4. The voter is provided an official paper ballot or copy thereof pursuant to § 24.2-642 when voting equipment is inoperable or otherwise unavailable.
5. The official absentee paper ballot voted in accordance with (§ 24.2-700 et seq.).

6. The voter is provided an official paper ballot for a presidential election pursuant to § 24.2-402 *or for federal elections pursuant to § 24.2-453.*

**§ 24.2-702.1. Federal write-in absentee ballots.**

A. Notwithstanding any other provision of this title, a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701, ~~24.2-702,~~ or 24.2-703.

**§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.**

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the ~~State Board~~ Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The ~~State Board~~ Department of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. In reviewing the application for an absentee ballot, the general registrar and electoral board shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate *or other evidence* of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the secretary or registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The ~~State Board~~ Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the ~~State Board~~ Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the ~~State Board~~ Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the secretary or general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. The electoral board, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the electoral board as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

#### **§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.**

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (e) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar or a member of the electoral board, or, if a ballot is cast at that time, before the

officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar or secretary of the electoral board for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate *or other evidence* of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The ~~State Board~~ *Department of Elections* shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the ~~State Board~~ *Department of Elections*. The procedures shall be applicable and uniformly applied by the ~~State Board~~ *Department of Elections* to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar or secretary of the electoral board and the general registrar, an assistant registrar, or the secretary of the electoral board is present.

**§ 24.2-712. Central absentee voter precincts; counting ballots.**

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the ~~State Board~~ *Department of Elections* and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the electoral board on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate *or other evidence* of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the ~~State Board~~ *Department of Elections*, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The electoral board, with the written agreement of the general registrar, may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

**2. That § 24.2-702 of the Code of Virginia is repealed.**

## CHAPTER 314

*An Act to amend and reenact § 24.2-701 of the Code of Virginia, relating to absentee voting; reason for application.*

[S 816]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-701 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-701. Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

**B. Applications for absentee ballots shall be completed in the following manner:**

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar or a member of the electoral board. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

**C. Applications for absentee ballots shall contain the following information:**

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, ~~the nature of the obligation~~ *that he has an obligation occasioned by his religion*; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

## CHAPTER 315

*An Act to amend and reenact §§ 20-97 and 20-106 of the Code of Virginia, relating to divorce; evidence by affidavit.*

[H 1397]

Approved March 17, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 20-97 and 20-106 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or divorce.**

No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties ~~is~~ *was at the time of the filing of the suit* and ~~has had been for at least six months preceding the filing of the suit~~ *an actual bona fide resident and domiciliary of this Commonwealth for at least six months preceding the commencement of the suit*, nor shall any suit for affirming a marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona fide resident of this Commonwealth at the time of ~~bringing~~ *filing* such suit.

For the purposes of this section only:

1. If a member of the armed forces of the United States has been stationed or resided in this Commonwealth and has lived for a period of six months or more in this Commonwealth next preceding the ~~commencement~~ *filing* of the suit, then such person shall be presumed to be domiciled in and to have been a bona fide resident of this Commonwealth during such period of time.

2. Being stationed or residing in the Commonwealth includes, but is not limited to, a member of the armed forces being stationed or residing upon a ship having its home port in this Commonwealth or at an air, naval or military base located within this Commonwealth over which the United States enjoys exclusive federal jurisdiction.

3. Any member of the armed forces of the United States or any foreign service officer of the United States who (i) at the time the suit is ~~commenced~~ *filed* is, or immediately preceding such suit was, stationed in any territory or foreign country and (ii) was domiciled in the Commonwealth for the ~~six month~~ *six-month* period immediately preceding his being stationed in such territory or country, shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding ~~commencement~~ *the filing* of a suit for annulment or divorce.

4. Upon separation of the husband and wife, the wife may establish her own and separate domicile, though the separation may have been caused under such circumstances as would entitle the wife to a divorce or annulment.

##### **§ 20-106. Testimony may be required to be given orally; evidence by affidavit.**

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be

given of the taking of depositions, or when there has been no service of process within this Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

1. Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;

2. Verify whether either party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. App § 501 et seq.);

4. Affirm that at least one party to the suit ~~is was at the time of the filing of the suit, and has had~~ been for a period in excess of six months immediately preceding the ~~commencement~~ filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that the wife is not known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of ~~a~~ at least one corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify whether either party is incarcerated;

c. Give factual support to the grounds for divorce stated in the complaint or counterclaim;

d. Verify that at least one of the parties to the suit ~~is was at the time of the filing of the suit, and has had~~ been for a period in excess of six months immediately preceding the ~~commencement~~ filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that the wife is not known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim; and that it has been ~~the moving~~ either party's intention since that date to remain separate and apart permanently.

C. *If a party moves for a divorce pursuant to § 20-121.02, any affidavit may be submitted in support of the grounds for divorce set forth in subdivision A (9) of § 20-91.*

D. A verified complaint shall not be deemed an affidavit for purposes of this section.

## CHAPTER 316

*An Act to amend and reenact § 2.2-3010 of the Code of Virginia, relating to the Fraud and Abuse Whistle Blower Protection Act; definition of state agency.*

[H 1916]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3010 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3010. Definitions.**

As used in this chapter:

"Abuse" means an employer's or employee's conduct or omissions that result in substantial misuse, destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local government sources.

"Appropriate authority" means a federal or state agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse; or a member, officer, agent, representative, or supervisory employee of the agency or organization. The term also includes the Office of the Attorney General, the Office of the State Inspector General, and the General Assembly and its committees having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse.

"Employee" means any person who is regularly employed full time on either a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of and whose compensation is payable, no more often than biweekly, in whole or in part, by a state agency.

"Employer" means a person supervising one or more employees, including the employee filing a good faith report, a superior of that supervisor, or an agent of the state agency.

"Good faith report" means a report of conduct defined in this chapter as wrongdoing or abuse which is made without malice and which the person making the report has reasonable cause to believe is true.

"Misconduct" means conduct or behavior by an employee that is inconsistent with state or agency standards for which specific corrective or disciplinary action is warranted.

"State agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act *and any independent agency*.

"Whistle blower" means an employee who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's superiors, an agent of the employer, or an appropriate authority. "Whistle blower" includes a citizen of the Commonwealth who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.

"Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation or a formally adopted code of conduct or ethics of a professional organization designed to protect the interests of the public or employee.

## CHAPTER 317

*An Act to amend and reenact § 17.1-258.3 of the Code of Virginia, relating to electronic filing in civil proceedings; fee.*

[H 2061]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-258.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-258.3. Electronic filing in civil or criminal proceedings.**

Any clerk of circuit court may establish and operate a system for electronic filing in civil or criminal proceedings that shall be governed by the Rules of ~~the~~ Supreme Court of Virginia. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to provide proof of identity to the clerk and to enter into an agreement specifying the electronic filing procedures to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), for transmitting signed or notarized documents. The clerk may charge copy fees per page, as provided in subdivision A 8 of § 17.1-275, and obtain reimbursement for fees paid by subscribers to its designated application service providers for the technology systems used to operate electronic filing in civil and criminal cases in the clerk's office. The fees and reimbursements collected shall be deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § 17.1-295. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of civil or criminal records as provided herein. Further, nothing herein shall be construed to require the electronic filing of any civil or criminal record, and such records may continue to be filed in paper form.

Any clerk of circuit court with an electronic filing system established in accordance with the Rules of ~~the~~ Supreme Court of Virginia may charge an additional ~~\$2~~ \$5 fee for every civil case initially filed by paper, except that a person who is determined to be indigent pursuant to § 19.2-159 shall be exempt from the payment of such fee. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be exclusively used to cover the operational expenses as defined in § 17.1-295.

## CHAPTER 318

*An Act to amend and reenact § 2.2-2001.2 of the Code of Virginia, relating to the Virginia Values Veterans Program; certification by state agencies and institutions of higher education.*

[H 1641]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2001.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2001.2. Programs to reduce unemployment among veterans.**

A. The Department shall develop a comprehensive program to reduce unemployment among veterans by assisting businesses to attract, hire, train, and retain veterans. Such program shall promote strategies for connecting employers to

qualified veterans and include (i) a workforce assessment and training program for participating employers and (ii) a certification process for participating employers with the objective of setting measurable goals for hiring and retaining veterans.

*B. All agencies in the executive branch of state government and all public institutions of higher education shall, to the maximum extent possible, be certified in accordance with this section. Such agencies and institutions may request a certification waiver from the Governor if they can demonstrate that (i) the certification is in conflict with the organization's operating directives or (ii) they have in place an alternative program that meets the requirements of this section.*

### CHAPTER 319

*An Act to amend and reenact § 2.2-2452 of the Code of Virginia, relating to the Board of Veterans Services; membership.*

[H 2018]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2452 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2452. Board of Veterans Services; membership; terms; quorum; compensation; staff.**

A. The Board of Veterans Services (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall have a total membership of ~~49~~ 22 members that shall consist of five legislative members, ~~14~~ 14 nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; and ~~14~~ 14 nonlegislative citizen members to be appointed by the Governor. The Commissioner of the Department of Veterans Services, the Chairman of the Board of Trustees of the Veterans Services Foundation, and the Chairman of the Joint Leadership Council of Veterans Service Organizations, or their designees, shall serve ex officio with full voting privileges. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.

In making appointments, the Governor shall endeavor to ensure a balanced geographical representation on the Board while at the same time selecting appointees of such qualifications and experience as will allow them to provide expertise and insight into:

1. Best practices in benefits claims services, medical and health care management, or cemetery operations;
2. Performance measurements and general management principles; and
3. Nonprofit volunteer operations and management.

Each of the three areas of expertise shall be represented on the Board by at least two different appointees per area of expertise in order to allow for the Board to be capable of developing reasonable and effective policy recommendations related to the services provided to veterans of the armed forces of the United States and their eligible spouses, orphans, and dependents by the Department of Veterans Services.

Legislative members and the Commissioner of the Department of Veterans Services shall serve terms coincident with their terms of office. ~~After the initial staggering of terms, nonlegislative~~ *Nonlegislative* citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms.

The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

B. The Board shall select a chairman from its membership and, pursuant to rules adopted by it, may elect one of its members as vice-chairman. The Commissioner of the Department of Veterans Services shall not be eligible to serve as chairman. The Board shall also elect one of its members as secretary. The Board shall meet at least three times a year at such times as it deems appropriate or on call of the chairman. A majority of the members of the Board shall constitute a quorum.

C. The Board shall be organized with at least three standing committees that shall be responsible for (i) veterans benefits, (ii) veterans care services, and (iii) veterans cemeteries.

D. The Department of Veterans Services shall provide staff to the Board.

### CHAPTER 320

*An Act to amend and reenact § 44-102.2 of the Code of Virginia, relating to the Virginia Military Family Relief Fund; benefits available for state active duty.*

[S 930]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 44-102.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 44-102.2. Virginia Military Family Relief Fund established.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Military Family Relief Fund (the Fund). The Fund shall be established on the books of the Comptroller and administered by the Office of the Adjutant General for the purposes set forth herein. All moneys as may be appropriated by the General Assembly, private gifts, grants, or donations contributed to the Fund, and revenues received by the Commonwealth for the Fund pursuant to § 58.1-344.3 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of assisting members of the Virginia National Guard and Virginia residents who are members of the reserves of the armed forces of the United States who have been called to extended *federal* active duty for periods in excess of 90 days *and missions in support of Virginia civil authorities, including state active duty and federal defense support to civil authority missions, for periods in excess of 30 days*, and their families, with living expenses including, but not limited to food, housing, utilities, and medical services. Assistance may be provided from the Fund from the date of entry into active duty until 180 days after release from active duty. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Adjutant General.

B. The Adjutant General shall submit an annual report to the Governor and the chairmen of the House Appropriations Committee and the Senate Committee on Finance of the General Assembly. The report shall detail:

1. The expenditures of the Fund, including the amount of awards provided from the Fund to each branch of service, the amount of individual and family assistance provided, the qualifications of the recipients, and the balance available in the Fund for future disbursements; and

2. The name, address, rank, branch of service, deployment location, and amount of financial assistance provided to each recipient. The information provided under this subdivision that identifies a recipient or members of the recipient's family or the deployment location of any member of the Virginia National Guard or the reserves of the armed forces of the United States shall be confidential and shall not be subject to public disclosure.

**CHAPTER 321**

*An Act to amend and reenact § 2.2-2666.1 of the Code of Virginia, relating to the Virginia Military Advisory Council; membership.*

[S 962]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2666.1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2666.1. Virginia Military Advisory Council; composition; compensation and expenses; meetings; chairman's executive summary.**

A. The Virginia Military Advisory Council (the Council) is ~~hereby created~~ *established* as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

B. The Council shall be composed of ~~27~~ *11* members as follows: the Lieutenant Governor, the Attorney General, the Adjutant General, the Secretary of Veterans and Defense Affairs, the Chairman of the House Committee on Militia, Police and Public Safety ~~and~~, the Chairman of the Senate Committee on General Laws, or their designees; ~~and four~~ *five* members; ~~one of whom shall be a representative of the Virginia Defense Force~~, to be appointed by and serve at the pleasure of the Governor; ~~and 17 members, including representatives~~. *Representatives of the major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto; who shall be requested to serve by the Governor after consideration of the persons nominated by the Secretaries of the Armed Forces of the United States. However, any shall be invited by the Governor to represent their command or installation at the meetings of the Council. Any legislative member who is appointed by the Governor shall serve a term coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel appointed to the Council.*

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the ~~Department of Military Affairs~~ *Secretary of Veterans and Defense Affairs*.

D. The Secretary of Veterans and Defense Affairs shall be the chairman of the Council. ~~The chairman shall designate a military advisor to the Council from among the representatives of the major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto pursuant to subsection B; who shall be an active duty general or flag~~

~~officer serving in Virginia.~~ The meetings of the Council shall be held at the call of the chairman or whenever the majority of members so request. A majority of the members shall constitute a quorum.

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the ~~interim~~ activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

## CHAPTER 322

*An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to Standards of Learning Assessments; revisions.*

[H 1419]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

*The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.*

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

## CHAPTER 323

*An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to third through eighth grade Standards of Learning assessments; science.*

[H 1714]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics; ~~and science~~ in grade eight; (e) *science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight*; and ~~(e)~~ (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action

against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

## CHAPTER 324

*An Act to direct the Board of Education to promulgate regulations establishing additional accreditation ratings.*

[H 1873]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Board of Education shall promulgate regulations establishing additional accreditation ratings that recognize the progress of schools that do not meet accreditation benchmarks but have significantly improved their pass rates, are within specified ranges of benchmarks, or have demonstrated significant growth for the majority of their students. The Board shall implement such regulations no later than the 2016-2017 school year.*

**CHAPTER 325**

*An Act to amend the Code of Virginia by adding a section numbered 23-2.6, relating to four-year public institutions of higher education; websites; consumer information.*

[H 1980]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. **That the Code of Virginia is amended by adding a section numbered 23-2.6 as follows:**

**§ 23-2.6. Transparency in higher education information.**

*Each four-year public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:*

1. *The institution's six-year undergraduate graduation rate for each of the past 10 years;*
2. *The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;*
3. *The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;*
4. *The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;*
5. *A link to the annual report of the use of student fees as required by § 23-2.3;*
6. *A link to the postsecondary education and employment data referenced in § 23-2.4; and*
7. *A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by § 23-1.01.*

**CHAPTER 326**

*An Act to amend and reenact the fifth enactment of Chapters 689 and 700 of the Acts of Assembly of 2001, as amended by the second enactment of Chapter 211 of the Acts of Assembly of 2003, Chapter 609 of the Acts of Assembly of 2005, and the first enactment of Chapter 590 of the Acts of Assembly of 2009, and to amend and reenact the third enactment of Chapter 563 of the Acts of Assembly of 2004, as amended by Chapters 607 and 608 of the Acts of Assembly of 2005 and the second enactment of Chapter 590 of the Acts of Assembly of 2009, relating to retirement allowance for and rehiring retired teachers.*

[H 2020]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. **That the fifth enactment of Chapters 689 and 700 of the Acts of Assembly of 2001, as amended by the second enactment of Chapter 211 of the Acts of Assembly of 2003, Chapter 609 of the Acts of Assembly of 2005, and the first enactment of Chapter 590 of the Acts of Assembly of 2009, is amended and reenacted as follows:**

5. **That the provisions of this act shall expire on July 1, ~~2015~~ 2020.**

2. **That the third enactment of Chapter 563 of the Acts of Assembly of 2004, as amended by Chapters 607 and 608 of the Acts of Assembly of 2005 and the second enactment of Chapter 590 of the Acts of Assembly of 2009, is amended and reenacted as follows:**

3. **That the provisions of this act shall expire on July 1, ~~2015~~ 2020.**

**CHAPTER 327**

*An Act to amend and reenact § 23-74 of the Code of Virginia, relating to the board of visitors of the University of Virginia; terms of rector and vice-rector.*

[H 2290]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

1. **That § 23-74 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-74. Meetings of board of visitors; quorum; rector and vice-rector; secretary.**

The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meeting to be fixed by them. Five members shall constitute a quorum.

The board of visitors shall appoint, from among its members, a rector to preside at their meetings and a vice-rector to preside at their meetings in the absence of the rector. The rector and the vice-rector shall also perform such additional duties as the board may prescribe. The terms of the rector and vice-rector shall be for two years, commencing ~~on July 1 of the year of appointment~~ and expiring ~~on June 30 of the year of the expiration of their terms~~ as provided in the board's bylaws.

The board shall also appoint a secretary for such term and with such duties as the board shall prescribe.

The board may also appoint a substitute pro tempore, as provided in its bylaws, to preside in the absence of the rector or the vice-rector.

Vacancies in the office of rector, vice-rector or secretary may be filled by the board for the unexpired term, as provided in the Board's bylaws.

Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meeting shall be given by the secretary to every member.

## CHAPTER 328

*An Act to amend the Code of Virginia by adding a section numbered 23-2.6, relating to four-year public institutions of higher education; websites; consumer information.*

[S 1223]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 23-2.6 as follows:**

**§ 23-2.6. Transparency in higher education information.**

*Each four-year public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:*

- 1. The institution's six-year undergraduate graduation rate for each of the past 10 years;*
- 2. The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;*
- 3. The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;*
- 4. The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;*
- 5. A link to the annual report of the use of student fees as required by § 23-2.3;*
- 6. A link to the postsecondary education and employment data referenced in § 23-2.4; and*
- 7. A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by § 23-1.01.*

## CHAPTER 329

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to special diplomas.*

[S 1236]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for

accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs *and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma* shall be awarded ~~special~~ *Applied Studies* diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

## CHAPTER 330

*An Act to amend and reenact § 22.1-77 of the Code of Virginia, relating to school board clerks; electronic maintenance of records.*

[S 1339]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-77 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-77. Duties of clerk.**

The clerk of the school board shall keep in a separate volume the minutes of the meetings of the school board, including all bids submitted on any building, material, supplies, work, or project to be let to contract by such school board, and in another volume a receipt and disbursement record as prescribed by the Board of Education and shall keep on file vouchers, contracts, and other official papers. They shall be subject to such periodic examinations as shall be prescribed or approved by the Board of Education. *The clerk may keep such volumes, vouchers, contracts, and other official papers electronically.* The clerk shall discharge, under the general direction of the division superintendent, such other duties in connection with the business of the school division as may be required of him by the school board or the Board of Education.

## CHAPTER 331

*An Act to amend and reenact § 16.1-69.33 of the Code of Virginia, relating to Committee on District Courts; district court seal.*

[S 789]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 16.1-69.33 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-69.33. Committee on District Courts.**

There is hereby established a Committee on District Courts to be composed of the Majority Leader of the Senate, the Speaker of the House of Delegates, the chairmen of the House and Senate Courts of Justice Committees or their designees who shall be members of the Courts of Justice committees, two members of each of the Committees for Courts of Justice of each house, to be appointed by the chairman of their Committee, the Chief Justice of the Supreme Court of Virginia who shall be chair of the Committee, one judge of a circuit court, two general district court judges and two juvenile and domestic relations district court judges. The judicial members of the Committee on District Courts shall be made to give representation insofar as feasible to various geographic areas of the Commonwealth. The judicial members of the Committee on District Courts shall be appointed by, and serve at the pleasure of the Chief Justice.

The Committee shall meet at such times and places as it may from time to time designate for the purposes of authorizing the appointment of substitute judges pursuant to § 16.1-69.14, authorizing the establishment of clerks' offices in counties or cities as may be requisite, and establishing when such offices shall be open for business, authorizing the appointment of personnel for the district courts pursuant to Article 4 (§ 16.1-69.37 et seq.) of this chapter and establishing procedures for administrative review of appeals from personnel actions for district court personnel and magistrates, fixing salary classification schedules of court personnel pursuant to Article 5 (§ 16.1-69.44 et seq.) of this chapter and establishing vacation and sick leave for district court judges, district court personnel and magistrates, and for such other duties or matters as are now, or may hereafter be conferred upon the Committee by law. *The Committee may also adopt an official seal and authorize its use by district court clerks and deputy clerks of the district courts.* Such salary classification schedules, vacation and sick leave policies shall be uniform throughout the Commonwealth.

The Committee on District Courts shall have sole authority and discretion in adjusting salary classification schedules for district court personnel. The Committee shall fix such salaries for the several district court personnel at least annually at such time as it deems it proper and as soon as practicable thereafter certify to the Comptroller and the Executive Secretary of the Supreme Court a detailed statement of the salaries fixed by them for the several district courts and the effective date of any salary adjustments.

The Committee on District Courts shall appoint (i) a Clerk's Advisory Committee composed of two clerks from the general district courts and two clerks from the juvenile and domestic relations district courts; such appointments shall be made after giving due consideration to former clerks of county and municipal courts not of record; (ii) a Magistrate's Advisory Committee composed of two magistrates; such advisory committees are to make recommendations to the Committee regarding administrative functions of the district courts.

For the performance of their duties, the Committee shall be reimbursed out of the money appropriated for the adjudication of cases in the district trial courts for their actual expenses incurred in the performance of their duties and in addition, per diem compensation allowed for members of the General Assembly for each day spent in performing such duties; provided, however, that no additional compensation shall be paid to members of the judiciary serving on the Committee.

In the event of the establishment of personal liability of a district court judge or magistrate for the loss of property or money from a district court or magistrate's office by reason of robbery or burglary, the Committee on District Courts shall have the authority, after appropriate investigation and upon its determination that the individual judge or magistrate was not negligent in the performance of his duties, to reimburse such judge or magistrate to the extent of his personal liability on a warrant of the Comptroller issued as provided by law. However, such reimbursement shall not exceed \$1,000 per claim. This paragraph shall apply to all claims arising on and after July 1, 1976.

## CHAPTER 332

*An Act to amend and reenact § 64.2-534 of the Code of Virginia, relating to administration of estates; liability of heir or devisee for real estate conveyed.*

[S 1064]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 64.2-534 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-534. Liability of heir or devisee for value of real estate sold and conveyed; validity of premature conveyances.**

A. Any heir or devisee who sells and conveys any real estate that is an asset for the payment of a decedent's debts or lawful demands against his estate pursuant to § 64.2-532 is liable for the value of such real estate, with interest, to those persons entitled to be paid out of the real estate.

~~However, the heir or devisee~~ B. *Notwithstanding the provisions of subsection A, the real estate sold or conveyed is not liable to such those persons entitled to be paid out of the real estate provided that (i) the sale was made more than one year after the death of the decedent, (ii) the conveyance was bona fide, and (iii) (iii) at the time of such conveyance, no action has been commenced for the administration of the real estate and no reports have been filed of the debts and demands of such creditors.*

~~B. Notwithstanding the provisions of subsection A, no~~ C. No sale and conveyance of such real estate made by an heir or devisee within one year after the death of the decedent is valid against creditors of such decedent, except as otherwise provided in § 64.2-535:

~~C. Any,~~ provided that any sale and conveyance made within one year after the death of a decedent is valid against creditors as if it were made more than one year after the death of the decedent; if no action has been commenced for the administration of the real estate and no report of the debts and demands has been filed within one year after the death of the decedent.

### CHAPTER 333

*An Act to amend the Code of Virginia by adding a section numbered 46.2-1028.1, relating to illuminated identification systems on certain emergency vehicles.*

[H 1544]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-1028.1 as follows:**

**§ 46.2-1028.1. Illuminated identification systems on certain emergency vehicles.**

*Any firefighting vehicle, ambulance, rescue or life-saving vehicle, or vehicle used by police, firefighting, or rescue personnel as a command center at the scene of incidents may be equipped with and use an illuminated identification system of a type approved by the Superintendent to enable aircraft more easily to read number decals and other identifying markings on the roofs of such vehicle. Any such illuminated identification system may be used when the vehicle is in motion or stationary.*

### CHAPTER 334

*An Act to amend and reenact § 38.2-1884 of the Code of Virginia, relating to self storage insurance; authority of unit lessors.*

[H 1742]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-1884 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-1884. Authority of lessors of self storage units.**

A. The employees and authorized representatives of lessors may sell or offer self storage insurance to customers and shall not be subject to licensure as an insurance producer under this chapter provided that:

1. The lessor obtains a limited lines property and casualty insurance agent license;

2. The lessor selling the self storage insurance provides a training program for all employees and authorized representatives of the lessor. The training program shall consist of instruction about the self storage insurance offered to customers, the disclosures required by this article, and the conduct prohibited by § 38.2-512. The training required by this subdivision may be delivered in person or in an electronic form. The licensed producer designated by the lessor as being responsible for its compliance with the insurance laws, rules, and regulations of the Commonwealth, as required by § 38.2-1820, shall hold a property and casualty insurance agent license and shall supervise the administration of the training program required by this subdivision;

3. No employee or authorized representative of a lessor of self storage units is compensated based primarily on the number of customers who purchase self storage insurance coverage; however, such an employee or authorized representative may receive compensation for activities under the limited lines license that is incidental to their overall compensation: ~~Such incidental compensation shall not exceed \$10 per customer who purchases self storage unit insurance coverage;~~ and

4. The employee or authorized representative of the lessor of self storage insurance does not represent or otherwise hold himself out as a licensed insurance producer.

B. No employee or authorized representative of a lessor of a self storage unit may:

1. Evaluate or interpret the technical terms, benefits, and conditions of the offered self storage unit insurance;

2. Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

3. Hold himself out as a licensed insurer, licensed agent, or insurance expert.

C. The license authority of any lessor licensed as a limited lines property and casualty producer selling self storage insurance shall terminate immediately if the sole licensed responsible producer designated for the lessor's compliance with the insurance laws, rules, and regulations of the Commonwealth is removed for any reason, and a new responsible producer has not been appointed. The Commission shall be notified within 30 calendar days of such removal and of the newly designated responsible producer.

D. A lessor shall report any violation of this article to the Commissioner within 30 days of discovery of the violation by the lessor.

E. Any charge to the customer for self storage insurance that is not included in the cost associated with the lease of a self storage unit shall be separately itemized on the customer's rental agreement. If the charge for self storage insurance is included in the cost associated with the lease of the self storage unit, the lessor shall clearly and conspicuously disclose to the customer that the charge for the self storage unit covers the cost of the insurance.

F. The charges for self storage insurance coverage may be billed and collected by the lessor. Lessors billing and collecting premiums for self storage insurance shall be required to comply with the provisions of § 38.2-1813. Lessors may receive compensation for billing and collection services.

G. Notwithstanding any other provision of law, applicants for licensure pursuant to this article whose home state does not issue a producer license with a similar line of authority as the license authorized by this article shall be issued a limited lines property and casualty license for self storage insurance. Any licensee whose home state does not have property and casualty limited lines for self storage insurance or similar line of authority in its home state after July 1, 2017, or such later date as may be determined by the Commission, shall obtain a full property and casualty license or its license shall terminate in Virginia. For purposes of this subsection, "home state" means the District of Columbia and any state or territory of the United States except Virginia, or any province of Canada, in which an applicant maintains such person's principal place of residence or principal place of business.

## CHAPTER 335

*An Act to amend and reenact §§ 58.1-322 and 58.1-402 of the Code of Virginia, relating to income tax subtraction; long-term capital gain from qualified investments.*

[S 904]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-322 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but

not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, ~~2015~~ 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings

account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted

in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or

renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

#### **§ 58.1-402. Virginia taxable income.**

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, ~~2015~~ 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

**2. That beginning in 2015 the Department of Taxation shall record on an annual basis using the most recent taxable year data available the fiscal savings from the long-term capital gain and investment services partnership interest income subtraction accruing to (i) individuals pursuant to subdivision C 35 of § 58.1-322 of the Code of Virginia and (ii) corporations pursuant to subdivision C 24 of § 58.1-402 of the Code of Virginia. The Department shall also record the number of individual income tax returns and corporate income tax returns on which the subtraction was claimed. The Department shall report such information to the Governor, any member of the General Assembly, or other person upon request.**

## CHAPTER 336

*An Act to amend and reenact §§ 58.1-322 and 58.1-402 of the Code of Virginia, relating to the income tax subtraction for long-term capital gains attributable to investments in certain technology businesses.*

[H 1741]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 58.1-322 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-322. Virginia taxable income of residents.**

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; and

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime;

(iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, ~~2015~~ 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any

person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after

January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for

filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 58.1-402. Virginia taxable income.**

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts

received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax

returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but

not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, ~~2015~~ 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

**2. That beginning in 2015 the Department of Taxation shall record on an annual basis using the most recent taxable year data available the fiscal savings from the long-term capital gain and investment services partnership interest income subtraction accruing to (i) individuals pursuant to subdivision C 35 of § 58.1-322 of the Code of Virginia and (ii) corporations pursuant to subdivision C 24 of § 58.1-402 of the Code of Virginia. The Department shall also record the number of individual income tax returns and corporate income tax returns on which the subtraction was claimed. The Department shall report such information to the Governor, any member of the General Assembly, or other person upon request.**

## CHAPTER 337

*An Act to amend and reenact § 30-73.3 of the Code of Virginia, relating to the Joint Commission on Administrative Rules; powers and duties; effect of administrative rules on private sector employment.*

[S 1136]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-73.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-73.3. Powers and duties of Commission.**

A. The Commission shall have the powers and duties to:

1. Review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation (i) is authorized by statute, (ii) complies with legislative intent, (iii) will cause a substantial reduction in private sector employment, and ~~(iii)~~ (iv) contains no mandate that improperly burdens businesses.

2. Review the ~~impact~~ effect of the rule or regulation on (i) the economy, (ii) protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, (iii) government operations of the ~~State~~ Commonwealth and localities, and (iv) affected persons and businesses.

3. File with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation.

4. Suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor as provided in subsection B of § 2.2-4014.

5. Make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation.

6. Review any existing agency rule, regulation, or practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed, or adopted.

B. If the Commission decides to seek suspension of a final rule or regulation, it shall deliver a statement to the Governor, signed by a majority of the members of the Commission, asking the Governor to concur in delaying the effective date of a portion or all of the final regulation until the end of the next regular legislative session as provided in §§ 2.2-4014 and 2.2-4015.

C. Based upon its review of (i) any final rule or regulation during the promulgation or final adoption process or (ii) any existing agency rule, regulation, or practice or failure to adopt a rule or regulation, the Commission may prepare and

arrange for the introduction of a bill to clarify the intent of the General Assembly when it enacted a law or to correct any misapplication of a law by an agency.

### CHAPTER 338

*An Act to direct agencies of the Commonwealth to establish protocol relating to hauling motor fuels during times of necessitous circumstances; report.*

[H 1522]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1.** § 1. *The Department of Transportation, Department of Mines, Minerals and Energy, Department of Emergency Management, Department of Motor Vehicles, Department of State Police, and other interested stakeholders shall work to establish a protocol for submission of a declaration of a state of emergency for resource shortages, as defined in § 44-146.16 of the Code of Virginia, that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and two heating oils, or liquid propane gas within or outside of the Commonwealth.*

**2.** *That the Department of Emergency Management shall submit a report detailing the established protocol to the Governor and the General Assembly by January 13, 2016.*

### CHAPTER 339

*An Act to amend the Code of Virginia by adding a section numbered 40.1-49.13, relating to Safety and Health Codes Board; establishment of a Voluntary Protection Program.*

[H 1768]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1.** *That the Code of Virginia is amended by adding a section numbered 40.1-49.13 as follows:*

**§ 40.1-49.13. Voluntary Protection Program.**

*A. As used in this section:*

*"Model system" means an exemplary, voluntarily implemented worker safety and health management system that (i) implements comprehensive safety and health programs that exceed basic compliance with occupational safety and health laws and regulations and (ii) meets the VPP standards adopted by the Safety and Health Codes Board pursuant to subsection B.*

*"Voluntary Protection Program" or "VPP" means a program under which the Commissioner recognizes and partners with workplaces in which a model system has been implemented.*

*B. The Safety and Health Codes Board shall adopt definitions, rules, regulations, and standards necessary for the operation of the Voluntary Protection Program in a manner that will promote safe and healthy workplaces throughout the Commonwealth. The standards for the VPP shall include the following requirements for VPP participation:*

- 1. Upper management leadership and active and meaningful employee involvement;*
- 2. Systematic assessment of occupational hazards;*
- 3. Comprehensive hazard prevention, mitigation, and control programs;*
- 4. Employee safety and health training; and*
- 5. Safety and health program evaluation.*

*C. Applications for participation in the VPP shall be submitted by the workplace's management. Applications shall include documentation establishing to the satisfaction of the Commissioner that the employer meets all standards for VPP participation.*

*D. The Department shall provide for onsite evaluations by VPP evaluation teams of each workplace that has applied to participate in the VPP to determine that the applicant's workplace complies with the standards for VPP participation.*

*E. A workplace's continued participation in the VPP shall be conditioned on compliance with the standards for VPP participation, as determined by periodic onsite evaluations by VPP evaluation teams.*

*F. During periods in which a workplace is a participant in the VPP, the workplace shall be exempt from inspections or investigations under § 40.1-49.4; however, this exception shall not apply to inspections or investigations of the workplace arising from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases.*

**2.** *That any workplace that was a participant in the uncodified voluntary protection program conducted by the Department of Labor and Industry prior to July 1, 2015, may continue as a participant in the Voluntary Protection Program established pursuant to § 40.1-49.13 of the Code of Virginia, as created by this act. On and after July 1, 2016, the continued participation by such a workplace in the Voluntary Protection Program shall be conditioned upon the workplace's compliance with the standards for participation in the Voluntary Protection Program adopted by the Safety and Health Codes Board pursuant to subsection B of § 40.1-49.13.*

## CHAPTER 340

*An Act to amend and reenact § 8.01-225 of the Code of Virginia, relating to civil immunity for rendering emergency care; forcible entry of motor vehicle.*

[H 2082]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-225 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

## A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. *For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.*

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency

life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support

emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

## CHAPTER 341

*An Act to amend the Code of Virginia by adding a section numbered 46.2-1028.1, relating to auxiliary lights on public utility vehicles.*

[H 2289]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-1028.1 as follows:**

**§ 46.2-1028.1. Auxiliary lights on public utility vehicles.**

*Any electrical service utility vehicle owned and operated by a public utility, as defined in § 56-265.1, and having a gross vehicle weight rating greater than 15,000 pounds may be equipped with clear auxiliary lights that shall be mounted on the lower portion of the vehicle and aimed downward for the exclusive use of ground lighting. Such lights shall be of a type approved by the Superintendent and shall not be used in a manner that may blind or interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted while the vehicle is in motion.*

## CHAPTER 342

*An Act to amend and reenact § 2.2-2238 of the Code of Virginia, relating to the Virginia Economic Development Partnership; site and building assessment program; industrial sites.*

[S 809]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2238 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2238. Economic development services.**

A. It shall be the duty of the Authority to encourage, stimulate, and support the development and expansion of the economy of the Commonwealth. The Authority is charged with the following duties and responsibilities to:

1. See that there are prepared and carried out effective economic development marketing and promotional programs;
2. Make available, in conjunction and cooperation with localities, chambers of commerce, industrial authorities, and other public and private groups, to prospective new businesses basic information and pertinent factors of interest and concern to such businesses;
3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging the location of new businesses in the Commonwealth and the retention and growth of existing businesses;
4. Encourage and solicit private sector involvement, support, and funding for economic development in the Commonwealth;
5. Encourage the coordination of the economic development efforts of public institutions, regions, communities, and private industry and collect and maintain data on the development and utilization of economic development capabilities;
6. Establish such offices within and without the Commonwealth that are necessary to the expansion and development of industries and trade;
7. Encourage the export of products and services from the Commonwealth to international markets;
8. Advise, upon request, the State Board for Community Colleges in designating technical training programs in Virginia's comprehensive community colleges for the Community College Incentive Scholarship Program pursuant to § 23-220.4; and
9. Offer a program for the issuance of export documentation for companies located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide export documentation in a form deemed necessary for international commerce.

B. The Authority shall prepare a specific plan annually that shall serve as the basis for marketing high unemployment areas of Virginia. This plan shall be submitted to the Governor and General Assembly annually on or before November 1 of each year. The report shall contain the plan and activities conducted by the Authority to market these high unemployment areas. The annual report shall be part of the report required by § 2.2-2242.

*C. The Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites of at least 250 acres. In developing such a program, the Authority shall establish assessment guidelines and procedures for identification of industrial sites, source requirements, and development oversight. The Authority shall invite participation by regional and industry stakeholders to assess potential sites, identify product shortfalls, and make recommendations to the Governor and General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's economic development plan.*

## CHAPTER 343

*An Act to amend and reenact § 19.2-389 of the Code of Virginia, relating to the Department of Juvenile Justice; access to criminal history record information.*

[S 961]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-389 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;
2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an

individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;
18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;
20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;
25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;
27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;
28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;
29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;
30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;
32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;
33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);
34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;
35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;
36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; ~~and~~

44. *The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and*

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the

request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

### CHAPTER 344

*An Act to amend and reenact §§ 54.1-2324 and 54.1-2333 of the Code of Virginia, relating to the Cemetery Board; perpetual care trust fund; preneed trust accounts; report of independent certified public accountant.*

[S 1174]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2324 and 54.1-2333 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2324. Financial report and report of independent certified public accountant required for perpetual care trust funds.**

A. Within four months after the close of its fiscal year, the cemetery company shall report the following information to the Board, on forms prescribed by the Board:

1. The total amount of principal in the perpetual care trust fund;
2. The securities in which the perpetual care trust fund is invested and the amount of cash on hand as of the close of the fiscal year;
3. The income received from the perpetual care trust fund, and the sources of such income, during the preceding fiscal year;
4. An affidavit executed by the compliance agent that all applicable provisions of this chapter relating to perpetual care trust funds have been complied with;
5. The total receipts subject to the 10 percent trust requirement;
6. All expenditures from the perpetual care trust fund;
7. If the trustee is other than a Virginia trust company or trust subsidiary or a federally insured bank or savings institution doing business in the Commonwealth, proof that the required fidelity bond has been secured and that it is in effect; *and*
8. A separate total of expenses incurred for general care and maintenance, embellishment and administration of its cemeteries.

B. The cemetery company shall ~~employ (i) engage an independent certified public accountant to audit and provide assurance that, with regard to the total of all receipts subject to § 54.1-2319, the report of the owner, operator or developer is true and correct and that the required deposits to the perpetual care trust fund have been made on a timely basis. Such audit in accordance with standards established by the American Institute of Certified Public Accountants or any successor standard authorities, and (ii) provide to the Board the independent certified public accountant's report on the agreed-upon procedures. The information provided by the cemetery company shall provide full disclosure of any transactions between the perpetual care trust fund and any directors, officers, stockholders, or employees of the cemetery company, or relatives of the cemetery company's employees, and shall include a description of the transactions, the parties involved, the dates and amounts of the transactions, and the reasons for the transactions.~~

C. The information required to be filed hereunder with the Board shall be exempt from the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

**§ 54.1-2333. Financial report and report of independent certified public accountant required for preneed trust accounts.**

A. The cemetery company shall report the following information to the Board within four months following the cemetery company's fiscal year, on forms prescribed by the Board:

1. The total amount of principal in the preneed trust account;
2. The securities in which the preneed trust account is invested;
3. The income received from the trust and the source of that income during the preceding fiscal year;
4. An affidavit executed by the compliance agent that all provisions of this chapter applicable to the seller relating to preneed trust accounts have been complied with;
5. Forty percent of the total receipts required to be deposited in the preneed trust account;
6. All expenditures from the preneed trust account; and
7. If the trustee is other than a Virginia trust company or trust subsidiary or a federally insured bank or savings institution doing business in the Commonwealth, proof that the required fidelity bond has been secured and that it is in effect.

B. The cemetery company shall ~~employ (i) engage an independent certified public accountant to audit and provide assurance that 40 percent of the cash receipts from the sale of preneed property or services not to be delivered or performed within 120 days after receipt of the initial payment on account has been deposited in the account within 30 days after the~~

close of the month in which the payment was received apply agreed-upon procedures as specified by the Board to the total of all receipts subject to § 54.1-2325, in accordance with standards established by the American Institute of Certified Public Accountants or any successor standard authorities, and (ii) provide to the Board the independent certified public accountant's report on the agreed-upon procedures.

~~Such audit~~ The information provided by the cemetery company shall provide full disclosure of any transactions between the preneed trust account and any directors, officers, stockholders, or employees of the cemetery company, or relatives of the cemetery company's employees, and shall include a description of the transactions, the parties involved, the dates and amounts of the transactions, and the reasons for the transactions.

C. The information required to be filed hereunder with the Board shall be exempt from the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

## CHAPTER 345

*An Act to amend and reenact § 2.01, as amended, §§ 2.02 and 2.04, § 4.03, as amended, § 6.02, §§ 7.02 and 8.02, as amended, §§ 9.01, 10.02, 10.03, 10.06, and 10.09, § 10.10, as amended, and §§ 11.01 and 15.02 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, and to repeal § 7.10 and § 8.06, as amended, of Chapter 542, relating to city powers, utilities, chief financial officer, and city departments.*

[S 1176]

Approved March 19, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 2.01, as amended, §§ 2.02 and 2.04, § 4.03, as amended, § 6.02, §§ 7.02 and 8.02, as amended, §§ 9.01, 10.02, 10.03, 10.06, and 10.09, § 10.10, as amended, and §§ 11.01 and 15.02 of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:**

#### § 2.01. General grant of powers.

The City of Bristol shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to municipal corporations under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein. The city shall have as well any powers expressly set forth herein, including the power to provide and operate telecommunication and related services, including without limitation, cable television, Internet, and all other services that might be rendered by use of the city's fiber-optic system; provided further that also the city shall have the power, within and without the city and within or without the Commonwealth of Virginia to provide consulting and management services for the operation of telecommunication services, including without limitation, cable television, Internet, and all other services that might be rendered by use of a fiber-optic system. Nothing in the foregoing provision shall be deemed to have expanded the powers of the city to provide and operate telecommunication and related services, including without limitation, cable television, Internet and all other services that might be rendered by use of the city's fiber-optic system, beyond those limitations and restrictions set forth in §§ 15.2-2108.2, 15.2-2108.3, 15.2-2108.9 through 15.2-2108.17, 15.2-2160, and 56-265.4:4 of the Code of Virginia, which, as amended from time to time, shall continue to be applicable to the city to the extent provided therein. The enumeration of powers in this charter shall not be exclusive or otherwise be construed to limit the powers of the city.

*The City hereby expressly relinquishes its powers set forth in this Charter that were transferred to the BVU Authority by the General Assembly's adoption of the BVU Authority Act in Chapter 72 (§ 15.2-7200 et seq.) of Title 15.2 of the Code of Virginia. Any references in this Charter to Bristol Virginia Utility Board or Bristol Virginia Utilities shall mean the BVU Authority.*

#### § 2.02. Financial powers.

The City of Bristol shall have the following powers relative to its financial affairs:

1. To raise annually by taxes and assessments such sums of money as the council deems necessary to pay the debts and defray the expense of operation of the city; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth;
2. To impose special or local assessments for local improvements and enforce payment thereof;
3. To contract debts, borrow money and make and issue evidences of indebtedness subject to the provisions of the Constitution of Virginia and of this charter;
4. To expend the money of the city for all lawful purposes;
5. To make appropriations, subject to the limitations imposed by this charter and the Constitution of Virginia, for the support of the city government and any other purposes authorized by this charter and the laws of the Commonwealth;
6. To accept and receive or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city's government, and to dispose of the same in any manner for such purpose in accordance with the terms and conditions, if any, of such gifts, grants, bequests and devices;
7. To provide, or aid in the support of, public libraries and public schools;
8. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable, educational or benevolent institutions and corporations, including those established for scientific, literary or

musical purposes or for the encouragement of agricultural and mechanical arts, whose functions further the public purposes of the city;

9. To provide control and management of the fiscal affairs of the city and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions or other agencies of this city's government as may be provided for elsewhere in this charter or to be set forth by ordinance or resolution;

10. To establish, impose and enforce rates and charges for public utilities, or other services, products or conveniences which are operated, rendered or furnished by the city including without limitation, water and sewer rates, and to the extent permitted by law, to regulate the rates for all such services provided by public service corporations within the city.

The city also may assess or cause to be assessed such rates and charges for public utilities, services, products or conveniences directly against the owner or owners of the buildings or against the proper tenant or tenants. Where charged against the tenants, the city may, by ordinance, make the owner or owners directly liable in the event such tenant or tenants fail to pay when the rents or charges are assessed.

Such fees, rents and charges being in the nature of a use or service charge shall, as nearly as the council shall deem practical and equitable, be uniform for the same type, class and amount of use. In the case of consumption of water, the rate may be based on actual consumption on or in connection with the real estate, making due allowances for the commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the average number of persons residing or working on or otherwise connected or identified with the real estate, or on any other factors determining the type, class and amount of water used. Similarly rational alternate means of determining rates for other utilities, services, products and goods provided by the city may be authorized by city council.

City council shall have the right and power to combine charges for water and sewer services on one statement, separate or together, with a bill for electrical services and to bill the beneficiary of such services therefor in such manner as to require the payment of all charges as a unit and to enforce the payment of such charges by discontinuing the water service, the sewer service, the electrical service or all others. In the event that fees, rents and charges charged for furnishing water, or for the use of services of the sewer disposal system, for furnishing electricity or any other utility in connection with any real estate shall not be paid when due, a reasonable penalty to be set by the council may at that time be added thereto, and the owner or tenant, as the case may be, of such real estate shall, until such fees, rents and charges for the same be paid together with such penalty, cease to use water, to dispose of sewage or industrial waste by discharge thereof directly or indirectly into the sewage disposal system or any other utility otherwise being used and furnished by the city. If such owner or tenant shall not have paid such fees, rents and charges together with such penalty within ten days after the same shall have become due, the supplier of water, electricity or other utility for the use of such real estate shall cease supplying same thereto. When the water for the use of such real estate has been shut off, it shall not be turned on again until the delinquent charges together with the penalty and a reasonable service charge to be fixed by council for shutting it off and turning it on again has been paid.

Such fees, rents, charges and penalty may be recovered by the city, by action at law or suit in equity. The council may designate a person, persons, board or commission, as the collector and custodian of all fees, rents and charges payable and paid to the city for public utilities and for other public services, products or conveniences, provided that any person or persons so designated and appointed shall keep a correct account of all such receipts and expenditures therefrom and shall take the oath of office and give bond as required by this charter; and

11. To charge and collect fees for permits to use public facilities and for the provision of public services and privileges.

§ 2.04. Powers relating to public works, utilities and properties.

The city shall have the power to acquire, construct, own, maintain, regulate, operate, hold, improve, manage, sell, encumber, donate or otherwise dispose of any property, real or personal, or any estate or interest therein, and any structure or improvement thereon, within or without the city and within or without the Commonwealth of Virginia for:

1. Public parks, parkways, playing fields and playgrounds including laying out, equipping and improving them with all suitable devices, buildings and other structures, and to landscape the same;

2. Incinerators, dumps, landfills and other facilities for the collection and disposal of offal, ash, garbage, carcasses of dead animals, refuse, demolition waste materials and any and all other manner of tangible things which have a cause of being of no further purpose to the municipality or to any of its citizens or to any other person from whom the city acquires such material, and therefore needs to be disposed of.

The city may permit and regulate the operation of all of the same by private enterprise subject to such permitting requirements and other laws as are applicable in this Commonwealth and to such zoning and other requirements as may be required by ordinance duly passed by the city;

3. Sewers and sewer disposal and sewage treatment services.

(a) The city may join with the City of Bristol, Tennessee, and other political subdivisions within and without Virginia in the construction, maintenance, use and operation of sanitary sewer lines and sewage disposal plants either within the Commonwealth of Virginia or the State of Tennessee; use Beaver Creek and Little Creek and all other creeks flowing within the jurisdiction of the city as part of its storm sewer system, to the extent permitted by law, and to this end council may order the channel of such creeks to be altered, widened, deepened, straightened, improved or the location thereof changed, as it may think proper, and such wall or walls to be constructed along its banks as will tend to prevent overflow. The city may

condemn, in a manner provided by law; any land; or interest in land or any riparian rights or property rights necessary for the purpose of so altering, widening, deepening, straightening, improving or changing the location of the channel of such creeks.

(b) The city shall have the power to require the owner, tenant or occupant of each lot or parcel of land which contains a sanitary sewer owned by the city or which abuts upon a street or other public way which contains such sanitary sewer and upon which lot or parcel of land a building exists for residential, commercial, industrial or other human use, to connect such building's sewer with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matters.

(c) The city shall have the power to regulate in any manner required by the laws of the United States, or the Commonwealth of Virginia or as the city may be determined necessary for the health, safety and welfare of the citizens of the City of Bristol, Virginia, and individuals in jurisdictions contiguous thereto, what materials may be placed in the city's sanitary and storm sewer system. The city may promulgate regulations upon property owners placing materials in the sanitary sewer system or from whose property water flows into the storm water system to require said owners to prevent the placing of said materials in either system or to pretreat certain substances prior to their introduction into either the sanitary or storm sewer system;

4. All buildings and other structures necessary or useful in carrying out the powers and duties of the city for parking or storage of vehicles by the public which shall include without limitation parking lots, garages, buildings and other land, structures, equipment facilities necessary to relieve congestion in the use of streets and to reduce hazards incident to such use and to provide for the management, regulation and control of such facilities by special board, commission or agency;

5. An airport, and to join with other political subdivisions within and without the Commonwealth for the purpose of jointly owning, operating and maintaining such property for airport purposes;

6. Stadia, arenas, swimming pools and other sports facilities and to provide for the control, regulation, maintenance and management of the facilities by board or commission or by contract with any person, firm or corporation;

7. Municipal and other buildings, armories, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city;

8. Waterworks, gas plants and electric plants, water supply and pipe and transmission lines for water, electricity and gas supplies and any other utility or utilities within and without the city.

(a) The city shall have the power to make all necessary rules and regulations to promote the purity of its water supply, to protect the same from pollution, both within and without the city; to exercise full police power over all lands comprised within the limits of the watershed tributary to such water supply wherever such lands may be located in the Commonwealth.

(b) The city may impose and enforce penalties for the violation of such rules and regulations; to prevent by injunction any pollution or threatened pollution of such water supply by any and all acts likely to impair the purity thereof.

(c) The city may acquire lands, interest in lands, water power properties, reservoirs, pumping stations, filtering plants, purification processes, auxiliary steam plants and other works, property rights and riparian rights or personal property for such use by eminent domain.

(d) The city shall also have the powers to merge such systems as it may have with the City of Bristol, Tennessee, or any entity owned and controlled by the City of Bristol, Tennessee, or any other political subdivision within and without the Commonwealth under joint ownership, control and operation, either incorporated or unincorporated or as any authority, and to join with the City of Bristol, Tennessee, or such other political subdivision in acquiring and developing additional water supplies, electric transmission or production facilities, gas production or transmission facilities and water and sewer transmission, disposal and purification facilities either within or without the Commonwealth.

(e) The city may place the operation, maintenance and control of its individually or jointly operated facility under a board, commission, or entity other than the city council

*Gas plants, gas supply and pipe and transmission lines for gas and gas supplies and such other services as the City by its council shall determine are necessary or expedient to its citizens in the regulation or control of gas services;*

9. Rail tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, including the power to perform any services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, etc., of wares and merchandise;

10. Lands for rock quarries, gravel pits, sand pits and any other public purpose within or without this Commonwealth.

The city shall have the power to install thereon all necessary machinery and equipment to operate the same for producing materials required for construction, repair and maintenance of public properties, to sell any surplus of such materials for private purposes and to build and operate a plant or plants for the preparation and mixing of materials for the construction of all public improvements and the maintenance and repair thereof; and

11. A storm water sewer system operated individually, or jointly with the City of Bristol, Tennessee, or any other political subdivision within or without the Commonwealth.

(a) The city may construct, maintain, use and operate such storm water sewer lines, ditches, intake basins, storm water sewer easements and any and all other plants, equipment or property necessary to the successful operation of a storm water sewer system for the City of Bristol, Virginia.

(b) The city shall have the power to require any developer subdividing or developing any real property within the City of Bristol, Virginia, to provide such lines, intake basins, ditches, and other incidents of a storm water sewer system as are necessary to provide for the orderly handling of storm water from the properties so developed or subdivided.

(c) The city shall have the power to require any property owner or occupant of any lot or parcel of land within the City of Bristol, Virginia, to provide for the orderly introduction of storm water falling upon said lot or parcel of land and the improvements thereon into the storm water sewer system provided by the City of Bristol, Virginia, at the expense of the property owner.

§ 4.03. Meetings.

At nine o'clock a.m. on July 1 following a regular municipal election, or if that should be Saturday, Sunday or a legal holiday, then on the first business day following, the council shall hold an inaugural meeting at the usual place for holding the meetings of the council.

At that meeting newly elected councilmen shall be sworn and assume the duties of their office, and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on July 1 in each year when no municipal election has been held, or if such day be Saturday, Sunday or a legal holiday, then the first business day following, the council shall have an organizational meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on July 1 of each year.

*Each July 1, at the inaugural or organizational meeting, council shall make such appointments of its own members to such boards, authorities, committees or commissions that require a representative from the members of the council. Additionally at the inaugural or organizational meeting, or as soon as possible thereafter, council shall also make such citizen appointments to the planning commission, board of zoning appeals, economic development committee, social services board, board of building code appeals, BVU Authority, Industrial Development Authority and any other boards to which the council makes appointments of members whose terms have expired as of midnight on the 30th day of June. Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees or commissions prior to July 1, if such opening exists prior to midnight on June 30th. The length of terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the Charter.*

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time.

§ 6.02. City clerk.

The city clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a permanent record of its proceedings. ~~He~~ *The clerk* shall keep all papers, documents and records pertaining to the City of Bristol, Virginia, the custody of which is not otherwise provided for. ~~He~~ *and* shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. ~~He~~ *The clerk* shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

~~He shall upon~~ *Upon* final passage, *the clerk shall* transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such department or to the duties of such officials. ~~He and~~ shall also compile and annually submit to the publisher all changes to the City Code for publication of the same.

~~He~~ *The clerk* shall perform such other duties as are required by this charter or may be directed by the council.

~~Until otherwise provided by ordinance, the duties of comptroller shall be performed by the city clerk. As to the duties of comptroller, this position shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of city clerk, who shall answer directly to the council.~~

*The duties of the city clerk may be performed by the chief financial officer. If so, the duties of the chief financial officer shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of the city clerk, who shall answer directly to the council.*

§ 7.02. Finance department.

A. Generally. There shall be a ~~comptroller's~~ *finance* department headed by a department head known as the ~~comptroller~~ *chief financial officer*, who shall be in charge of the accounting and finances of the city. The ~~comptroller~~ *chief financial officer* shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of ~~comptroller~~ *chief financial officer*. The ~~comptroller~~ *chief financial officer* shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city. The ~~comptroller~~ *chief financial officer* in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager and ~~budget director~~ in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council, not later than the ~~15th~~ *25th* day of each month, a statement concerning the financial transactions of the city prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

(a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by the city council.

C. Annual audit. The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours *and shall be posted on the city's website for public viewing*. The ~~comptroller~~ *chief financial officer* shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. Upon the death, resignation, removal or expiration of the term of any officer of the city, the ~~comptroller~~ *chief financial officer*, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The ~~comptroller~~ *chief financial officer* shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the ~~comptroller~~ *chief financial officer* if they so direct.

E. Commissioner of revenue. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's ~~comptroller's~~ *chief financial officer* bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund not to exceed \$300. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the ~~comptroller~~ *chief financial officer*;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the ~~comptroller~~ *chief financial officer* with respect to receipts and expenditures in the city treasury as may be required by the ~~comptroller~~ *chief financial officer* to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the ~~comptroller~~ *chief financial officer* on forms prescribed by the ~~comptroller~~ *chief financial officer*, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the ~~comptroller~~ *chief financial officer* or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of *delinquent* real and personal ~~properties delinquent as of June 30, 1989, for taxes to the city manager and to city council no later than~~ *property taxes for the next preceding year to the city manager and to city council no later than July 1 of each year.*

§ 8.02. Boards; appointments, compensation.

The terms of office and the number of consecutive terms of office permitted to any individual appointee for all board appointments made by city council shall be as set forth in this charter, except for appointments to boards and commissions not created by this charter or by the council for the City of Bristol, Virginia, but which are participated in by the city. With respect to all such state, regional and federal boards participated in by the city and not created by this charter or ordinance of the City of Bristol, Virginia, the city may participate in the operation of such boards by appointment thereto and the term of office for each such appointee shall be for such length as is specified by the general laws, regulations and by-laws of such agency or board. No individual appointee to such board shall be appointed for more than two consecutive terms unless such restriction is in conflict with the general laws of the Commonwealth of Virginia, or the federal laws by which the board or commission was created or the by-laws of the board or commission.

No member of any board, ~~including without limitation, the Bristol, Virginia, utility board or any other board~~ to which members are appointed by the city council for the City of Bristol, Virginia, shall receive any compensation for services on said board, said service to be of a purely volunteer nature. However, members of such boards may be reimbursed actual expenses incurred in service on such boards excluding expenses incident to the attendance at regular meetings of the board.

§ 9.01. Generally.

In addition to the treasurer and commissioner of revenue as set forth in the section on ~~the comptroller's office finance~~, there shall be the positions of attorney for the Commonwealth, sheriff and clerk of the circuit court as provided for by the Constitution of the Commonwealth of Virginia.

§ 10.02. Preparation.

It shall be the duty of the head of each department, the judges of the various courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by appropriations of the city, including the constitutional officers, to file with the ~~budget director~~ *city manager*, at such time as the city manager may prescribe, detailed estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The ~~budget director~~ *city manager* shall assemble and compile these estimates and in cooperation with the ~~comptroller~~ *chief financial officer*, supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the ~~budget director~~ *chief financial officer* shall review the budgets, make such revisions in such estimates as he may deem proper after consultation with each department head, constitutional officer, and other such officers, and, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, prepare a total budget estimate for presentation to the council.

§ 10.03. Scope of the annual budget.

Not later than the second Tuesday in ~~March~~ *April*, the city manager shall submit to the council an initial budget estimate for the ensuing fiscal year, according to a classification as nearly uniform as possible. The budget shall present the following information:

1. An itemized statement of the appropriations recommended by the city manager for current operating expenses for each department and each division thereof for the ensuing fiscal year, with comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriation recommended. Expenditures for the current fiscal year shall include an estimate of expenditures necessary to complete such year;

2. An itemized statement of the appropriations recommended by the city manager for capital improvement projects for the ensuing fiscal year for each department and each division thereof, with the comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriations recommended;

3. The annual budget and annual appropriation ordinance shall include a line-item for a reasonable contingency fund for use in any of the affairs of the city under the control of the city manager;

4. An itemized statement of the taxes required and the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next proceeding fiscal year and the increases and decreases estimated or proposed;

5. A statement of the financial condition of the city and for such other information as may be required by the council or that the city manager may be deemed advisable to submit; and

6. Copies of such budget estimate shall be printed and be available for distribution not later than two weeks after its submission to the council and a public hearing shall be given thereon by the council before final action.

#### § 10.06. Additional appropriations.

Subject to the limitations contained hereinafter, appropriations in addition to those contained in the appropriation ordinance may be made by the council by a four-fifths vote during the fiscal year if the ~~comptroller~~ *chief financial officer* certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. At any time during the fiscal year when reimbursements or payments from the Commonwealth of Virginia and the United States of America for specified purposes exceed budget estimates of anticipated revenue for such purposes, such excess reimbursement or payments may be included in the general fund unencumbered and unappropriated balances and may be appropriated for such specified purposes, whether such grants be termed categorical or general.

#### § 10.09. Effective date of annual budget; certification and availability of copies thereof.

Upon final adoption, the annual budget shall be in effect for the ensuing fiscal year. A copy of the budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the ~~comptroller~~ *chief financial officer*. The annual budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. *It shall also be posted on the city's website for public viewing.*

#### § 10.10. School budget.

It will be the duty of the school board to submit its line-item budget estimates to the city manager no later than May 1 of each year. The estimate shall set forth a detailed line-item estimate of the amount required for the conduct of the public schools for the ensuing fiscal year and an estimate of the amounts which are expected to be received for public education other than from appropriations by the council. It shall contain a detailed estimate of all surplus funds expected to be left over at the end of the current fiscal year. If an appropriation from council is less than the board's original request, it shall amend estimates of expenditures accordingly. Before the beginning of the fiscal year, the school board shall file with the ~~comptroller~~ *chief financial officer* its budget as finally revised. It shall have the power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which will be immediately transmitted to the ~~comptroller~~ *chief financial officer*.

#### § 11.01. Taxation generally.

A. Taxation power. The council shall have all the powers of taxation granted by the general law of the Commonwealth including without limitation current §§ 58.1-3000 et seq. and such other sections of the law as give to the city the power of taxation, as the same may be replaced or amended from time to time. Additionally, there is retained from the current charter an express power to fix annual levies on property subject to taxation in the city without any limits as to the rate thereof, any provisions of the general law of the Commonwealth to the contrary notwithstanding. Council shall not fix such levy on property partially segregated to the Commonwealth for purposes of state taxation at a higher rate than is or may be permitted by the general laws relating thereto.

B. Recording tax. The council may tax deeds and all other papers placed upon the records in the office of the clerk of the circuit court, any sums not exceeding like taxes levied by the Commonwealth.

C. Annual levy. City council may levy an annual tax upon all persons in the city and upon any property therein subject to local taxation and not expressly segregated to the Commonwealth for purposes of state taxation only. Council may tax such other subjects as may be at the time assessed for state taxes against persons residing therein. Additionally, the city may levy a tax on intangible personal property assessed to residents therein and segregated by laws of the Commonwealth for purpose of taxation, at any rate not exceeding the maximum rate provided by law.

D. Sale of delinquent realty. Council may require real estate or any interest therein in the city delinquent for the nonpayment of taxes to be sold for such taxes with interest thereon and such per centum as they may prescribe for expenses of collection as they deem proper, and they may regulate the terms on which real estate so delinquent may be sold. All city taxes shall be due and payable as provided by council in a proper ordinance.

E. Duty of city treasurer as to delinquent realty. The city treasurer shall make a report to the ~~comptroller~~ *chief financial officer* by July 1 of each year as to all real estate in the city delinquent for nonpayment of real estate taxes assessed thereon for the next preceding year and the ~~comptroller~~ *chief financial officer* shall check the same and transmit it to the city manager. The city treasurer shall also provide a copy of the list transmitted to the ~~comptroller~~ *chief financial officer* to city council on July 1 of each year.

F. Duty of commissioner of revenue upon ascertaining property, etc., has not been properly assessed. If the commissioner of revenue ascertains that any person or any real or personal property or income or salary has not been assessed for city taxation for any year for which it should have been taxed or that the same has been assessed at less than the law required for any year or the taxes thereon for any cause have not realized, it shall be the duty of the commissioner to list the same and assess city taxes thereon at the rate prescribed for that year adding thereto interest at the rate set by state law. Where the same was not assessed through no fault of the person charged with the taxes, no interest or penalty shall be charged.

G. Applicability. All the provisions of this section shall be applicable to the assessment and collection of all local taxes.

H. Distress of goods and chattels, payment by tenants or fiduciaries. All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for such taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes. The tenant who pays or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city by person under whom he holds shall have credit for the same against the rents he may owe, except when the tenant is bound to pay such taxes or levies by an express contract with such person. Where taxes or levies are paid to the city by any fiduciary on any estate in lands, such taxes and levies shall be reimbursed to him out of the same estate.

§ 15.02. Oaths of office, official bonds, power of certain officers to administer oaths.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance of the city council, before the clerk of the circuit court of the City of Bristol and file the same with the city clerk before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. The commissioner of revenue, city clerk, city ~~comptroller~~ *chief financial officer* and city manager shall have power to administer oaths and take and sign affidavits in the discharge of their respective official duties.

**2. That §§ 7.10 (Youth Services Department) and 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990 are repealed.**

## CHAPTER 346

*An Act to amend and reenact § 15.2-2303.1:1 of the Code of Virginia and to repeal the second enactment of Chapter 193 of the Acts of Assembly of 2009, as amended by Chapter 508 of the Acts of Assembly of 2012, relating to cash proffers; sunset date.*

[S 1257]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2303.1:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2303.1:1. When certain cash proffers collected or accepted.**

A. Notwithstanding the provisions of any cash proffer requested, offered, or accepted pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 for residential construction on a per-dwelling unit or per-home basis, cash payment made pursuant to such a cash proffer shall be collected or accepted by any locality only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.

B. Notwithstanding the provisions of any proffer to the contrary, the assertion of a right to delayed payment of cash proffers pursuant to this section shall not constitute cause for any action pursuant to § 15.2-2299.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action successfully challenging an ordinance, administrative or other action as being in conflict with this section.

~~D. The provisions of this section shall expire on July 1, 2017.~~

**2. That the second enactment of Chapter 193 of the Acts of Assembly of 2009, as amended by Chapter 508 of the Acts of Assembly of 2012, is repealed.**

## CHAPTER 347

*An Act to amend and reenact §§ 8, 9, 21, 23, 25.1, 33, and 56, as amended, of Chapter 216 of the Acts of Assembly of 1952, which provided a charter for the City of Roanoke, relating to the director of finance.*

[S 1276]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8, 9, 21, 23, 25.1, 33, and 56, as amended, of Chapter 216 of the Acts of Assembly of 1952 are amended and reenacted as follows:**

§ 8. Officers elective by council; rules; journal of council proceedings; quorum of council.

The council shall elect a city manager, a city clerk, a ~~director of finance~~, a municipal auditor, and a city attorney, none of whom need be a resident of the city at the time of their election but who shall take up residence within the city within three months of their election if not already a resident. Unless herein otherwise specifically provided, the council shall also appoint the members of such boards and commissions as are hereafter provided for. *Pursuant to § 21 of this charter, the city manager shall appoint a director of finance.* All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure; may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal or its proceedings. A majority of all of the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an acting city manager, city clerk, ~~director of finance~~, municipal auditor, or city attorney to hold such office for such lesser term and for such compensation as the council shall then determine; and any person so elected shall have, during the term for which he was elected, all of the authority and shall be charged with all of the duties and responsibilities of the office for which he was elected.

§ 9. Elections by council, when held, terms, et cetera.

During the month of September 1974 and during the month of September of every second year thereafter, *through and including during the month of September 2014*, the council shall elect a city clerk, a director of finance, a municipal auditor, and a city attorney, each of whom shall serve for a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified. *However, the term of the director of finance elected in 2014 shall end on July 1, 2015. Thereafter, the director of finance shall be appointed by the city manager pursuant to § 21 of this charter.*

*During the month of September 2016 and during the month of September of every second year thereafter, the council shall elect a city clerk, a municipal auditor, and a city attorney, each of whom shall serve a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified.*

§ 21. Powers and duties of city manager.

The city manager shall be responsible to the council for the efficient administration of all offices of the city. The city manager shall have the power and the duty:

(a) To see that all laws and ordinances are enforced.

(b) Subject to the limitations contained in § 7 of this charter and except as otherwise provided in this charter, the city manager or his or her designees shall appoint a *director of finance* and such *other* city officers and employees as the council shall determine are necessary for the proper administration of the affairs of the city, and the city manager or his or her designees shall have the power to discipline and remove any such officer and employee.

(c) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(e) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.

(f) To be responsible for the day-to-day operation of the city, and to execute such documents as may be necessary to accomplish the same.

(g) To appoint in writing a city officer reporting to the city manager as acting city manager for a time period not to exceed thirty days when the city manager will be absent from the city.

(h) To acquire on behalf of the city easements, licenses, permits, privileges or other rights of any kind to use property for nominal consideration.

(i) To perform such other duties as are prescribed by this charter or as may be prescribed by the council.

§ 23. Creation of departments and department heads; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. The council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, ~~the director of finance~~, the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter.

§ 25.1. Director of finance.

The director of finance shall be ~~elected by the council at the time, in the manner, and for the term provided by § 9 of this charter~~ *appointed by the city manager in accordance with § 21 of this charter. The director of finance shall be a person skilled in municipal accounting and financial control.*

(a) The director of finance shall have charge ~~and shall maintain control of the keeping of all accounts and financial records of the city, in accordance with generally accepted principles of accounting, wherein shall be stated, among other~~

things, the appropriations for the year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue, so far as it can be ascertained. All such accounts and financial records shall be public records, and shall be subject to the examination of the city manager and members of the city council, or other person or persons required by order of the city manager or ordinance of the council to make such examination of the financial affairs of the city, including such powers and duties as set forth in this charter and as may be assigned by the council by ordinance not inconsistent with the Constitution of Virginia and the general laws of the Commonwealth of Virginia.

(b) The director of finance shall be charged with and shall exercise a general fiscal supervision over all the officers, departments, offices, agencies and employees of the city charged in any manner with the assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of such revenues into the city treasury; and the director of finance shall prescribe such system and regulation as is necessary for the proper reporting and accounting for all city revenues and receipts.

(c) The director of finance shall have the power to and shall examine and audit all accounts, claims and demands for or against the city; and, unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or be paid by the city to any person unless the balance due and payable by the city be first settled and adjusted by the director of finance.

(d) The director of finance shall draw a check on the treasury for such money as is determined by the director to be due and payable to any person, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the check of the director of finance as aforesaid, countersigned by the city manager. The director of finance is forbidden to issue a check for the payment of any money in excess of the appropriation on account of which such money is drawn.

(e) It shall be the duty of the director of finance to charge all officers in receipt of revenues or moneys of the city with the whole amount, from time to time, of such receipts. The director shall also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment of his accounts, when required, and to pay over such moneys as received, it shall then be the duty of the director of finance to issue notice in writing, directed to such officer and such officer's surety or sureties, requiring him or them within ten days to make settlement of his or their accounts with the director of finance, and to pay over the balance of moneys found to be due and in his or their hands belonging to the city, according to the books of the director of finance; and in case of the refusal or neglect of such officer to adjust his accounts or to pay over such balance into the treasury of the city, as required, it shall be the duty of the director of finance to make report of the delinquency of such officer to the council, the city manager, the municipal auditor and the city attorney. For good cause appearing, the city attorney shall at once take action to have such officer suspended from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and shall institute suit in the name of the city against such officer and his surety or sureties to recover the balance of moneys so found by the director of finance to be due belonging to the city.

(f) The director of finance shall prepare an annual statement, promptly after the end of each fiscal year, giving full and detailed statement of all the receipts and expenditures during the year, which statement the director shall forthwith file with the city manager and shall lay the same before the next meeting of the council. When required by the council, such annual statement shall be certified by independent certified public accountants.

(g) (d) It shall be the duty of the director of finance, each and every month, to prepare a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn by check by the director, and on what account the same have been paid; and the director shall deliver such statement to the city manager, and shall lay the same before the council at its next meeting.

(h) No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance of the council or order of any officer of the city authorizing the city's obligation for expenditure of money be effective until and unless the director of finance shall have certified in writing that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the contract, agreement or other instrument creating such obligation or upon such order, or may be contained in separate certification filed and preserved in the office of the city clerk; provided, however, that requirement of such certification shall not be applicable to the city's execution or issuance of bonds or notes under §§ 47, 48 and 49 of this charter. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation.

(i) For the purpose of the certification required in subsection (h) of this section, all moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees or from sales of property or of services, products, or by-products of any city undertaking and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(j) Unless otherwise provided in this charter, the director of finance shall have all of the duties, responsibilities, powers and authority heretofore imposed upon or lodged in the city auditor by this charter or by the ordinances and resolutions of the council heretofore or hereafter adopted prior to the council's election of a director of finance.

~~(e)~~ (e) The director of finance shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the director of finance by ordinance adopted by city council.

§ 33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the ~~director of finance~~ *city manager* by March 15 of each year estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the ~~director of finance~~ *city manager* and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information required to be submitted thereon: ~~The director of finance shall assemble and compile all such estimates and supply such additional information relating to the financial transactions of the city as may be necessary and present them to the city manager for the timely preparation of the budget. The city manager, with the assistance of the director of finance,~~ shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

(a) An itemized statement of the appropriations recommended with comparative statements showing appropriations made for the current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) A fund statement showing a condition of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(d) An explanation of the estimates for the ensuing year; also a work program showing the undertakings to be begun and those to be completed during the next year and each of several years in advance.

(e) A statement of the financial condition of the city.

(f) Such other information as may be required by the council.

(g) Such other information as the city manager deems appropriate or advisable.

~~In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, unless the city manager shall recommend new or increased revenues within the power of the city to levy and collect in the ensuing fiscal year. For any fund, the total proposed expenditures shall not exceed estimated income plus available fund balances that council has specifically approved for designated purposes.~~

The city manager shall submit to the council with the budget a budget message which shall incorporate the most current statement of the financial condition of the city, shall explain the budget and shall describe its important features. It shall set forth the reasons for salient changes from the previous year in cost and revenue items. As a part of the budget message, with relation to the proposed expenditures for capital projects included in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

§ 56. Powers and duties of the school board.

The school board members of the city school board shall be a body corporate under the name and style of the School Board of the city of Roanoke, and shall have all of the powers, perform all of the duties and be subject to all of the limitations now provided, or which may hereafter be provided by law in regard to school boards of cities and except that all real estate with the buildings and improvements thereon heretofore or hereafter purchased with money received from the sale of bonds of this city, appropriated by the council or received from any other source for the purpose of public education, shall be the property of the city of Roanoke, unless such money so received from any other source be received on other conditions. The school board shall transmit to the council and to the city ~~director of finance~~ *manager* a detailed statement of all moneys received by the board or placed to its credit. Separate accounts shall be kept by the board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of the board as of the date thereof.

The school board shall on or before March 15 each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as the council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by the board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council.

## CHAPTER 348

*An Act to amend and reenact §§ 4.1-100, 4.1-126, 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; licenses; mixed beverage licenses for certain establishments; art instruction studio license.*

[S 1287]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-100, 4.1-126, 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"*Art instruction studio*" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

**§ 4.1-126. Licenses for establishments in national forests, certain adjoining lands, on the Blue Ridge Parkway, and certain other properties.**

A. Notwithstanding the provisions of § 4.1-124, mixed beverage licenses may be granted to establishments located (i) on property owned by the federal government in Jefferson National Forest, George Washington National Forest or the Blue Ridge Parkway; (ii) at altitudes of 3,800 feet or more above sea level on property adjoining the Jefferson National Forest; (iii) at an altitude of 2,800 feet or more above sea level on property adjoining the Blue Ridge Parkway at Mile Marker No. 189; (iv) on property within one-quarter mile of Mile Marker No. 174 on the Blue Ridge Parkway; (v) on property developed by a nonprofit economic development company or an industrial development authority; (vi) on old Jonesboro Road between Routes 823 and 654, located approximately 5,500 feet from the City of Bristol; (vii) on property developed as a motor sports road racing club, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River in Halifax County, with such license applying to any area of the property deemed appropriate by the Board; (viii) at an altitude of 2,645 feet or more above sea level on land containing at least 750 acres used for recreational purposes and located within two and one-half miles of the Blue Ridge Parkway; (ix) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining the City of Bristol and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; (x) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81; (xi) on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500; (xii) on property located as of December 1, 2012, within the Montgomery County Route 177 Urban Development Area, which area is adjacent to Exit 109 on Interstate 81; (xiii) on property fronting Route 603, with portions fronting on Interstate 81, located approximately 1,100 feet from the intersection of Route 603 and Interstate 81 at Exit 128; (xiv) on property located south of and within 1,400 feet of Interstate 81 between mile markers 38.8 and 39.5; (xv) on property bounded on the north by Interstate 81, on the west and south by State Route 691, and on the east by State Route 689; (xvi) on property located south of and within 1,500 feet of Interstate 81 between mile markers 44 and 44.4; (xvii) on property within 1,500 feet of Interstate 81 on either frontage road between mile markers 75 and 86 in the County of Wythe; (xviii) on property within the boundary of any town incorporated in 1875 located adjacent to the intersection of Interstate 81 and Route 91; (xix) on property adjacent to the intersection of U.S. Route 220 North and State Route 57, operated as a country club as of December 31, 1926, in Henry County; (xx) on property adjacent to Lake Lanier, operated as a country club as of December 31, 1932, in Henry County; ~~and~~ (xxi) on property fronting Old Jonesboro Road between Routes 823 and 808, located approximately 4,500 feet south of Interstate 81, and operated as a country club; (xxii) on property located west of Route 58 and approximately 3,000 feet north of Interstate 81; (xxiii) on property fronting U.S. Route 11 and 1,300 feet north of Interstate 81; (xxiv) on property located within 1,500 feet of Exit 26 on Interstate 81; (xxv) on property within the boundary of any town incorporated in 1911 located adjacent to the intersection of Route 63 and Route 58 Alternate; and (xxvi) on property within the boundary of any town incorporated in 1894 consisting of 1.9 square miles and, prior to the town's incorporation was known as Guest Station.

B. In granting any license under clauses (iii) and (iv) of subsection A, the Board shall consider whether the (i) voters of the jurisdiction in which the establishment is located have voted by referendum under the provisions of § 4.1-124 to prohibit the sale of mixed beverages and (ii) granting of a license will give that establishment an unfair business advantage over other establishments in the same jurisdiction. If an unfair business advantage will result, then no license shall be granted.

**§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic

beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

13. *Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.*

**§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

- a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; and if more than 5,000 gallons manufactured during such year, \$3,725;
  - b. Fruit distiller's license, \$3,725;
  - c. Banquet facility license or museum license, \$190;
  - d. Bed and breakfast establishment license, \$35;
  - e. Tasting license, \$40 per license granted;
  - f. Equine sporting event license, \$130;
  - g. Motor car sporting event facility license, \$130;
  - h. Day spa license, \$100;
  - i. Delivery permit, \$120 if the permittee holds no other license under this title;
  - j. Meal-assembly kitchen license, \$100;
  - k. Canal boat operator license, \$100; ~~and~~
  - l. Annual arts venue event license, \$100; *and*
  - m. *Art instruction studio license, \$100.*
2. Wine licenses. For each:
    - a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;
    - b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;  
(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;
    - c. Wine importer's license, \$370;
    - d. Retail off-premises winery license, \$145, which shall include a delivery permit;
    - e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;
    - f. Wine shipper's license, \$95; and
    - g. Internet wine retailer license, \$150.
  3. Beer licenses. For each:
    - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;
    - b. Bottler's license, \$1,430;
    - c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;  
(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;
    - d. Beer importer's license, \$370;
    - e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;
    - f. Retail off-premises beer license, \$120, which shall include a delivery permit;
    - g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;
    - h. Beer shipper's license, \$95; and
    - i. Retail off-premises brewery license, \$120, which shall include a delivery permit.
  4. Wine and beer licenses. For each:
    - a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;
    - b. Retail on-premises wine and beer license to a hospital, \$145;
    - c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;
    - d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;
    - e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;

- f. Gourmet brewing shop license, \$230;
  - g. Wine and beer shipper's license, \$95;
  - h. Annual banquet license, \$150;
  - i. Fulfillment warehouse license, \$120;
  - j. Marketing portal license, \$150; and
  - k. Gourmet oyster house license, \$230.
5. Mixed beverage licenses. For each:
- a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$560;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
  - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
    - (i) With an average yearly membership of not more than 200 resident members, \$750;
    - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and
    - (iii) With an average yearly membership of more than 500 resident members, \$2,765.
  - c. Mixed beverage caterer's license, \$1,860;
  - d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.
- B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.
- If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.
- Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.
- Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.
- C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

**§ 4.1-233. Taxes on local licenses.**

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

1. Alcoholic beverages. - For each:
  - a. Distiller's license, \$1,000; no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
  - b. Fruit distiller's license, \$1,500;
  - c. Bed and breakfast establishment license, \$40;
  - d. Museum license, \$10;
  - e. Tasting license, \$5 per license granted;
  - f. Equine sporting event license, \$10;
  - g. Day spa license, \$20;
  - h. Motor car sporting event facility license, \$10;
  - i. Meal-assembly kitchen license, \$20;
  - j. Canal boat operator license, \$20; ~~and~~
  - k. Annual arts venue event license, \$20; *and*
  - l. *Art instruction studio license, \$20.*
2. Beer. - For each:
  - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;
  - b. Bottler's license, \$500;
  - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
  - d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
  - e. Beer shipper's license, \$10.
3. Wine. - For each:
  - a. Winery license, \$50;
  - b. Wholesale wine license, \$50;
  - c. Farm winery license, \$50; and
  - d. Wine shipper's license, \$10.
4. Wine and beer. - For each:
  - a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
  - b. Hospital license, \$10;
  - c. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$20 per license;
  - d. Gourmet brewing shop license, \$150;
  - e. Wine and beer shipper's license, \$10;
  - f. Annual banquet license, \$15; and
  - g. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
5. Mixed beverages. - For each:
  - a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$200;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$500.
  - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
  - c. Mixed beverage caterer's license, \$500;
  - d. Mixed beverage limited caterer's license, \$100;
  - e. Mixed beverage special events licenses, \$10 for each day of each event;
  - f. Mixed beverage club events licenses, \$10 for each day of each event;
  - g. Annual mixed beverage amphitheater license, \$300;
  - h. Annual mixed beverage motor sports race track license, \$300;
  - i. Annual mixed beverage banquet license, \$75;
  - j. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$100;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
    - (iii) With a seating capacity at tables for more than 150 persons, \$400;
  - k. Annual mixed beverage motor sports facility license, \$300; and
  - l. Annual mixed beverage performing arts facility license, \$300.

B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

## CHAPTER 349

*An Act to amend and reenact § 58.1-3851.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 38 of Title 58.1 a section numbered 58.1-3851.2, relating to entitlement to tax revenues; tourism projects of regional significance.*

[S 1401]

Approved March 19, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3851.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 38 of Title 58.1 a section numbered 58.1-3851.2 as follows:**

#### **§ 58.1-3851.1. Entitlement to tax revenues from tourism project.**

A. For purposes of this section, unless the context requires a different meaning:

"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.

"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of an authorized tourism project and the debt and equity capital provided by the developer of the project.

B. 1. If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a tourism project to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and the tourism project has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by this section, the authorized tourism project shall be entitled to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project. The entitlement shall be contingent on the locality enacting an ordinance designating certain local tax revenues to the tourism project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon. The entitlement shall continue until the gap financing is paid in full. Entitled sales tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.

2. On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized tourism project is located. The county or city shall remit the revenues to the economic development authority. No payments herein shall be made until an agreement exists between the developer of the authorized tourism project and the economic development authority.

3. The state sales tax entitlement established in subdivision 1 shall not include any (i) sales tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1 or (ii) revenues generated pursuant to Chapter 766 of the Acts of Assembly of 2013.

C. If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized tourism project to an amount equal to the revenues generated by a one percent state sales and use tax on transactions taking place on the premises of the authorized tourism project, the local governing body of the county or city in which the authorized tourism project is located shall also direct by ordinance that an amount equal to the revenues generated by at least a one percent local sales and use tax, or an equivalent amount of other local tax revenues as designated by the ordinance, generated by transactions taking place on the premises of the authorized tourism project shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, mutatis mutandis.

D. Prior to any entitlement to tax revenues for an authorized tourism project pursuant to subsections B and C, the owner of such project shall have a minimum of ~~80~~ 70 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority on a quarterly basis. The access fee and the sales tax entitlement shall be used solely to make payments of principal and interest on the qualified gap funding.

E. In the event that the total amount of sales tax entitlement and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

F. *A tourism project that is entitled to and receives revenues pursuant to this section shall not be eligible to receive revenues pursuant to § 58.1-608.3 or 58.1-3851.2.*

**§ 58.1-3851.2. Entitlement to tax revenues from tourism project of regional significance.**

A. *For purposes of this section, unless the context requires a different meaning:*

*"Economic development authority" means a local industrial development authority or a local or regional political subdivision, the public purpose of which is to assist in economic development.*

*"Gap financing" means debt financing to compensate for a shortfall in project funding between the expected development costs of an authorized tourism project of regional significance and the debt and equity capital provided by the developer of the project.*

*"Tourism project of regional significance" means a tourism project that meets the requirements set forth in subdivision B 1 and that additionally represents a new capital investment of at least \$100 million in a new tourism facility or in a substantial and significant renovation or expansion of an existing tourism facility by a private entity in the Commonwealth and, as determined by the Virginia Tourism Authority, that supports increased hotel occupancy, new job creation, an increase in the number of out-of-state visitors to the Commonwealth, and other factors of significant fiscal and economic impact. Any property, real, personal, or mixed, that is necessary or complementary, such as arenas, sporting facilities, hotels, and other tourism venues, developed in connection with any such tourism project of regional significance, including facilities for food preparation and serving, parking facilities, and administrative offices, is encompassed within this definition, as is theme-related retail activity by vendors or the private entity owner of the project that occurs on site and directly supports the tourism mission of the project. A tourism project of regional significance does not include, for purposes of this section, general retail outlets, ancillary retail structures not directly related to the tourism purpose of the project or other retail establishments commonly referred to as shopping centers or malls or residential condominiums, townhomes, or other residential units.*

B. 1. *If a locality has established a tourism zone pursuant to § 58.1-3851, has adopted an ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority, and has adopted an ordinance authorizing a tourism project of regional significance to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority, and if the tourism project of regional significance has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by this section, the authorized tourism project of regional significance shall be entitled to an amount equal to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on the premises of the authorized tourism project of regional significance. The entitlement shall be contingent on the locality's enacting an ordinance designating certain local revenues to the project pursuant to subsection C and shall be subject to the conditions set forth in subsection D. The purpose of such entitlement shall be to assist the developer with obtaining gap financing and making payments of principal and interest thereon.*

2. *On a quarterly basis, the Tax Commissioner shall certify the amount of the entitled sales tax revenues to the Comptroller, who shall remit such revenues to the county or city in which the authorized tourism project of regional significance is located. The county or city shall remit the revenues to the economic development authority. No payments herein shall be made until an agreement exists between the developer of the authorized tourism project of regional significance and the economic development authority. The entitlement shall continue until the gap financing is paid in full or for the length of time specified in the agreement between the developer and the economic development authority, but in no event shall the entitlement extend beyond 20 years from the date of the initial entitlement. Entitled sales tax revenues shall be applied solely to payments of principal and interest on the qualified gap financing.*

3. *The state sales tax entitlement established in subdivision 1 shall not include any (i) sales tax revenues dedicated pursuant to § 58.1-638 or 58.1-638.1 or (ii) revenues generated pursuant to Chapter 766 of the Acts of Assembly of 2013.*

C. *If a locality has adopted the ordinances required by subdivision B 1 to entitle an authorized tourism project of regional significance to an amount equal to the revenues generated by a 1.5 percent state sales and use tax on transactions*

taking place on the premises of the authorized tourism project of regional significance, the local governing body of the county or city in which the authorized tourism project of regional significance is located shall also direct by ordinance that an amount of local revenues, from any authorized source of revenues available to the locality, equal to the revenues generated by at least a 1.5 percent state sales and use tax generated by transactions taking place on the premises of the authorized tourism project of regional significance shall be applied to the payment of principal and interest on the qualified gap financing. Such revenues shall be remitted in the same manner, for the same time period, and under the same conditions as the remittances paid in accordance with subsection B, *mutatis mutandis*.

D. Prior to any entitlement to tax revenues for an authorized tourism project of regional significance pursuant to subsections B and C, the owner of such project shall have a minimum of 80 percent of funding for the project in place through debt or equity, enter into a performance agreement with the economic development authority or political subdivision, and enter into an agreement to pay an access fee. The access fee shall be equivalent to the state sales tax revenue generated by and returned to the project pursuant to subdivision B 1 and shall be collected by the locality and remitted to the economic development authority on a quarterly basis. The access fee and the state and local contributions pursuant to this section shall be used solely to make payments of principal and interest on the qualified gap funding.

E. In the event that the total amount of state and local contributions pursuant to this section and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

F. Neither the Commonwealth nor any political subdivision of the Commonwealth shall incur any debt under this section. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or any of its revenues, or the faith and credit of any other political subdivision of the Commonwealth, or any of its revenues, for the payment of any debt or debt financing, or meeting any contractual obligation incurred by the owner or developer of any authorized tourism project of regional significance.

G. An authorized tourism project of regional significance that is entitled to and receives revenues pursuant to this section shall not be eligible to receive revenues pursuant to § 58.1-608.3 or 58.1-3851.1.

## CHAPTER 350

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; requirements for Requests for Proposals.

[S 1226]

Approved March 19, 2015

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

##### § 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, *indicating whether a numerical scoring system will be used in evaluation of the proposal*, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. *In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals;*

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the

public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed \$2 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and

3. Job order contracting, the project fee shall not exceed \$400,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

## CHAPTER 351

*An Act to amend and reenact § 2.2-1150.2 of the Code of Virginia, relating to Department of General Services; state-owned communication towers; charges for use.*

[S 1377]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-1150.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1150.2. Use of communication towers for deployment of wireless broadband services in unserved areas of the Commonwealth.**

A. As used in this section:

"Qualified provider" means a provider of wireless broadband service that has obtained all governmental approvals required for the provision of wireless broadband service in the unserved area in which it seeks to provide such service.

"Unserved area" means any area within the Commonwealth that is demonstrated not to have access to terrestrial broadband or radio frequency Internet service.

"Wireless broadband service" means an Internet connection service capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction using a wireless link between a fixed location and the Internet service provider's facility. It does not include wireless fidelity technology used in conjunction with dedicated subscriber line service or cable service to connect devices within a facility to the Internet via a broadband connection.

B. Notwithstanding any provision of § 2.2-1156 to the contrary, any state department, agency, or institution having responsibility for a state-owned communication tower in an unserved area, subject to guidelines adopted by the Department, shall lease or convey a license or other interest in the communication tower to a qualified provider in order to permit the use of the communication tower by the qualified provider in its deployment of wireless broadband service within the unserved area or portion thereof. This requirement is subject to the qualified provider presenting to the Department:

1. A spectrum and certified structural analysis of the tower that demonstrates that:

- a. The new service will not interfere with current equipment;
- b. No structural element is beyond 85 percent capacity based on current and previously documented future loads; and
- c. The tower meets the industry standards set forth by ANSI/TIA/EIA 222-F; and

2. Proof that the tower satisfies all applicable local government requirements.

C. The Department shall adopt guidelines for (i) determining whether a provider of wireless broadband service is qualified to provide such service and (ii) requesting a state department, agency, or institution to enter into a lease or other conveyance of an interest in a communication tower or site pursuant to this section.

D. The lease or other conveyance shall be for such consideration as the Director of the Department deems appropriate, which consideration shall *not* be required to be commensurate with the consideration paid for use of comparable space on similar towers. The lease or other conveyance may include shared use of the facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

E. The provisions of § 2.2-1156 as they apply to lease agreements or conveyances of any interest shall not apply to any transaction undertaken pursuant to this section.

F. No transaction authorized by this section shall be made without the prior approval of the Director of the Department and the approval of the Attorney General as to the form of any conveyancing instrument prior to execution.

## CHAPTER 352

*An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; certain councils of governments.*

[S 1378]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4304. Cooperative procurement.**

A. Any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, ~~or~~ the U.S. General Services Administration, *or the Metropolitan Washington Council of Governments*, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services.

A public body may purchase from another public body's contract *or from the contract of the Metropolitan Washington Council of Governments* even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or

2. Construction in excess of \$200,000 by a local public body from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subdivision. Nothing in this subdivision shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.

In instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

B. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a cooperative procurement arrangement on behalf of or in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services. A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

C. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;

2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

## CHAPTER 353

*An Act to authorize the Department of Corrections to convey certain real property to the Town of Lawrenceville to be used for water facilities.*

[H 2255]

Approved March 19, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Department of Corrections, with approval of the Governor pursuant to § 2.2-1150, is hereby authorized to convey to the Town of Lawrenceville all interest in that certain lot or parcel of land including existing improvements located*

*thereon situate and being in Totaro District, Brunswick County, Virginia, being a portion of Tax Parcel 53-1 containing 0.94 acres, more or less, being shown and designated on a plat entitled "Boundary Survey of a New 0.94 Acre Tank and Booster Station Lot" made by Larry E. Hartsoe, Land Surveyor, dated November 10, 2014. This conveyance shall be made without consideration or cost to the Commonwealth and shall be for the purpose of housing a water booster station and storage tank maintained by the Town of Lawrenceville.*

§ 2. *The conveyance shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.*

## CHAPTER 354

*An Act to amend and reenact § 13.1-514 of the Code of Virginia, relating to the Securities Act; exemption.*

[S 763]

Approved March 19, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 13.1-514. Exemptions.**

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the United States Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the United States Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;

2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;

3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;

4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;

5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;

6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;

7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or

b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer; and

21. *To the extent the Commission by rule or order permits, any security issued by an entity formed, organized, or existing under the laws of the Commonwealth, if:*

*a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933;*

*b. The offer and sale of the security are made only to residents of Virginia;*

*c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;*

*d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;*

*e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;*

*f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and*

*g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:*

*(1) Restrictions on the nature of the issuer;*

*(2) Limitations on the number and manner of offerings;*

*(3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;*

*(4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;*

*(5) Filings with the Commission of notices and other materials related to the offering; and*

*(6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles.*

*The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500.*

C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.

**2. That the State Corporation Commission shall report by July 1, 2016, and each year thereafter until 2020, to the Chairmen of the House and Senate Commerce and Labor Committees on the implementation of this act, including (i) any updates on federal action, (ii) the number of filings in the Commonwealth made pursuant to this act, (iii) the mean, median, and total values related to money raised under offerings made pursuant to this act, and (iv) any recommendations for revisions to this act.**

**3. That the provisions of this act shall expire on July 1, 2020.**

## CHAPTER 355

*An Act to amend and reenact §§ 54.1-3200 and 54.1-3222 of the Code of Virginia, relating to TPA-certified optometrists; administration of certain Schedule II drugs.*

[H 1735]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3200 and 54.1-3222 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-3200. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter.

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.) of this chapter. Such certification shall enable an optometrist to prescribe and administer *Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen* and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery or other invasive modalities, except for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

**Article 5.**

Certification for Administration of Therapeutic Pharmaceutical Agents (*TPAs*).

**§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents (TPAs).**

A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents (*TPAs*), if the optometrist files a written application, accompanied by the fee required by the Board and satisfactory proof that the applicant:

1. Is licensed by the Board as an optometrist and certified to administer diagnostic pharmaceutical agents pursuant to Article 4 (§ 54.1-3220 et seq.) of this chapter;

2. Has satisfactorily completed such didactic and clinical training programs for the treatment of diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a school or college of optometry and a school of medicine, to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients; and

3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients.

B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of practice, *Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen* and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its adnexa as determined by the Board, within the following conditions:

1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on *Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on Schedules III through VI*, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (~~§ 54.1-3400 et seq.~~), which are appropriate to alleviate ocular pain and (ii) other Schedule VI controlled substances as defined in § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal conditions of the human eye and its adnexa.

2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in § 54.1-3455 of the Drug Control Act (*§ 54.1-3400 et seq.*).

3. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

4. Treatment of infantile or congenital glaucoma shall be prohibited.

5. Treatment through surgery or other invasive modalities shall not be permitted, except for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

6. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs, including, but not limited to, wholesale distributors and pharmacists, shall be authorized to supply TPA-certified optometrists with those therapeutic pharmaceutical agents specified by the Board on the TPA-Formulary.

## CHAPTER 356

*An Act to amend and reenact §§ 35.1-14 and 35.1-15 of the Code of Virginia, relating to restaurant employees; training in food safety and food allergy awareness and safety.*

[H 2090]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 35.1-14 and 35.1-15 of the Code of Virginia are amended and reenacted as follows:****§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.**

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; ~~and~~ (x) the appropriate use of precautions to prevent the transmission of communicable diseases; *and (xi) training standards that address food safety and food allergy awareness and safety.*

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish requirements for any license, permit or inspection unless such license, permit or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by entities exempt from the provisions of this title pursuant to § 35.1-25 or 35.1-26.

E. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § 3.2-5121 and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have the same effective date. In the event that the Board of Agriculture and Consumer Services adopts regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection C shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time and place of the hearing.

**§ 35.1-15. Training materials.**

The Commissioner shall cause to be written materials designed to provide information on training for the prevention of disease transmission, symptoms of communicable disease, personal hygiene practices, hazards in food preparation, *food safety and food allergy awareness and safety*, and any other matter deemed appropriate by the Commissioner for the training of restaurant personnel. The Commissioner may, if he desires, provide personnel for the training of employees of restaurants in the handling of food.

## CHAPTER 357

*An Act to amend and reenact § 2.2-5210 of the Code of Virginia, relating to community policy and management teams; information sharing.*

[H 2141]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-5210 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-5210. Information sharing; confidentiality.**

All public agencies that have served a family or treated a child referred to a family assessment and planning team shall cooperate with this team. The agency that refers a youth and family to the team shall be responsible for obtaining the consent required to share agency client information with the team. After obtaining the proper consent, all agencies shall promptly deliver, upon request and without charge, such records of services, treatment or education of the family or child as are necessary for a full and informed assessment by the team.

Proceedings held to consider the appropriate provision of services and funding for a particular child or family or both who have been referred to the family assessment and planning team and whose case is being assessed by this team or reviewed by the community *policy and management and planning* team shall be confidential and not open to the public, unless the child and family who are the subjects of the proceeding request, in writing, that it be open. All information about specific children and families obtained by the team members in the discharge of their responsibilities to the team shall be confidential.

Utilizing a secure electronic database, the CPMT and the family assessment and planning team shall provide the Office of Comprehensive Services for At-Risk Youth and Families with client-specific information from the mandatory uniform assessment and information in accordance with subdivision D 11 of § 2.2-2648.

### CHAPTER 358

*An Act to amend and reenact § 2, as amended, of Chapter 271 of the Acts of Assembly of 1966, relating to the Chesapeake Hospital Authority.*

[H 2236]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2, as amended, of Chapter 271 of the Acts of Assembly of 1966 is amended and reenacted as follows:**

§ 2. The Authority shall be composed of eleven members, two of whom shall be licensed members of the medical profession, all of whom shall be appointed by the city council. The terms of the members shall be four years and staggered so that no more than four members shall be appointed in any one year; provided, however, that for terms which commence in 1999, the council shall appoint four members for four-year terms and two members for five-year terms, and for terms which commence in 2001, the council shall appoint four members for four-year terms and one member for a three-year term. Any member may be reappointed. Members shall be compensated for their services in the amount of \$250 per attendance at each meeting, ~~not in excess of \$3,000 per annum, and provided, however, that no member shall be compensated for participation in a meeting by electronic means when the member is not physically present at the meeting.~~ *The Authority shall adopt as part of its bylaws a definition of "compensable meeting" prior to compensating any member in accordance with this section.* Members shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties. Each member shall continue to hold office until the earlier of the effective date of his resignation or the date on which his successor has been appointed and qualified. The council shall have the right to remove any member or officer, for malfeasance or misfeasance, incompetency or gross neglect of duty. Vacancies shall be filled by appointment of the council for unexpired terms, or in the case of an increase in the size of the Authority, filled by appointment of the council, which appointments may be for an initial term less than four years. Members shall take an appropriate oath of office and same shall be filed with the city clerk. Members shall elect on an annual basis one of their number as chairman and another as vice-chairman and shall also elect a secretary and treasurer for terms to be determined by them, who may or may not be one of the members. The same person may serve as both secretary and treasurer. The members shall make such rules, regulations and bylaws for their own government and procedure as they shall determine; they shall meet regularly at least once a month and may hold such special meetings as they deem necessary.

### CHAPTER 359

*An Act to amend and reenact § 54.1-3606.1 of the Code of Virginia, relating to psychologists; continuing education requirements.*

[H 2243]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-3606.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3606.1. Continuing education.**

A. The Board shall promulgate regulations governing continuing education requirements for psychologists licensed by the Board. Such regulations shall require the completion of the equivalent of ~~fourteen~~ 14 hours annually in Board-approved continuing education courses for any license renewal or reinstatement after the effective date.

B. *The Board shall include in its regulations governing continuing education requirements for licensees a provision allowing a licensee who completes continuing education hours in excess of the hours required by subsection A to carry up to*

*seven hours of continuing education credit forward to meet the requirements of subsection A for the next annual renewal cycle.*

~~B~~. C. The Board shall approve criteria for continuing education courses that are directly related to the respective license and scope of practice of school psychology, applied psychology and clinical psychology. Approved continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment and care of patients with moderate and severe mental disorders. Any licensed hospital, accredited institution of higher education, or national, state or local health, medical, psychological or mental health association or organization may submit applications to the Board for approval as a provider of continuing education courses satisfying the requirements of the Board's regulations. Approved course providers may be required to register continuing education courses with the Board pursuant to Board regulations. Only courses meeting criteria approved by the Board and offered by a Board-approved provider of continuing education courses may be designated by the Board as qualifying for continuing education course credit.

~~C~~. D. All course providers shall furnish written certification to licensed psychologists attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of four years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of four years the written certification issued by any course provider. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary to ensure compliance with continuing education requirements.

~~D~~. E. The Board shall have the authority to grant exemptions or waivers or to reduce the number of continuing education hours required in cases of certified illness or undue hardship.

### CHAPTER 360

*An Act to amend and reenact § 19.2-264.3:1.1 of the Code of Virginia, relating to capital cases; determination of mental retardation.*

[S 855]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-264.3:1.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-264.3:1.1. Capital cases; determination of mental retardation.**

A. As used in this section and § 19.2-264.3:1.2, the following definition applies:

"Mentally retarded" means a disability, originating before the age of 18 years, characterized concurrently by (i) significantly subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning administered in conformity with accepted professional practice, that is at least two standard deviations below the mean and (ii) significant limitations in adaptive behavior as expressed in conceptual, social and practical adaptive skills.

B. Assessments of mental retardation under this section and § 19.2-264.3:1.2 shall conform to the following requirements:

1. Assessment of intellectual functioning shall include administration of at least one standardized measure generally accepted by the field of psychological testing and appropriate for administration to the particular defendant being assessed, taking into account cultural, linguistic, sensory, motor, behavioral and other individual factors. *All such measures shall be reported as a range of scores calculated by adding and subtracting the standard error of measurement identified by the test publisher to the defendant's earned score.* Testing of intellectual functioning shall be carried out in conformity with accepted professional practice, and whenever indicated, the assessment shall include information from multiple sources. The Commissioner of Behavioral Health and Developmental Services shall maintain an exclusive list of standardized measures of intellectual functioning generally accepted by the field of psychological testing.

2. Assessment of adaptive behavior shall be based on multiple sources of information, including clinical interview, psychological testing and educational, correctional and vocational records. The assessment shall include at least one standardized measure generally accepted by the field of psychological testing for assessing adaptive behavior and appropriate for administration to the particular defendant being assessed, unless not feasible. In reaching a clinical judgment regarding whether the defendant exhibits significant limitations in adaptive behavior, the examiner shall give performance on standardized measures whatever weight is clinically appropriate in light of the defendant's history and characteristics and the context of the assessment.

3. Assessment of developmental origin shall be based on multiple sources of information generally accepted by the field of psychological testing and appropriate for the particular defendant being assessed, including, whenever available, educational, social service, medical records, prior disability assessments, parental or caregiver reports, and other collateral data, recognizing that valid clinical assessment conducted during the defendant's childhood may not have conformed to current practice standards.

C. In any case in which the offense may be punishable by death and is tried before a jury, the issue of mental retardation, if raised by the defendant in accordance with the notice provisions of subsection E of § 19.2-264.3:1.2, shall be determined by the jury as part of the sentencing proceeding required by § 19.2-264.4.

In any case in which the offense may be punishable by death and is tried before a judge, the issue of mental retardation, if raised by the defendant in accordance with the notice provisions of subsection E of § 19.2-264.3:1.2, shall be determined by the judge as part of the sentencing proceeding required by § 19.2-264.4.

The defendant shall bear the burden of proving that he is mentally retarded by a preponderance of the evidence.

D. The verdict of the jury, if the issue of mental retardation is raised, shall be in writing, and, in addition to the forms specified in § 19.2-264.4, shall include one of the following forms:

(1) "We the jury, on the issue joined, having found the defendant guilty of (here set out the statutory language of the offense charged), and that the defendant has proven by a preponderance of the evidence that he is mentally retarded, fix his punishment at (i) imprisonment for life or (ii) imprisonment for life and a fine of \$\_\_\_\_\_.

Signed \_\_\_\_\_ foreman"

or

(2) "We the jury, on the issue joined, having found the defendant guilty of (here set out the statutory language of the offense charged) find that the defendant has not proven by a preponderance of the evidence that he is mentally retarded.

Signed \_\_\_\_\_ foreman"

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 361

*An Act to amend and reenact § 8.01-581.20 of the Code of Virginia, relating to standard of care in medical malpractice proceedings; health care providers.*

[S 862]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-581.20 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-581.20. Standard of care in proceeding before medical malpractice review panel; expert testimony; determination of standard in action for damages.**

A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, podiatrist, dentist, nurse, hospital or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any ~~physician or nurse~~ *health care provider* who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of ~~medicine~~ *practice* in which he is qualified and certified. This presumption shall also apply to any ~~physician~~ *person* who, *but for the lack of a Virginia license, would be defined as a health care provider under this chapter; provided that such person* is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. ~~This presumption shall also apply to any nurse licensed by a state participating in the Nurse Licensure Compact.~~ An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.

The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.

B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.

C. In any action described in this section, each party may designate, identify or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all

costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.

## CHAPTER 362

*An Act to amend and reenact § 32.1-111.5 of the Code of Virginia, relating to emergency medical services personnel; background checks.*

[S 997]

Approved March 19, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 32.1-111.5 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 32.1-111.5. Certification and recertification of emergency medical services providers; appeals process.**

A. The Board shall prescribe by regulation the qualifications required for certification of emergency medical services providers, including those qualifications necessary for authorization to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1. Such regulations shall include criteria for determining whether an applicant's relevant practical experience and didactic and clinical components of education and training completed during his service as a member of any branch of the armed forces of the United States may be accepted by the Commissioner as evidence of satisfaction of the requirements for certification.

B. Each person desiring certification as an emergency medical services provider shall apply to the Commissioner upon a form prescribed by the Board. Upon receipt of such application, the Commissioner shall cause the applicant to be examined or otherwise determined to be qualified for certification. When determining whether an applicant is qualified for certification, the Commissioner shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the requirements for certification. If the Commissioner determines that the applicant meets the requirements for certification as an emergency medical services provider, he shall issue a certificate to the applicant. An emergency medical services provider certificate so issued shall be valid for a period required by law or prescribed by the Board. Any certificate so issued may be suspended at any time that the Commissioner determines that the holder no longer meets the qualifications prescribed for such emergency medical services provider. The Commissioner may temporarily suspend any certificate without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a certificate pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Board shall prescribe by regulation procedures and the qualifications required for the recertification of emergency medical services providers.

D. The Commissioner may issue a temporary certificate when he finds that it is in the public interest. A temporary certificate shall be valid for a period not exceeding 90 days.

E. The State Board of Health shall require each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services agency to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation, for the purpose of obtaining his criminal history record information. The Central Criminal Records Exchange shall forward the results of the state and national records search to the Commissioner or his designee, who shall be a governmental entity. If an applicant is denied employment or service as a volunteer because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.

*F. Notwithstanding the provisions of subsection E, an emergency medical services agency located in a locality having a local ordinance adopted in accordance with §§ 15.2-1503.1 and 19.2-389 shall require an applicant for employment or to serve as a volunteer to submit fingerprints and provide personal descriptive information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for the purpose of obtaining criminal history records information for the applicant. The Central Criminal Records Exchange shall, upon receipt of an applicant's records or notification that no records exists, forward the results of the state and national records search to the county, city or town manager or chief law-enforcement officer for the locality in which the agency is located, or his designee, who shall be associated with a governmental entity. Upon receipt of the results of the state and national criminal history records search, the county, city or town manager or chief law-enforcement officer for the locality, or his designee, shall notify the Office of Emergency Medical Services regarding the applicant's eligibility for employment or to serve as a volunteer. Information provided to the Office of Emergency Medical Services shall be limited to notification as to whether the applicant is eligible for employment or to serve as a volunteer in accordance with requirements related to disqualifying offenses set forth in regulations of the Board and shall not include information regarding whether the applicant has been found ineligible for employment or to serve as a volunteer due to additional exclusionary criteria established by the locality.*

*Whenever fingerprints are submitted to both authorities and it is deemed feasible and practical by the Central Criminal Records Exchange it shall forward the results of the fingerprint based state and national records search to the county, city or town manager or chief law enforcement officer for the locality in which the agency is located, or his designee, who shall be associated with a governmental entity, and to the Office of Emergency Medical Services.*

### CHAPTER 363

*An Act to require the Board of Medicine to make information about the diagnosis and treatment of autism spectrum disorder available to licensees.*

[S 1045]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the Board of Medicine shall post information about autism spectrum disorder developed by the Board together with the Department of Behavioral Health and Developmental Services and other stakeholders, including information about diagnosis of autism spectrum disorder in adults and children, the role of health care providers in identifying and diagnosing autism spectrum disorder in adults and children, services available to adults and children with autism spectrum disorder in the Commonwealth, processes and procedures for linking adults and children with autism spectrum disorder with state and local services for individuals with autism, and other sources of information on topics related to the identification, diagnosis, and treatment of autism spectrum disorder in adults and children on a website maintained by the Board, and shall notify licensees regarding the availability of such information.*

### CHAPTER 364

*An Act to amend and reenact § 63.2-1721 of the Code of Virginia, relating to prospective foster parents; barrier crimes.*

[S 1095]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. That § 63.2-1721 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1721. Background check upon application for licensure or registration as child welfare agency; background check of foster or adoptive parents approved by child-placing agencies and family day homes approved by family day systems; penalty.**

A. Upon application for licensure or registration as a child welfare agency, (i) all applicants; (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child welfare agency or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for licensure or registration as a family day home shall undergo a background check. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to this section require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history record check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child welfare agencies or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The character and reputation investigation pursuant to § 63.2-1702 shall include background checks pursuant to subsection B of persons specified in subsection A. The applicant shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 shall be guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsections E, F, ~~or~~ G, or H (i) the Commissioner shall not issue a license or registration to a child welfare agency; (ii) the Commissioner shall not issue a license to an assisted living facility; (iii) a child-placing agency shall not approve an adoptive or foster home; or (iv) a family day system shall not approve a family day home.

D. No person specified in subsection A shall be involved in the day-to-day operations of a child welfare agency; be alone with, in control of, or supervising one or more children receiving services from a child welfare agency; or be

permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B, unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided 10 years have elapsed following the conviction.

H. *Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs with intent to distribute who has had his civil rights restored by the Governor, provided 20 years have elapsed following the conviction.*

I. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

✚ J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

✚ K. The provisions of this section referring to a sworn statement or affirmation and to prohibitions on the issuance of a license for any offense shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

## CHAPTER 365

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03, relating to hospitals; required notice to patients.*

[S 750]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.03 as follows:**

**§ 32.1-137.03. Patient notice of observation or outpatient status.**

A. A hospital shall provide oral and written notice to any patient placed under observation or in any other outpatient status, or to such patient's authorized representative, informing the patient of his placement in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department. Such oral and written notice shall be provided not later than 24 hours after placement under observation or in any other outpatient status unless the patient has been discharged or has left the hospital prior to the expiration of such 24-hour period.

B. Such written notice shall be written in clear, understandable language and printed in at least 14-point type. The written notice shall include:

1. A statement that the patient is not admitted to the hospital as an inpatient but is under observation or in such other outpatient status;

2. A statement that such observation or other outpatient status may affect the patient's Medicare, Medicaid, or private health insurance coverage of (i) the current hospital services, including medications and pharmaceutical supplies, and (ii) care at a skilled nursing facility or home or community-based care upon the patient's discharge from the hospital; and

3. A statement that the patient should contact the identified hospital representative, his health insurance plan, or the appropriate Center for Medicare & Medicaid Services Beneficiary and Family-Centered Care Quality Improvement Organization for more information on his observation or other outpatient status and any available recourse.

## CHAPTER 366

*An Act to amend and reenact §§ 2.2-212, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2648, 2.2-2649, 2.2-4345, 2.2-5200, 2.2-5201, 2.2-5206, 2.2-5208, 2.2-5210, 2.2-5211.1, 2.2-5213, 2.2-5214, 16.1-286, 37.2-408, 63.2-226, 63.2-410, 63.2-1737, and 66-24 of the Code of Virginia, relating to the Comprehensive Services Act for At-Risk Youth and Families; name change.*

[S 850]

Approved March 19, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-212, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2648, 2.2-2649, 2.2-4345, 2.2-5200, 2.2-5201, 2.2-5206, 2.2-5208, 2.2-5210, 2.2-5211.1, 2.2-5213, 2.2-5214, 16.1-286, 37.2-408, 63.2-226, 63.2-410, 63.2-1737, and 66-24 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-212. **Position established; agencies for which responsible; additional powers.**

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, Virginia Department for the Deaf and Hard-of-Hearing, the Office of ~~Comprehensive Children's Services for Youth and At-Risk Youth and Families~~, and the Assistive Technology Loan Fund Authority. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) serve as the lead Secretary for the coordination and implementation of the long-term care policies of the Commonwealth and for the blueprint for livable communities 2025 throughout the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication and cooperation, (ii) serve as the lead Secretary for the ~~Comprehensive Children's Services Act for At-Risk Youth and Families~~, working with the Secretary of Education and the Secretary of Public Safety and Homeland Security to facilitate interagency service development and implementation, communication and cooperation, and (iii) coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing.

§ 2.2-2101. **(Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for ~~Comprehensive Children's Services for At-Risk Youth and Families~~, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

§ 2.2-2101. **(Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for ~~Comprehensive Children's Services for At-Risk Youth and Families~~, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

**§ 2.2-2648. State Executive Council for Children's Services; membership; meetings; powers and duties.**

A. The State Executive Council for ~~Comprehensive Children's Services for At-Risk Youth and Families~~ (the Council) is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; a juvenile and domestic relations district court judge, to be appointed by the Governor and serve as an ex officio nonvoting member; five local government representatives chosen from members of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receives funding as authorized by the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and two parent representatives. The parent representatives shall be appointed by the Governor for a term not to exceed three years and neither shall be an employee of any public or private program that serves children and families. The Governor's appointments shall be for a term not to exceed three years and shall be limited to no more than two consecutive terms, beginning with appointments after July 1, 2009. Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Legislative members shall not be included for the purposes of constituting a quorum.

C. The Council shall be chaired by the Secretary of Health and Human Resources or a designated deputy who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~;
2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;
3. Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~, which support the purposes of the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;

4. Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties;

5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

6. Provide for the administration of necessary functions that support the work of the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~;

7. Review and take appropriate action on issues brought before it by the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~, Community Policy and Management Teams (CPMTs), local governments, providers and parents;

8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation;

9. Provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;

10. Oversee coordination of early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. Early intervention programs include state programs under the administrative control of the state executive council member agencies;

11. Oversee the development and implementation of a mandatory uniform assessment instrument and process to be used by all localities to identify levels of risk of ~~Comprehensive Children's Services Act (CSA)~~ youth;

12. Oversee the development and implementation of uniform guidelines to include initial intake and screening assessment, development and implementation of a plan of care, service monitoring and periodic follow-up, and the formal review of the status of the youth and the family;

13. Oversee the development and implementation of uniform guidelines for documentation for CSA-funded services;

14. Review and approve a request by a CPMT to establish a collaborative, multidisciplinary team process for referral and reviews of children and families pursuant to § 2.2-5209;

15. Oversee the development and implementation of mandatory uniform guidelines for utilization management; each locality receiving funds for activities under the ~~Comprehensive Children's Services Act~~ shall have a locally determined utilization management plan following the guidelines or use of a process approved by the Council for utilization management, covering all CSA-funded services;

16. Oversee the development and implementation of uniform data collection standards and the collection of data, utilizing a secure electronic client-specific database for CSA-funded services, which shall include, but not be limited to, the following client specific information: (i) children served, including those placed out of state; (ii) individual characteristics of youths and families being served; (iii) types of services provided; (iv) service utilization including length of stay; (v) service expenditures; (vi) provider identification number for specific facilities and programs identified by the state in which the child receives services; (vii) a data field indicating the circumstances under which the child ends each service; and (viii) a data field indicating the circumstances under which the child exits the ~~Comprehensive Children's Services Act~~ program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, and expenditure information shall be made available to the public;

17. Oversee the development and implementation of a uniform set of performance measures for evaluating the ~~Comprehensive Children's Services Act~~ program, including, but not limited to, the number of youths served in their homes, schools and communities. Performance measures shall be based on information: (i) collected in the client-specific database referenced in subdivision 16, (ii) from the mandatory uniform assessment instrument referenced in subdivision 11, and (iii) from available and appropriate client outcome data that is not prohibited from being shared under federal law and is routinely collected by the state child-serving agencies that serve on the Council. If provided client-specific information, state child serving agencies shall report available and appropriate outcome data in clause (iii) to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~. Outcome data submitted to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ shall be used solely for the administration of the ~~Comprehensive Children's Services Act~~ program. Applicable client outcome data shall include, but not be limited to: (a) permanency outcomes by the Virginia Department of Social Services, (b) recidivism outcomes by the Virginia Department of Juvenile Justice, and (c) educational outcomes by the Virginia Department of Education. All client-specific information shall remain confidential and only non-identifying aggregate outcome information shall be made available to the public;

18. Oversee the development and distribution of management reports that provide information to the public and CPMTs to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the ~~Comprehensive Children's Services Act~~ program. Management reports shall include total expenditures on children served through the ~~Comprehensive Children's Services Act~~ program as reported to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ by state child-serving agencies on the Council and shall include, but not be limited to: (i) client-specific payments for inpatient and outpatient mental health services, treatment foster care services and residential services made through the Medicaid program and reported by the Virginia Department of Medical Assistance Services and (ii) client-specific payments made through the Title IV-E foster care program reported by the Virginia Department of Social Services. The Office of ~~Comprehensive Children's Services~~ shall provide client-specific information to the state agencies for the sole purpose of the administration of the ~~Comprehensive Children's Services Act~~ program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, expenditure, and outcome information shall be made available to the public;

19. Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of ~~Comprehensive Children's Services~~ and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. "Formal notice" means the Director or Council provides a letter of

notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment;

20. Deny state funding to a locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq.), any other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with § 2.2-5211;

21. Biennially publish and disseminate to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and families and a plan for such services for the next succeeding biennium. The state plan shall:

a. Provide a fiscal profile of current and previous years' federal and state expenditures for a comprehensive service system for children, youth and families;

b. Incorporate information and recommendations from local comprehensive service systems with responsibility for planning and delivering services to children, youth and families;

c. Identify and establish goals for comprehensive services and the estimated costs of implementing these goals, report progress toward previously identified goals and establish priorities for the coming biennium;

d. Report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems;

e. Identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding; and

f. Include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the state's comprehensive services system; and

22. Oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the ~~Comprehensive Children's Services Act~~ program. The guidelines shall: (i) take into account differences among localities, (ii) specify children and circumstances appropriate for intensive care coordination services, (iii) define intensive care coordination services, and (iv) distinguish intensive care coordination services from the regular case management services provided within the normal scope of responsibility for the child-serving agencies, including the community services board, the local school division, local social services agency, court service unit, and Department of Juvenile Justice. Such guidelines shall address: (a) identifying the strengths and needs of the child and his family through conducting or reviewing comprehensive assessments including, but not limited to, information gathered through the mandatory uniform assessment instrument; (b) identifying specific services and supports necessary to meet the identified needs of the child and his family, building upon the identified strengths; (c) implementing a plan for returning the youth to his home, relative's home, family-like setting, or community at the earliest appropriate time that addresses his needs, including identification of public or private community-based services to support the youth and his family during transition to community-based care; and (d) implementing a plan for regular monitoring and utilization review of the services and residential placement for the child to determine whether the services and placement continue to provide the most appropriate and effective services for the child and his family.

**§ 2.2-2649. Office of Children's Services established; powers and duties.**

A. The Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ is hereby established to serve as the administrative entity of the Council and to ensure that the decisions of the council are implemented. The director shall be hired by and subject to the direction and supervision of the Council pursuant to § 2.2-2648.

B. The director of the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ shall:

1. Develop and recommend to the state executive council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;

2. Develop and recommend to the Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

3. Develop and provide for the consistent oversight for program administration and compliance with state policies and procedures;

4. Provide for training and technical assistance to localities in the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;

5. Serve as liaison to the participating state agencies that administratively support the Office and that provide other necessary services;

6. Provide an informal review and negotiation process pursuant to subdivision D 19 of § 2.2-2648;

7. Implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the State Executive Council;

8. Consult regularly with the Virginia Municipal League, the Virginia Coalition of Private Provider Associations, and the Virginia Association of Counties about implementation and operation of the ~~Comprehensive Children's Services Act~~ (§ 2.2-5200 et seq.);

9. Hire appropriate staff as approved by the Council;

10. Identify, disseminate, and provide annual training for CSA staff and other interested parties on best practices and evidence-based practices related to the ~~Comprehensive Children's Services Act~~ Program;

11. Perform such other duties as may be assigned by the State Executive Council;

12. Develop and implement uniform data collection standards and collect data, utilizing a secure electronic database for CSA-funded services, in accordance with subdivision D 16 of § 2.2-2648;

13. Develop and implement a uniform set of performance measures for the ~~Comprehensive Children's Services Act~~ program in accordance with subdivision D 17 of § 2.2-2648;

14. Develop, implement, and distribute management reports in accordance with subdivision D 18 of § 2.2-2648;

15. Report to the Council all expenditures associated with serving children who receive pool-funded services. The report shall include expenditures for (i) all services purchased with pool funding; (ii) treatment, foster care case management, community-based mental health services, and residential care funded by Medicaid; and (iii) child-specific payments made through the Title IV-E program;

16. Report to the Council on the nature and cost of all services provided to the population of at-risk and troubled children identified by the State Executive Council as within the scope of the CSA program;

17. Develop and distribute model job descriptions for the position of ~~Comprehensive Children's Services Act~~ Coordinator and provide technical assistance to localities and their coordinators to help them to guide localities in prioritizing coordinator's responsibilities toward activities to maximize program effectiveness and minimize spending; and

18. Develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams, in order to encourage utilization of multidisciplinary teams in service planning and to reduce Family Assessment and Planning Team caseloads to allow Family Assessment and Planning Teams to devote additional time to more complex and potentially costly cases.

C. The director of the Office of ~~Comprehensive Children's Services~~, in order to provide support and assistance to the ~~Comprehensive Children's Policy and Management Teams (CPMTs) and Family Assessment and Planning Teams (FAPTs)~~ established pursuant to the ~~Comprehensive Children's Services Act for At-Risk Youth and Families~~ (§ 2.2-5200 et seq.), shall:

1. Develop and maintain a web-based statewide automated database, with support from the Department of Information Technology or its successor agency, of the authorized vendors of the ~~Comprehensive Children's Services Act~~ (CSA) services to include verification of a vendor's licensure status, a listing of each discrete CSA service offered by the vendor, and the discrete CSA service's rate determined in accordance with § 2.2-5214; and

2. Develop, in consultation with the Department of General Services, CPMTs, and vendors, a standardized purchase of services contract, which in addition to general contract provisions when utilizing state pool funds will enable localities to specify the discrete service or services they are purchasing for the specified client, the required reporting of the client's service data, including types and numbers of disabilities, mental health and intellectual disability diagnoses, or delinquent behaviors for which the purchased services are intended to address, the expected outcomes resulting from these services and the performance timeframes mutually agreed to when the services are purchased.

**§ 2.2-4345. Exemptions from competitive sealed bidding and competitive negotiation for certain transactions; limitations.**

A. The following public bodies may enter into contracts without competitive sealed bidding or competitive negotiation:

1. The Director of the Department of Medical Assistance Services for special services provided for eligible recipients pursuant to subsection H of § 32.1-325, provided that the Director has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public, or would constitute an imminent threat to the health or welfare of such recipients. The writing shall document the basis for this determination.

2. The State Health Commissioner for the compilation, storage, analysis, evaluation, and publication of certain data submitted by health care providers and for the development of a methodology to measure the efficiency and productivity of health care providers pursuant to Chapter 7.2 (§ 32.1-276.2 et seq.) of Title 32.1, if the Commissioner has made a determination in advance, after reasonable notice to the public and set forth in writing, that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public. The writing shall document the basis for this determination. Such agreements and contracts shall be based on competitive principles.

3. The Virginia Code Commission when procuring the services of a publisher, pursuant to §§ 30-146 and 30-148, to publish the Code of Virginia or the Virginia Administrative Code.

4. The Department of Alcoholic Beverage Control for the purchase of alcoholic beverages.

5. The Department for Aging and Rehabilitative Services, for the administration of elder rights programs, with (i) nonprofit Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code with statewide experience in Virginia in conducting a state long-term care ombudsman program or (ii) designated area agencies on aging.

6. The Department of Health for (a) child restraint devices, pursuant to § 46.2-1097; (b) health care services with Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services in a community (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge; or (c) contracts with laboratories providing cytology and related services if competitive sealed bidding and

competitive negotiations are not fiscally advantageous to the public to provide quality control as prescribed in writing by the Commissioner of Health.

7. Virginia Correctional Enterprises, when procuring materials, supplies, or services for use in and support of its production facilities, provided the procurement is accomplished using procedures that ensure as efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such procedures shall require documentation of the basis for awarding contracts under this section.

8. The Virginia Baseball Stadium Authority for the operation of any facilities developed under the provisions of Chapter 58 (§ 15.2-5800 et seq.) of Title 15.2, including contracts or agreements with respect to the sale of food, beverages and souvenirs at such facilities.

9. With the consent of the Governor, the Jamestown-Yorktown Foundation for the promotion of tourism through marketing with private entities provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles.

10. The Chesapeake Hospital Authority in the exercise of any power conferred under Chapter 271, as amended, of the Acts of Assembly of 1966, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

11. Richmond Eye and Ear Hospital Authority, any authorities created under Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 and any hospital or health center commission created under Chapter 52 (§ 15.2-5200 et seq.) of Title 15.2 in the exercise of any power conferred under their respective authorizing legislation, provided that these entities shall not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

12. The Patrick Hospital Authority sealed in the exercise of any power conferred under the Acts of Assembly of 2000, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

13. Public bodies for insurance or electric utility services if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance or electric utility services by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

14. Public bodies administering public assistance and social services programs as defined in § 63.2-100, community services boards as defined in § 37.2-100, or any public body purchasing services under the ~~Comprehensive Children's Services Act for At-Risk Youth and Families~~ (§ 2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.) for goods or personal services for direct use by the recipients of such programs if the procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for the use of recipients shall not be exempted from the requirements of § 2.2-4303.

15. The Eastern Virginia Medical School in the exercise of any power conferred pursuant to Chapter 471, as amended, of the Acts of Assembly of 1964.

B. No contract for the construction of any building or for an addition to or improvement of an existing building by any local government or subdivision of local government for which state funds of not more than \$50,000 in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under of subsection D of § 2.2-4303. The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this chapter.

**§ 2.2-5200. Intent and purpose; definitions.**

A. It is the intention of this law to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youths and their families in the Commonwealth.

This law shall be interpreted and construed so as to effectuate the following purposes:

1. Ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public;

2. Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems, or both, due to environmental, physical or psychological stress;

3. Design and provide services that are responsive to the unique and diverse strengths and needs of troubled youths and families;

4. Increase interagency collaboration and family involvement in service delivery and management;

5. Encourage a public and private partnership in the delivery of services to troubled and at-risk youths and their families; and

6. Provide communities flexibility in the use of funds and to authorize communities to make decisions and be accountable for providing services in concert with these purposes.

B. As used in this chapter, unless the context requires a different meaning:

"CSA" means the ~~Comprehensive Children's Services Act~~.

"Council" means the State Executive Council for ~~Comprehensive Children's Services for At-Risk Youth and Families~~ created pursuant to § 2.2-2648.

**§ 2.2-5201. State and local advisory team; appointment; membership.**

The state and local advisory team is established to better serve the needs of troubled and at-risk youths and their families by advising the Council by managing cooperative efforts at the state level and providing support to community efforts. The team shall be appointed by and be responsible to the Council. The team shall include one representative from each of the following state agencies: the Department of Health, Department of Juvenile Justice, Department of Social Services, Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, and the Department of Education. The team shall also include a parent representative who is not an employee of any public or private program which serves children and families; a representative of a private organization or association of providers for children's or family services; a local ~~Comprehensive Children's Services Act~~ coordinator or program manager; a juvenile and domestic relations district court judge; and one member from each of five different geographical areas of the Commonwealth and who serves on and is representative of the different participants of community policy and management teams. The nonstate agency members shall serve staggered terms of not more than three years, such terms to be determined by the Council.

The team shall annually elect a chairman from among the local government representatives who shall be responsible for convening the team. The team shall develop and adopt bylaws to govern its operations that shall be subject to approval by the Council. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

**§ 2.2-5206. Community policy and management teams; powers and duties.**

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;
2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;
3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;
4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § 16.1-309.3;
5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council and a process to review the teams' recommendations and requests for funding;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Establish procedures for obtaining bids on the development of new services;
8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;
9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council;
10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts for the provision or operation of services upon approval of the participating governing bodies;
11. Serve as its community's liaison to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;
12. Collect and provide uniform data to the Council as requested by the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ in accordance with subdivision D 16 of § 2.2-2648;
13. Review and analyze data in management reports provided by the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ in accordance with subdivision D 18 of § 2.2-2648 to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the ~~Comprehensive Children's Services Act~~ program. Every team shall also review local and statewide data provided in the management reports on the number of children served, children placed out of state, demographics, types of services provided, duration of services, service expenditures, child and family outcomes, and performance measures. Additionally, teams shall track the utilization and performance of residential placements using data and management reports to develop and implement strategies for returning children placed outside of the Commonwealth, preventing placements, and reducing

lengths of stay in residential programs for children who can appropriately and effectively be served in their home, relative's homes, family-like setting, or their community;

14. Administer funds pursuant to § 16.1-309.3;

15. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § 2.2-5211 are not used;

16. Submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall include:

a. The child or adolescent's date of birth;

b. Date admission was attempted; and

c. Reason the patient could not be admitted into the hospital or facility;

17. Establish policies for providing intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the ~~Comprehensive~~ *Children's Services Act* program, consistent with guidelines developed pursuant to subdivision D 22 of § 2.2-2648; and

18. Establish policies and procedures for appeals by youth and their families of decisions made by local family assessment and planning teams regarding services to be provided to the youth and family pursuant to an individual family services plan developed by the local family assessment and planning team. Such policies and procedures shall not apply to appeals made pursuant to § 63.2-915 or in accordance with the Individuals with Disabilities Education Act or federal or state laws or regulations governing the provision of medical assistance pursuant to Title XIX of the Social Security Act.

**§ 2.2-5208. Family assessment and planning team; powers and duties.**

The family assessment and planning team, in accordance with § 2.2-2648, shall assess the strengths and needs of troubled youths and families who are approved for referral to the team and identify and determine the complement of services required to meet these unique needs.

Every such team, in accordance with policies developed by the community policy and management team, shall:

1. Review referrals of youths and families to the team;

2. Provide for family participation in all aspects of assessment, planning and implementation of services;

3. Provide for the participation of foster parents in the assessment, planning and implementation of services when a child has a program goal of permanent foster care or is in a long-term foster care placement. The case manager shall notify the foster parents of a troubled youth of the time and place of all assessment and planning meetings related to such youth. Such foster parents shall be given the opportunity to speak at the meeting or submit written testimony if the foster parents are unable to attend. The opinions of the foster parents shall be considered by the family assessment and planning team in its deliberations;

4. Develop an individual family services plan for youths and families reviewed by the team that provides for appropriate and cost-effective services;

5. Identify children who are at risk of entering, or are placed in, residential care through the ~~Comprehensive~~ *Children's Services Act* program who can be appropriately and effectively served in their homes, relatives' homes, family-like settings, and communities. For each child entering or in residential care, in accordance with the policies of the community policy and management team developed pursuant to subdivision 17 of § 2.2-5206, the family assessment and planning team or approved alternative multidisciplinary team, in collaboration with the family, shall (i) identify the strengths and needs of the child and his family through conducting or reviewing comprehensive assessments, including but not limited to information gathered through the mandatory uniform assessment instrument, (ii) identify specific services and supports necessary to meet the identified needs of the child and his family, building upon the identified strengths, (iii) implement a plan for returning the youth to his home, relative's home, family-like setting, or community at the earliest appropriate time that addresses his needs, including identification of public or private community-based services to support the youth and his family during transition to community-based care, and (iv) provide regular monitoring and utilization review of the services and residential placement for the child to determine whether the services and placement continue to provide the most appropriate and effective services for the child and his family;

6. Where parental or legal guardian financial contribution is not specifically prohibited by federal or state law or regulation, or has not been ordered by the court or by the Division of Child Support Enforcement, assess the ability of parents or legal guardians, utilizing a standard sliding fee scale, based upon ability to pay, to contribute financially to the cost of services to be provided and provide for appropriate financial contribution from parents or legal guardians in the individual family services plan;

7. Refer the youth and family to community agencies and resources in accordance with the individual family services plan;

8. Recommend to the community policy and management team expenditures from the local allocation of the state pool of funds; and

9. Designate a person who is responsible for monitoring and reporting, as appropriate, on the progress being made in fulfilling the individual family services plan developed for each youth and family, such reports to be made to the team or the responsible local agencies.

**§ 2.2-5210. Information sharing; confidentiality.**

All public agencies that have served a family or treated a child referred to a family assessment and planning team shall cooperate with this team. The agency that refers a youth and family to the team shall be responsible for obtaining the consent required to share agency client information with the team. After obtaining the proper consent, all agencies shall promptly deliver, upon request and without charge, such records of services, treatment or education of the family or child as are necessary for a full and informed assessment by the team.

Proceedings held to consider the appropriate provision of services and funding for a particular child or family or both who have been referred to the family assessment and planning team and whose case is being assessed by this team or reviewed by the community management and planning team shall be confidential and not open to the public, unless the child and family who are the subjects of the proceeding request, in writing, that it be open. All information about specific children and families obtained by the team members in the discharge of their responsibilities to the team shall be confidential.

Utilizing a secure electronic database, the CPMT and the family assessment and planning team shall provide the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ with client-specific information from the mandatory uniform assessment and information in accordance with subdivision D 11 of § 2.2-2648.

**§ 2.2-5211.1. Certain restrictions on reimbursement and placements of children in residential facilities.**

Notwithstanding any provision of this chapter to the contrary or any practice or previous decision-making process of the state executive council, Office of ~~Comprehensive Children's Services~~, state and local advisory team, any community policy and management team, any family assessment and planning team or any other local entity placing children through the ~~Comprehensive Children's Services Act (CSA)~~, the following restrictions shall control:

1. In the event that any group home or other residential facility in which CSA children reside has its licensure status lowered to provisional as a result of multiple health and safety or human rights violations, all children placed through CSA in such facility shall be assessed as to whether it is in the best interests of each child placed to be removed from the facility and placed in a fully licensed facility and no additional CSA placements shall be made in the provisionally licensed facility until and unless the violations and deficiencies relating to health and safety or human rights that caused the designation as provisional shall be completely remedied and full licensure status restored.

2. Prior to the placement of a child across jurisdictional lines, the family assessment and planning teams shall (i) explore all appropriate community services for the child, (ii) document that no appropriate placement is available in the locality, and (iii) report the rationale for the placement decision to the community policy and management team. The community policy and management team shall report annually to the Office of ~~Comprehensive Children's Services~~ on the gaps in the services needed to keep children in the local community and any barriers to the development of those services.

3. Community policy and management teams, family assessment and planning teams or other local entities responsible for CSA placements shall notify the receiving school division whenever a child is placed across jurisdictional lines and identify any children with disabilities and foster care children to facilitate compliance with expedited enrollment and special education requirements.

**§ 2.2-5213. State trust fund.**

A. There is established a state trust fund with funds appropriated by the General Assembly. The purposes of this fund are to develop:

1. Early intervention services for young children and their families, which are defined to include: prevention efforts for individuals who are at-risk for developing problems based on biological, psychological or social/environmental factors.

2. Community services for troubled youths who have emotional or behavior problems, or both, and who can appropriately and effectively be served in the home or community, or both, and their families.

The fund shall consist of moneys from the state general fund, federal grants, and private foundations.

B. Proposals for requesting these funds shall be made by community policy and management teams to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~. The Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ shall make recommendations on the proposals it receives to the Council, which shall award the grants to the community teams in accordance with the policies developed under the authority of § 2.2-5202.

**§ 2.2-5214. Rates for purchase of services; service fee directory.**

The rates paid for services purchased pursuant to this chapter shall be determined by competition of the market place and by a process sufficiently flexible to ensure that family assessment and planning teams and providers can meet the needs of individual children and families referred to them. To ensure that family assessment and planning teams are informed about the availability of programs and the rates charged for such programs, the Council shall oversee the development of and approve a service fee directory that shall list the services offered and the rates charged by any entity, public or private, which offers specialized services for at-risk youth or families. The Council shall designate the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~ to coordinate the establishment, maintenance and other activities regarding the service fee directory.

**§ 16.1-286. Cost of maintenance; approval of placement; semiannual review.**

A. When the court determines that the behavior of a child within its jurisdiction is such that it cannot be dealt with in the child's own locality or with the resources of his locality, the judge shall refer the child to the locality's family assessment and planning team for assessment and a recommendation for services. Based on this recommendation, the court may take custody and place the child, pursuant to the provisions of subdivision 5 of § 16.1-278.4 or subdivision A 13 b of § 16.1-278.8, in a private or locally operated public facility, or nonresidential program with funding in accordance with the ~~Comprehensive Children's Services Act for At-Risk Youth and Families~~ (§ 2.2-5200 et seq.). No child shall be placed outside the Commonwealth by a court without first complying with the appropriate provisions of Chapter 11 (§ 63.2-1100 et seq.) of Title 63.2 or with regulations of the State Board of Social Services relating to resident children placed out of the Commonwealth.

The Board shall establish a per diem allowance to cover the cost of such placements. This allowance may be drawn from funds allocated through the state pool of funds to the community policy and management team of the locality where the child resides as such residence is determined by the court. The cost, however, shall not exceed that amount which would be incurred if the services required by the child were provided in a juvenile facility operated by the Department of Juvenile Justice. However, when the court determines after an investigation and a hearing that the child's parent or other person legally obligated to provide support is financially able to contribute to support of the child, the court may order that the parent or other legally obligated person pay, pursuant to § 16.1-290. If the parent or other obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt. Alternatively, the court, after reasonable notice to the obligor, may enter an order adjudicating that the obligor is delinquent and such order shall have the effect of a civil judgment when duly docketed in the manner prescribed for the docketing of other judgments for money provided.

B. The court service unit of the locality which made the placement shall be responsible for monitoring and supervising all children placed pursuant to this section. The court shall receive and review, at least semiannually, recommendations concerning the continued care of each child in such placements.

**§ 37.2-408. Regulation of services delivered in group homes and residential facilities for children.**

A. The Department shall assist and cooperate with other state departments in fulfilling their respective licensing and certification responsibilities. The Board shall adopt regulations that shall allow the Department to so assist and cooperate with other state departments. The Board may adopt regulations to enhance cooperation and assistance among agencies licensing similar programs.

B. The Board's regulations shall establish the Department as the single licensing agency, with the exception of educational programs licensed by the Department of Education, for group homes or residential facilities providing mental health, developmental, brain injury, or substance abuse services other than facilities operated or regulated by the Department of Juvenile Justice. Such regulations shall address the services required to be provided in group homes and residential facilities for children as it may deem appropriate to ensure the health and safety of the children. In addition, the Board's regulations shall include, but shall not be limited to (i) specifications for the structure and accommodations of such homes and facilities according to the needs of the children to be placed; (ii) rules concerning allowable activities, local government- and home- or facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

C. Pursuant to the procedures set forth in subsection D, the Commissioner may issue a summary order of suspension of the license of a group home or residential facility for children licensed pursuant to the Board's regulations under subsection A, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the children who are residents and the Commissioner believes the operation should be suspended during the pendency of such proceeding.

D. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or its designee as soon as practicable thereafter by personal service and certified mail, return receipt requested, to the address of record of the licensee. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Commissioner or his designee.

After such hearing, the Commissioner may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Department had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Commissioner may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of children who are residents of a home or facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to children.

E. In addition to the requirements set forth above, the Board's regulations shall require, as a condition of initial licensure or, if appropriate, license renewal, that the applicant shall: (i) be personally interviewed by Department personnel

to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen children prior to admission to exclude children with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

F. In addition, the Department shall:

1. Notify relevant local governments and placing and funding agencies, including the Office of ~~Comprehensive Children's Services~~, of multiple health and safety or human rights violations in residential facilities for which the Department serves as lead licensure agency when such violations result in the lowering of the licensure status of the facility to provisional;

2. Post on the Department's website information concerning the application for initial licensure of or renewal, denial, or provisional licensure of any residential facility for children located in the locality;

3. Require all licensees to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of children receiving services;

4. Require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the children receiving services in accordance with the facility's operational plan;

5. Modify the term of the license at any time during the term of the license based on a change in compliance; and

6. Disseminate to local governments, or post on the Department's website, an accurate (updated weekly or monthly as necessary) list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency.

**§ 63.2-226. Duties of Department.**

The Department shall assume administrative responsibilities for the statewide system. In this capacity, the Department shall establish an office to:

1. Develop a plan for the design and implementation of a statewide human services information and referral program;

2. Coordinate and supervise the implementation and operation of the information and referral program;

3. Coordinate funding for the system;

4. Select regional providers of information and referral services;

5. Supervise coordination of information management among information and referral regions across the Commonwealth;

6. Encourage effective relationships between the system and state and local agencies and public and private organizations;

7. Develop and implement a statewide publicity effort;

8. Provide training, technical assistance, research, and consultation for regional and local information and referral centers, and to localities interested in developing information and referral services;

9. Determine a core level of services to be funded from state government resources;

10. Coordinate standardization of resource data collection, maintenance and dissemination;

11. Stimulate and encourage the availability of statewide information and referral services;

12. Develop and implement a program for monitoring and assessing the performance and success of the information and referral program; and

13. Collect information on child-specific payments made through the Title IV-E foster care program and submit information, when available, to the Office of ~~Comprehensive Children's Services for At-Risk Youth and Families~~.

**§ 63.2-410. State pool of funds under the Children's Services Act.**

The General Assembly and the governing body of each county and city shall appropriate such sum or sums of money for use by the community policy and management teams through the state pool of funds established in Chapter 52 (§ 2.2-5200 et seq.) of Title 2.2 as shall be sufficient to provide basic foster care services for children who are identified as being at risk, as determined by policy developed by the Board, or who are under the custody and control of the local board. The local governing body of each county and city shall appropriate such sums of money as necessary for the purchase of such other essential social services to children and adults under such conditions as may be prescribed by the Board in accordance with federally reimbursed public assistance and social service programs.

**§ 63.2-1737. Licensure of group homes and residential facilities for children.**

A. Notwithstanding any other provisions of this subtitle, the Department shall cooperate with other state departments in fulfilling their respective licensing and certification responsibilities of children's residential facilities. The Board shall adopt regulations establishing the Department as the single licensing agency for the regulation of children's residential facilities, including group homes, which provide social services programs, with the exception of educational programs licensed by the Department of Education and facilities regulated by the Department of Juvenile Justice. Notwithstanding any other provisions of this chapter, licenses issued to children's residential facilities may be issued for periods of up to 36 successive months.

B. The Board's regulations for the regulation of children's residential facilities shall address the services required to be provided in such facilities as it may deem appropriate to ensure the health and safety of the children. In addition, the Board's

regulations shall include, but shall not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the children; (ii) rules concerning allowable activities, local government- and facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

C. Notwithstanding any other provisions of this chapter, any facility licensed by the Commissioner as a child-caring institution as of January 1, 1987, and that receives no public funds shall be licensed under minimum standards for licensed child-caring institutions as adopted by the Board and in effect on January 1, 1987. Effective January 1, 1987, all children's residential facilities shall be licensed under the regulations for children's residential facilities.

D. Pursuant to the procedures set forth in subsection E and in addition to the authority for other disciplinary actions provided in this title, the Commissioner may issue a summary order of suspension of the license of any group home or residential facility for children, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the children who are residents and the Commissioner believes the operation of the home or facility should be suspended during the pendency of such proceeding.

E. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or its designee as soon as practicable thereafter by personal service and certified mail, return receipt requested, to the address of record of the licensee. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Commissioner or his designee.

After such hearing, the Commissioner may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Commissioner had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Commissioner may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of children who are residents of a home or facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to such residents.

F. In addition to the requirements set forth in subsection B, the Board's regulations shall require, as a condition of initial licensure or, if appropriate, license renewal, that the applicant shall: (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, community relations, and shaken baby syndrome and its effects; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

G. In addition, the Department shall:

1. Notify relevant local governments and placing and funding agencies, including the Office of Comprehensive Children's Services, of multiple health and safety or human rights violations in residential facilities for which the Department serves as lead licensure agency when such violations result in the lowering of the licensure status of the facility to provisional;

2. Post on the Department's website information concerning the application for initial licensure of or renewal, denial, or provisional licensure of any residential facility for children located in the locality;

3. Require all licensees to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents;

4. Require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan;

5. Disseminate to local governments, or post on the Department's website, an accurate (updated weekly or monthly as necessary) list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency; and

6. Modify the term of the license at any time during the term of the license based on a change in compliance.

**§ 66-24. Community group homes and other residential facilities for certain juveniles; licensure; personnel; summary suspension under certain circumstances; penalty.**

A. The Department of Juvenile Justice shall cooperate with other state departments in fulfilling their respective licensing and certification responsibilities of children's residential facilities. The Board shall promulgate regulations that

shall allow the Department to so assist and cooperate with other state departments. The Board's regulations shall establish the Department as the single licensing agency, with the exception of educational programs licensed by the Department of Education, for group homes or residential facilities providing care of juveniles in direct state care.

B. The Department is authorized to establish and maintain such a system of community group homes or other residential care facilities as the Department may from time to time acquire, construct, contract for or rent for the care of juveniles in direct state care, pending development of more permanent placement plans. Any community group home or other residential care facility that the Department may contract for or rent for the care of juveniles in direct state care shall be licensed or certified in accordance with the regulations of the Board.

Any more permanent placement plans shall consider adequate care and treatment, and suitable education, training and employment for such juveniles, as is appropriate.

C. The Department is further authorized to employ necessary personnel for community group homes or other residential care facilities or to contract with private entities for their operation. The Department shall conduct background checks of any individual who (i) accepts a position of employment at a community group home or other residential care facility, (ii) volunteers at a community group home or other residential care facility on a regular basis and will be alone with a juvenile in the performance of his duties, or (iii) provides contractual services directly to a juvenile in a community group home or other residential care facility on a regular basis and will be alone with a juvenile in the performance of his duties, pursuant to § 63.2-1726.

D. The Board shall promulgate regulations for licensure or certification of community group homes or other residential care facilities that contract with or are rented for the care of juveniles in direct state care pursuant to subsection B.

The Board's regulations shall address the services required to be provided in such facilities as it may deem appropriate to ensure the welfare and safety of the juveniles. In addition, the Board's regulations shall include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

E. Pursuant to the procedures set forth in subsection F and in addition to any other legally authorized disciplinary actions, the Director may issue a summary order of suspension of the license or certificate of any group home or residential facility so regulated by the Department, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the juveniles who are residents and the Director believes the operation of the home or facility should be suspended during the pendency of such proceeding.

F. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or certificate holder or its designee as soon as practicable thereafter by personal service and certified mail, return receipt requested, to the address of record of the licensee or certificate holder. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Director or his designee.

After such hearing, the Director may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee or certificate holder may appeal the Director's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Director had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Director may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of the juveniles who are residents of a home or facility whose license or certificate has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to such residents.

G. In addition to the requirements set forth above, the Board's regulations shall require, as a condition of initial licensure or, if appropriate, license renewal, that the applicant shall: (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

H. In addition, the Department shall:

1. Notify relevant local governments and placing and funding agencies, including the Office of Comprehensive Children's Services, of multiple health and safety or human rights violations in residential facilities licensed by the Department when such violations result in the lowering of the licensure or certification status of the facility to provisional;

2. Post on the Department's website information concerning the application for initial licensure or certification of or renewal, denial, or provisional licensure or certification of any residential facility for children located in the locality;
3. Require all licensees or certificate holders to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents;
4. Require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan;
5. Modify the term of the license or certificate at any time during the term of the license or certificate based on a change in compliance; and
6. Disseminate to local governments, or post on the Department's website, an accurate (updated weekly or monthly as necessary) list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency.

### CHAPTER 367

*An Act to redesign the School Performance Report Card and repeal Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014.*

[S 727]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *No later than July 1, 2016, the Board of Education, in consultation with the Standards of Learning Innovation Committee, shall redesign the School Performance Report Card so that it is more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions in the Commonwealth. The Board, in redesigning the School Performance Report Card, may consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate statement of performance for each public elementary and secondary school and local school division in the Commonwealth. No later than October 1, 2015, the Board shall provide notice and solicit public comment on the redesigned School Performance Report Card. No later than December 1, 2015, the Board shall make a summary of the redesigned School Performance Report Card available to the public and submit such summary to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall make available to the public a School Performance Report Card for each public elementary and secondary school and local school division in the Commonwealth.*

**2. That Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014 are repealed.**

### CHAPTER 368

*An Act to redesign the School Performance Report Card and repeal Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014.*

[H 1672]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *No later than July 1, 2016, the Board of Education, in consultation with the Standards of Learning Innovation Committee, shall redesign the School Performance Report Card so that it is more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions in the Commonwealth. The Board, in redesigning the School Performance Report Card, may consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors that the Board deems necessary to produce a full and accurate statement of performance for each public elementary and secondary school and local school division in the Commonwealth. No later than October 1, 2015, the Board shall provide notice and solicit public comment on the redesigned School Performance Report Card. No later than December 1, 2015, the Board shall make a summary of the redesigned School Performance Report Card available to the public and submit such summary to the Chairman of the House Committee on Education and the Chairman of the Senate Committee on Education and Health. No later than October 1, 2016, and each October 1 thereafter, the Board shall make available to the public a School*

*Performance Report Card for each public elementary and secondary school and local school division in the Commonwealth.*

**2. That Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014 are repealed.**

### CHAPTER 369

*An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, 22.1-7.1, 22.1-25, and 23-14 of the Code of Virginia and to repeal Chapter 4.1 (§§ 22.1-27.1 through 22.1-27.6) of Title 22.1 of the Code of Virginia, relating to the Opportunity Educational Institution; repeal.*

[S 821]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, 22.1-7.1, 22.1-25, and 23-14 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; ~~to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1;~~ to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

**§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services,

who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; ~~to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1;~~ to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

**§ 22.1-7.1. Open school enrollment policy.**

A. Any local school board may establish and implement policies to provide for the open enrollment to any school; ~~not including a school previously in the school division that is currently under the supervision of the Opportunity Educational Institution,~~ of any student residing within the school division upon the request of a parent or guardian. In developing such policies, a local school board may include the following conditions and limitations:

1. An application process whereby a parent or guardian indicates a school preference for purposes of his child attending a school in the child's school division but outside of the attendance area in which the child resides;
2. A requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school;
3. A requirement that a student may be disqualified from attending a school other than his assigned school if he has been subject to a specified disciplinary action;
4. A prohibition on the recruitment of a student from one school to another by a school division employee;
5. A limitation on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school;
6. A random, unbiased selection process in the event open enrollment requests exceed the capacity of a school;
7. A provision that a student shall be permitted to remain at the receiving school until the student has completed the highest grade level in the school; and
8. A preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) who has a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

B. A copy of the school division's policies for open enrollment, if any, shall be posted on the division's website and shall be available to the public upon request.

C. Nothing in this section shall interfere with a local school board's authority to adopt a pupil placement plan pursuant to § 22.1-79.

D. For the purposes of this section, "open enrollment" means a policy adopted and implemented by a local school board to allow any student to enroll in any school within the school division of attendance regardless of the location of the student's residence.

**§ 22.1-25. How school divisions made.**

A. The Board of Education shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the standards of quality required by of Article VIII, Section 2 of the Constitution of Virginia, subject to the following conditions:

1. The school divisions as they exist on July 1, 1978, shall be and remain the school divisions of the Commonwealth until further action of the Board of Education taken in accordance with the provisions of this section except that when a town becomes an independent city, the town shall also become a school division.
2. No school division shall be divided or consolidated without the consent of the school board thereof and the governing body of the county or city affected or, if a town comprises the school division, of the town council.
3. No change shall be made in the composition of any school division if such change conflicts with any joint resolution expressing the sense of the General Assembly with respect thereto adopted at the session next following January 1 of the year in which the composition of such school division is to be changed.

~~4. There shall be a statewide school division called the Opportunity Educational Institution to carry out the purposes set forth in Chapter 4.1 (§ 22.1-27.1 et seq.).~~

B. Notice of any change in the composition of a school division proposed by the Board of Education shall be given by the Superintendent of Public Instruction, on or before January 1 of the year in which the composition of such school division is to be changed, to the clerks of the school board and of the governing body involved and to each member of the General Assembly.

C. Subject to the conditions set forth in subsection A, the Board of Education shall consider the following criteria in determining appropriate school divisions:

1. The school-age population of the school division proposed to be divided or consolidated.
2. The potential of the proposed school division to facilitate the offering of a comprehensive program for kindergarten through grade 12 at the level of the established standards of quality.
3. The potential of the proposed school division to promote efficiency in the use of school facilities and school personnel and economy in operation.
4. Anticipated increase or decrease in the number of children of school age in the proposed school division.
5. Geographical area and topographical features as they relate to existing or available transportation facilities designed to render reasonable access by pupils to existing or contemplated school facilities.
6. The ability of each existing school division to meet the standards of quality with its own resources and facilities or in cooperation with another school division or divisions if arrangements for such cooperation have been made.

D. Consistent with the authority of the Board pursuant to Article VIII, Section 5 of the Constitution of Virginia to designate school divisions in the Commonwealth of such geographic size and school-age population as will best promote the realization of the standards of quality, local school boards may submit proposals for the consolidation of school divisions to the Board of Education. Prior to the submission of a consolidation proposal, the submitting school board shall give notice to the public and shall conduct one or more public hearings.

School divisions submitting proposals for consolidation shall include such information and data as may be necessary to support their proposal, including (i) the criteria set forth in subsection C; (ii) evidence of the cost savings to be realized by such consolidation; (iii) a plan for the transfer of title to school board property to the resulting combined school board governing the consolidated division; (iv) procedures and a schedule for the proposed consolidation, including completion of current division superintendent and school board member terms; (v) a plan for proportional school board representation of the localities comprising the new school division, including details regarding the appointment or election processes currently ensuring such representation and other information as may be necessary to evidence compliance with federal and state laws governing voting rights; and (vi) evidence of local support for the proposed consolidation.

For five years following completion of such consolidation, the computation of the state and local share for an educational program meeting the standards of quality for school divisions resulting from consolidations approved pursuant to this subsection shall be the lower composite index of local ability-to-pay of the applicant school divisions, as provided in the appropriation act.

**§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.**

The College of William and Mary in Virginia, at Williamsburg; Richard Bland College of the College of William and Mary at Dinwiddie and Prince George; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Institute for Advanced Learning and Research; *and* the New College Institute; ~~and the Opportunity Educational Institution~~ are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

**2. That Chapter 4.1 (§§ 22.1-27.1 through 22.1-27.6) of Title 22.1 of the Code of Virginia is repealed.**

**CHAPTER 370**

*An Act to amend and reenact § 22.1-93 of the Code of Virginia, relating to governing bodies of counties; approval of school budget.*

[S 842]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-93 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-93. Approval of annual budget for school purposes.**

Notwithstanding any other provision of law, including but not limited to Chapter 25 (§ 15.2-2500 et seq.) of Title 15.2, the governing body of a county shall prepare and approve an annual budget for educational purposes by May first or within thirty days of the receipt by the county of the estimates of state funds, whichever shall later occur, and the governing body of a municipality shall *each* prepare and approve an annual budget for educational purposes by May fifteen 15 or within thirty

30 days of the receipt by the *county or* municipality of the estimates of state funds, whichever shall later occur. Upon approval, each local school division shall publish the approved annual budget, including the estimated required local match, on the division's website, and the document shall also be made available in hard copy as needed to citizens for inspection.

The Superintendent of Public Instruction shall, no later than the fifteenth day following final adjournment of the Virginia General Assembly in each session, submit estimates to be used for budgetary purposes relative to the Basic School Aid Formula to each school division and to the local governing body of each county, city and town that operates a separate school division. Such estimates shall be for each year of the next biennium or for the then next fiscal year.

### CHAPTER 371

*An Act to amend and reenact § 22.1-93 of the Code of Virginia, relating to public schools; annual budget publication.*

[S 1286]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 22.1-93 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 22.1-93. Approval of annual budget for school purposes.**

Notwithstanding any other provision of law, including but not limited to Chapter 25 (§ 15.2-2500 et seq.) of Title 15.2, the governing body of a county shall prepare and approve an annual budget for educational purposes by May first or within thirty days of the receipt by the county of the estimates of state funds, whichever shall later occur, and the governing body of a municipality shall prepare and approve an annual budget for educational purposes by May fifteen or within thirty days of the receipt by the municipality of the estimates of state funds, whichever shall later occur. Upon approval, each local school division shall publish the approved annual budget *in line item form*, including the estimated required local match, on the division's website, and the document shall also be made available in hard copy as needed to citizens for inspection.

The Superintendent of Public Instruction shall, no later than the fifteenth day following final adjournment of the Virginia General Assembly in each session, submit estimates to be used for budgetary purposes relative to the Basic School Aid Formula to each school division and to the local governing body of each county, city and town that operates a separate school division. Such estimates shall be for each year of the next biennium or for the then next fiscal year.

### CHAPTER 372

*An Act to amend and reenact § 22.1-260 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-287.02, relating to student identification numbers.*

[S 1293]

Approved March 19, 2015

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 22.1-260 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-287.02 as follows:**

##### **§ 22.1-260. Reports of children enrolled and not enrolled; nonattendance.**

A. Within 10 days after the opening of the school, each public school principal shall report to the division superintendent:

1. The name, age and grade of each student enrolled in the school, and the name and address of the student's parent or guardian; and

2. To the best of the principal's information, the name of each child subject to the provisions of this article who is not enrolled in school, with the name and address of the child's parent or guardian.

B. At the end of each school year, each public school principal shall report to the division superintendent the number of students by grade level for whom a conference was scheduled as required by § 22.1-258. The division superintendent shall compile such grade level information for the division and provide such information to the Superintendent of Public Instruction annually.

~~C. For the purposes of this section, each student shall present a federal social security number within 90 days of his enrollment. The Board of Education shall, after consulting with the Social Security Administration, promulgate guidelines for determining which students are eligible to obtain social security numbers. In any case in which a student is ineligible, pursuant to these guidelines, to obtain a social security number or the parent is unwilling to present such number, the superintendent or his designee may assign another identifying number to the student or waive this requirement.~~

##### **§ 22.1-287.02. Unique student identification numbers.**

A. *Neither the Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction pursuant to § 22.1-254.1, or his parent, to provide the student's federal social security number.*

*B. The Department of Education shall develop a system of unique student identification numbers. Each local school board shall assign such a number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.*

**2. That the provisions of this act shall become effective on August 1, 2015.**

### CHAPTER 373

*An Act to repeal Article 2 (§§ 3.2-714 through 3.2-731) of Chapter 7 of Title 3.2 of the Code of Virginia, relating to the Pest Control Compact.*

[H 2052]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That Article 2 (§§ 3.2-714 through 3.2-731) of Chapter 7 of Title 3.2 of the Code of Virginia is repealed.**

### CHAPTER 374

*An Act to amend and reenact § 33.2-200 of the Code of Virginia, relating to membership of the Commonwealth Transportation Board.*

[H 2164]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-200 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-200. Commonwealth Transportation Board; membership; terms; vacancies.**

The Board shall have a total membership of 18 members that shall consist of 14 nonlegislative citizen members and four ex officio members as follows: the Secretary of Transportation, the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Executive Director of the Virginia Port Authority. The nonlegislative citizen members shall be appointed by the Governor as provided in § 33.2-201, subject to confirmation by the General Assembly; ~~and shall serve at the pleasure of the Governor.~~ Appointments of nonlegislative citizen members shall be for terms of four years commencing on July 1, upon the expiration of the terms of the existing members, respectively. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No nonlegislative citizen member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. Ex officio members of the Board shall serve terms coincident with their terms of office.

The Secretary shall serve as chairman of the Board and shall have voting privileges only in the event of a tie. The Commissioner of Highways shall serve as vice-chairman of the Board and shall have voting privileges only in the event of a tie when he is presiding during the absence of the chairman. The Director of the Department of Rail and Public Transportation and the Executive Director of the Virginia Port Authority shall not have voting privileges.

**2. That the provisions of this act shall become effective on July 1, 2016.**

### CHAPTER 375

*An Act to designate the park-and-ride facility on Interstate 81 in the Town of Christiansburg the "Kenneth B. Gibson Memorial Park-and-Ride."*

[H 2269]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. The park-and-ride facility on Interstate 81 in the Town of Christiansburg is hereby designated the "Kenneth B. Gibson Memorial Park-and-Ride." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this facility.**

### CHAPTER 376

*An Act to designate a portion of Virginia Route 36 the "Blue Star Memorial Highway."*

[H 2312]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the portion of Virginia Route 36 in Prince George County between the Hopewell city limits and the Petersburg city limits is hereby designated the "Blue Star Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.

**CHAPTER 377**

An Act to authorize the Virginia Marine Resources Commission to convey a permanent easement and rights-of-way across the Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power), for the purpose of installing, constructing, maintaining, repairing, and operating an overhead electric transmission line.

[S 1030]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. The Virginia Marine Resources Commission is hereby authorized to grant and convey to Virginia Electric and Power Company, its successors and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, a permanent easement and right-of-way of 80 feet of width, a right-of-way of 200 feet of width section at the navigational channel, and a temporary right-of-way of a reasonable width as needed for the purpose of installing, constructing, maintaining, repairing, and operating an overhead electric transmission line across the Rappahannock River, including a portion of the Baylor Survey, the center line of such easement being described as follows:

Beginning at a point on the mean low water mark on the south side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the southerly line of the Commonwealth of Virginia and being N 14°48'58" W, a distance of 13.51' from the northwesterly property corner of a parcel of land owned by David B. Wallace and Heidi M. Ott as recorded in Deed Book 282, page 699 in the Clerk's Office of the Circuit Court of Middlesex County, Virginia, said point having a coordinate value of North 3,753,495.48, East 12,081,488.92 based on the Virginia State Plane Coordinate System, South Zone, NAD 1983(2011), thence continuing in the waters of the Rappahannock River, N 40°00'45" E, a distance of 316.22' to a point having a coordinate value of North 3,753.737.68, East 12,081,692.23, thence N 36°59'28" E, a distance of 9889.26' ending at a point on the mean low water mark on the north side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the northerly line of the Commonwealth of Virginia and being S 77°21'59" E, a distance of 53.10' from the southwest property corner of a parcel of land owned by Highbank Association Incorporated as recorded in instrument number LR20080000163 in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, and also being on the northerly line of the Commonwealth of Virginia, having a coordinate value of North 3,761,636.52, East 12,087,642.51 and containing 18.95 acres more or less.

§ 2. The portion of the property described in § 1 that lies within the Baylor Survey shall not be considered part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth and is described as follows:

**Area within Public Ground No. 1 Middlesex County**

Beginning at a point on the southerly line of the Baylor Survey Grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Middlesex County, Virginia (119.001.0300). Said point also being along the centerline of a proposed 80' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,754,367.78, East 12,082,166.90, based on the Virginia State Plane Coordinate System, South Zone, NAD1983(2011) and being the point of beginning: thence, from said point of beginning along the southerly line of the Baylor Survey Grounds of Public Ground No. 1, N 75°00'02" W, a distance of 43.14' to a point having a coordinate value of North 3,754,378.94, East 12,082,125.23, thence leaving the aforesaid southerly line, N 36°59'28" E, a distance of 2257.07' to a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 having a coordinate value of North 3,756,181.73, East 12,083,483.29, thence along the aforesaid northerly line, S 73°58'25" E, a distance of 42.84' to a point, said point being along the centerline of a proposed 80' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,756,169.90, East 12,083,524.46, thence S 73°58'25" E, a distance of 42.84' to a point having a coordinate value of North 3,756,158.08, East 12,083,565.63, thence leaving the aforesaid northerly line, S 36°59'28" W, a distance of 2255.41' to a point, said point being on the southerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,754,356.61, East 12,082,208.57, thence along the aforesaid southerly line, N 75°00'02" W, a distance of 43.14' to the point of beginning, containing 4.14 acres.

**Area within Public Ground No.1 Lancaster County**

Beginning at a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Lancaster County, Virginia (103.001.0300). Said point also being along the centerline of a proposed 80' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,761,010.52, East 12,087,170.94 based on the Virginia State Plane Coordinate System, South Zone, NAD1983(2011) and being the point of beginning: thence, from said point of beginning along the northerly line of the Baylor Survey Grounds of Public Ground

No. 1, S 36°47'27" E, a distance of 41.66' to a point, having a coordinate value of North 3,760,977.16, East 12,087,195.89, thence leaving the aforesaid northerly line, S 36°59'28" W, a distance of 2235.02' to a point on the southerly line of the Baylor Survey Grounds of Public Ground No. 1, having a coordinate value of North 3,759,191.98, East 12,085,851.10, thence along the aforesaid southerly line, N 55°16'47" W, a distance of 40.03' to a point, said point being along the centerline of a proposed 80' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,759,214.78, East 12,085,818.19, thence N 55°16'47" W, a distance of 40.03' to a point having a coordinate value of North 3,759,237.58, East 12,085,785.29, thence leaving the aforesaid southerly line N 36°59'28" E, a distance of 2261.46' to a point, said point being on the northerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,761,043.88, East 12,087,145.99, thence along the aforesaid northerly line S 36°47'27" E, a distance of 41.66' to the point of beginning, containing 4.13 acres.

§ 3. The instruments granting and conveying the easement and rights-of-way from the Commonwealth to Virginia Electric and Power Company shall be in a form approved by the Attorney General. The legal descriptions above may be modified to correct any errors discovered during the process of finalizing these instruments. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

**2. That an emergency exists and this act is in force from its passage.**

### CHAPTER 378

*An Act to amend and reenact § 58.1-3110 of the Code of Virginia, relating to commissioners of the revenue; production of documents by taxpayers.*

[S 1177]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3110 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3110. Power to summon taxpayers and other persons.**

A. The commissioner may, for the purpose of assessing all taxes assessable by his office, summon the taxpayer or any other person to appear before him at his office, to answer, under oath, questions touching the tax liability of any and all specifically identified taxpayers and to produce documents relating to such tax liability, either or both. For the purposes of administering this section, commissioners and their deputies may administer oaths. The commissioner shall not, however, summon a taxpayer or other person for the tax liability of the taxpayer which is the subject of litigation.

B. Any court of competent jurisdiction may, upon the application of the commissioner or his deputy, compel the compliance of a taxpayer summoned or required to produce documents as required by this section.

C. Every writ, warrant, notice, summons, or other process the commissioner is authorized to issue pursuant to general or local law may be served by the commissioner, or his deputy, or may be directed to the sheriff to be served pursuant to § 8.01-292 and executed and returned in like manner as the civil process of a court of competent jurisdiction.

### CHAPTER 379

*An Act to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to real estate with delinquent taxes or liens; appointment of special commissioner; City of Fredericksburg.*

[S 1229]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3970.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.**

A. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate which meet all of the following: (i) each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair or securing of a building or structure; removal of trash, garbage, refuse, litter; or the cutting of grass, weeds or other foreign growth, (ii) each parcel has an assessed value of \$50,000 or less, and (iii) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or such taxes alone exceed 25 percent of the assessed value of the parcel, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction. After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, ore tenus, prior to the appointment of the special commissioner. Any surplusage accruing to a locality as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality.

B. For a parcel or parcels of real estate in the Cities of Norfolk, Richmond, Hopewell, Newport News, Petersburg, Fredericksburg, and Hampton, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$100,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

### CHAPTER 380

*An Act to amend and reenact § 2.2-218 of the Code of Virginia, relating to the Secretary of Natural Resources; development of Watershed Implementation Plans.*

[S 1284]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-218 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-218. Development of Watershed Implementation Plans to restore the water quality and living resources of the Chesapeake Bay and its tributaries.**

The Secretary shall coordinate the development of ~~tributary plans~~ *Watershed Implementation Plans (WIPs) pursuant to the total maximum daily load (TMDL) for the Chesapeake Bay released by the U.S. Environmental Protection Agency in December 2010 and amendment thereto. The WIPs shall be designed to improve water quality and restore the living resources of the Chesapeake Bay and its tributaries. Each plan shall be tributary-specific in nature and prepared for the Potomac, Rappahannock, York, and James River Basins as well as the western coastal basins (comprising the small rivers on the western Virginia mainland that drain to the Chesapeake Bay, not including the Potomac, Rappahannock, York and James Rivers) and the eastern coastal basin (encompassing the creeks and rivers of the Eastern Shore of Virginia that are west of U.S. Route 13 and drain to the Chesapeake Bay).* Each plan shall (i) address the reduction of nutrients and suspended solids, including sediments, entering the Chesapeake Bay and its tributaries and (ii) summarize other existing programs, strategies, goals and commitments for reducing toxics; the preservation and protection of living resources; and the enhancement of the amount of submerged aquatic vegetation, for each tributary basin and the Bay. The plans WIPs shall be developed in consultation with affected stakeholders, including, ~~but not limited to,~~ local government officials; wastewater treatment operators; seafood industry representatives; commercial and recreational fishing interests; developers; farmers; local, regional and statewide conservation and environmental interests; and the Virginia delegation to the Chesapeake Bay Commission.

### CHAPTER 381

*An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to gas severance tax.*

[S 1308]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3713. (Expires December 31, 2015) Local gas road improvement and Virginia Coalfield Economic Development Authority tax.**

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Coal and Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Coal and Gas Road Improvement

Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Coal and Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Coal and Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Coal and Gas Road Improvement Fund collected from the severance tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Coal and Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. ~~The provisions of this section shall expire on December 31, 2015. No tax shall be imposed under this section on or after January 1, 2018.~~

## CHAPTER 382

*An Act to amend and reenact §§ 58.1-609.1, 58.1-611.2, and 58.1-611.3 of the Code of Virginia, relating to temporary exemption periods from retail sales and use taxes for qualifying items.*

[S 1319]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-609.1, 58.1-611.2, and 58.1-611.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-609.1. Governmental and commodities exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the ~~four-day~~ *three-day* period that begins each year on the ~~first Friday before the second Monday in October~~ *first Friday in August* and ends at ~~midnight~~ *11:59 p.m.* on the ~~second Monday in October~~ *following Sunday*.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

**§ 58.1-611.2. Limited exemption for certain school supplies, clothing, and footwear.**

Beginning in ~~2006~~ *2015*, and ending *July 1, 2017*, for a three-day period that begins each year on the first Friday in August and ends at ~~midnight~~ *11:59 p.m.* on the ~~first Sunday in August~~ *following Sunday*, the tax imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to certain (i) school supplies, including, but not limited to, dictionaries, notebooks, pens, pencils, notebook paper, and calculators, and (ii) clothing and footwear designed to be worn on or about the human body. The tax exemption shall apply to each article of school supplies with a selling price of \$20 or less, and each article of clothing or footwear with a selling price of \$100 or less. Any discount, coupon, or other credit offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

The Department shall develop guidelines that describe the items of merchandise that qualify for the exemption and make such guidelines available, both electronically and in hard copy, no later than July 15 of each year.

**§ 58.1-611.3. (Expires July 1, 2017) Limited exemption for certain hurricane preparedness equipment.**

Beginning in ~~2008~~ *2015*, for a ~~seven-day~~ *three-day* period that begins each year on ~~May 25~~ *the first Friday in August* and ends at 11:59 p.m. on ~~May 31~~ *the following Sunday*, the tax imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to (i) portable generators used to provide light or communications or preserve food in the event of a power outage and; (ii) certain other hurricane preparedness equipment, including, but not limited to, blue ice, carbon monoxide detectors, cell phone batteries, cell phone chargers, gas or diesel fuel tanks, nonelectric food storage coolers, portable self-powered light sources, portable self-powered radios, two-way radios, weather band radios, storm shutter devices, tarpaulins or other flexible waterproof sheeting, ground anchor systems or tie down kits, gas-powered chain saws and chain saw accessories, and packages of AAA cell, AA cell, C cell, D cell, 6 volt, or 9 volt batteries, excluding automobile and boat batteries. As used in this section, "storm shutter" means materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms. The tax exemption shall apply to each portable generator with a selling price of \$1,000 or less, each gas-powered chainsaw with a selling price of \$350 or less, and each article of other hurricane preparedness equipment with a selling price of \$60 or less. Any discount, coupon, or other credit offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

The Department shall develop guidelines that describe the items of merchandise that qualify for the exemption and make such guidelines available, both electronically and in hard copy, no later than ~~May~~ *July* 15 of each year.

## CHAPTER 383

*An Act to amend and reenact § 62.1-132.6 of the Code of Virginia, relating to the Virginia Port Authority; exemptions from Public Procurement Act.*

[S 1359]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-132.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-132.6. Powers not restrictive; exemptions from Public Procurement Act and the Virginia Personnel Act.**

A. The Authority shall have the power to perform any act or carry out any function not inconsistent with state law, whether included in the provisions of this chapter, which may be, or tend to be, useful in carrying out the provisions of this chapter. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any of its powers in accordance with this chapter, provided the Authority implement, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

B. The provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2 shall not apply to the Authority.

C. Additionally, the provisions of §§ 2.2-1124, 2.2-1131.1, 2.2-1136, 2.2-1149, 2.2-1150, and 2.2-1153; ~~2.2-1154~~; and through 2.2-1156 shall not apply to the Authority provided that (i) the Authority adopts and the Board approves *policies or regulations* governing the acquisition, lease, or sale of surplus and real property consistent with the provisions of the above-referenced sections; and (ii) any acquisition, lease, or sale of real property valued in excess of \$20 million shall be approved by the Governor.

D. Additionally, the provisions of §§ 2.2-1117 and 53.1-47 shall not apply to the Authority.

**2. That the Virginia Port Authority shall develop policies or adopt regulations to implement the provisions of this act by January 1, 2017.**

**3. Prior to January 1, 2017, the Virginia Port Authority may exercise the authority granted by this act subject to the approval of the Secretary of Transportation.**

## CHAPTER 384

*An Act to amend the Code of Virginia by adding in Chapter 16 of Title 23 an article numbered 2.1, consisting of a section numbered 23-220.5, relating to the State Board for Community Colleges; policy for the award of academic credit for military training.*

[H 2354]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 16 of Title 23 an article numbered 2.1, consisting of a section numbered 23-220.5, as follows:**

*Article 2.1.*

*Award of Academic Credit for Military Training Applicable to the Student's Certificate of Degree Requirements.*

**§ 23-220.5. Policy for the award of academic credit for military training.**

A. The State Board shall adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is:

1. Recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs;

2. Noted on the student's military transcript issued by any of the armed forces of the United States; or

3. Otherwise documented in writing by any of the armed forces of the United States.

B. The State Board shall:

1. Develop a procedure for each comprehensive community college to receive the documentation necessary to identify and verify the military training course or program for which the student has applied for academic credit; and

2. Develop, maintain, and disseminate to each comprehensive community college a list of military training courses and programs that it has deemed qualified for the award of academic credit.

C. Each comprehensive community college shall provide a copy of the State Board's policy for the award of academic credit for military training courses or programs to each student applicant.

**2. That the State Board for Community Colleges shall adopt a policy for the award of academic credit for military training pursuant to this act no later than December 31, 2015.**

## CHAPTER 385

*An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure; career and technical education endorsement.*

[H 2137]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means ~~a~~ *an active* career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a ~~state~~ professional license *in the Commonwealth*, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into ~~Virginia~~ *the Commonwealth* from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in ~~Virginia~~ *the Commonwealth* and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

5. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille; and

6. Every teacher seeking ~~an initial licensure license in the Commonwealth~~ with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. *If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.*

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, *pursuant to subdivision D 6* or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

## CHAPTER 386

*An Act to amend and reenact § 22.1-18 of the Code of Virginia, relating to the Board of Education; annual report on the condition and needs of public education in the Commonwealth.*

[H 2169]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-18 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-18. Report on education and standards of quality for school divisions; when submitted and effective.**

By ~~November 15~~ *December 1* of each year, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein ~~which~~ *that* have failed to establish and maintain schools meeting the existing prescribed standards of quality. Such standards of quality shall be subject to revision only by the General Assembly, pursuant to Article VIII, Section 2 of the Constitution of Virginia. Such report shall include a complete listing of the current standards of quality for the Commonwealth's public schools, together with a justification for each particular standard, how long each such standard has been in its current form, and whether the Board recommends any change or addition to the standards of quality. Such report shall also include information regarding parent and student choice within each school division and any plans of such school divisions to increase school choice.

## CHAPTER 387

*An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-321.1, relating to epinephrine; possession and administration in private schools.*

[H 2216]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-321.1 as follows:**

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency

medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for

whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. *Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.*

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

~~14.~~ 15. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

~~15.~~ 16. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 22.1-321.1. Possession and administration of epinephrine.**

*By the beginning of the 2016 - 2017 school year, the Board shall promulgate regulations for the possession and administration of epinephrine in every school for students with disabilities, to be administered by any employee of the school who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction.*

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

*Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.*

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health

may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary

of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

## CHAPTER 388

*An Act to amend and reenact § 22.1-77 of the Code of Virginia, relating to school board clerks; electronic maintenance of records.*

[H 2245]

Approved March 19, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-77 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-77. Duties of clerk.**

The clerk of the school board shall keep in a separate volume the minutes of the meetings of the school board, including all bids submitted on any building, material, supplies, work, or project to be let to contract by such school board, and in another volume a receipt and disbursement record as prescribed by the Board of Education and shall keep on file vouchers, contracts, and other official papers. They shall be subject to such periodic examinations as shall be prescribed or approved by the Board of Education. *The clerk may keep such volumes, vouchers, contracts, and other official papers electronically.* The clerk shall discharge, under the general direction of the division superintendent, such other duties in connection with the business of the school division as may be required of him by the school board or the Board of Education.

## CHAPTER 389

An Act to amend and reenact § 15.2-958.3 of the Code of Virginia, relating to the financing of clean energy programs.

[H 1446]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-958.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-958.3. Financing clean energy programs.**

A. Any locality may, by ordinance, authorize contracts to provide loans for the initial acquisition and installation of clean energy improvements with free and willing property owners of both existing properties and new construction. Such an ordinance shall include but not be limited to the following:

1. The kinds of ~~distributed generation~~ renewable energy ~~sources or energy production and distribution facilities,~~ *energy usage efficiency improvements, or water usage efficiency improvements* for which loans may be offered;

2. The proposed arrangement for such loan program, including (i) a statement concerning the source of funding that will be used to pay for work performed pursuant to the contracts; (ii) the interest rate and time period during which contracting property owners would repay the loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality;

3. A minimum and maximum aggregate dollar amount which may be financed;

4. A method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. *A locality may contract with a third party for professional services to administer such loan program;*

6. *Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as (i) a program application fee paid by the property owner requesting to participate in the program, (ii) a component of the interest rate on the assessment in the written contract between the locality and the property owner, or (iii) a combination of (i) and (ii); and*

~~6-7.~~ A draft contract specifying the terms and conditions proposed by the locality.

B. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. The locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

D. In order to secure the loan authorized pursuant to this section, the locality shall be authorized to place a *voluntary special assessment* lien equal in value to the loan against any property where such clean energy systems are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the *voluntary special assessment* liens to remain in full force to secure the loans.

E. *A voluntary special assessment lien on real property other than a residential dwelling with fewer than five dwelling units or a condominium project as defined in § 55-79.2:*

1. *Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefitted property is not in dispute is submitted to the locality prior to recording of the special assessment lien;*

2. *Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;*

3. *May be enforceable by the local government in the same manner that a property tax lien against real property may be enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and*

4. *May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.*

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality.

**2. That the Department of Mines, Minerals and Energy (DMME) shall develop uniform statewide financial underwriting guidelines for loans made under § 15.2-958.3. In developing the guidelines, DMME shall incorporate input from representatives of the Virginia Bankers Association, the Virginia Energy Efficiency Council, the Virginia Association of Realtors, the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Association for Commercial Real Estate. The guidelines shall require an evaluation of each of the following criteria: the loan to value ratio, the voluntary special assessment to assessed value ratio, the savings to investment ratio, the requirement for energy assessments, and any provision addressing the disclosure of voluntary special assessments to a subsequent owner of the property. DMME shall finalize the uniform financial underwriting guidelines no later than December 1, 2015.**

## CHAPTER 390

*An Act to amend and reenact § 15.2-2304 of the Code of Virginia, relating to affordable dwelling unit; City of Fairfax.*

[H 1471]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2304 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2304. Affordable dwelling unit ordinances in certain localities.**

In furtherance of the purpose of providing affordable shelter for all residents of the Commonwealth, the governing ~~bodies~~ *body* of any county where the urban county executive form of government or the county manager plan of government is in effect, the Counties of Albemarle and Loudoun, and the ~~City~~ *Cities* of Alexandria *and Fairfax* may by amendment to the zoning ordinances of such ~~localities~~ *locality* provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement outside of such program to contribute to a county or city housing fund.

Any local ordinance of any other locality providing optional increases in density for provision of low and moderate income housing adopted before December 31, 1988, shall continue in full force and effect.

## CHAPTER 391

*An Act to amend and reenact § 16.1-284.1 of the Code of Virginia, relating to detention of delinquent juveniles; offenses causing death.*

[H 1474]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 16.1-284.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-284.1. Placement in secure local facility.**

A. If a juvenile 14 years of age or older is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility as defined in § 53.1-1, and the court determines (i) that the juvenile has not previously been and is not currently adjudicated delinquent of a violent juvenile felony or found guilty of a violent juvenile felony, (ii) that the juvenile has not been released from the custody of the Department within the previous 18 months, (iii) that the interests of the juvenile and the community require that the juvenile be placed under legal restraint or discipline, and (iv) that other placements authorized by this title will not serve the best interests of the juvenile, then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed six months from the date the order is entered, for a single offense or multiple offenses. *However, if the single offense or multiple offenses, which if committed by an adult would be punishable as a felony or a Class 1 misdemeanor, caused the death of any person, then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed 12 months from the date the order is entered.*

The period of confinement ordered may exceed 30 calendar days if the juvenile has had an assessment completed by the secure facility to which he is ordered concerning the appropriateness of the placement.

B. If the period of confinement in a detention home or other secure facility for juveniles is to exceed 30 calendar days, and the juvenile is eligible for commitment pursuant to subdivision A 14 of § 16.1-278.8, then the court shall order the juvenile committed to the Department, but suspend such commitment. In suspending the commitment to the Department as

provided for in this subsection, the court shall specify conditions for the juvenile's satisfactory completion of one or more community or facility based treatment programs as may be appropriate for the juvenile's rehabilitation.

C. During any period of confinement which exceeds 30 calendar days ordered pursuant to this section, the court shall conduct a mandatory review hearing at least once during each 30 days and at such other times upon the request of the juvenile's probation officer, for good cause shown. If it appears at such hearing that the purpose of the order of confinement has been achieved, the juvenile shall be released on probation for such period and under such conditions as the court may specify and remain subject to the order suspending commitment to the State Department of Juvenile Justice. If the juvenile's commitment to the Department has been suspended as provided in subsection B of this section, and if the court determines at the first or any subsequent review hearing that the juvenile is consistently failing to comply with the conditions specified by the court or the policies and program requirements of the facility, then the court shall order that the juvenile be committed to the State Department of Juvenile Justice. If the court determines at the first or any subsequent review hearing that the juvenile is not actively involved in any community facility based treatment program through no fault of his own, then the court shall order that the juvenile be released under such conditions as the court may specify subject to the suspended commitment.

C1. The appearance of the juvenile before the court for a hearing pursuant to subsection C may be by (i) personal appearance before the judge or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, a judge may exercise all powers conferred by law and all communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. A facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

D. A juvenile may only be ordered confined pursuant to this section to a facility in compliance with standards established by the State Board for such placements. Standards for these facilities shall require juveniles placed pursuant to this section for a period which exceeds 30 calendar days be provided separate services for their rehabilitation, consistent with the intent of this section.

E. The Department of Juvenile Justice shall assist the localities or combinations thereof in implementing this section consistent with the statewide plan required by § 16.1-309.4 and pursuant to standards promulgated by the State Board, in order to ensure the availability and reasonable access of each court to the facilities the use of which is authorized by this section.

## CHAPTER 392

*An Act to amend the Code of Virginia by adding in Article 3 of Chapter 4 of Title 18.2 a section numbered 18.2-50.3, relating to enticing, etc., another into a dwelling house with intent to commit certain felonies; penalty.*

[H 1493]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 3 of Chapter 4 of Title 18.2 a section numbered 18.2-50.3 as follows:**

**§ 18.2-50.3. Enticing, etc., another into a dwelling house with intent to commit certain felonies; penalty.**

*Any person who commits a violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-48, 18.2-51.2, 18.2-58, 18.2-61, 18.2-67.1, or 18.2-67.2 within a dwelling house and who, with the intent to commit a felony listed in this section, enticed, solicited, requested, or otherwise caused the victim to enter such dwelling house is guilty of a Class 6 felony. A violation of this section is a separate and distinct felony.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 393

*An Act to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; bed and breakfast licenses.*

[H 1645]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-206 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) *permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.*

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or

otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

## CHAPTER 394

*An Act to amend and reenact §§ 55-225.8 and 55-248.5 of the Code of Virginia, relating to landlord and tenant laws; applicability to campgrounds.*

[H 1739]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 55-225.8 and 55-248.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-225.8. Residential dwelling units subject to this chapter; definitions; exceptions; application to certain occupants.**

A. As used in this chapter, the following definitions apply:

"Authorized occupant" means a person entitled to occupy a dwelling unit with the consent of the landlord, but who has not signed the rental agreement and therefore does not have the financial obligations as a tenant under the rental agreement.

"Dwelling unit" or "residential dwelling unit" means a single-family residence where one or more persons maintain a household, including a manufactured home. Dwelling unit or residential dwelling unit shall not include:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;

2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

3. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging as provided in subsection B;

4. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative; ~~and~~

5. Occupancy under a rental agreement covering premises used by the occupant primarily in connection with business, commercial, or agricultural purposes; *and*

6. *Occupancy in a campground as defined in § 35.1-1.*

"Guest or invitee" means a person, other than the tenant or person authorized by the landlord to occupy the dwelling unit, who has the permission of the tenant to visit but not to occupy the premises.

"Interior of the dwelling unit" means the inside of the dwelling unit, consisting of interior walls, floor, and ceiling, that enclose the dwelling unit as conditioned space from the outside air.

"Landlord" means the owner or lessor of the dwelling unit or the building of which such dwelling unit is a part. "Landlord" also includes a managing agent of the premises who fails to disclose the name of such owner, lessor, or sublessor. Such managing agent shall be subject to the provisions of § 16.1-88.03.

"Managing agent" means a person authorized by the landlord to act on behalf of the landlord under an agreement.

"Mold remediation in accordance with professional standards" means mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the United States Environmental Protection Agency, the U.S. Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents.

"Notice" means notice given in writing by either regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice, which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender. However, a person shall be deemed to have notice of a fact if he has actual knowledge of it, he has received a verbal notice of it, or from all of the facts and circumstances known to him at the time in question, he has reason to know it exists. A person "notifies" or "gives" a notice or notification to another by taking steps

reasonably calculated to inform another person whether or not the other person actually comes to know of it. If notice is given that is not in writing, the person giving the notice has the burden of proof to show that the notice was given to the recipient of the notice.

"Readily accessible" means areas within the interior of the dwelling unit available for observation at the time of the move-in inspection that do not require removal of materials, personal property, equipment, or similar items.

"Tenant" means a person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

"Visible evidence of mold" means the existence of mold in the dwelling unit that is visible to the naked eye by the landlord or tenant in areas within the interior of the dwelling unit readily accessible at the time of the move-in inspection.

For any term not expressly defined herein, terms shall have the same meaning as those defined in § 55-248.4.

B. No guest who is an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging shall be construed to be a tenant living in a dwelling unit as defined in this section if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter and the innkeeper or property owner, or agent thereof, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant thereto, which would otherwise be required under this chapter. For purposes of this chapter, a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

C. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

D. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be treated as a dwelling unit and be subject to the provisions of this chapter.

**§ 55-248.5. Exemptions; exception to exemption; application of chapter to certain occupants.**

A. Except as specifically made applicable by § 55-248.21:1, the following conditions are not governed by this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar services;
2. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;
3. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
4. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging as provided in subsection B;
5. Occupancy by an employee of a landlord whose right to occupancy is conditioned upon employment in and about the premises or an ex-employee whose occupancy continues less than sixty days;
6. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
7. Occupancy under a rental agreement covering premises used by the occupant primarily in connection with business, commercial or agricultural purposes;
8. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development where such regulation is inconsistent with this chapter;
9. Occupancy by a tenant who pays no rent; ~~and~~
10. Occupancy in single-family residences where the owners are natural persons or their estates who own in their own name no more than two single-family residences subject to a rental agreement; *and*
11. *Occupancy in a campground as defined in § 35.1-1.*

B. A guest who is an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter and the innkeeper or property owner, or agent thereof, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant thereto, which would otherwise be required under this chapter. For purposes of this chapter, a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

C. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of

nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

D. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as their primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

E. Notwithstanding the provisions of subsection A, the landlord may specifically provide for the applicability of the provisions of this chapter in the rental agreement.

## CHAPTER 395

*An Act to amend and reenact § 18.2-355 of the Code of Virginia, relating to pandering; minors.*

[H 2040]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-355 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking.**

Any person who:

(1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or

(2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or

(3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or

(4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering; ~~and shall be guilty of.~~

*A violation of subdivision (1), (2), or (3) is punishable as a Class 4 felony. A violation of subdivision (4) is punishable as a Class 3 felony.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 396

*An Act to amend and reenact § 45.1-361.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 45.1-361.22:2, relating to the release of funds held in escrow.*

[H 2058]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 45.1-361.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 45.1-361.22:2 as follows:**

**§ 45.1-361.1. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise:

"Abandonment of a well" or "cessation of well operations" means the time at which (i) a gas or oil operator has ceased operation of a well and has not properly plugged the well and reclaimed the site as required by this chapter, (ii) the time at which a gas or oil operator has allowed the well to become incapable of production or conversion to another well type, or (iii) the time at which the Director revokes a permit or forfeits a bond covering a gas or oil operation.

"Associated facilities" means any facility utilized for gas or oil operations in the Commonwealth, other than a well or a well site.

"Barrel" means forty-two U.S. gallons of liquids, including slurries, at a temperature of sixty degrees Fahrenheit.

"Board" means the Virginia Gas and Oil Board.

"Coalbed methane gas" means occluded natural gas produced from coalbeds and rock strata associated therewith.

"Coalbed methane gas well" means a well capable of producing coalbed methane gas.

"Coalbed methane gas well operator" means any person who has been designated to operate or does operate a coalbed methane gas well.

*"Coal claimant" means a person identified as possessing an interest in production royalties when a drilling unit is force-pooled or who asserts or possesses a claim to funds that are held in escrow, for a force-pooled coalbed methane gas well, or in suspense, for a voluntarily pooled coalbed methane gas well, by virtue of owning an interest in the coal estate contained within the drilling unit subject to the pooling order or agreement.*

"Coal operator" means any person who has the right to operate or does operate a coal mine.

"Coal owner" means any person who owns, leases, mines and produces, or has the right to mine and produce, a coal seam.

"Coal seam" means any stratum of coal twenty inches or more in thickness, unless a stratum of less thickness is being commercially worked, or can in the judgment of the Department foreseeably be commercially worked and will require protection if wells are drilled through it.

"Correlative rights" means the right of each gas or oil owner having an interest in a single pool to have a fair and reasonable opportunity to obtain and produce his just and equitable share of production of the gas or oil in such pool or its equivalent without being required to drill unnecessary wells or incur other unnecessary expenses to recover or receive the gas or oil or its equivalent.

"Cubic foot of gas" means the volume of gas contained in one cubic foot of space at a standard pressure base of 14.73 pounds per square foot and a standard temperature base of sixty degrees Fahrenheit.

"Disposal well" means any well drilled or converted for the disposal of drilling fluids, produced waters, or other wastes associated with gas or oil operations.

"Drilling unit" means the acreage on which one gas or oil well may be drilled.

"Enhanced recovery" means (i) any activity involving injection of any air, gas, water or other fluid into the productive strata, (ii) the application of pressure, heat or other means for the reduction of viscosity of the hydrocarbons, or (iii) the supplying of additional motive force other than normal pumping to increase the production of gas or oil from any well, wells or pool.

*"Evidence of a proceeding or agreement" means written evidence that (i) the coal claimant has filed and has pending a judicial or arbitration proceeding against the gas claimant to determine the ownership of the coalbed methane gas and the right to the funds held in escrow or suspense or (ii) the coal claimant and gas claimant have reached an agreement to apportion the funds between them.*

"Exploratory well" means any well drilled (i) to find and produce gas or oil in an unproven area, (ii) to find a new reservoir in a field previously found to be productive of gas or oil in another reservoir, or (iii) to extend the limits of a known gas or oil reservoir.

"Field rules" means rules established by order of the Virginia Gas and Oil Board that define a pool, drilling units, production allowables, or other requirements for gas or oil operations within an identifiable area.

"First point of sale" means, for oil, the point at which the oil is sold, exchanged or transferred for value from one person to another person, or when the original owner of the oil uses the oil, the point at which the oil is transported off the permitted site and delivered to another facility for use by the original owner; and for gas, the point at which the gas is sold, exchanged or transferred for value to any interstate or intrastate pipeline, any local distribution company, any person for use by such person, or when the gas is used by the owner of the gas for a purpose other than the production or transportation of the gas, the point at which the gas is delivered to a facility for use.

"Fund" means the Gas and Oil Plugging and Restoration Fund.

"Gas" or "natural gas" means all natural gas whether hydrocarbon or nonhydrocarbon or any combination or mixture thereof, including hydrocarbons, hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casing head gas, and all other fluids not defined as oil pursuant to this section.

*"Gas claimant" means a person identified as possessing an interest in production royalties when a drilling unit is forced-pooled or who asserts or possesses a claim to funds that are held in escrow, for a force-pooled coalbed methane gas well, or in suspense, for a voluntarily pooled coalbed methane gas well, by virtue of owning an interest in the gas estate contained within the drilling unit subject to the pooling order or agreement.*

"Gas or oil operations" means any activity relating to drilling, redrilling, deepening, stimulating, production, enhanced recovery, converting from one type of a well to another, combining or physically changing to allow the migration of fluid from one formation to another, plugging or replugging any well; ground disturbing activity relating to the development, construction, operation and abandonment of a gathering pipeline; the development, operation, maintenance, and restoration of any site involved with gas or oil operations; or any work undertaken at a facility used for gas or oil operations. The term embraces all of the land or property that is used for or which contributes directly or indirectly to a gas or oil operation, including all roads.

"Gas or oil operator" means any person who has been designated to operate or does operate any gas or oil well or gathering pipeline.

"Gas or oil owner" means any person who owns, leases, has an interest in, or who has the right to explore for, drill or operate a gas or oil well as principal or as lessee. In the event that the gas is owned separately from the oil, the definitions contained herein shall apply separately to the gas owner or oil owner.

*"Gas title conflicts" means conflicting ownership claims between gas claimants; the term does not include conflicting ownership claims between gas claimants and coal claimants.*

"Gathering pipeline" means (i) a pipeline which is used or intended for use in the transportation of gas or oil from the well to a transmission pipeline regulated by the United States Department of Transportation or the State Corporation Commission or (ii) a pipeline which is used or intended for use in the transportation of gas or oil from the well to an off-site storage, marketing, or other facility where the gas or oil is sold.

"Geophysical operator" means a person who has the right to explore for gas or oil using ground disturbing geophysical exploration.

"Gob" means the de-stressed zone associated with any full-seam extraction of coal that extends above and below the mined-out coal seam.

"Ground disturbing" means any changing of land which may result in soil erosion from water or wind and the movement of sediments into state waters, including, but not limited to, clearing, grading, excavating, drilling, and transporting and filling of land.

"Ground disturbing geophysical exploration" or "geophysical operation" means any activity in search of gas or oil that breaks or disturbs the surface of the earth, including but not limited to road construction or core drilling. The term shall not include the conduct of gravity, magnetic, radiometric and similar geophysical surveys, and vibroseis or other similar seismic surveys.

"Injection well" means any well used to inject or otherwise place any substance associated with gas or oil operations into the earth or underground strata for disposal, storage or enhanced recovery.

"Inspector" means the Virginia Gas and Oil Inspector, appointed by the Director pursuant to § 45.1-361.4, or such other public officer, employee or other authority as may in emergencies be acting in the stead, or by law be assigned the duties of, the Virginia Gas and Oil Inspector.

"Log" means the written record progressively describing all strata, water, oil or gas encountered in drilling, depth and thickness of each bed or seam of coal drilled through, quantity of oil, volume of gas, pressures, rate of fill-up, fresh and salt water-bearing horizons and depths, cavings strata, casing records and such other information as is usually recorded in the normal procedure of drilling. The term shall also include electrical survey records or electrical survey logs.

"Mine" means an underground or surface excavation or development with or without shafts, slopes, drifts or tunnels for the extraction of coal, minerals or nonmetallic materials, commonly designated as mineral resources, and the hoisting or haulage equipment or appliances, if any, for the extraction of the mineral resources. The term embraces all of the land or property of the mining plant, including both the surface and subsurface, that is used or contributes directly or indirectly to the mining, concentration or handling of the mineral resources, including all roads.

"Mineral" shall have the same meaning as ascribed to it in § 45.1-180.

"Mineral operator" means any person who has the right to or does operate a mineral mine.

"Mineral owner" means any person who owns, leases, mines and produces, or who has the right to mine and produce minerals and to appropriate such minerals that he produces therefrom, either for himself or for himself and others.

"Nonparticipating operator" means a gas or oil owner of a tract included in a drilling unit who elects to share in the operation of the well on a carried basis by agreeing to have his proportionate share of the costs allocable to his interest charged against his share of production from the well.

"Offsite disturbance" means any soil erosion, water pollution, or escape of gas, oil, or waste from gas, oil, or geophysical operations off a permitted site which results from activity conducted on a permitted site.

"Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir.

"Orphaned well" means any well abandoned prior to July 1, 1950, or for which no records exist concerning its drilling, plugging or abandonment.

"Participating operator" means a gas or oil owner who elects to bear a share of the risks and costs of drilling, completing, equipping, operating, plugging and abandoning a well on a drilling unit and to receive a share of production from the well equal to the proportion which the acreage in the drilling unit he owns or holds under lease bears to the total acreage of the drilling unit.

"Permittee" means any gas, oil, or geophysical operator holding a permit for gas, oil, or geophysical operations issued under authority of this chapter.

"Person under a disability" shall have the same meaning as ascribed to it in § 8.01-2.

"Pipeline" means any pipe above or below the ground used or to be used to transport gas or oil.

"Plat" or "map" means a map, drawing or print showing the location of a well or wells, mine, quarry, or other information required under this chapter.

"Pool" means an underground accumulation of gas or oil in a single and separate natural reservoir. It is characterized by a single natural pressure system so that production of gas or oil from one part of the pool tends to or does affect the reservoir pressure throughout its extent. A pool is bounded by geologic barriers in all directions, such as geologic structural conditions, impermeable strata, or water in the formation, so that it is effectively separated from any other pool which may be present in the same geologic structure. A coalbed methane pool means an area which is underlain or appears to be underlain by at least one coalbed capable of producing coalbed methane gas.

"Project area" means the well, gathering pipeline, associated facilities, roads, and any other disturbed area, all of which are permitted as part of a gas, oil, or geophysical operation.

"Restoration" means all activity required to return a permitted site to other use after gas, oil, or geophysical operations have ended, as approved in the operations plan for the permitted site.

"Royalty owner" means any owner of gas or oil in place, or owner of gas or oil rights, who is eligible to receive payment based on the production of gas or oil.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction and which affect the public welfare.

"Stimulate" means any action taken by a gas or oil operator to increase the inherent productivity of a gas or oil well, including, but not limited to, fracturing, shooting or acidizing, but excluding (i) cleaning out, bailing or workover operations and (ii) the use of surface-tension reducing agents, emulsion breakers, paraffin solvents, and other agents which affect the gas or oil being produced, as distinguished from the producing formation.

"Storage well" means any well used for the underground storage of gas.

"Surface owner" means any person who is the owner of record of the surface of the land.

"Waste from gas, oil, or geophysical operations" means any substance other than gas or oil which is (i) produced or generated during or results from the development, drilling and completion of wells and associated facilities or the development and construction of gathering pipelines or (ii) produced or generated during or results from well, pipeline and associated facilities' operations, including, but not limited to, brines and produced fluids other than gas or oil. In addition, this term shall include all rubbish and debris, including all material generated during or resulting from well plugging, site restoration, or the removal and abandonment of gathering pipelines and associated facilities.

"Waste" or "escape of resources" means (i) physical waste, as that term is generally understood in the gas and oil industry; (ii) the inefficient, excessive, improper use, or unnecessary dissipation of reservoir energy; (iii) the inefficient storing of gas or oil; (iv) the locating, drilling, equipping, operating, or producing of any gas or oil well in a manner that causes, or tends to cause, a reduction in the quantity of gas or oil ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss or destruction of gas or oil; (v) the production of gas or oil in excess of transportation or marketing facilities; (vi) the amount reasonably required to be produced in the proper drilling, completing, or testing of the well from which it is produced, except gas produced from an oil well or condensate well pending the time when with reasonable diligence the gas can be sold or otherwise usefully utilized on terms and conditions that are just and reasonable; or (vii) underground or above ground waste in the production or storage of gas, oil, or condensate, however caused. The term "waste" does not include gas vented from methane drainage boreholes or coalbed methane gas wells, where necessary for safety reasons or for the efficient testing and operation of coalbed methane gas wells; nor does it include the plugging of coalbed methane gas wells for the recovery of the coal estate.

"Water well" means any well drilled, bored or dug into the earth for the sole purpose of extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use.

"Well" means any shaft or hole sunk, drilled, bored or dug into the earth or into underground strata for the extraction, injection or placement of any gaseous or liquid substance, or any shaft or hole sunk or used in conjunction with such extraction, injection or placement. The term shall not include any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural, or public use and shall not include water boreholes, methane drainage boreholes where the methane is vented or flared rather than produced and saved, subsurface boreholes drilled from the mine face of an underground coal mine, any other boreholes necessary or convenient for the extraction of coal or drilled pursuant to a uranium exploratory program carried out pursuant to the laws of this Commonwealth, or any coal or non-fuel mineral core hole or borehole for the purpose of exploration.

**§ 45.1-361.22:2. Release of funds held in escrow or suspense because of conflicting claims to coalbed methane gas.**

A. For a coalbed methane gas well that was force-pooled prior to July 1, 2015, the coalbed methane gas well operator shall, on or before January 1, 2016, apply to the Board for the release of the funds in escrow and give written notice of such application to all conflicting claimants identified in the pooling orders, or to the successors of such claimants where the successors are known to the coalbed methane gas well operator or have identified themselves to the coalbed methane gas well operator or the Board. Such notice shall be in accordance with the applicable provisions of § 45.1-361.19 and, if unknown persons or unlocatable conflicting claimants are subject to escrow, such notice shall also be published in a newspaper of general circulation in the county or counties where the drilling unit is located once each week for four successive weeks. The application shall include a detailed accounting in accordance with subdivision 5 of § 45.1-361.22. The Board shall order payment of the principal and accrued interest, less escrow account fees, held in escrow, along with all future royalties attributable to the drilling unit, to each gas claimant identified in the pooling order unless, within 45 days of the coalbed methane gas well operator's notice of its application, the coal claimant provides the Board and the coalbed methane gas well operator with evidence of a proceeding or agreement. The Board, pursuant to its authority granted by § 45.1-361.15, may extend the time for filing the application and delay the payment of funds for gas title conflicts, the existence of unknown gas claimants, the existence of unlocatable gas claimants, unresolved gas heirship issues, or other reasons beyond the reasonable control of the coalbed methane gas well operator and shall not order payment where the gas claimant fails to provide the Board with information needed under applicable law or regulation to distribute the funds.

B. For a coalbed methane gas well force-pooled on or after July 1, 2015, the Board, in its pooling order, shall direct the coalbed methane gas well operator to pay royalties to the gas claimant unless the coal claimant provides the coalbed methane gas well operator and the Board with evidence of a proceeding or agreement not later than the time and place of

*the pooling hearing. The coalbed methane gas well operator shall provide written notice of the hearing to the gas claimants and coal claimants in accordance with § 45.1-361.19. However, the Board, pursuant to its authority granted by § 45.1-361.15, shall not order the coalbed methane gas well operator to make payment to a gas claimant where there are gas title conflicts, unknown gas claimants, unlocatable gas claimants, unresolved gas heirship issues, or other reasons beyond the reasonable control of the coalbed methane gas well operator or where the gas claimant fails to provide the coalbed methane gas well operator with the information required under applicable law or regulation to pay royalties. In such cases, the coalbed methane gas well operator shall provide each affected gas claimant and the Board with written notice of the same in accordance with the applicable provisions of § 45.1-361.19. Where payment is not required to be made due to the gas claimant's failure to provide needed information under applicable law or regulation, the notice shall identify the information that is needed to enable the payment to be made.*

*C. For a coalbed methane gas well voluntarily pooled at any time, the coalbed methane gas well operator shall pay royalties, including past royalties held, to each gas claimant unless, within 45 days of the coalbed methane gas well operator's provision of written notice to the coal claimant that the operator will be paying royalties to the gas claimants, the coal claimant provides the coalbed methane gas well operator and each gas claimant with evidence of a proceeding or agreement. For units voluntarily pooled before July 1, 2015, the coalbed methane gas well operator shall provide such written notice to the gas claimants and coal claimants on or before January 1, 2016. For units voluntarily pooled on or after July 1, 2015, the coalbed methane gas well operator shall provide such written notice to the gas claimants and coal claimants not later than 45 days after production commences. However, the coalbed methane gas well operator shall not be required to make payment to a gas claimant where there are gas title conflicts, unknown gas claimants, unlocatable gas claimants, unresolved gas heirship issues, or other reasons beyond the reasonable control of the coalbed methane gas well operator or where the gas claimant fails to provide the coalbed methane gas well operator with information to process or pay royalties. In such cases, the coalbed methane gas well operator shall provide each affected gas claimant with written notice of the same. Where payment is not required to be made due to a gas claimant's failure to provide needed information, the notice shall identify the information that is needed to enable the payment to be made.*

*D. Any pending judicial or arbitration proceeding shall be pursued by the coal claimant with diligence and shall not be voluntarily dismissed or nonsuited without the consent of the gas claimant. No default judgment shall be entered against a gas claimant. Royalties shall be paid as determined by the final order in the proceeding. A prevailing gas claimant shall be entitled to recover from that coal claimant reasonable costs and attorney fees if such person substantially prevails on the merits of the case and the coal claimant's position is not substantially justified.*

*E. A coalbed methane gas well operator paying funds to a gas claimant in accordance with this section shall have no liability to a coal claimant for the payments made by the coalbed methane gas well operator to a gas claimant.*

*F. This section shall not operate to extinguish any other right or cause of action or defenses thereto that may exist including, but not limited to, claims for an accounting or a claim under § 8.01-31. Nothing in this section shall create, confer, or impose a fiduciary duty.*

## CHAPTER 397

*An Act to amend and reenact §§ 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia, relating to coal mine safety.*

[H 2257]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia are amended and reenacted as follows:**

**§ 45.1-161.174. Checking system; tracking system.**

- A. Each mine shall have a personnel checking system containing the following:
1. Every person underground shall have on his person means of positive identification bearing a number recorded by the operator;
  2. An accurate record of the persons in the mine shall be kept on the surface in a place that will not be affected by an explosion;
  3. The record shall consist of a written record, check board, lamp check, or time-clock record; and
  4. The record shall bear a number identical to that carried by the person underground.

*B. Mine-wide tracking systems shall be maintained in useable and operative conditions.*

**§ 45.1-161.193. Electric equipment.**

- A. Electric equipment taken into or used in by the last open crosscut or in other than intake air shall be permissible equipment.
- B. Permissible equipment used in areas specified in subsection A shall be maintained in permissible condition.
- C. Electric equipment shall not be taken into or operated in any place where a methane level of one percent or more is detected.

D. Voltage limitations for underground installations of electric equipment using direct or alternating current shall conform to the voltages provided in 30 C.F.R. § 18.47.

E. Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

F. Electric conductors and cables installed in or by the last open crosscut, or within 150 feet of pillar workings or longwall faces, shall be:

1. Shielded high-voltage cables supplying power to permissible longwall and other equipment;
2. Interconnecting conductors and cables of permissible longwall equipment;
3. Conductors and cables of intrinsically safe circuits; or
4. Cables and conductors supplying power to low and medium voltage permissible equipment.

*G. Electric equipment shall be maintained in safe operating condition at all times while it is being used, and any unsafe condition shall be corrected promptly or the equipment shall be removed from service.*

**§ 45.1-161.200. Firefighting equipment; fire prevention.**

A. Each mine shall be provided with suitable ~~fire-fighting~~ *firefighting* equipment, adequate for the size of the mine.

B. The following equipment, at a minimum, shall be immediately available at each mine:

1. A water car filled with water and provided with hose and pump, or waterlines and necessary hoses;
2. At least three 20-pound dry chemical fire extinguishers;
3. Ten 50-pound bags of rock dust, available at doors or other strategic places;
4. Bolt cutters which may be used to cut trolley wire in an emergency;
5. One pair of rubber gloves to be used with bolt cutters when cutting trolley wire;
6. Two sledge hammers; and
7. Five hundred square feet of brattice cloth, nails and hammer.

C. Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station, such as substations, transformer stations and permanent pump stations, so as to be out of the smoke in case of a fire in the station.

D. Suitable fire extinguishers shall be provided at all (i) electrical stations, such as substations, transformer stations, and permanent pump stations; (ii) self-propelled mobile equipment; (iii) belt heads and at the inby end of belts; (iv) areas used for the storage of flammable materials; (v) fueling stations; and (vi) other areas that may constitute a fire hazard, so as to be on the fresh air side in case of a fire.

E. All ~~fire-fighting~~ *firefighting* equipment *and fire sensor systems* shall be maintained in a useable and operative condition. Chemical extinguishers shall be examined every six months and the date of the examination shall be indicated on a tag attached to the extinguishers.

F. A sufficient number of approved one-hour self-contained self-rescuers shall be readily available, not more than 100 feet away, for the persons involved in the moving or transporting of any unit of off-track mining equipment.

**§ 45.1-161.249. Duties of mine foreman.**

A. The mine foreman shall see that the requirements of this Act that pertain to his duties and to the health and safety of the miners are fully complied with at all times.

B. The mine foreman shall see that every miner employed to work in such mine before beginning work therein, is aware of all hazardous conditions incident to his work in such mine. ~~The mine foreman shall also see that every miner employed in such mine shall be furnished with copies of this Act and the printed rules pertaining to such mine.~~ Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

**§ 45.1-161.258. Areas with safety or health hazards; duties of surface mine foreman.**

A. Any hazardous condition shall be corrected promptly or the affected area shall be barricaded or posted with warning signs specifying the hazard and proper safety procedures. Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

*B. The surface mine foreman shall see that the requirements of this Act pertaining to his duties and to the health and safety of the miners are fully complied with at all times.*

*C. The surface mine foreman shall see that every miner employed to work at the mine, before beginning work therein, is aware of all hazardous conditions incident to his work at the mine.*

## CHAPTER 398

*An Act to amend the Code of Virginia by adding in Title 67 a chapter numbered 15, consisting of sections numbered 67-1500 through 67-1509, relating to the Virginia Solar Energy Development Authority.*

[H 2267]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 67 a chapter numbered 15, consisting of sections numbered 67-1500 through 67-1509, as follows:**

CHAPTER 15.  
VIRGINIA SOLAR ENERGY DEVELOPMENT AUTHORITY.

**§ 67-1500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Virginia Solar Energy Development Authority created pursuant to this chapter.

"Developer" means any private developer of solar energy projects.

"Solar energy project" means an electric generation facility located within the Commonwealth and includes interests in land, improvements, and ancillary facilities.

**§ 67-1501. Authority created; purpose.**

The Virginia Solar Energy Development Authority is created as a body corporate and a political subdivision of the Commonwealth and as such shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Authority is established for the purposes of facilitating, coordinating, and supporting the development, either by the Authority or by other qualified entities, of the solar energy industry and solar energy projects by developing programs that increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities, both public and private, to partner on solar energy projects. The Authority may also consult with research institutions, businesses, nonprofit organizations, and stakeholders as the Authority deems appropriate. The Authority shall have only those powers enumerated in this chapter.

**§ 67-1502. Membership; terms; vacancies; expenses.**

A. The Authority shall be composed of 11 nonlegislative citizen members appointed as follows. Six members shall be appointed by the Governor; three members shall be appointed by the Speaker of the House of Delegates; and two members shall be appointed by the Senate Committee on Rules. All members of the Authority shall reside in the Commonwealth. Members may include representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics.

B. Except as otherwise provided herein, all appointments shall be for terms of four years each. No member shall be eligible to serve more than two successive four-year terms. After expiration of an initial term of three years or less, two additional four-year terms may be served by such member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. The initial appointments of members by the Governor shall be as follows: two members shall be appointed for terms of four years, two members shall be appointed for terms of three years, and two members shall be appointed for terms of two years. The initial appointments of members by the Speaker of the House of Delegates shall be as follows: one member shall be appointed for a term of four years, one member shall be appointed for a term of three years, and one member shall be appointed for a term of two years. The initial appointments of members by the Senate Committee on Rules shall be as follows: one member shall be appointed for a term of four years, and one member shall be appointed for a term of three years. Thereafter all appointments shall be for terms of four years.

D. The Authority shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Authority. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Authority. The meetings of the Authority shall be held on the call of the chairman or whenever a majority of the members so request. A majority of members of the Authority serving at any one time shall constitute a quorum for the transaction of business.

E. Members shall serve without compensation. However, all members may be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from such funds as may be appropriated to the Authority by the General Assembly.

F. Members of the Authority shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.

G. Except as otherwise provided in this chapter, members of the Authority shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

**§ 67-1503. Partnerships.**

A. The Authority may establish public-private partnerships with entities pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) to increase the number of solar energy generation systems on or located adjacent to public and private facilities in the Commonwealth. Any partnership established pursuant to this section shall stipulate that the Authority and the developers shall share the costs of the installation and operation of solar energy facilities and equipment.

B. The Authority may provide a central hub for appropriate entities, both public and private, to enter into partnerships that result in solar energy generation projects being developed in the Commonwealth. The Authority may act as a good faith broker in these matters to facilitate appropriate partnerships, including public-private partnerships.

**§ 67-1504. Federal loan guarantees.**

A. The Authority, on behalf of the Commonwealth, may apply to the U.S. Department of Energy for federal loan guarantees authorized or made available pursuant to Title XVII of the Energy Policy Act of 2005, 42 U.S.C. § 16511 et seq., the American Recovery and Reinvestment Act of 2009, P.L. 111-5, or other similar federal legislation, to facilitate the development of solar energy projects.

B. Upon obtaining federal loan guarantees for solar energy projects pursuant to subsection A, the Authority, subject to any restrictions imposed by federal law, may allocate or assign all or portions thereof to qualified third parties, on such terms and conditions as the Authority finds are appropriate. Actions of the Authority relating to the allocation and assignment of such loan guarantees shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 4 of § 2.2-4002. Decisions of the Authority shall be final and not subject to review or appeal.

**§ 67-1505. Powers and duties of the Authority.**

In addition to such other powers and duties established under this chapter, the Authority shall have the power and duty to:

1. Adopt, use, and alter at will an official seal;
2. Make bylaws for the management and regulation of its affairs;
3. Maintain an office at such place or places within the Commonwealth as it may designate;
4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Authority, absolutely or in trust, from any source, public or private, for the purposes for which the Authority is created;
5. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;
6. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Authority;
7. Invest its funds as permitted by applicable law;
8. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, or real or personal property for the benefit of the Authority, and receive and accept from the Commonwealth or any state, and from any municipality, county, or other political subdivision thereof and any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made;
9. Enter into agreements with any department, agency, or instrumentality of the United States or of the Commonwealth and with lenders and enter into loans with contracting parties for the purpose of planning, regulating, and providing for the financing or assisting in the financing of any project;
10. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied;
11. Identify and take steps to mitigate existing state and regulatory or administrative barriers to the development of the solar energy industry, including facilitating any permitting processes;
12. Enter into interstate partnerships to develop the solar energy industry and solar energy projects;
13. Collaborate with entities, including institutions of higher education, to increase the training and development of the workforce needed by the solar industry in the Commonwealth, including industry-recognized credentials and certifications; and
14. Conduct any other activities as may seem appropriate to increase solar energy generation in the Commonwealth and the associated jobs and economic development and competitiveness benefits, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects in the Commonwealth by 2020 through entering into agreements in its discretion in any manner provided by law for the purpose of planning and providing for the financing or assisting in the financing of the construction or purchase of such solar energy projects authorized pursuant to § 56-585.1.

**§ 67-1506. Director; staff; counsel to the Authority.**

A. The Director of the Department of Mines, Minerals and Energy shall serve as Director of the Authority and shall administer the affairs and business of the Authority in accordance with the provisions of this chapter and subject to the policies, control, and direction of the Authority. The Director may obtain non-state-funded support to carry out any duties assigned to the Director. Funding for this support may be provided by any source, public or private, for the purposes for which the Authority is created. The Director shall maintain, and be custodian of, all books, documents, and papers of or filed with the Authority. The Director may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely on such certificates. The Director also shall perform such other duties as prescribed by the Authority in carrying out the purposes of this chapter.

B. The Department of Mines, Minerals and Energy shall serve as staff to the Authority.

C. The Office of the Attorney General shall provide counsel to the Authority.

**§ 67-1507. Annual report.**

On or before October 15 of each year, beginning in 2016, the Authority shall submit an annual summary of its activities and recommendations to the Governor and the Chairmen of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate Commerce and Labor Committees.

**§ 67-1508. Confidentiality of information.**

A. The Authority shall hold in confidence the personal and financial information supplied to it, or maintained by it, concerning the siting and development of solar energy projects.

B. Nothing in this section shall prohibit the Authority, in its discretion, from releasing any information that has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

C. Information supplied by or maintained on persons or entities applying for or receiving allocations of federal loan guarantees, as well as specific information relating to the amount and identity of recipients of such distributions, shall be subject to disclosure in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

**§ 67-1509. Declaration of public purpose; exemption from taxation.**

A. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the citizens of the Commonwealth and for the promotion of their welfare, convenience, and prosperity.

B. The Authority shall be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter, and the property of the Authority and its income and operations shall be exempt from taxation or assessments upon any property acquired or used by the Authority under the provisions of this chapter.

**2. That the provisions of this act shall expire on July 1, 2025.**

**CHAPTER 399**

*An Act to amend and reenact §§ 3.2-3100 through 3.2-3104, 3.2-3108, 3.2-3111, and 62.1-203 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 31.1, consisting of sections numbered 3.2-3112 through 3.2-3121, relating to the Tobacco Region Revitalization Commission; financial viability and feasibility study prior to disbursement; Virginia Tobacco Region Revolving Fund.*

[H 2330]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-3100 through 3.2-3104, 3.2-3108, 3.2-3111, and 62.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 31.1, consisting of sections numbered 3.2-3112 through 3.2-3121, as follows:**

**§ 3.2-3100. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Active tobacco producer" means a person: ~~(i)~~ actively engaged in planting, growing, harvesting, and marketing of flue-cured or burley tobacco, or who shares in the variable expenses of producing the crop; ~~and is therefore entitled to share in the revenue derived from marketing the crop; and (ii) who produces such crop on a farm where tobacco was produced for the 1998 crop year, or any subsequent crop year upon which the Commission may determine to base indemnification payments, pursuant to a tobacco farm marketing quota or farm acreage allotment as established under the Agriculture Adjustment Act of 1938 (7 U.S.C. § 1281 et seq.).~~

"Agreement" means the agreement or agreements between the Commonwealth, as seller of the Tobacco Assets, and the Corporation, as purchaser of the Tobacco Assets. The sale by the Commonwealth of the Tobacco Assets pursuant to any such agreement shall be a true sale and not a borrowing.

"Commission" means the Tobacco ~~Indemnification and Community~~ Region Revitalization Commission created pursuant to § 3.2-3101.

"Commission Allocation" means 50 percent of the annual amount received under the Master Settlement Agreement by the Commonwealth, or that would have been received but for a sale of such allocation pursuant to an agreement, between the commencing and ending dates specified in the agreement.

"Corporation" means the Tobacco Settlement Financing Corporation as created under state law.

"Endowment" means the Tobacco Indemnification and Community Revitalization Endowment established pursuant to § 3.2-3104.

"Fund" means the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

"Master Settlement Agreement" means the settlement agreement and related documents between the Commonwealth and leading United States tobacco product manufacturers dated November 23, 1998, and including the Consent Decree and Final Judgment entered in the Circuit Court of the City of Richmond on February 23, 1999, Chancery Number HJ-2241-4.

"Period of sale" means the time during which a purchaser under an agreement is entitled to receive the Commission Allocation.

~~"Quota holder" means an owner of a farm on July 1, 1998, or July 1 of any subsequent crop year upon which the Commission may determine to base indemnification payments, for which a tobacco farm marketing quota or farm acreage allotment was established under the Agriculture Adjustment Act of 1938 (7 U.S.C. § 1281 et seq.).~~

"Strategic Plan" means the strategic plan required pursuant to subsection C of § 3.2-3103.

"Tobacco Assets" means all right, title, and interest in and to the portion of the Commission Allocation that may be sold to the Corporation.

"Tobacco farmer" means any person who is an active tobacco producer, a quota holder, or both.

**§ 3.2-3101. Tobacco Region Revitalization Commission created; purposes.**

The Tobacco ~~Indemnification and Community~~ *Region* Revitalization Commission is created as a body corporate and a political subdivision of the Commonwealth and as such shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Commission is established for the purposes of determining the appropriate recipients of moneys in the Tobacco Indemnification and Community Revitalization Fund and causing distribution of such moneys for the purposes provided in this chapter, including using moneys in the Fund to: (i) provide payments to tobacco farmers as compensation for the adverse economic effects resulting from loss of investment in specialized tobacco equipment and barns and lost tobacco production opportunities associated with a decline in quota; and (ii) revitalize tobacco dependent communities. The Commission shall have only those powers enumerated in § 3.2-3103.

**§ 3.2-3102. Membership; terms; vacancies; compensation and expenses; chairman; chairman's executive summary.**

A. The Commission shall be composed of ~~34~~ 28 members as follows:

1. Six members of the House of Delegates appointed by the Speaker of the House of Delegates;
2. Four members of the Senate appointed by the Senate Committee on Rules;
3. The Secretary of Commerce and Trade or his designee;
4. The Secretary of Finance or his designee;
5. The Secretary of Agriculture and Forestry or his designee;

6. ~~Three~~ Five nonlegislative citizen members who shall be active flue-cured or burley tobacco producers appointed by the Governor. Of the active flue-cured tobacco producers, two shall be or active farmers appointed by the Governor from a list of ~~six~~ seven persons provided by the members of the General Assembly appointed to the Commission. *Three of the tobacco producers or active farmers shall reside in the Southside region and two shall reside in the Southwest region;*

7. ~~Three~~ nonlegislative citizen members who shall be active burley tobacco producers appointed by the Governor. Of the active burley tobacco producers, one member shall be appointed by the Governor from a list of three persons provided by the members of the General Assembly appointed to the Commission;

~~8.~~ One nonlegislative citizen member who shall be a representative of the Virginia Farm Bureau Federation appointed by the Governor from a list of at least three persons provided by Virginia Farm Bureau Federation; and

~~9. Eleven~~ 8. Nine members shall be nonlegislative citizens appointed by the Governor. Of the ~~14~~ nine nonlegislative citizen members, three shall be appointed by the Governor from a list of ~~nine~~ six provided by the members of the General Assembly appointed to the Commission.

With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of Finance or his designee and the Secretary of Agriculture and Forestry or his designee, all members of the Commission shall reside in the Southside and Southwest regions of the Commonwealth and shall be subject to confirmation by the General Assembly. To the extent feasible, appointments representing the Southside and Southwest regions shall be proportional to the tobacco quota production of each region. *Thirteen of the 28 members shall have experience in business, economic development, investment banking, finance, or education.*

Except as otherwise provided herein, all appointments shall be for terms of four years each. Legislative members, the Secretary of Commerce and Trade, the Secretary of Finance, and the Secretary of Agriculture and Forestry or his designee shall serve terms coincident with their terms of office. No nonlegislative citizen member shall be eligible to serve more than two successive four-year terms. After expiration of a term of three years or less, two additional four-year terms may be served by such member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

~~The initial appointments of the active flue-cured tobacco producers, the active burley tobacco producers, and other nonlegislative citizen members shall be as follows: one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of two years; one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of three years; and one active flue-cured tobacco producer, one active burley tobacco producer and three nonlegislative citizen members shall be appointed for terms of four years. Thereafter all appointments shall be for terms of four years.~~

B. The Commission shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Commission. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Commission. The meetings of the Commission shall be held on the call of the chairman or whenever the majority of the members so request. A majority of members of the Commission serving at any one time shall constitute a quorum for the transaction of business.

C. Legislative members of the Commission shall receive such compensation as is set forth in § 30-19.12, and nonlegislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

D. Members and employees of the Commission shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.

E. Except as otherwise provided in this chapter, members and employees of the Commission shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**§ 3.2-3103. Powers and duties of the Tobacco Region Revitalization Commission.**

A. The Commission shall have the power and duty to:

1. Adopt, use, and alter at will an official seal;
2. Make bylaws for the management and regulation of its affairs;
3. Maintain an office at such place or places within the Commonwealth as it may designate;
4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Commission, absolutely or in trust, for the purposes for which the Commission is created;

5. Determine how moneys in the Fund are to be distributed ~~and to authorize~~;

6. *Authorize grants, loans, or other distributions of moneys in the Fund for the purposes set forth in this chapter;*

7. *For each economic development grant or award, including a grant from the Tobacco Region Opportunity Fund, require a dollar-for-dollar match from non-Commission sources. Performance bonds shall be considered acceptable matching payment. No more than 25 percent of the match shall be in-kind. However, a match of less than 50 percent may be considered by a two-thirds majority vote of the Commission;*

8. *Adopt policies governing the Tobacco Region Opportunity Fund, including a repayment policy. The Commission shall apply the policies consistently;*

9. *Enter into a contractual or employment agreement with a financial viability manager (the Manager). The management agreement shall require the Manager to provide a written financial viability and feasibility report to the Commission as to the financial propriety of certain loans, grants, or other distributions of money made for the revitalization of a tobacco-dependent locality as proposed in accordance with the Commission's strategic objectives. The Commission shall not make any loan, except a loan made through the Virginia Tobacco Region Revolving Fund created in Chapter 31.1 (§ 3.2-3112 et seq.); grant; or other distribution of money until the Manager has provided the Commission with a written recommendation as to the financial viability and feasibility of the proposed distribution of funds. However, nothing in this section shall eliminate consideration of strategic economic initiatives;*

~~6-10.~~ Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

~~7-11.~~ Invest its funds as provided in this chapter or permitted by applicable law; and

~~8-12.~~ Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the Fund.

B. The Commission shall undertake studies and gather information and data in order to determine: (i) the economic consequences of the reduction in or elimination of quota for tobacco growers; (ii) the potential for alternative cash crops; and (iii) any other matters the Commission believes will affect tobacco growers in the Commonwealth.

C. *The Commission shall at least biennially develop a strategic plan containing specific priorities, measureable goals, and quantifiable outcomes. In developing the Strategic Plan, the Commission shall solicit input from local and regional economic developers, the Virginia Department of Agriculture and Consumer Services, the Virginia Economic Development Partnership, the Virginia Department of Housing and Community Development, the Virginia Tourism Authority, the Virginia Resources Authority, and the Center for Rural Virginia. The Strategic Plan shall state how each Fund award is consistent with the Commission's achievement of measurable goals and outcomes and its advancement of the specific priorities of the Strategic Plan. The Strategic Plan shall also state how awards from the Fund are projected to affect key economic indicators of employment, income, educational attainment, amount of Virginia-grown agricultural and forestal products used by the project, and return on investment.*

D. *The Commission shall develop a publicly available online database of all Commission awards, listing for each project the project's goals, the means by which the project fits into the Strategic Plan, the project's expected and achieved outcomes, and the total amount of funding the Commission has awarded to the project through any prior grants.*

E. The Commission shall submit a report annually to the Governor and the General Assembly.

**§ 3.2-3104. Tobacco Indemnification and Community Revitalization Endowment.**

A. There is hereby established in the state treasury a special fund to be designated the "Tobacco Indemnification and Community Revitalization Endowment." The Endowment shall receive any proceeds from any sale of all or any portion of the Commission Allocation, and any gifts, grants and contributions that are specifically designated for inclusion in such Endowment. No part of the Endowment, neither corpus nor income, or interest thereon, shall revert to the general fund of the state treasury. The Endowment shall be under the management and control of the Treasury Board, and the Treasury

Board shall have such powers and authority as may be necessary to exercise such management and control consistent with the provisions of this section. The income of the Endowment shall be paid out, not less than annually, to the Fund. In addition, up to ~~40~~ six percent of the corpus of the Endowment shall be paid to the Fund annually upon request of the Commission, *by majority vote*, to the Treasury Board. Upon two-thirds vote of the Commission, up to ~~45~~ 10 percent of the corpus of the Endowment shall be so paid. *Upon three-fourths vote of the Commission, up to 15 percent of the corpus of the Endowment shall be so paid.* No use of proceeds shall be made that would cause bonds issued on a tax-exempt basis to be deemed taxable. For purposes of this section, "income" of the Endowment means at the time of determination the lesser of the available cash in, or the realized investment income for the applicable period of, the Endowment, and "corpus" of the Endowment means at the time of determination the sum of the proceeds from the sale of all or any portion of the Commission Allocation, any gifts, grants, and contributions that have been credited to such Endowment, and any income not appropriated and withdrawn from the Endowment prior to June 30 of each year, less withdrawals from the corpus. Determinations by the Treasury Board, or the State Treasurer on behalf of the Treasury Board, as to the amount of income or the amount of the corpus shall be conclusive.

B. The Treasury Board shall serve as trustee of the Endowment and the corpus and income of the Endowment shall be withdrawn and credited to the Fund by order of the Treasury Board as provided in subsection A. The State Treasurer shall be custodian of the funds credited to the Endowment. The Treasury Board shall have full power to invest and reinvest funds credited to the Endowment in accordance with the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) and, in addition, as otherwise provided by law. The Treasury Board may borrow money in such amounts as may be necessary whenever in its judgment it would be more advantageous to borrow money than to sell securities held for the Fund. Any debt so incurred may be evidenced by notes duly authorized by resolution of the Treasury Board, such notes to be retired no later than the end of the biennium in which such debt is incurred. The Treasury Board may commingle, for purposes of investment, the corpus of the Endowment provided that it shall appropriately account for the investments credited to the Endowment. The Treasury Board may hire independent investment advisors and managers as it deems appropriate to assist with investing the Endowment. The expenses of making and disposing of investments, such as brokerage commissions, legal expenses related to a particular transaction, investment advisory and management fees and expenses, transfer taxes, and other customary transactional expenses shall be payable out of the income of the Endowment.

Not less than annually and more frequently if so desired by the Commission or requested by the Treasury Board, the Commission shall provide to the Treasury Board schedules of anticipated disbursements from the Fund for the current and succeeding fiscal year, and the Treasury Board shall, to the extent practicable, take into account such schedules and changes thereto in scheduling maturities and redemptions of its investments of the Endowment.

### § 3.2-3108. Distribution of Fund.

A. The Fund shall be distributed by the Commission for the following purposes:

1. ~~The compensation of Virginia tobacco farmers for the decline or elimination of the tobacco quota based on averaging the basic burley and flue-cured quota as allocated by the USDA for the crop years 1995 through 1998.~~

~~To the extent quota holders in Virginia are not otherwise compensated by a national tobacco community trust fund or a federal tobacco loss assistance program that is based on substantially the same distribution criteria established by the Commission for indemnification payments and to the extent moneys are available in the Fund, the Fund shall be used to compensate quota holders in an amount equal to the total lost asset value in quota incurred annually by such quota holders.~~

~~To the extent active tobacco producers in Virginia are not otherwise compensated by a national tobacco community trust fund or a federal tobacco loss assistance program that is based on substantially the same distribution criteria established by the Commission for indemnification payments and to the extent moneys are available in the Fund, the Fund shall be used to compensate active tobacco producers for the economic loss resulting from any annual quota reduction.~~

~~For the purposes of this section, the total asset loss value in quota and economic losses for tobacco farmers in Virginia shall be estimated to be \$1.2 billion.~~

~~The Commission may establish criteria for determining economic loss resulting from any annual quota reduction, including any similar criteria established pursuant to the creation of a national tobacco community trust fund;~~

~~2. The stimulation of economic growth and development in tobacco-dependent communities in an equitable manner throughout the ~~southside~~ Southside and ~~southwest~~ Southwest regions of the Commonwealth, to assist such communities in reducing their dependency on, or finding alternative uses for, tobacco and tobacco-related business; and~~

~~3. 2. Scientific research performed at one of the Commonwealth's National Cancer Institute-designated research institutes designed to advance the treatment and prevention of cancers that directly impact the citizens of tobacco-dependent communities throughout the ~~southside~~ Southside and ~~southwest~~ Southwest regions of the Commonwealth.~~

B. The Commission may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal.

*The Commission shall require that each project have an accountability matrix. For an economic development program, the matrix shall be based on return on investment, jobs, wages, and capital investment. For a scholarship program, the matrix shall be based on attainment of bachelor's degrees, credentials, or jobs. For a health care program, the matrix shall be based on health care outcomes. For an agriculture or forestry program, the matrix shall be based on jobs, capital investment, amount of Virginia-grown agricultural and forestal products used by the project, projected impact on agricultural and forestal producers, and a return on investment analysis.*

*The Commission shall require each applicant to provide with its application (i) baseline figures, (ii) explicit and quantified outcome expectations, (iii) the method used to calculate outcome expectations, (iv) details on the timing of the expected outcomes, and (v) a specific link to economic revitalization and the Strategic Plan.*

*The Commission shall require that as a condition of receiving any grant or loan incentive each project (a) demonstrate how it will address low employment levels, per capita income, educational attainment, or other workforce indicators; (b) be consistent with the Strategic Plan; and (c) receive a written recommendation as to its financial viability and feasibility from the Manager pursuant to subdivision A 9 of § 3.2-3103.*

**§ 3.2-3111. Confidentiality of information.**

A. The Commission shall hold in confidence the personal and financial information supplied to it, or maintained by it, concerning tobacco farmers, including names, addresses, and payment information. The Commission may require any tobacco farmer or other applicant for payments from the Fund to provide his social security or taxpayer identification number.

B. Notwithstanding the foregoing, personal and financial information supplied to or maintained by the Commission relating to tobacco farmers may be used, exchanged, and disclosed at the Commission's discretion as may be necessary or appropriate to make payments under, administer, or enforce this chapter and related state and federal laws, any other state or federal tobacco indemnification or loss assistance program, or a national tobacco community trust fund.

C. Nothing in this section shall prohibit the Commission, in its discretion, from releasing any information that has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information or the sum of money received by a particular recipient.

D. Personal and financial information supplied by or maintained on persons or entities applying for or receiving distributions from the Fund for economic growth and development, as well as specific information relating to the amount and identity of recipients of such distributions, shall be subject to disclosure in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The provisions of that Act applicable to records or meetings of the Virginia Economic Development Partnership or other state or local economic development entities shall apply mutatis mutandis to the Commission and the Manager selected pursuant to subdivision A 9 of § 3.2-3103.

E. The provisions of this section shall also apply to any department, agency, institution, political subdivision, or employee of the Commonwealth or a political subdivision that receives personal or financial information from the Commission in order to process checks for payments from the Fund or to assist the Commission with the administration and enforcement of this chapter.

PART D.

TOBACCO INDEMNIFICATION AND COMMUNITY REGION REVITALIZATION COMMISSION AND VIRGINIA TOBACCO REGION REVOLVING FUND.

CHAPTER 31.1.

VIRGINIA TOBACCO REGION REVOLVING FUND.

**§ 3.2-3112. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.*

*"Commission" means the Tobacco Region Revitalization Commission created pursuant to § 3.2-3101.*

*"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning, and feasibility studies, surveys, plans, and specifications; architectural, engineering, financial, legal, or other special services; the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings, or improvements; site preparation and development, including demolition or removal of existing structures; construction and reconstruction; labor; materials, machinery, and equipment; the reasonable costs of financing incurred by the local government in the course of the development of the project; carrying charges incurred before the project is placed in service; interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service; necessary expenses incurred in connection with placing the project in service; the funding of accounts and reserves that the Authority may require; and the cost of other items that the Authority determines to be reasonable and necessary.*

*"Endowment" means the Tobacco Indemnification and Community Revitalization Endowment as established in § 3.2-3104.*

*"Fund" means the Virginia Tobacco Region Revolving Fund created by this chapter.*

*"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth, or any combination of any two or more of the foregoing, located in any of the tobacco-dependent communities in the Southside and Southwest regions of Virginia.*

*"Project" means the same as that term is defined in § 62.1-199.*

**§ 3.2-3113. Creation and management of Virginia Tobacco Region Revolving Fund.**

A. There shall be set apart as a permanent and perpetual fund, to be known as the Virginia Tobacco Region Revolving Fund, with a sum of up to \$50 million made available from (i) the corpus of the taxable portion of the Endowment paid to

the Fund per request from the Commission within the limits imposed pursuant to § 3.2-3104, (ii) sums, if any, appropriated to the Fund by the General Assembly, (iii) all receipts by the Fund from loans made by it to local governments, (iv) all income from the investment of moneys held in the Fund, and (v) any other sums designated for deposit to the Fund from any source public or private, including, without limitation, any federal grants, awards, or other forms of assistance received by the Commonwealth that are eligible for deposit therein under federal law. Transfers from the Endowment to the Fund shall occur as required for loan disbursements.

B. The Authority shall administer and manage the Fund and establish the interest rates and repayment terms of such loans as are provided for by this chapter in accordance with a memorandum of agreement with the Commission. In order to carry out the administration and management of the Fund, the Authority, in consultation with the Commission, is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers and other technical advisers, and public accountants, and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund the reasonable costs and expenses it incurs in the administration and management of the Fund and a reasonable fee to be approved by the Commission for its management services, but the Authority shall not charge its ordinary expenses to the Fund or the Commission. The Department of the Treasury, as the party holding the Endowment, shall be a party to the memorandum of agreement. Under all circumstances, the Commission shall select the projects eligible for the loans.

C. The Commission shall direct the distribution of loans from the Fund to particular local governments. Consistent with this chapter, the Commission shall, after consultation with all interested parties, develop a guidance document governing project eligibility and project priority criteria.

**§ 3.2-3114. Deposit of money; expenditures; investments.**

A. All money belonging to the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations located in the Commonwealth, or savings institutions located in the Commonwealth and organized under the laws of the Commonwealth or the United States. The money in these accounts shall be paid by check signed by the Executive Director of the Authority or another officer or employee designated by the Board of Directors of the Authority. All deposits of money shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies, and savings institutions are authorized to give security for the deposits.

B. Money in the Fund shall not be commingled with other money of the Authority. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth, including the Local Government Investment Pool Act (§ 2.2-4600 et seq.).

**§ 3.2-3115. Collection of money due the Fund.**

The Authority is empowered to collect, or to authorize others to collect on its behalf, amounts due to the Fund under any loan to a local government, including, if appropriate, by taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Authority in the name of the Fund in the appropriate circuit court.

**§ 3.2-3116. Loans to local governments.**

A. Except as otherwise provided in this chapter, money in the Fund shall be used solely to make loans to local governments to finance or refinance the cost of any project that has an identifiable revenue stream from which the loan proceeds may be repaid. The local government to which a loan is to be made, the purpose of the loan, the amount of the loan, and the associated identifiable revenue stream shall be designated in writing by the Commission to the Authority following consultation with the Authority. No loan from the Fund shall exceed the total cost of the project to be financed or the outstanding principal amount of the indebtedness to be refinanced plus reasonable financing expenses.

B. Except as otherwise provided in this chapter, the Authority shall determine the interest rate and terms and conditions of any loan from the Fund, which may vary between local governments. Each loan shall be evidenced by appropriate bonds or notes of the local government payable to the Fund. The bonds or notes shall have been duly authorized by the local government and executed by its authorized legal representatives. The Authority is authorized to require in connection with any loan from the Fund such documents, instruments, certificates, legal opinions, and other information as it may deem necessary or convenient.

C. In addition to any other terms or conditions that the Authority may establish, the Authority may require, as a condition to making any loan from the Fund, that the local government receiving the loan covenant to perform any of the following:

1. Establish and collect rents, rates, fees, and charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of, premium, if any, and interest on the loan from the Fund to the local government; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the Authority to offset the need, in whole or in part, for future increases in rents, rates, fees, or charges.

2. Create and maintain a special fund or funds for the payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and any other amounts becoming due under any agreement entered into in

connection with the loan, or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the local government, and deposit into any fund or funds amounts sufficient to make any payments on the loan as they become due and payable.

3. Create and maintain other special funds as required by the Authority.

4. Perform other acts otherwise permitted by applicable law to secure payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and to provide for the remedies of the Fund in the event of any default by the local government in the payment of the loan, including, without limitation, any of the following:

a. The procurement of insurance, guarantees, letters of credit and other forms of collateral, security, liquidity arrangements, or credit supports for the loan from any source, public or private, and the payment therefor of premiums, fees, or other charges;

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, utilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, utilities, and systems to secure the loan from the Fund to the local government made in connection with such combination or any part or parts thereof;

c. The maintenance, replacement, renewal, and repair of the project; and

d. The procurement of casualty and liability insurance.

5. Obtain a review of the accounting and the internal controls from the Auditor of Public Accounts or his legally authorized representative. The Authority may request additional reviews at any time during the term of the loan. In addition, anyone receiving a report in accordance with § 3.2-3109 may request an additional review as set forth in this section.

D. Any local government borrowing money from the Fund is authorized to perform any acts, take any actions, adopt any proceedings, and make and carry out any contracts that are contemplated by this chapter. Such contracts need not be identical among all local governments but may be structured as determined by the Authority according to the needs of the contracting local government and the Fund.

E. Subject to the rights, if any, of the registered owners of any of the bonds of the Authority, the Authority may consent to and approve any modification in the terms of any loan to any local government.

**§ 3.2-3117. Pledge of loans to secure bonds of the Authority.**

A. The Authority is empowered at any time and from time to time to pledge, assign, or transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of, premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, issued to finance any project located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia. The interests of the Fund in any assets so transferred shall be subordinate to the rights of the trustee under the pledge, assignment, or transfer.

B. To the extent funds are not available from other sources pledged for such purpose, any of the assets or payments of principal and interest received on the assets pledged, assigned, or transferred or held in trust may be applied by the trustee thereof to the payment of the principal of, premium, if any, and interest on such bonds of the Authority secured thereby, and, if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of, premium, if any, and interest on such bonds of the Authority.

C. Any assets of the Fund pledged, assigned, or transferred in trust as set forth in this section and any payments of principal, interest, or earnings received thereon shall remain part of the Fund but shall be subject to the pledge, assignment, or transfer to secure the bonds of the Authority and shall be held by the trustee to which they are pledged, assigned, or transferred until no longer required for such purpose by the terms of the pledge, assignment, or transfer.

**§ 3.2-3118. Sale of loans.**

The Authority is empowered at any time and from time to time to sell, upon such terms and conditions as the Authority shall deem appropriate, any loan, or interest therein, made pursuant to this chapter. The net proceeds of sale remaining after the payment of the costs and expenses of the sale shall be designated for deposit to, and become part of, the Fund.

**§ 3.2-3119. Powers of the Authority.**

The Authority is authorized to do any act necessary or convenient to the exercise of the powers granted in this chapter or reasonably implied thereby.

**§ 3.2-3120. Report to the General Assembly and the Governor.**

The Commission, in conjunction with the Authority, shall report annually to the General Assembly and the Governor on all loans made from the Fund.

**§ 3.2-3121. Liberal construction of chapter.**

The provisions of this chapter shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special, or local, the provisions of this chapter shall be controlling.

**§ 62.1-203. Powers of Authority.**

The Authority is granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following:

1. To have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;

2. To adopt, amend and repeal bylaws, and rules and regulations, not inconsistent with this chapter for the administration and regulation of its affairs and to carry into effect the powers and purposes of the Authority and the conduct of its business;

3. To sue and be sued in its own name;

4. To have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;

5. To maintain an office at any place within the Commonwealth which it designates;

6. To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

7. To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its properties and assets;

8. To employ officers, employees, agents, advisers and consultants, including without limitations, attorneys, financial advisers, engineers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;

9. To procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees or agents and for the indemnification of the members of its Board of Directors and its employees and agents;

10. To procure credit enhancements from any public or private entities, including any department, agency or instrumentality of the United States of America or the Commonwealth, for the payment of any bonds issued by the Authority, including the power to pay premiums or fees on any such credit enhancements;

11. To receive and accept from any source aid, grants and contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the aid, grants or contributions are made;

12. To enter into agreements with any department, agency or instrumentality of the United States of America or, the Commonwealth, the District of Columbia or any adjoining state for the purpose of planning, regulating and providing for the financing of any projects;

13. To collect, or to authorize the trustee under any trust indenture securing any bonds or any other fiduciary to collect, amounts due under any local obligations owned or credit enhanced by the Authority, including taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any unpaid sums;

14. To enter into contracts or agreements for the servicing and processing of local obligations owned by the Authority;

15. To invest or reinvest its funds as provided in this chapter or permitted by applicable law;

16. Unless restricted under any agreement with holders of bonds, to consent to any modification with respect to the rate of interest, time and payment of any installment of principal or interest, or any other term of any local obligations owned by the Authority;

17. To establish and revise, amend and repeal, and to charge and collect, fees and charges in connection with any activities or services of the Authority;

18. To do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this chapter; and

19. To pledge as security for the payment of any or all bonds of the Authority, all or any part of the Capital Reserve Fund or other reserve fund or account transferred to a trustee for such purpose from the Water Facilities Revolving Fund pursuant to § 62.1-231, from the Water Supply Revolving Fund pursuant to § 62.1-240, from the Virginia Solid Waste or Recycling Revolving Fund pursuant to § 62.1-241.9, from the Virginia Airports Revolving Fund pursuant to § 5.1-30.6, ~~or~~ from the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.17, *or from the Virginia Tobacco Region Revolving Fund pursuant to § 3.2-3117. Notwithstanding the foregoing, any such transfer from the Virginia Tobacco Region Revolving Fund may be pledged to secure only those bonds of the Authority issued to finance or refinance projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia.*

**2. That the three Commission members serving as of July 1, 2015, whose seats are eliminated by the reduction in the size of the Commission may serve the remainder of their unexpired terms.**

## CHAPTER 400

*An Act to amend and reenact § 13.1-514 of the Code of Virginia, relating to the Securities Act; exemption.*

[H 1360]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:**

**§ 13.1-514. Exemptions.**

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the United States Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the United States Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;

2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;

3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;

4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;

5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;

6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;

7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or

b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the

condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer; *and*

21. *To the extent the Commission by rule or order permits, any security issued by an entity formed, organized, or existing under the laws of the Commonwealth, if:*

*a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933;*

- b. The offer and sale of the security are made only to residents of Virginia;
- c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;
- d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;
- e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;
- f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and
- g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:
- (1) Restrictions on the nature of the issuer;
  - (2) Limitations on the number and manner of offerings;
  - (3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;
  - (4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;
  - (5) Filings with the Commission of notices and other materials related to the offering; and
  - (6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles.

The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500.

- C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.
- 2. That the State Corporation Commission shall report by July 1, 2016, and each year thereafter until 2020, to the Chairmen of the House and Senate Commerce and Labor Committees on the implementation of this act, including (i) any updates on federal action, (ii) the number of filings in the Commonwealth made pursuant to this act, (iii) the mean, median, and total values related to money raised under offerings made pursuant to this act, and (iv) any recommendations for revisions to this act.**
- 3. That the provisions of this act shall expire on July 1, 2020.**

## CHAPTER 401

*An Act to amend and reenact § 55-59.3 of the Code of Virginia, relating to advertisement of time-share estate foreclosure sales.*

[H 1794]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-59.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-59.3. Contents of advertisements of sale.**

A. The advertisement of sale under any deed of trust, in addition to such other matters as may be required by such deed of trust or by the trustee, in his discretion, shall set forth a description of the property to be sold, which description need not be as extensive as that contained in the deed of trust, and shall identify the property by street address, if any, or, if none, shall give the general location of the property with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the time, place and terms of sale and shall give the name or names of the trustee or trustees. It shall set forth the name, address and telephone number of such person (either a trustee or the party secured or his agent or attorney) as may be able to respond to inquiries concerning the sale.

B. 1. If the property being sold is a time-share estate or estates, the advertisement of sale required under subsection A of § 55-59.2 shall set forth, in addition to such other matters as the trustee finds appropriate, (i) a description of the specific time-share estate or estates to be sold, which description also shall include (a) the name of the time-share project and (b) the street address of the time-share project, or if no street address, the general location of the time-share project with reference to streets, routes, or known landmarks; (ii) the date, time, place, and terms of sale; (iii) the name of the trustee; and (iv) the name, address, and telephone number of the representative, agent, or attorney who is authorized to respond to inquiries concerning the sale and give additional information concerning the time-share estate or estates to be sold.

2. In lieu of the requirements of subdivision 1, the advertisement shall set forth (i) the name of the time-share project in which the time-share estate or estates to be sold are contained; (ii) the street address of the time-share project in which the time-share estate or estates to be sold are contained, or if no street address, the general location of the time-share project

with reference to streets, routes, or known landmarks; (iii) the date, time, place, and terms of sale; (iv) the name of the trustee; and (v) the name, address, and telephone number of the representative, agent, or attorney who is authorized to respond to inquiries concerning the sale and give additional information concerning the time-share estate or estates to be sold, including providing, upon request, in either hard copy or electronic form, a schedule of the time-share estate or estates to be sold. In addition, the advertisement shall contain a website address where a description of the specific time-share estate or estates to be sold is displayed.

## CHAPTER 402

*An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3, relating to powers and duties of the Department of Criminal Justice Services; committees related to sexual and domestic violence.*

[H 2092]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-102 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 sections numbered 9.1-116.2 and 9.1-116.3 as follows:**

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; ~~and~~

57. *Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; and*

58. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 9.1-116.2. Advisory Committee on Sexual and Domestic Violence; membership; terms; compensation and expenses; duties.**

*A. The Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards, and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and reduction of sexual and domestic violence in the Commonwealth, and to promote the efficient administration of grant funds to state and local programs that work in these areas.*

*The Advisory Committee shall have a total of 15 members consisting of the following, or their designees: the Commissioner of Social Services; the Director of the Department of Criminal Justice Services; the Commissioner of Health; the Director of the Department of Housing and Community Development; the Executive Director of the Virginia sexual and domestic violence coalition; one member of the Senate to be appointed by the Senate Committee on Rules; one member of the House of Delegates to be appointed by the Speaker of the House; the Chairman of the Virginia State Crime Commission; and the Attorney General. The membership shall also consist of six nonlegislative citizen members appointed by the Governor; one of whom shall be a representative of a crime victims' organization or a victim of sexual or domestic violence, one of whom shall be a member of the board of the Virginia Victim Assistance Network, and four of whom shall be directors of local sexual and domestic violence programs, of whom one shall be a director of a program that concentrates solely on domestic violence, one shall be a director of a program that concentrates solely on sexual violence, and two shall be directors of programs that work in both sexual and domestic violence. The appointments of the four directors shall be representative of regional and geographic locations of the Commonwealth.*

*Legislative members and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and shall serve a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.*

*The Advisory Committee shall elect its chairman and vice-chairman from among its members.*

*B. No member of the Advisory Committee appointed by the Governor shall be eligible to serve for more than two consecutive full terms. A term of three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.*

C. A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.

D. The Advisory Committee may adopt bylaws for its operation.

E. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. Funding for the costs of the expenses shall be provided from federal funds received for such purposes by the Department.

F. The Advisory Committee shall have the following duties and responsibilities:

1. Provide guidance on appropriate standards for the accreditation of sexual and domestic violence programs;
2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of local services to victims of sexual and domestic violence in the Commonwealth;
3. Advise on all matters related to federal funds received by the Commonwealth for crime prevention and crime victim assistance related to sexual and domestic violence and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of these federal programs;
4. Promote coordination among state agencies and local service providers to improve the Commonwealth's identification of and response to sexual and domestic violence, including the effective implementation of trauma-informed services, evidence-based homicide reduction strategies, and evidence-based prevention strategies;
5. Develop a comprehensive plan for data collection on sexual and domestic violence;
6. Review statewide reports and conduct studies to identify service demands and gaps and make funding recommendations that ensure adequate funding and improve the administration of both state and federal funds to local sexual and domestic violence programs; and
7. Make recommendations on improving efficiencies in the administration of grants of both state and federal funds to local sexual and domestic violence programs.

G. The Department shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.

#### **§ 9.1-116.3. Virginia Sexual and Domestic Violence Program Professional Standards Committee.**

The Virginia Sexual and Domestic Violence Program Professional Standards Committee (the Committee) shall establish voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. The Committee may adopt bylaws for its operation, membership terms, fees, and other items as necessary. Fees for accreditation shall be used to support any administrative costs of the Department. Upon request of the Committee, the Department and the Virginia sexual and domestic violence coalition may provide accreditation assistance and training and resource material that will assist the local programs in obtaining or retaining accreditation.

The Committee shall consist of the following: six directors of local sexual and domestic violence programs appointed by the Advisory Committee on Sexual and Domestic Violence, six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The appointments made by the Advisory Committee on Sexual and Domestic Violence and the Virginia sexual and domestic violence coalition shall both adhere to the following requirements: appointments shall be representative of regional and geographic locations and types of local sexual and domestic violence programs and shall include a director of a program concentrating solely on sexual violence, a director of a program concentrating solely on domestic violence, and four directors of programs concentrating on both sexual and domestic violence. A chairman and vice-chairman, who shall be voting members, shall be elected annually, and each position shall alternate between a director who is appointed by the Advisory Committee and a director who is appointed by the coalition; if the chairman is a director appointed by the Advisory Committee, the vice-chairman shall be a person appointed by the coalition, and vice versa.

### **CHAPTER 403**

An Act to amend and reenact § 2.01, as amended, §§ 2.02 and 2.04, § 4.03, as amended, § 6.02, §§ 7.02 and 8.02, as amended, §§ 9.01, 10.02, 10.03, 10.06, and 10.09, § 10.10, as amended, and §§ 11.01 and 15.02 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, and to repeal § 7.10 and § 8.06, as amended, of Chapter 542, relating to city powers, utilities, chief financial officer, and city departments.

[H 1893]

Approved March 23, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. That § 2.01, as amended, §§ 2.02 and 2.04, § 4.03, as amended, § 6.02, §§ 7.02 and 8.02, as amended, §§ 9.01, 10.02, 10.03, 10.06, and 10.09, § 10.10, as amended, and §§ 11.01 and 15.02 of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:**

§ 2.01. General grant of powers.

The City of Bristol shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to municipal corporations under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein. The city shall have as well any powers expressly set forth herein, including the power to provide and operate telecommunication and related services, including without limitation, cable television, Internet, and all other services that might be rendered by use of the city's fiber-optic system; provided further that also the city shall have the power, within and without the city and within or without the Commonwealth of Virginia to provide consulting and management services for the operation of telecommunication services, including without limitation, cable television, Internet, and all other services that might be rendered by use of a fiber-optic system. Nothing in the foregoing provision shall be deemed to have expanded the powers of the city to provide and operate telecommunication and related services, including without limitation, cable television, Internet and all other services that might be rendered by use of the city's fiber-optic system, beyond those limitations and restrictions set forth in §§ 15.2-2108.2, 15.2-2108.3, 15.2-2108.9 through 15.2-2108.17, 15.2-2160, and 56-265.4:4 of the Code of Virginia, which, as amended from time to time, shall continue to be applicable to the city to the extent provided therein. The enumeration of powers in this charter shall not be exclusive or otherwise be construed to limit the powers of the city.

*The City hereby expressly relinquishes its powers set forth in this Charter that were transferred to the BVU Authority by the General Assembly's adoption of the BVU Authority Act in Chapter 72 (§ 15.2-7200 et seq.) of Title 15.2 of the Code of Virginia. Any references in this Charter to Bristol Virginia Utility Board or Bristol Virginia Utilities shall mean the BVU Authority.*

§ 2.02. Financial powers.

The City of Bristol shall have the following powers relative to its financial affairs:

1. To raise annually by taxes and assessments such sums of money as the council deems necessary to pay the debts and defray the expense of operation of the city; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth;
2. To impose special or local assessments for local improvements and enforce payment thereof;
3. To contract debts, borrow money and make and issue evidences of indebtedness subject to the provisions of the Constitution of Virginia and of this charter;
4. To expend the money of the city for all lawful purposes;
5. To make appropriations, subject to the limitations imposed by this charter and the Constitution of Virginia, for the support of the city government and any other purposes authorized by this charter and the laws of the Commonwealth;
6. To accept and receive or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city's government, and to dispose of the same in any manner for such purpose in accordance with the terms and conditions, if any, of such gifts, grants, bequests and devices;
7. To provide, or aid in the support of, public libraries and public schools;
8. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable, educational or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or for the encouragement of agricultural and mechanical arts, whose functions further the public purposes of the city;
9. To provide control and management of the fiscal affairs of the city and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions or other agencies of this city's government as may be provided for elsewhere in this charter or to be set forth by ordinance or resolution;
10. To establish, impose and enforce rates and charges for public utilities, or other services, products or conveniences which are operated, rendered or furnished by the city including without limitation, water and sewer rates; and to the extent permitted by law, to regulate the rates for all such services provided by public service corporations within the city.

The city also may assess or cause to be assessed such rates and charges for public utilities, services, products or conveniences directly against the owner or owners of the buildings or against the proper tenant or tenants. Where charged against the tenants, the city may, by ordinance, make the owner or owners directly liable in the event such tenant or tenants fail to pay when the rents or charges are assessed.

Such fees, rents and charges being in the nature of a use or service charge shall, as nearly as the council shall deem practical and equitable, be uniform for the same type, class and amount of use. In the case of consumption of water, the rate may be based on actual consumption on or in connection with the real estate, making due allowances for the commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the average number of persons residing or working on or otherwise connected or identified with the real estate, or on any other factors determining the type, class and amount of water used. Similarly rational alternate means of determining rates for other utilities, services, products and goods provided by the city may be authorized by city council.

City council shall have the right and power to combine charges for water and sewer services on one statement, separate or together, with a bill for electrical services and to bill the beneficiary of such services therefor in such manner as to require the payment of all charges as a unit and to enforce the payment of such charges by discontinuing the water service, the sewer service, the electrical service or all others. In the event that fees, rents and charges charged for furnishing water, or for the use of services of the sewer disposal system, for furnishing electricity or any other utility in connection with any real

estate shall not be paid when due; a reasonable penalty to be set by the council may at that time be added thereto; and the owner or tenant, as the case may be, of such real estate shall, until such fees, rents and charges for the same be paid together with such penalty, cease to use water; to dispose of sewage or industrial waste by discharge thereof directly or indirectly into the sewage disposal system or any other utility otherwise being used and furnished by the city. If such owner or tenant shall not have paid such fees, rents and charges together with such penalty within ten days after the same shall have become due, the supplier of water, electricity or other utility for the use of such real estate shall cease supplying same thereto. When the water for the use of such real estate has been shut off, it shall not be turned on again until the delinquent charges together with the penalty and a reasonable service charge to be fixed by council for shutting it off and turning it on again has been paid.

Such fees, rents, charges and penalty may be recovered by the city, by action at law or suit in equity. The council may designate a person, persons, board or commission, as the collector and custodian of all fees, rents and charges payable and paid to the city for public utilities and for other public services, products or conveniences, provided that any person or persons so designated and appointed shall keep a correct account of all such receipts and expenditures therefrom and shall take the oath of office and give bond as required by this charter; and

11. To charge and collect fees for permits to use public facilities and for the provision of public services and privileges.

§ 2.04. Powers relating to public works, utilities and properties.

The city shall have the power to acquire, construct, own, maintain, regulate, operate, hold, improve, manage, sell, encumber, donate or otherwise dispose of any property, real or personal, or any estate or interest therein, and any structure or improvement thereon, within or without the city and within or without the Commonwealth of Virginia for:

1. Public parks, parkways, playing fields and playgrounds including laying out, equipping and improving them with all suitable devices, buildings and other structures, and to landscape the same;

2. Incinerators, dumps, landfills and other facilities for the collection and disposal of offal, ash, garbage, carcasses of dead animals, refuse, demolition waste materials and any and all other manner of tangible things which have a cause of being of no further purpose to the municipality or to any of its citizens or to any other person from whom the city acquires such material, and therefore needs to be disposed of.

The city may permit and regulate the operation of all of the same by private enterprise subject to such permitting requirements and other laws as are applicable in this Commonwealth and to such zoning and other requirements as may be required by ordinance duly passed by the city;

3. Sewers and sewer disposal and sewage treatment services.

(a) The city may join with the City of Bristol, Tennessee, and other political subdivisions within and without Virginia in the construction, maintenance, use and operation of sanitary sewer lines and sewage disposal plants either within the Commonwealth of Virginia or the State of Tennessee; use Beaver Creek and Little Creek and all other creeks flowing within the jurisdiction of the city as part of its storm sewer system, to the extent permitted by law, and to this end council may order the channel of such creeks to be altered, widened, deepened, straightened, improved or the location thereof changed; as it may think proper, and such wall or walls to be constructed along its banks as will tend to prevent overflow. The city may condemn, in a manner provided by law, any land, or interest in land or any riparian rights or property rights necessary for the purpose of so altering, widening, deepening, straightening, improving or changing the location of the channel of such creeks.

(b) The city shall have the power to require the owner, tenant or occupant of each lot or parcel of land which contains a sanitary sewer owned by the city or which abuts upon a street or other public way which contains such sanitary sewer and upon which lot or parcel of land a building exists for residential, commercial, industrial or other human use, to connect such building's sewer with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matters.

(c) The city shall have the power to regulate in any manner required by the laws of the United States, or the Commonwealth of Virginia or as the city may be determined necessary for the health, safety and welfare of the citizens of the City of Bristol, Virginia, and individuals in jurisdictions contiguous thereto, what materials may be placed in the city's sanitary and storm sewer system. The city may promulgate regulations upon property owners placing materials in the sanitary sewer system or from whose property water flows into the storm water system to require said owners to prevent the placing of said materials in either system or to pretreat certain substances prior to their introduction into either the sanitary or storm sewer system;

4. All buildings and other structures necessary or useful in carrying out the powers and duties of the city for parking or storage of vehicles by the public which shall include without limitation parking lots, garages, buildings and other land, structures, equipment facilities necessary to relieve congestion in the use of streets and to reduce hazards incident to such use and to provide for the management, regulation and control of such facilities by special board, commission or agency;

5. An airport, and to join with other political subdivisions within and without the Commonwealth for the purpose of jointly owning, operating and maintaining such property for airport purposes;

6. Stadia, arenas, swimming pools and other sports facilities and to provide for the control, regulation, maintenance and management of the facilities by board or commission or by contract with any person, firm or corporation;

7. Municipal and other buildings, armories, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city;

8. ~~Waterworks, gas plants and electric plants, water supply and pipe and transmission lines for water, electricity and gas supplies and any other utility or utilities within and without the city:~~

~~(a) The city shall have the power to make all necessary rules and regulations to promote the purity of its water supply, to protect the same from pollution, both within and without the city, to exercise full police power over all lands comprised within the limits of the watershed tributary to such water supply wherever such lands may be located in the Commonwealth.~~

~~(b) The city may impose and enforce penalties for the violation of such rules and regulations, to prevent by injunction any pollution or threatened pollution of such water supply by any and all acts likely to impair the purity thereof.~~

~~(c) The city may acquire lands, interest in lands, water power properties, reservoirs, pumping stations, filtering plants, purification processes, auxiliary steam plants and other works, property rights and riparian rights or personal property for such use by eminent domain.~~

~~(d) The city shall also have the powers to merge such systems as it may have with the City of Bristol, Tennessee, or any entity owned and controlled by the City of Bristol, Tennessee, or any other political subdivision within and without the Commonwealth under joint ownership, control and operation, either incorporated or unincorporated or as any authority, and to join with the City of Bristol, Tennessee, or such other political subdivision in acquiring and developing additional water supplies, electric transmission or production facilities, gas production or transmission facilities and water and sewer transmission, disposal and purification facilities either within or without the Commonwealth.~~

~~(e) The city may place the operation, maintenance and control of its individually or jointly operated facility under a board, commission, or entity other than the city council~~

*Gas plants, gas supply and pipe and transmission lines for gas and gas supplies and such other services as the City by its council shall determine are necessary or expedient to its citizens in the regulation or control of gas services;*

9. Rail tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, including the power to perform any services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, etc., of wares and merchandise;

10. Lands for rock quarries, gravel pits, sand pits and any other public purpose within or without this Commonwealth.

The city shall have the power to install thereon all necessary machinery and equipment to operate the same for producing materials required for construction, repair and maintenance of public properties, to sell any surplus of such materials for private purposes and to build and operate a plant or plants for the preparation and mixing of materials for the construction of all public improvements and the maintenance and repair thereof; and

11. A storm water sewer system operated individually, or jointly with the City of Bristol, Tennessee, or any other political subdivision within or without the Commonwealth.

(a) The city may construct, maintain, use and operate such storm water sewer lines, ditches, intake basins, storm water sewer easements and any and all other plants, equipment or property necessary to the successful operation of a storm water sewer system for the City of Bristol, Virginia.

(b) The city shall have the power to require any developer subdividing or developing any real property within the City of Bristol, Virginia, to provide such lines, intake basins, ditches, and other incidents of a storm water sewer system as are necessary to provide for the orderly handling of storm water from the properties so developed or subdivided.

(c) The city shall have the power to require any property owner or occupant of any lot or parcel of land within the City of Bristol, Virginia, to provide for the orderly introduction of storm water falling upon said lot or parcel of land and the improvements thereon into the storm water sewer system provided by the City of Bristol, Virginia, at the expense of the property owner.

#### § 4.03. Meetings.

At nine o'clock a.m. on July 1 following a regular municipal election, or if that should be Saturday, Sunday or a legal holiday, then on the first business day following, the council shall hold an inaugural meeting at the usual place for holding the meetings of the council.

At that meeting newly elected councilmen shall be sworn and assume the duties of their office, and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on July 1 in each year when no municipal election has been held, or if such day be Saturday, Sunday or a legal holiday, then the first business day following, the council shall have an organizational meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on July 1 of each year.

*Each July 1, at the inaugural or organizational meeting, council shall make such appointments of its own members to such boards, authorities, committees or commissions that require a representative from the members of the council. Additionally at the inaugural or organizational meeting, or as soon as possible thereafter, council shall also make such citizen appointments to the planning commission, board of zoning appeals, economic development committee, social services board, board of building code appeals, BVU Authority, Industrial Development Authority and any other boards to which the council makes appointments of members whose terms have expired as of midnight on the 30th day of June. Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees or commissions prior to July 1, if such opening exists prior to midnight on June 30th. The length of terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the Charter.*

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time.

§ 6.02. City clerk.

The city clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a permanent record of its proceedings. ~~He~~ *The clerk* shall keep all papers, documents and records pertaining to the City of Bristol, Virginia, the custody of which is not otherwise provided for. ~~He~~, *and* shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. ~~He~~ *The clerk* shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

~~He shall upon~~ *Upon* final passage, *the clerk shall* transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such department or to the duties of such officials. ~~He and~~ shall also compile and annually submit to the publisher all changes to the City Code for publication of the same.

~~He~~ *The clerk* shall perform such other duties as are required by this charter or may be directed by the council.

~~Until otherwise provided by ordinance, the duties of comptroller shall be performed by the city clerk. As to the duties of comptroller, this position shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of city clerk, who shall answer directly to the council.~~

*The duties of the city clerk may be performed by the chief financial officer. If so, the duties of the chief financial officer shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of the city clerk, who shall answer directly to the council.*

§ 7.02. Finance department.

A. Generally. There shall be a ~~comptroller's~~ *finance* department headed by a department head known as the ~~comptroller~~ *chief financial officer*, who shall be in charge of the accounting and finances of the city. The ~~comptroller~~ *chief financial officer* shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of ~~comptroller~~ *chief financial officer*. The ~~comptroller~~ *chief financial officer* shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city. The ~~comptroller~~ *chief financial officer* in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager ~~and budget director~~ in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council, not later than the ~~15th~~ *25th* day of each month, a statement concerning the financial transactions of the city prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

(a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by the city council.

C. Annual audit. The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours *and shall be posted on the city's website for public viewing*. The ~~comptroller~~ *chief financial officer* shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. Upon the death, resignation, removal or expiration of the term of any officer of the city, the ~~comptroller~~ *chief financial officer*, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The ~~comptroller~~ *chief financial officer* shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the ~~comptroller~~ *chief financial officer* if they so direct.

E. Commissioner of revenue. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's ~~comptroller's~~ *chief financial officer's* bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund not to exceed \$300. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the ~~comptroller~~ *chief financial officer*;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the ~~comptroller~~ *chief financial officer* with respect to receipts and expenditures in the city treasury as may be required by the ~~comptroller~~ *chief financial officer* to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the ~~comptroller~~ *chief financial officer* on forms prescribed by the ~~comptroller~~ *chief financial officer*, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the ~~comptroller~~ *chief financial officer* or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of *delinquent* real and personal ~~properties delinquent as of June 30, 1989, for taxes to the city manager and to city council no later than~~ *property taxes for the next preceding year to the city manager and to city council no later than* July 1 of each year.

§ 8.02. Boards; appointments, compensation.

The terms of office and the number of consecutive terms of office permitted to any individual appointee for all board appointments made by city council shall be as set forth in this charter, except for appointments to boards and commissions not created by this charter or by the council for the City of Bristol, Virginia, but which are participated in by the city. With respect to all such state, regional and federal boards participated in by the city and not created by this charter or ordinance of the City of Bristol, Virginia, the city may participate in the operation of such boards by appointment thereto and the term of office for each such appointee shall be for such length as is specified by the general laws, regulations and by-laws of such agency or board. No individual appointee to such board shall be appointed for more than two consecutive terms unless such restriction is in conflict with the general laws of the Commonwealth of Virginia, or the federal laws by which the board or commission was created or the by-laws of the board or commission.

No member of any board; ~~including without limitation, the Bristol, Virginia, utility board or any other board~~ to which members are appointed by the city council for the City of Bristol, Virginia, shall receive any compensation for services on said board, said service to be of a purely volunteer nature. However, members of such boards may be reimbursed actual expenses incurred in service on such boards excluding expenses incident to the attendance at regular meetings of the board.

§ 9.01. Generally.

In addition to the treasurer and commissioner of revenue as set forth in the section on ~~the comptroller's office finance~~, there shall be the positions of attorney for the Commonwealth, sheriff and clerk of the circuit court as provided for by the Constitution of the Commonwealth of Virginia.

§ 10.02. Preparation.

It shall be the duty of the head of each department, the judges of the various courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by appropriations of the city, including the constitutional officers, to file with the ~~budget director~~ *city manager*, at such time as the city manager may prescribe, detailed estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The ~~budget director~~ *city manager* shall assemble and compile these estimates and in cooperation with the ~~comptroller chief financial officer~~, supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the ~~budget director~~ *chief financial officer* shall review the budgets, make such revisions in such estimates as he may deem proper after consultation with each department head, constitutional officer, and other such officers, and, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, prepare a total budget estimate for presentation to the council.

§ 10.03. Scope of the annual budget.

Not later than the second Tuesday in ~~March~~ *April*, the city manager shall submit to the council an initial budget estimate for the ensuing fiscal year, according to a classification as nearly uniform as possible. The budget shall present the following information:

1. An itemized statement of the appropriations recommended by the city manager for current operating expenses for each department and each division thereof for the ensuing fiscal year, with comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriation recommended. Expenditures for the current fiscal year shall include an estimate of expenditures necessary to complete such year;
2. An itemized statement of the appropriations recommended by the city manager for capital improvement projects for the ensuing fiscal year for each department and each division thereof, with the comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriations recommended;
3. The annual budget and annual appropriation ordinance shall include a line-item for a reasonable contingency fund for use in any of the affairs of the city under the control of the city manager;
4. An itemized statement of the taxes required and the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next proceeding fiscal year and the increases and decreases estimated or proposed;
5. A statement of the financial condition of the city and for such other information as may be required by the council or that the city manager may be deemed advisable to submit; and
6. Copies of such budget estimate shall be printed and be available for distribution not later than two weeks after its submission to the council and a public hearing shall be given thereon by the council before final action.

§ 10.06. Additional appropriations.

Subject to the limitations contained hereinafter, appropriations in addition to those contained in the appropriation ordinance may be made by the council by a four-fifths vote during the fiscal year if the ~~comptroller~~ *chief financial officer* certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. At any time during the fiscal year when reimbursements or payments from the Commonwealth of Virginia and the United States of America for specified purposes exceed budget estimates of anticipated revenue for such purposes, such excess reimbursement or payments may be included in the general fund unencumbered and unappropriated balances and may be appropriated for such specified purposes, whether such grants be termed categorical or general.

§ 10.09. Effective date of annual budget; certification and availability of copies thereof.

Upon final adoption, the annual budget shall be in effect for the ensuing fiscal year. A copy of the budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the ~~comptroller~~ *chief financial officer*. The annual budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. *It shall also be posted on the city's website for public viewing.*

§ 10.10. School budget.

It will be the duty of the school board to submit its line-item budget estimates to the city manager no later than May 1 of each year. The estimate shall set forth a detailed line-item estimate of the amount required for the conduct of the public schools for the ensuing fiscal year and an estimate of the amounts which are expected to be received for public education other than from appropriations by the council. It shall contain a detailed estimate of all surplus funds expected to be left over at the end of the current fiscal year. If an appropriation from council is less than the board's original request, it shall amend estimates of expenditures accordingly. Before the beginning of the fiscal year, the school board shall file with the ~~comptroller~~ *chief financial officer* its budget as finally revised. It shall have the power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which will be immediately transmitted to the ~~comptroller~~ *chief financial officer*.

§ 11.01. Taxation generally.

A. Taxation power. The council shall have all the powers of taxation granted by the general law of the Commonwealth including without limitation current §§ 58.1-3000 et seq. and such other sections of the law as give to the city the power of taxation, as the same may be replaced or amended from time to time. Additionally, there is retained from the current charter an express power to fix annual levies on property subject to taxation in the city without any limits as to the rate thereof, any provisions of the general law of the Commonwealth to the contrary notwithstanding. Council shall not fix such levy on property partially segregated to the Commonwealth for purposes of state taxation at a higher rate than is or may be permitted by the general laws relating thereto.

B. Recording tax. The council may tax deeds and all other papers placed upon the records in the office of the clerk of the circuit court, any sums not exceeding like taxes levied by the Commonwealth.

C. Annual levy. City council may levy an annual tax upon all persons in the city and upon any property therein subject to local taxation and not expressly segregated to the Commonwealth for purposes of state taxation only. Council may tax such other subjects as may be at the time assessed for state taxes against persons residing therein. Additionally, the city may levy a tax on intangible personal property assessed to residents therein and segregated by laws of the Commonwealth for purpose of taxation, at any rate not exceeding the maximum rate provided by law.

D. Sale of delinquent realty. Council may require real estate or any interest therein in the city delinquent for the nonpayment of taxes to be sold for such taxes with interest thereon and such per centum as they may prescribe for expenses of collection as they deem proper, and they may regulate the terms on which real estate so delinquent may be sold. All city taxes shall be due and payable as provided by council in a proper ordinance.

E. Duty of city treasurer as to delinquent realty. The city treasurer shall make a report to the ~~comptroller~~ *chief financial officer* by July 1 of each year as to all real estate in the city delinquent for nonpayment of real estate taxes assessed thereon for the next preceding year and the ~~comptroller~~ *chief financial officer* shall check the same and transmit it to the city manager. The city treasurer shall also provide a copy of the list transmitted to the ~~comptroller~~ *chief financial officer* to city council on July 1 of each year.

F. Duty of commissioner of revenue upon ascertaining property, etc., has not been properly assessed. If the commissioner of revenue ascertains that any person or any real or personal property or income or salary has not been assessed for city taxation for any year for which it should have been taxed or that the same has been assessed at less than the law required for any year or the taxes thereon for any cause have not realized, it shall be the duty of the commissioner to list the same and assess city taxes thereon at the rate prescribed for that year adding thereto interest at the rate set by state law. Where the same was not assessed through no fault of the person charged with the taxes, no interest or penalty shall be charged.

G. Applicability. All the provisions of this section shall be applicable to the assessment and collection of all local taxes.

H. Distress of goods and chattels, payment by tenants or fiduciaries. All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for such taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes. The tenant who pays or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city by person under whom he holds shall have credit for the same against the rents he may owe, except when the tenant is bound to pay such taxes or levies by an express contract with such person. Where taxes or levies are paid to the city by any fiduciary on any estate in lands, such taxes and levies shall be reimbursed to him out of the same estate.

§ 15.02. Oaths of office, official bonds, power of certain officers to administer oaths.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance of the city council, before the clerk of the circuit court of the City of Bristol and file the same with the city clerk before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office

shall be considered vacant. The commissioner of revenue, city clerk, city ~~comptroller~~ *chief financial officer* and city manager shall have power to administer oaths and take and sign affidavits in the discharge of their respective official duties.

**2. That §§ 7.10 (Youth Services Department) and 8.06, as amended, of Chapter 542 of the Acts of Assembly of 1990 are repealed.**

## CHAPTER 404

*An Act to amend and reenact §§ 4.1-111, 4.1-201, 4.1-210, 4.1-325, and 4.1-325.2 of the Code of Virginia, relating to alcoholic beverage control; regulations; samples of alcoholic beverages; combined mixed beverage restaurant and caterer's license.*

[H 1439]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-111, 4.1-201, 4.1-210, 4.1-325, and 4.1-325.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-111. Regulations of Board.**

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, *including a provision that limits infusion containers to a maximum of 20 liters.*

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in

§§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55-526, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. *Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour but prohibit the advertising of any pricing related to such happy hour.*

16. *Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.*

17. *Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.*

18. *Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet shop licensees. Growlers sold by gourmet shop licensees shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.*

19. *Permit the sale of wine and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet shop licensees for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.*

20. *Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.*

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

**§ 4.1-201. Conduct not prohibited by this title; limitation.**

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

11. Any distiller licensed under this title from serving as an agent of the Board for the sale of alcoholic beverages, other than beer and wine, at a government store established by the Board on the licensed premises of the distiller in accordance with subsection D of § 4.1-119.

12. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce. No more than two product samples shall be given to any person per visit.

13. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

14. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

15. Any (i) retail on-premises wine or beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers and (ii) mixed beverage licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of distilled spirits consisting of samples of not more than five different spirits products.

16. Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The licensee may charge a corkage fee to such customer for the wine so consumed; however, the licensee shall not charge any other fee to such customer.

17. Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to adult customers of licensed retail establishments information about wine being consumed on such premises.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

**§ 4.1-210. Mixed beverages licenses.**

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this paragraph, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be

delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.*

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, ~~or~~ 14, or 15 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

**§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from ~~pre-mixing~~ *premixing* containers of sangria, *to which spirits may be added*, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to § 4.1-111 B 11;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-210.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this clause, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; ~~or~~ (iv) pursuant to subdivision A 12 of § 4.1-201; *or (v) pursuant to any Board regulation.* Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

**§ 4.1-325.2. Prohibited acts by employees of wine or beer licensees; penalty.**

A. In addition to the provisions of § 4.1-324, no retail wine or beer licensee or his agent or employee shall consume any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subsection shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes.

B. For the purposes of subsection A, a wine or beer wholesaler or farm winery licensee or its employees that participate in a wine or beer tasting sponsored by a retail wine or beer licensee shall not be deemed to be agents of the retail wine or beer licensee.

C. No retail wine or beer licensee, or his agent or employee shall make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subsection; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subsection; (iii) pursuant to subsection C of § 4.1-209; ~~or~~ (iv) pursuant to subdivision A 12 of § 4.1-201; *or* (v) pursuant to any Board regulation. Any gift permitted by this subsection shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subsection.

D. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to exceed \$500.

**2. That on and after July 1, 2015, any licensee of the Alcoholic Beverage Control Board that holds both a mixed beverage restaurant license and a mixed beverage caterer's license for the same business premises may, upon request in writing to the Alcoholic Beverage Control Board, be granted a combined mixed beverage restaurant and caterer's license for the same business premises. The Alcoholic Beverage Control Board may require such licensee to surrender the previously granted mixed beverage restaurant license and mixed beverage caterer's license for the same licensed location. No additional license fee shall be assessed for this change.**

## CHAPTER 405

*An Act to amend and reenact § 46.2-1012 of the Code of Virginia, relating to brake lights on motorcycles and autocycles.*

[H 1700]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1012 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, and illumination of license plates on motorcycles or autocycles.**

Every motorcycle or autocycle shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle or autocycle to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles or autocycles. In addition, each motorcycle or autocycle may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent.

Motorcycles or autocycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

Every motorcycle or autocycle registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles or autocycles may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle or autocycle shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles or autocycles may be equipped with a means of varying the brightness of the vehicle's brake light ~~for a duration of not more than five seconds~~ upon application of the vehicle's brakes.

## CHAPTER 406

*An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to appointment of board of zoning appeals.*

[H 1758]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.**

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the ~~City of~~ *Cities of Portsmouth and Virginia Beach*, members of the board shall be appointed by the governing body. The governing body of ~~such city~~ shall also appoint at least one but not more than three alternates to the board.

## CHAPTER 407

*An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to boards of zoning appeals; City of Portsmouth.*

[S 744]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.**

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the ~~City of~~ *Cities of Portsmouth and Virginia Beach*, members of the board shall be appointed by the governing body. The governing body of ~~such city~~ shall also appoint at least one but not more than three alternates to the board.

## CHAPTER 408

*An Act to amend and reenact § 55-248.39 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-225.18, relating to landlord and tenant law; retaliatory conduct by landlord.*

[H 1905]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 55-248.39 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-225.18 as follows:**

#### **§ 55-225.18. Retaliatory conduct prohibited.**

*A. Except as provided in this section, or as otherwise provided by law, a landlord may not retaliate by increasing rent or decreasing services or by bringing or threatening to bring an action for possession or by causing a termination of the rental agreement pursuant to § 55-222 or 55-248.37 after he has knowledge that (i) the tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health or safety; (ii) the tenant has made a complaint to or filed a suit against the landlord for a violation of any provision of this chapter; (iii) the tenant has organized or become a member of a tenants' organization; or (iv) the tenant has testified in a court proceeding against the landlord. However, the provisions of this*

subsection shall not be construed to prevent the landlord from increasing rents to that charged on similar market rentals nor decreasing services that shall apply equally to all tenants.

B. If the landlord acts in violation of this section, the tenant is entitled to the applicable remedies provided for in this chapter, including recovery of actual damages, and may assert such retaliation as a defense in any action against him for possession. The burden of proving retaliatory intent shall be on the tenant.

C. Notwithstanding subsections A and B, a landlord may terminate the rental agreement pursuant to § 55-222 or 55-248.37 and bring an action for possession if:

1. Violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or a member of his household or a person on the premises with his consent;
2. The tenant is in default in rent;
3. Compliance with the applicable building or housing code requires alteration, remodeling or demolition that would effectively deprive the tenant of use of the dwelling unit; or
4. The tenant is in default of a provision of the rental agreement materially affecting the health and safety of himself or others.

D. The landlord may also terminate the rental agreement pursuant to § 55-222 or 55-248.37 for any other reason not prohibited by law unless the court finds that the reason for the termination was retaliation.

**§ 55-248.39. Retaliatory conduct prohibited.**

A. Except as provided in this section, or as otherwise provided by law, a landlord may not retaliate by increasing rent or decreasing services or by bringing or threatening to bring an action for possession or by causing a termination of the rental agreement pursuant to § 55-222 or § 55-248.37 after he has knowledge that: (i) the tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health or safety; ~~or~~ (ii) the tenant has made a complaint to or filed a suit against the landlord for a violation of any provision of this chapter; ~~or~~ (iii) the tenant has organized or become a member of a tenants' organization; or (iv) the tenant has testified in a court proceeding against the landlord. However, the provisions of this subsection shall not be construed to prevent the landlord from increasing rents to that charged on similar market rentals nor decreasing services that shall apply equally to all tenants.

B. If the landlord acts in violation of this section, the tenant is entitled to the applicable remedies provided for in this chapter, including recovery of actual damages, and may assert such retaliation as a defense in any action against him for possession. The burden of proving retaliatory intent shall be on the tenant.

C. Notwithstanding subsections A and B, a landlord may terminate the rental agreement pursuant to § 55-222 or § 55-248.37 and bring an action for possession if:

1. Violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or a member of his household or a person on the premises with his consent;
2. The tenant is in default in rent;
3. Compliance with the applicable building or housing code requires alteration, remodeling or demolition ~~which~~ that would effectively deprive the tenant of use of the dwelling unit; or
4. The tenant is in default of a provision of the rental agreement materially affecting the health and safety of himself or others. The maintenance of the action provided herein does not release the landlord from liability under § 55-248.15:1.

D. The landlord may also terminate the rental agreement pursuant to § 55-222 or § 55-248.37 for any other reason not prohibited by law unless the court finds that the ~~primary~~ reason for the termination was retaliation.

**CHAPTER 409**

*An Act to amend and reenact §§ 54.1-1118, 54.1-1120, 54.1-1123, 54.1-1124, 54.1-2112, and 54.1-2114 through 54.1-2117 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Virginia Contractor and Real Estate Transaction Recovery Funds.*

[H 1965]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-1118, 54.1-1120, 54.1-1123, 54.1-1124, 54.1-2112, and 54.1-2114 through 54.1-2117 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-1118. Definitions.**

As used in this article, unless the context requires a different meaning:

"Act" means the Virginia Contractor Transaction Recovery Act.

"Biennium" means a two-year period beginning on July 1 of an even-numbered year and continuing through June 30 of the next even-numbered year.

"Claimant" means any person with an unsatisfied judgment involving residential construction against a regulant, who has filed a verified claim under this Act.

"Fund" means the Virginia Contractor Transaction Recovery Fund.

"Improper or dishonest conduct" includes only the wrongful taking or conversion of money, property or other things of value which involves fraud, material misrepresentation or conduct constituting gross negligence, continued incompetence, or intentional violation of the Uniform Statewide Building Code (§ 36-97 et seq.). The term "improper or dishonest conduct" does not include mere breach of contract.

"Judgment" includes an order of a United States Bankruptcy Court (i) declaring a claim against a regulant who is in bankruptcy to be a "Debt Nondischargeable in Bankruptcy," ~~or~~ (ii) extinguishing a claim against a regulant who is in bankruptcy and for which claim no distribution was made from the regulant's bankruptcy estate but excluding any such claim disallowed by order of the bankruptcy court, *or* (iii) *extinguishing a claim against a regulant who is in bankruptcy and for which claim only partial distribution was made from the regulant's bankruptcy estate. An order of dismissal shall not be considered a judgment.*

"Regulant" means any individual, person, firm, corporation, association, partnership, joint venture or any other legal entity licensed by the Board for Contractors. "Regulant" shall not include contractors holding only the commercial building contractor classification or individuals licensed or certified in accordance with Article 3 (§ 54.1-1128 et seq.) or Article 4 (§ 54.1-1140 et seq.).

"Verified claim" means a completed application, on a form designed by the Board, the truthfulness of which has been attested to by the claimant before a notary public, along with all required supporting documentation, ~~which that~~ has been properly received by the Department in accordance with this chapter.

**§ 54.1-1120. Recovery from Fund generally.**

*A. The claimant shall be (i) an individual whose contract with the regulant involved contracting for the claimant's residence located in the Commonwealth or (ii) a property owners' association as defined in § 55-509 whose contract with the regulant involved contracting for improvements to the common areas owned by the association.*

*The claimant shall not himself be (a) an employee of such judgment debtor, (b) a vendor of such judgment debtor, (c) another licensee, (d) the spouse or child of such judgment debtor or the employee of such spouse or child, or (e) a financial or lending institution or any person whose business involves the construction or development of real property.*

B. Whenever any person is awarded a judgment in a court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity which involves improper or dishonest conduct occurring (i) during a period when such individual or entity was a regulant and (ii) in connection with a transaction involving contracting, the claimant may file a verified claim with the Director to obtain a directive ordering payment from the Fund of the amount unpaid upon the judgment, subject to the following conditions:

1. If any action is instituted against a regulant by any person, such person shall serve a copy of the complaint upon the Board by certified mail or the equivalent.

2. A copy of any pleading or document filed subsequent to the initial service of process in the action against a regulant shall be provided to the Board. The claimant shall submit such copies to the Board by certified mail, or the equivalent, upon his receipt of the pleading or document.

3. A verified claim shall be filed with the Director no later than 12 months after the date of entry of the final judgment from which no further right of appeal exists.

~~4. The claimant shall be (i) an individual whose contract with the regulant involved contracting for the claimant's residence(s) located in the Commonwealth or (ii) a property owners' association as defined in § 55-509 whose contract with the regulant involved contracting for improvements to the common area owned by such association.~~

~~5. The claimant shall not himself be (i) an employee of such judgment debtor, (ii) a vendor of such judgment debtor, (iii) another licensee, (iv) the spouse or child of such judgment debtor nor the employee of such spouse or child, or (v) any financial or lending institution nor anyone whose business involves the construction or development of real property.~~

6. Prior to submitting the verified claim, the claimant shall:

a. Conduct or make a reasonable attempt to conduct debtor's interrogatories to determine whether the judgment debtor has any assets that may be sold or applied in whole or partial satisfaction of the judgment; and

b. Take all legally available actions for the sale or application of any assets disclosed in the debtor's interrogatories.

~~B- C. If the regulant has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, or the distribution ordered by the bankruptcy court fails to wholly or partially satisfy the claim, the claimant may then file a claim with the Board. The verified claim shall be received by the Board within 12 months of the date of bankruptcy discharge or dismissal. In the event the judgment is silent as to the conduct of the regulant, the Board shall determine (i) whether the conduct of the regulant that gave rise to the claim was improper or dishonest and (ii) what amount, if any, such claimant is entitled to recover from the Fund.~~

**§ 54.1-1123. Limitations upon recovery from Fund; certain actions not a bar to recovery.**

A. The maximum claim of one claimant against the Fund based upon an unpaid judgment arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving contracting, is limited to \$20,000, regardless of the amount of the unpaid judgment of the claimant.

B. The aggregate of claims against the Fund based upon unpaid judgments arising out of the improper or dishonest conduct of any one regulant involving contracting, is limited by the Board to \$40,000 during any biennium. If a claim has been made against the Fund, and the Board has reason to believe there may be additional claims against the Fund from other transactions involving the same regulant, the Board may withhold any payment(s) from the Fund involving such regulant for a period of not more than one year from the date on which the claimant is awarded in a court of competent jurisdiction in

the Commonwealth the final judgment on which his claim against the Fund is based. After this one-year period, if the aggregate of claims against the regulant exceeds \$40,000, during a biennium, \$40,000 shall be prorated by the Board among the claimants and paid from the Fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

C. Excluded from the amount of any unpaid judgment upon which a claim against the Fund is based shall be any sums representing interest, or punitive or exemplary damages, or any amounts that do not constitute actual monetary loss to the claimants. Such claim against the Fund may include court costs and ~~attorneys'~~ attorney fees.

D. If, at any time, the amount of the Fund is insufficient to fully satisfy any claims or claim filed with the Board and authorized by this Act, the Board shall pay such claims, claim, or portion thereof to the claimants in the order that the claims were filed with the Board.

E. Failure of a claimant to comply with the provisions of subdivisions ~~A B~~ 1 and ~~A~~ 2 and subsection ~~B C~~ of § 54.1-1120 and the provisions of § 54.1-1124 shall not be a bar to recovery under this Act if the claimant is otherwise entitled to such recovery.

F. The Board shall have the authority to deny any claim which otherwise appears to meet the requirements of the Act if it finds by clear and convincing evidence that the claimant has presented false information or engaged in collusion to circumvent any of the requirements of the Act.

**§ 54.1-1124. Participation by Board or Director in proceeding.**

Upon service of ~~process~~ *the complaint* as provided in subdivision ~~B~~ 1 of subsection ~~A~~ of § 54.1-1120, the Board, the Director, or duly authorized representatives of the Board shall then have the right to request leave of court to intervene.

**§ 54.1-2112. Definitions.**

As used in this article, unless the context requires a different meaning:

"Act" means the Virginia Real Estate Transaction Recovery Act.

"Balance of the fund" means cash, securities that are legal investments for fiduciaries under the provisions of subdivisions A 1, 2, and 4 of § 2.2-4519, and repurchase agreements secured by obligations of the United States government or any agency thereof, and shall not mean accounts receivable, judgments, notes, accrued interest, or other obligations payable to the fund.

"Board" means the Real Estate Board.

"Claimant" means any person with an unsatisfied judgment against a regulant, who has filed a verified claim under this act.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Fund" means the Virginia Real Estate Transaction Recovery Fund.

"Improper or dishonest conduct" includes only the wrongful and fraudulent taking or conversion of money, property or other things of value or material misrepresentation or deceit.

"Judgment" includes an order of a United States Bankruptcy Court (i) declaring a claim against a regulant who is in bankruptcy to be a "Debt Nondischargeable in Bankruptcy," (ii) extinguishing a claim against a regulant who is in bankruptcy and for which claim no distribution was made from the regulant's bankruptcy estate but excluding any such claim disallowed by order of the bankruptcy court, or (iii) extinguishing a claim against a regulant who is in bankruptcy and for which claim only partial distribution was made from the regulant's bankruptcy estate. An order of dismissal shall not be considered a judgment.

"Regulant" means a person, partnership, association, corporation, agency, firm or any other entity licensed by the Real Estate Board as a real estate broker or real estate salesperson.

"Verified claim" means a completed application, on a form designed by the Board, the truthfulness of which has been attested to by the claimant before a notary public, along with all required supporting documentation, that has been properly received by the Department in accordance with this chapter.

**§ 54.1-2114. Recovery from fund generally.**

A. The claimant shall not himself be (i) a regulant, (ii) the personal representative of a regulant, (iii) the spouse or child of the regulant against whom the judgment was awarded or the personal representative of such spouse or child, or (iv) a lending or financial institution or any person whose business involves the construction or development of real property.

B. Whenever any person is awarded a final judgment in any court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity for improper or dishonest conduct as defined in the act, and the improper or dishonest conduct occurred during a period when the individual or entity was a regulant and occurred in connection with a transaction involving the sale, lease, or management of real property by the regulant acting in the capacity of a real estate broker or real estate salesperson and not in the capacity of a principal, or on his own account, the person to whom such judgment was awarded may file a verified claim with the Director for a directive ordering payment from the fund of the amount unpaid upon the judgment, subject to the following conditions:

1. If any action is instituted against a regulant by any person, such person shall serve a copy of the ~~process~~ *complaint* upon the Board ~~in the manner prescribed by law. Included in such service shall be an affidavit stating all acts constituting improper or dishonest conduct. The provisions of § 8.01-288 shall not be applicable to the service of process required by this subdivision~~ by certified mail or the equivalent.

2. A copy of any pleading or document filed subsequent to the initial service of process in the action against a regulant shall be provided to the Board. The claimant shall submit such copies to the Board by certified mail, or the equivalent, upon his receipt of the pleading or document.

3. ~~For judgments entered on or after July 1, 1996, the A~~ verified claim shall be filed with the Director no later than twelve 12 months after the date of entry of the final judgment becomes final from which no further right of appeal exists.

4. ~~The claimant shall not himself be (i) a regulant, (ii) the personal representative of a regulant, (iii) the spouse or child of the regulant against whom the judgment was awarded, nor the personal representative of such spouse or child, or (iv) any lending or financial institution nor anyone whose business involves the construction or development of real property.~~

5. ~~The claimant shall have made an investigation to determine whether or not the judgment debtor is possessed of real or personal property or other assets which are available to be sold or otherwise applied in satisfaction of the judgment and shall file an affidavit that an investigation has been made. Satisfactory evidence of the results of subdivision 6 below shall be submitted with this affidavit.~~

6. ~~The investigation shall include but shall not be limited to (i) the conducting of debtor interrogatories and (ii) the investigation of~~ Prior to submitting a verified claim, the claimant shall:

a. ~~Conduct or make a reasonable attempt to conduct debtor's interrogatories to determine whether the judgment debtor has any assets, including any listings held by the regulant and any commissions due thereby; and~~

b. ~~Take all legally available actions for the sale or application of any assets disclosed in the debtor's interrogatories.~~

7. ~~The investigation shall not have disclosed such real or personal property or other assets available to be so sold or applied, or the investigation shall have disclosed certain of such assets, which shall be described in detail, and the claimant shall have taken all legally available actions and proceedings for such sale or application, and the amount so realized shall have been insufficient to satisfy the judgment, which amount shall be stated together with the balance remaining due on the judgment after the sale or application.~~

8. 5. If the judgment debtor has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court a complaint under 11 U.S.C. § 523 (a) and obtain an order determining dischargeability of the debt. ~~If no distribution is made, or the distribution ordered fails to satisfy the claim, the claimant may then file a claim with the Board. The verified claim shall be received by the Board within 12 months of the date of bankruptcy discharge or dismissal. In the event the judgment is silent as to the conduct of the regulant, the Board shall determine (i) whether the conduct of the regulant that gave rise to the claim was improper or dishonest as defined in § 54.1-2112 and (ii) what amount, if any, such claimant is entitled to recover from the Fund.~~

~~B-~~ C. The Department shall promptly consider the application, affidavit, and investigation of the verified claim. If it appears that a prima facie case has been made for payment of the claim, the Department shall provide the regulant with a notice offering the opportunity to be heard at an informal fact-finding conference pursuant to § 2.2-4019 of the Administrative Process Act (§ 2.2-4000; et seq.). Such notice shall state that if the regulant does not request an informal fact-finding conference within 30 days, with three days added in instances where the notice is sent by mail, the Department shall present the claim to the Board with a recommendation to pay the verified claim.

D. ~~A claimant shall not be denied recovery from the Fund due to the fact that the order for judgment filed with the verified claim does not contain a specific finding of improper or dishonest conduct. Any language in the order that supports the conclusion that the court found that the conduct of the regulant meets the definition of improper or dishonest conduct in § 54.1-2112 shall be used by the Board to determine eligibility for recovery from the Fund. To the extent the judgment order is silent as to the court's findings on the conduct of the regulant, the Board may determine whether the conduct of the regulant meets the definition of improper or dishonest conduct by substantial evidence in the verified claim.~~

~~C-~~ E. If the Board finds that there has been compliance with the statutory conditions to which reference is made in this section, the Board shall issue a directive ordering payment to the claimant from the fund the amount unpaid on the judgment, subject to the limitations set forth in § 54.1-2116. The claimant shall be notified in writing of the findings of the Board. The Board's findings shall be considered a "case decision" and judicial review of these findings shall be in accordance with § 2.2-4025 of the Administrative Process Act (§ 2.2-4000 et seq.). Notwithstanding any other provision of law, the Board shall have the right to appeal a decision of any court which is contrary to any distribution recommended or authorized by it.

#### **§ 54.1-2115. Investigations.**

Upon receipt of the notice of proceedings against the regulant, the ~~Board~~ Department may cause its own investigation to be conducted pursuant to § 54.1-306.

#### **§ 54.1-2116. Limitations upon recovery from fund; certain actions not a bar to recovery.**

A. The aggregate of claims by claimants against the fund based upon unpaid judgments arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving the sale, lease, or management of real property, is limited to \$50,000. If a claim has been made against the fund, and the Board has reason to believe that there may be additional claims against the fund arising out of the same transaction, the Board may withhold any payment(s) from the fund for a period of not more than one year. After such one-year period, if the aggregate of claims arising out of the same transaction exceeds \$50,000, such \$50,000 shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

B. The maximum claim of one claimant against the fund based upon an unpaid judgment arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving the sale, lease, or management of real

property, shall be limited to \$20,000, regardless of the number of claimants and regardless of the amount of the unpaid judgment of the claimant.

C. The aggregate of claims against the fund based upon unpaid judgments arising out of the improper or dishonest conduct of one regulant in connection with more than a single transaction involving the sale, lease, or management of real property is limited to \$100,000 during any biennial license period, the biennial periods expiring on June 30 of each even-numbered year. If a claim has been made against the fund, and the Board has reason to believe that there may be additional claims against the fund from other transactions involving the same regulant, the Board may withhold any payment(s) from the fund involving such regulant for a period of not more than one year. After the one-year period, if the aggregate of claims against the regulant exceeds \$100,000, such \$100,000 shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

D. Excluded from the amount of any unpaid judgment upon which a claim against the fund is based shall be any sums included in the judgment which represent interest, or punitive or exemplary damages. The claim against the fund may include court costs and ~~attorneys'~~ attorney fees.

E. If, at any time, the amount of the fund is insufficient to satisfy any claims, claim, or portion thereof filed with the Board and authorized by the act, the Board shall, when the amount of the fund is sufficient to satisfy some or all of such claims, claim, or portion thereof, pay the claimants in the order that such claims were filed with the Board.

F. Failure of a claimant to comply with the provisions of subdivisions B 1 and 2 of ~~subsection A~~ of § 54.1-2114 and the provisions of § 54.1-2117 shall not be a bar to recovery under this act if the claimant is otherwise entitled to such recovery.

**§ 54.1-2117. Participation by Board in proceedings.**

Upon service of ~~process~~ *the complaint* as provided in subdivision ~~A B~~ 1 of § 54.1-2114, the Board, the Director, or duly authorized representatives of the Board; shall then have the right to request leave of court to intervene.

**CHAPTER 410**

*An Act to amend and reenact §§ 15.2-979, 55-79.41, and 55-509 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-79.84:01 and 55-516.01, relating to the Condominium Act and the Property Owners' Association Act; notice of sale under deed of trust; responsibility of owner.*

[H 2080]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-979, 55-79.41, and 55-509 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 55-79.84:01 and 55-516.01 as follows:**

**§ 15.2-979. Notice of sale under deed of trust.**

A. Notice shall be given to the chief administrative officer or designee of a locality and, if the property is located in a common interest community as defined in § 55-528, to the common interest community association, when residential property located within that locality or common interest community becomes subject to a sale under a deed of trust.

B. The notice required by this section shall:

1. Be made by the trustee or any substitute trustee authorized to conduct the sale under the deed of trust;
2. Be given no later than 60 days after the sale of the residential property under the deed of trust;
3. Include (i) the street address of the residential property, (ii) the name of all property owners whose ownership was subject to the deed of trust, (iii) the name and contact information, including telephone number, of the person filing the notice, and (iv) the name and address of all owners holding the property as a result of the sale.

C. For residential properties described in subsection A, if the mortgage loan secured by the deed of trust has been registered with a national mortgage loan electronic registration system to which the locality has access and which registry includes a unique mortgage identification number specific to the loan and which number is tied to the name of the borrower, the street address of the property, and contact information consisting of the name, telephone number, and electronic address, if any, of the current mortgage lender or mortgage loan service provider and of the current property preservation contact, then the person authorized to conduct the sale under the deed of trust shall not have to give the locality the notice described in this section and shall be deemed to have complied with any such ordinance.

D. For purposes of this section, "residential property" means single-family detached dwellings, single-family attached dwellings, ~~and~~ individual residential condominium units, and individual residential lots located in a development subject to the Property Owners' Association Act (§ 55-508 et seq.).

**§ 55-79.41. Definitions.**

When used in this chapter:

"Capital components" means those items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement or restoration and for which the executive organ determines funding is necessary.

"Common elements" means all portions of the condominium other than the units.

"Common expenses" means all expenditures lawfully made or incurred by or on behalf of the unit owners' association, together with all funds lawfully assessed for the creation and/or maintenance of reserves pursuant to the provisions of the condominium instruments.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Condominium" means real property, and any incidents thereto or interests therein, lawfully submitted to this chapter by the recordation of condominium instruments pursuant to the provisions of this chapter. No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common elements are vested in the unit owners.

"Condominium instruments" is a collective term referring to the declaration, bylaws, and plats and plans, recorded pursuant to the provisions of this chapter. Any exhibit, schedule, or certification accompanying a condominium instrument and recorded simultaneously therewith shall be deemed an integral part of that condominium instrument. Any amendment or certification of any condominium instrument shall, from the time of the recordation of such amendment or certification, be deemed an integral part of the affected condominium instrument, so long as such amendment or certification was made in accordance with the provisions of this chapter.

"Condominium unit" means a unit together with the undivided interest in the common elements appertaining to that unit. (Cf. the definition of unit, *infra*.)

"Contractable condominium" means a condominium from which one or more portions of the submitted land may be withdrawn in accordance with the provisions of the declaration and of this chapter. If such withdrawal can occur only by the expiration or termination of one or more leases, then the condominium shall not be deemed a contractable condominium within the meaning of this chapter.

"Conversion condominium" means a condominium containing structures which before the recording of the declaration, were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

"Convertible land" means a building site; that is to say, a portion of the common elements, within which additional units and/or limited common elements may be created in accordance with the provisions of this chapter.

"Convertible space" means a portion of a structure within the condominium, which portion may be converted into one or more units and/or common elements, including but not limited to limited common elements in accordance with the provisions of this chapter. (Cf. the definition of unit, *infra*.)

"Declarant" means any person, or group of persons acting in concert, that (i) offers to dispose of his or its interest in a condominium unit not previously disposed of, including an institutional lender which may not have succeeded to or accepted any special declarant rights pursuant to § 55-79.74:3; (ii) reserves or succeeds to any special declarant right; or (iii) applies for registration of the condominium. However, for the purposes of clauses (i) and (iii), the term "declarant" shall not include an institutional lender which acquires title by foreclosure or deed in lieu thereof unless such lender offers to dispose of its interest in a condominium unit not previously disposed of to anyone not in the business of selling real estate for his own account, except as otherwise provided in § 55-79.74:3. The term "declarant" shall not include an individual who acquires title to a condominium unit at a foreclosure sale.

"Dispose" or "disposition" refers to any voluntary transfer of a legal or equitable interest in a condominium unit to a purchaser, but shall not include the transfer or release of security for a debt.

"Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act shall have the meaning set forth in such section.

"Executive organ" means an executive and administrative entity, by whatever name denominated, designated in the condominium instruments as the governing body of the unit owners' association.

"Expandable condominium" means a condominium to which additional land may be added in accordance with the provisions of the declaration and of this chapter.

"Financial update" means an update of the financial information referenced in subdivisions C 2 through C 7 of § 55-79.97.

"Future common expenses" means common expenses for which assessments are not yet due and payable.

"Identifying number" means one or more letters and/or numbers that identify only one unit in the condominium.

"Institutional lender" means one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds, or business trusts including but not limited to real estate investment trusts, any other lender regularly engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such a lender, or any combination of any of the foregoing entities.

"Land" is a three-dimensional concept and includes parcels with upper or lower boundaries, or both upper and lower boundaries, as well as parcels extending *ab solo usque ad coelum*. Parcels of airspace constitute land within the meaning of this chapter. Any requirement in this chapter of a legally sufficient description shall be deemed to include a requirement that the upper or lower boundaries, if any, of the parcel in question be identified with reference to established datum.

"Leasehold condominium" means a condominium in all or any portion of which each unit owner owns an estate for years in his unit, or in the land within which that unit is situated, or both, with all such leasehold interests due to expire

naturally at the same time. A condominium including leased land, or an interest therein, within which no units are situated or to be situated shall not be deemed a leasehold condominium within the meaning of this chapter.

"Limited common element" means a portion of the common elements reserved for the exclusive use of those entitled to the use of one or more, but less than all, of the units.

"Meeting" or "meetings" means the formal gathering of the executive organ where the business of the unit owners' association is discussed or transacted.

"Nonbinding reservation agreement" means an agreement between the declarant and a prospective purchaser which is in no way binding on the prospective purchaser and which may be canceled without penalty at the sole discretion of the prospective purchaser by written notice, hand-delivered or sent by United States mail, return receipt requested, to the declarant or to any sales agent of the declarant at any time prior to the formation of a contract for the sale or lease of a condominium unit or an interest therein. Such agreement shall not contain any provision for waiver or any other provision in derogation of the rights of the prospective purchaser as contemplated by this subsection, nor shall any such provision be a part of any ancillary agreement.

"Offer" means any inducement, solicitation, or attempt to encourage any person or persons to acquire any legal or equitable interest in a condominium unit, except as security for a debt. Nothing shall be considered an "offer" which expressly states that the condominium has not been registered with the Common Interest Community Board and that no unit in the condominium can or will be offered for sale until such time as the condominium has been so registered.

"Officer" means any member of the executive organ or official of the unit owners' association.

"Par value" means a number of dollars or points assigned to each unit by the declaration. Substantially identical units shall be assigned the same par value, but units located at substantially different heights above the ground, or having substantially different views, or having substantially different amenities or other characteristics that might result in differences in market value, may, but need not, be considered substantially identical within the meaning of this subsection. If par value is stated in terms of dollars, that statement shall not be deemed to reflect or control the sales price or fair market value of any unit, and no opinion, appraisal, or fair market transaction at a different figure shall affect the par value of any unit, or any undivided interest in the common elements, voting rights in the unit owners' association or liability for common expenses assigned on the basis thereof.

"Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

"Purchaser" means any person or persons, other than a declarant, who acquire by means of a voluntary transfer a legal or equitable interest in a condominium unit, other than (i) a leasehold interest, including renewal options, of less than 20 years or (ii) as security for a debt.

"Resale certificate update" means an update of the financial information referenced in subdivisions C 2 through C 9 and C 12 of § 55-79.97. The update shall include a copy of the original resale certificate.

"Settlement agent" means the same as that term is defined in § 55-525.16.

"Size" means the number of cubic feet, or the number of square feet of ground and/or floor space, within each unit as computed by reference to the plat and plans and rounded off to a whole number. Certain spaces within the units including, without limitation, attic, basement, and/or garage space may, but need not, be omitted from such calculation or partially discounted by the use of a ratio, so long as the same basis of calculation is employed for all units in the condominium, and so long as that basis is described in the declaration.

"Special declarant rights" means any right reserved for the benefit of a declarant, or of a person or group of persons that becomes a declarant, to (i) expand an expandable condominium, (ii) contract a contractable condominium, (iii) convert convertible land or convertible space or both, (iv) appoint or remove any officers of the unit owners' association or the executive organ pursuant to subsection A of § 55-79.74, (v) exercise any power or responsibility otherwise assigned by any condominium instrument or by this chapter to the unit owners' association, any officer or the executive organ, or (vi) maintain sales offices, management offices, model units and signs pursuant to § 55-79.66.

"Unit" means a portion of the condominium designed and intended for individual ownership and use. (Cf. the definition of condominium unit, *supra*.) For the purposes of this chapter, a convertible space shall be treated as a unit in accordance with subsection (d) of § 55-79.62.

"Unit owner" means one or more persons who own a condominium unit; or, in the case of a leasehold condominium, whose leasehold interest or interests in the condominium extend for the entire balance of the unexpired term or terms. ~~This term shall~~ "Unit owner" includes any purchaser of a condominium unit at a foreclosure sale, regardless of whether the deed is recorded in the land records where the unit is located. "Unit owner" does not include any person or persons holding an interest in a condominium unit solely as security for a debt.

**§ 55-79.84:01. Notice of sale under deed of trust.**

*In accordance with the provisions of § 15.2-979, the unit owners' association shall be given notice whenever a condominium unit becomes subject to a sale under a deed of trust. Upon receipt of such notice, the executive organ, on behalf of the unit owners' association, shall exercise whatever due diligence it deems necessary with respect to the unit subject to a sale under a deed of trust to protect the interests of the unit owners' association.*

**§ 55-509. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Property Owners' Association Act.

"Association" means the property owners' association.

"Board of directors" means the executive body of a property owners' association, or a committee which is exercising the power of the executive body by resolution or bylaw.

"Capital components" means those items, whether or not a part of the common area, for which the association has the obligation for repair, replacement or restoration and for which the board of directors determines funding is necessary.

"Common area" means property within a development which is owned, leased or required by the declaration to be maintained or operated by a property owners' association for the use of its members and designated as common area in the declaration.

"Common interest community" means the same as that term is defined in § 55-528.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Declarant" means the person or entity signing the declaration and its successors or assigns who may submit property to a declaration.

"Declaration" means any instrument, however denominated, recorded among the land records of the county or city in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money in connection with the provision of maintenance and/or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition. "Declaration" shall not include a declaration of a condominium, real estate cooperative, time-share project or campground.

"Development" means real property located within this Commonwealth subject to a declaration which contains both lots, at least some of which are residential or are occupied for recreational purposes, and common areas with respect to which any person, by virtue of ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Disclosure packet update" means an update of the financial information referenced in subdivisions A 2 through A 9 of § 55-509.5. The update shall include a copy of the original disclosure packet.

"Financial update" means an update of the financial information referenced in subdivisions A 2 through A 7 of § 55-509.5.

"Lot" means (i) any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area, and (ii) a unit in a condominium association or a unit in a real estate cooperative if the condominium or cooperative is a part of a development.

*"Lot owner" means one or more persons who own a lot, including any purchaser of a lot at a foreclosure sale, regardless of whether the deed is recorded in the land records where the lot is located. "Lot owner" does not include any person holding an interest in a lot solely as security for a debt.*

"Meeting" or "meetings" means the formal gathering of the board of directors where the business of the association is discussed or transacted.

"Professionally managed" means a common interest community that has engaged (i) a common interest community manager to provide management services to the community or (ii) a person as an employee for compensation to provide management services to the community, other than a resident of the community who provides bookkeeping, billing, or recordkeeping services for that community.

"Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration.

"Settlement agent" means the same as that term is defined in § 55-525.16.

**§ 55-516.01. Notice of sale under deed of trust.**

*In accordance with the provisions of § 15.2-979, the association shall be given notice whenever a lot becomes subject to a sale under a deed of trust. Upon receipt of such notice, the board of directors, on behalf of the association, shall exercise whatever due diligence it deems necessary with respect to the lot subject to a sale under a deed of trust to protect the interests of the association.*

**CHAPTER 411**

*An Act to amend and reenact §§ 54.1-503 and 54.1-517.2 of the Code of Virginia, relating to the Virginia Board for Asbestos, Lead, and Home Inspectors; new home inspections; penalty.*

[H 2103]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-503 and 54.1-517.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-503. Licenses required.**

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be

unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

*E. It shall be unlawful for any person who is not a certified home inspector pursuant to this chapter and who has not successfully completed the training module required by § 54.1-517.2 to conduct a home inspection on any new residential structure.*

**§ 54.1-517.2. Requirements for certification.**

The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; ~~and~~
3. Passed any written or electronic examination offered or approved by the Board; *and*
4. *If conducting inspections on new residential structures, completed a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.*

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.

**2. That prior to July 1, 2016, the Virginia Board for Asbestos, Lead, and Home Inspectors shall develop, in conjunction with the Department of Housing and Community Development, a training module based on the International Residential Code component of the Virginia Uniform Statewide Building Code and make such training module available for use in accordance with this act.**

**3. That the first enactment of this act shall become effective on July 1, 2016.**

**CHAPTER 412**

*An Act to amend and reenact §§ 4.1-101.1, 4.1-111, 4.1-203, 4.1-206, 4.1-207, 4.1-208, 4.1-209, 4.1-210, 4.1-213, 4.1-230, 4.1-231, 4.1-232, 4.1-240, and 4.1-326 of the Code of Virginia, relating to alcoholic beverage control; customer service.*

[H 2119]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-101.1, 4.1-111, 4.1-203, 4.1-206, 4.1-207, 4.1-208, 4.1-209, 4.1-210, 4.1-213, 4.1-230, 4.1-231, 4.1-232, 4.1-240, and 4.1-326 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-101.1. Certified mail; subsequent mail or notices may be sent by regular mail; electronic communications as alternative to regular mail; limitation.**

A. Whenever in this title the Board is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Board may be sent by regular mail.

*B. Except as provided in subsection C, whenever in this title the Board is required or permitted to send any mail, notice, or other official communication by regular mail to persons licensed under Chapter 2 (§ 4.1-200 et seq.), upon the*

*request of a licensee, the Board may instead send such mail, notice, or official communication by email, text message, or other electronic means to the email address, telephone number, or other contact information provided to the Board by the licensee, provided that the Board retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery or a certificate of service prepared by the Board confirming the electronic delivery.*

*C. No notice required by § 4.1-227 to (i) a licensee of a hearing that may result in the suspension or revocation of his license or the imposition of a civil penalty or (ii) a person holding a permit shall be sent by the Board by email, text message, or other electronic means, nor shall any decision by the Board to suspend or revoke a license or permit or impose a civil penalty be sent by the Board by email, text message, or other electronic means.*

**§ 4.1-111. Regulations of Board.**

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55-526, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. *Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.*

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

**§ 4.1-203. Separate license for each place of business; transfer or amendment; posting; expiration; carriers.**

A. Each license granted by the Board shall designate the place where the business of the licensee will be carried on. Except as otherwise provided in §§ 4.1-207 and 4.1-208, a separate license shall be required for each separate place of business.

B. No license shall be transferable from one person to another, or from one location to another. The Board may permit a licensee to amend the classification of an existing license without complying with the posting and publishing procedures required by § 4.1-230 if the effect of the amendment is to reduce materially the privileges of an existing license. However, if (i) the Board determines that the amendment is a device to evade the provisions of this chapter, (ii) a majority of the corporate stock of a retail licensee is sold to a new entity, or (iii) there is a change of business at the premises of a retail licensee, the Board may, within 30 days of receipt of written notice by the licensee of a change in ownership or a change of business, require the licensee to comply with any or all of the requirements of § 4.1-230. If the Board fails to exercise its authority within the 30-day period, the licensee shall not be required to reapply for a license. The licensee shall submit such written notice to the Secretary of the Board.

C. Each license shall be posted in a location conspicuous to the public at the place where the licensee carries on the business for which the license is granted.

D. The privileges conferred by any license granted by the Board, except for temporary licenses, banquet and mixed beverage special events licenses, shall continue until the last day of the twelfth month next ensuing or the last day of the designated month *and year* of expiration, except the license may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license, by operation of law, voluntary surrender or order of the Board.

*The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the fees set forth in § 4.1-231. Qualification for a multiyear license shall be determined on the basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as provided in § 4.1-232. The Board may provide a discount for two-year or three-year licenses, not to exceed five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or rescinded during such period.*

The Board may permit a licensee who fails to pay:

1. The required license tax covering the continuation or reissuance of his license by midnight of the fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable, to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 30 days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such tax, whichever is greater; and

2. The tax and civil penalty pursuant to subdivision 1 to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 45 days following the 30 days specified in subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such tax, whichever is greater.

Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-114.

E. Subsections A and C shall not apply to common carriers of passengers by train, boat, or airplane.

**§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises. *For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.*

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or

one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

**§ 4.1-207. Wine licenses.**

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board.

2. Wholesale wine licenses, including those granted pursuant to § 4.1-207.1, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Wine importers' licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 18 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, ~~§ 4.1-326 notwithstanding~~, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

6. Internet wine retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

**§ 4.1-208. Beer licenses.**

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises,

provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. *For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.*

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the

licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

**§ 4.1-209. Wine and beer licenses; advertising.**

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. *For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201;*

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may

keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; and

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the

Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

#### **§ 4.1-210. Mixed beverages licenses.**

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this ~~paragraph~~ *subdivision*, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. *Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.*

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food

cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to

persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, or 14 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

**§ 4.1-213. Manufacture and sale of cider.**

A. Any winery licensee or farm winery licensee may manufacture and sell cider to (i) the Board, (ii) any wholesale wine licensee, ~~and (iii) any retail licensee approved by the Board for the purpose of selling cider, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.~~

B. Any wholesale wine licensee may acquire and receive shipments of cider, and sell and deliver and ship the cider in accordance with Board regulations to (i) the Board, (ii) any wholesale wine licensee, (iii) any retail licensee approved by the Board for the purpose of selling cider, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

C. Any licensee authorized to sell alcoholic beverages at retail may sell cider in the same manner and to the same persons, and subject to the same limitations and conditions, as such license authorizes him to sell other alcoholic beverages.

D. Cider containing less than seven percent of alcohol by volume may be sold in any containers that comply with federal regulations for wine or beer, provided such containers are labeled in accordance with Board regulations. Cider containing seven percent or more of alcohol by volume may be sold in any containers that comply with federal regulations for wine, provided such containers are labeled in accordance with Board regulations.

E. No additional license fees shall be charged for the privilege of handling cider.

F. The Board shall collect such markup as it deems appropriate on all cider manufactured or sold, or both, in the Commonwealth.

G. The Board shall adopt regulations relating to the manufacture, possession, transportation and sale of cider as it deems necessary to prevent any unlawful manufacture, possession, transportation or sale of cider and to ensure that the markup required to be paid will be collected.

H. For the purposes of this section:

"Chaptalization" means a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation.

"Cider" means any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples or pears (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization.

I. This section shall not limit the privileges set forth in subdivision A 8 of § 4.1-200, nor shall any person be denied the privilege of manufacturing and selling sweet cider.

**§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, under oath, setting forth any information required by the Board. Applications for banquet, tasting, mixed beverage special events, or club events licenses shall not be required to be under oath, but the information contained therein shall be certified as true by the applicant.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, delivery permit, *annual arts venue*, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.) ~~of this title, or beer or wine importer's licenses located outside the Commonwealth,~~ shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine or beer shipper's licensees, wine and beer shipper's licensees, delivery permittees or

operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, *beer or wine importer's*, *annual arts venue*, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$65, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, mixed beverage special events, or mixed beverage club events licenses, in which case the application fee shall be \$15. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; *however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.*

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

The fee for a keg registration permit shall be \$65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

#### **§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; and if more than 5,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100; and

l. Annual arts venue event license, \$100.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, \$95; and

g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, \$95; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;

f. Gourmet brewing shop license, \$230;

g. Wine and beer shipper's license, \$95;

h. Annual banquet license, \$150;

i. Fulfillment warehouse license, \$120;

j. Marketing portal license, \$150; and

k. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

c. Mixed beverage caterer's license, \$1,860;

d. Mixed beverage limited caterer's license, \$500;

e. Mixed beverage special events license, \$45 for each day of each event;

f. Mixed beverage club events licenses, \$35 for each day of each event;

- g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period of ~~less~~ other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, *and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.*

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

*D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.*

#### **§ 4.1-232. Refund of state license tax.**

A. The Board may correct erroneous assessments made by it against any person and make refunds of any amounts collected pursuant to erroneous assessments, or collected as taxes on licenses, which are subsequently refused or application therefor withdrawn, and to allow credit for any license taxes paid by any licensee for any license ~~which~~ *that* is subsequently merged or changed into another license during the same license ~~year~~ *period*. No refund shall be made of any such amount, however, unless made within three years from the date of collection of the same.

B. In any case where a licensee has changed its name or form of organization during a license ~~year~~ *period* without any change being made in its ownership, and because of such change is required to pay an additional license tax for such ~~year~~ *period*, the Board shall refund to such licensee the amount of such tax so paid in excess of the required license tax for such ~~year~~ *period*.

C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of state license taxes paid pursuant to subsection A of § 4.1-231 if the place of business designated in the license is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, storm, or similar natural disaster or phenomenon.

D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of moneys appropriated to the Board and in the manner prescribed in § 4.1-116.

**§ 4.1-240. Collection of taxes and fees; service charge; storage of credit card, debit card, and automated clearinghouse information.**

A. The Board may accept ~~credit or debit cards~~ in payment by any commercially acceptable means, including checks, credit cards, debit cards, and electronic funds transfers, for the taxes, penalties, or other fees imposed on a licensee in accordance with this title. In addition, the Board may assess a service charge for the use of a credit or debit card. The service charge shall not exceed the amount negotiated and agreed to in a contract with the Department.

B. Upon the request of a license applicant or licensee, the Board may collect and maintain a record of the applicant's or licensee's credit card, debit card, or automated clearinghouse transfer information and use such information for future payments of taxes, penalties, other fees, or amounts due for products purchased from the Board. The Board may assess a service charge as provided in subsection A for any payments made under this subsection. The Board may procure the services of a third-party vendor for the secure storage of information collected pursuant to this subsection.

**§ 4.1-326. Sale of; purchase for resale; wine or beer from a person without a license; penalty.**

No licensee, other than a common carrier operating in interstate or foreign commerce, licensed to sell wine or beer at retail shall purchase for resale or sell any wine or beer purchased from anyone other than a wholesale wine, ~~farm winery, brewery, bottlers,~~ or wholesale beer licensee.

*Nothing in this section shall prohibit the holder of a retail license issued pursuant to subdivision A 5 of § 4.1-201 from the purchase or sale of wine or beer from the winery or brewery located on or contiguous to the licensed retail premises.*

Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

## CHAPTER 413

*An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; strangulation.*

[H 2120]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-120. Admission to bail.**

Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

A. A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or
2. His liberty will constitute an unreasonable danger to himself or the public.

B. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of § 18.2-248, 18.2-248.01, 18.2-255, or 18.2-255.2 involving a Schedule I or II controlled substance if
  - (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or
  - (ii) the person was previously convicted as a "drug kingpin" as defined in § 18.2-248;
4. A violation of § 18.2-308.1, 18.2-308.2, or 18.2-308.4 and which relates to a firearm and provides for a mandatory minimum sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of the Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;
7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;
8. A violation of § 18.2-374.1 or 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and the offender is at least five years older than the solicited person;
9. A violation of § 18.2-46.2, 18.2-46.3, 18.2-46.5, or 18.2-46.7;
10. A violation of § 18.2-36.1, 18.2-51.4, 18.2-266, or 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction;
11. A second or subsequent violation of § 16.1-253.2 or 18.2-60.4 or a substantially similar offense under the laws of any state or the United States;
12. A violation of subsection B of § 18.2-57.2; ~~or~~
13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness; *or*

14. A violation of § 18.2-51.6 if the alleged victim is a family or household member as defined in § 16.1-228.

C. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

D. A judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail as set out in subsection B or C without the concurrence of an attorney for the Commonwealth. For a person who is charged with an offense giving rise to a rebuttable presumption against bail, any judge may set or admit such person to bail in accordance with this section after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth.

E. The court shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail described in subsection B, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public:

1. The nature and circumstances of the offense charged;

2. The history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in a criminal street gang as defined in § 18.2-46.1, and record concerning appearance at court proceedings; and

3. The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

F. The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

G. If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

## CHAPTER 414

*An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the dissemination, etc., of criminal history record information; civil action.*

[S 720]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-40.3 as follows:**

**§ 8.01-40.3. Unauthorized dissemination, etc., of criminal history record information; civil action.**

*Any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information as defined in § 9.1-101 of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.*

## CHAPTER 415

*An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the dissemination, etc., of criminal history record information; civil actions.*

[H 1764]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-40.3 as follows:**

**§ 8.01-40.3. Unauthorized dissemination, etc., of criminal history record information; civil actions.**

*A. Any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.*

*B. Nothing in this section shall be construed to impose liability on:*

1. An interactive computer service, as defined in 47 U.S.C. § 230(f), for content provided by another person.
2. Any speech protected by Article I, Section 12 of the Constitution of Virginia.
3. As used in this section, "criminal history record information" means the same as that term is defined in § 9.1-101.

### CHAPTER 416

An Act to amend and reenact § 46.2-804 of the Code of Virginia, relating to passing with a double yellow line.

[S 781]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-804 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-804. Special regulations applicable on highways laned for traffic.**

*For the purposes of this section, "traffic lines" includes any temporary traffic control devices used to emulate the lines and markings in subdivisions 6 and 7.*

Whenever any roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following:

1. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing, shall be driven in the lane nearest the right edge or right curb of the highway when such lane is available for travel except when overtaking and passing another vehicle or in preparation for a left turn or where right lanes are reserved for slow-moving traffic as permitted in this section;

2. A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from that lane until the driver has ascertained that such movement can be made safely;

3. Except as otherwise provided in subdivision 5 ~~of this section~~, on a highway which is divided into three lanes, no vehicle shall be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signed or marked to give notice of such allocation. Traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device;

4. The Commissioner of Highways, or local authorities in their respective jurisdictions, may designate right lanes for slow-moving vehicles and the Virginia Department of Transportation shall post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines to a speed that is less than the posted speed limit;

5. Wherever a highway is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, ~~but it shall be lawful to make a left turn~~ *except (i) when turning left for the purpose of entering or leaving a public, private, or commercial road or entrance or (ii) in order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely.* Where the middle lane of a highway is marked on both sides with a solid line immediately adjacent to a broken line, such middle lane shall be considered a left-turn or holding lane and it shall be lawful to drive to the left of such line if the solid line is on the right of the broken line for the purpose of turning left into any road or entrance, provided that the vehicle may not travel in such lane further than 150 feet;

6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid yellow lines, no vehicle shall be driven to the left of such lines, except (i) when turning left or (ii) *in order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely; and*

7. Whenever a highway is marked with double traffic lines consisting of two immediately adjacent solid white lines, no vehicle shall cross such lines;

8. ~~For the purposes of this section, "traffic lines" shall include any temporary traffic control devices used to emulate the lines and markings in subdivisions 6 and 7.~~

### CHAPTER 417

An Act to amend the Code of Virginia by adding a section numbered 8.01-225.3, relating to immunity from civil liability; volunteer first responders.

[S 845]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-225.3 as follows:**

**§ 8.01-225.3. Immunity for volunteer first responders en route to an emergency.**

*Notwithstanding any other provision of law, no volunteer firefighter or volunteer emergency medical services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle as defined in § 46.2-920 when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency and the emergency vehicle displays warning lights as provided in § 46.2-1022 or 46.2-1023 and sounds a siren, exhaust whistle, or air horn, unless such injury results from gross negligence or willful or wanton misconduct. The immunity provided by this section shall be in addition to, not in lieu of, any other applicable immunity provided by state or federal law, including § 2.2-3605 or 27-23.6.*

## CHAPTER 418

*An Act to amend the Code of Virginia by adding a section numbered 18.2-251.03, relating to safe reporting of overdoses.*

[S 892]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-251.03 as follows:**

**§ 18.2-251.03. Safe reporting of overdoses.**

*A. For purposes of this section, "overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.*

*B. It shall be an affirmative defense to prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, possession of a controlled substance pursuant to § 18.2-250, possession of marijuana pursuant to § 18.2-250.1, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

*1. Such individual, in good faith, seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system;*

*2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;*

*3. Such individual identifies himself to the law-enforcement officer who responds to the report of the overdose;*

*4. If requested by a law-enforcement officer, such individual substantially cooperates in any investigation of any criminal offense reasonably related to the controlled substance, alcohol, or combination of such substances that resulted in the overdose; and*

*5. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of the individual seeking or obtaining emergency medical attention.*

*C. No individual may assert the affirmative defense provided for in this section if the person sought or obtained emergency medical attention for himself or another individual during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.*

*D. This section does not establish an affirmative defense for any individual or offense other than those listed in subsection B.*

## CHAPTER 419

*An Act to amend and reenact § 9.1-111 of the Code of Virginia, relating to the Advisory Committee on Juvenile Justice; delinquency prevention.*

[S 1098]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-111 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-111. Advisory Committee on Juvenile Justice and Prevention; membership; terms; quorum; compensation and expenses; duties.**

*A. The Advisory Committee on Juvenile Justice and Prevention (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth.*

*The membership of the Advisory Committee shall comply with the membership requirements contained in the Juvenile Justice and Delinquency Prevention Act pursuant to 42 U.S.C. § 5633, as amended, and shall consist of: the Commissioner*

of Behavioral Health and Developmental Services; the Commissioner of Social Services; the Director of the Department of Juvenile Justice; the Superintendent of Public Instruction; *the Commissioner of Health*; one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the Chairman of the Senate Committee for Courts of Justice; one member of the House Committee on Health, Welfare and Institutions appointed by the Speaker of the House of Delegates after consideration of the recommendation of the Chairman of the House Committee on Health, Welfare and Institutions; and such number of nonlegislative citizen members appointed by the Governor to comply with the membership range established by such federal act. *The Advisory Committee may serve as an advisory committee as may be required by other federal or state laws or programs administered by the Department. Membership shall be adjusted as necessary to fulfill the requirements of such laws or programs.*

Legislative members, the Superintendent of Public Instruction, and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and be appointed by the Governor for a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.

The Advisory Committee shall elect its chairman and vice-chairman from among its members.

B. Gubernatorial appointed members of the Advisory Committee shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

C. The majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.

D. The Advisory Committee may adopt bylaws for its operation.

E. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of the expenses shall be provided from federal *or state* funds received for such purposes by the Department of Criminal Justice Services.

F. The Advisory Committee shall have the following duties and responsibilities to:

1. Review the operation of the juvenile justice system *and delinquency prevention activities* in the Commonwealth, including facilities and programs, and prepare appropriate reports;

2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system *and delinquency prevention* in the Commonwealth; and

3. Advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P. L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention ~~of~~ *and* the administration of juvenile justice.

G. The Department of Criminal Justice Services shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.

## CHAPTER 420

*An Act to amend and reenact § 15.2-2259 of the Code of Virginia, relating to planning commission action on proposed plat.*

[S 1355]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2259 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2259. Local planning commission to act on proposed plat.**

A. 1. Except as otherwise provided in subdivisions ~~A~~ 2 and ~~A~~ 3, the local planning commission or other agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. In localities with a population greater than 90,000 based on the 2000 United States Census, the *The* approval of plats, site plans, and plans of development solely involving parcels of commercial real estate by a local planning commission or other agent shall be governed by subdivision A 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the local planning commission or other agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or ~~policies~~ policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The local planning commission or other agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the local planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the local planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

The provisions of this subsection shall not apply to deficiencies caused by changes, errors or omissions occurring in the applicant's plat, site plan or plan of development filings after the initial submission of such plat, site plan or plan of development. The provision of this subsection shall not apply to the review and approval of construction plans.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having

jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

## CHAPTER 421

*An Act to amend and reenact § 4.1-216 of the Code of Virginia, relating to alcoholic beverage control; prohibited trade practices.*

[S 1412]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-216 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-216. Further limitations on manufacturers, bottlers, importers, brokers or wholesalers; ownership interests prohibited; exceptions; prohibited trade practices.**

A. As used in this section:

"Broker" means any person, other than a manufacturer or a licensed beer or wine importer, who regularly engages in the business of bringing together sellers and purchasers of alcoholic beverages for resale and arranges for or consummates such transactions with persons in the Commonwealth to whom such alcoholic beverages may lawfully be sold and shipped into the Commonwealth pursuant to the provisions of this title.

"Manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages" includes any officers or directors of any such manufacturer, bottler, importer, broker or wholesaler.

B. Except as provided in this title, no manufacturer, importer, bottler, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall acquire or hold any financial interest, direct or indirect, (i) in the business for which any retail license is issued or (ii) in the premises where the business of a retail licensee is conducted.

1. Subdivision B (ii) shall not apply so long as such manufacturer, bottler, importer, broker or wholesaler does not sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to such retail licensee and such retailer is not required by agreement or otherwise to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, importers, brokers or wholesalers.

2. Service as a member of the board of directors of a corporation licensed as a retailer, the shares of stock of which are sold to the general public on any national or local stock exchange, shall not be deemed to be a financial interest, direct or indirect, in the business or the premises of the retail licensee.

3. A brewery, winery or subsidiary or affiliate thereof, hereinafter collectively referred to as a financing corporation, may participate in financing the business of a wholesale licensee in the Commonwealth by providing debt or equity capital or both but only if done in accordance with the provisions of this subsection.

a. In order to assist a proposed new owner of an existing wholesale licensee, a financing corporation may provide debt or equity capital, or both, if prior approval of the Board has been obtained pursuant to subdivision 3 b of subsection B. A financing corporation which proposes to provide equity capital shall cause the proposed new owner to form a Virginia limited partnership in which the new owner is the general partner and the financing corporation is a limited partner. If the general partner defaults on any financial obligation to the limited partner, which default has been specifically defined in the partnership agreement, or, if the new owner defaults on its obligation to pay principal and interest when due to the financing corporation as specifically defined in the loan documents, then, and only then, shall such financing corporation be allowed to take title to the business of the wholesale licensee. Notwithstanding any other law to the contrary and provided written notice has been given to the Board within two business days after taking title, the wholesale licensee may be managed and operated by such financing corporation pursuant to the existing wholesale license for a period of time not to exceed 180 days as if the license had been issued in the name of the financing corporation. On or before the expiration of such 180-day period, the financing corporation shall cause ownership of the wholesale licensee's business to be transferred to a new owner. Otherwise, on the 181st day, the license shall be deemed terminated. The financing corporation may not participate in financing the transfer of ownership to the new owner or to any other subsequent owner for a period of twenty years following the effective date of the original financing transaction; except where a transfer takes place before the expiration of the eighth full year following the effective date of the original financing transaction in which case the financing corporation may finance such transfer as long as the new owner is required to return such debt or equity capital within the originally prescribed eight-year period. The financing corporation may exercise its right to take title to, manage and operate the business of, the wholesale licensee only once during such eight-year period.

b. In any case in which a financing corporation proposes to provide debt or equity capital in order to assist in a change of ownership of an existing wholesale licensee, the parties to the transaction shall first submit an application for a wholesale license in the name of the proposed new owner to the Board.

The Board shall be provided with all documents that pertain to the transaction at the time of the license application and shall ensure that the application complies with all requirements of law pertaining to the issuance of wholesale licenses except that if the financing corporation proposes to provide equity capital and thereby take a limited partnership interest in the applicant entity, the financing corporation shall not be required to comply with any Virginia residency requirement applicable to the issuance of wholesale licenses. In addition to the foregoing, the applicant entity shall certify to the Board

and provide supporting documentation that the following requirements are met prior to issuance of the wholesale license: (i) the terms and conditions of any debt financing which the financing corporation proposes to provide are substantially the same as those available in the financial markets to other wholesale licensees who will be in competition with the applicant, (ii) the terms of any proposed equity financing transaction are such that future profits of the applicant's business shall be distributed annually to the financing corporation in direct proportion to its percentage of ownership interest received in return for its investment of equity capital, (iii) if the financing corporation proposes to provide equity capital, it shall hold an ownership interest in the applicant entity through a limited partnership interest and no other arrangement and (iv) the applicant entity shall be contractually obligated to return such debt or equity capital to the financing corporation not later than the end of the eighth full year following the effective date of the transaction thereby terminating any ownership interest or right thereto of the financing corporation.

Once the Board has issued a wholesale license pursuant to an application filed in accordance with this subdivision 3 b, any subsequent change in the partnership agreement or the financing documents shall be subject to the prior approval of the Board. In accordance with the previous paragraph, the Board may require the licensee to resubmit certifications and documentation.

c. If a financing corporation wishes to provide debt financing, including inventory financing, but not equity financing, to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee, it may do so without regard to the provisions of subdivisions 3 a and 3 b of subsection B under the following circumstances and subject to the following conditions: (i) in order to secure such debt financing, a wholesale licensee or a proposed new owner thereof may grant a security interest in any of its assets, including inventory, other than the wholesale license itself or corporate stock of the wholesale licensee; in the event of default, the financing corporation may take title to any assets pledged to secure such debt but may not take title to the business of the wholesale licensee and may not manage or operate such business; (ii) debt capital may be supplied by such financing corporation to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee so long as debt capital is provided on terms and conditions which are substantially the same as those available in the financial markets to other wholesale licensees in competition with the wholesale licensee which is being so financed; and (iii) the licensee or proposed new owner shall certify to the Board and provide supporting documentation that the requirements of (i) and (ii) of this subdivision 3 c have been met.

Nothing in this section shall eliminate, affect or in any way modify the requirements of law pertaining to issuance and retention of a wholesale license as they may apply to existing wholesale licensees or new owners thereof which have received debt financing prior to the enactment of this subdivision 3 c.

4. Except for holders of retail licenses issued pursuant to subdivision A 5 of § 4.1-201, brewery licensees may sell beer to retail licensees for resale only under the following conditions: If such brewery or an affiliate or subsidiary thereof has taken title to the business of a wholesale licensee pursuant to the provisions of subdivision 3 a of subsection B, direct sale to retail licensees may be made during the 180-day period of operation allowed under that subdivision. Moreover, the holder of a brewery license may make sales of alcoholic beverages directly to retail licensees for a period not to exceed thirty days in the event that such retail licensees are normally serviced by a wholesale licensee representing that brewery which has been forced to suspend wholesale operations as a result of a natural disaster or other act of God or which has been terminated by the brewery for fraud, loss of license or assignment of assets for the benefit of creditors not in the ordinary course of business.

5. Notwithstanding any provision of this section, including but not limited to those provisions whereby certain ownership or lease arrangements may be permissible, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages shall make an agreement, or attempt to make an agreement, with a retail licensee pursuant to which any products sold by a competitor are excluded in whole or in part from the premises on which the retail licensee's business is conducted.

6. *Nothing in this section shall prohibit a winery, brewery, or distillery licensee from paying a royalty to a historical preservation entity pursuant to a bona fide intellectual property agreement that (i) authorizes the winery, brewery, or distillery licensee to manufacture wine, beer, or spirits based on authentic historical recipes and identified with brand names owned and trademarked by the historical preservation entity; (ii) provides for royalties to be paid based solely on the volume of wine, beer, or spirits manufactured using such recipes and trademarks, rather than on the sales revenues generated from such wine, beer, or spirits; and (iii) has been approved by the Board.*

*For purposes of this subdivision, "historical preservation entity" means an entity (a) that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code; (b) whose declared purposes include the preservation, restoration, and protection of a historic community in the Commonwealth that is the site of at least 50 historically significant houses, shops, and public buildings dating to the eighteenth century; and (c) that owns not more than 12 retail establishments in the Commonwealth for which retail licenses have been issued by the Board.*

C. Subject to such exceptions as may be provided by statute or Board regulations, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall sell, rent, lend, buy for or give to any retail licensee, or to the owner of the premises in which the business of any retail licensee is conducted, any (i) money, equipment, furniture, fixtures, property, services or anything of value with which the business of such retail licensee is or may be conducted, or for any other purpose; (ii) advertising materials; and (iii) business entertainment, provided that no transaction permitted under this section or by Board regulation shall be used to require the retail licensee to partially or totally exclude from sale at its establishment alcoholic beverages of other manufacturers or wholesalers.

The provisions of this subsection shall apply to manufacturers, bottlers, importers, brokers and wholesalers selling alcoholic beverages to any governmental instrumentality or employee thereof selling alcoholic beverages at retail within the exterior limits of the Commonwealth, including all territory within these limits owned by or ceded to the United States of America.

### CHAPTER 422

*An Act to amend the Code of Virginia by adding a section numbered 54.1-2022.1, relating to appraisal management companies; appraiser compensation.*

[S 1445]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 54.1-2022.1 as follows:**

**§ 54.1-2022.1. Appraiser compensation.**

*An appraisal management company shall compensate appraisers in compliance with § 129E(i) of the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and regulations promulgated thereunder.*

### CHAPTER 423

*An Act to amend and reenact § 19.2-249.2 of the Code of Virginia, relating to venue for prosecution of computer and other crimes.*

[S 709]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-249.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-249.2. Venue for prosecution of computer and other crimes.**

For the purpose of venue ~~under~~, *any violation of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.); any violation of the article or § 18.2-386.1 shall be considered to have been committed in any county or city:*

1. In which any act was performed in furtherance of any course of conduct that violated ~~this article~~ *any provision listed above;*

2. In which the owner has his principal place of business in the Commonwealth;

3. In which any offender had control or possession of any proceeds of the violation or of any books, records, documents, property, financial instrument, computer software, computer program, computer data, or other material or objects that were used in furtherance of the violation;

4. From which, to which, or through which any access to a computer or computer network was made whether by wires, electromagnetic waves, microwaves, optics or any other means of communication;

5. In which the offender resides; or

6. In which any computer that is an object or an instrument of the violation is located at the time of the alleged offense.

### CHAPTER 424

*An Act to amend and reenact § 55-20.2 of the Code of Virginia, relating to tenancy by the entireties; property held in trust.*

[S 762]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-20.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-20.2. Tenants by the entireties in real and personal property; certain trusts.**

A. Any husband and wife may own real or personal property as tenants by the entireties. Personal property may be owned as tenants by the entireties whether or not the personal property represents the proceeds of the sale of real property. An intent that the part of the one dying should belong to the other shall be manifest from a designation of a husband and wife as "tenants by the entireties" or "tenants by the entirety."

B. ~~Any~~ *Notwithstanding any contrary provision of § 64.2-747, any property of a husband and wife that is held by them as tenants by the entireties and conveyed to their joint revocable or irrevocable trusts, or to their separate revocable or irrevocable trusts, and any proceeds of the sale or disposition of such property, shall have the same immunity from the claims of their separate creditors as it would if it had remained a tenancy by the entirety, so long as (i) they remain husband and wife, (ii) it continues to be held in the trust or trusts, and (iii) it continues to be their property, including where both spouses are current beneficiaries of one trust that holds the entire property or each spouse is a current beneficiary of a separate trust and the two separate trusts together hold the entire property, whether or not other persons are also current or*

future beneficiaries of the trust or trusts. The immunity from the claims of separate creditors under this subsection may be waived as to any specific creditor, including any separate creditor of either spouse, or any specifically described property, including any former tenancy by the entireties property conveyed into trust, by the trustee acting under the express provision of a trust instrument or with the written consent of both the husband and the wife.

**2. That the provisions of this act apply to any property of a husband and wife that is held by them as tenants by the entireties and conveyed to their joint revocable or irrevocable trusts, or to their separate revocable or irrevocable trusts, regardless of whether such conveyance occurred before or after the effective date of this act.**

## CHAPTER 425

*An Act to amend the Code of Virginia by adding a section numbered 19.2-53.1, relating to taking of blood samples pursuant to search warrant; immunity.*

[S 832]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 19.2-53.1 as follows:**

**§ 19.2-53.1. Taking blood samples pursuant to search warrant; immunity.**

*No cause of action shall lie in any court against any person authorized by law to withdraw blood pursuant to a search warrant issued in accordance with § 19.2-53 when that person is acting in accordance with such warrant, except in cases of negligence in the withdrawing of blood or willful misconduct.*

## CHAPTER 426

*An Act to amend and reenact § 19.2-392.2 of the Code of Virginia, relating to expungement of police and court records; hearing.*

[S 908]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-392.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-392.2. Expungement of police and court records.**

A. If a person is charged with the commission of a crime or any offense defined in Title 18.2, and

1. Is acquitted, or

2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151, he may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

B. If any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification, he may file a petition with the court disposing of the charge for relief pursuant to this section. Such person shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed under this subsection shall include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

C. The petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available, the date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability. The petition shall further state the specific criminal charge to be expunged, the date of final disposition of the charge as set forth in the petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest.

D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within 21 days after it is served on him.

E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. *If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.*

F. After receiving the criminal history record information from the CCRE, the court shall conduct a hearing on the petition. If the court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records, including electronic records, relating to the charge. Otherwise, it shall deny the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor violation, the petitioner shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the charge, and the court shall enter an order of expungement. *If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such written notice that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, the court may enter an order of expungement without conducting a hearing.*

G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

H. Notwithstanding any other provision of this section, when the charge is dismissed because the court finds that the person arrested or charged is not the person named in the summons, warrant, indictment or presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged, enter an order requiring expungement of the police and court records relating to the charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such order, it shall be treated as provided in subsection K ~~hereof~~.

I. Notwithstanding any other provision of this section, when a person has been granted an absolute pardon for the commission of a crime that he did not commit, he may file in the circuit court of the county or city in which the conviction occurred a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge and conviction, and the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order, it shall be treated as provided in subsection K ~~hereof~~.

J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of the order, it shall be treated as provided in subsection K ~~hereof~~.

K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be effected.

L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.

M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion and notice made within three years of the entry of such order.

## CHAPTER 427

*An Act to amend and reenact § 15.2-958.3 of the Code of Virginia, relating to the financing of clean energy programs.*

[S 801]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 15.2-958.3 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 15.2-958.3. Financing clean energy programs.**

A. Any locality may, by ordinance, authorize contracts to provide loans for the initial acquisition and installation of clean energy improvements with free and willing property owners of both existing properties and new construction. Such an ordinance shall include but not be limited to the following:

1. The kinds of ~~distributed generation~~ renewable energy ~~sources or energy production and distribution facilities,~~ energy usage efficiency improvements, or water usage efficiency improvements for which loans may be offered;

2. The proposed arrangement for such loan program, including (i) a statement concerning the source of funding that will be used to pay for work performed pursuant to the contracts; (ii) the interest rate and time period during which contracting property owners would repay the loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality;

3. A minimum and maximum aggregate dollar amount which may be financed;

4. A method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. *A locality may contract with a third party for professional services to administer such loan program;*

6. *Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as (i) a program application fee paid by the property owner requesting to participate in the program, (ii) a component of the interest rate on the assessment in the written contract between the locality and the property owner, or (iii) a combination of (i) and (ii); and*

~~6-7.~~ A draft contract specifying the terms and conditions proposed by the locality.

B. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. The locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

D. In order to secure the loan authorized pursuant to this section, the locality shall be authorized to place a *voluntary special assessment* lien equal in value to the loan against any property where such clean energy systems are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the *voluntary special assessment* liens to remain in full force to secure the loans.

E. *A voluntary special assessment lien on real property other than a residential dwelling with fewer than five dwelling units or a condominium project as defined in § 55-79.2:*

1. *Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefitted property is not in dispute is submitted to the locality prior to recording of the special assessment lien;*

2. *Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;*

3. *May be enforceable by the local government in the same manner that a property tax lien against real property may be enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and*

4. *May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.*

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality.

**2. That the Department of Mines, Minerals and Energy (DMME) shall develop uniform statewide financial underwriting guidelines for loans made under § 15.2-958.3. In developing the guidelines, DMME shall incorporate input from representatives of the Virginia Bankers Association, the Virginia Energy Efficiency Council, the Virginia Association of Realtors, the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Association for Commercial Real Estate. The guidelines shall require an evaluation of each of the following criteria: the loan to value ratio, the voluntary special assessment to assessed value ratio, the savings to investment ratio, the requirement for energy assessments, and any provision addressing the disclosure of voluntary special assessments to a subsequent owner of the property. DMME shall finalize the uniform financial underwriting guidelines no later than December 1, 2015.**

## CHAPTER 428

*An Act to amend and reenact §§ 18.2-374.1:1 and 18.2-381 of the Code of Virginia, relating to child pornography and obscenity offenses; penalties.*

[S 1056]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-374.1:1 and 18.2-381 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-374.1:1. Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty.**

A. Any person who knowingly possesses child pornography is guilty of a Class 6 felony.  
 B. Any person who commits a second or subsequent violation of subsection A is guilty of a Class 5 felony.  
 C. Any person who *knowingly* (i) reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays ~~with lascivious intent~~, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography ~~with lascivious intent~~ or (ii) commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in trading or sharing child pornography shall be punished by not less than five years nor more than 20 years in a state correctional facility. Any person who commits a second or subsequent violation under this subsection shall be punished by a term of imprisonment of not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. Any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to child pornography is guilty of a Class 4 felony.

E. All child pornography shall be subject to lawful seizure and forfeiture pursuant to § 19.2-386.31.

F. For purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

G. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of this section.

H. The provisions of this section shall not apply to any such material that is possessed for a bona fide medical, scientific, governmental, law-enforcement, or judicial purpose by a physician, psychologist, scientist, attorney, employee of a law-enforcement agency, judge, or clerk who possesses such material in the course of conducting his professional duties as such.

**§ 18.2-381. Punishment for subsequent offenses; additional penalty for owner.**

Any person, firm, association or corporation convicted of a second or other subsequent offense under §§ § 18.2-374 through, 18.2-375, 18.2-376, 18.2-377, 18.2-378, or 18.2-379 shall be is guilty of a Class 6 felony. However, if the person, firm, association or corporation convicted of such subsequent offense is the owner of the business establishment where each of the offenses occurred, a fine of not more than \$10,000 shall be imposed in addition to the penalties otherwise prescribed by this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session 1, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 429

*An Act to amend and reenact § 19.2-386.23 of the Code of Virginia, relating to disposal of seized drugs; law-enforcement training and research.*

[S 1241]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-386.23 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police, or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such police department or sheriff's office for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 ~~of this subsection~~, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath,

reporting the time, place and manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the chief law-enforcement officer by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

C. The amount of any specific controlled substance, or imitation controlled substance, retained by any law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting agency's exceeding the limits allowed by this subsection.

D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of such substance on a monthly basis, which shall include a description and weight of the substance, and (ii) destroy such substance ~~within 12 months of obtaining it through a court order for use in~~ *pursuant to subdivision A 1 when no longer needed for research and training purposes*. A written report outlining the details of the inventory shall be made to the chief law-enforcement officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the substances that were used for *research and training* pursuant to a court order in the immediately preceding fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

## CHAPTER 430

*An Act to amend and reenact § 55-79.76 of the Code of Virginia, relating to the Virginia Condominium Act; meetings of the unit owners' association; quorum.*

[S 1390]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 55-79.76 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 55-79.76. Meetings of unit owners' associations; quorums.**

~~(a)~~ A. Unless the condominium instruments otherwise provide, a quorum shall be deemed to be present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than 33 1/3 percent of the votes are present at the beginning of such meeting. The bylaws may provide for a larger percentage, or for a smaller percentage not less than 10 percent.

~~(b)~~ B. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of the executive organ if persons entitled to cast one-half of the votes in that body are present at the beginning of such meeting.

C. *On petition of the unit owners' association or any unit owner entitled to vote, the circuit court of the city or county in which the condominium or the greater part thereof is located may order an annual meeting of the unit owners' association be held for the purpose of the election of members of the executive organ, provided that:*

*1. No annual meeting as required by § 55-79.75 has been held due to the failure to obtain a quorum of unit owners as specified in the condominium instruments; and*

*2. The unit owners' association has made good faith attempts to convene a duly called annual meeting of the unit owners' association in three successive years, which attempts have proven unsuccessful due to the failure to obtain a quorum.*

*The court may set the quorum for the meeting and enter other orders necessary to convene the meeting.*

*A unit owner filing a petition under this subsection shall provide a copy of the petition to the executive organ at least ten business days prior to filing.*

## CHAPTER 431

*An Act to amend and reenact § 56-594 of the Code of Virginia, relating to electric utilities; net energy metering programs.*

[S 1395]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 56-594 of the Code of Virginia is amended and reenacted as follows:

**§ 56-594. Net energy metering provisions.**

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and no later than July 1, 2015, for customers of electric cooperatives, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than 20 kilowatts for residential customers and ~~500 kilowatts~~ *not more than one megawatt* for nonresidential customers ~~unless a utility elects a higher capacity limit for such a facility~~ *on an electrical generating facility placed in service after July 1, 2015*; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. *In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) *any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met.* Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section *and to ensure public safety, power quality, and reliability of the supplier's electric distribution system*, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear ~~the all~~ *reasonable cost* ~~costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, as determined by the Commission,~~ to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible

customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators or eligible agricultural customer-generators in the state reaches one percent of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

F. Any residential eligible customer-generator or eligible agricultural customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

## CHAPTER 432

*An Act to amend and reenact § 56-594 of the Code of Virginia, relating to electric utilities; net energy metering programs.*

[H 1950]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-594 of the Code of Virginia is amended and reenacted as follows:**

**§ 56-594. Net energy metering provisions.**

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and no later than July 1, 2015, for customers of electric cooperatives, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be

limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than 20 kilowatts for residential customers and 500 kilowatts *not more than one megawatt* for nonresidential customers ~~unless a utility elects a higher capacity limit for such a facility~~ *on an electrical generating facility placed in service after July 1, 2015*; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. *In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions *and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met.* Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. *Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear the all reasonable cost costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, as determined by the Commission,* to (a) install additional controls, (b) perform or pay for additional tests, *and* (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible

customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators or eligible agricultural customer-generators in the state reaches one percent of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

F. Any residential eligible customer-generator or eligible agricultural customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

## CHAPTER 433

*An Act to amend and reenact §§ 3.2-3100 through 3.2-3104, 3.2-3108, 3.2-3111, and 62.1-203 of the Code of Virginia and to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 31.1, consisting of sections numbered 3.2-3112 through 3.2-3121, relating to the Tobacco Region Revitalization Commission; financial viability and feasibility study prior to disbursement; Virginia Tobacco Region Revolving Fund.*

[S 1440]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-3100 through 3.2-3104, 3.2-3108, 3.2-3111, and 62.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 31.1, consisting of sections numbered 3.2-3112 through 3.2-3121, as follows:**

#### **§ 3.2-3100. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Active tobacco producer" means a person: (i) actively engaged in planting, growing, harvesting, and marketing of flue-cured or burley tobacco, or who shares in the variable expenses of producing the crop; ~~and is therefore entitled to share in the revenue derived from marketing the crop; and~~ (ii) who produces such crop on a farm where tobacco was produced for the 1998 crop year, or any subsequent crop year upon which the Commission may determine to base indemnification payments, pursuant to a tobacco farm marketing quota or farm acreage allotment as established under the Agriculture Adjustment Act of 1938 (7 U.S.C. § 1281 et seq.).

"Agreement" means the agreement or agreements between the Commonwealth, as seller of the Tobacco Assets, and the Corporation, as purchaser of the Tobacco Assets. The sale by the Commonwealth of the Tobacco Assets pursuant to any such agreement shall be a true sale and not a borrowing.

"Commission" means the Tobacco ~~Indemnification and Community~~ Region Revitalization Commission created pursuant to § 3.2-3101.

"Commission Allocation" means 50 percent of the annual amount received under the Master Settlement Agreement by the Commonwealth, or that would have been received but for a sale of such allocation pursuant to an agreement, between the commencing and ending dates specified in the agreement.

"Corporation" means the Tobacco Settlement Financing Corporation as created under state law.

"Endowment" means the Tobacco Indemnification and Community Revitalization Endowment established pursuant to § 3.2-3104.

"Fund" means the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

"Master Settlement Agreement" means the settlement agreement and related documents between the Commonwealth and leading United States tobacco product manufacturers dated November 23, 1998, and including the Consent Decree and Final Judgment entered in the Circuit Court of the City of Richmond on February 23, 1999, Chancery Number HJ-2241-4.

"Period of sale" means the time during which a purchaser under an agreement is entitled to receive the Commission Allocation.

~~"Quota holder" means an owner of a farm on July 1, 1998, or July 1 of any subsequent crop year upon which the Commission may determine to base indemnification payments, for which a tobacco farm marketing quota or farm acreage allotment was established under the Agriculture Adjustment Act of 1938 (7 U.S.C. § 1281 et seq.).~~

*"Strategic Plan" means the strategic plan required pursuant to subsection C of § 3.2-3103.*

"Tobacco Assets" means all right, title, and interest in and to the portion of the Commission Allocation that may be sold to the Corporation.

~~"Tobacco farmer" means any person who is an active tobacco producer, a quota holder, or both.~~

**§ 3.2-3101. Tobacco Region Revitalization Commission created; purposes.**

The Tobacco ~~Indemnification and Community~~ Region Revitalization Commission is created as a body corporate and a political subdivision of the Commonwealth and as such shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Commission is established for the purposes of determining the appropriate recipients of moneys in the Tobacco Indemnification and Community Revitalization Fund and causing distribution of such moneys for the purposes provided in this chapter, including using moneys in the Fund to: (i) provide payments to tobacco farmers as compensation for the adverse economic effects resulting from loss of investment in specialized tobacco equipment and barns and lost tobacco production opportunities associated with a decline in quota; and (ii) revitalize tobacco dependent communities. The Commission shall have only those powers enumerated in § 3.2-3103.

**§ 3.2-3102. Membership; terms; vacancies; compensation and expenses; chairman; chairman's executive summary.**

A. The Commission shall be composed of ~~34~~ 28 members as follows:

1. Six members of the House of Delegates appointed by the Speaker of the House of Delegates;
2. Four members of the Senate appointed by the Senate Committee on Rules;
3. The Secretary of Commerce and Trade or his designee;
4. The Secretary of Finance or his designee;
5. The Secretary of Agriculture and Forestry or his designee;
6. ~~Three~~ Five nonlegislative citizen members who shall be active flue-cured *or burley* tobacco producers ~~appointed by the Governor. Of the active flue-cured tobacco producers, two shall be or active farmers~~ appointed by the Governor from a list of ~~six~~ seven persons provided by the members of the General Assembly appointed to the Commission. *Three of the tobacco producers or active farmers shall reside in the Southside region and two shall reside in the Southwest region;*

7. ~~Three nonlegislative citizen members who shall be active burley tobacco producers appointed by the Governor. Of the active burley tobacco producers, one member shall be appointed by the Governor from a list of three persons provided by the members of the General Assembly appointed to the Commission;~~

8. One nonlegislative citizen member who shall be a representative of the Virginia Farm Bureau Federation appointed by the Governor from a list of at least three persons provided by Virginia Farm Bureau Federation; and

9. ~~Eleven~~ 8. Nine members shall be nonlegislative citizens appointed by the Governor. Of the ~~14~~ nine nonlegislative citizen members, three shall be appointed by the Governor from a list of ~~nine~~ six provided by the members of the General Assembly appointed to the Commission.

With the exception of the Secretary of Commerce and Trade or his designee, the Secretary of Finance or his designee and the Secretary of Agriculture and Forestry or his designee, all members of the Commission shall reside in the Southside and Southwest regions of the Commonwealth and shall be subject to confirmation by the General Assembly. To the extent feasible, appointments representing the Southside and Southwest regions shall be proportional to the tobacco quota production of each region. *Thirteen of the 28 members shall have experience in business, economic development, investment banking, finance, or education.*

Except as otherwise provided herein, all appointments shall be for terms of four years each. Legislative members, the Secretary of Commerce and Trade, the Secretary of Finance, and the Secretary of Agriculture and Forestry or his designee

shall serve terms coincident with their terms of office. No nonlegislative citizen member shall be eligible to serve more than two successive four-year terms. After expiration of a term of three years or less, two additional four-year terms may be served by such member if appointed thereto. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

~~The initial appointments of the active flue-cured tobacco producers, the active burley tobacco producers, and other nonlegislative citizen members shall be as follows: one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of two years; one active flue-cured tobacco producer, one active burley tobacco producer and four nonlegislative citizen members shall be appointed for terms of three years; and one active flue-cured tobacco producer, one active burley tobacco producer and three nonlegislative citizen members shall be appointed for terms of four years. Thereafter all appointments shall be for terms of four years.~~

B. The Commission shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Commission. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Commission. The meetings of the Commission shall be held on the call of the chairman or whenever the majority of the members so request. A majority of members of the Commission serving at any one time shall constitute a quorum for the transaction of business.

C. Legislative members of the Commission shall receive such compensation as is set forth in § 30-19.12, and nonlegislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

D. Members and employees of the Commission shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.

E. Except as otherwise provided in this chapter, members and employees of the Commission shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

F. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### **§ 3.2-3103. Powers and duties of the Tobacco Region Revitalization Commission.**

A. The Commission shall have the power and duty to:

1. Adopt, use, and alter at will an official seal;
2. Make bylaws for the management and regulation of its affairs;
3. Maintain an office at such place or places within the Commonwealth as it may designate;
4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Commission, absolutely or in trust, for the purposes for which the Commission is created;
5. Determine how moneys in the Fund are to be distributed ~~and to authorize~~;
6. *Authorize* grants, loans, or other distributions of moneys in the Fund for the purposes set forth in this chapter;
7. *For each economic development grant or award, including a grant from the Tobacco Region Opportunity Fund, require a dollar-for-dollar match from non-Commission sources. Performance bonds shall be considered acceptable matching payment. No more than 25 percent of the match shall be in-kind. However, a match of less than 50 percent may be considered by a two-thirds majority vote of the Commission;*

8. *Adopt policies governing the Tobacco Region Opportunity Fund, including a repayment policy. The Commission shall apply the policies consistently;*

9. *Enter into a contractual or employment agreement with a financial viability manager (the Manager). The management agreement shall require the Manager to provide a written financial viability and feasibility report to the Commission as to the financial propriety of certain loans, grants, or other distributions of money made for the revitalization of a tobacco-dependent locality as proposed in accordance with the Commission's strategic objectives. The Commission shall not make any loan, except a loan made through the Virginia Tobacco Region Revolving Fund created in Chapter 31.1 (§ 3.2-3112 et seq.); grant; or other distribution of money until the Manager has provided the Commission with a written recommendation as to the financial viability and feasibility of the proposed distribution of funds. However, nothing in this section shall eliminate consideration of strategic economic initiatives;*

~~10.~~ 10. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

~~11.~~ 11. Invest its funds as provided in this chapter or permitted by applicable law; and

~~12.~~ 12. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the Fund.

B. The Commission shall undertake studies and gather information and data in order to determine: (i) the economic consequences of the reduction in or elimination of quota for tobacco growers; (ii) the potential for alternative cash crops; and (iii) any other matters the Commission believes will affect tobacco growers in the Commonwealth.

C. *The Commission shall at least biennially develop a strategic plan containing specific priorities, measurable goals, and quantifiable outcomes. In developing the Strategic Plan, the Commission shall solicit input from local and regional economic developers, the Virginia Department of Agriculture and Consumer Services, the Virginia Economic Development Partnership, the Virginia Department of Housing and Community Development, the Virginia Tourism Authority, the Virginia Resources Authority, and the Center for Rural Virginia. The Strategic Plan shall state how each Fund award is consistent with the Commission's achievement of measurable goals and outcomes and its advancement of the specific priorities of the Strategic Plan. The Strategic Plan shall also state how awards from the Fund are projected to affect key economic indicators of employment, income, educational attainment, amount of Virginia-grown agricultural and forestal products used by the project, and return on investment.*

D. *The Commission shall develop a publicly available online database of all Commission awards, listing for each project the project's goals, the means by which the project fits into the Strategic Plan, the project's expected and achieved outcomes, and the total amount of funding the Commission has awarded to the project through any prior grants.*

E. The Commission shall submit a report annually to the Governor and the General Assembly.

**§ 3.2-3104. Tobacco Indemnification and Community Revitalization Endowment.**

A. There is hereby established in the state treasury a special fund to be designated the "Tobacco Indemnification and Community Revitalization Endowment." The Endowment shall receive any proceeds from any sale of all or any portion of the Commission Allocation, and any gifts, grants and contributions that are specifically designated for inclusion in such Endowment. No part of the Endowment, neither corpus nor income, or interest thereon, shall revert to the general fund of the state treasury. The Endowment shall be under the management and control of the Treasury Board, and the Treasury Board shall have such powers and authority as may be necessary to exercise such management and control consistent with the provisions of this section. The income of the Endowment shall be paid out, not less than annually, to the Fund. In addition, up to ~~49~~ six percent of the corpus of the Endowment shall be paid to the Fund annually upon request of the Commission, *by majority vote*, to the Treasury Board. Upon two-thirds vote of the Commission, up to ~~15~~ 10 percent of the corpus of the Endowment shall be so paid. *Upon three-fourths vote of the Commission, up to 15 percent of the corpus of the Endowment shall be so paid.* No use of proceeds shall be made that would cause bonds issued on a tax-exempt basis to be deemed taxable. For purposes of this section, "income" of the Endowment means at the time of determination the lesser of the available cash in, or the realized investment income for the applicable period of, the Endowment, and "corpus" of the Endowment means at the time of determination the sum of the proceeds from the sale of all or any portion of the Commission Allocation, any gifts, grants, and contributions that have been credited to such Endowment, and any income not appropriated and withdrawn from the Endowment prior to June 30 of each year, less withdrawals from the corpus. Determinations by the Treasury Board, or the State Treasurer on behalf of the Treasury Board, as to the amount of income or the amount of the corpus shall be conclusive.

B. The Treasury Board shall serve as trustee of the Endowment and the corpus and income of the Endowment shall be withdrawn and credited to the Fund by order of the Treasury Board as provided in subsection A. The State Treasurer shall be custodian of the funds credited to the Endowment. The Treasury Board shall have full power to invest and reinvest funds credited to the Endowment in accordance with the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) and, in addition, as otherwise provided by law. The Treasury Board may borrow money in such amounts as may be necessary whenever in its judgment it would be more advantageous to borrow money than to sell securities held for the Fund. Any debt so incurred may be evidenced by notes duly authorized by resolution of the Treasury Board, such notes to be retired no later than the end of the biennium in which such debt is incurred. The Treasury Board may commingle, for purposes of investment, the corpus of the Endowment provided that it shall appropriately account for the investments credited to the Endowment. The Treasury Board may hire independent investment advisors and managers as it deems appropriate to assist with investing the Endowment. The expenses of making and disposing of investments, such as brokerage commissions, legal expenses related to a particular transaction, investment advisory and management fees and expenses, transfer taxes, and other customary transactional expenses shall be payable out of the income of the Endowment.

Not less than annually and more frequently if so desired by the Commission or requested by the Treasury Board, the Commission shall provide to the Treasury Board schedules of anticipated disbursements from the Fund for the current and succeeding fiscal year, and the Treasury Board shall, to the extent practicable, take into account such schedules and changes thereto in scheduling maturities and redemptions of its investments of the Endowment.

**§ 3.2-3108. Distribution of Fund.**

A. The Fund shall be distributed by the Commission for the following purposes:

1. ~~The compensation of Virginia tobacco farmers for the decline or elimination of the tobacco quota based on averaging the basic burley and flue-cured quota as allocated by the USDA for the crop years 1995 through 1998.~~

~~To the extent quota holders in Virginia are not otherwise compensated by a national tobacco community trust fund or a federal tobacco loss assistance program that is based on substantially the same distribution criteria established by the Commission for indemnification payments and to the extent moneys are available in the Fund, the Fund shall be used to compensate quota holders in an amount equal to the total lost asset value in quota incurred annually by such quota holders.~~

To the extent active tobacco producers in Virginia are not otherwise compensated by a national tobacco community trust fund or a federal tobacco loss assistance program that is based on substantially the same distribution criteria established by the Commission for indemnification payments and to the extent moneys are available in the Fund, the Fund shall be used to compensate active tobacco producers for the economic loss resulting from any annual quota reduction.

For the purposes of this section, the total asset loss value in quota and economic losses for tobacco farmers in Virginia shall be estimated to be \$1.2 billion.

The Commission may establish criteria for determining economic loss resulting from any annual quota reduction, including any similar criteria established pursuant to the creation of a national tobacco community trust fund;

~~2-~~ The stimulation of economic growth and development in tobacco-dependent communities in an equitable manner throughout the ~~southside~~ Southside and ~~southwest~~ Southwest regions of the Commonwealth, to assist such communities in reducing their dependency on, or finding alternative uses for, tobacco and tobacco-related business; and

~~3-~~ 2. Scientific research performed at one of the Commonwealth's National Cancer Institute-designated research institutes designed to advance the treatment and prevention of cancers that directly impact the citizens of tobacco-dependent communities throughout the ~~southside~~ Southside and ~~southwest~~ Southwest regions of the Commonwealth.

B. The Commission may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal.

*The Commission shall require that each project have an accountability matrix. For an economic development program, the matrix shall be based on return on investment, jobs, wages, and capital investment. For a scholarship program, the matrix shall be based on attainment of bachelor's degrees, credentials, or jobs. For a health care program, the matrix shall be based on health care outcomes. For an agriculture or forestry program, the matrix shall be based on jobs, capital investment, amount of Virginia-grown agricultural and forestal products used by the project, projected impact on agricultural and forestal producers, and a return on investment analysis.*

*The Commission shall require each applicant to provide with its application (i) baseline figures, (ii) explicit and quantified outcome expectations, (iii) the method used to calculate outcome expectations, (iv) details on the timing of the expected outcomes, and (v) a specific link to economic revitalization and the Strategic Plan.*

*The Commission shall require that as a condition of receiving any grant or loan incentive each project (a) demonstrate how it will address low employment levels, per capita income, educational attainment, or other workforce indicators; (b) be consistent with the Strategic Plan; and (c) receive a written recommendation as to its financial viability and feasibility from the Manager pursuant to subdivision A 9 of § 3.2-3103.*

#### **§ 3.2-3111. Confidentiality of information.**

A. The Commission shall hold in confidence the personal and financial information supplied to it, or maintained by it, concerning tobacco farmers, including names, addresses, and payment information. The Commission may require any tobacco farmer or other applicant for payments from the Fund to provide his social security or taxpayer identification number.

B. Notwithstanding the foregoing, personal and financial information supplied to or maintained by the Commission relating to tobacco farmers may be used, exchanged, and disclosed at the Commission's discretion as may be necessary or appropriate to make payments under, administer, or enforce this chapter and related state and federal laws, any other state or federal tobacco indemnification or loss assistance program, or a national tobacco community trust fund.

C. Nothing in this section shall prohibit the Commission, in its discretion, from releasing any information that has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information or the sum of money received by a particular recipient.

D. Personal and financial information supplied by or maintained on persons or entities applying for or receiving distributions from the Fund for economic growth and development, as well as specific information relating to the amount and identity of recipients of such distributions, shall be subject to disclosure in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The provisions of that Act applicable to records or meetings of the Virginia Economic Development Partnership or other state or local economic development entities shall apply mutatis mutandis to the Commission and the Manager selected pursuant to subdivision A 9 of § 3.2-3103.

E. The provisions of this section shall also apply to any department, agency, institution, political subdivision, or employee of the Commonwealth or a political subdivision that receives personal or financial information from the Commission in order to process checks for payments from the Fund or to assist the Commission with the administration and enforcement of this chapter.

#### PART D.

### TOBACCO INDEMNIFICATION AND COMMUNITY REGION REVITALIZATION COMMISSION AND VIRGINIA TOBACCO REGION REVOLVING FUND.

#### CHAPTER 31.1.

#### VIRGINIA TOBACCO REGION REVOLVING FUND.

#### **§ 3.2-3112. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Authority" means the Virginia Resources Authority created in Chapter 21 (§ 62.1-197 et seq.) of Title 62.1.*

*"Commission" means the Tobacco Region Revitalization Commission created pursuant to § 3.2-3101.*

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning, and feasibility studies, surveys, plans, and specifications; architectural, engineering, financial, legal, or other special services; the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings, or improvements; site preparation and development, including demolition or removal of existing structures; construction and reconstruction; labor; materials, machinery, and equipment; the reasonable costs of financing incurred by the local government in the course of the development of the project; carrying charges incurred before the project is placed in service; interest on funds borrowed to finance the project to a date subsequent to the estimated date the project is to be placed in service; necessary expenses incurred in connection with placing the project in service; the funding of accounts and reserves that the Authority may require; and the cost of other items that the Authority determines to be reasonable and necessary.

"Endowment" means the Tobacco Indemnification and Community Revitalization Endowment as established in § 3.2-3104.

"Fund" means the Virginia Tobacco Region Revolving Fund created by this chapter.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth, or any combination of any two or more of the foregoing, located in any of the tobacco-dependent communities in the Southside and Southwest regions of Virginia.

"Project" means the same as that term is defined in § 62.1-199.

**§ 3.2-3113. Creation and management of Virginia Tobacco Region Revolving Fund.**

A. There shall be set apart as a permanent and perpetual fund, to be known as the Virginia Tobacco Region Revolving Fund, with a sum of up to \$50 million made available from (i) the corpus of the taxable portion of the Endowment paid to the Fund per request from the Commission within the limits imposed pursuant to § 3.2-3104, (ii) sums, if any, appropriated to the Fund by the General Assembly, (iii) all receipts by the Fund from loans made by it to local governments, (iv) all income from the investment of moneys held in the Fund, and (v) any other sums designated for deposit to the Fund from any source public or private, including, without limitation, any federal grants, awards, or other forms of assistance received by the Commonwealth that are eligible for deposit therein under federal law. Transfers from the Endowment to the Fund shall occur as required for loan disbursements.

B. The Authority shall administer and manage the Fund and establish the interest rates and repayment terms of such loans as are provided for by this chapter in accordance with a memorandum of agreement with the Commission. In order to carry out the administration and management of the Fund, the Authority, in consultation with the Commission, is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers and other technical advisers, and public accountants, and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund the reasonable costs and expenses it incurs in the administration and management of the Fund and a reasonable fee to be approved by the Commission for its management services, but the Authority shall not charge its ordinary expenses to the Fund or the Commission. The Department of the Treasury, as the party holding the Endowment, shall be a party to the memorandum of agreement. Under all circumstances, the Commission shall select the projects eligible for the loans.

C. The Commission shall direct the distribution of loans from the Fund to particular local governments. Consistent with this chapter, the Commission shall, after consultation with all interested parties, develop a guidance document governing project eligibility and project priority criteria.

**§ 3.2-3114. Deposit of money; expenditures; investments.**

A. All money belonging to the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations located in the Commonwealth, or savings institutions located in the Commonwealth and organized under the laws of the Commonwealth or the United States. The money in these accounts shall be paid by check signed by the Executive Director of the Authority or another officer or employee designated by the Board of Directors of the Authority. All deposits of money shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies, and savings institutions are authorized to give security for the deposits.

B. Money in the Fund shall not be commingled with other money of the Authority. Money in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth, including the Local Government Investment Pool Act (§ 2.2-4600 et seq.).

**§ 3.2-3115. Collection of money due the Fund.**

The Authority is empowered to collect, or to authorize others to collect on its behalf, amounts due to the Fund under any loan to a local government, including, if appropriate, by taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any amounts in default. Proceedings to recover amounts due to the Fund may be instituted by the Authority in the name of the Fund in the appropriate circuit court.

**§ 3.2-3116. Loans to local governments.**

A. Except as otherwise provided in this chapter, money in the Fund shall be used solely to make loans to local governments to finance or refinance the cost of any project that has an identifiable revenue stream from which the loan proceeds may be repaid. The local government to which a loan is to be made, the purpose of the loan, the amount of the loan, and the associated identifiable revenue stream shall be designated in writing by the Commission to the Authority following consultation with the Authority. No loan from the Fund shall exceed the total cost of the project to be financed or the outstanding principal amount of the indebtedness to be refinanced plus reasonable financing expenses.

B. Except as otherwise provided in this chapter, the Authority shall determine the interest rate and terms and conditions of any loan from the Fund, which may vary between local governments. Each loan shall be evidenced by appropriate bonds or notes of the local government payable to the Fund. The bonds or notes shall have been duly authorized by the local government and executed by its authorized legal representatives. The Authority is authorized to require in connection with any loan from the Fund such documents, instruments, certificates, legal opinions, and other information as it may deem necessary or convenient.

C. In addition to any other terms or conditions that the Authority may establish, the Authority may require, as a condition to making any loan from the Fund, that the local government receiving the loan covenant to perform any of the following:

1. Establish and collect rents, rates, fees, and charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of, premium, if any, and interest on the loan from the Fund to the local government; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the Authority to offset the need, in whole or in part, for future increases in rents, rates, fees, or charges.

2. Create and maintain a special fund or funds for the payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and any other amounts becoming due under any agreement entered into in connection with the loan, or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the local government, and deposit into any fund or funds amounts sufficient to make any payments on the loan as they become due and payable.

3. Create and maintain other special funds as required by the Authority.

4. Perform other acts otherwise permitted by applicable law to secure payment of the principal of, premium, if any, and interest on the loan from the Fund to the local government and to provide for the remedies of the Fund in the event of any default by the local government in the payment of the loan, including, without limitation, any of the following:

a. The procurement of insurance, guarantees, letters of credit and other forms of collateral, security, liquidity arrangements, or credit supports for the loan from any source, public or private, and the payment therefor of premiums, fees, or other charges;

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, utilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, utilities, and systems to secure the loan from the Fund to the local government made in connection with such combination or any part or parts thereof;

c. The maintenance, replacement, renewal, and repair of the project; and

d. The procurement of casualty and liability insurance.

5. Obtain a review of the accounting and the internal controls from the Auditor of Public Accounts or his legally authorized representative. The Authority may request additional reviews at any time during the term of the loan. In addition, anyone receiving a report in accordance with § 3.2-3109 may request an additional review as set forth in this section.

D. Any local government borrowing money from the Fund is authorized to perform any acts, take any actions, adopt any proceedings, and make and carry out any contracts that are contemplated by this chapter. Such contracts need not be identical among all local governments but may be structured as determined by the Authority according to the needs of the contracting local government and the Fund.

E. Subject to the rights, if any, of the registered owners of any of the bonds of the Authority, the Authority may consent to and approve any modification in the terms of any loan to any local government.

### **§ 3.2-3117. Pledge of loans to secure bonds of the Authority.**

A. The Authority is empowered at any time and from time to time to pledge, assign, or transfer from the Fund to banks or trust companies designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of the principal of, premium, if any, and interest on any or all of the bonds, as defined in § 62.1-199, issued to finance any project located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia. The interests of the Fund in any assets so transferred shall be subordinate to the rights of the trustee under the pledge, assignment, or transfer.

B. To the extent funds are not available from other sources pledged for such purpose, any of the assets or payments of principal and interest received on the assets pledged, assigned, or transferred or held in trust may be applied by the trustee thereof to the payment of the principal of, premium, if any, and interest on such bonds of the Authority secured thereby, and, if such payments are insufficient for such purpose, the trustee is empowered to sell any or all of such assets and apply the net proceeds from the sale to the payment of the principal of, premium, if any, and interest on such bonds of the Authority.

*C. Any assets of the Fund pledged, assigned, or transferred in trust as set forth in this section and any payments of principal, interest, or earnings received thereon shall remain part of the Fund but shall be subject to the pledge, assignment, or transfer to secure the bonds of the Authority and shall be held by the trustee to which they are pledged, assigned, or transferred until no longer required for such purpose by the terms of the pledge, assignment, or transfer.*

**§ 3.2-3118. Sale of loans.**

*The Authority is empowered at any time and from time to time to sell, upon such terms and conditions as the Authority shall deem appropriate, any loan, or interest therein, made pursuant to this chapter. The net proceeds of sale remaining after the payment of the costs and expenses of the sale shall be designated for deposit to, and become part of, the Fund.*

**§ 3.2-3119. Powers of the Authority.**

*The Authority is authorized to do any act necessary or convenient to the exercise of the powers granted in this chapter or reasonably implied thereby.*

**§ 3.2-3120. Report to the General Assembly and the Governor.**

*The Commission, in conjunction with the Authority, shall report annually to the General Assembly and the Governor on all loans made from the Fund.*

**§ 3.2-3121. Liberal construction of chapter.**

*The provisions of this chapter shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special, or local, the provisions of this chapter shall be controlling.*

**§ 62.1-203. Powers of Authority.**

The Authority is granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following:

1. To have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;
2. To adopt, amend and repeal bylaws, and rules and regulations, not inconsistent with this chapter for the administration and regulation of its affairs and to carry into effect the powers and purposes of the Authority and the conduct of its business;
3. To sue and be sued in its own name;
4. To have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;
5. To maintain an office at any place within the Commonwealth which it designates;
6. To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
7. To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its properties and assets;
8. To employ officers, employees, agents, advisers and consultants, including without limitations, attorneys, financial advisers, engineers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;
9. To procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees or agents and for the indemnification of the members of its Board of Directors and its employees and agents;
10. To procure credit enhancements from any public or private entities, including any department, agency or instrumentality of the United States of America or the Commonwealth, for the payment of any bonds issued by the Authority, including the power to pay premiums or fees on any such credit enhancements;
11. To receive and accept from any source aid, grants and contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the aid, grants or contributions are made;
12. To enter into agreements with any department, agency or instrumentality of the United States of America or, the Commonwealth, the District of Columbia or any adjoining state for the purpose of planning, regulating and providing for the financing of any projects;
13. To collect, or to authorize the trustee under any trust indenture securing any bonds or any other fiduciary to collect, amounts due under any local obligations owned or credit enhanced by the Authority, including taking the action required by § 15.2-2659 or 62.1-216.1 to obtain payment of any unpaid sums;
14. To enter into contracts or agreements for the servicing and processing of local obligations owned by the Authority;
15. To invest or reinvest its funds as provided in this chapter or permitted by applicable law;
16. Unless restricted under any agreement with holders of bonds, to consent to any modification with respect to the rate of interest, time and payment of any installment of principal or interest, or any other term of any local obligations owned by the Authority;
17. To establish and revise, amend and repeal, and to charge and collect, fees and charges in connection with any activities or services of the Authority;
18. To do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this chapter; and

19. To pledge as security for the payment of any or all bonds of the Authority, all or any part of the Capital Reserve Fund or other reserve fund or account transferred to a trustee for such purpose from the Water Facilities Revolving Fund pursuant to § 62.1-231, from the Water Supply Revolving Fund pursuant to § 62.1-240, from the Virginia Solid Waste or Recycling Revolving Fund pursuant to § 62.1-241.9, from the Virginia Airports Revolving Fund pursuant to § 5.1-30.6, ~~or~~ from the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.17, *or from the Virginia Tobacco Region Revolving Fund pursuant to § 3.2-3117. Notwithstanding the foregoing, any such transfer from the Virginia Tobacco Region Revolving Fund may be pledged to secure only those bonds of the Authority issued to finance or refinance projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia.*

**2. That the three Commission members serving as of July 1, 2015, whose seats are eliminated by the reduction in the size of the Commission may serve the remainder of their unexpired terms.**

## CHAPTER 434

*An Act to amend and reenact §§ 58.1-803, 58.1-809, and 58.1-812 of the Code of Virginia, relating to deeds of trust or mortgages; maximum tax.*

[S 999]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-803, 58.1-809, and 58.1-812 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-803. Deeds of trust or mortgages; maximum tax.**

A. ~~A~~ 1. *Except as provided in this section, a recordation tax on deeds of trust or mortgages is hereby imposed at a rate of 25 cents on every \$100 or portion thereof of the amount of bonds or other obligations secured thereby. In the event of an open, credit line, or revolving deed of trust, the amount of the obligation for purposes of this section shall be the maximum amount ~~which~~ secured that may be outstanding at any one time, regardless of the amount owed or outstanding at the time the instrument is recorded.*

2. In any case in which the amount which may be secured under a deed of trust or mortgage is not ascertainable, or in which the obligations described are not fully secured because they exceed the fair market value of the property conveyed, the tax shall be based upon the fair market value of the property conveyed, determined as of the date of the deed of trust or mortgage. The fair market value of the property shall include the value of any realty required by the terms of the deed of trust or mortgage to be constructed thereon.

B. On deeds of trust or mortgages upon the works and property of a railroad lying partly within the Commonwealth and partly without the Commonwealth, the tax shall be only upon such proportion of the amount of bonds, or other obligations secured thereby, as the number of miles of the line of such company in the Commonwealth bears to the whole number of miles of the line of such company conveyed by such deed of trust or mortgage.

~~Upon~~ On deeds of trust or mortgages conveying ~~either~~ (i) property lying partly within the Commonwealth and partly ~~without~~ outside the Commonwealth or (ii) property within the Commonwealth to secure bonds or obligations secured by deeds of trust or mortgages on property outside the Commonwealth, the tax herein imposed shall be only upon such proportion of the ~~debt secured~~ bonds or obligations as the actual value of the property located within the Commonwealth, or which may be brought into the Commonwealth, bears to the actual value of the entire amount of property conveyed by such deed of trust or mortgage or to the entire amount of property conveyed by all of such deeds of trust or mortgages to secure the bonds or obligations, as applicable, subject to the limitations set forth in subdivision A 2.

C. On deeds of trust or mortgages, which provide for an initial issue of bonds, to be followed thereafter by additional bonds, unlimited in amount, if such deed of trust or mortgage provides that as and when such additional bonds are issued a supplemental indenture shall be recorded in the office in which the original deed of trust or mortgage is first recorded, which supplement shall contain a statement as to the amount of the additional bonds to be issued, then the tax shall be paid upon the initial amount of bonds when the original deed of trust is recorded and thereafter on each additional amount of bonds when the supplemental indenture relating to such additional bonds is recorded.

D. 1. On deeds of trust ~~or~~ mortgages ~~which~~, or other instruments that are supplemental to ~~or~~ wrap around ~~existing~~ deeds of trust, or which modify the terms of an existing ~~debt with the same lender deed of trust or mortgage~~, on which the tax imposed hereunder has already been paid, the tax shall be paid only on that portion of the face amount of the bond or obligation secured thereby which is in addition to the amount of the ~~existing~~ original debt or obligation secured by ~~a~~ the deed of trust or mortgage on which tax has been paid. *The tax shall be calculated using the rate scale in subsection F, starting at the point on the scale that applies to the first dollar in excess of the amount of the original debt or obligation secured by the prior instrument. In the event of an open, credit line, or revolving deed of trust, the additional amount secured shall be the amount by which the original obligation secured by the supplemental instrument exceeds the maximum obligation secured by the prior instrument, regardless of the amount owed or outstanding at the time those instruments were recorded. The instrument shall certify the amount of the ~~existing~~ original debt or obligation secured, subject to the limitation set forth in subdivision A 2.*

2. *If the principal amount of the obligation secured by the prior instrument is increased by the supplemental instrument, the tax imposed under this section shall be paid only on the amount of the increase over the original amount*

secured by the prior instrument. If the bonds or other obligations secured by a prior instrument were not fully secured because they exceeded the fair market value of the property conveyed and the tax paid on the prior instrument was based upon the fair market value of the property conveyed pursuant to subdivision A 2, then the foregoing tax shall be paid on the increase, if any, in the value of such property since the recordation of the prior instrument.

3. The supplemental instrument, or any cover sheet submitted with the supplemental instrument, shall include the original principal amount of the bonds or other obligations secured by the prior instrument, the deed book and page number or instrument number, as applicable, of the prior instrument, and, if applicable with regard to the calculation of the tax paid on the prior instrument, any increase in the fair market value of the property conveyed.

~~D. E. 1.~~ On deeds of trust or mortgages, the purpose of which is to ~~refinance~~ secure the refinancing of an existing debt, which debt is secured by a deed of trust or mortgage on which the tax imposed hereunder has been paid, the tax shall be paid ~~only on that portion of~~ on the amount of the bond or other obligation secured thereby ~~determined~~, subject to the limitation set forth in subdivision A 2, in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 18 cents (\$0.18) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 14 cents (\$0.14) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 12 cents (\$0.12) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 10 cents (\$0.10) upon every \$100 or portion thereof, incorporated into this section.

2. The instrument shall certify the deed book and page number *or instrument number, as applicable*, of the recorded instrument on which the tax for the original debt was paid. For purposes of this subsection, the term "value" means ~~the portion of~~ the amount of the bond or other obligation secured by ~~the property conveyed by~~ the refinancing deed of trust.

~~E. F.~~ The maximum tax on the recordation of any deed of trust or mortgage or on any indenture supplemental thereto, other than instruments subject to ~~subsection D~~ subdivision E 1, shall be determined in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 25 cents (\$0.25) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 22 cents (\$0.22) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 19 cents (\$0.19) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 13 cents (\$0.13) upon every \$100 or portion thereof, incorporated into this section.

**§ 58.1-809. When supplemental writings not taxable.**

Sections 58.1-803, 58.1-807, and 58.1-808 are not to be construed as requiring the payment of any tax for the recordation of any deed of trust, deed of subordination, mortgage, contract, agreement, modification, addendum, or other writing *that is supplemental to any such deed of trust, mortgage, contract, agreement, modification, addendum, or other writing theretofore admitted to record, hereinafter called the prior instrument*, upon which the tax herein imposed has been paid, or which is exempt from the tax herein imposed by reason of subsection C of § 58.1-804, when the sole purpose and effect of the supplemental instrument ~~or writing~~ is *to wrap around a prior instrument*, to convey property, in addition to or in substitution, in whole or in part, of the property conveyed in a prior instrument, to secure or to better secure the payment of the amount contracted for in a prior instrument, to alter the priority of ~~the a prior instrument~~, or to modify the terms, conditions, parties, or provisions of ~~such a prior instrument's instrument~~, other than to increase the amount of the principal obligation secured thereby.

The assumption of a deed of trust shall not be separately taxable under §§ 58.1-801, 58.1-803 or § 58.1-807, whether such assumption is by a separate instrument or included in the deed of conveyance.

**§ 58.1-812. Payment prerequisite to recordation; exceptions; assessment and collection of tax; penalty for misrepresentation.**

A. Except as otherwise provided in this chapter, no deed, deed of trust, contract or other instrument shall be admitted to record without the payment of the tax imposed thereon by law and the fee pursuant to § 58.1-817, as applicable. However, after payment of the tax imposed by this chapter, when an instrument is first offered for recordation, such instrument may thereafter be recorded in the office of any other clerk without the payment of any tax except any local recordation tax as provided in Article 1 (§ 58.1-3800 et seq.) of Chapter 38 of ~~this title~~. Any instrument may also be recorded free of tax and fee in the office of the clerk where such instrument was originally recorded when the record containing such instrument has been destroyed.

B. The tax on every deed, deed of trust, contract or other instrument shall be determined and collected by the clerk in whose office the instrument is first offered for recordation. The clerk may ascertain the consideration of the deed or of the instrument, the actual value of the property conveyed, and the qualification of the deed or instrument for any exemption claimed by inquiry, affidavit, declaration or other extrinsic evidence acceptable to the clerk. The fee shall be \$1 on every recorded deed pursuant to § 58.1-817 and shall be collected by the clerk in whose office the deed is offered for recordation.

C. Any person who knowingly misrepresents the consideration for the interest in property conveyed by a deed or other instrument or any of the other information requested by the clerk of court pursuant to this section shall be guilty of a Class 1 misdemeanor. If an understatement of the consideration is false or fraudulent with intent to evade a tax, a penalty equal to 100 percent of the tax due on the understatement shall be added to the amount of the tax due, plus interest on the tax at a rate determined in accordance with § 58.1-15 from the time the tax was required by law to be filed until paid.

*D. Except as otherwise specifically provided, nothing contained in this chapter shall limit the right of the parties to any deed, deed of trust, contract, lease, or other instrument to allocate responsibility for the payment of the recordation taxes and fees imposed under this chapter among themselves in any manner they determine. A clerk who in good faith collects such taxes and fees upon recordation of a deed, deed of trust, contract, lease, or other instrument in reliance upon information provided by the person submitting such deed, deed of trust, contract, lease, or other instrument for recordation shall have no personal liability for any deficiency in the amount of such taxes or fees collected that is later determined to be due and payable.*

**2. That the provisions of this act shall be applicable to transactions occurring on or after July 1, 2015.**

## CHAPTER 435

*An Act to amend and reenact §§ 2.2-2470 and 2.2-2472 of the Code of Virginia, relating to local workforce investment boards; pay for performance incentives.*

[S 1002]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2470 and 2.2-2472 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2470. Definitions.**

As used in this article:

"Local workforce investment board" means a local workforce investment board established under § 117 of the WIA.

"One stop" means a conceptual approach to service delivery intended to provide a single point of access for receiving a wide range of workforce development and employment services, either on-site or electronically, through a single system.

"One-stop center" means a physical site where core services are provided, either on-site or electronically, and access to intensive services, training services, and other partner program services are available for employers, employees, and job seekers.

"One-stop operator" means a single entity or consortium of entities that operate a one-stop center or centers. Operators may be public or private entities competitively selected or designated through an agreement with a local workforce board.

"Virginia Workforce Network" includes the programs and activities enumerated in subsection G of § 2.2-2472.

"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220), as amended.

"WIOA" means the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128).

**§ 2.2-2472. Powers and duties of the Board; Virginia Workforce Network created.**

A. The Board shall undertake the following actions to implement and foster workforce training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues;
2. Provide policy direction to local workforce investment boards;
3. Provide recommendations on the policy, plans, and procedures for secondary and postsecondary career and technical education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure alignment with the state's plan for coordinating programs authorized under Title I of the WIA and under the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
4. Provide recommendations on the policy, plans, and procedures for other education and workforce development programs that provide resources and funding for training and employment services as identified by the Governor or Board;
5. Identify current and emerging statewide workforce needs of the business community;
6. Forecast and identify training requirements for the new workforce;
7. Recommend strategies that will match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;
8. Develop WIA incentive grant applications and approve criteria for awarding incentive grants;
9. Develop and approve criteria for the reallocation of unexpended WIA funds from local workforce investment boards;

10. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce training, and leadership funds for workforce development programs;

11. Administer the Virginia Career Readiness Certificate Program in accordance with § 2.2-2477 and review and recommend industry credentials that align with high demand occupations;

12. Define the Board's role in certifying WIA training providers, including those not subject to the authority expressed in Chapter 21.1 (§ 23-276.1 et seq.) of Title 23;

13. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13;

14. Create procedures, guidelines, and directives applicable to local workforce investment boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

15. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the WIA;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, State Council of Higher Education for Virginia, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce Network to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on military transition assistance, including reforms to (i) improve the integration of the federal Local Veterans Employment Representative Program and the Disabled Veterans Outreach Program into all Virginia Workforce Centers and (ii) reduce process and qualification barriers to training and employment services.

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers comprising elements of Virginia's Career Pathways System and Workforce Network.

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of the WIA Wagner-Peyser State Plan; development and continuous improvement of a statewide workforce development and career pathways system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; review of local plans; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce investment boards have obtained funding from sources other than the WIA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce investment board shall develop and submit to the Governor and the Virginia Board of Workforce Development an annual workforce demand plan for its workforce investment board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements; designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce investment activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIA funds; report performance statistics to the Virginia Board of Workforce Development; and certify local training providers in accordance with criteria provided by the Virginia Board of Workforce Development. Further, a local training provider certified by any workforce investment board has reciprocal certification for all workforce investment boards.

Each local workforce investment board shall share information regarding its meetings and activities with the public.

F. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce investment board and one-stop center; and collaborate with the local workforce investment board on local plans and program oversight.

*G. Local workforce investment boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such*

*incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce investment board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.*

*H.* Each local workforce investment board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.); and
11. Other programs or activities as required by the WIA.

*H I.* The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce Network and the implementation of the WIA.

## CHAPTER 436

*An Act to amend the Code of Virginia by adding a section numbered 18.2-251.03, relating to safe reporting of overdoses.*

[H 1500]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-251.03 as follows:**

**§ 18.2-251.03. Safe reporting of overdoses.**

*A. For purposes of this section, "overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.*

*B. It shall be an affirmative defense to prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, possession of a controlled substance pursuant to § 18.2-250, possession of marijuana pursuant to § 18.2-250.1, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

*1. Such individual, in good faith, seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system;*

*2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;*

*3. Such individual identifies himself to the law-enforcement officer who responds to the report of the overdose;*

*4. If requested by a law-enforcement officer, such individual substantially cooperates in any investigation of any criminal offense reasonably related to the controlled substance, alcohol, or combination of such substances that resulted in the overdose; and*

*5. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of the individual seeking or obtaining emergency medical attention.*

*C. No individual may assert the affirmative defense provided for in this section if the person sought or obtained emergency medical attention for himself or another individual during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.*

*D. This section does not establish an affirmative defense for any individual or offense other than those listed in subsection B.*

## CHAPTER 437

*An Act to amend and reenact §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.*

[S 1187]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 19.2-310.2 and 19.2-310.7 of the Code of Virginia are amended and reenacted as follows:****§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of ~~(i) § 16.1-253.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, (ii) § 18.2-67.4:1, 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, (iv) § 18.2-102, 18.2-121, 18.2-130 or (v) § 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-479.1~~ shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of ~~\$25~~ \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and ~~one-half~~ \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and ~~one-half~~ \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of a ~~felony~~ *an offense listed in subsection A* who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

G. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

**§ 19.2-310.7. Expungement when DNA taken for a conviction.**

A person whose DNA profile has been included in the data bank pursuant to § 19.2-310.2 may request expungement on the grounds that the ~~felony~~ conviction on which the authority for including his DNA profile was based has been reversed and the case dismissed. *The* *Provided that the person's DNA profile is not otherwise required to be included in the data bank pursuant to § 9.1-903, 16.1-299.1, 19.2-310.2, or 19.2-310.2:1,* the Department of Forensic Science shall purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt

of (i) a written request for expungement pursuant to this section and (ii) a certified copy of the court order reversing and dismissing the conviction.

**2. That the provisions of this act shall apply only to persons convicted on or after July 1, 2015.**

### CHAPTER 438

*An Act to amend Chapter 167 of the Acts of Assembly of 1979, which provided a charter for the City of Hampton, by adding a section numbered 3.01:2, relating to election of mayor.*

[H 2025]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 167 of the Acts of Assembly of 1979 is amended by adding a section numbered 3.01:2 as follows:**

*§ 3.01:2. Election of mayor.*

*No candidate for election to the office of mayor shall simultaneously run for election to any other position on the council.*

*In the event that a councilmember other than a sitting mayor desires to be a candidate for mayor, the councilmember not elected on the same election cycle as the mayor is eligible to do so but must tender his or her resignation as a councilmember at least ten days prior to the final date for filing petitions and notices of acceptance as specified by general law, with such resignation to be effective on June 30 of the election year. Such resignation shall state the councilmember's intention to be a candidate for mayor, require no formal acceptance by the remaining councilmembers, and be final and irrevocable as of the date it is tendered.*

*The vacancy resulting from any such resignation shall be filled for the remaining two-year term at the same succeeding general municipal election at which the office for mayor is filled. Such two-year term shall begin on the first day of July next following the date of such election.*

### CHAPTER 439

*An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; definition of small business.*

[H 1901]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-1604. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which a business is determined to be a small, women-owned, or minority-owned business for the purpose of reporting small, women-owned, and minority-owned business participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company

or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, that together with affiliates, ~~has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years~~ *meets the small business size standards established by the regulations of the United States Small Business Administration.* One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women-owned, and minority-owned business procurement and on service disabled veteran-owned business procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

E. As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or

more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, ~~has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years~~ *meets the small business size standards established by the regulations of the United States Small Business Administration.* One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**2. That the provisions of this act shall not become effective unless reenacted by the 2016 Session of the General Assembly.**

**3. That the Secretary of Commerce and Trade shall convene a workgroup of interested stakeholders to examine the definition of small business in §§ 2.2-1604 and 2.2-4310 of the Code of Virginia and report its findings and recommendations to the Governor and General Assembly on or before December 1, 2015.**

## CHAPTER 440

*An Act to amend Chapter 167 of the Acts of Assembly of 1979, which provided a charter for the City of Hampton, by adding a section numbered 3.01:2, relating to election of mayor.*

[S 695]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 167 of the Acts of Assembly of 1979 is amended by adding a section numbered 3.01:2 as follows:**

*§ 3.01:2. Election of mayor.*

*No candidate for election to the office of mayor shall simultaneously run for election to any other position on the council.*

*In the event that a councilmember other than a sitting mayor desires to be a candidate for mayor, the councilmember not elected on the same election cycle as the mayor is eligible to do so but must tender his or her resignation as a councilmember at least ten days prior to the final date for filing petitions and notices of acceptance as specified by general law, with such resignation to be effective on June 30 of the election year. Such resignation shall state the councilmember's intention to be a candidate for mayor, require no formal acceptance by the remaining councilmembers, and be final and irrevocable as of the date it is tendered.*

*The vacancy resulting from any such resignation shall be filled for the remaining two-year term at the same succeeding general municipal election at which the office for mayor is filled. Such two-year term shall begin on the first day of July next following the date of such election.*

## CHAPTER 441

*An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; definition of small business.*

[S 885]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-1604. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which a business is determined to be a small, women-owned, or minority-owned business for the purpose of reporting small, women-owned, and minority-owned business participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, that together with affiliates, ~~has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years~~ *meets the small business size standards established by the regulations of the United States Small Business Administration.* One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women-owned, and minority-owned business procurement and on service disabled veteran-owned business procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

E. As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, ~~has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years~~ *meets the small business size standards established by the regulations of the United States Small Business Administration.* One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**2. That the provisions of this act shall not become effective unless reenacted by the 2016 Session of the General Assembly.**

**3. That the Secretary of Commerce and Trade shall convene a workgroup of interested stakeholders to examine the definition of small business in §§ 2.2-1604 and 2.2-4310 of the Code of Virginia and report its findings and recommendations to the Governor and General Assembly on or before December 1, 2015.**

## CHAPTER 442

*An Act to amend and reenact § 65.2-101 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; definition of employee; property owners' associations.*

[H 1285]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-101 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer lifesaving or volunteer rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer lifesaving or volunteer rescue squad member shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of this Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their

deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer lifesaving or rescue squad, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, volunteer emergency medical technicians, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer lifesaving or rescue squad members, the companies or squads for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad when engaged in activities related principally to participation as a member of such squad whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of (i) corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954) or (ii) *property owners' associations as defined in § 55-509*.

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad electing to be

included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, ~~such term~~ "executive officer" does not include (a) noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954) or (b) noncompensated officers of a property owners' association as such term is defined in § 55-509.

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

## CHAPTER 443

*An Act to amend and reenact §§ 38.2-231, 38.2-2113, and 38.2-2208 of the Code of Virginia, relating to notices relating to certain insurance policies.*

[H 1357]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-231, 38.2-2113, and 38.2-2208 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-231. Notice of cancellation, refusal to renew, reduction in coverage or increase in premium of certain liability insurance policies.**

A. 1. No cancellation or refusal to renew by an insurer of (i) a policy of insurance as defined in § 38.2-117 or 38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance as defined in § 38.2-117 or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy a written notice of cancellation or refusal to renew, or delivers such notice electronically to the address provided by the first named insured. Such notice shall:

a. Be in a type size authorized under § 38.2-311;

b. State the date, which shall not be less than 45 days after the delivery or mailing of the notice of cancellation or refusal to renew, on which such cancellation or refusal to renew shall become effective, except that such effective date may

not be less than 15 days from the date of mailing or delivery when the policy is being cancelled or not renewed for failure of the insured to discharge when due any of its obligations in connection with the payment of premium for the policy;

c. State the specific reason or reasons of the insurer for cancellation or refusal to renew;

d. Advise the first named insured of its right to request in writing, within 15 days of the receipt of the notice, that the Commissioner of Insurance review the action of the insurer; and

e. In the case of a policy of motor vehicle insurance, inform the first named insured of the possible availability of other insurance which may be obtained through its agent, through another insurer, or through the Virginia Automobile Insurance Plan.

2. Nothing in this subsection shall apply to any policy of insurance if the named insured or his duly constituted attorney-in-fact has notified orally, or in writing, if the insurer requires such notification to be in writing, the insurer or its agent that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if, prior to the date of expiration, he fails to accept the offer of the insurer to renew the policy.

3. Nothing in this subsection shall apply if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

B. No insurer shall cancel or refuse to renew a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity solely because of lack of supporting business or lack of the potential for acquiring such business.

C. No reduction in coverage for personal injury or property damage liability initiated by an insurer and no insurer-initiated increase in the premium greater than 25 percent of (i) a policy of insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity, and which in the case of a reduction in coverage is subject to § 38.2-1912, shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy, or delivers electronically to the address provided by the first named insured, a written notice of such reduction in coverage or premium increase not later than 45 days prior to the effective date of same. The increase in premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy. Such notice shall:

1. Be in a type size authorized under § 38.2-311;

2. State the date, which shall not be less than 45 days after the delivery or mailing of the notice of reduction in coverage or increase in premium, on which such reduction in coverage or increase in premium shall become effective;

3. Advise the first named insured of the specific reason for the increase and the amount of the increase, or, if in the case of a reduction in coverage, the specific reason for the reduction and the manner in which coverage will be reduced, or that such information may be obtained from the agent or the insurer;

4. Advise the first named insured of its right to request in writing, within 15 days of receipt of the notice, that the Commissioner of Insurance review the action of the insurer.

D. If an insurer does not provide notice in the manner required in subsection C, coverage shall remain in effect until 45 days after written notice of reduction in coverage or increase in premium is mailed or delivered to the first named insured at the address shown on the policy, or delivered electronically to the address provided by the first named insured, unless the named insured obtains replacement coverage or elects to cancel sooner in either of which cases coverage under the prior policy shall cease on the effective date of the replacement coverage or the elected date of cancellation as the case may be. If the named insured fails to accept or rejects the changed policy, coverage for any period that extends beyond the expiration date will be under the prior policy's rates, terms and conditions as applied against the renewal policy's limits, rating exposures, and additional coverages. If the named insured accepts the changed policy, the reduction in coverage or increase in premium shall take effect upon the expiration of the prior policy.

E. Notice of reduction in coverage or increase in premium shall not be required if:

1. The insurer, after written demand, has not received, within 45 days after such demand has been mailed or delivered to the first named insured at the address shown on the policy, or delivered electronically to the address provided by the first named insured, sufficient information from the named insured to provide the required notice;

2. Such notice is waived in writing by the named insured;

3. The insurer delivers or mails to the first named insured a renewal policy or a renewal offer not less than 45 days prior to the effective date of the policy or, in the case of a medical malpractice insurance policy, not less than 90 days prior to the effective date of the policy;

4. The policy is issued to a large commercial risk as defined in subsection C of § 38.2-1903.1 but excluding policies of medical malpractice insurance; or

5. The policy is retrospectively rated, where the premium is adjusted at the end of the policy period to reflect the risk's actual loss experience.

F. No written notice of cancellation, refusal to renew, reduction in coverage or increase in premium that is mailed or delivered electronically by an insurer to a first named insured in accordance with this section shall be effective unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service; or*

~~b. At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the first named insured stated in the policy;~~

~~c. At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the first named insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~d. If delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation, refusal to renew, reduction in coverage or increase in premium.

3. a. If the terms of a policy of motor vehicle insurance insuring a business entity require the notice of cancellation, refusal to renew, reduction in coverage or increase in premium to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by this subsection. If the notices sent to the first named insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and the copy of the notices required by this subsection shall be retained by the insurer for at least one year from the date of termination.

b. Notwithstanding the provisions of subdivision 3 a, if the terms of the policy require the notice of cancellation, refusal to renew, reduction in coverage or increase in premium to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

4. Copy, as used in this subsection, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data, or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

G. Nothing in this section shall prohibit any insurer or agent from including in a notice of cancellation, refusal to renew, reduction in coverage or premium increase any additional disclosure statements required by state or federal laws.

H. For the purpose of this section, the terms (i) "business entity" shall mean an entity as defined by subsection A of § 13.1-543, § 13.1-603 or 13.1-803 and shall include an individual, a partnership, an unincorporated association, the Commonwealth, a county, city, town, or an authority, board, commission, sanitation, soil and water, planning or other district, public service corporation owned, operated or controlled by the Commonwealth, a locality or other local governmental authority; (ii) "policy of motor vehicle insurance" shall mean a policy or contract for bodily injury or property damage liability insuring a business entity issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, but does not include (a) any policy issued through the Virginia Automobile Insurance Plan, (b) any policy providing insurance only on an excess basis, or (c) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles; and (iii) "reduction in coverage" shall mean, but not be limited to, any diminution in scope of coverage, decrease in limits of liability, addition of exclusions, increase in deductibles, or reduction in the policy term or duration except a reduction in coverage filed with and approved by the Commission and applicable to an entire line, classification or subclassification of insurance.

I. Within 15 days of receipt of the notice of cancellation, refusal to renew, reduction in coverage or increase in premium, the named insured shall be entitled to request in writing to the Commissioner that he review the action of the insurer. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's notice of cancellation, refusal to renew, reduction in coverage or premium increase complies with the requirements of this section. Where the Commissioner finds from the review that the notice of cancellation, refusal to renew, reduction in coverage or premium increase does not comply with the requirements of this section, he shall immediately notify the insurer, the named insured and any other person to whom such notice was required to be given by the terms of the policy that such notice is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Pending review by the Commission, this section shall not operate to relieve an insured from the obligation to pay any premium when due; however, if the Commission finds that the notice required by this section was not proper, the Commission may order the insurer to pay to the insured any overpayment of premium made by the insured.

J. Every insurer shall maintain for at least one year records of cancellation, refusals to renew, reductions in coverage and premium increases to which this section applies and copies of every notice or statement required by subsections A, C, F and L of this section that it sends to any of its insureds.

K. There shall be no liability on the part of and no cause of action of any nature shall arise against (i) the Commissioner of Insurance or his subordinates; (ii) any insurer, its authorized representative, its agents, or its employees; or (iii) any firm, person or corporation furnishing to the insurer information as to reasons for cancellation, refusal to renew, reduction in coverage or premium increase, for any statement made by any of them in complying with this section or for providing information pertaining thereto.

L. Notwithstanding anything in this section to the contrary, if an insurer cancels or refuses to renew a policy of medical malpractice insurance as defined in § 38.2-2800, or if, as a result of an insurer-initiated increase in premium, the premium increases for a medical malpractice insurance policy by more than 25 percent of the previous policy's premium, the insurer shall provide no fewer than 90 days notice prior to the renewal effective date, or, if such policy is being cancelled or non-renewed for failure of the insured to discharge when due any of its obligations in connection with the payment of premium for the policy, the effective date of cancellation or refusal to renew shall not be less than 15 days from the date of mailing or delivery of the notice. The increase in the premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy.

M. As used in this section, an "insurer-initiated increase in premium" means an increase in premium other than one resulting from changes in (i) coverage requested by the insured, (ii) policy limits requested by the insured, (iii) the insured's operation or location that result in a change in the classification of the risk, or (iv) the rating exposures including, but not limited to, increases in payroll, receipts, square footage, number of automobiles insured, or number of employees.

**§ 38.2-2113. Mailing or electronic delivery of notice of cancellation or refusal to renew.**

A. No written notice of cancellation or refusal to renew a policy written to insure owner-occupied dwellings shall be effective when mailed or delivered electronically by an insurer unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service; or*

b. ~~At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the insured stated in the policy;~~

e. ~~At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~d. If delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation or refusal to renew.

3. [Repealed.]

B. This section shall not apply to policies written through the Virginia Property Insurance Association or any other residual market facility established pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title.

C. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination.

2. Notwithstanding the provisions of subdivision C 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

D. Copy, as used in this section, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

**§ 38.2-2208. Notices of cancellation of or refusal to renew motor vehicle insurance policies.**

A. No written notice of cancellation or refusal to renew that is mailed or delivered electronically by an insurer to an insured in accordance with the provisions of a motor vehicle insurance policy shall be effective unless:

1. a. It is sent by registered or certified mail *or any other similar first-class mail tracking method that is used or approved by the United States Postal Service; or*

b. ~~At the time of mailing the insurer obtains a written receipt from the United States Postal Service showing the name and address of the insured stated in the policy;~~

e. ~~At the time of mailing the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured stated in the policy, or the last known address, to whom the notices were mailed, together with a signed statement by the insurer that the written receipt from the United States Postal Service corresponds to the mailing list retained by the insurer; or~~

~~d. If such notice is delivered electronically, the insurer retains evidence of electronic transmittal or receipt of the notification for at least one year from the date of the transmittal; and~~

2. The insurer retains a copy of the notice of cancellation or refusal to renew.

3. [Repealed.]

B. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. The registered, certified or regular mail postal receipt and the copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination.

2. Notwithstanding the provisions of subdivision B 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically provided that the insurer and lienholder agree upon the specifics for transmittal and acknowledgement of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

C. "Copy," as used in this section, shall include photographs, microphotographs, photostats, microfilm, microcard, printouts or other reproductions of electronically stored data, or copies from optical disks, electronically transmitted facsimiles, or any other reproduction of an original from a process which forms a durable medium for its recording, storing, and reproducing.

## CHAPTER 444

*An Act to amend and reenact §§ 13.1-631, 13.1-830, 13.1-1013, 13.1-1215, and 50-73.3 of the Code of Virginia, relating to reserved names of business entities.*

[H 1563]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 13.1-631, 13.1-830, 13.1-1013, 13.1-1215, and 50-73.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 13.1-631. Reserved name.**

A. A person may apply to the Commission to reserve the exclusive use of a corporate name, including a designated name for a foreign corporation ~~whose corporate name is not available~~. *The corporate name applied for need not comply with subsection A of § 13.1-630.* If the Commission finds that the corporate name applied for is ~~available~~ *distinguishable upon the records of the Commission*, it shall reserve the name for the applicant's exclusive use for a 120-day period.

B. The owner of a reserved corporate name may renew the reservation for successive periods of 120 days each by filing with the Commission, during the 45-day period preceding the date of expiration of the reservation, a renewal application.

C. The owner of a reserved corporate name may transfer the reservation to another person by delivering to the Commission a notice of the transfer, ~~executed~~ *signed* by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

*D. A reserved corporate name may be used by its owner in connection with (i) the formation or an amendment to change the name of a domestic stock or nonstock corporation, limited liability company, business trust, or limited partnership; (ii) an application for a certificate of authority or registration to transact business in the Commonwealth as a foreign stock or nonstock corporation, limited liability company, business trust, or limited partnership; or (iii) an amended application for such authority or registration, provided that the proposed name complies with the provisions of § 13.1-630, 13.1-762, 13.1-829, 13.1-924, 13.1-1012, 13.1-1054, 13.1-1214, 13.1-1244, 50-73.2, or 50-73.56, as the case may be.*

**§ 13.1-830. Reserved name.**

A. A person may apply to the Commission to reserve the exclusive use of a corporate name, including a designated name for a foreign corporation ~~whose corporate name is not available~~. If the Commission finds that the corporate name applied for is ~~available~~ *distinguishable upon the records of the Commission*, it shall reserve the name for the applicant's exclusive use for a 120-day period.

B. The owner of a reserved corporate name may renew the reservation for successive periods of 120 days each by filing with the Commission, during the 45-day period preceding the date of expiration of the reservation, a renewal application.

C. The owner of a reserved corporate name may transfer the reservation to another person by delivering to the Commission a notice of the transfer, ~~executed~~ *signed* by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

*D. A reserved corporate name may be used by its owner in connection with (i) the formation or an amendment to change the name of a domestic stock or nonstock corporation, limited liability company, business trust, or limited partnership; (ii) an application for a certificate of authority or registration to transact business in the Commonwealth as a foreign stock or nonstock corporation, limited liability company, business trust, or limited partnership; or (iii) an amended application for such authority or registration, provided that the proposed name complies with the provisions of § 13.1-630, 13.1-762, 13.1-829, 13.1-924, 13.1-1012, 13.1-1054, 13.1-1214, 13.1-1244, 50-73.2, or 50-73.56, as the case may be.*

**§ 13.1-1013. Reserved name.**

A. A person may apply to the Commission to reserve the exclusive use of a limited liability company name, including ~~the a~~ designated name for a foreign limited liability company ~~whose limited liability company name is not available for use in this Commonwealth.~~ *The limited liability company name applied for need not comply with subsection A of § 13.1-1012.* If the Commission finds that the limited liability company name applied for is ~~available~~ *distinguishable upon the records of the Commission*, it shall reserve the name for the applicant's exclusive use for a 120-day period.

B. The owner of a reserved limited liability company name may renew the reservation for successive periods of 120 days each by filing with the Commission, during the 45-day period preceding the date of expiration of the reservation, a renewal application.

C. The owner of a reserved limited liability company name may transfer the reservation to another person by delivering to the Commission a notice of the transfer, ~~executed~~ *signed* by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

*D. A reserved limited liability company name may be used by its owner in connection with (i) the formation or an amendment to change the name of a domestic stock or nonstock corporation, limited liability company, business trust, or limited partnership; (ii) an application for a certificate of authority or registration to transact business in the Commonwealth as a foreign stock or nonstock corporation, limited liability company, business trust, or limited partnership; or (iii) an amended application for such authority or registration, provided that the proposed name complies with the provisions of § 13.1-630, 13.1-762, 13.1-829, 13.1-924, 13.1-1012, 13.1-1054, 13.1-1214, 13.1-1244, 50-73.2, or 50-73.56, as the case may be.*

**§ 13.1-1215. Reserved name.**

A. A person may apply to the Commission to reserve the exclusive use of a business trust name, including ~~the a~~ designated name for a foreign business trust ~~whose business trust name is not available for use in this Commonwealth.~~ If the Commission finds that the business trust name applied for is ~~available~~ *distinguishable upon the records of the Commission*, it shall reserve the name for the applicant's exclusive use for a 120-day period.

B. The owner of a reserved business trust name may renew the reservation for successive periods of 120 days each by filing with the Commission, during the 45-day period preceding the date of expiration of the reservation, a renewal application.

C. The owner of a reserved business trust name may transfer the reservation to another person by delivering to the Commission a notice of the transfer, ~~executed~~ *signed* by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

*D. A reserved business trust name may be used by its owner in connection with (i) the formation or an amendment to change the name of a domestic stock or nonstock corporation, limited liability company, business trust, or limited partnership; (ii) an application for a certificate of authority or registration to transact business in the Commonwealth as a foreign stock or nonstock corporation, limited liability company, business trust, or limited partnership; or (iii) an amended application for such authority or registration, provided that the proposed name complies with the provisions of § 13.1-630, 13.1-762, 13.1-829, 13.1-924, 13.1-1012, 13.1-1054, 13.1-1214, 13.1-1244, 50-73.2, or 50-73.56, as the case may be.*

**§ 50-73.3. Reserved name.**

~~A. The exclusive right to the use of a limited partnership name may be reserved by:~~

- ~~1. Any person intending to organize a limited partnership under this chapter and to adopt that name;~~
- ~~2. Any domestic limited partnership or any foreign limited partnership registered in this Commonwealth which, in either case, intends to adopt that name;~~
- ~~3. Any foreign limited partnership intending to register in this Commonwealth and adopt that name; or~~
- ~~4. Any person intending to organize a foreign limited partnership and intending to have it registered in this Commonwealth and adopt that name.~~

~~B. The reservation shall be made by delivering A person may apply to the Commission an application, executed by the applicant, to reserve the exclusive use of a specified limited partnership name, including a designated name for a foreign limited partnership. The limited partnership name applied for need not comply with subsection A of § 50-73.2. If the Commission finds that the limited partnership name is available for use by a domestic or foreign limited partnership distinguishable upon the records of the Commission, it shall file the application and reserve the name for the applicant's exclusive use of the applicant for a 120-day period of 120 days.~~

B. The owner of a reserved limited partnership name may renew the reservation for successive 120-day periods each by filing with the Commission, during the 45-day period preceding the date of expiration of the reservation, a renewal application.

C. The owner of a reserved limited partnership name may transfer the reservation to any other person by delivering to the Commission a notice of the transfer, ~~executed~~ *signed* by the applicant for whom the name was reserved and specifying the name and address of the transferee.

*D. A reserved limited partnership name may be used by its owner in connection with (i) the formation or an amendment to change the name of a domestic stock or nonstock corporation, limited liability company, business trust, or limited partnership; (ii) an application for a certificate of authority or registration to transact business in the Commonwealth as a foreign stock or nonstock corporation, limited liability company, business trust, or limited partnership; or (iii) an amended application for such authority or registration, provided that the proposed name complies with the*

provisions of § 13.1-630, 13.1-762, 13.1-829, 13.1-924, 13.1-1012, 13.1-1054, 13.1-1214, 13.1-1244, 50-73.2, or 50-73.56, as the case may be.

## CHAPTER 445

An Act to amend and reenact §§ 6.2-831, 6.2-832, and 6.2-1326 of the Code of Virginia, relating to financial institutions; automated teller machines and other terminals; service facilities.

[H 1629]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6.2-831, 6.2-832, and 6.2-1326 of the Code of Virginia are amended and reenacted as follows:**

**§ 6.2-831. Establishment of branch banks; redesignation of main office.**

A. A bank may establish and operate one or more branch offices, and a bank may relocate a main or branch office, provided the bank applies to the Commission for authority to establish or relocate any such office. Applications shall be made in writing on a form prescribed by the Commission and shall be accompanied by the fee established pursuant to § 6.2-908. *As used in this section, "branch office" does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, regardless of whether it (i) is located on bank premises or premises properly considered part of an authorized office of the bank or (ii) receives or records deposits, disburses loan proceeds, or provides for electronic fund transfers.*

B. The Commission shall have 30 days from the date it receives a complete application in which to review a branch proposal or a proposed relocation. The review period may be extended for an additional 30 days. The Commission may deny such an application if the Commission finds that a proposal would have a detrimental effect on the applicant bank's safety and soundness or that it is otherwise not in the public interest. A branch office that has been denied shall not be established and a relocation that has been denied shall not be carried out. If the Commission does not issue a denial of a branch proposal or a proposed relocation within 30 days, or 60 days if the review period is extended, the proposed branch office or offices, or the proposed relocation, shall be authorized, and the branch or branches may be established and operated, or the relocation may be completed.

C. The office at which a bank begins business shall be designated initially as its main office. Thereafter, the board of directors may redesignate as the main office any authorized office of the bank in the Commonwealth. The bank shall notify the Commission of any such redesignation not later than 30 days before its effective date and confirm the redesignation to the Commission within 10 days of its occurrence.

D. A bank shall be subject to the prohibition in § 6.2-842 against establishing or maintaining a branch in the Commonwealth on the premises or property of an affiliate if the affiliate engages in commercial activities.

E. The Commission may impose a civil penalty not exceeding \$2,000 upon any bank that it determines, in proceedings commenced in accordance with the Commission's Rules, has violated the provisions of this section.

**§ 6.2-832. Establishment of automated teller machines and electronic terminals.**

~~A. A No application to, or approval from, the Commission shall be required for a bank may to establish and or operate an automated teller machine, cash-dispensing machine, or similar electronic; or computer; or similar terminals and may otherwise provide for electronic fund transfers by its customers; provided (i) the bank complies with the Electronic Fund Transfer Act (15 U.S.C. § 1693 et seq.) and Regulation E of the Federal Reserve Board and (ii) in the case of any proposed terminal at which deposits are received or recorded or loan proceeds disbursed; the bank files prior written notice of the proposal with the Commission on forms prescribed by the Commission and pays a fee not to exceed \$350 per terminal terminal, regardless of whether it (i) is located on bank premises or premises properly considered part of an authorized office of the bank or (ii) receives or records deposits, disburses loan proceeds, or provides for electronic fund transfers.~~

~~B. The Commission shall have 25 days from receipt of the notice to review the proposal. The Commission may deny the proposal on grounds that the bank has failed to comply with federal electronic fund transfer laws or regulations; the bank lacks the resources to operate the proposed facilities successfully; or the proposal is not in the public interest. If the Commission does not issue a denial within 25 days, the bank may establish the terminal or terminals.~~

~~C. The notice required by clause (ii) of subsection A need not be given if (i) the terminal is on bank premises or premises properly considered part of an authorized office of the bank or (ii) the terminal does not receive or record deposits or disburse loan proceeds.~~

~~D. B. A Virginia state bank, as defined in § 6.2-836, may establish and operate such automated teller machines, cash-dispensing machines, or similar electronic or computer terminals in the Commonwealth, provided the bank complies with all Commonwealth and federal laws and regulations applicable to such machines and terminals. An out-of-state bank, as defined in § 6.2-836, may establish and operate such automated teller machines, cash-dispensing machines, or similar electronic or computer terminals in the Commonwealth, provided (i) the bank complies with all Commonwealth, home state and federal laws applicable to such machines and terminals and (ii) in the case of any proposed terminal at which deposits are received or recorded or loan proceeds disbursed, the bank furnishes to the Commission a copy of any notice or application filed with the bank's home state supervisor or responsible federal banking agency, at the time such notice or application is filed.~~

C. The Commission may adopt regulations affecting electronic fund transfers by banks if it finds such regulations necessary for the protection of the public interest.

**§ 6.2-1326. Establishing, moving, and closing offices.**

A. As used in this section, "service facility" means a physical facility at a location other than its main office that is wholly owned by the credit union establishing it. *"Service facility" does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, regardless of whether it (i) is located on credit union premises or premises properly considered part of an authorized office of the credit union or (ii) receives or records deposits or disburses loan proceeds.*

B. A credit union may maintain service facilities at locations other than its main office if the maintenance of such offices is reasonably necessary to serve its members, subject to the approval of the Commission. An application to establish such a service facility, accompanied by a fee of \$200, shall be made on a form prescribed by the Commission. The Commission shall approve the establishment of the proposed service facility if it appears that the interest of the members of the applicant will be served thereby and that such establishment will not impair the financial condition of the applicant or any other credit union.

C. A credit union may (i) contract with one or more other credit unions subject to this chapter or organized under the laws of the United States or any other state to provide for the operation of one or more shared service facilities or (ii) provide for its members to have the use of one or more shared service facilities by contracting with a credit union service organization approved by the Commissioner for such purpose. A participating credit union may also invest in the credit union service organization. A credit union shall give prior written notice to the Commissioner of its participation in each shared service facility or credit union service organization. Notice to the Commissioner of a credit union's participation in a credit union service organization shall satisfy the requirement of subsection E that the Commissioner be notified of the establishment of an office, if the credit union service organization has notified the Commissioner of the establishment of the shared service facility.

D. The authority of the Commission and the Commissioner to supervise and regulate credit unions, as set forth in Article 2 (§ 6.2-1308 et seq.) of this chapter, shall extend to any shared service facility and any credit union service organization that is involved in the operation of a shared service facility that provides service to credit unions organized under this chapter, except that such authority shall not extend to the assets, records, books, and accounts of any federal credit union or credit union organized under the laws of another state.

E. A credit union may change the location of its main office, a service facility, or office, and may close any such office, provided it gives at least 30 days' prior written notice thereof to the Commissioner in such form as he may prescribe. A credit union shall notify the Commissioner in writing within 10 days after it establishes, relocates, or closes any office. A credit union shall notify the Commissioner of its withdrawal from participation in any shared service facility within 10 days of such withdrawal.

## CHAPTER 446

*An Act to amend and reenact § 12.1-20 of the Code of Virginia, relating to certificates of fact issued by the clerk of the State Corporation Commission.*

[H 1640]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 12.1-20 of the Code of Virginia is amended and reenacted as follows:**

**§ 12.1-20. Facts to be certified by clerk upon request; signing and sealing; fees.**

The clerk of the Commission shall, when requested, certify any one or more of the following facts:

1. That a named domestic corporation is organized and existing under and by virtue of the laws of ~~Virginia~~ *the Commonwealth* and *whether it is in good standing.*
2. That a named foreign corporation of a named state *or other jurisdiction* is authorized to ~~do~~ *transact* business in ~~Virginia~~ *the Commonwealth* and *whether it is in good standing in the Commonwealth.*
3. ~~That the corporate existence of a named domestic corporation has been terminated, together with the date of termination and the reason for the termination.~~
4. ~~That a named domestic corporation has filed articles of dissolution, together with the date thereof, and whether or not voluntary dissolution proceedings have been revoked.~~
5. ~~That a named domestic corporation whose corporate existence was automatically terminated has been reinstated, together with the date thereof.~~
6. ~~That a named foreign corporation of a named state is not authorized to do business in Virginia; and, if it was previously authorized to do business in Virginia, the date when it ceased to be so authorized, and the reason therefor.~~
7. ~~That a name alleged or supposed to be the name of a corporation is not the name of a domestic corporation or of a foreign corporation authorized to do business in Virginia.~~
8. ~~The names and addresses of the officers and directors of a corporation contained in its annual report of a particular date.~~

~~9. The name and address of the registered agent and registered office of a corporation, together with the date of his appointment.~~

~~10. The name and address of a former registered agent and registered office of a corporation, together with the date of his appointment and the date when the corporation filed a statement appointing a new registered agent.~~

~~11. That a particular security has or has not been registered for sale in Virginia the Commonwealth pursuant to the provisions of the Securities Act (§ 13.1-501 et seq.).~~

~~12. 4. That a statement or other document required or permitted by law to be filed in the office of the clerk of the Commission has not been filed in his that office.~~

~~13. 5. The existence or nonexistence of any other fact appearing from the official records of the Commission, unless the disclosure of such fact is forbidden by law, regulation, or legal privilege.~~

The certificate shall be signed by the clerk or by a member of his the clerk's staff and shall be sealed with the seal of the Commission, or a facsimile thereof. *Any signature may be a facsimile.* When so sealed, the certificate shall be admitted in evidence in all cases, civil and criminal, as prima facie evidence of the facts contained in it.

For each certificate, the clerk shall charge and collect fees pursuant to § 12.1-21.1 or subsection C of § 12.1-21.2.

## CHAPTER 447

*An Act to amend and reenact § 65.2-101 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; exclusion for owner-operator of leased motor vehicle.*

[H 1806]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-101 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer lifesaving or volunteer rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer lifesaving or volunteer rescue squad member shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of this Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer lifesaving or rescue squad, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force,

volunteer emergency medical technicians, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer lifesaving or rescue squad members, the companies or squads for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer lifesaving or rescue squad members, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, volunteer emergency medical technicians, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad when engaged in activities related principally to participation as a member of such squad whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

*o. An owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the trucking industry if (i) the owner-operator performs services for the carrier pursuant to a contract that provides that the owner-operator is an independent contractor and shall not be treated as an employee for purposes of the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq., Social Security Act of 1935, P.L. 74-271, federal unemployment tax laws, and federal income tax laws and (ii) each of the following factors is present:*

- (1) The owner-operator is responsible for the maintenance of the vehicle;*
- (2) The owner-operator bears the principal burden of the vehicle's operating costs;*
- (3) The owner-operator is the driver;*
- (4) The owner-operator's compensation is based on factors related to the work performed and not on the basis of hours or time expended; and*
- (5) The owner-operator determines the method and means of performing the service.*

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

## CHAPTER 448

*An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to powers of Capitol Police when providing security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect or members of the Court of Appeals.*

[H 1466]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-34.2:1. Powers, duties and functions of Capitol Police.**

The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728; all the powers, duties, and functions ~~which~~ *that* are exercised by the police of the city; or the police or sheriff of the county within which ~~said~~ *such* property is located. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located. Additionally, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of the City of Richmond and of any county contiguous thereto in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly. Members of the Capitol Police; when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the ~~Virginia~~ *Virginia* Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

## CHAPTER 449

*An Act to amend and reenact the second enactment of Chapter 219 of the Acts of Assembly of 2009, as amended and reenacted by Chapter 647 of the Acts of Assembly of 2012, relating to financing the Uninsured Employer's Fund established under the Virginia Workers' Compensation Act.*

[H 1880]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the second enactment of Chapter 219 of the Acts of Assembly of 2009, as amended and reenacted by Chapter 647 of the Acts of Assembly of 2012, is amended and reenacted as follows:**

**2. That the provisions of this act shall expire on July 1, ~~2015~~ 2018.**

## CHAPTER 450

*An Act to amend and reenact §§ 2.2-4013 and 2.2-4014 of the Code of Virginia, relating to the Administrative Process Act; legislative review of regulations.*

[H 1899]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-4013 and 2.2-4014 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-4013. Executive review of proposed and final regulations; changes with substantial impact.**

A. The Governor shall adopt and publish procedures by executive order for review of all proposed regulations governed by this chapter by June 30 of the year in which the Governor takes office. The procedures shall include (i) review by the Attorney General to ensure statutory authority for the proposed regulations; and (ii) examination by the Governor to determine if the proposed regulations are (a) necessary to protect the public health, safety and welfare and (b) clearly written and easily understandable. The procedures may also include review of the proposed regulation by the appropriate Cabinet Secretary.

The Governor shall transmit his comments, if any, on a proposed regulation to the Registrar and the agency no later than fifteen days following the completion of the public comment period provided for in § 2.2-4007.03. The Governor may recommend amendments or modifications to any regulation that would bring that regulation into conformity with statutory authority or state or federal laws, regulations or judicial decisions.

Not less than fifteen days following the completion of the public comment period provided for in § 2.2-4007.03, the agency may (i) adopt the proposed regulation if the Governor has no objection to the regulation; (ii) modify and adopt the proposed regulation after considering and incorporating the Governor's objections or suggestions, if any; or (iii) adopt the regulation without changes despite the Governor's recommendations for change.

B. Upon final adoption of the regulation, the agency shall forward a copy of the regulation to the Registrar of Regulations for publication as soon as practicable in the Register. All changes to the proposed regulation shall be highlighted in the final regulation, and substantial changes to the proposed regulation shall be explained in the final regulation.

C. If the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, he may require the agency to provide an additional thirty days to solicit additional public comment on the changes by transmitting notice of the additional public comment period to the agency and to the Registrar within the ~~thirty-day~~ 30-day final adoption period described in subsection D, and publishing the notice in the Register. The additional public comment period required by the Governor shall begin upon publication of the notice in the Register.

D. A ~~thirty-day~~ 30-day final adoption period for regulations shall commence upon the publication of the final regulation in the Register. The Governor may review the final regulation during this ~~thirty-day~~ 30-day final adoption period and if he objects to any portion or all of a regulation, the Governor may file a formal objection to the regulation, suspend the effective date of the regulation in accordance with subsection B of § 2.2-4014, or both.

If the Governor files a formal objection to the regulation, he shall forward his objections to the Registrar and agency prior to the conclusion of the ~~thirty-day~~ 30-day final adoption period. The Governor shall be deemed to have acquiesced to a promulgated regulation if he fails to object to it or if he fails to suspend the effective date of the regulation in accordance with subsection B of § 2.2-4014 during the ~~thirty-day~~ final adoption period. The Governor's objection, or the suspension of the regulation, or both if applicable, shall be published in the Register.

A regulation shall become effective as provided in § 2.2-4015.

E. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

**§ 2.2-4014. Legislative review of proposed and final regulations.**

A. After publication of the Register pursuant to § 2.2-4031, the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable or the Joint Commission on Administrative Rules may meet and, during the promulgation or final adoption process, file with the Registrar and the

promulgating agency an objection to a proposed or final adopted regulation. The Registrar shall publish any such objection received by him as soon as practicable in the Register. Within 21 days after the receipt by the promulgating agency of a legislative objection, that agency shall file a response with the Registrar, the objecting legislative committee or the Joint Commission on Administrative Rules, and the Governor. If a legislative objection is filed within the final adoption period, subdivision A 1 of § 2.2-4015 shall govern.

B. In addition or as an alternative to the provisions of subsection A, the standing committee of both houses of the General Assembly to which matters relating to the content are most properly referable or the Joint Commission on Administrative Rules may suspend the effective date of any portion or all of a final regulation with the Governor's concurrence. The Governor and (i) the applicable standing committee of each house or (ii) the Joint Commission on Administrative Rules may direct, through a statement signed by a majority of their respective members and by the Governor, that the effective date of a portion or all of the final regulation is suspended and shall not take effect until the end of the next regular legislative session. This statement shall be transmitted to the promulgating agency and the Registrar within the 30-day final adoption period, or if a later effective date is specified by the agency the statement may be transmitted at any time prior to the specified later effective date, and shall be published in the Register.

If a bill is passed at the next regular legislative session to nullify a portion but not all of the regulation, then the promulgating agency (i) may promulgate the regulation under the provision of subdivision A 4 a of § 2.2-4006, if it makes no changes to the regulation other than those required by statutory law or (ii) shall follow the provisions of §§ 2.2-4007.01 through 2.2-4007.06, if it wishes to also make discretionary changes to the regulation. If a bill to nullify all or a portion of the suspended regulation, or to modify the statutory authority for the regulation, is not passed at the next regular legislative session, then the suspended regulation shall become effective at the conclusion of the session, unless the suspended regulation is withdrawn by the agency.

C. A regulation shall become effective as provided in § 2.2-4015.

D. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

## CHAPTER 451

*An Act to amend and reenact § 58.1-439 of the Code of Virginia, relating to the Major Business Facility Job Tax Credit.*

[H 1844]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439. Major business facility job tax credit.**

A. For taxable years beginning on and after January 1, 1995, but before January 1, 2020, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 as set forth in this section.

B. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. A "major business facility" is a company that satisfies the following criteria:

1. Subject to the provisions of subsections K or L, the establishment or expansion of the company shall result in the creation of at least 50 jobs for qualified full-time employees; the first such 50 jobs shall be referred to as the "threshold amount"; and

2. The company is engaged in any business in the Commonwealth, except a retail trade business if such trade is the principal activity of an individual facility in the Commonwealth. Examples of types of major business facilities that are eligible for the credit provided under this section include, but are not limited to, a headquarters, or portion of such a facility, where company employees are physically employed, and where the majority of the company's financial, personnel, legal or planning functions are handled either on a regional or national basis. A company primarily engaged in the Commonwealth in the business of manufacturing or mining; agriculture, forestry or fishing; transportation or communications; or a public utility subject to the corporation income tax shall be deemed to have established or expanded a major business facility in the Commonwealth if it meets the requirements of subdivision 1 during a single taxable year and such facilities are not retail establishments. A major business facility shall also include facilities that perform central management or administrative activities, whether operated as a separate trade or business, or as a separate support operation of another business. Central management or administrative activities include, but are not limited to, general management; accounting; computing; tabulating; purchasing; transportation or shipping; engineering and systems planning; advertising; technical sales and support operations; central administrative offices and warehouses; research, development and testing laboratories; computer-programming, data-processing and other computer-related services facilities; and legal, financial, insurance, and real estate services. The terms used in this subdivision to refer to various types of businesses shall have the same meanings as those terms are commonly defined in the Standard Industrial Classification Manual.

D. For purposes of this section, the "credit year" is the first taxable year following the taxable year in which the major business facility commenced or expanded operations.

E. The Department of Taxation shall make all determinations as to the classification of a major business facility in accordance with the provisions of this section.

F. A "qualified full-time employee" means an employee filling a new, permanent full-time position in a major business facility in the Commonwealth. A "new, permanent full-time position" is a job of an indefinite duration, created by the company as a result of the establishment or expansion of a major business facility in the Commonwealth, requiring a minimum of 35 hours of an employee's time a week for the entire normal year of the company's operations, which "normal year" shall consist of at least 48 weeks, or a position of indefinite duration which requires a minimum of 35 hours of an employee's time a week for the portion of the taxable year in which the employee was initially hired for, or transferred to, the major business facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the new major business facility and positions in building and grounds maintenance, security, and other such positions which are ancillary to the principal activities performed by the employees at a major business facility shall not qualify as new, permanent full-time positions.

G. For any major business facility, the amount of credit earned pursuant to this section shall be equal to \$1,000 per qualified full-time employee, over the threshold amount, employed during the credit year. The credit shall be allowed ratably, with one-third of the credit amount allowed annually for three years beginning with the credit year. However, for taxable years beginning *on or after* January 1, 2009, ~~through December 31, 2014~~, one-half of the credit amount shall be allowed each year for two years. The portion of the \$1,000 credit earned with respect to any qualified full-time employee who is employed in the Commonwealth for less than 12 full months during the credit year will be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months that the qualified full-time employee worked for the major business facility in the Commonwealth during the credit year, and the denominator of which is 12. A separate credit year and a three-year allowance period shall exist for each distinct major business facility of a single taxpayer, except for credits allowed for taxable years beginning *on or after* January 1, 2009, ~~through December 31, 2014~~, when a two-year allowance period shall exist for each distinct major business facility of a single taxpayer.

H. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. Any credit not usable for the taxable year the credit was allowed may be, to the extent usable, carried over for the next 10 succeeding taxable years. No credit shall be carried back to a preceding taxable year. In the event that a taxpayer who is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of the Code of Virginia, or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

I. No credit shall be earned pursuant to this section for any employee (i) for whom a credit under this section was previously earned by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (ii) who was previously employed in the same job function in Virginia by a related party as defined by Internal Revenue Code § 267(b) or a trade or business under common control as defined by Internal Revenue Code § 52(b); (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) whose job function previously qualified for a credit under this section at a different major business facility on behalf of the taxpayer, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b).

J. Subject to the provisions of subsections K or L, recapture of this credit, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees decreases below the average number of qualified full-time employees employed during the credit year. Such tax increase amount shall be determined by (i) recomputing the credit which would have been earned for the original credit year using the decreased number of qualified full-time employees and (ii) subtracting such recomputed credit from the amount of credit previously earned. In the event that the average number of qualifying full-time employees employed at a major business facility falls below the threshold amount in any of the five taxable years succeeding the credit year, all credits earned with respect to such major business facility shall be recaptured. No credit amount will be recaptured more than once pursuant to this subsection. Any recapture pursuant to this section shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability may be increased.

K. In the event that a major business facility is located in an economically distressed area or in an enterprise zone as defined in Chapter 49 (§ 59.1-538 et seq.) of Title 59.1 during a credit year, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 50 to 25 for purposes of subdivision C 1 and subsection J. An area shall qualify as economically distressed if it is a city or county with an unemployment rate for the preceding year of at least 0.5 percent higher than the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all economically distressed areas at least annually.

L. For taxable years beginning on or after January 1, 2004, but before January 1, 2006, in the event that a major business facility is located in a severely economically distressed area, the threshold amount required to qualify for a credit pursuant to this section and to avoid full recapture shall be reduced from 100 to 25 for purposes of subdivision C 1 and

subsection J. However, the total amount of credit allowable under this subsection shall not exceed \$100,000 in aggregate. An area shall qualify as severely economically distressed if it is a city or county with an unemployment rate for the preceding year of at least twice the average statewide unemployment rate for such year. The Virginia Economic Development Partnership shall identify and publish a list of all severely economically distressed areas at least annually.

M. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), relating to (i) the computation, carryover, and recapture of the credit provided under this section; (ii) defining criteria for (a) a major business facility, (b) qualifying full-time employees at such facility, and (c) economically distressed areas; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies pursuant to subsection S.

N. The provisions of this section shall apply only in instances where an announcement of intent to establish or expand a major business facility is made on or after January 1, 1994. An announcement of intent to establish or expand a major business facility includes, but is not limited to, a press conference or extensive press coverage, providing information with respect to the impact of the project on the economy of the area where the major business facility is to be established or expanded and the Commonwealth as a whole.

O. The credit allowed pursuant to this section shall be granted to the person who pays taxes for the qualified full-time employees pursuant to Chapter 5 (§ 60.2-500 et seq.) of Title 60.2.

P. No person shall claim a credit allowed pursuant to this section and the credit allowed pursuant to § 58.1-439.2. Any qualified business firm receiving an enterprise zone job creation grant under § 59.1-547 shall not be eligible to receive a major business facility job tax credit pursuant to this section for any job used to qualify for the enterprise zone job creation grant.

Q. No person operating a business in the Commonwealth pursuant to Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 shall claim a credit pursuant to this section.

R. Notwithstanding subsection O, a taxpayer may, for the purpose of determining the number of qualified full-time employees at a major business facility, include the employees of a contractor or a subcontractor if such employees are permanently assigned to the taxpayer's major business facility. If the taxpayer includes the employees of a contractor or subcontractor in its total of qualified full-time employees, it shall enter into a contractual agreement with the contractor or subcontractor prohibiting the contractor or subcontractor from also claiming these employees in order to receive a credit given under this section. The taxpayer shall provide evidence satisfactory to the Department of Taxation that it has entered into such a contract.

S. For purposes of satisfying the criteria of subdivision C 1, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed pursuant to this section. For purposes of this subsection, "affiliated companies" means two or more companies related to each other such that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) at least 80 percent of the voting power of two or more companies is owned by the same interests.

T. The General Assembly of Virginia finds that modern business infrastructure allows businesses to locate their administrative or manufacturing facilities with minimal regard to the location of markets or the transportation of raw materials and finished goods, and that the economic vitality of the Commonwealth would be enhanced if such facilities were established in Virginia. Accordingly, the provisions of this section targeting the credit to major business facilities and limiting the credit to those companies which establish a major business facility in Virginia are integral to the purpose of the credit earned pursuant to this section and shall not be deemed severable.

## CHAPTER 452

*An Act to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 through 2.2-2483, relating to the Advisory Board on Service and Volunteerism.*

[H 2071]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 25, consisting of sections numbered 2.2-2478 through 2.2-2483, as follows:**

*Article 25.*

*Advisory Board on Service and Volunteerism.*

**§ 2.2-2478. Advisory Board on Service and Volunteerism; purpose.**

*The Advisory Board on Service and Volunteerism (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government to advise the Governor and Cabinet Secretaries on matters related to promotion and development of national service in the Commonwealth and to meet the provisions of the federal National and Community Service Trust Act of 1993.*

**§ 2.2-2479. Membership; terms; quorum; meetings.**

A. The Board shall consist of no more than 20 nonlegislative citizen members, to be appointed by the Governor from the Commonwealth at large. Nonlegislative citizen members appointed to the Board shall be selected for their knowledge of, background in, or experience with the community and volunteer services sector and in accordance with guidelines provided in the National and Community Service Trust Act of 1993. The Governor may appoint additional persons, at his discretion, as nonvoting members.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall be eligible to serve more than two successive four-year terms; however, after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The voting members of the Board shall elect a chairman and vice-chairman annually from among its membership. A majority of the members of the Board shall constitute a quorum. The Board shall meet no more than six times per year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

**§ 2.2-2480. Compensation; expenses.**

Members shall receive no compensation for their services. However, all members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services in accordance with federal law.

**§ 2.2-2481. Powers and duties of the Board.**

The Board shall have the power and duty to:

1. Advise the Governor, the Secretaries of Health and Human Resources, Education, and Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the State Board of Social Services, and other appropriate officials on national and community service programs in Virginia in order to (i) fulfill the responsibilities and duties prescribed by the federal Corporation for National and Community Service and (ii) develop, implement, and evaluate the Virginia State Service Plan, which outlines strategies for supporting and expanding national and community service throughout the Commonwealth.

2. Promote the use of AmeriCorps programs to meet Virginia's most pressing human, educational, environmental, and public safety needs.

3. Collaborate with the Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

4. Assist the Department of Social Services to promote the involvement of faith-based organizations in community and national service efforts.

5. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**§ 2.2-2482. Staffing.**

The Department of Social Services and any other executive branch agencies as the Governor may designate shall serve as staff to the Board. All agencies of the Commonwealth shall assist the Board upon request.

**§ 2.2-2483. Sunset.**

This article shall expire on July 1, 2018.

**2. That the initial appointments of the nonlegislative citizen members to the Advisory Board on Service and Volunteerism shall be staggered as follows: seven nonlegislative citizen members appointed for initial terms of one year, six nonlegislative citizen members appointed for initial terms of two years, and seven nonlegislative citizen members appointed for initial terms of three years.**

## CHAPTER 453

An Act to amend and reenact §§ 6.2-313 and 6.2-318 of the Code of Virginia, relating to open-end credit extended by banks, savings institutions, and credit unions.

[S 859]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6.2-313 and 6.2-318 of the Code of Virginia are amended and reenacted as follows:**

**§ 6.2-313. Open-end credit extended by banks or savings institutions.**

A. Notwithstanding any statutory or case law, any bank or savings institution may impose finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed by the borrower under an open-end credit plan.

B. In the event of the extension of credit by a bank or savings institution hereunder to be effected by the use of a credit card for the purchase of merchandise or services, no finance charge shall be imposed upon the cardholder or borrower on such extension of credit if payment in full of the unpaid balance owing for all extensions of credit under the open-end credit plan is received at the place designated by the creditor prior to the ~~next billing~~ *payment due* date, which shall be at least 25 days later than the ~~prior~~ billing date.

**§ 6.2-318. Loans by credit unions.**

A. As used in this section, "average daily balance" means, for any billing period, that amount which is the sum of the actual amounts outstanding each day during the billing period divided by the number of days in the billing period.

B. Notwithstanding any other statute or provision relating to interest or usury, any credit union may charge interest as agreed by the borrower provided such interest is not charged in advance.

C. Any open-end credit plan offered by a credit union shall provide:

1. For computation of any finance charges by application of a rate, at the option of the credit union, to:

a. The average daily balance for the period ending on the billing date;

b. The balance existing on the billing date of the month; or

c. Any other balance which does not result in the credit union charging or receiving any sum in excess of what would be charged or received under subdivision a or b;

2. That no finance charge shall be imposed unless the bill is mailed not later than eight days, excluding Saturdays, Sundays and holidays, after the billing date, except that such time limitation shall not apply in any case where the credit union has been prevented, delayed, or hindered in mailing or delivering the bill within such time period because of an act of God, war, civil disorder, natural disaster, strike, or other excusable or justifiable cause; and

3. That in the event of the extension of open-end credit by a credit union to be effected by the use of a credit card for the purchase of merchandise or services, no finance charge shall be imposed upon the member or cardholder on such extension of credit if payment in full of the unpaid balance owing for extensions of credit for merchandise or services is received at the place designated by the credit union prior to the ~~next billing~~ *payment due* date, which shall be at least 25 days later than the ~~prior~~ billing date.

D. Notwithstanding any provision of this chapter other than § 6.2-327 and subsection C, a credit union engaged in extending credit under an open-end credit plan may impose, on credit extended under the plan, finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed upon by the credit union and the obligor, if under the plan a finance charge is imposed upon the obligor ~~if payment in full of the unpaid balance is not received at the place designated by the creditor prior to the next billing date, which shall be at least 25 days later than the prior billing date.~~

## CHAPTER 454

*An Act to amend and reenact §§ 6.2-313 and 6.2-318 of the Code of Virginia, relating to open-end credit extended by banks, savings institutions, and credit unions.*

[H 1800]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6.2-313 and 6.2-318 of the Code of Virginia are amended and reenacted as follows:**

**§ 6.2-313. Open-end credit extended by banks or savings institutions.**

A. Notwithstanding any statutory or case law, any bank or savings institution may impose finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed by the borrower under an open-end credit plan.

B. In the event of the extension of credit by a bank or savings institution hereunder to be effected by the use of a credit card for the purchase of merchandise or services, no finance charge shall be imposed upon the cardholder or borrower on such extension of credit if payment in full of the unpaid balance owing for all extensions of credit under the open-end credit plan is received at the place designated by the creditor prior to the ~~next billing~~ *payment due* date, which shall be at least 25 days later than the ~~prior~~ billing date.

**§ 6.2-318. Loans by credit unions.**

A. As used in this section, "average daily balance" means, for any billing period, that amount which is the sum of the actual amounts outstanding each day during the billing period divided by the number of days in the billing period.

B. Notwithstanding any other statute or provision relating to interest or usury, any credit union may charge interest as agreed by the borrower provided such interest is not charged in advance.

C. Any open-end credit plan offered by a credit union shall provide:

1. For computation of any finance charges by application of a rate, at the option of the credit union, to:

a. The average daily balance for the period ending on the billing date;

b. The balance existing on the billing date of the month; or

c. Any other balance which does not result in the credit union charging or receiving any sum in excess of what would be charged or received under subdivision a or b;

2. That no finance charge shall be imposed unless the bill is mailed not later than eight days, excluding Saturdays, Sundays and holidays, after the billing date, except that such time limitation shall not apply in any case where the credit union has been prevented, delayed, or hindered in mailing or delivering the bill within such time period because of an act of God, war, civil disorder, natural disaster, strike, or other excusable or justifiable cause; and

3. That in the event of the extension of open-end credit by a credit union to be effected by the use of a credit card for the purchase of merchandise or services, no finance charge shall be imposed upon the member or cardholder on such extension of credit if payment in full of the unpaid balance owing for extensions of credit for merchandise or services is received at the place designated by the credit union prior to the ~~next billing~~ *payment due* date, which shall be at least 25 days later than the ~~prior~~ billing date.

D. Notwithstanding any provision of this chapter other than § 6.2-327 *and subsection C*, a credit union engaged in extending credit under an open-end credit plan may impose, on credit extended under the plan, finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed upon by the credit union and the obligor, if under the plan a finance charge is imposed upon the obligor ~~if payment in full of the unpaid balance is not received at the place designated by the creditor prior to the next billing date, which shall be at least 25 days later than the prior billing date.~~

### CHAPTER 455

*An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to powers of Capitol Police when providing security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect or members of the Court of Appeals.*

[S 1048]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-34.2:1. Powers, duties and functions of Capitol Police.**

The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728; all the powers, duties, and functions ~~which that~~ are exercised by the police of the city; or the police or sheriff of the county within which ~~said~~ *such* property is located. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located. Additionally, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of the City of Richmond and of any county contiguous thereto in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly. Members of the Capitol Police; when assigned to accompany the Governor *or Governor-elect*, members of the Governor's family, the Lieutenant Governor *or Lieutenant Governor-elect*, the Attorney General *or Attorney General-elect*, members of the General Assembly, or members of the ~~Virginia~~ *Supreme Court or Court of Appeals of Virginia*, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

### CHAPTER 456

*An Act to amend and reenact § 65.2-605 of the Code of Virginia, relating to workers' compensation; pecuniary liability for medical services.*

[H 1820]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-605 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-605. Liability of employer for medical services ordered by Commission; malpractice; assistants-at-surgery; coding.**

A. The pecuniary liability of the employer for medical, surgical, and hospital service herein required when ordered by the Commission shall be limited to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person and the employer shall not be liable in damages for malpractice by a physician or surgeon furnished by him pursuant to the provisions of § 65.2-603, but the consequences of any such malpractice shall be deemed part of the injury resulting from the accident and shall be compensated for as such.

B. *The Commission shall determine the number and geographic area of communities across the Commonwealth. In establishing the communities, the Commission shall consider the ability to obtain relevant charge data based on geographic area and such other criteria as are consistent with the purposes of this title.*

C. The pecuniary liability of the employer for treatment pursuant to subsection A that is rendered on or after July 1, 2014, by:

1. A nurse practitioner or physician assistant serving as an assistant-at-surgery shall be limited to no more than 20 percent of the reimbursement due under subsection A to the physician performing the surgery; and

2. An assistant surgeon in the same specialty as the primary surgeon shall be limited to no more than 50 percent of the reimbursement due under subsection A to the primary physician performing the surgery.

~~C. D.~~ Multiple procedures completed on a single surgical site associated with medical, surgical, and hospital services pursuant to subsection A and rendered on or after July 1, 2014, shall be coded and billed with appropriate Current Procedural Terminology (CPT) modifiers and paid according to the National Correct Coding Initiative (NCCI) rules and the CPT as in effect at the time the health care was provided to the claimant. The CPT and NCCI, as in effect at the time such health care was provided to the claimant, shall serve as the basis for processing a health care provider's billing form or itemization for such items as global and comprehensive billing and the unbundling of health care services. Hospital in-patient health care services shall be coded and billed through the International Statistical Classification of Diseases and Related Health Problems (ICD) as in effect at the time the health care was provided to the claimant.

**2. That the Workers' Compensation Commission shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment and shall provide an opportunity for public comment on the regulations prior to adoption.**

**3. That the Workers' Compensation Commission shall convene a work group of stakeholder representatives of employers, health care service providers, claimants, and insurers to advise and assist the Commission in (i) reviewing, analyzing, and comparing information contained within and reports on all possible databases containing workers' compensation or health care data for medical services rendered in Virginia, (ii) reviewing, analyzing, and comparing information contained within and reports on how similar databases are used for the establishment of the pecuniary liability of the employer in other states, and (iii) making findings or recommendations as to how the databases reviewed and the contents thereof may serve to enhance or replace Virginia's current mechanisms for establishing the pecuniary liability of the employer. The Workers' Compensation Commission shall report its findings and recommendations to the Chairmen of the House and Senate Commerce and Labor Committees by December 15, 2015.**

## CHAPTER 457

*An Act to amend and reenact § 46.2-739 of the Code of Virginia, relating to special license plates for disabled veterans.*

[H 1374]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-739 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-739. Special license plates for certain disabled veterans; fees.**

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are ~~disabled veterans as defined in § 46.2-100~~ *who have been certified by the U.S. Department of Veterans Affairs to have a service-connected disability* or unmarried surviving spouses of ~~such~~ disabled veterans *as defined in § 46.2-100*. These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Department of Veterans Affairs that the ~~veteran has been so designated and that his~~ *veteran's* disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician assistant to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

C. No annual registration fee, as prescribed in § 46.2-694, and no annual fee, as set forth in subdivision B 3 ~~of subsection B~~ of § 46.2-725, shall be required for any one motor vehicle owned and used personally by any *disabled* veteran *as defined in § 46.2-100* or the *unmarried surviving spouse of such disabled veteran*, provided that such vehicle displays license plates issued under this section.

D. The provisions of subdivisions B 1 and 2 ~~of subsection B~~ of § 46.2-725 shall not apply to license plates issued under this section.

## CHAPTER 458

*An Act to amend and reenact § 33.2-2510 of the Code of Virginia, relating to use of certain revenues by the Northern Virginia Transportation Authority.*

[H 1470]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-2510 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-2510. Use of certain revenues by the Authority.**

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 33.2-2511 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and taxes received by the Authority that are generated or attributable to the locality divided by the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as determined solely by the applicable locality, such revenues shall be used for additional urban or secondary highway construction, for other capital improvements that reduce congestion, for other transportation capital improvements that have been approved by the most recent long-range transportation plan adopted by the Authority, or for public transportation purposes. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall create a separate, special fund in which all revenues received pursuant to this subsection and from the tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

2. If a locality has not deposited into its special fund (i) revenues from the tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources other than moneys received from the Authority, that is equivalent to the revenue that the locality would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by the Authority.

C. 1. The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund ~~(+)~~ transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257 ~~or (ii) mass transit capital projects that increase capacity~~. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with § 33.2-257 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located ~~(+)~~ (i) only in localities embraced by the Authority or ~~(+)~~ (ii) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

2. All transportation projects undertaken by the Authority shall be completed by private contractors accompanied by performance measurement standards, and all contracts shall contain a provision granting the Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Department and the Commonwealth Transportation Board, but the Authority, the Department, and the Commonwealth Transportation Board shall consult with one another to avoid duplication of efforts and, at the option of the Authority, may combine efforts to complete specific projects. Notwithstanding the foregoing, at the request of the Authority, the Department may provide the Authority with engineering services or right-of-way acquisition for the project with its own forces.

3. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit shall be approximately equal to the proportion of the total of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by the total of such fees and taxes received by the Authority.

D. For road construction and improvements pursuant to subsection B, the Department may, on a reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction services for projects funded in whole by the revenues provided to the locality by the Authority.

**2. That the provisions of this act shall become effective on July 1, 2016.**

## CHAPTER 459

An Act to amend and reenact § 46.2-873 of the Code of Virginia, relating to changing speed limits in school zones.

[H 1531]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-873 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-873. Maximum speed limits at school crossings; penalty.**

A. *For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.*

B. The maximum speed limit shall be twenty-five miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway and bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than 600 feet from the limits of the school property or crossing in the vicinity of the school. However, "school crossing" signs may be placed in any location if the Department of Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town, such portable signs shall be furnished and delivered by the Department of Transportation. The principal or chief administrative officer of each school or a school board designee, preferably not a classroom teacher, shall place such portable signs in the highway at a point not more than 600 feet from the limits of the school property and remove such signs when their presence is no longer required by this section. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction, but shall not be placed so as to obstruct the roadway.

~~B-~~ C. Such portable signs, tilt-over signs, or blinking signs shall be in a position, or be turned on, for thirty minutes preceding regular school hours, for thirty minutes thereafter, and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. The governing body of any county, city, or town may, however, decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or lit if it determines that no children will be going to or from school during the period of time that it subtracts from the thirty-minute period.

~~C-~~ D. The governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

E. *The governing body of a county within Planning District 8 may, if the portion of the highway to be posted is within the limits of such county, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.*

~~D-~~ F. The City of Virginia Beach may establish school zones as provided in this section and mark such zones with flashing warning lights as provided in this section on and along all highways adjacent to Route 58.

~~E-~~ G. Any person operating any motor vehicle in excess of a maximum speed limit established specifically for a school crossing zone, when such school crossing zone is (i) indicated by appropriately placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection B of this section shall be guilty of a traffic infraction punishable by a fine of not more than \$250, in addition to other penalties provided by law.

~~For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.~~

F. H. Notwithstanding the foregoing provisions of this section, the maximum speed limit in school zones in residential areas may be decreased to fifteen miles per hour if (i) the school board having jurisdiction over the school nearest to the affected school zone passes a resolution requesting the reduction of the maximum speed limit for such school zone from twenty-five miles per hour to fifteen miles per hour and (ii) the local governing body of the jurisdiction in which such school is located enacts an ordinance establishing the speed-limit reduction requested by the school board.

## CHAPTER 460

An Act to amend and reenact § 46.2-873 of the Code of Virginia, relating to changing speed limits in school zones.

[S 803]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-873 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-873. Maximum speed limits at school crossings; penalty.**

A. *For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.*

B. The maximum speed limit shall be twenty-five miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway and bearing the word "school" or "school crossing." Any signs erected under this section shall be placed not more than 600 feet from the limits of the school property or crossing in the vicinity of the school. However, "school crossing" signs may be placed in any location if the Department of Transportation or the council of the city or town or the board of supervisors of a county maintaining its own system of secondary roads approves the crossing for such signs. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of highway to be posted is outside the limits of a city or town, such portable signs shall be furnished and delivered by the Department of Transportation. The principal or chief administrative officer of each school or a school board designee, preferably not a classroom teacher, shall place such portable signs in the highway at a point not more than 600 feet from the limits of the school property and remove such signs when their presence is no longer required by this section. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction, but shall not be placed so as to obstruct the roadway.

~~B. C.~~ C. Such portable signs, tilt-over signs, or blinking signs shall be in a position, or be turned on, for thirty minutes preceding regular school hours, for thirty minutes thereafter, and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. The governing body of any county, city, or town may, however, decrease the period of time preceding and following regular school hours during which such portable signs, tilt-over signs, or blinking signs shall be in position or lit if it determines that no children will be going to or from school during the period of time that it subtracts from the thirty-minute period.

~~C. D.~~ D. The governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.

*E. The governing body of a county within Planning District 8 may, if the portion of the highway to be posted is within the limits of such county, increase or decrease the speed limit provided in this section only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the portable signs, tilt-over signs, or fixed blinking signs required by this section.*

~~D. F.~~ F. The City of Virginia Beach may establish school zones as provided in this section and mark such zones with flashing warning lights as provided in this section on and along all highways adjacent to Route 58.

~~E. G.~~ G. Any person operating any motor vehicle in excess of a maximum speed limit established specifically for a school crossing zone, when such school crossing zone is (i) indicated by appropriately placed signs displaying the maximum speed limit and (ii) in operation pursuant to subsection B of this section shall be guilty of a traffic infraction punishable by a fine of not more than \$250, in addition to other penalties provided by law.

~~For the purposes of this section, "school crossing zone" means an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Such zones are marked and operated in accordance with the requirements of this section with appropriate warning signs or other traffic control devices indicating that a school crossing is in progress.~~

F. H. Notwithstanding the foregoing provisions of this section, the maximum speed limit in school zones in residential areas may be decreased to fifteen miles per hour if (i) the school board having jurisdiction over the school nearest to the affected school zone passes a resolution requesting the reduction of the maximum speed limit for such school zone from twenty-five miles per hour to fifteen miles per hour and (ii) the local governing body of the jurisdiction in which such school is located enacts an ordinance establishing the speed-limit reduction requested by the school board.

## CHAPTER 461

*An Act to amend the Code of Virginia by adding a section numbered 10.1-204.1, relating to the establishment of the State Trails Advisory Committee; report.*

[H 1542]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 10.1-204.1 as follows:****§ 10.1-204.1. State Trails Advisory Committee established; report.**

A. *The State Trails Advisory Committee (the Committee) is hereby established as an advisory committee of the Department of Conservation and Recreation to assist the Commonwealth in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of the citizens of the Commonwealth and future generations. The Committee shall be appointed by the Director of the Department of Conservation and Recreation and shall be composed of a representative from the Department of Game and Inland Fisheries, the Virginia Department of Transportation, the Virginia Outdoors Foundation, the U.S. Forest Service, and the U.S. National Park Service; the Virginia Director of the Chesapeake Bay Commission; and nonlegislative citizen members, including representatives from the Virginia Outdoors Plan Technical Advisory Committee and the Recreational Trails Advisory Committee and other individuals with technical expertise in trail creation, construction, maintenance, use, and management. The Committee shall meet at least twice each calendar year.*

B. *The Advisory Committee shall examine and provide recommendations regarding (i) options to close the gaps in a statewide system of trails as described in § 10.1-204; (ii) creative public and private funding strategies and partnerships to leverage resources to fund the development of trails; (iii) integrated approaches to promote and market trail values and benefits; (iv) the development of specialty trails, including concepts related to old-growth forest trails across the Commonwealth; (v) strategies to encourage and create linkages between communities and open space; (vi) strategies to foster communication and networking among trail stakeholders; (vii) strategies to increase tourism and commercial activities associated with a statewide trail system; (viii) strategies to enhance the involvement of organizations that promote outdoor youth activities, including the Boy Scouts of the U.S.A. and Girl Scouts of the U.S.A. and the 4-H program of the Virginia Cooperative Extension; and (ix) other practices, standards, statutes, and guidelines that the Director of the Department of Conservation and Recreation determines may enhance the effectiveness of trail planning across the Commonwealth, including methods for receiving input regarding potential trail impacts upon owners of underlying or neighboring properties.*

C. *No later than October 1 of each year, the Director shall provide a status report on the work of the Committee to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources; the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources; and the Chairman and members of the Virginia delegation to the Chesapeake Bay Commission. The report shall include, (i) current and future plans for a statewide system of attractive, sustainable, connected, and enduring trails across the Commonwealth and (ii) any recommendations from the Committee that will be incorporated into the Virginia Outdoors Plan, which plan shall serve as the repository for recommendations from the Committee. The Virginia Outdoors Plan updates shall be used to capture and advance the concepts developed by the Committee.*

D. *Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.*

E. *For the purposes of this section, "old-growth forest" means a forest ecosystem distinguished by trees older than 150 years and tree-related structures that naturally contribute to biodiversity of the forested ecosystems and provide habitat to native Virginia wildlife species, including wildlife species that have been approved for introduction by the Department of Game and Inland Fisheries.*

**2. That the provisions of this act shall expire on January 1, 2021.**

## CHAPTER 462

*An Act to amend and reenact §§ 2.2-1120 and 2.2-2012 of the Code of Virginia, relating to Virginia Information Technologies Agency; Division of Purchases and Supply; private institutions of higher education.*

[H 1661]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-1120 and 2.2-2012 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-1120. Direct purchases by using agencies and certain charitable corporations and private nonprofit institutions of higher education.**

A. *The Division shall have the power, by general rule or special order, to permit purchases of any material, equipment, supplies, printing or nonprofessional services of every description to be made by any using agency directly, and not through*

the Division, whenever it appears to the satisfaction of the Division that by reason of the excess transportation costs, a lower price with equal quality can be obtained by the using agency, or for any other reason, which in the judgment of the Division warrants an exemption.

B. The Division shall allow corporations operating in Virginia and granted tax exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge, to purchase directly from contracts established for state agencies and public bodies by the Division or, provided it is not prohibited by the terms of the procurement, through participation by the Division in other cooperative procurements.

C. The Division shall allow organizations that provide transportation services in Virginia and receive funding from the Federal Transit Administration or the Commonwealth Transportation Fund to purchase directly from contracts established for state agencies and public bodies by the Division. The Department of Rail and Public Transportation shall assist the Division in establishing and maintaining a list of organizations that shall be authorized to make purchases pursuant to this subsection.

D. The Division shall allow private institutions of higher education *that are (i) (a) chartered in Virginia or (b) chartered by an Act of Congress in 1821 and that have owned and operated since 1991 a campus with a significant presence in the Commonwealth and (ii) granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by the Division.*

**§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.**

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, 2.2-4302.1, or 2.2-4302.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. VITA shall allow private institutions of higher education *that are (i) (a) chartered in Virginia or (b) chartered by an Act of Congress in 1821 and that have owned and operated since 1991 a campus with a significant presence in the Commonwealth and (ii) granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.*

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

## CHAPTER 463

*An Act to amend and reenact § 29.1-417 of the Code of Virginia, relating to a special permit to stock and sell fish.*

[H 1686]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-417 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-417. Capturing, holding, propagating, and disposing of wildlife for authorized purposes.**

A. The fee for a permit to capture, hold, propagate, and dispose of wildlife for purposes authorized by the Board shall be an amount sufficient to defray the costs of processing the permit and administering the permitted activity. However, in no instance shall the fees established by the Board exceed the following:

1. For endangered species, scientific collection and wildlife holder, \$20 per year; and
2. For all other such permits, \$50 per year.

~~B.~~ The Board shall establish a permit ~~shall also~~ to authorize the permittee to artificially raise trout ~~or~~ catfish, or largemouth bass and other members of the sunfish family for sale from a privately owned facility ~~where~~. ~~Where~~ the permittee allows public fishing from its facilities: ~~If this~~, if the fee provided for in subsection A has been paid, no license shall be required to fish from such a facility.

~~B.~~ C. The Board shall establish standards for the possession and display of wildlife by elementary or secondary school teachers for educational purposes. No permit fee or application shall be required, and such display shall be deemed to be permitted so long as notification of the display is made to the Department and the exhibit is in compliance with the standards established by the Board. The Board's standards may include species permitted to be possessed and displayed, caging and enclosure requirements, prohibitions on release of wildlife, and notification requirements in the case of wildlife sickness or escape.

## CHAPTER 464

*An Act to amend and reenact § 46.2-105.1 of the Code of Virginia, relating to unlawful provision of examination answers.*

[H 1824]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-105.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-105.1. Unlawful procurement of certificate, license, or permit; unauthorized possession of examination or answers; unlawful distribution of false operator's license; penalty.**

A. It shall be unlawful:

1. For any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a certificate, license, or permit, from the Department of Motor Vehicles;

2. For any person, other than an authorized agent of the Department of Motor Vehicles, to procure or have in his possession or furnish to another person, prior to the beginning of an examination, any question intended to be used by the Department of Motor Vehicles in conducting an examination;

3. For any person to receive or furnish to any person taking an examination, prior to or during an examination, any written or printed material purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;

4. *For any person to communicate by any means to any person taking an examination, during an examination, any information purporting to be answers to questions intended to be used by the Department of Motor Vehicles in conducting an examination;*

5. For any person to attempt to procure, through theft, fraud or other illegal means, any questions intended to be used by the Department of Motor Vehicles in conducting an examination, or the answers to the questions; or

~~§ 6.~~ To promise or offer any valuable or other consideration to a person having access to the questions or answers as an inducement to procure for delivery to the promisor, or any other person, a copy or copies of any questions or answers.

B. If an examination is divided into separate parts, each of the parts shall be deemed an examination for the purposes of this section.

C. Any violation of any provision of subsection A of this section shall be punishable as a Class 2 misdemeanor.

D. Any person or entity other than the Department of Motor Vehicles that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a license to operate a motor vehicle in the Commonwealth is guilty of a Class 1 misdemeanor.

## CHAPTER 465

*An Act to amend and reenact § 62.1-258 of the Code of Virginia, relating to registration of private wells located in ground water management areas.*

[H 1871]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-258 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-258. Use of ground water in ground water management area; registration of well construction required.**

It ~~shall be~~ is unlawful in a ground water management area for any person to withdraw, attempt to withdraw, or allow the withdrawal of any ground water, other than in accordance with a ground water withdrawal permit or as provided in

§ 62.1-259, subsections C, D and F of § 62.1-260, and subsection C of § 62.1-261. *Each private well, as defined in § 32.1-176.3, constructed in a ground water management area shall be registered by the certified water well systems provider with the Board within 30 days of the completion of the construction. Such registration shall be in a format prescribed by the Board; however, the Board and the Board of Health shall develop joint private well forms and processes. The Department of Health shall provide the Board annually with a list of private wells that have received permits during the previous year. The list shall include each well's characteristics and location. The Board shall provide the Department of Health annually with a list of wells registered during the previous year.*

### CHAPTER 466

*An Act to direct the Commonwealth Transportation Board to amend its regulations to permit mobile food vending on state highway rights-of-way.*

[H 2042]

Approved March 23, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the Commonwealth Transportation Board shall amend its regulations so as to permit mobile food vending on state highway rights-of-way except limited access highways. Such regulations may provide for the issuance of permits by the Department of Transportation to mobile food vendors authorizing such vendors to operate on state highway rights-of-way in certain business districts, urban development areas, or areas zoned for commercial use and limited to specific locations within those business districts, urban development areas, or areas zoned for commercial use where the Department of Transportation has determined that motor vehicle traffic flow and motorist and pedestrian safety on the state highway rights-of-way would not be adversely affected by the operation of the mobile food vendors. The Department of Transportation shall seek input from affected localities and other stakeholders during the process of amending the regulations authorized by this section. Such regulations shall allow localities to regulate the operation of such mobile food vending businesses located on the state highway rights-of-way within the locality in a manner consistent with local ordinances and the Commonwealth Transportation Board's regulations and policies.*

### CHAPTER 467

*An Act to amend and reenact §§ 2.2-1509.4, 10.1-2202.4, and 58.1-512 of the Code of Virginia, relating to the purpose of the Civil War Site Preservation Fund.*

[H 2193]

Approved March 23, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1509.4, 10.1-2202.4, and 58.1-512 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 2.2-1509.4. Budget bill to include an appropriation for land preservation.**

Each year the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund pursuant to subdivision D 4 c of § 58.1-512 to be allocated as follows: 80 percent of such amount to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent of such amount to the ~~Civil War Site~~ *Virginia Battlefield* Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent of such amount to the Virginia Farmland Preservation Fund to be used in accordance with § 3.2-201.

##### **§ 10.1-2202.4. Virginia Battlefield Preservation Fund established; eligibility; uses.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the ~~Civil War Site~~ *Virginia Battlefield* Preservation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of general funds appropriated by the General Assembly and funds received as gifts, endowments, or grants from the United States government, its agencies and instrumentalities, and funds from any other available sources, public or private, including gifts and bequests. All such funds shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

Moneys in the Fund shall be used by the Department solely for the purpose of making grants to private nonprofit organizations, hereafter referred to as "organizations," to match federal and other matching funds. All such grants shall be made solely for the fee simple purchase of, or purchase of protective interests in, any Virginia ~~Civil War historic site~~ *battlefield property* listed in the following reports: ~~"Report on the Nation's Civil War Battlefields," issued in 1993 or as amended or reissued pursuant to the Civil War Battlefield Protection Act of 2002 (P.L. 107-359) as amended or supplemented by new information by the National Park Service's American Battlefield Protection Program~~ *the Report on*

*the Nation's Civil War Battlefields by the Civil War Sites Advisory Commission (Civil War Sites Advisory Commission/National Park Service, 1993, as amended) or the Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States by the American Battlefield Protection Program of the National Park Service (U.S. Department of the Interior/National Park Service, 2007, as amended or superseded).* Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

B. The Director shall establish, administer, manage, and make expenditures and allocations from the Fund.

C. Organizations seeking grant funding from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund for the proposed project. As used herein, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.

D. Eligible costs for which moneys from the Fund may be allocated include acquisition of land and any improvements thereon (collectively referred to herein as "land") or permanent protective interests, such as perpetual conservation easements, and costs associated with such acquisitions, including the cost of appraisals, environmental reports, any survey, title searches and title insurance, and other closing costs.

E. Grants from the Fund shall not exceed 50 percent of the appraised value of the land or permanent protective interest therein.

F. Grants from the Fund may be awarded for prospective purchases or for acquisitions on which the applicant has closed. In the latter case the applicant shall demonstrate:

1. The closing occurred no more than 12 months prior to the date of application for the grant; and
2. An identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.

G. Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the ~~Department Board~~ or other holder a perpetual easement placing restrictions on the use or development of the land. In cases where the easement is granted to a holder other than the ~~Department Board~~, all terms and conditions of the easement shall be reviewed by and found by the Department to ~~(i) be consistent with the intent and purpose of the Virginia Conservation Easement Act (§ 10.1-1009 et seq.) and (ii) accomplish the perpetual preservation of the Civil War historic site battlefield property.~~ Such other holder shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement.

H. Nothing in this section shall preclude the subsequent transfer or assignment by a state agency or other owner or holder of any property interest acquired pursuant to this section to the United States government, its agencies and instrumentalities, subject to conservation provisions consistent with this section of America to be incorporated into a national park, national forest, national wildlife refuge, or other national conservation area in accordance with 16 U.S.C. §§ 1, 551, 742(a), or 1131, as amended and applicable. The Department, acting on behalf of the Board, shall facilitate transfers and assignments of any such interests held by the Board. The United States of America shall be considered a "public body" as that term is defined in the Virginia Open-Space Land Act (§ 10.1-1700 et seq.) for the purposes of any transfer or assignment to the United States of America of any easement granted under this section.

I. The Director shall establish, administer, manage, and make expenditures and allocations from the Fund and shall establish guidelines for applications, ~~prioritization evaluation~~, and award of grants from the Fund in consultation with appropriate ~~Civil War~~ battlefield preservation interests. ~~Consideration shall be given, but not limited to, the following: In making grants, the Department shall give primary consideration to the significance of the battlefield and the location of the proposed project in relation to core and study areas~~ degree to which the property falls within the core and study areas of the specific battlefield, as described in the relevant report of the American Battlefield Protection Program, as well as proximity to other protected lands; threat to and integrity of the features associated with the battle in question; and the financial and administrative capacity of the applicant to complete the project and to maintain and manage the property in a manner that is consistent with the public investment and public interests, such as education, recreation, research, heritage tourism promotion, or orderly community development.

#### **§ 58.1-512. Land preservation tax credits for individuals and corporations.**

A. For taxable years beginning on or after January 1, 2000, there shall be allowed as a credit against the tax liability imposed by §§ 58.1-320 and 58.1-400, an amount equal to 50 percent of the fair market value of any land or interest in land located in Virginia which is conveyed for the purpose of agricultural and forestal use, open space, natural resource, and/or biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. For such conveyances made on or after January 1, 2007, the tax credit shall be 40 percent of the fair market value of the land or interest in land so conveyed.

B. The fair market value of qualified donations made under this section shall be determined in accordance with § 58.1-512.1 and substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions. The value of the donated interest in land that qualifies for credit under this section, as determined according to appropriate federal law and regulations, shall be subject to the limits established by United States Internal Revenue Code § 170(e). In order to qualify for a tax credit under this section, the qualified appraisal shall be signed by the qualified appraiser, who must be licensed in the Commonwealth of Virginia as provided in § 54.1-2011, and a copy of the appraisal shall be submitted to the Department. In the event that any

appraiser falsely or fraudulently overstates the value of the contributed property in an appraisal that the appraiser has signed, the Department may disallow further appraisals signed by the appraiser and shall refer the appraiser to the Real Estate Appraiser Board for appropriate disciplinary action pursuant to § 54.1-2013, which may include, but need not be limited to, revocation of the appraiser's license. Any appraisal that, upon audit by the Department, is determined to be false or fraudulent, may be disregarded by the Department in determining the fair market value of the property and the amount of tax credit to be allowed under this section.

C. 1. The amount of the credit that may be claimed by each taxpayer, including credit claimed by applying unused credits as provided under subsection C of § 58.1-513, shall not exceed \$50,000 for 2000 taxable years, \$75,000 for 2001 taxable years, \$100,000 for each of 2002 through 2008 taxable years, \$50,000 for each of 2009, 2010, and 2011 taxable years, and \$100,000 for 2012 taxable years and for each taxable year thereafter. In addition, for each taxpayer, in any one taxable year the credit used may not exceed the amount of individual, fiduciary or corporate income tax otherwise due. Any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 10 consecutive taxable years following the taxable year in which the credit originated until fully expended. A credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. For taxpayers affected by the credit reduction for taxable years 2009, 2010, and 2011, any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 13 consecutive taxable years following the taxable year in which the credit originated until fully expended.

2. Qualified donations shall include the conveyance of a fee interest in real property or the conveyance in perpetuity of a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction, provided that such less-than-fee interest qualifies as a charitable deduction under § 170(h) of the United States Internal Revenue Code of 1986, as amended.

The Department of Conservation and Recreation shall compile an annual report on qualified donations of less-than-fee interests accepted by any public or private conservation agency in the respective calendar year and shall submit the report by December 1 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate Committee on Finance. In preparing such report, the Department of Conservation and Recreation shall consult and coordinate with the Department of Taxation and the Departments of Forestry and Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" as defined in § 3.2-300 that have been protected by qualified donations of less-than-fee interests. This report shall include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters. In addition, the report shall include information, when available, on riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality. This information shall be reported in summary fashion as appropriate to preserve confidentiality of information. Qualified donations shall not include the conveyance of a fee interest, or a less-than-fee interest, in real property by a charitable organization that (i) meets the definition of "holder" in § 10.1-1009 and (ii) holds one or more conservation easements acquired pursuant to the authority conferred on a "holder" by § 10.1-1010.

3. Any fee interest, or a less-than-fee interest, in real property that has been dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits shall not be a qualified donation under this article.

4. Qualified donations shall be eligible for the tax credit herein described if such donations are made to the Commonwealth of Virginia, an instrumentality thereof, or a charitable organization described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, if such charitable organization (i) meets the requirements of § 509(a)(2) or (ii) meets the requirements of § 509(a)(3) and is controlled by an organization described in § 509(a)(2).

5. The preservation, agricultural preservation, historic preservation or similar use and purpose of such property shall be assured in perpetuity. In the case of conveyances of a fee interest to a charitable organization that is a "holder" as defined in § 10.1-1009, the credit shall not be allowed until the charitable organization agrees that subsequent conveyances of the fee interest in the property will be (i) subject to a previous conveyance in perpetuity of a conservation easement, as that term is defined in § 10.1-1009, or subject to the conveyance in perpetuity of an open-space easement, as that term is defined in § 10.1-1700, or (ii) conveyed to the Commonwealth of Virginia or to a federal conservation agency. No credit shall be allowed with respect to any subsequent conveyances by the charitable organization.

D. The issuance of tax credits under this article for donations made on and after January 1, 2007, shall be in accordance with procedures and deadlines established by the Department and shall be administered under the following conditions:

1. The taxpayer shall apply for a credit after completing the donation by submitting a form or forms prescribed by the Department in consultation with the Department of Conservation and Recreation. If the application requests a credit of \$1 million or more or if the donation meets the conditions of subdivision 3 c, then a copy of the application shall also be filed with the Department of Conservation and Recreation by the taxpayer. The application shall include, but not be limited to:

- a. A description of the conservation purpose or purposes being served by the donation;
- b. The fair market value of land being donated in the absence of any easement or other restriction;
- c. The public benefit derived from the donation;
- d. The extent to which water quality best management practices will be implemented on the property; and

e. Whether the property is fully or partially forested and a forest management plan is included in the terms of the donation.

2. Applications for otherwise qualified donations of a less-than-fee interest shall be accompanied by an affidavit describing how the donated interest in land meets the requirements of § 170(h) of the United States Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder. The application with accompanying affidavit shall be submitted to the Department of Taxation, with a copy also provided to the Department of Conservation and Recreation.

3. a. No credit in the amount of \$1 million or more shall be issued with respect to a donation unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation, based on the criteria adopted by the Virginia Land Conservation Foundation for this purpose. Such criteria and subsequent amendments shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), but the Virginia Land Conservation Foundation shall provide for adequate public participation, including adequate notice and opportunity to provide comments on the proposed criteria. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action.

b. For purposes of determining whether a credit requires verification of the conservation value, the credits allowed under this article with respect to donations of any other portion of a recorded parcel of land within the preceding 11 years shall be aggregated with the credit claimed for the current donation. This subdivision shall not apply if (i) all owners of the parcel who have been allowed credit for a qualified donation are not affiliated with the person or entity seeking credit for the current donation of a different portion of the parcel and (ii) in the case of an individual seeking credit, the individual has not previously made a qualified donation for any portion of the parcel and is not an immediate family member of any such owners.

c. If (i) the real property that is the subject of the donation was partitioned from or part of another parcel of land and any other portion of such parcel, or any land partitioned from such parcel of land, has been allowed a tax credit under this article (or an application for tax credit is pending) within three years of such donation and (ii) the tax credit that would otherwise be allowed to the donor for such donation is at least \$250,000, then no credit under this article shall be issued with respect to such donation described in clause (i) unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action. Nothing in this subdivision shall be construed or interpreted (a) as allowing additional tax credit for any land or interest in land previously conveyed for which tax credit has already been allowed under this article or (b) affecting the validity of any tax credit allowed under this article for a prior conveyance of any land or interest in land.

4. a. Tax credits shall be issued on a calendar year basis, and in no case shall the Department issue more than the maximum allowed for the calendar year. The maximum amount of credits that may be issued in a calendar year shall be \$100 million plus any credits previously issued under this article but subsequently disallowed or invalidated by the Department. Credits previously issued but subsequently disallowed or invalidated shall be reissued in a subsequent calendar year. All credits shall be issued in the order that each complete application is received. If within 30 days after an application for credits has been filed the Tax Commissioner provides written notice to the donor that he has determined that the preparation of a second qualified appraisal is warranted, the application shall not be deemed complete until the fair market value of the donation has been finally determined by the Tax Commissioner. The Tax Commissioner shall make a final determination within 180 days of notifying the donor, unless the donor has filed an appeal. The donor shall have the right to appeal any decision of the Department in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.). If more than one complete application is received at the same time, the credits with respect to those applications shall be issued in the order that the conveyances were recorded in the appropriate circuit court of the Commonwealth. In the event that a credit requires verification of the conservation value by the Department of Conservation and Recreation and such verification has not been received at the time the maximum \$100 million allowed is reached for the calendar year of the donation, such credit shall not be issued for that calendar year but shall be issued in the calendar year that the conservation value of the credit is verified by the Department of Conservation and Recreation.

b. Beginning with calendar year 2008, the \$100 million amount contained in subdivision 4 a shall be increased by an amount equal to \$100 million multiplied by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending August 31 of the preceding year exceeds the CPI-U for the 12-month period ending August 31, 2006.

c. Beginning with calendar year 2013, the maximum amount of credits that may be issued in a calendar year shall not exceed \$100 million. Beginning with the submission due on or before December 20, 2013, and in each year thereafter, the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund equal to the difference between the amount calculated pursuant to subdivision b and \$100 million, but not more than \$20 million, to be allocated as follows: 80 percent to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent to the ~~Civil War Site~~ Virginia Battlefield Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent to the Virginia Farmland Preservation Fund to be used in accordance with § 3.2-201.

5. a. Any taxpayer that has been issued a tax credit by the Department shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 10 consecutive taxable year carryforward provisions of this article, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, and 2011. Such a taxpayer shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 13 consecutive taxable year carryforward provisions of this article.

b. Any taxpayer to whom a credit has been transferred may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 11 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, and 2011. Such a taxpayer may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 14 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer.

6. Neither the verification of conservation value by the Department of Conservation and Recreation nor the issuance of a credit by the Department of Taxation shall in any way be construed or interpreted as prohibiting the Department of Taxation or the Tax Commissioner from auditing any credit claimed pursuant to the provisions of this article or from assessing tax relating to the claiming of any credit under this article.

E. In any review or appeal before the Tax Commissioner or in any court in the Commonwealth the burden of proof shall be on the taxpayer to show that the fair market value and conservation value at the time of the qualified donation is consistent with this section and that all requirements of this article have been satisfied.

## CHAPTER 468

*An Act to amend and reenact §§ 28.2-226.1, 28.2-232, and 28.2-528 of the Code of Virginia, relating to revocation of fishing privileges in tidal waters.*

[H 2195]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 28.2-226.1, 28.2-232, and 28.2-528 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 28.2-226.1. Recreational gear license required.**

A. Any person desiring to take or catch finfish or shellfish for recreational purposes in the tidal waters of the Commonwealth using commercial gear authorized under § 28.2-226.2, and for which an exemption is not provided in § 28.2-226, or included in § 28.2-302.1, shall first obtain the appropriate commercial gear license for recreational purposes. A license to use such gear for recreational purposes shall be issued to an individual for his exclusive use and shall not be transferable.

B. All gear licenses issued for recreational purposes shall be so marked.

C. Any person who has obtained a commercial gear license for recreational purposes only shall be exempt from the commercial fishing registration requirements of §§ 28.2-241 and 28.2-242.

D. For purposes of this section and §§ 28.2-226.2 and 28.2-232, "recreational purposes" means finfish or shellfish taken for personal use and not sold, traded, bartered or given to another in order to be sold, traded or bartered.

E. Holders of licenses under this section shall report catch and other data as is deemed necessary by the Commission for effective fisheries management.

##### **§ 28.2-232. Revocation of licenses.**

A. The Commission may revoke the fishing privileges within the Commonwealth's tidal waters and revoke, prohibit the issuance, reissuance, or renewal of any licenses if, after a hearing held after 10 days' notice to the applicant or licensee, it finds that the person has violated any provision of this subtitle.

B. The duration of the revocation and prohibition shall be fixed by the Commission up to a maximum of ~~two~~ five years with the withdrawal of all fishing privileges conferred by this title during that period, taking into account (i) evidence of repeated or habitual disregard for conservation, health and safety laws and regulations; (ii) abusive conduct and behavior toward officers; and (iii) the severity of any damage that has occurred, or might have occurred, to the natural resources, the public health, or the seafood industry.

C. *The Commission may assess a civil penalty of up to \$10,000 against a person if it finds, after a hearing held after 10 days' notice, that the person has engaged in fishing, other than for recreational purposes as defined in § 28.2-226.1, while the person's licenses and fishing privileges have been revoked pursuant to this section or § 28.2-528. In setting the amount of the civil penalty, the Commission shall consider the person's history of violating the conservation, health, and safety laws and regulations of the Commonwealth.*

D. *If the person fails to pay the civil penalty within 180 days of the assessment of the civil penalty by the Commission, the Commissioner may transmit a true copy of the order assessing such civil penalty to the clerk of the court of any county or city wherein it is ascertained that the person owing the penalty has any estate, and the clerk to whom such copy is so sent shall record it, as a judgment is required by law to be recorded, and shall index the same as well in the name of the*

*Commonwealth as of the person owing the penalty, and thereupon there shall be a lien in favor of the Commonwealth on the property of the person within such county or city in the amount of the civil penalty.*

*E. Civil penalties collected pursuant to this section shall be deposited into the Virginia Marine Products Fund established in § 3.2-2705.*

An appeal from the Commission's decision may be taken to the courts as provided in Article 3 (§ 28.2-216 et seq.) of this chapter.

**§ 28.2-528. Revocation of licenses for theft of oysters.**

The Commission, without notice and hearing required by § 28.2-232, shall revoke all licenses *and the fishing privileges within the Commonwealth's tidal waters* to take or catch fish, shellfish, or marine organisms, issued to any person convicted of unlawfully taking oysters or other mollusca from the public grounds, any riparian oyster planting grounds assigned pursuant to Article 1 (§ 28.2-600 et seq.) of Chapter 6 of this title, or any general oyster planting ground leased pursuant to Article 2 (§ 28.2-603 et seq.) of Chapter 6 of this title. No new licenses shall be issued to such person for a minimum of six months or a maximum of ~~two~~ five years after such conviction in the discretion of the Commission.

**CHAPTER 469**

*An Act to amend and reenact § 10.1-200.1 of the Code of Virginia, relating to state park master plans; update schedule.*

[H 2226]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-200.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-200.1. State park master planning.**

A. The Department shall undertake a master planning process (i) for all existing state parks, (ii) following the substantial acquisition of land for a new state park, and (iii) prior to undertaking substantial improvements to state parks. A master plan shall be considered a guide for the development, utilization and management of a park and its natural, cultural and historic resources and shall be adhered to closely. Each plan shall be developed in stages allowing for public input.

Stage one of the plan shall include the development of a characterization map indicating, at a minimum, boundaries, inholdings, adjacent property holdings, and other features such as slopes, water resources, soil conditions and types, natural resources, and cultural and historic resources. The stage one plan shall include a characterization of the potential types of uses for different portions of the parks and shall provide a narrative description of the natural, physical, cultural and historic attributes of the park. The stage one plan shall include the specific purposes for the park and goals and objectives to support those purposes.

Upon completion of a stage one plan, a stage two plan shall be developed by the Department which shall include the potential size, types and locations of facilities and the associated infrastructure including roads and utilities, as applicable. Proposed development of any type shall be in keeping with the character of existing improvements, if appropriate, and the natural, cultural and historic heritage and attributes of the park. The stage two plan shall include a proposed plan for phased development of the potential facilities and infrastructure. The Department shall project the development costs and the operational, maintenance, staffing and financial needs necessary for each of the various phases of park development. Projections shall also be made for the park's resource management needs and related costs. The projections shall be made part of the stage two plan.

Upon completion of the stage two plan, the stage one and stage two plans along with supporting documents shall be combined to form a master plan for the park. Development of a park shall not begin until the master plan has been reviewed by the Board of Conservation and Recreation and adopted by the Director.

B. All members of the General Assembly shall be given notice of public meetings and, prior to their adoption, the availability for review of stage one, stage two and master plans and proposed amendments for substantial improvements.

C. The master planning process shall not be considered an impediment to the acquisition of inholdings or adjacent properties. Such properties, when acquired, shall be incorporated into the master plan and their uses shall be amended into the master plan.

D. Stage one and stage two plans shall be considered complete following review and adoption by the Director. Stage one and stage two plans may only be adopted by the Director following public notice and a public meeting. The Director may make nonsubstantial amendments to master plans following public notice. A master plan or a substantial amendment to a master plan may only be adopted by the Director after considering the recommendations of the Board of Conservation and Recreation following public notice and a public meeting.

E. The Department shall solicit and consider public comment in the development of the stage one and two plans as well as the master plan and any amendments thereto. Such solicitation shall include reasonable notice to appropriate trade associations and private businesses within a 10-mile radius of the park that offer similar categories of service, including private campgrounds, marinas, and recreational facilities.

F. Master plans shall be reviewed and updated by the Department and the Board of Conservation and Recreation no less frequently than once every ~~five~~ 10 years and shall be referenced in the Virginia Outdoors Plan.

G. Materials, documents and public testimony and input produced or taken for purposes of park planning prior to January 1, 1999, may be utilized in lieu of the process established in this section provided that it conforms with the requirements of this section and that a master plan shall be developed that conforms with this section which shall not be deemed complete until reviewed and approved in accordance with subsection D.

H. The planning process contained in this section satisfies the Department of General Services master planning requirements for lands owned or managed by the Department of Conservation and Recreation. The Department of Conservation and Recreation's Facility Development Plans shall continue to meet the Department of General Service's requirements.

I. For purposes of this section, unless the context requires a different meaning:

"Development of a park" means any substantial physical alterations within the park boundaries other than those necessary for the repair or maintenance of existing resources or necessary for the development of the master plan.

"Substantial acquisition" means the purchase of land valued at \$500,000 or more or the acquisition of the major portion of land for a new state park whichever is less.

"Substantial improvement" means physical improvements and structures valued at \$500,000 or more.

### CHAPTER 470

*An Act to amend the Code of Virginia by adding a section numbered 29.1-543.1, relating to the introduction, stocking, and release of blue catfish; penalty.*

[H 2240]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 29.1-543.1 as follows:**

**§ 29.1-543.1. Introduction, stocking, and release of blue catfish; penalty.**

A. *It is unlawful for any person to introduce into or stock in waters of the Commonwealth, including private ponds or lakes, the blue catfish or its hybrids or to release any blue catfish or any such hybrid into any water body other than that in which it was caught.*

B. *Any person who violates any provision of this section is guilty of a Class 2 misdemeanor.*

### CHAPTER 471

*An Act to amend and reenact §§ 10.1-1300 and 10.1-1307 of the Code of Virginia, relating to regulation of emissions from wood heaters.*

[H 2246]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-1300 and 10.1-1307 of the Code of Virginia are amended and reenacted as follows:**

**§ 10.1-1300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory Board" means the State Advisory Board on Air Pollution.

"Air pollution" means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property.

"Board" means the State Air Pollution Control Board.

"Department" means the Department of Environmental Quality.

"Director" or "Executive Director" means the Executive Director of the Department of Environmental Quality.

"Owner" shall have no connotation other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Special order" means a special order issued under § 10.1-1309.

*"Wood heater" means a wood stove, pellet stove, wood-fired hydronic heater, wood-burning forced-air furnace, or masonry wood heater, any of which is solely designed for heating a home or a business and with either (i) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM2.5) emissions of less than 10 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr or (ii) uncontrolled fine particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM10) emissions of less than 15 tons per year or with a maximum heat input of less than 1,000,000 Btu/hr.*

**§ 10.1-1307. Further powers and duties of Board.**

A. The Board shall have the power to control and regulate its internal affairs; initiate and supervise research programs to determine the causes, effects, and hazards of air pollution; initiate and supervise statewide programs of air pollution control education; cooperate with and receive money from the federal government or any county or municipal government, and receive money from any other source, whether public or private; develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth; and advise, consult, and cooperate with agencies of the United States and all agencies of the Commonwealth, political subdivisions, private industries, and any other affected groups in furtherance of the purposes of this chapter.

B. The Board may adopt by regulation emissions standards controlling the release into the atmosphere of air pollutants from motor vehicles, only as provided in Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2.

C. After any regulation has been adopted by the Board pursuant to § 10.1-1308, it may in its discretion grant local variances therefrom, if it finds after an investigation and hearing that local conditions warrant. If local variances are permitted, the Board shall issue an order to this effect. Such order shall be subject to revocation or amendment at any time if the Board after a hearing determines that the amendment or revocation is warranted. Variances and amendments to variances shall be adopted only after a public hearing has been conducted pursuant to the public advertisement of the subject, date, time, and place of the hearing at least 30 days prior to the scheduled hearing. The hearing shall be conducted to give the public an opportunity to comment on the variance.

D. After the Board has adopted the regulations provided for in § 10.1-1308, it shall have the power to: (i) initiate and receive complaints as to air pollution; (ii) hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders to enforce its regulations pursuant to § 10.1-1309; and (iii) institute legal proceedings, including suits for injunctions for the enforcement of its orders, regulations, and the abatement and control of air pollution and for the enforcement of penalties.

E. The Board in making regulations and in approving variances, control programs, or permits, and the courts in granting injunctive relief under the provisions of this chapter, shall consider facts and circumstances relevant to the reasonableness of the activity involved and the regulations proposed to control it, including:

1. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened to be caused;

2. The social and economic value of the activity involved;

3. The suitability of the activity to the area in which it is located; and

4. The scientific and economic practicality of reducing or eliminating the discharge resulting from such activity.

F. The Board may designate one of its members, the Director, or a staff assistant to conduct the hearings provided for in this chapter. A record of the hearing shall be made and furnished to the Board for its use in arriving at its decision.

G. *The Board shall not:*

1. *Adopt any regulation limiting emissions from wood heaters; or*

2. *Enforce against a manufacturer, distributor, or consumer any federal regulation limiting emissions from wood heaters adopted after May 1, 2014.*

H. The Board shall submit an annual report to the Governor and General Assembly on or before October 1 of each year on matters relating to the Commonwealth's air pollution control policies and on the status of the Commonwealth's air quality.

## CHAPTER 472

*An Act authorizing the Department of Conservation and Recreation to grant a 15-foot-wide easement in Henry County.*

[H 2247]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Department of Conservation and Recreation, with approval of the Governor pursuant to § 10.1-109 of the Code of Virginia, is hereby authorized to convey a 15-foot-wide, permanent, nonexclusive right-of-way easement for ingress and egress in the Horsepasture District coming off of Virginia State Route 823 (Pratt Road) onto the Old Mica Mine Road (unpaved access road) and continuing in a southwesterly direction on Old Mica Road along the west of the property belonging to the Department of Conservation and Recreation (Tax Map Number 69.7(000)000/008) to Russell C. Stone, his successors and assigns. The conveyance shall be made without consideration. This conveyance shall be for the purpose of allowing the grantee to access his property in a manner advantageous to the Department and the grantee.*

§ 2. *The granting and conveying of the right-of-way easement shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.*

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 473

*An Act to facilitate access to operational data and information of state agencies for use by the public and the standing committees of the General Assembly to promote the effectiveness and efficiency of state government.*

[H 2378]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Secretaries of Administration, Finance, and Technology shall jointly establish a work group to provide the public, the Chairmen of each standing committee of the General Assembly or their designees, and a designated staff member of the House Committee on Appropriations and the Senate Committee on Finance with access to data and information pertaining to the operation of state agencies within the subject matter jurisdiction of each standing committee. Access shall be by electronic means to the extent possible, as determined by the work group, taking into account security and privacy restrictions. Where it is not currently feasible to provide such access by electronic means due to the costs or technological considerations, the provision of such data or documentation may be made available by hard copy, provided, however, that in the latter case, the work group shall prepare written documentation on alternative approaches and costs to modify systems so that relevant data may be accessed in an electronic fashion on an ongoing basis, if desired.*

*Such electronic access shall include the following data and information:*

- 1. Any agency mission statement;*
- 2. The current agency budget;*
- 3. The total number of full-time and part-time employees at the agency;*
- 4. The current cash balance of the agency;*
- 5. All sources of state or federal funding received by the agency, preferably over the immediately preceding five years, and the amount thereof;*
- 6. Any grant awarded by the agency and the amount thereof; and*
- 7. Any contracts in excess of \$10,000 awarded by the agency and the cost thereof.*

**§ 2.** *The Secretaries of Administration, Finance, and Technology shall ensure that the work group makes substantial progress toward accessing the information and data required by § 1 on or before November 1, 2015, and identify possible future steps to further facilitate electronic access to such data.*

## CHAPTER 474

*An Act to amend the Code of Virginia by adding a section numbered 62.1-229.5, relating to loans for the creation of living shorelines.*

[H 1734]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 62.1-229.5 as follows:**

**§ 62.1-229.5. Loans for living shorelines.**

*Loans may be made from the Fund, in the Board's discretion, (i) to a local government for the purpose of establishing living shorelines, as defined in § 28.2-104.1, to protect or improve water quality and prevent the pollution of state waters or (ii) to a local government that has developed a funding program to provide low-interest loans or other incentives to individual citizens of the Commonwealth to facilitate the establishment of living shorelines to protect or improve water quality and prevent the pollution of state waters. The Board shall develop guidelines for the administration of such loans.*

## CHAPTER 475

*An Act to amend and reenact § 2.2-220.1 of the Code of Virginia, relating to the Secretary of Natural Resources; Chesapeake Bay Watershed Agreement; annual report.*

[H 1812]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-220.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-220.1. Chesapeake Bay Watershed Agreement; annual report.**

~~By November 1 of each year, the Secretary of Natural Resources, in consultation with appropriate state and federal agencies, shall report to the Governor and the Chairs of the House Committee on Agriculture, Chesapeake and Its Tributaries, Natural Resources and the Senate Committee on Agriculture, Conservation, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Finance, the Virginia delegation to the Chesapeake Bay Commission, and the Virginia Chesapeake Bay Partnership Council on specific progress made in implementing the~~

provisions of the Chesapeake Bay 2000 Agreement. The report shall include, but not be limited to, a description of the programs, activities, and initiatives developed and implemented by state and local government agencies to meet each of the goals and commitments contained in the Agreement and an assessment of projected state funding necessary to meet the goals and commitments on the implementation of the 2014 Chesapeake Bay Watershed Agreement. The Secretary may use documents, reports, and other materials developed in cooperation with other signatories to the agreement, including the U.S. Environmental Protection Agency and other relevant federal agencies or nongovernmental organizations, to fulfill this reporting requirement.

## CHAPTER 476

*An Act to amend the Code of Virginia by adding a section numbered 57-55.4, relating to solicitation of contributions; collection receptacles.*

[H 1860]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 57-55.4 as follows:**

**§ 57-55.4. Collection receptacles; required disclosures.**

*No (i) business as defined in § 58.1-3700.1, other than a charitable or civic organization to which contributions are deductible under § 170 of the Internal Revenue Code, or (ii) professional solicitor shall place or maintain a receptacle in public view for the purpose of collecting donated clothing, household items, or other items for future resale unless such person or professional solicitor places on the receptacle a permanent sign or label in a prominent place that includes the following information printed in letters that are no less than three inches in height and no less than one-half inch in width and in a color that contrasts with the color of the receptacle, which sign or label shall be placed immediately below the opening in the receptacle used to deposit donations:*

*1. The name, business address, and telephone number of the person engaged in such business or the professional solicitor; and*

*2. a. For a receptacle placed or maintained by a person engaged in such business, a statement that reads: "This donation receptacle is operated by a for-profit business. Items donated here support a for-profit business."; or*

*b. For a receptacle placed or maintained by the professional solicitor, a statement that reads: "This donation receptacle is operated by a professional solicitor. Items donated here support, in part, the professional solicitor, which is a for-profit entity."*

*Enforcement of a violation of this section shall be limited to subsections B through E of § 57-59.*

## CHAPTER 477

*An Act to amend and reenact § 33.2-2508 of the Code of Virginia, relating to the Northern Virginia Transportation Authority; regional plan.*

[H 1915]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-2508 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-2508. Responsibilities of Authority for long-range transportation planning.**

*The In fulfilling the requirements of subdivision 1 of § 33.2-2500, the Authority shall be responsible for long-range transportation planning for regional transportation projects in Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus whenever possible, set regional transportation policies and priorities for regional transportation projects. The policies and priorities shall have reducing congestion in Planning District 8 as their primary objective to the greatest extent practicable and shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner. Each locality embraced by the Authority shall annually inform the Authority about any land use or transportation elements of its comprehensive plan that are not consistent with the plan required by subdivision 1 of § 33.2-2500. No change in such comprehensive plan shall compel the Authority to alter the plan prepared according to this section.*

## CHAPTER 478

*An Act to amend and reenact § 46.2-383 of the Code of Virginia, relating to Department of Motor Vehicles; juvenile records.*

[H 1957]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-383 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.**

A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1 or (ii) a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case, or (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, or (iv) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, or (v) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (vi) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after such conviction, failure or refusal to pay, forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final. No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

*D. The Code section and description of an offense referenced in an abstract for any juvenile adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision 1 of § 46.2-382, or any other provision of law that does not involve an offense referenced in subsection A or an offense involving the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.*

## CHAPTER 479

*An Act to amend and reenact § 29.1-336 of the Code of Virginia, relating to electronic copies of hunting, trapping, or fishing licenses.*

[H 2111]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-336 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-336. Carrying licenses and certificates; penalty.**

A. Every person who is issued a hunting, trapping, or fishing license shall carry the license on his person while hunting, trapping, or fishing. Persons who have been issued such licenses and fail to carry them when required shall be guilty of a Class 4 misdemeanor.

B. Any person who is 16 years of age or older and who is (i) required to present a certificate of completion in hunter education to obtain a hunting license pursuant to § 29.1-300.1, and (ii) issued a hunting license by telephone, the Internet, or other electronic or computerized means, shall also carry such certificate on his person while hunting.

C. Any person who is 12 years of age through 15 years of age, and is issued a hunting license by telephone, the Internet, or other electronic or computerized means, shall carry his certificate of completion in hunter education on his person while hunting, unless he is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license and certificate if required under subsection B.

*D. For purposes of this section and § 29.1-337, "carry" means possess a hard copy or electronic copy of the license or certificate, except that any license for bear, deer, or turkey required by § 29.1-305 shall be possessed in hard copy.*

## CHAPTER 480

*An Act to amend and reenact § 30-284 of the Code of Virginia, relating to powers and duties of the Joint Commission on Transportation Accountability.*

[H 2266]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-284 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-284. Powers and duties of Commission.**

The Commission shall have the following powers and duties:

1. To make performance reviews of operations of state agencies with transportation responsibilities to ascertain that sums appropriated have been or are being expended for the purposes for which they were made and to evaluate the effectiveness of programs in accomplishing legislative intent;
2. To study, on a continuing basis, the operations, practices, and duties of state agencies with transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and facilities;
3. To retain such consultants and advisers as the Commission deems necessary to evaluate financial and project management of state agencies with transportation responsibilities; ~~and~~
4. To make such special studies of and reports on the operations and functions of state agencies with transportation responsibilities as it deems appropriate and as may be requested by the General Assembly;
5. *To review actions of the Commonwealth Transportation Board; and*
6. *To make recommendations to the General Assembly on necessary transportation legislation.*

## CHAPTER 481

*An Act to amend the Code of Virginia by adding a section numbered 33.2-274.1, relating to equipping roadside safety devices with identification numbers.*

[H 2332]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 33.2-274.1 as follows:**

**§ 33.2-274.1. Roadside safety devices to be equipped with identification numbers.**

*The Department shall require that Type I (Re-Directive) Impact Attenuators, Terminals (GR-7, GR-9), Truck Mounted Attenuators, and Trailer Mounted Attenuators from the Department's approved products list installed on or after July 1, 2016, in connection with any highway construction or maintenance project funded in whole or in part with revenues of the Commonwealth shall include the manufacturer's identification number specific to the device and stamped on the device itself.*

## CHAPTER 482

*An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-436 and 2.2-437, and by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-555, relating to electronic identity management; standards; liability.*

[H 1562]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-436 and 2.2-437, and by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-555, as follows:**

**CHAPTER 4.3.**

**COMMONWEALTH IDENTITY MANAGEMENT STANDARDS.**

**§ 2.2-436. Approval of electronic identity standards.**

*A. The Secretary of Technology, in consultation with the Secretary of Transportation, shall review and approve or disapprove, upon the recommendation of the Identity Management Standards Advisory Council pursuant to § 2.2-437, guidance documents that adopt (i) nationally recognized technical and data standards regarding the verification and authentication of identity in digital and online transactions; (ii) the minimum specifications and standards that should be included in an identity trust framework, as defined in § 59.1-550, so as to warrant liability protection pursuant to the Electronic Identity Management Act (§ 59.1-550 et seq.); and (iii) any other related data standards or specifications concerning reliance by third parties on identity credentials, as defined in § 59.1-550.*

B. Final guidance documents approved pursuant to subsection A shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice. The Secretary of Technology shall send a copy of the final guidance documents to the Joint Commission on Administrative Rules established pursuant to § 30-73.1 at least 90 days prior to the effective date of such guidance documents. The Secretary of Technology shall also annually file a list of available guidance documents developed pursuant to this chapter pursuant to § 2.2-4008 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and shall send a copy of such list to the Joint Commission on Administrative Rules.

**§ 2.2-437. Identity Management Standards Advisory Council.**

A. The Identity Management Standards Advisory Council (the Advisory Council) is established to advise the Secretary of Technology on the adoption of identity management standards and the creation of guidance documents pursuant to § 2.2-436.

B. 1. The Advisory Council shall consist of seven members, to be appointed by the Governor, with expertise in electronic identity management and information technology. Members shall include a representative of the Department of Motor Vehicles, a representative of the Virginia Information Technologies Agency, and five representatives of the business community with appropriate experience and expertise. In addition to the seven appointed members, the Chief Information Officer of the Commonwealth, or his designee, may also serve as an ex officio member of the Advisory Council.

2. The Advisory Council shall designate one of its members as chairman.

3. Members appointed to the Advisory Council shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

4. Members shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.

5. Staff to the Advisory Council shall be provided by the Office of the Secretary of Technology.

C. Proposed guidance documents and general opportunity for oral or written submittals as to those guidance documents shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice following the processes and procedures set forth in subsection B of § 2.2-4031 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.). The Advisory Council shall allow at least 30 days for the submission of written comments following the posting and publication and shall hold at least one meeting dedicated to the receipt of oral comment no less than 15 days after the posting and publication. The Advisory Council shall also develop methods for the identification and notification of interested parties and specific means of seeking input from interested persons and groups. The Advisory Council shall send a copy of such notices, comments, and other background material relative to the development of the recommended guidance documents to the Joint Commission on Administrative Rules.

CHAPTER 50.

ELECTRONIC IDENTITY MANAGEMENT ACT.

**§ 59.1-550. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Attribute provider" means an entity, or a supplier, employee, or agent thereof, that acts as the authoritative record of identifying information about an identity credential holder.

"Commonwealth identity management standards" means the minimum specifications and standards that must be included in an identity trust framework so as to define liability pursuant to this chapter that are set forth in guidance documents approved by the Secretary of Technology pursuant to Chapter 4.3 (§ 2.2-436 et seq.) of Title 2.2.

"Identity attribute" means identifying information associated with an identity credential holder.

"Identity credential" means the data, or the physical object upon which the data may reside, that an identity credential holder may present to verify or authenticate his identity in a digital or online transaction.

"Identity credential holder" means a person bound to or in possession of an identity credential who has agreed to the terms and conditions of the identity provider.

"Identity proofer" means a person or entity authorized to act as a representative of an identity provider in the confirmation of a potential identity credential holder's identification and identity attributes prior to issuing an identity credential to a person.

"Identity provider" means an entity, or a supplier, employee, or agent thereof, certified by an identity trust framework operator to provide identity credentials that may be used by an identity credential holder to assert his identity, or any related attributes, in a digital or online transaction. For purposes of this chapter, "identity provider" includes an attribute provider, an identity proofer, and any suppliers, employees, or agents thereof.

"Identity trust framework" means a digital identity system with established identity, security, privacy, technology, and enforcement rules and policies adhered to by certified identity providers that are members of the identity trust framework. Members of an identity trust framework include identity trust framework operators and identity providers. Relying parties may be, but are not required to be, a member of an identity trust framework in order to accept an identity credential issued by a certified identity provider to verify an identity credential holder's identity.

"Identity trust framework operator" means the entity that (i) defines rules and policies for member parties to an identity trust framework, (ii) certifies identity providers to be members of and issue identity credentials pursuant to the identity trust framework, and (iii) evaluates participation in the identity trust framework to ensure compliance by members of the identity trust framework with its rules and policies, including the ability to request audits of participants for verification of compliance.

"Relying party" is an individual or entity that relies on the validity of an identity credential or an associated trustmark.

"Trustmark" means a machine-readable official seal, authentication feature, certification, license, or logo that may be provided by an identity trust framework operator to certified identity providers within its identity trust framework to signify that the identity provider complies with the written rules and policies of the identity trust framework.

**§ 59.1-551. Trustmark; warranty.**

The use of a trustmark on an identity credential provides a warranty by the identity provider that the written rules and policies of the identity trust framework of which it is a member have been adhered to in asserting the identity and any related attributes contained on the identity credential. No other warranties are applicable unless expressly provided by the identity provider.

**§ 59.1-552. Establishment of liability; limitation of liability.**

A. An identity trust framework operator or identity provider shall be liable if the issuance of an identity credential or assignment of an identity attribute, or a trustmark, is not in compliance with the Commonwealth's identity management standards in place at the time of issuance. Further, the identity trust framework operator or identity provider shall be liable for noncompliance with applicable terms of any contractual agreement with a contracting party and any written rules and policies of the identity trust framework of which it is a member.

B. An identity trust framework operator or identity provider shall not be liable if the issuance of the identity credential or assignment of an identity attribute or a trustmark was in compliance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) applicable terms of any contractual agreement with a contracting party, and (iii) any written rules and policies of the identity trust framework of which it is a member, provided such identity trust framework operator or identity provider did not commit an act or omission that constitutes gross negligence or willful misconduct. An identity trust framework operator or identity provider shall not be liable for misuse of an identity credential by the identity credential holder or by any other person who misuses an identity credential.

**§ 59.1-553. Commercially reasonable security procedures for electronic fund transfers.**

Use of an identity credential or identity attribute shall satisfy any requirement for a commercially reasonable security or attribution procedure in Title 8.4A, the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.), provided that the identity credential or identity attribute was issued or assigned in accordance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) the terms of any contractual agreement, and (iii) any written rules and policies of the identity trust framework of which the issuer is a member.

**§ 59.1-554. Applicability of chapter.**

The provisions of this chapter shall not be construed to require any individual or entity to rely on or accept any identity credential or attribute issued in accordance with Commonwealth identity management standards or this chapter.

**§ 59.1-555. Sovereign immunity.**

No provisions of this chapter nor any act or omission of a state, regional, or local governmental entity related to the issuance of electronic identity credentials or attributes or the administration or participation in an identity trust framework related to the issuance of electronic identity credentials or attributes shall be deemed a waiver of sovereign immunity to which the governmental entity or its officers, employees, or agents are otherwise entitled.

## CHAPTER 483

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-436 and 2.2-437, and by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-555, relating to electronic identity management; standards; liability.

[S 814]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.3, consisting of sections numbered 2.2-436 and 2.2-437, and by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-555, as follows:**

### CHAPTER 4.3.

#### COMMONWEALTH IDENTITY MANAGEMENT STANDARDS.

**§ 2.2-436. Approval of electronic identity standards.**

A. The Secretary of Technology, in consultation with the Secretary of Transportation, shall review and approve or disapprove, upon the recommendation of the Identity Management Standards Advisory Council pursuant to § 2.2-437, guidance documents that adopt (i) nationally recognized technical and data standards regarding the verification and authentication of identity in digital and online transactions; (ii) the minimum specifications and standards that should be included in an identity trust framework, as defined in § 59.1-550, so as to warrant liability protection pursuant to the Electronic Identity Management Act (§ 59.1-550 et seq.); and (iii) any other related data standards or specifications concerning reliance by third parties on identity credentials, as defined in § 59.1-550.

*B. Final guidance documents approved pursuant to subsection A shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice. The Secretary of Technology shall send a copy of the final guidance documents to the Joint Commission on Administrative Rules established pursuant to § 30-73.1 at least 90 days prior to the effective date of such guidance documents. The Secretary of Technology shall also annually file a list of available guidance documents developed pursuant to this chapter pursuant to § 2.2-4008 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and shall send a copy of such list to the Joint Commission on Administrative Rules.*

**§ 2.2-437. Identity Management Standards Advisory Council.**

*A. The Identity Management Standards Advisory Council (the Advisory Council) is established to advise the Secretary of Technology on the adoption of identity management standards and the creation of guidance documents pursuant to § 2.2-436.*

*B. 1. The Advisory Council shall consist of seven members, to be appointed by the Governor, with expertise in electronic identity management and information technology. Members shall include a representative of the Department of Motor Vehicles, a representative of the Virginia Information Technologies Agency, and five representatives of the business community with appropriate experience and expertise. In addition to the seven appointed members, the Chief Information Officer of the Commonwealth, or his designee, may also serve as an ex officio member of the Advisory Council.*

*2. The Advisory Council shall designate one of its members as chairman.*

*3. Members appointed to the Advisory Council shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.*

*4. Members shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.*

*5. Staff to the Advisory Council shall be provided by the Office of the Secretary of Technology.*

*C. Proposed guidance documents and general opportunity for oral or written submittals as to those guidance documents shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice following the processes and procedures set forth in subsection B of § 2.2-4031 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.). The Advisory Council shall allow at least 30 days for the submission of written comments following the posting and publication and shall hold at least one meeting dedicated to the receipt of oral comment no less than 15 days after the posting and publication. The Advisory Council shall also develop methods for the identification and notification of interested parties and specific means of seeking input from interested persons and groups. The Advisory Council shall send a copy of such notices, comments, and other background material relative to the development of the recommended guidance documents to the Joint Commission on Administrative Rules.*

**CHAPTER 50.**

**ELECTRONIC IDENTITY MANAGEMENT ACT.**

**§ 59.1-550. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Attribute provider" means an entity, or a supplier, employee, or agent thereof, that acts as the authoritative record of identifying information about an identity credential holder.*

*"Commonwealth identity management standards" means the minimum specifications and standards that must be included in an identity trust framework so as to define liability pursuant to this chapter that are set forth in guidance documents approved by the Secretary of Technology pursuant to Chapter 4.3 (§ 2.2-436 et seq.) of Title 2.2.*

*"Identity attribute" means identifying information associated with an identity credential holder.*

*"Identity credential" means the data, or the physical object upon which the data may reside, that an identity credential holder may present to verify or authenticate his identity in a digital or online transaction.*

*"Identity credential holder" means a person bound to or in possession of an identity credential who has agreed to the terms and conditions of the identity provider.*

*"Identity proofer" means a person or entity authorized to act as a representative of an identity provider in the confirmation of a potential identity credential holder's identification and identity attributes prior to issuing an identity credential to a person.*

*"Identity provider" means an entity, or a supplier, employee, or agent thereof, certified by an identity trust framework operator to provide identity credentials that may be used by an identity credential holder to assert his identity, or any related attributes, in a digital or online transaction. For purposes of this chapter, "identity provider" includes an attribute provider, an identity proofer, and any suppliers, employees, or agents thereof.*

*"Identity trust framework" means a digital identity system with established identity, security, privacy, technology, and enforcement rules and policies adhered to by certified identity providers that are members of the identity trust framework. Members of an identity trust framework include identity trust framework operators and identity providers. Relying parties may be, but are not required to be, a member of an identity trust framework in order to accept an identity credential issued by a certified identity provider to verify an identity credential holder's identity.*

*"Identity trust framework operator" means the entity that (i) defines rules and policies for member parties to an identity trust framework, (ii) certifies identity providers to be members of and issue identity credentials pursuant to the identity trust framework, and (iii) evaluates participation in the identity trust framework to ensure compliance by members of the identity trust framework with its rules and policies, including the ability to request audits of participants for verification of compliance.*

"Relying party" is an individual or entity that relies on the validity of an identity credential or an associated trustmark. "Trustmark" means a machine-readable official seal, authentication feature, certification, license, or logo that may be provided by an identity trust framework operator to certified identity providers within its identity trust framework to signify that the identity provider complies with the written rules and policies of the identity trust framework.

**§ 59.1-551. Trustmark; warranty.**

The use of a trustmark on an identity credential provides a warranty by the identity provider that the written rules and policies of the identity trust framework of which it is a member have been adhered to in asserting the identity and any related attributes contained on the identity credential. No other warranties are applicable unless expressly provided by the identity provider.

**§ 59.1-552. Establishment of liability; limitation of liability.**

A. An identity trust framework operator or identity provider shall be liable if the issuance of an identity credential or assignment of an identity attribute, or a trustmark, is not in compliance with the Commonwealth's identity management standards in place at the time of issuance. Further, the identity trust framework operator or identity provider shall be liable for noncompliance with applicable terms of any contractual agreement with a contracting party and any written rules and policies of the identity trust framework of which it is a member.

B. An identity trust framework operator or identity provider shall not be liable if the issuance of the identity credential or assignment of an identity attribute or a trustmark was in compliance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) applicable terms of any contractual agreement with a contracting party, and (iii) any written rules and policies of the identity trust framework of which it is a member, provided such identity trust framework operator or identity provider did not commit an act or omission that constitutes gross negligence or willful misconduct. An identity trust framework operator or identity provider shall not be liable for misuse of an identity credential by the identity credential holder or by any other person who misuses an identity credential.

**§ 59.1-553. Commercially reasonable security procedures for electronic fund transfers.**

Use of an identity credential or identity attribute shall satisfy any requirement for a commercially reasonable security or attribution procedure in Title 8.4A, the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.), provided that the identity credential or identity attribute was issued or assigned in accordance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) the terms of any contractual agreement, and (iii) any written rules and policies of the identity trust framework of which the issuer is a member.

**§ 59.1-554. Applicability of chapter.**

The provisions of this chapter shall not be construed to require any individual or entity to rely on or accept any identity credential or attribute issued in accordance with Commonwealth identity management standards or this chapter.

**§ 59.1-555. Sovereign immunity.**

No provisions of this chapter nor any act or omission of a state, regional, or local governmental entity related to the issuance of electronic identity credentials or attributes or the administration or participation in an identity trust framework related to the issuance of electronic identity credentials or attributes shall be deemed a waiver of sovereign immunity to which the governmental entity or its officers, employees, or agents are otherwise entitled.

## CHAPTER 484

An Act to amend and reenact § 29.1-745 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-10.3, relating to noncommercial vessels; reasonable suspicion.

[H 1298]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-745 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-10.3 as follows:**

**§ 19.2-10.3. Reasonable suspicion required to stop, board, or inspect a noncommercial vessel on navigable waters of the Commonwealth.**

A. Notwithstanding any other provision of law, no law-enforcement officer charged with enforcing laws or regulations on the navigable waters of the Commonwealth shall stop, board, or inspect any noncommercial vessel on the navigable waters of the Commonwealth unless such officer has reasonable suspicion that a violation of law or regulation exists.

B. The provisions of subsection A shall not apply to lawful stops, boardings, or inspections conducted by conservation police officers, as defined in § 29.1-100, or the Virginia Marine Police for the purposes of inspecting hunting, fishing, and trapping licenses pursuant to §§ 28.2-231 and 29.1-337 or creel and bag limit inspections pursuant to § 29.1-209, nor shall it prohibit lawful boating safety checkpoints conducted by conservation police officers and Virginia Marine Police in accordance with established agency policy.

**§ 29.1-745. Enforcement of chapter; vessels displaying Coast Guard inspection decal.**

A. Every conservation police officer, ~~Marine Resources Commission inspector~~ officer of the Virginia Marine Police, and every other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the

provisions of this chapter and shall have authority to stop, board, and inspect any vessel subject to this chapter after having identified himself in his official capacity. Except for enforcement of § 29.1-738 and the requirement of having the registration certificate on board, the provisions of this ~~section~~ *subsection* shall not apply to any vessel of ~~twenty-six~~ 26 feet or more in length on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

*B. Notwithstanding the provisions of subsection A, no conservation police officer, officer of the Virginia Marine Police, or other law-enforcement officer shall, without the consent of the owner, stop, board, or inspect any noncommercial vessel subject to this chapter unless such officer has reasonable suspicion that a violation of law or regulation exists, except that conservation police officers and officers of the Virginia Marine Police may conduct lawful stops or boardings to inspect hunting, fishing, and trapping licenses pursuant to §§ 28.2-231 and 29.1-337 or to inspect creel and bag limits pursuant to § 29.1-209 and may conduct lawful boating safety checkpoints in accordance with established agency policy.*

## CHAPTER 485

*An Act to amend and reenact § 58.1-3233 of the Code of Virginia, relating to real property assessment; valuation for land preservation.*

[H 1483]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3233 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.**

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § 58.1-3230 and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;

2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres, except that for real estate used for *agricultural* purposes, *for purposes* of engaging in aquaculture as defined in § 3.2-2600, or for ~~the~~ purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres;; (ii) forest use consists of a minimum of 20 acres; and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance, except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § 15.2-4405 shall be deemed to be contiguous to any other real property that is located in such district. For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § 58.1-3230, or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than 10 years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240. Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.2-4314 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

## CHAPTER 486

*An Act to amend and reenact § 58.1-439.12:05 of the Code of Virginia, relating to the green job creation tax credit; sunset.*

[H 1843]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-439.12:05 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.12:05. Green job creation tax credit.**

A. For taxable years beginning on or after January 1, 2010, but before January 1, ~~2015~~ 2018, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for each new green job created within the Commonwealth by the taxpayer. The amount of the annual credit for each new green job shall be \$500 for each annual salary that is \$50,000 or more. The credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Each taxpayer qualifying under this section shall be allowed the credit for up to 350 green jobs.

B. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include hydrogen and fuel cell technology, landfill gas, geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

C. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled in the Commonwealth during the respective taxable year.

D. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. If the taxpayer is eligible for the tax credits under this section and creates green jobs in an enterprise zone, as defined in § 59.1-539, such taxpayer may also qualify for the benefits under the Enterprise Zone Grant Program (§ 59.1-538 et seq.).

G. A taxpayer shall not be allowed a tax credit pursuant to this section for any green job for which the taxpayer is allowed (i) a major business facility job tax credit pursuant to § 58.1-439 or (ii) a federal tax credit for investments in manufacturing facilities for clean energy technologies that would foster investment and job creation in clean energy manufacturing.

**CHAPTER 487**

*An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property; miscellaneous and incidental property.*

[H 2098]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;
16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;
17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;
18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;
19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;
20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who

applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an

upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

46. *Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$250. A county, city, or town may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list.*

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through ~~45~~ 46, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

## CHAPTER 488

*An Act to amend and reenact §§ 58.1-803, 58.1-809, and 58.1-812 of the Code of Virginia, relating to deeds of trust or mortgages; maximum tax.*

[H 2161]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-803, 58.1-809, and 58.1-812 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-803. Deeds of trust or mortgages; maximum tax.

A. ~~A~~ 1. Except as provided in this section, a recordation tax on deeds of trust or mortgages is hereby imposed at a rate of 25 cents on every \$100 or portion thereof of the amount of bonds or other obligations secured thereby. In the event of an open, *credit line*, or revolving deed of trust, the amount of the obligation for purposes of this section shall be the maximum amount ~~which~~ secured that may be outstanding at any one time, regardless of the amount owed or outstanding at the time the instrument is recorded.

2. In any case in which the amount which may be secured under a deed of trust or mortgage is not ascertainable, or in which the obligations described are not fully secured because they exceed the fair market value of the property conveyed, the tax shall be based upon the fair market value of the property conveyed, determined as of the date of the deed of trust or mortgage. The fair market value of the property shall include the value of any realty required by the terms of the deed of trust or mortgage to be constructed thereon.

B. On deeds of trust or mortgages upon the works and property of a railroad lying partly within the Commonwealth and partly without the Commonwealth, the tax shall be only upon such proportion of the amount of bonds, or other obligations secured thereby, as the number of miles of the line of such company in the Commonwealth bears to the whole number of miles of the line of such company conveyed by such deed of trust or mortgage.

~~Upon~~ On deeds of trust or mortgages conveying ~~either~~ (i) property lying partly within the Commonwealth and partly ~~without~~ outside the Commonwealth or (ii) property within the Commonwealth to secure bonds or obligations secured by deeds of trust or mortgages on property outside the Commonwealth, the tax herein imposed shall be only upon such proportion of the ~~debt secured~~ bonds or obligations as the actual value of the property located within the Commonwealth, or which may be brought into the Commonwealth, bears to the actual value of the entire amount of property conveyed by such deed of trust or mortgage or to the entire amount of property conveyed by all of such deeds of trust or mortgages to secure the bonds or obligations, as applicable, subject to the limitations set forth in subdivision A 2.

C. On deeds of trust or mortgages, which provide for an initial issue of bonds, to be followed thereafter by additional bonds, unlimited in amount, if such deed of trust or mortgage provides that as and when such additional bonds are issued a supplemental indenture shall be recorded in the office in which the original deed of trust or mortgage is first recorded, which supplement shall contain a statement as to the amount of the additional bonds to be issued, then the tax shall be paid upon the initial amount of bonds when the original deed of trust is recorded and thereafter on each additional amount of bonds when the supplemental indenture relating to such additional bonds is recorded.

D. 1. On deeds of trust ~~or~~ mortgages ~~which~~, or other instruments that are supplemental to ~~or~~ wrap around ~~existing~~ deeds of trust, or which modify the terms of an existing debt with the same lender deed of trust or mortgage, on which the tax imposed hereunder has already been paid, the tax shall be paid only on that portion of the face amount of the bond or obligation secured thereby which is in addition to the amount of the ~~existing~~ original debt or obligation secured by a the deed of trust or mortgage on which tax has been paid. The tax shall be calculated using the rate scale in subsection F, starting at the point on the scale that applies to the first dollar in excess of the amount of the original debt or obligation secured by the prior instrument. In the event of an open, *credit line*, or revolving deed of trust, the additional amount secured shall be the amount by which the original obligation secured by the supplemental instrument exceeds the maximum obligation secured by the prior instrument, regardless of the amount owed or outstanding at the time those instruments were recorded. The instrument shall certify the amount of the ~~existing~~ original debt or obligation secured, subject to the limitation set forth in subdivision A 2.

2. If the principal amount of the obligation secured by the prior instrument is increased by the supplemental instrument, the tax imposed under this section shall be paid only on the amount of the increase over the original amount secured by the prior instrument. If the bonds or other obligations secured by a prior instrument were not fully secured because they exceeded the fair market value of the property conveyed and the tax paid on the prior instrument was based upon the fair market value of the property conveyed pursuant to subdivision A 2, then the foregoing tax shall be paid on the increase, if any, in the value of such property since the recordation of the prior instrument.

3. The supplemental instrument, or any cover sheet submitted with the supplemental instrument, shall include the original principal amount of the bonds or other obligations secured by the prior instrument, the deed book and page number or instrument number, as applicable, of the prior instrument, and, if applicable with regard to the calculation of the tax paid on the prior instrument, any increase in the fair market value of the property conveyed.

~~D~~ E. 1. On deeds of trust or mortgages, the purpose of which is to ~~refinance~~ secure the refinancing of an existing debt, which debt is secured by a deed of trust or mortgage on which the tax imposed hereunder has been paid, the tax shall be paid ~~only on that portion of~~ on the amount of the bond or other obligation secured thereby ~~determined~~, subject to the limitation set forth in subdivision A 2, in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 18 cents (\$0.18) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 14 cents (\$0.14) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 12 cents (\$0.12) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 10 cents (\$0.10) upon every \$100 or portion thereof, incorporated into this section.

2. The instrument shall certify the deed book and page number *or instrument number, as applicable*, of the recorded instrument on which the tax for the original debt was paid. For purposes of this subsection, the term "value" means ~~the portion of the amount of the bond or other obligation secured by the property conveyed by the refinancing deed of trust.~~

~~E. F.~~ The maximum tax on the recordation of any deed of trust or mortgage or on any indenture supplemental thereto, other than instruments subject to ~~subsection D subdivision E 1~~, shall be determined in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 25 cents (\$0.25) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 22 cents (\$0.22) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 19 cents (\$0.19) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 13 cents (\$0.13) upon every \$100 or portion thereof, incorporated into this section.

**§ 58.1-809. When supplemental writings not taxable.**

Sections 58.1-803, 58.1-807, and 58.1-808 are not to be construed as requiring the payment of any tax for the recordation of any deed of trust, deed of subordination, mortgage, contract, agreement, modification, addendum, or other writing *that is supplemental to any such deed of trust, mortgage, contract, agreement, modification, addendum, or other writing theretofore admitted to record; hereinafter called the prior instrument*, upon which the tax herein imposed has been paid, or which is exempt from the tax herein imposed by reason of subsection C of § 58.1-804, when the sole purpose and effect of the supplemental instrument ~~or writing~~ is *to wrap around a prior instrument*, to convey property, in addition to or in substitution, in whole or in part, of the property conveyed in a prior instrument, to secure or to better secure the payment of the amount contracted for in a prior instrument, to alter the priority of ~~the a prior instrument~~, or to modify the terms, conditions, parties, or provisions of ~~such a prior instruments instrument~~, other than to increase the amount of the principal obligation secured thereby.

The assumption of a deed of trust shall not be separately taxable under §§ § 58.1-801, 58.1-803 or § 58.1-807, whether such assumption is by a separate instrument or included in the deed of conveyance.

**§ 58.1-812. Payment prerequisite to recordation; exceptions; assessment and collection of tax; penalty for misrepresentation.**

A. Except as otherwise provided in this chapter, no deed, deed of trust, contract or other instrument shall be admitted to record without the payment of the tax imposed thereon by law and the fee pursuant to § 58.1-817, as applicable. However, after payment of the tax imposed by this chapter, when an instrument is first offered for recordation, such instrument may thereafter be recorded in the office of any other clerk without the payment of any tax except any local recordation tax as provided in Article 1 (§ 58.1-3800 et seq.) of Chapter 38 ~~of this title~~. Any instrument may also be recorded free of tax and fee in the office of the clerk where such instrument was originally recorded when the record containing such instrument has been destroyed.

B. The tax on every deed, deed of trust, contract or other instrument shall be determined and collected by the clerk in whose office the instrument is first offered for recordation. The clerk may ascertain the consideration of the deed or of the instrument, the actual value of the property conveyed, and the qualification of the deed or instrument for any exemption claimed by inquiry, affidavit, declaration or other extrinsic evidence acceptable to the clerk. The fee shall be \$1 on every recorded deed pursuant to § 58.1-817 and shall be collected by the clerk in whose office the deed is offered for recordation.

C. Any person who knowingly misrepresents the consideration for the interest in property conveyed by a deed or other instrument or any of the other information requested by the clerk of court pursuant to this section shall be guilty of a Class 1 misdemeanor. If an understatement of the consideration is false or fraudulent with intent to evade a tax, a penalty equal to 100 percent of the tax due on the understatement shall be added to the amount of the tax due, plus interest on the tax at a rate determined in accordance with § 58.1-15 from the time the tax was required by law to be filed until paid.

*D. Except as otherwise specifically provided, nothing contained in this chapter shall limit the right of the parties to any deed, deed of trust, contract, lease, or other instrument to allocate responsibility for the payment of the recordation taxes and fees imposed under this chapter among themselves in any manner they determine. A clerk who in good faith collects such taxes and fees upon recordation of a deed, deed of trust, contract, lease, or other instrument in reliance upon information provided by the person submitting such deed, deed of trust, contract, lease, or other instrument for recordation shall have no personal liability for any deficiency in the amount of such taxes or fees collected that is later determined to be due and payable.*

**2. That the provisions of this act shall be applicable to transactions occurring on or after July 1, 2015.**

## CHAPTER 489

*An Act to amend and reenact §§ 10.1-115 through 10.1-119 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120, relating to conservation officers; Breaks Interstate Park.*

[S 858]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-115 through 10.1-119 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 1 of Title 10.1 a section numbered 10.1-120 as follows:**

**§ 10.1-115. Appointment of conservation officers; qualifications; oath.**

A. The Director ~~of the Department~~, when he deems it necessary, may request the Governor to commission ~~individuals~~ *an individual* designated by the Director to act as a conservation ~~officers~~ *officer* of the Commonwealth. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a conservation officer commission to the designated individual. The Secretary of the Commonwealth shall deliver a copy of the commission to the Director. Any individual so commissioned shall hold his commission during his term of employment with the Department, subject to the provisions of § 10.1-118.

B. *The Director, upon the request of the Breaks Interstate Park Commission, may request the Governor to commission an individual who meets the requirements of § 10.1-120 and is designated by the Director to act as a conservation officer of the Commonwealth. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a conservation officer commission to the designated individual. The Secretary of the Commonwealth shall deliver a copy of the commission to the Director.*

C. To be qualified to receive a conservation officer commission, a person shall (i) be at least ~~twenty-one~~ 21 years of age and (ii) have graduated from high school or obtained an equivalent diploma.

~~C.~~ D. Each conservation officer shall qualify before the clerk of the circuit court of the city or county in which he resides, or in which he first is assigned duty, by taking the oaths prescribed by law. *An employee of the Breaks Interstate Park Commission shall qualify before the clerk of the circuit court of Dickenson County.*

~~D.~~ E. The Director may designate certain conservation officers to be special conservation officers. Special conservation officers shall have the same authority and power as sheriffs throughout the Commonwealth to enforce the laws of the Commonwealth.

**§ 10.1-116. Jurisdiction of conservation officers.**

Conservation officers shall have jurisdiction throughout the Commonwealth on all Department lands and waters and upon lands and waters under the management or control of the Department, on property of the United States government or a department or agency thereof on which the Commonwealth has concurrent jurisdiction and is contiguous with land of the Department or on which the Department has a management interest, *on property operated by the Breaks Interstate Park Commission within the Commonwealth of Virginia with the written agreement of the Commission*, on a property of another state agency or department whose property is contiguous with land of the Department, and in those local jurisdictions in which mutual aid agreements have been established pursuant to § 15.2-1736.

Special conservation officers appointed pursuant to § 10.1-115 shall have jurisdiction throughout the Commonwealth.

**§ 10.1-117. Powers and duties of conservation officers.**

A. It shall be the duty of all conservation officers to uphold and enforce the laws of the Commonwealth ~~and~~, the regulations of the Department, *and the rules and regulations of the Breaks Interstate Park Commission.*

B. Commissioned conservation officers shall be law-enforcement officers and shall have the power to enforce the laws of the Commonwealth ~~and~~, the regulations of the Department and the collegial bodies under administrative support of the Department, *and the rules and regulations of the Breaks Interstate Park Commission.* If requested by the chief law-enforcement officer of the locality, conservation officers shall coordinate the investigation of felonies with the local law-enforcement agency.

**§ 10.1-118. Decommissioning of conservation officers.**

Upon separation from the Department *or the Breaks Interstate Park Commission*, incapacity, death, or other good cause, the Director may recommend in writing the decommissioning of any conservation officer to the Governor. Upon concurring with the Director's request, the Governor shall direct the Secretary of the Commonwealth to issue a certificate of decommissioning to the conservation officer. The Secretary of the Commonwealth shall deliver a copy of the certificate to the Director. Upon receipt of the decommissioning certificate, the Director shall ensure that the certificate is recorded at the office of the clerk of the circuit court of any city or county in which the individual took his oath of office.

**§ 10.1-119. Defense of conservation officer of the Department prosecuted on criminal charges.**

If any conservation officer ~~appointed by the Director~~ shall be brought before any regulatory body, summoned before any grand jury, investigated by any other law-enforcement agency, or arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Director may employ special counsel approved by the Attorney General to defend such officer. Upon a finding that (i) the officer did not violate a law or regulation resulting from the act that was the subject of the investigation and (ii) the officer will not be terminated from

employment as the result of such act, the Director shall ~~pay~~ *arrange for payment* for the special counsel employed. The compensation for special counsel employed pursuant to this section shall, subject to the approval of the Attorney General, be paid out of the funds appropriated for the administration of the Department of Conservation and Recreation *or the Breaks Interstate Park Commission as may be applicable.*

**§ 10.1-120. Commissioning of Breaks Interstate Park Commission employees as conservation officers.**

A. *The Director shall ensure that an employee of the Breaks Interstate Park Commission whom the Commission recommends for commissioning as a conservation officer in accordance with subsection B of § 10.1-115 meets the minimum qualifications for law-enforcement officers set out in § 15.2-1705, is subject to the minimum training standards set out in § 9.1-114, abides by the Department's law-enforcement in-service training requirements, and abides by the law-enforcement directives of the Department unless exceptions by the Department are granted in writing. For the purposes of law-enforcement directives, the Breaks Interstate Park shall be treated as a Virginia State Park.*

B. *The Commission shall bear the expenses associated with training and equipping a Commission employee as a conservation officer to Department standards unless the Department agrees otherwise.*

**CHAPTER 490**

*An Act to amend and reenact §§ 2.2-225, 2.2-2220.1, 2.2-2221, and 2.2-2233.1 of the Code of Virginia, relating to investment in research and technology in the Commonwealth.*

[S 1038]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-225, 2.2-2220.1, 2.2-2221, and 2.2-2233.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-225. Position established; agencies for which responsible; additional powers.**

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the E-911 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Review and approve or disapprove, according to the recommendations of the Chief Information Officer (CIO) pursuant to § 2.2-2008, the selection or termination of any Commonwealth information technology project that has been defined or designated as a "major information technology project" pursuant to subdivision 13 and any Commonwealth information technology project with high risk and high complexity.

12. Review and approve statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth, as recommended by the CIO pursuant to § 2.2-2007.

13. Develop the criteria, requirements, and process for defining a Commonwealth information technology project as a "major information technology project" for the purposes of § 2.2-2006, including the criteria, requirements, and process for designating a Commonwealth information technology project that has a cost below \$1 million as a "major information technology project."

14. Designate Commonwealth information technology projects as major information technology projects according to the criteria, requirements, and process developed pursuant to subdivision 13.

15. Review and approve the initiation or termination of any procurement conducted pursuant to § 2.2-2012 with a total estimated cost over \$1 million, and contracts or amendments thereto.

16. Review and approve statewide information technology project, procurement, and investment management policies and standards, as developed and recommended by the CIO pursuant to § 2.2-2007.

17. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects.

18. Review and approve the Commonwealth Project Management Standard as defined in § 2.2-2006.

19. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

20. *Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.*

#### **§ 2.2-2220.1. Research and Technology Investment Advisory Committee.**

A. The Authority shall be advised by the Research and Technology Investment Advisory Committee (the Advisory Committee). The Advisory Committee shall be administered by the Authority and consist of 10 members as follows: the four vice-provosts of research at major state institutions of higher education from the state institutions of higher education not represented on the Authority, the president and chief executive officer of the Virginia Economic Development Partnership, and five citizen members appointed by the Authority. ~~The citizen members shall be appointed as follows: two citizens shall be representatives of venture capital firms or other capital market participants with experience in financing emerging technology businesses, one citizen shall be a representative of an engineering firm with experience in the development of facilities for emerging technology companies, one citizen shall represent an independent or federal research facility in the Commonwealth, and as follows: (i) the Speaker of the House of Delegates shall appoint one citizen who shall have experience in financing emerging technology businesses and one citizen who shall be a representative of an engineering firm, (ii) the Senate Committee on Rules shall appoint one citizen who shall be a representative of an engineering firm and one citizen who shall represent an independent or federal research facility in the Commonwealth, and (iii) the Governor shall appoint one citizen who shall represent a technology company with significant operations in the Commonwealth.~~ A vice-provost of a state institution shall serve until the president of the institution that he represents is appointed to serve on the Authority, at which time the vice-provost of the state institution no longer represented on the Authority shall become a member of the Advisory Committee. Citizen members shall be appointed for terms of four years. A citizen member may be appointed for successive terms.

B. The Advisory Committee shall assist the Authority in reviewing applications for awards from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1 and make recommendations to the Authority concerning the awards. In reviewing the applications, the Advisory Committee shall only recommend for award those applications that, based upon the Commonwealth Research and Technology Strategic Roadmap and in the opinion of the Advisory Committee, (i) are based upon sound scientific principles and present an opportunity for valid research, (ii) relate to a key industry sector identified in the Commonwealth Research and Technology Strategic Roadmap as an area of focus for technology investment in the Commonwealth, and (iii) present a significant potential for commercialization in the Commonwealth. In the case of an application for an award from the eminent researcher recruitment program pursuant to subdivision D 6 5 of § 2.2-2233.1, the Advisory Committee shall only consider researchers who conduct viable research with significant potential for commercialization in an area related to a key industry sector identified in the Strategic Roadmap as an area of focus for technology investment in the Commonwealth.

#### **§ 2.2-2221. Powers of the Authority.**

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts.
2. Adopt, use, and alter at will a corporate seal.
3. Acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time

acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the board of the Authority.

4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.

5. Adopt bylaws for the management and regulation of its affairs.

6. Establish and maintain satellite offices within the Commonwealth.

7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2219, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

8. Borrow money, make and issue bonds including bonds as the Authority may determine to issue for the purpose of accomplishing the purposes set forth in § 2.2-2219 or of refunding bonds previously issued by the Authority, and to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts or of any project or property, real, personal or mixed, tangible or intangible, or any interest therein, and to make agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority deems advisable, and in general to provide for the security for the bonds and the rights of holders thereof.

9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes and the execution of its powers under this article, including agreements with any person or federal agency.

10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.

11. Receive and accept from any federal or private agency, foundation, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

12. Render advice and assistance, and to provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.

13. Develop, undertake and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education and in-service training, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; to foster the utilization of scientific and technological research information, discoveries and data and to obtain patents, copyrights and trademarks thereon; to coordinate the scientific and technological research efforts of public institutions and private industry and to collect and maintain data on the development and utilization of scientific and technological research capabilities. The universities set forth in § 2.2-2220 shall be the principal leading universities in the research institutes.

14. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

15. Receive, administer, and market any interest in patents, copyrights and materials that were potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education and political subdivisions of the Commonwealth. The Authority shall return to the agency, institution or political subdivision any revenue in excess of its administrative and marketing costs. When general funds are used to develop the patent or copyright or material that was potentially patentable or copyrightable, any state agency, except a public institution of higher education in Virginia, shall return any revenues it receives from the Authority to the general fund unless the Governor authorizes a percentage of the net royalties to be shared with the developer of the patented, copyrighted, or potentially patentable or copyrightable property.

16. Develop the Commonwealth Research and Technology Strategic Roadmap, pursuant to § 2.2-2221.2 for the Commonwealth to use to identify research areas worthy of institutional focus and Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

17. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's state institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development commercialization efforts.

18. Receive and review annual reports from state institutions of higher education regarding the progress of projects funded through the Commonwealth Research Initiative or the Commonwealth Research and Commercialization Fund. The Authority shall develop guidelines, methodologies, and criteria for the reports. The Authority shall aggregate the reports and

submit an annual omnibus report on the status of research and development initiatives in the Commonwealth to the Governor and the chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on General Laws and Technology, the House Committee on Science and Technology, and the Joint Commission on Technology and Science.

19. Develop guidelines, *in consultation with the Secretary of Technology*, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1. These guidelines shall address, at a minimum, the application process and shall give special emphasis to fostering collaboration between institutions of higher education and partnerships between institutions of higher education and business and industry.

20. ~~Appoint the citizen members of the Research and Technology Investment Advisory Committee pursuant to § 2.2-2220.1.~~

~~24.~~ Do all acts and things necessary or convenient to carry out the powers granted to it by law.

**§ 2.2-2233.1. Commonwealth Research Commercialization Fund; continued; purposes; report.**

A. For purposes of this section:

"Guidelines" means guidelines developed *in consultation with the Secretary of Technology* and published by the Authority regarding the administration of the Commonwealth Research Commercialization Fund.

"Qualified research and technologies" means research programs or technologies identified in the Commonwealth Research and Technology Strategic Roadmap as areas of focus for technology investment in the Commonwealth, which may include but are not limited to the fields of energy, conservation, environment, microelectronics, robotics and unmanned vehicle systems, advanced shipbuilding, or lifespan biology and medicine.

"Qualifying institution" means (i) a public or private institution of higher education in the Commonwealth or its associated intellectual property foundation that adopts a policy regarding the ownership, protection, assignment, and use of intellectual property pursuant to § 23-4.3 or (ii) a federal research facility located in the Commonwealth.

"SBIR" means the Small Business Innovation Research Program authorized under 15 U.S.C. § 638.

"STTR" means the Small Business Technology Transfer Program authorized under 15 U.S.C. § 638.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is created in the state treasury a special nonreverting, permanent fund, to be known as the Commonwealth Research Commercialization Fund (the Fund), to be administered by the Authority pursuant to the guidelines. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the chairman or the vice-chairman of the Authority, or, if so authorized by the Authority, bearing his facsimile signature, and the official seal of the Authority.

C. Awards from the Fund shall be made by the Authority, pursuant to the guidelines and upon the recommendation of the Research and Technology Investment Advisory Committee. Awards from the Fund shall only be made to applications that further the goals set forth in the Commonwealth Research and Technology Strategic Roadmap.

D. Awards from the Fund may be granted for the following programs:

1. For fiscal years beginning with a Fund balance of less than \$7 million, an SBIR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received a Phase I SBIR award from the National Institute of Health targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

*The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award.* Applicants shall be eligible for matching grants of up to \$50,000 of the Phase I award. All applicants shall be required to submit a commercialization plan with their application.

2. For fiscal years beginning with a Fund balance of \$7 million or greater, an SBIR and STTR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received an SBIR or STTR award targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

*The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award.* Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application.

3. A matching funds program to assist qualifying institutions and other research institutions in leveraging federal and private funds designated for the commercialization of qualified research or technologies. The chairman of the Authority is authorized to issue letters of financial commitment to assist applicants in leveraging federal and private funds.

4. A facilities enhancement loan program for qualifying institutions and political subdivisions to provide lease or credit guarantees to assist in financing facilities utilized for commercializing qualified research or technologies developed at qualifying institutions. The facilities enhancement loan program shall have the following parameters:

a. Qualifying institutions and political subdivisions may apply to the Fund for loans to the extent that such institution's or political subdivision's outstanding principal balance at any one time does not exceed \$500,000. Loan applications shall include business plans that detail and explain the anticipated uses of funds received and the proposed repayment schedule.

b. Loans from the Fund shall take the form of a contractual commitment to the recipient qualifying institution or political subdivision for a line of credit for up to five years, along with an approved schedule of repayment. During the contractual period the recipient qualifying institution or political subdivision may draw upon the line of credit for any expense for which the loan was made, not to exceed the stated amount of the loan award. At the end of the contractual period, the line of credit shall terminate and the outstanding balance of the withdrawals on that line of credit shall become the established basis for that loan.

e. During the contractual period, deferred interest shall accumulate on the outstanding balance at a rate of three percent compounded annually. Borrowing institutions or political subdivisions may prepay part or all of any loan received from the Fund without penalty, and, if repayment is completed within the contractual period of the line of credit, the accumulated interest obligation shall be forgiven.

d. Repayment of the established basis shall consist of a maximum of 84 equal monthly payments of principal and compounded interest at the determined rate beginning on the first day of the month following the end of the contractual period.

5. A commercialization program to incentivize the commercialization of a product or service related to a qualifying technology. An eligible applicant shall have operations in the Commonwealth, and the project proposed by the applicant shall:

- a. Commercialize a product or service related to a qualifying technology;
- b. Have a demonstrable economic development benefit to the Commonwealth;
- c. Match the award, on at least a one-to-one basis, from other available funds, including funds from an institution of higher education collaborating on the project; and
- d. Have a reasonable probability of enhancing the Commonwealth's national and global competitiveness.

Priority shall be given to those applications that propose projects that (i) are collaborative between private and nonprofit entities, public or private agencies, and qualifying institutions or research institutions; (ii) project a short time to commercialization, although transformative projects with a longer projected time to commercialization shall not be discounted; (iii) have active third-party equity holders; (iv) have technology and management in place that are likely to successfully bring the product or service to the marketplace; or (v) are from applicants who have a history of successful projects funded by the Fund. *The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award.*

6. 5. An eminent researcher recruitment program to acquire and enhance research superiority at public qualifying institutions. For purposes of applications pursuant to this subdivision, the applicant shall be a state institution of higher education. In order to qualify for an award, the applicant shall:

- a. Demonstrate that the researcher being recruited would create research superiority at the institution;
- b. Demonstrate that the institution making the application has sufficient technology transfer processes and other research capabilities in place to meet the needs of the researcher being recruited;
- c. Involve a private sector partner with business operations in the Commonwealth;
- d. Demonstrate that the research conducted by the researcher is in a qualifying technology; and
- e. Match the award, on at least a one-to-one basis, with 50 percent of the match from the applicant and 50 percent of the match from the private sector partner.

E. Any application for an award from the Fund shall include a strategic plan that, at a minimum, identifies (i) how the proposed project fits into the Commonwealth Research and Technology Strategic Roadmap, (ii) other funds that may be reasonably expected from other sources as a result of an award from the Fund, (iii) the potential for commercialization of the research or technology underlying the application, and (iv) opportunities for public and private collaboration.

F. No award shall be made from the Fund until a performance agreement or memorandum of understanding is agreed to by the Authority and the recipient of the award memorializing the terms and conditions of the award. Such agreement or memorandum of understanding shall set forth any conditions for receipt of the award, any dates certain for the completion of certain acts by the recipient, and provisions for the repayment of any award, including the rate of interest to be charged if any, if the recipient does not meet the terms of the agreement. In the event that an award is to be made over a multi-year period, the performance agreement or memorandum of understanding shall establish certain benchmarks or performance standards against which to measure the interim success of the project before additional funds are disbursed from the Fund.

G. The chairman of the Authority shall provide the Governor and the General Assembly with an annual report to include a detailed list of awards and loans committed, the amount of each approved award or loan, a description of the approved proposals, and the amount of federal or private matching funds anticipated where applicable, a statement concerning how the approved proposals further the goals of the Commonwealth Research and Technology Strategic Roadmap, and an assessment of the effectiveness of the Fund.

H. Administrative expenses related to implementing the guidelines and review process may be reimbursed from the Fund.

**2. That this act shall not be construed to affect existing appointments to the Research and Technology Investment Advisory Committee for the terms that have not expired as of July 1, 2015. However, any new appointments made after July 1, 2015, shall be made in accordance with this act.**

## CHAPTER 491

*An Act to amend and reenact § 3.2-6570 of the Code of Virginia, relating to intentional tripping of equines; penalty.*

[S 1081]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-6570 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-6570. Cruelty to animals; penalty.**

A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) *ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care*; (v) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; ~~(vi)~~ (vi) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or ~~(vii)~~ (vii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) *ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care*; (iv) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; ~~(v)~~ (v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through ~~(iv)~~; or (iv) or (vi) causes any of the actions described in clauses (i) through ~~(iv)~~ (v), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

D. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this title or regulations adopted hereunder.

E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection is a Class 6 felony.

F. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another; and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have

taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552.

G. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 492

*An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to the definition of private animal shelter.*

[S 1381]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-6500 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-6500. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus *Lama*; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility *operated for the purpose of finding permanent adoptive homes for animals* that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other *similar organization operating for the purpose of finding permanent adoptive homes for animals*.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

### CHAPTER 493

*An Act to amend and reenact § 28.2-400.2 of the Code of Virginia and to repeal § 28.2-1000.1 of the Code of Virginia, the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, and the fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, relating to management of the menhaden fishery.*

[S 1464]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-400.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 28.2-400.2. (Expires July 1, 2016) Total allowable landings for menhaden.**

A. Except as provided for in subsections B, C, and D, the total allowable landings for menhaden shall be 144,272.84 metric tons per year. *However, if the Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase the total allowable landings for menhaden, the Governor may implement the revised quota by proclamation.*

B. If the total allowable landings specified in subsection A are exceeded in any year, the total allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in § 28.2-400.3.

C. The Commissioner may request a transfer of menhaden landings from any other state that is a member of the Atlantic States Marine Fisheries Commission. If the Commonwealth receives a transfer of menhaden in any year from another state, the total allowable landings for only that year shall increase by the amount of transferred landings. The Commissioner may transfer menhaden to another state only if there are unused landings after December 15.

D. Any portion of the one percent of the coast-wide total allowable catch set aside by the Atlantic States Marine Fisheries Commission for episodic events that is unused as of September 1 of any year shall be returned to Virginia and other states according to allocation guidelines established by the Atlantic States Marine Fisheries Commission. Any such return of this portion of the coast-wide total allowable catch to Virginia shall increase the total allowable landings for that year.

**2. That the second enactment of Chapter 41 of the Acts of Assembly of 2007, as amended by Chapters 178 and 728 of the Acts of Assembly of 2010, Chapters 59 and 760 of the Acts of Assembly of 2013, and Chapter 104 of the Acts of Assembly of 2014, is repealed.**

**3. That the fourth enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, are repealed.**

**4. That § 28.2-1000.1 of the Code of Virginia is repealed.**

**5. That an emergency exists and this act is in force from its passage.**

### CHAPTER 494

*An Act to amend and reenact § 33.2-1400 of the Code of Virginia, relating to chairmanship of the Virginia-North Carolina Interstate High-Speed Rail Compact.*

[S 815]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-1400 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1400. Virginia-North Carolina Interstate High-Speed Rail Compact.**

§ 1. Short title.

This act shall be known and may be cited as the Virginia-North Carolina Interstate High-Speed Rail Compact.

§ 2. Compact established.

Pursuant to the invitation in 49 U.S.C. § 24101 Interstate Compacts, in which the United States Congress grants consent to states with an interest in a specific form, route, or corridor of intercity passenger rail service (including high-speed rail service) to enter into interstate compacts, there is hereby established the Virginia-North Carolina Interstate High-Speed Rail Compact.

§ 3. Agreement.

The Commonwealth of Virginia and the State of North Carolina agree, upon adoption of this compact:

1. To study, develop, and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina and adjacent states;
2. To coordinate efforts to establish high-speed rail service at the federal, state, and local governmental levels;
3. To advocate for federal funding to support the establishment of high-speed interstate rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development; and
4. To provide funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission from funds that are or may become available and are appropriated for that purpose.

§ 4. Commission established; appointment and terms of members; chairman; reports; Commission funds; staff.

The Virginia-North Carolina High-Speed Rail Compact Commission is hereby established as a regional instrumentality and a common agency of each signatory party, empowered in a manner hereinafter set forth to carry out the purposes of the Compact.

The Virginia members of the Commission shall be appointed as follows: three members of the House of Delegates appointed by the Speaker of the House of Delegates, and two members of the Senate appointed by the Senate Committee on Rules. The North Carolina members of the Commission shall be composed of five members as follows: two members of the Senate appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, and one appointed by the Governor.

~~The chairman of~~ A Co-Chairman to the Commission shall be chosen by the Virginia members of the Commission from among its Virginia membership for a term of one year; ~~and shall alternate between the member states.~~

A Co-Chairman to the Commission shall be chosen by the North Carolina members of the Commission from among its North Carolina membership for a term of one year.

The Commission shall meet at least twice each year, at least once in Virginia and once in North Carolina, and shall issue a report of its activities each year.

The Commission may utilize, for its operation and expenses, funds appropriated to it therefor by the legislatures of Virginia and North Carolina or received from federal sources.

Virginia members of the Commission shall receive compensation and reimbursement for the necessary and actual expenses as provided in the general appropriations act; North Carolina members of the Commission shall receive per diem, subsistence and travel allowances in accordance with applicable statutes of North Carolina, as appropriate.

Primary staff to the Commission shall be provided by the Virginia Department of Rail and Public Transportation and the North Carolina Department of Transportation.

## CHAPTER 495

*An Act to amend the Code of Virginia by adding a section numbered 55-50.4, relating to property; government maintenance of private road.*

[S 1312]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 55-50.4 as follows:**

**§ 55-50.4. Private roads; public use; maintenance and improvements.**

*Notwithstanding any provision of a recorded deed or plat to the contrary, a private road serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system, subject to the provisions and requirements set forth in §§ 33.2-335 and 33.2-336, if the owner of the fee interest in such private road obtains the written consent of every lot owner in the subdivision whose lot is served by the private road and the holder of any restrictive covenant or easement rights over and concerning the private road prior to making such dedication and before requirements for acceptance of the road into the secondary state highway system are met. Such consent shall be recorded in the land records of the clerk's office of the circuit court of the county wherein the private road is located.*

## CHAPTER 496

*An Act to amend and reenact § 33.2-2508 of the Code of Virginia, relating to the Northern Virginia Transportation Authority; regional plan.*

[S 1314]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-2508 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-2508. Responsibilities of Authority for long-range transportation planning.**

~~The~~ *In fulfilling the requirements of subdivision 1 of § 33.2-2500, the Authority shall be responsible for long-range transportation planning for regional transportation projects in Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus whenever possible, set regional transportation policies and priorities for regional transportation projects. The policies and priorities shall have reducing congestion in Planning District 8 as their primary objective to the greatest extent practicable and shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner. Each locality embraced by the Authority shall annually inform the Authority about any land use or transportation elements of its comprehensive plan that are not consistent with the plan required by subdivision 1 of § 33.2-2500. No change in such comprehensive plan shall compel the Authority to alter the plan prepared according to this section.*

**CHAPTER 497**

*An Act to amend and reenact § 62.1-44.15:52 of the Code of Virginia, relating to exemption from erosion and sediment control requirements for routine highway maintenance projects.*

[H 1827]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-44.15:52 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.15:52. Virginia Erosion and Sediment Control Program.**

A. The Board shall develop a program and adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that shall be met in any control program to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Permit Regulations *or exempt pursuant to subdivision C 7 of § 62.1-44.15:34.*

The regulations shall:

1. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

2. Include such survey of lands and waters as may be deemed appropriate by the Board or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems; and

3. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities.

B. The Board shall provide technical assistance and advice to, and conduct and supervise educational programs for VESCP authorities.

C. The Board shall adopt regulations establishing minimum standards of effectiveness of erosion and sediment control programs, and criteria and procedures for reviewing and evaluating the effectiveness of VESCPs. In developing minimum standards for program effectiveness, the Board shall consider information and standards on which the regulations promulgated pursuant to subsection A are based.

D. The Board shall approve VESCP authorities and shall periodically conduct a comprehensive program compliance review and evaluation to ensure that all VESCPs operating under the jurisdiction of this article meet minimum standards of effectiveness in controlling soil erosion, sediment deposition, and nonagricultural runoff. The Department shall develop a schedule for conducting periodic reviews and evaluations of the effectiveness of VESCPs unless otherwise directed by the Board. Such reviews where applicable shall be coordinated with those being implemented in accordance with the

Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and associated regulations. The Department may also conduct a comprehensive or partial program compliance review and evaluation of a VESCP at a greater frequency than the standard schedule.

E. The Board shall issue certificates of competence concerning the content, application, and intent of specified subject areas of this article and accompanying regulations, including program administration, plan review, and project inspection, to personnel of program authorities and to any other persons who have completed training programs or in other ways demonstrated adequate knowledge. The Department shall administer education and training programs for specified subject areas of this article and accompanying regulations, and is authorized to charge persons attending such programs reasonable fees to cover the costs of administering the programs. Such education and training programs shall also contain expanded components to address plan review and project inspection elements of the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations in accordance with § 62.1-44.15:30.

F. Department personnel conducting inspections pursuant to this article shall hold a certificate of competence as provided in subsection E.

### CHAPTER 498

*An Act to amend the Code of Virginia by adding a section numbered 58.1-3970.2, relating to delinquent real property taxes.*

[H 2173]

Approved March 23, 2015

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 58.1-3970.2 as follows:**

##### **§ 58.1-3970.2. When delinquent taxes may be deemed paid in full.**

A. For purposes of this section, "tax delinquent property" means any real property for which real property taxes are delinquent on December 31 following the second anniversary of the date on which such taxes have become due or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance, (ii) any nuisance as that term is defined in § 15.2-900, (iii) any derelict building as that term is defined in § 15.2-907.1, or (iv) any property that has been declared to be blighted pursuant to § 36-49.1:1, for which real property taxes are delinquent on the first anniversary of the date on which such taxes have become due.

B. Any county, city, or town may deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax delinquent property and notify credit reporting agencies that such amounts are deemed paid in full, in exchange for conveyance of the property by the owner to an organization that has been granted tax-exempt status under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and that builds, renovates, or revitalizes affordable housing for low-income families.

### CHAPTER 499

*An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 309 and 404 of the Acts of Assembly of 2013.*

[H 1891]

Approved March 23, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2015. These projects do not include projects that were previously funded and authorized to proceed to construction.*

Agency Code/Agency	Priority	Project Name	Category
146—The Science Museum of Virginia	1	Construct Parking Deck/Master Planning	\$0 to \$10,000,000
194—Department of General Services	1	Renovate Supreme Court Building	Above \$100,000,000
	2	Renovate Morson Row	\$0 to \$10,000,000
	3	Demolish Zincke, Ferguson, and Aluminum Buildings	\$0 to \$10,000,000
199—Department of Conservation & Recreation	1	Renovate Historic Buildings, Walnut Valley Farm, Chippokes Plantation State Park	\$0 to \$10,000,000

	2	Construct On-Site Residences, Various State Parks	\$0 to \$10,000,000
	3	Improve Natural Areas Access	\$0 to \$10,000,000
	4	Construct Visitor Centers at Douthat, Kiptopeke, & High Bridge State Parks	\$0 to \$10,000,000
	5	Construct Improvements at Natural Areas	\$0 to \$10,000,000
	6	Construct Visitor Centers at Twin Lakes, Sky Meadows, and Fairy Stone State Parks	\$0 to \$10,000,000
	7	Construct Visitor Center/Environmental Education Center, Five State Parks	\$10,000,001 to \$25,000,000
	8	Develop Infrastructure, New River Trail State Park	\$10,000,001 to \$25,000,000
	9	Dredge Boat Ramp and Repair Shoreline Erosion, Belle Isle State Park	\$0 to \$10,000,000
	10	Acquire Property for Mayo River State Park	\$0 to \$10,000,000
203—Woodrow Wilson Rehabilitation Center			
	1	Renovate Anderson Vocational Building, Phase II	\$10,000,001 to \$25,000,000
204—The College of William and Mary			
	1	Fine Arts Facility Phase I	\$0 to \$10,000,000
207—University of Virginia			
	1	Renovate Gilmer Hall and Chemistry Building	Above \$100,000,000
	2	Renew Alderman Library	Above \$100,000,000
208—Virginia Polytechnic Institute and State University			
	1	Renovate/Renew Academic Buildings	\$10,000,001 to \$25,000,000
	2	Construct Undergraduate Science Building	\$25,000,001 to \$50,000,000
	3	Construct Translational Medicine Laboratory	\$50,000,001 to \$75,000,000
	4	Construct Chiller Plant, Phase II	\$10,000,001 to \$25,000,000
	5	Renovate Military Sciences Building	\$10,000,001 to \$25,000,000
	6	Construct Library Collections Facility	\$0 to \$10,000,000
211—Virginia Military Institute			
	1	Improve Post Infrastructure, Phase I	\$10,000,001 to \$25,000,000
	2	Renovate Moody Hall	\$10,000,001 to \$25,000,000
	3	Improve Historic Preservation Sites, Phase I	\$0 to \$10,000,000
	4	Improve Post Infrastructure, Phases II and III	\$10,000,001 to \$25,000,000
	5	Renovate Preston Library	\$10,000,001 to \$25,000,000
212—Virginia State University			
	1	Renovate and Expand Daniel Gym	\$25,000,001 to \$50,000,000
213—Norfolk State University			
	1	Construct Science Building	\$50,000,001 to \$75,000,000
	2	Renovate and Expand the Hamm Fine Arts Building	\$25,000,001 to \$50,000,000
	3	Improve Signage, Roads and Campus Boundary, Phase I	\$0 to \$10,000,000
214—Longwood University			
	1	Biomass Boiler	\$0 to \$10,000,000
	2	Construct New Admissions Office	\$0 to \$10,000,000

	3	<i>Construct New Academic Building</i>	<i>\$10,000,001 to \$25,000,000</i>
	4	<i>Construct Physical Plant Building</i>	<i>\$25,000,001 to \$50,000,000</i>
	5	<i>Renovate Heating Plant Facility</i>	<i>\$10,000,001 to \$25,000,000</i>
215— <i>University of Mary Washington</i>	6	<i>Renovate Wygal Hall</i>	<i>\$0 to \$10,000,000</i>
	1	<i>Construct Jepson Science Center Addition</i>	<i>\$10,000,001 to \$25,000,000</i>
	2	<i>Repair/Replace Underground Utilities</i>	<i>\$0 to \$10,000,000</i>
	3	<i>Install University Card Access System</i>	<i>\$0 to \$10,000,000</i>
216— <i>James Madison University</i>	1	<i>Renovate/Addition Madison Hall</i>	<i>\$25,000,001 to \$50,000,000</i>
	2	<i>Acquire East Campus Chiller Plant</i>	<i>\$0 to \$10,000,000</i>
	3	<i>Renovate Johnston Hall</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Renovate Moody Hall</i>	<i>\$10,000,001 to \$25,000,000</i>
217— <i>Radford University</i>	1	<i>Renovate Whitt Hall</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Renovate Curie Hall</i>	<i>\$25,000,001 to \$50,000,000</i>
	3	<i>Renovate Porterfield Hall</i>	<i>\$25,000,001 to \$50,000,000</i>
218— <i>Virginia School for the Deaf and the Blind</i>	1	<i>Renovate Main Hall/Repair Chapel</i>	<i>\$25,000,001 to \$50,000,000</i>
	2	<i>Renovate Bradford Hall</i>	<i>\$0 to \$10,000,000</i>
221— <i>Old Dominion University</i>	1	<i>Construct Chemistry Building</i>	<i>\$50,000,001 to \$75,000,000</i>
	2	<i>Construct a New Facilities Support Building</i>	<i>\$25,000,001 to \$50,000,000</i>
229— <i>Virginia Cooperative Extension and Agriculture Experiment Station</i>	1	<i>Improve Kentland Facilities, Phase I</i>	<i>\$10,000,001 to \$25,000,000</i>
	2	<i>Construct Animal Production Facility</i>	<i>\$0 to \$10,000,000</i>
	3	<i>Construct Human and Agricultural Bioscience Facility, Phase II</i>	<i>\$75,000,001 to \$100,000,000</i>
236— <i>Virginia Commonwealth University</i>	1	<i>Renovate Sanger Hall, Phase II</i>	<i>\$25,000,001 to \$50,000,000</i>
	2	<i>Renovate Raleigh Building</i>	<i>\$0 to \$10,000,000</i>
	3	<i>Construct School of Allied Health Professions</i>	<i>\$50,000,001 to \$75,000,000</i>
239— <i>Frontier Culture Museum of Virginia</i>	1	<i>Construct Early American Industry Exhibit</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Expand Infrastructure</i>	<i>\$0 to \$10,000,000</i>
242— <i>Christopher Newport University</i>	1	<i>Renovate and Expand Library, Phase II</i>	<i>\$25,000,001 to \$50,000,000</i>
	2	<i>Construct and Renovate Fine Arts and Rehearsal Space</i>	<i>\$0 to \$10,000,000</i>
246— <i>UVA's College at Wise</i>	1	<i>Renovate/Convert Wyllie Library</i>	<i>\$10,000,001 to \$25,000,000</i>

247—George Mason University	2	<i>Construct Proscenium Theatre Building</i>	\$25,000,001 to \$50,000,000
	1	<i>Renovate Robinson Hall and Harris Theater</i>	\$50,000,001 to \$75,000,000
	2	<i>Construct Satellite Cooling and Heating Plant</i>	\$10,000,001 to \$25,000,000
	3	<i>Improve Telecommunications Infrastructure</i>	\$0 to \$10,000,000
260—Virginia Community College System	4	<i>Construct Facilities Complex, Fairfax Campus</i>	\$25,000,001 to \$50,000,000
	1	<i>Replace Academic and Administration Building, Eastern Shore</i>	\$10,000,001 to \$25,000,000
	2	<i>Construct Phase VII Academic Building, Annandale Campus, Northern Virginia CC</i>	\$25,000,001 to \$50,000,000
	3	<i>Renovate Engineering and Industrial Technology Building, Danville CC</i>	\$10,000,001 to \$25,000,000
	4	<i>Construct Student Service &amp; Learning Resources Center, Christanna Campus, Southside Virginia</i>	\$10,000,001 to \$25,000,000
	5	<i>Renovate Godwin Building, Annandale Campus, Northern Virginia</i>	\$25,000,001 to \$50,000,000
	6	<i>Construct Academic Building, Fauquier Campus, Lord Fairfax</i>	\$10,000,001 to \$25,000,000
	7	<i>Renovate Seefeldt Building, Woodbridge Campus, Northern Virginia</i>	\$25,000,001 to \$50,000,000
	8	<i>Renovate Howsmon Building, Manassas Campus, Northern Virginia</i>	\$25,000,001 to \$50,000,000
	9	<i>Construct New Building for Trucking Program, Tidewater - Portsmouth Campus</i>	\$10,000,001 to \$25,000,000
	10	<i>Improve Heating, Ventilation, and Air Conditioning, Rappahannock</i>	\$0 to \$10,000,000
	11	<i>Construct Science Building, Chester Campus, John Tyler CC</i>	\$10,000,001 to \$25,000,000
	12	<i>Construct Academic Building, Middletown Campus, Lord Fairfax CC</i>	\$10,000,001 to \$25,000,000
	13	<i>Construct Academic Health and Wellness Center, Hampton Campus, Thomas Nelson CC</i>	\$10,000,001 to \$25,000,000
	14	<i>Renovate Library and Learning Resource Center, Virginia Highlands</i>	\$0 to \$10,000,000
	15	<i>Construct Workforce Development Center, Piedmont Virginia</i>	\$0 to \$10,000,000
	16	<i>Renovate Buildings: Carroll, Bland, Galax, Grayson, Fincastle, and Smyth Halls, Wytheville</i>	\$25,000,001 to \$50,000,000
	17	<i>Replace Exterior Windows and Doors, Rappahannock</i>	\$0 to \$10,000,000
	18	<i>Renovate Bird and Nicholas Halls, John Tyler - Chester Campus</i>	\$25,000,001 to \$50,000,000
	19	<i>Construct Learning Resources Center, Tidewater - Chesapeake Campus</i>	\$25,000,001 to \$50,000,000
	20	<i>Renovate Plaza, Structural Repairs Phase II, Annandale Campus, Northern Virginia</i>	\$0 to \$10,000,000
	21	<i>Construct Network Operations Center, Tidewater</i>	\$0 to \$10,000,000
	22	<i>Expand and Renovate Phase III Academic Building, Northern Virginia - Loudoun Campus</i>	\$10,000,001 to \$25,000,000
	23	<i>Renovate Bisdorf Phase II Academic Building, Northern Virginia - Alexandria</i>	\$10,000,001 to \$25,000,000

	24	<i>Construct Workforce Solutions and Academic Training Center, Fauquier Campus, Lord Fairfax</i>	<i>\$10,000,001 to \$25,000,000</i>
	25	<i>Renovate Stone Hall Building, Patrick Henry</i>	<i>\$0 to \$10,000,000</i>
	26	<i>Construct Phase III Academic Building, Woodbridge Campus, Northern Virginia</i>	<i>\$25,000,001 to \$50,000,000</i>
	27	<i>Renovate Academic Classrooms and Laboratories, Tidewater</i>	<i>\$0 to \$10,000,000</i>
	28	<i>Construct Addition to Learning Resource Center, Patrick Henry</i>	<i>\$0 to \$10,000,000</i>
	29	<i>Construct Maintenance Building, Germanna</i>	<i>\$0 to \$10,000,000</i>
	30	<i>Renovate and Expand Phase III Academic Building, Manassas Campus, Northern Virginia</i>	<i>\$25,000,001 to \$50,000,000</i>
268—Virginia Institute of Marine Sciences	1	<i>Construct Facilities Management Maintenance Facility</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Replace the Oyster Hatchery</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Expand the Fisheries Science Building</i>	<i>\$0 to \$10,000,000</i>
310—Virginia Economic Development Partnership	1	<i>Bioscience Wet Laboratory Facility</i>	<i>\$10,000,001 to \$25,000,000</i>
702—Department for the Blind and Vision Impaired	1	<i>Renovate the Departmental Headquarters Building</i>	<i>\$0 to \$10,000,000</i>
720—Department of Behavioral Health and Developmental Services	1	<i>Construct New Sexually Violent Predator Facility</i>	<i>Above \$100,000,000</i>
	2	<i>Replace Central State Hospital</i>	<i>Above \$100,000,000</i>
	3	<i>Repair/Replace Campus Infrastructures</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Repair/Replace Boilers, Heat Distribution and HVAC Systems</i>	<i>\$25,000,001 to \$50,000,000</i>
	5	<i>Replace Support Service Facility at Eastern State Hospital</i>	<i>\$25,000,001 to \$50,000,000</i>
777—Department of Juvenile Justice	1	<i>Upgrade Reception and Diagnostic Center</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Construct Building at Oak Ridge Juvenile Correctional Center</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Construct New Central Maintenance Building - Bon Air</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Construct New Central Maintenance and Materials Storage Building - Beaumont</i>	<i>\$0 to \$10,000,000</i>
	5	<i>Convert Old Dining Hall to Dry Storage Warehouse Facility</i>	<i>\$0 to \$10,000,000</i>
	6	<i>Construct Consolidated Central Warehouse Facility</i>	<i>\$0 to \$10,000,000</i>
	7	<i>Renovate Beaumont Manor House</i>	<i>\$0 to \$10,000,000</i>
778—Department of Forensic Science	1	<i>Expand Central Forensic Laboratory &amp; Office of Chief Medical Examiner Facility</i>	<i>Above \$100,000,000</i>
799—Department of Corrections	1	<i>Upgrade Buckingham Wastewater Treatment Plant</i>	<i>\$0 to \$10,000,000</i>

	2	Replace Generators at Multiple Facilities	\$10,000,001 to \$25,000,000
	3	Upgrade Perimeter Detection System (Multiple Institutions)	\$0 to \$10,000,000
	4	Replace Caroline Wastewater Treatment Plant	\$0 to \$10,000,000
	5	Construct Re-Entry Program Buildings	\$0 to \$10,000,000
	6	Upgrade Building Electrical Service Entrance - Augusta	\$0 to \$10,000,000
845—Dr. Martin Luther King, Jr. Memorial Commission	1	Emancipation and Freedom Monument	\$0 to \$10,000,000
912—Department of Veterans Services	1	Construct Veterans Care Center in Hampton Roads	\$25,000,001 to \$50,000,000
	2	Construct Northern Virginia Care Center	\$25,000,001 to \$50,000,000
	3	Additions and Renovations, Veterans Care Center Salem	\$0 to \$10,000,000
942—Virginia Museum of Natural History	1	Interpretive Center in Waynesboro	\$0 to \$10,000,000
948—Southwest Virginia Higher Education Center	1	Construct Service Corridor and Storage Area	\$0 to \$10,000,000

**2. That Chapters 309 and 404 of the Acts of Assembly of 2013 are repealed.**

**CHAPTER 500**

*An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 309 and 404 of the Acts of Assembly of 2013.*

[S 1042]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2015. These projects do not include projects that were previously funded and authorized to proceed to construction.*

Agency Code/Agency	Priority	Project Name	Category
146—The Science Museum of Virginia	1	Construct Parking Deck/Master Planning	\$0 to \$10,000,000
194—Department of General Services	1	Renovate Supreme Court Building	Above \$100,000,000
	2	Renovate Morson Row	\$0 to \$10,000,000
	3	Demolish Zincke, Ferguson, and Aluminum Buildings	\$0 to \$10,000,000
199—Department of Conservation & Recreation	1	Renovate Historic Buildings, Walnut Valley Farm, Chippokes Plantation State Park	\$0 to \$10,000,000
	2	Construct On-Site Residences, Various State Parks	\$0 to \$10,000,000
	3	Improve Natural Areas Access	\$0 to \$10,000,000
	4	Construct Visitor Centers at Douthat, Kiptopeke, & High Bridge State Parks	\$0 to \$10,000,000
	5	Construct Improvements at Natural Areas	\$0 to \$10,000,000

	6	<i>Construct Visitor Centers at Twin Lakes, Sky Meadows, and Fairy Stone State Parks</i>	<i>\$0 to \$10,000,000</i>
	7	<i>Construct Visitor Center/Environmental Education Center, Five State Parks</i>	<i>\$10,000,001 to \$25,000,000</i>
	8	<i>Develop Infrastructure, New River Trail State Park</i>	<i>\$10,000,001 to \$25,000,000</i>
	9	<i>Dredge Boat Ramp and Repair Shoreline Erosion, Belle Isle State Park</i>	<i>\$0 to \$10,000,000</i>
	10	<i>Acquire Property for Mayo River State Park</i>	<i>\$0 to \$10,000,000</i>
203—Woodrow Wilson Rehabilitation Center			
	1	<i>Renovate Anderson Vocational Building, Phase II</i>	<i>\$10,000,001 to \$25,000,000</i>
204—The College of William and Mary			
	1	<i>Fine Arts Facility Phase I</i>	<i>\$0 to \$10,000,000</i>
207—University of Virginia			
	1	<i>Renovate Gilmer Hall and Chemistry Building</i>	<i>Above \$100,000,000</i>
	2	<i>Renew Alderman Library</i>	<i>Above \$100,000,000</i>
208—Virginia Polytechnic Institute and State University			
	1	<i>Renovate/Renew Academic Buildings</i>	<i>\$10,000,001 to \$25,000,000</i>
	2	<i>Construct Undergraduate Science Building</i>	<i>\$25,000,001 to \$50,000,000</i>
	3	<i>Construct Translational Medicine Laboratory</i>	<i>\$50,000,001 to \$75,000,000</i>
	4	<i>Construct Chiller Plant, Phase II</i>	<i>\$10,000,001 to \$25,000,000</i>
	5	<i>Renovate Military Sciences Building</i>	<i>\$10,000,001 to \$25,000,000</i>
	6	<i>Construct Library Collections Facility</i>	<i>\$0 to \$10,000,000</i>
211—Virginia Military Institute			
	1	<i>Improve Post Infrastructure, Phase I</i>	<i>\$10,000,001 to \$25,000,000</i>
	2	<i>Renovate Moody Hall</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Improve Historic Preservation Sites, Phase I</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Improve Post Infrastructure, Phases II and III</i>	<i>\$10,000,001 to \$25,000,000</i>
	5	<i>Renovate Preston Library</i>	<i>\$10,000,001 to \$25,000,000</i>
212—Virginia State University			
	1	<i>Renovate and Expand Daniel Gym</i>	<i>\$25,000,001 to \$50,000,000</i>
213—Norfolk State University			
	1	<i>Construct Science Building</i>	<i>\$50,000,001 to \$75,000,000</i>
	2	<i>Renovate and Expand the Hamm Fine Arts Building</i>	<i>\$25,000,001 to \$50,000,000</i>
	3	<i>Improve Signage, Roads and Campus Boundary, Phase I</i>	<i>\$0 to \$10,000,000</i>
214—Longwood University			
	1	<i>Biomass Boiler</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Construct New Admissions Office</i>	<i>\$0 to \$10,000,000</i>
	3	<i>Construct New Academic Building</i>	<i>\$10,000,001 to \$25,000,000</i>
	4	<i>Construct Physical Plant Building</i>	<i>\$25,000,001 to \$50,000,000</i>
	5	<i>Renovate Heating Plant Facility</i>	<i>\$10,000,001 to \$25,000,000</i>

215—University of Mary Washington	6	Renovate Wygal Hall	\$0 to \$10,000,000
	1	Construct Jepson Science Center Addition	\$10,000,001 to \$25,000,000
	2	Repair/Replace Underground Utilities	\$0 to \$10,000,000
	3	Install University Card Access System	\$0 to \$10,000,000
216—James Madison University	1	Renovate/Addition Madison Hall	\$25,000,001 to \$50,000,000
	2	Acquire East Campus Chiller Plant	\$0 to \$10,000,000
	3	Renovate Johnston Hall	\$0 to \$10,000,000
	4	Renovate Moody Hall	\$10,000,001 to \$25,000,000
217—Radford University	1	Renovate Whitt Hall	\$0 to \$10,000,000
	2	Renovate Curie Hall	\$25,000,001 to \$50,000,000
	3	Renovate Porterfield Hall	\$25,000,001 to \$50,000,000
218—Virginia School for the Deaf and the Blind	1	Renovate Main Hall/Repair Chapel	\$25,000,001 to \$50,000,000
	2	Renovate Bradford Hall	\$0 to \$10,000,000
221—Old Dominion University	1	Construct Chemistry Building	\$50,000,001 to \$75,000,000
	2	Construct a New Facilities Support Building	\$25,000,001 to \$50,000,000
229—Virginia Cooperative Extension and Agriculture Experiment Station	1	Improve Kentland Facilities, Phase I	\$10,000,001 to \$25,000,000
	2	Construct Animal Production Facility	\$0 to \$10,000,000
	3	Construct Human and Agricultural Bioscience Facility, Phase II	\$75,000,001 to \$100,000,000
236—Virginia Commonwealth University	1	Renovate Sanger Hall, Phase II	\$25,000,001 to \$50,000,000
	2	Renovate Raleigh Building	\$0 to \$10,000,000
	3	Construct School of Allied Health Professions	\$50,000,001 to \$75,000,000
239—Frontier Culture Museum of Virginia	1	Construct Early American Industry Exhibit	\$0 to \$10,000,000
	2	Expand Infrastructure	\$0 to \$10,000,000
242—Christopher Newport University	1	Renovate and Expand Library, Phase II	\$25,000,001 to \$50,000,000
	2	Construct and Renovate Fine Arts and Rehearsal Space	\$0 to \$10,000,000
246—UVA's College at Wise	1	Renovate/Convert Wyllie Library	\$10,000,001 to \$25,000,000
	2	Construct Proscenium Theatre Building	\$25,000,001 to \$50,000,000
247—George Mason University	1	Renovate Robinson Hall and Harris Theater	\$50,000,001 to \$75,000,000

260—Virginia Community  
College System

2	Construct Satellite Cooling and Heating Plant	\$10,000,001 to \$25,000,000
3	Improve Telecommunications Infrastructure	\$0 to \$10,000,000
4	Construct Facilities Complex, Fairfax Campus	\$25,000,001 to \$50,000,000
1	Replace Academic and Administration Building, Eastern Shore	\$10,000,001 to \$25,000,000
2	Construct Phase VII Academic Building, Annandale Campus, Northern Virginia CC	\$25,000,001 to \$50,000,000
3	Renovate Engineering and Industrial Technology Building, Danville CC	\$10,000,001 to \$25,000,000
4	Construct Student Service & Learning Resources Center, Christanna Campus, Southside Virginia	\$10,000,001 to \$25,000,000
5	Renovate Godwin Building, Annandale Campus, Northern Virginia	\$25,000,001 to \$50,000,000
6	Construct Academic Building, Fauquier Campus, Lord Fairfax	\$10,000,001 to \$25,000,000
7	Renovate Seefeldt Building, Woodbridge Campus, Northern Virginia	\$25,000,001 to \$50,000,000
8	Renovate Howsmon Building, Manassas Campus, Northern Virginia	\$25,000,001 to \$50,000,000
9	Construct New Building for Trucking Program, Tidewater - Portsmouth Campus	\$10,000,001 to \$25,000,000
10	Improve Heating, Ventilation, and Air Conditioning, Rappahannock	\$0 to \$10,000,000
11	Construct Science Building, Chester Campus, John Tyler CC	\$10,000,001 to \$25,000,000
12	Construct Academic Building, Middletown Campus, Lord Fairfax CC	\$10,000,001 to \$25,000,000
13	Construct Academic Health and Wellness Center, Hampton Campus, Thomas Nelson CC	\$10,000,001 to \$25,000,000
14	Renovate Library and Learning Resource Center, Virginia Highlands	\$0 to \$10,000,000
15	Construct Workforce Development Center, Piedmont Virginia	\$0 to \$10,000,000
16	Renovate Buildings: Carroll, Bland, Galax, Grayson, Fincastle, and Smyth Halls, Wytheville	\$25,000,001 to \$50,000,000
17	Replace Exterior Windows and Doors, Rappahannock	\$0 to \$10,000,000
18	Renovate Bird and Nicholas Halls, John Tyler - Chester Campus	\$25,000,001 to \$50,000,000
19	Construct Learning Resources Center, Tidewater - Chesapeake Campus	\$25,000,001 to \$50,000,000
20	Renovate Plaza, Structural Repairs Phase II, Annandale Campus, Northern Virginia	\$0 to \$10,000,000
21	Construct Network Operations Center, Tidewater	\$0 to \$10,000,000
22	Expand and Renovate Phase III Academic Building, Northern Virginia - Loudoun Campus	\$10,000,001 to \$25,000,000
23	Renovate Bisdorf Phase II Academic Building, Northern Virginia - Alexandria	\$10,000,001 to \$25,000,000
24	Construct Workforce Solutions and Academic Training Center, Fauquier Campus, Lord Fairfax	\$10,000,001 to \$25,000,000
25	Renovate Stone Hall Building, Patrick Henry	\$0 to \$10,000,000
26	Construct Phase III Academic Building, Woodbridge Campus, Northern Virginia	\$25,000,001 to \$50,000,000

	27	<i>Renovate Academic Classrooms and Laboratories, Tidewater</i>	<i>\$0 to \$10,000,000</i>
	28	<i>Construct Addition to Learning Resource Center, Patrick Henry</i>	<i>\$0 to \$10,000,000</i>
	29	<i>Construct Maintenance Building, Germanna</i>	<i>\$0 to \$10,000,000</i>
	30	<i>Renovate and Expand Phase III Academic Building, Manassas Campus, Northern Virginia</i>	<i>\$25,000,001 to \$50,000,000</i>
268—Virginia Institute of Marine Sciences	1	<i>Construct Facilities Management Maintenance Facility</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Replace the Oyster Hatchery</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Expand the Fisheries Science Building</i>	<i>\$0 to \$10,000,000</i>
310—Virginia Economic Development Partnership	1	<i>Bioscience Wet Laboratory Facility</i>	<i>\$10,000,001 to \$25,000,000</i>
702—Department for the Blind and Vision Impaired	1	<i>Renovate the Departmental Headquarters Building</i>	<i>\$0 to \$10,000,000</i>
720—Department of Behavioral Health and Developmental Services	1	<i>Construct New Sexually Violent Predator Facility</i>	<i>Above \$100,000,000</i>
	2	<i>Replace Central State Hospital</i>	<i>Above \$100,000,000</i>
	3	<i>Repair/Replace Campus Infrastructures</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Repair/Replace Boilers, Heat Distribution and HVAC Systems</i>	<i>\$25,000,001 to \$50,000,000</i>
	5	<i>Replace Support Service Facility at Eastern State Hospital</i>	<i>\$25,000,001 to \$50,000,000</i>
777—Department of Juvenile Justice	1	<i>Upgrade Reception and Diagnostic Center</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Construct Building at Oak Ridge Juvenile Correctional Center</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Construct New Central Maintenance Building - Bon Air</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Construct New Central Maintenance and Materials Storage Building - Beaumont</i>	<i>\$0 to \$10,000,000</i>
	5	<i>Convert Old Dining Hall to Dry Storage Warehouse Facility</i>	<i>\$0 to \$10,000,000</i>
	6	<i>Construct Consolidated Central Warehouse Facility</i>	<i>\$0 to \$10,000,000</i>
	7	<i>Renovate Beaumont Manor House</i>	<i>\$0 to \$10,000,000</i>
778—Department of Forensic Science	1	<i>Expand Central Forensic Laboratory &amp; Office of Chief Medical Examiner Facility</i>	<i>Above \$100,000,000</i>
799—Department of Corrections	1	<i>Upgrade Buckingham Wastewater Treatment Plant</i>	<i>\$0 to \$10,000,000</i>
	2	<i>Replace Generators at Multiple Facilities</i>	<i>\$10,000,001 to \$25,000,000</i>
	3	<i>Upgrade Perimeter Detection System (Multiple Institutions)</i>	<i>\$0 to \$10,000,000</i>
	4	<i>Replace Caroline Wastewater Treatment Plant</i>	<i>\$0 to \$10,000,000</i>
	5	<i>Construct Re-Entry Program Buildings</i>	<i>\$0 to \$10,000,000</i>

845— <i>Dr. Martin Luther King, Jr. Memorial Commission</i>	6	<i>Upgrade Building Electrical Service Entrance - Augusta</i>	\$0 to \$10,000,000
912— <i>Department of Veterans Services</i>	1	<i>Emancipation and Freedom Monument</i>	\$0 to \$10,000,000
942— <i>Virginia Museum of Natural History</i>	1	<i>Construct Veterans Care Center in Hampton Roads</i>	\$25,000,001 to \$50,000,000
	2	<i>Construct Northern Virginia Care Center</i>	\$25,000,001 to \$50,000,000
	3	<i>Additions and Renovations, Veterans Care Center Salem</i>	\$0 to \$10,000,000
948— <i>Southwest Virginia Higher Education Center</i>	1	<i>Interpretive Center in Waynesboro</i>	\$0 to \$10,000,000
	1	<i>Construct Service Corridor and Storage Area</i>	\$0 to \$10,000,000

**2. That Chapters 309 and 404 of the Acts of Assembly of 2013 are repealed.**

### CHAPTER 501

*An Act to amend and reenact § 19.2-53 of the Code of Virginia, relating to search warrants for computers, computer networks, and other electronic devices.*

[S 1307]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-53 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-53. What may be searched and seized.**

A. Search warrants may be issued for the search of or for specified places, things or persons, and seizure therefrom of the following things as specified in the warrant:

(+) 1. Weapons or other objects used in the commission of crime;

(+) 2. Articles or things the sale or possession of which is unlawful;

(+) 3. Stolen property or the fruits of any crime;

(+) 4. Any object, thing, or person, including without limitation, documents, books, papers, records or body fluids, constituting evidence of the commission of crime.

Notwithstanding any other provision in this chapter to the contrary, no search warrant may be issued as a substitute for a witness subpoena.

B. Any search warrant issued for the search and seizure of a computer, computer network, or other device containing electronic or digital information shall be deemed to include the search and seizure of the physical components and the electronic or digital information contained in any such computer, computer network, or other device.

C. Any search, including the search of the contents of any computer, computer network, or other device conducted pursuant to subsection B, may be conducted in any location and is not limited to the location where the evidence was seized.

**2. That this act is declaratory of existing law.**

### CHAPTER 502

*An Act to amend and reenact §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027,*

46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9; and to repeal §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia, relating to fire services and emergency medical services.

[H 1584]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9 as follows:

**§ 2.2-507. Legal service in civil matters.**

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;

11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

12. Any emergency medical ~~service~~ *services* agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;

13. Conservation officers of the Department of Conservation and Recreation; or

14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

**§ 2.2-1122. Aid and cooperation of Division may be sought by any public body or public broadcasting station in making purchases; use of facilities of Virginia Distribution Center; services to certain volunteer organizations.**

A. Virginia public broadcasting stations as defined in § 22.1-20.1, and public bodies as defined in § 2.2-4300 who are empowered to purchase material, equipment, and supplies of any kind, may purchase through the Division. When any such public body, public broadcasting station, or duly authorized officer requests the Division to obtain bids for any materials, equipment and supplies, and the bids have been obtained by the Division, the Division may award the contract to the lowest responsible bidder, and the public body or public broadcasting station shall be bound by the contract. The Division shall set forth in the purchase order that the materials, equipment, and supplies be delivered to, and that the bill be rendered and forwarded to, the public body or public broadcasting station. Any such bill shall be a valid and enforceable claim against the public body or public broadcasting station requesting the bids.

B. The Division may make available to any public body or public broadcasting station the facilities of the Virginia Distribution Center maintained by the Division; however, the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution, or agency of the Commonwealth.

C. The Board of Education shall furnish to the Division a list of public broadcasting stations in Virginia for the purposes of this section.

D. The services or supplies authorized by this section shall extend to any volunteer fire company or volunteer ~~rescue~~ *rescue squad* ~~emergency medical services agency~~ that is recognized by an ordinance to be a part of the safety program of a county, city, or town when the services or supplies are sought through and approved by the governing body of such county, city, or town.

E. ~~"Public~~ *For purposes of this section, "public broadcasting station" means the same as that term is defined in § 22.1-20.1.*

**§ 2.2-1205. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active or retired local law-enforcement officer, firefighter, etc., through the Department.**

A. The surviving spouse and any dependents of an active or retired law-enforcement officer of any county, city, or town of the Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; *or a member of any fire company or department or ~~rescue squad~~ emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of this the Commonwealth as an integral part of the official safety program of such county, city, or town; or a member of an emergency medical services department,* whose death occurs as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, shall be entitled, upon proper application to the Department, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the Department pursuant to § 2.2-1204 and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition clause (i) of this subsection.~~ The health insurance plan administered by the Department pursuant to § 2.2-1204 shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased. The spouse and any dependents of the deceased who purchase continued health insurance coverage pursuant to this section shall pay the same portion of the applicable premium as active employees pay for the same class of coverage, and the local government employer that employed the deceased shall pay the remaining portion of the premium.

B. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the Department within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the Department for good cause shown.

C. In addition to any necessary information requested by the Department, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii)* of subsection A ~~of this section~~ have been met. If the Department states that such conditions have not been met, the Department shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply thereafter.

D. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

E. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the Department. The Department may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall a surviving spouse or dependents pay more for continued health insurance coverage than active employees pay under the same plan for the same class of coverage.

F. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

G. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

**§ 2.2-1206. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active local law-enforcement officer, firefighter, etc., through a plan sponsor.**

A. For the purposes of this section, "plan sponsor" means a local government employer that has established a plan of health insurance coverage for its employees, retirees and dependents of employees as are described in subsection B.

B. The surviving spouse and any dependents of an active law-enforcement officer of any county, city, or town of ~~this~~ the Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; *or* a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this~~ the Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a member of an emergency medical services department;~~ whose death occurs as the direct or proximate result of the performance of his duty shall be entitled, upon proper application to the appropriate plan sponsor, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the plan sponsor and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition clause (i) of this subsection~~. The health insurance plan administered by the plan sponsor shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased.

C. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the plan sponsor within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the plan sponsor for good cause shown.

D. In addition to any necessary information requested by the plan sponsor, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii)* of subsection B have been met. If the plan sponsor states that such conditions have not been met, the plan sponsor, notwithstanding the provisions of §§ 2.2-4002, 2.2-4006, or § 2.2-4011, shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the local government's grievance procedure for nonprobationary, permanent employees shall apply thereafter.

E. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

F. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the plan sponsor. The plan sponsor may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall the surviving spouse or dependents pay more for continued health insurance coverage than the active employee rate under the same plan for the same class of coverage.

G. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

H. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event

coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

**§ 2.2-2821.2. Leave for volunteer fire and volunteer emergency medical services.**

State employees shall be allowed up to 24 hours of paid leave in any calendar year, in addition to other paid leave, to serve with a volunteer fire department ~~and rescue squad~~ or *volunteer emergency medical services agency* or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision. The Department shall develop personnel policies providing for the use of such leave. For the purposes of this section, "state employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof.

**§ 2.2-4501. Legal investments for other public funds.**

A. The Commonwealth, all public officers, municipal corporations, other political subdivisions and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control, other than sinking funds, in the following:

1. Stocks, bonds, notes, and other evidences of indebtedness of the Commonwealth and those unconditionally guaranteed as to the payment of principal and interest by the Commonwealth.

2. Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof. The evidences of indebtedness enumerated by this subdivision may be held directly, or in the form of repurchase agreements collateralized by such debt securities, or in the form of securities of any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such investment company or investment trust is limited to such evidences of indebtedness, or repurchase agreements collateralized by such debt securities, or securities of other such investment companies or investment trusts whose portfolios are so restricted.

3. Stocks, bonds, notes and other evidences of indebtedness of any state of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days; provided, that within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such state has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any debt authorized by the legislature of such state to be contracted.

4. Stocks, bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body in the Commonwealth upon which there is no default; provided, that if the principal and interest be payable from revenues or tolls and the project has not been completed, or if completed, has not established an operating record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, the standards of judgment and care required in Article 9 (§ 64.2-780 et seq.) of Chapter 7 of Title 64.2, without reference to this section, shall apply.

In any case in which an authority, having an established record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, issues additional evidences of indebtedness for the purposes of acquiring or constructing additional facilities of the same general character that it is then operating, such additional evidences of indebtedness shall be governed by the provisions of this section without limitation.

5. Legally authorized stocks, bonds, notes and other evidences of indebtedness of any city, county, town, or district situated in any one of the states of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days; provided, that (i) within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such city, county, town, or district has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any stock, bond, note or other evidence of indebtedness issued by it; (ii) such city, county, town, or district shall have been in continuous existence for at least ~~twenty~~ 20 years; (iii) such city, county, town, or district has a population, as shown by the federal census next preceding the making of such investment, of not less than 25,000 inhabitants; (iv) the stocks, bonds, notes or other evidences of indebtedness in which such investment is made are the direct legal obligations of the city, county, town, or district issuing the same; (v) the city, county, town, or district has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount; and (vi) the net indebtedness of such city, county, town, or district (including the issue in which such investment is made), after deducting the amount of its bonds issued for self-sustaining public utilities, does not exceed ~~ten~~ 10 percent of the value of the taxable property in such city, county, town, or district, to be ascertained by the valuation of such property therein for the assessment of taxes next preceding the making of such investment.

6. Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development, by the Asian Development Bank or by the African Development Bank.

B. This section shall not apply to funds authorized by law to be invested by the Virginia Retirement System or to deferred compensation plan funds to be invested pursuant to § 51.1-601 or to funds contributed by a locality to a pension

program for the benefit of any volunteer fire department ~~and rescue squad~~ or *volunteer emergency medical services agency* established pursuant to § 15.2-955.

C. Investments made prior to July 1, 1991, pursuant to § 51.1-601 are ratified and deemed valid to the extent that such investments were made in conformity with the standards set forth in Chapter 6 (§ 51.1-600 et seq.) of Title 51.1.

#### § 4.1-206. Alcoholic beverage licenses.

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies*, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a *volunteer fire or rescue squad volunteer emergency medical services agency* station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a *volunteer fire or rescue squad volunteer emergency medical services agency* station, provided such other premises are occupied and under the control of the *volunteer fire department or rescue squad volunteer emergency medical services agency* while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one twelve-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

**§ 8.01-66.2. Lien against person whose negligence causes injury.**

Whenever any person sustains personal injuries caused by the alleged negligence of another and receives treatment in any hospital, public or private, or nursing home, or receives medical attention or treatment from any physician, or receives nursing service or care from any registered nurse, or receives physical therapy treatment from any registered physical therapist in this Commonwealth, or receives medicine from a pharmacy, or receives any ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, such hospital, nursing home, physician, nurse, physical therapist, pharmacy or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle* shall each have a lien for the amount of a just and reasonable charge for the service rendered, but not exceeding \$2,500 in the case of a hospital or nursing home, \$750 for each physician, nurse, physical therapist, or pharmacy, and \$200 for each ~~ambulance service~~ *emergency medical services agency providing emergency medical services or emergency medical services vehicle transportation* on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries.

**§ 8.01-66.5. Written notice required.**

A. No lien provided for in § 8.01-66.2, 8.01-66.9, or 19.2-368.15 shall be created or become effective in favor of the Commonwealth, an institution thereof, or a hospital, nursing home, physician, nurse, or physical therapist, or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, unless and until a written notice of lien setting forth the name of the Commonwealth, or the institution, hospital, nursing home, physician, nurse, physical therapist, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* and the name of the injured person, has been served upon or given to the person, firm, or corporation whose negligence is alleged to have caused such injuries, or to the attorney for the injured party, or to the injured party. Such written notice of lien shall not be required if the attorney for the injured party knew that medical services were either provided or paid for by the Commonwealth.

B. In any action for personal injuries or wrongful death against a nursing home or its agents, if the Department of Medical Assistance Services has paid for any health care services provided to the injured party or decedent relating to the action, the injured party or personal representative shall, within 60 days of filing a lawsuit or 21 days of determining that the Department of Medical Assistance Services has paid for such health care services, whichever is later, give written notice to the Department of Medical Assistance Services that the lawsuit has been filed. The Department of Medical Assistance Services shall provide a written response, stating the amount of the lien as of the date of their response, within 60 days of receiving a request for that information from the injured party or personal representative.

**§ 8.01-66.7. Hearing and disposal of claim of unreasonableness.**

If the injured person questions the reasonableness of the charges made by a hospital, nurse, physician, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* claiming a lien pursuant to § 8.01-66.2, the injured person or the hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* may file, in the court that would have jurisdiction of such claim if such claim were asserted against the injured person by such hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation*, a petition setting forth the facts. The court shall hear and dispose of the matter in a summary way after five days' notice to the other party in interest.

**§ 8.01-66.8. Petition to enforce lien.**

If suit is instituted by an injured person or his personal representative against the person, firm, or corporation allegedly causing the person's injuries, a hospital, nursing home, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation*, in lieu of proceeding according to §§ 8.01-66.5 to 8.01-66.7, may file in the court wherein such suit is pending a petition to enforce the lien provided for in § 8.01-66.2 or § 8.01-66.9. Such petition shall be heard and disposed of in a summary way.

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical

clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services ~~technician certified by the Board of Health~~ provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, ~~rescue or emergency squad~~ emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical ~~care attendant or technician~~ services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or

administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed an emergency medical services agency in the Commonwealth that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment

strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, ~~the term~~ "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, ~~the term~~ "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical ~~technician service services~~ or first aid ~~service services~~ pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, ~~an~~ "emergency medical ~~care attendant or technician services provider~~" shall be ~~deemed to~~ include a person licensed or certified as such or its equivalent by any other state when he is performing services ~~which~~ that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for the acceptance of certain infants.**

Any personnel of a hospital ~~or rescue squad~~ or emergency medical services agency receiving a child under the circumstances described in ~~subsection B~~ the second paragraph of § 18.2-371, subdivision B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel.

**§ 8.01-420.2. Limitation on use of recorded conversations as evidence.**

No mechanical recording, electronic or otherwise, of a telephone conversation shall be admitted into evidence in any civil proceeding unless (i) all parties to the conversation were aware the conversation was being recorded or (ii) the portion of the recording to be admitted contains admissions that, if true, would constitute criminal conduct which is the basis for the civil action, and one of the parties was aware of the recording and the proceeding is not one for divorce, separate maintenance or annulment of a marriage. The parties' knowledge of the recording pursuant to clause (i) shall be demonstrated by a declaration at the beginning of the recorded portion of the conversation to be admitted into evidence that the conversation is being recorded. This section shall not apply to emergency reporting systems operated by police and fire departments and by ~~rescue squads~~ emergency medical services agencies, nor to any communications common carrier utilizing service observing or random monitoring pursuant to § 19.2-62.

**§ 8.01-581.13. Civil immunity for certain health professionals and health profession students serving as members of certain entities.**

A. For the purposes of this subsection, "health professional" means any clinical psychologist, applied psychologist, school psychologist, dentist, certified emergency medical services ~~personnel~~ provider, licensed professional counselor, licensed substance abuse treatment practitioner, certified substance abuse counselor, certified substance abuse counseling assistant, licensed marriage and family therapist, nurse, optometrist, pharmacist, physician, chiropractor, podiatrist, or veterinarian who is actively engaged in the practice of his profession or any member of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

Unless such act, decision, or omission resulted from such health professional's bad faith or malicious intent, any health professional, as defined in this subsection, shall be immune from civil liability for any act, decision or omission resulting from his duties as a member or agent of any entity which functions primarily (i) to investigate any complaint that a physical or mental impairment, including alcoholism or drug addiction, has impaired the ability of any such health professional to practice his profession and (ii) to encourage, recommend and arrange for a course of treatment or intervention, if deemed appropriate, or (iii) to review or monitor the duration of patient stays in health facilities, delivery of professional services, or

the quality of care delivered in the statewide emergency medical ~~care~~ *services* system for the purpose of promoting the most efficient use of available health facilities and services, the adequacy and quality of professional services, or the reasonableness or appropriateness of charges made by or on behalf of such health professionals. Such entity shall have been established pursuant to a federal or state law, or by one or more public or licensed private hospitals, or a relevant health professional society, academy or association affiliated with the American Medical Association, the American Dental Association, the American Pharmaceutical Association, the American Psychological Association, the American Podiatric Medical Association, the American Society of Hospitals and Pharmacies, the American Veterinary Medical Association, the American Association for Counseling and Development, the American Optometric Association, International Chiropractic Association, the American Chiropractic Association, the NAADAC: the Association for Addiction Professionals, the American Association for Marriage and Family Therapy or a governmental agency.

B. For the purposes of this subsection, "health profession student" means a student in good standing who is enrolled in an accredited school, program, or curriculum in clinical psychology, counseling, dentistry, medicine, nursing, pharmacy, chiropractic, marriage and family therapy, substance abuse treatment, or veterinary medicine and has received training relating to substance abuse.

Unless such act, decision, or omission resulted from such health profession student's bad faith or malicious intent, any health profession student, as defined in this subsection, shall be immune from civil liability for any act, decision, or omission resulting from his duties as a member of an entity established by the institution of higher education in which he is enrolled or a professional student's organization affiliated with such institution which functions primarily (i) to investigate any complaint of a physical or mental impairment, including alcoholism or drug addiction, of any health profession student and (ii) to encourage, recommend, and arrange for a course of treatment, if deemed appropriate.

C. The immunity provided hereunder shall not extend to any person with respect to actions, decisions or omissions, liability for which is limited under the provisions of the federal Social Security Act or amendments thereto.

**§ 8.01-581.19. Civil immunity for physicians, psychologists, podiatrists, optometrists, veterinarians, nursing home administrators, and certified emergency medical services providers while members of certain committees.**

A. Any physician, chiropractor, psychologist, podiatrist, veterinarian, or optometrist licensed to practice in ~~this~~ *the* Commonwealth shall be immune from civil liability for any communication, finding, opinion, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any physician, psychologist, podiatrist, veterinarian, or optometrist to, or the taking of disciplinary action against any member of, any medical society, academy, or association affiliated with the American Medical Association, the Virginia Academy of Clinical Psychologists, the American Psychological Association, the Virginia Applied Psychology Academy, the Virginia Academy of School Psychologists, the American Podiatric Medical Association, the American Veterinary Medical Association, the International Chiropractic Association, the American Chiropractic Association, the Virginia Chiropractic Association, or the American Optometric Association; provided that such communication, finding, opinion, or conclusion is not made in bad faith or with malicious intent.

B. Any nursing home administrator licensed under the laws of ~~this~~ *the* Commonwealth shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any health care facility to, or the taking of disciplinary action against any member of, the Virginia Health Care Association, provided that such communication, finding, opinion, decision, or conclusion is not made in bad faith or with malicious intent.

C. Any emergency medical services ~~personnel certified under the laws of the Commonwealth~~ *provider who holds a valid certificate issued by the Commissioner of Health* shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any regional council, committee, board, group, commission, or other entity that is responsible for resolving questions concerning the quality of care, including triage, interfacility transfer, and other components of emergency medical services care, unless such communication, finding, opinion, decision, or conclusion is made in bad faith or with malicious intent.

**§ 9.1-300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Emergency medical ~~technician services personnel~~" means any person who *holds a valid certificate issued by the Commissioner and who is employed solely within the fire department, emergency medical services agency, or public safety department of an employing agency as a full-time emergency medical technician services personnel* whose primary responsibility is the provision of emergency care to the sick and injured, using either basic or advanced techniques. Emergency medical ~~technicians services personnel~~ may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Employing agency" means any municipality of the Commonwealth or any political subdivision thereof, including authorities and special districts, ~~which~~ *that* employs firefighters and emergency medical ~~technicians services personnel~~.

"Firefighter" means any person who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires, the protection of life and property, and the enforcement of local and state fire prevention codes and laws pertaining to the prevention and control of fires.

"Interrogation" means any questioning of a formal nature as used in Chapter 4 (§ 9.1-500 et seq.) of this title that could lead to dismissal, demotion, or suspension for punitive reasons of a firefighter or emergency medical ~~technician~~ *services personnel*.

**§ 9.1-301. Conduct of interrogation.**

The provisions of this section shall apply whenever a firefighter or emergency medical ~~technician~~ *services personnel* are subjected to an interrogation ~~which that~~ could lead to dismissal, demotion, or suspension for punitive reasons:

1. The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility ~~which that~~ has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

2. No firefighter or emergency medical ~~technician~~ *services personnel* shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter or emergency medical ~~technician~~ *services personnel* of the nature of the investigation.

3. All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or *individual who meets the definition of "emergency medical ~~technician~~ services personnel" in § 32.1-111.1* is on duty, unless the matters being investigated are of such a nature that immediate action is required.

4. The firefighter or emergency medical ~~technician~~ *services personnel* under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.

5. Interrogation sessions shall be of reasonable duration, and the firefighter or emergency medical ~~technician~~ *services personnel* shall be permitted reasonable periods for rest and personal necessities. The firefighter or emergency medical ~~technician~~ *services personnel* may have an observer of his choice present during the interrogation, as long as the interview is not unduly delayed. This observer may not participate or represent the employee, may not be involved in the investigation, and must be a current member of the Department, for purposes of confidentiality.

6. The firefighter or emergency medical ~~technician~~ *services personnel* being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.

7. If a recording of any interrogation is made, and if a transcript of the interrogation is made, the firefighter or emergency medical ~~technician~~ *services personnel* under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

8. No firefighter or emergency medical ~~technician~~ *services personnel* shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any of the rights granted or protected by this chapter.

Nothing contained in this section shall prohibit a local governing body from granting its employees rights greater than those contained herein.

**§ 9.1-302. Breach of procedures.**

Any breach of the procedures required by this chapter shall not exclude any evidence from being presented in any case against a firefighter or *individual who meets the definition of "emergency medical ~~technician~~ services personnel" in § 32.1-111.1* and shall not cause any charge to be dismissed unless the firefighter or emergency medical ~~technician~~ *services personnel* demonstrates that the breach prejudiced his case.

**§ 9.1-303. Informal counseling not prohibited.**

Nothing in this chapter shall be construed to prohibit the informal counseling of a firefighter or emergency medical ~~technician~~ *services personnel* by a supervisor in reference to a minor infraction of policy or procedure ~~which that~~ does not result in disciplinary action being taken against the firefighter or emergency medical ~~technician~~ *services personnel*.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency

Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

**§ 9.1-700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Employer" means any political subdivision of the Commonwealth, including any county, city, town, authority, or special district that employs fire protection employees except any locality with five or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k).

"Fire protection employee" means any person, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid firefighter, ~~paramedic~~, emergency medical technician services provider, rescue worker, ambulance personnel, or hazardous materials worker who is (i) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; and is employed by a fire department of an employer; and (ii) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

"Law-enforcement employee" means any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof.

"Regularly scheduled work hours" means those hours that are recurring and fixed within the work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled work hours" does not include on-call, extra duty assignments or any other nonrecurring and nonfixed hours.

**§ 9.1-801. Public safety officer defined.**

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of ~~this the~~ Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or ~~rescue squad~~ *nonprofit or volunteer emergency medical services agency* that has been recognized by an ordinance or resolution of the governing body of any county, city, or town of ~~this the~~ Commonwealth as an integral part of the official safety program of such county, city, or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

**§ 10.1-1141. Liability and recovery of cost of fighting forest fires by localities and the State Forester.**

A. The State Forester in the name of the Commonwealth shall collect the costs of ~~fire fighting~~ *firefighting* performed under the direction of a forest warden in accordance with § 10.1-1139 from any person who, negligently or intentionally without using reasonable care and precaution starts a fire or who negligently or intentionally fails to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the Commonwealth, for fighting or extinguishing such fire. All expenses collected shall be credited to the Forestry Operations Fund. It shall be the duty of the Commonwealth's attorneys to institute and prosecute proper proceedings under this section, at the instance of the State Forester.

B. Any locality may collect the costs of ~~fire fighting~~ *firefighting* from any person who intentionally starts a fire and who fails to attempt to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the locality and any volunteer fire *company* or ~~rescue squad~~ *volunteer emergency medical services agency* to fight or extinguish the fire and the reasonable administrative costs expended to collect such expenses. The locality shall remit any costs recovered on behalf of another entity to such entity.

C. The State Forester or a locality may institute an action and recover from either one or both parents of any minor, living with such parents or either of them, the cost of forest fire suppression suffered by reason of the willful or malicious destruction of, or damage to, public or private property by such minor. No more than \$750 may be recovered from such parents or either of them as a result of any forest fire incident or occurrence on which such action is based.

**§ 15.2-622. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates another officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials and equipment between departments and offices; sell, exchange or otherwise dispose of any surplus supplies, materials or equipment; and make such other sales, exchanges and dispositions as the board authorizes. He may, with the approval of the board, establish suitable specifications or standards for all goods, services, insurance and construction to be procured for the county; inspect all deliveries to determine their compliance with such specifications and standards; and sell supplies, materials and equipment to volunteer ~~rescue squads~~ *emergency medical services agencies* at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes. He shall not furnish any goods, services, insurance or construction to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for them.

**§ 15.2-831. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials or equipment between departments and offices; sell any surplus supplies, materials or equipment; and make such other sales as the board authorizes. He may also, with the board's approval, (i) establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county; (ii) inspect all deliveries to determine their compliance with such specifications and standards; and (iii) sell supplies, materials and equipment to volunteer ~~rescue squads~~ *emergency medical services agencies* and ~~fire-fighting~~ *firefighting* companies at the same cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes by ordinance or resolution, which ordinance or resolution may, notwithstanding the provisions of § 15.2-830, provide for the use of a combination purchase order-check, which check may be made valid for such maximum amount as the board may fix, not to exceed \$250. Subject to such exceptions as the board provides, before making any sale the director shall invite competitive bidding under such rules and regulations as the board establishes by ordinance or resolution. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for the supplies, materials, equipment or contractual services.

**§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.**

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money; to (i) any charitable institution or nonprofit or other organization; providing housing for persons 60 years of age or older; or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary ~~fire-fighting~~ *firefighting* services; (iii) any nonprofit ~~lifesaving crew or lifesaving organization, or rescue squad~~ *or volunteer emergency medical services agency*, within or outside the boundaries of the locality; (iv) any nonprofit recreational ~~associations~~ *association* or ~~organizations~~ *organization*; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities ~~and/or~~ *or* to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or

sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer ~~rescue squad~~ *emergency medical services agency* that meets the required minimum standards for such volunteer ~~rescue squads~~ *emergency medical services agency* set forth in the ordinance; a sum for each rescue call the volunteer ~~rescue squad~~ *emergency medical services agency* makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or ~~rescue squads~~ *any volunteer emergency medical services agency* in an amount sufficient to enroll any qualified member of such volunteer fire company or ~~rescue squad~~ *emergency medical services agency* in any program available within the locality intended to defray out-of-pocket expenses for ~~emergency ambulance~~ *transportation by an emergency medical services vehicle*.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

**§ 15.2-954.1. Volunteer firefighter or volunteer emergency medical services personnel tuition reimbursement.**

Notwithstanding any other provision to the contrary, any locality may by ordinance establish and administer a tuition reimbursement program for eligible volunteer firefighters or *volunteer* emergency medical services personnel, or both, for the purposes of recruitment and retention.

**§ 15.2-955. Approval by local governing body for the establishment of volunteer emergency medical services agencies and firefighting organizations.**

A. No volunteer ~~rescue squad~~, ~~emergency medical service organization~~ or ~~other organization providing similar type services~~, ~~services agency~~ or volunteer ~~fire-fighting~~ *firefighting* organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body.

B. Each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

**§ 15.2-1512.2. Political activities of employees of localities, firefighters, emergency medical services personnel, and law-enforcement officers and certain other officers and employees.**

A. For the purposes of this section:

"Emergency medical ~~technician~~ *services personnel*" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the provision of emergency medical care to the sick or injured, using either basic or advanced techniques. Emergency medical ~~technicians~~ *services personnel* may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Firefighter" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the prevention or extinguishment of fires, the protection of life and property, or the enforcement of local or state fire prevention codes or laws pertaining to the prevention or control of fires.

"Law-enforcement officer" means any person who is employed within the police department, bureau, or force of any locality, including the sheriff's department of any city or county, and who is authorized by law to make arrests.

"Locality" means counties, cities, towns, authorities, or special districts.

"Political campaign" means activities engaged in for the purpose of promoting a political issue, for influencing the outcome of an election for local or state office, or for influencing the outcome of a referendum or special election.

"Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state office in a general, primary, or special election.

"Political party" means any party, organization, or group having as its purpose the promotion of political candidates or political campaigns.

B. Notwithstanding any contrary provision of law, general or special, no locality shall prohibit an employee of the locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, or law-enforcement officers within its employment, or deputies, appointees, and employees of local constitutional officers as defined in § 15.2-1600, from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

C. For purposes of this section, the term "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating, or signing a political petition; engaging in fund-raising activities for any political party, candidate, or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate, or campaign; or becoming a political candidate.

D. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

E. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from discriminating in the provision of public services, including but not limited to ~~fire fighting~~ *firefighting*, emergency medical, ~~or~~ and law-enforcement services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

F. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from suggesting or implying that a locality has officially endorsed a political party, candidate, or campaign.

#### **§ 15.2-1714. Establishing police lines, perimeters, or barricades.**

Whenever fires, accidents, wrecks, explosions, crimes, riots, or other emergency situations where life, limb, or property may be endangered may cause persons to collect on the public streets, alleys, highways, parking lots, or other public area, the chief law-enforcement officer of any locality or that officer's authorized representative who is responsible for the security of the scene may establish such areas, zones, or perimeters by the placement of police lines or barricades as are reasonably necessary to (i) preserve the integrity of evidence at such scenes, (ii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, facilitate the movement of vehicular and pedestrian traffic into, out of, and around the scene, (iii) permit firefighters, police officers, and emergency *medical services personnel* to perform necessary operations unimpeded, and (iv) protect persons and property.

Any police line or barricade erected for these purposes shall be clearly identified by wording such as "Police Line - DO NOT CROSS" or other similar wording. If material or equipment is not available for identifying the prohibited area, then a verbal warning by identifiable law-enforcement officials positioned to indicate a location of a police line or barricade shall be given to any person or persons attempting to cross police lines or barricades without proper authorization.

Such scene may be secured no longer than is reasonably necessary to effect the above-described purposes. Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny access to such scene by, any person charged by law with the responsibility of rendering assistance at or investigating any such fires, accidents, wrecks, explosions, crimes or riots.

Personnel from information services such as press, radio, and television, when gathering news, shall be exempt from the provisions of this section except that it shall be unlawful for such persons to obstruct the police, ~~firemen and rescue workers~~ *firefighters, or emergency medical services personnel* in the performance of their duties at such scene. Such personnel shall proceed at their own risk.

#### **§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI and related incidents.**

A. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire *company or department* or ~~rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency *medical services*, including those incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. The ordinance may further provide that a person convicted of violating any of

the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing:

1. The provisions of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, ~~rescue~~, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

**§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident.**

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer ~~rescue squad~~ *emergency medical services agency*, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, ~~fire-fighting~~ *firefighting*, ~~rescue~~, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax as set forth herein.

**§ 16.1-228. Definitions.**

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs

emergency medical technicians services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of this the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the

person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

**§ 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue personnel, or emergency medical services personnel; penalty; lesser-included offense.**

If any person maliciously causes bodily injury to another by any means including the means set out in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel, as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel, such person shall be guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30 years and,

subject to subdivision (g) of § 18.2-10, a fine of not more than \$100,000. Upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of two years.

If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to another by any means, knowing or having reason to know such other person is a law-enforcement officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel *as defined in § 32.1-111.1*, he ~~shall be~~ *is* guilty of a Class 6 felony, and upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of one year.

Nothing in this section shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

As used in this section, "law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic, or highway laws of ~~this~~ *the* Commonwealth; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any conservation police officer appointed pursuant to § 29.1-200; and auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to § 15.2-1603.

As used in this section, "search and rescue personnel" means any employee or member of a search and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing body of any county, city, or town of the Commonwealth or any member of a search and rescue organization operating under a memorandum of understanding with the Virginia Department of Emergency Management.

The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

**§ 18.2-121.2. Trespass by spotlight on agricultural land.**

If any person shall willfully use a spotlight or similar lighting apparatus to cast a light upon private property used for livestock or crops without the written permission of the person in legal possession of such property, he shall be guilty of a Class 3 misdemeanor.

The prohibition of this section shall not apply to light cast by (i) permanently installed outdoor lighting fixtures, (ii) headlamps on vehicles moving in normal travel on public or private roads, (iii) railroad locomotives or rolling stock being operated on the tracks or right-of-way of a railroad company, (iv) aircraft or watercraft, (v) apparatus used by employees of any public utility in maintaining the utility's lines and equipment, (vi) *emergency medical services vehicles used by emergency medical services personnel* or fire apparatus used by members of ~~rescue squads~~ or fire departments in the performance of their official duties, (vii) apparatus used by any law-enforcement officer in the performance of his official duties, or (viii) farm machinery or motor vehicles being used in normal farming operations.

**§ 18.2-154. Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.**

Any person who maliciously shoots at, or maliciously throws any missile at or against, any train or cars on any railroad or other transportation company or any vessel or other watercraft, or any motor vehicle or other vehicles when occupied by one or more persons, whereby the life of any person on such train, car, vessel, or other watercraft, or in such motor vehicle or other vehicle, may be put in peril, is guilty of a Class 4 felony. In the event of the death of any such person, resulting from such malicious shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the homicide is willful, deliberate, and premeditated, he is guilty of murder in the first degree.

If any such act is committed unlawfully, but not maliciously, the person so offending is guilty of a Class 6 felony and, in the event of the death of any such person, resulting from such unlawful act, the person so offending is guilty of involuntary manslaughter.

If any person commits a violation of this section by maliciously or unlawfully shooting, with a firearm, at a conspicuously marked law-enforcement, fire, or ~~rescue squad vehicle, ambulance or any other~~ emergency medical services vehicle, the sentence imposed shall include a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence.

**§ 18.2-174.1. Impersonating certain public safety personnel; penalty.**

Any person who willfully impersonates, with the intent to make another believe he is, ~~a certified~~ *an* emergency medical services ~~personnel~~ *provider*, firefighter, special forest warden designated pursuant to § 10.1-1135, fire marshal, or fire chief is guilty of a Class 1 misdemeanor. A second or subsequent offense is punishable as a Class 6 felony.

**§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting apparatus without just cause; maliciously activating fire alarms in public buildings; venue.**

A. Any person who without just cause therefor, calls or summons, by telephone or otherwise, any ~~ambulance, emergency medical services vehicle or fire-fighting~~ *firefighting* apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums, and arenas, regardless of whether *an emergency medical services vehicle or fire apparatus* responds or not, ~~shall be deemed~~ *is* guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

**§ 18.2-340.16. Definitions.**

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof ~~which~~ *that* has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision;

2. An organization operated exclusively for religious, charitable, community or educational purposes;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. A local chamber of commerce; or

7. Any other nonprofit organization that raises funds by conducting raffles that generate annual gross receipts of \$40,000 or less, provided such gross receipts from the raffle, less expenses and prizes, are used exclusively for charitable, educational, religious or community purposes.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the 'Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming supplies to any qualified organization.

**§ 18.2-340.23. Organizations exempt from certain permits and fees.**

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period shall be required to (i) notify the Department of its intention to conduct charitable gaming; or (ii) comply with Board regulations. If any organization's actual gross receipts for the 12-month period exceed \$40,000, the Department may require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof ~~which~~ *that* has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* from any other provisions of this article or other Board regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, Board regulations.

**§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification; suspension, revocation or refusal to renew certificate; exceptions.**

A. No person shall receive remuneration as a bingo manager or caller from any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Department. Application for registration shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by the Department.

B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide member of the qualified organization for at least 12 consecutive months prior to making application for registration and (ii) be required to complete a reasonable training course developed and conducted by the Department.

As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable training course developed and conducted by the Department.

The Department may refuse to register any bingo manager or caller who has (a) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo manager or caller for any conduct described in subsection B or for any violation of this article or regulations of the Board. Before taking any such action, the Department shall give the bingo manager or caller a written statement of the grounds upon which it

proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Department shall not apply to a bingo caller for a volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision.

**§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.**

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child ~~shall be~~ *is* guilty of a Class 4 felony. For purposes of this subsection, "serious injury" ~~shall include~~ *includes* but ~~is not be~~ limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, ~~or~~ *and* (vii) life-threatening internal injuries.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life ~~shall be~~ *is* guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

**§ 18.2-414.1. Obstructing emergency medical services agency personnel in performance of mission; penalty.**

Any person ~~or persons~~ who unreasonably or unnecessarily ~~obstruct a member or members of a rescue squad~~ *obstructs the delivery of emergency medical services by emergency medical services agency personnel*, whether governmental, private, or volunteer, ~~in the performance of their rescue mission~~ or who ~~shall fail~~ *fails* or ~~refuse~~ *refuses* to cease such obstruction or move on when requested to do so by ~~a member of a rescue squad~~ *emergency medical services personnel* going to or at the site ~~of a rescue mission, shall be~~ *at which emergency medical services are required* is guilty of a Class 2 misdemeanor.

**§ 18.2-426. "Emergency call" and "emergency personnel" defined.**

As used in this article:

"Emergency call" means a call to report a fire or summon police, or for ~~medical aid or ambulance service~~ *emergency medical services*, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any persons, paid or volunteer, who receive calls for dispatch of police, fire, or emergency medical ~~service~~ *services* personnel, and includes law-enforcement officers, firefighters, including special forest wardens designated pursuant to § 10.1-1135, and emergency medical ~~service~~ *services* personnel.

**§ 18.2-429. Causing telephone or pager to ring with intent to annoy.**

A. Any person who, with or without intent to communicate but with intent to annoy any other person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person who permits or condones the use of any telephone under his control for such purpose, is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.

B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, causes a telephone to ring, which is owned or leased for the purpose of

receiving emergency calls by a public or private entity providing fire, police or emergency medical ~~service~~ *services*, and any person who knowingly permits the use of a telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

**§ 18.2-488.1. Flag at half mast for certain public safety personnel killed in the line of duty.**

A. As used in this section, unless the context requires a different meaning:

"Emergency medical services provider" means the same as that term is defined in § 32.1-111.1; and any member of a volunteer ~~lifeguarding crew or rescue squad~~ *emergency medical services agency*.

"Firefighter" means the same as that term is defined in § 9.1-300, and any member of a volunteer fire department.

"Police officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

"Service member" means a member of the United States armed forces, Virginia National Guard, or Virginia Defense Force.

B. Whenever a service member, police officer, firefighter, or emergency medical services provider who is a resident of Virginia is killed in the line of duty, all flags, state and local, flown at any building owned and operated by the Commonwealth shall be flown at half staff or mast for one day to honor and acknowledge respect for those who made the supreme sacrifice.

C. The Department of General Services shall develop procedures to effectuate the purposes of this section.

**§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.**

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial

and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services ~~official agency~~, and the emergency management official of the locality. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

**§ 27-1. Firefighters and equipment may in emergencies go or be sent beyond territorial limits.**

Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth, to assist in meeting such emergency.

In such event, the acts performed for such purpose by such ~~fire fighters or emergency medical technicians~~ *firefighters* and the expenditures made for such purpose by such county, city, or town, shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town, when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits, enjoyed by them while performing their respective duties.

**§ 27-2. Contracts of cities or towns to furnish fire protection.**

The governing body of any city or town may, in its discretion, authorize or require the fire department ~~or emergency medical services department~~ or division thereof to render aid in cases of actual or potential fire ~~or medical emergency~~ occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with nearby, adjacent or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in fire protection ~~or in emergency medical response~~ in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties or cities ~~and/or or~~ district, including sanitary districts; provided, that each of the parties to such agreement may contract as follows: (1) ~~(i)~~ *(i)* waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) ~~(ii)~~ *(ii)* indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury ~~which that~~ may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the fire department ~~or emergency medical services department~~ or division of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

**§ 27-2.1. Contracts for fire protection for federal and state property.**

Any county, city, or town may contract with the federal or state ~~governments~~ *government* to provide fire ~~or emergency medical~~ service to federal or state property located within or without the boundaries of the county, city, or town.

In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing fire protection ~~or emergency medical services~~ to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental

purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section, or under other lawful authority.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

**§ 27-3. Contract of county with city or another county for fire protection.**

The governing body of any county adjoining or near any city, town, or county, within or without the Commonwealth, including the District of Columbia, having and maintaining ~~fire-fighting or emergency medical services~~ *firefighting* equipment may contract with any such city, town, or county, upon such terms as such governing body may deem proper, for fighting fires ~~or responding to medical emergencies~~ in such county, town, or city and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, town, or city and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

**§ 27-4. Contract of county, city, or town to furnish fire protection.**

Any county, city, or town ~~which that~~ operates ~~fire-fighting~~ *firefighting* equipment as provided for in § 27-15.2 and any county, city, or town mentioned in ~~§ 27-23.6~~ 27-6.02 may contract with counties, cities, or towns in, adjacent to, or near such county, city, or town, including the District of Columbia, for fire protection ~~or emergency medical services~~ in the manner provided for in § 27-2.

**§ 27-6.01. Definitions.**

*For the purposes of this chapter, unless the context requires a different meaning:*

"Fire company" means a volunteer firefighting organization organized pursuant to § 27-8 in any county, city, or town of the Commonwealth for the purpose of fighting fires.

"Fire department" means a firefighting organization established as a department of government of any county, city, or town pursuant to § 27-6.1.

**§ 27-6.02. Provision of firefighting services.**

A. Any county, city, or town may provide firefighting services to its citizens by (i) establishing a fire department as a department of government pursuant to § 27-6.1 or (ii) contracting with or providing for the provision of firefighting services by a fire company established pursuant to § 27-8.

B. In cases in which a county, city, or town elects to contract with or provide for the provision of firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to fighting fires therein. The county, city, or town may elect to provide for the matters authorized in §§ 27-4 and 27-39.

As used in this section, "provide firefighting services" includes travel while performing fire, rescue, or other emergency operations in emergency vehicles or fire apparatus as described in §§ 46.2-920 and 46.2-1023, respectively.

**§ 27-6.1. Establishment of fire department; chief, officers, and employees.**

The governing body of any ~~city, town or~~ county, city, or town may establish a *fire department* as a department of government ~~a fire/EMS department~~ and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief" ~~or "the director."~~ As many other officers and employees may be employed in such ~~fire/EMS~~ *fire department* as the governing body may approve.

**§ 27-7. Bylaws of fire department; compensation of officers and employees; information on check stubs, time cards, etc.**

The governing body of any ~~city, town or~~ county, city, or town may empower the ~~fire/EMS~~ *fire department* therein to make bylaws to promote its objects consistent with the laws of ~~this the~~ Commonwealth and ordinances of the ~~city, town or~~ county, city, or town and may provide for the compensation of the officers and employees of such department.

All check stubs or time cards purporting to be a record of time spent on the job by a ~~fire fighter or emergency medical services personnel~~ *firefighter* shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of a ~~fire fighter or emergency medical services personnel~~ *firefighter* shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information ~~shall be~~ *is* shown, the information shall be in compliance with this section.

**§ 27-8. Who may form a fire company; limit on number of persons in combined companies.**

Any number of persons, not less than ~~twenty~~ 20, may form themselves into a company for extinguishing fires ~~or for performing emergency medical services, or both~~. In any county in which two or more companies for extinguishing fires ~~or for performing emergency medical services~~ shall join together and singly use one ~~fire/EMS~~ *fire station*, the number of persons in the combined companies shall be not less than ~~twenty~~ 20. ~~The minimum number of persons required by this section shall only apply to the formation of a fire company.~~

**§ 27-9. Organization of fire company.**

A writing stating the formation of ~~such a fire~~ company, with the names of the members thereof thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire company is ~~After located, after~~ which; the members of the ~~fire~~ company may make regulations for effecting its objects consistent with the laws of the Commonwealth, the ordinances of the ~~city, town or county, city, or town~~ and the bylaws of the ~~fire/EMS fire~~ department thereof. The principal officer of such fire company shall be known as "the chief."

**§ 27-10. Dissolution of fire company.**

Whenever the ~~fire/EMS fire~~ department of the ~~city, town, or county, city, or town~~ to which any ~~fire/EMS fire~~ company belongs ~~shall ascertain~~ *ascertains* that such company has failed, for three months successively, to consist of ~~twenty~~ 20 effective members ~~in the case of a fire company, or ascertain~~ *ascertains* that it has failed for the like period to have or keep in good and serviceable condition; an engine, hose, ~~emergency medical services vehicle~~ and equipment and other proper implements, or the governing body of the county, city, or town for any reason deems it advisable, such governing body may dissolve the ~~fire~~ company.

**§ 27-11. Duty of members on alarm of fire or call of a medical emergency.**

Every member of the ~~fire~~ company shall, upon any alarm of fire or call of a medical emergency, attend according to the ordinances of the ~~city, town or county, city, or town~~, or the bylaws, rules, or regulations of the ~~fire/EMS fire~~ department or the ~~fire~~ company's regulations, and endeavor to extinguish such fire or assist in the medical emergency.

**§ 27-13. Appointment of chief and other officers.**

In every ~~city, town or county, city, or town~~ in which ~~there is any such a fire company is established~~, there shall be appointed, at such time and in such manner as the governing body of such ~~city, town or county, city, or town~~ may prescribe, a chief ~~or director~~ and as many other officers as such governing body may direct.

**§ 27-14. Ordinances as to fire departments and fire companies.**

A. ~~Such~~ The governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of ~~fire/EMS departments, such fire departments or fire companies, and chiefs or directors~~ and other officers of such fire departments or fire companies, as it may deem proper, including billing property owners on behalf of volunteer fire departments as provided in § 38.2-2130.

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

**§ 27-15.1. Authority of chief or other officer in charge when answering alarm; penalty for refusal to obey orders.**

While any ~~fire/EMS fire~~ department or ~~fire/EMS fire~~ company is in the process of answering an alarm ~~or operating at an emergency incident~~ where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials ~~which that~~ threaten life or property and returning to the station, the chief, ~~director, or other officer in charge of such fire/EMS fire department or fire company at that time shall have the authority to:~~ (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the ~~fire fighters or emergency medical services personnel~~ *firefighters* at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and ~~fire fighters or emergency medical services personnel~~ *firefighters*; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief, ~~director, or other officer in charge shall display his fire fighter's or emergency medical services personnel's firefighter's badge, or other proper means of identification.~~ Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a ~~fire/EMS fire~~ station. Any person or persons refusing to obey the orders of the chief, ~~director, or his deputies~~ or other officer in charge at that time ~~shall be~~ *is* guilty of a Class 4 misdemeanor. The chief, ~~director, or other officer in charge shall have the power to make arrests for violation of the provisions of this section.~~ The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or ~~rescue squads~~ *emergency medical services agencies* from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (*§ 10.1-1100 et seq.*) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the ~~fire/EMS fire department or fire fighters fire company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.~~

**§ 27-15.1.1. Penalty for refusing or neglecting to obey order of chief or other officer in command.**

*If any person at a fire refuses or neglects to obey any order duly given by the chief or other officer in command, he shall be fined a civil penalty not to exceed \$100.*

**§ 27-15.2. Purchase, maintenance, etc., of equipment; donated equipment.**

A. The governing body of every ~~city, town or county, city, and town~~ shall have power to provide for the purchase, operation, ~~manning~~ *staffing*, and maintenance of suitable equipment for ~~fighting fires~~ *firefighting* or performing emergency medical services in or upon the property of the ~~city, town or county, city, or town~~ and of its inhabitants, and to prescribe the

terms and conditions upon which the same will be used for fighting fires or performing emergency medical services in or upon privately owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA Standard B2.3, B2.4 of the American Standards Association.

B. Any ~~fire/EMS fire~~ department of a ~~city, town, or county, city, or town,~~ or any ~~fire/EMS fire~~ company donating equipment for fighting fires ~~or performing emergency medical services~~ to any ~~fire/EMS fire~~ department or any ~~fire/EMS fire~~ company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection ~~must shall~~ be completed by a certified emergency vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency vehicle.

**§ 27-17. Entry of buildings on fire and premises adjoining.**

The chief of any ~~fire/EMS fire~~ department; ~~or fire~~ company or other authorized officer in command at a fire or medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a fire ~~or medical emergency~~ is in progress, or any building or premises adjacent thereto for the purpose of extinguishing the fire ~~or performing emergency medical services~~.

**§ 27-17.1. Remaining on premises after fire extinguished.**

The chief or other authorized officer of any ~~fire/EMS fire~~ department or ~~fire/EMS fire~~ company in command at a fire ~~or medical emergency~~, and his subordinates upon his order or direction, shall have the right to remain at the scene of fire ~~or medical emergency~~, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 27-20. Destruction of property to prevent spread of fire.**

The chief; ~~director,~~ or other officer commanding in his absence, may direct the pulling down or destroying of any fence, house, or other thing which he may judge necessary to be pulled down or destroyed; to prevent the further spreading of a fire, and for this purpose may require such assistance from all present as he shall judge necessary.

**§ 27-21. Owner may recover amount of actual damage.**

The owner of ~~such~~ property ~~destroyed pursuant to § 27-20~~ shall be entitled to recover from the ~~city, town or county, city, or town~~ the amount of the actual damage ~~which that~~ he may have sustained by reason of the same having been pulled down or destroyed under such direction.

**§ 27-23.1. Establishment of fire zones or districts; tax levies.**

The governing bodies of the several cities or counties of ~~this~~ the Commonwealth may create and establish, by designation on a map of the city or county showing current, official parcel boundaries, or by any other description which is legally sufficient for the conveyance of property or the creation of parcels, ~~fire/EMS fire~~ zones or districts in such cities or counties, within which may be located and established one or more ~~fire/EMS fire~~ departments, to be equipped with apparatus for fighting fires and protecting property and human life within such zones or districts from loss or damage by fire, illness or injury.

In the event of the creation of such zones or districts in any city or county, the city or county governing body may acquire, in the name of the city or county, real or personal property to be devoted to the uses aforesaid, and shall prescribe rules and regulations for the proper management, control, and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization, or municipal corporation, or any volunteer ~~fire fighters or emergency medical services personnel~~ ~~firefighters~~ for such fire ~~or emergency medical services~~ protection as may be required.

To raise funds for the purposes aforesaid, the governing body of any city or county in which such zones or districts are established may levy annually a tax on the assessed value of all property real and personal within such zones or districts, subject to local taxation, which tax shall be extended and collected as other city or county taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any city or county having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

The amount realized from such levy shall be kept separate from all other moneys of the city or county and shall be applied to no other purpose than the maintenance and operation of the ~~fire/EMS fire~~ departments and companies established under the provisions of this section.

**§ 27-23.2. Advances by city or county to fire zone or district.**

The governing body of any city or county in ~~this~~ the Commonwealth may advance funds, not otherwise specifically allocated or obligated, from the general fund to a ~~fire/EMS fire zone or district~~ to assist the fire ~~zone or district~~ to exercise the powers set forth in § 27-23.1.

**§ 27-23.3. Reimbursement for advances.**

Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to reimburse the general fund of the city or county from the proceeds of any funds to the credit of the ~~fire/EMS fire zone or district~~; not otherwise specifically allocated or obligated to the extent that the city or county has made advances to the ~~fire/EMS fire zone or district~~ from such general fund to assist the ~~zone or district~~ to exercise the powers set forth in § 27-23.1.

**§ 27-23.4. Validation of prior advances.**

The advancement of any funds heretofore advanced from the general fund by the governing body of any city or county in this Commonwealth for the benefit of a ~~fire/EMS fire zone~~ or district in exercising the lawful powers of such ~~fire/EMS fire zone~~ or district is hereby validated and confirmed.

**§ 27-23.5. Exclusion of certain areas from fire zones or districts and exemption of such areas from certain levies.**

The governing body of any city or county having a ~~fire/EMS fire zone~~ or district created under the provisions of § 27-23.1, prior to June 1 of any calendar year, may alter the boundaries of such ~~fire/EMS fire zone~~ or district for the purpose of excluding an area of any such ~~fire/EMS fire zone~~ or district ~~which~~ that is also within the boundaries of a sanitary district providing fire protection or emergency medical services or under contract to a sanitary district providing fire protection or emergency medical services.

Any area excluded from a ~~fire/EMS fire zone~~ or district as provided by this section shall not be subject to the levy set forth in § 27-23.1 for the year such area is excluded.

**§ 27-23.9. Supervision and control of joint services of fire companies or departments.**

Whenever two or more ~~fire/EMS fire~~ companies or *fire* departments are called to provide joint services in any district or political subdivision, the commander of the first company or *department* to arrive shall have general supervision and control of all such participating companies and departments until an officer of such district or political subdivision who is otherwise authorized by law to do so ~~shall assume~~ *assumes* such general supervision and control.

**§ 29.1-355. Disposition of funds.**

All moneys received from the sale of the special stamps shall be paid into the local treasury to the credit of a special damage stamp fund and identified by the year in which the moneys were collected. The special fund shall be used for the following purposes:

1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

2. Payment of the actual and necessary costs of the administration of the provisions of this article, including the printing and distribution of the required stamps and the payment of reasonable fees to persons designated by a local governing body to inspect, evaluate, and confirm reported claims and adjust such claims; and

3. In the discretion of the local governing body, payment of the costs of law enforcement directly related to and incidental to carrying out the provisions of this article and the general game laws of the Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved for such employment by the director and appointed to be a special conservation police officer in accordance with the Board's standards and policies governing such appointment; and

4. In the discretion of the local governing body, administrative expenses related to the special stamps, support of a county volunteer fire prevention and suppression program when the program includes ~~fire fighting~~ *firefighting* on big game hunting lands open to the public, and support of local volunteer ~~rescue squads~~ *emergency medical services agencies* whose services are available to hunters in distress. However, the money appropriated from the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local governing body must continue to use that selected period of time in determining the amount of money to be appropriated from the special damage stamp fund.

**§ 29.1-530.4. Duty of certain entities to report hunting incidents.**

Any law-enforcement agency or emergency medical ~~service~~ *services* provider that receives a report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or death, shall immediately give notice of the incident to the Department of Game and Inland Fisheries.

**§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate; exemption.**

A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an application for a number with the Department on forms approved by it. The owner of the motorboat or the owner's agent shall sign the application and pay the following boat registration fee:

- a. For a motorboat under 16 feet, \$18;
- b. For a motorboat 16 feet to less than 20 feet, \$22;
- c. For a motorboat 20 feet to less than 40 feet, \$28;
- d. For a motorboat 40 feet and over, \$36.

2. Owners, other than manufacturers or dealers, of more than 10 motorboats numbered by the Commonwealth, shall pay \$18 each for the first 10 such boats and \$12 for each additional boat.

3. Upon receipt of the application in approved form, the Department shall have the application entered upon the records of its office and issue to the applicant a certificate of number stating the identification number awarded to the motorboat and the name, address and a social security number or numbers, or federal tax identification number of the owner or owners. Any certificate issued in accordance with this chapter shall expire three years from the last day of the month in which it was issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate may be renewed.

B. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by rules and regulations of the Board. The number shall be maintained in legible condition. The certificate of

number shall be pocket-size and shall be available for inspection on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of number for any vessel less than 26 feet in length, and leased or rented to another for the lessee's noncommercial use for less than 24 hours, may be retained on shore by the vessel's owner or his representative at the place at which the vessel departs and returns to the possession of the owner or his representative, provided the vessel is appropriately identified as to its owner while in use under such lease or rental.

C. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be displayed on either side of the bow of the motorboat.

D. The Department is authorized to cancel and recall any certificate of number issued by the Department when it appears proper payment has not been made for the certificate of number or when the certificate has been improperly or erroneously issued.

E. Any motorboat purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department shall be exempt from the registration fees imposed by subsection A of this section.

**§ 29.1-733.7. Application for certificate of title.**

A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, only an owner may apply for a certificate of title.

B. An application for a certificate of title shall be signed by the applicant and contain:

1. The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;

2. The name and mailing address of each other owner of the watercraft at the time of application;

3. The motor vehicle driver's license number, social security number, or taxpayer identification number of each owner;

4. The hull identification number for the watercraft or, if none, an application for the issuance of a hull identification number for the watercraft;

5. If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or, if none has been issued by the Department, an application for a registration number pursuant to § 29.1-702;

6. A description of the watercraft as required by the Department, which shall include:

a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;

b. The name of the manufacturer, builder, or maker;

c. The model year or the year in which the manufacture or build of the watercraft was completed;

d. The overall length of the watercraft;

e. The watercraft type;

f. The hull material;

g. The propulsion type;

h. The engine drive type, if any;

i. The motor identification, including manufacturer's name and serial number, except on motors of 25 horsepower or less; and

j. The fuel type, if any;

7. An indication of all security interests in the watercraft known to the applicant and the name and mailing address of each secured party;

8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;

9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;

10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is hull damaged;

11. If the application is made in connection with a transfer of ownership, the transferor's name, street address and, if different, mailing address, the sales price, if any, and the date of the transfer; and

12. If the watercraft previously was registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the watercraft was registered or titled.

C. In addition to the information required by subsection B, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.

D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an application for a certificate of title shall be accompanied by:

1. A certificate of title that is signed by the owner shown on the certificate and that:

a. Identifies the applicant as the owner of the watercraft; or

b. Is accompanied by a record that identifies the applicant as the owner; or

2. If there is no certificate of title:

a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows that the watercraft is no longer a documented vessel and identifies the applicant as the owner;

b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the owner; or

c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the Department identifies the applicant as the owner. Issuance of registration under the provisions of § 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title under the provisions of this article.

E. A record submitted in connection with an application is part of the application. The Department shall maintain the record in its files.

F. The Department shall require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under law of the Commonwealth other than this article in connection with the application or the acquisition or use of the watercraft. The Department shall charge \$7 for issue of each certificate of title, transfer of title, or for the recording of a supplemental lien. The Department shall charge \$2 for the issuance of each duplicate title or for changes to a previously issued certificate of title that are made necessary by a change of the motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* shall be exempt from the fees imposed under this section.

G. The application shall be on forms prescribed and furnished by the Department and shall contain any other information required by the Director.

H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft, moves from the address shown in the application or upon the certificate of title, he shall, within 30 days, notify the Department in writing of his change of address. A fee of \$7 shall be imposed upon anyone failing to comply with this subsection within the time prescribed.

**§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.**

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C ~~of this section~~, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ *or salaried or volunteer emergency medical technician services provider* is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ *or salaried or volunteer emergency medical technician services provider* in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ *or salaried or volunteer emergency medical technician services provider* shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be

deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed. In other than emergency situations, it shall be the responsibility of the school board employee to inform the person of this provision prior to the contact that creates a risk of such exposure.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court shall be advised by the Commissioner or his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

#### **§ 32.1-46.02. Administration of influenza vaccine to minors.**

The Board shall, together with the Board of Nursing and by August 31, 2009, develop and issue guidelines for the administration of influenza vaccine to minors by licensed pharmacists, registered nurses, licensed practical nurses, ~~certified emergency medical technicians intermediate~~, or emergency medical ~~technicians paramedic services providers who hold an emergency medical technician intermediate or emergency medical technician paramedic certification issued by the Commissioner~~ pursuant to § 54.1-3408. Such guidelines shall require the consent of the minor's parent, guardian, or person standing in loco parentis; and shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention.

#### **§ 32.1-111.1. Definitions.**

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

~~"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.~~

~~"Ambulance" means any vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services; that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.~~

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

~~"Emergency medical services" or "EMS" means health care, public health, and public safety services used in the medical response to the real or perceived need for immediate medical assessment, care, or transportation and preventive care or transportation in order to prevent loss of life or aggravation of physiological or psychological illness or injury.~~

~~"Emergency medical services agency" or "EMS agency" means any person engaged in the business, service, or regular activity, whether for profit or not, of rendering immediate medical care and providing transportation to persons who are~~

sick, injured, wounded, or otherwise incapacitated or helpless and that holds a valid license as an emergency medical services agency issued by the Commissioner in accordance with § 32.1-111.6.

"Emergency medical services personnel" or "EMS personnel" means ~~persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants in charge, or operators~~ individuals who are employed by or members of an emergency medical services agency and who provide emergency medical services pursuant to an emergency medical services agency license issued to that agency by the Commissioner and in accordance with the authorization of that agency's operational medical director.

"Emergency medical services physician" or "EMS physician" means a physician who holds a current endorsement from the Office of Emergency Medical Services (EMS) and may serve as an EMS agency operational medical director or training program physician course director.

"Emergency medical services provider" or "EMS provider" means ~~a~~ any person who holds a valid ~~certification certificate as an emergency medical services provider~~ issued by the ~~Office of Emergency Medical Services Commissioner~~.

"Emergency medical services system" or "EMS system" means the system of emergency medical services agencies, vehicles, equipment, and personnel; health care facilities; other health care and emergency services providers; and other components engaged in the planning, coordination, and delivery of emergency medical services in the Commonwealth, including individuals and facilities providing communication and other services necessary to facilitate the delivery of emergency medical services in the Commonwealth.

"Emergency medical services vehicle" means any vehicle, vessel, or aircraft, ~~or ambulance~~ that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

*"Office of Emergency Medical Services" means the Office of Emergency Medical Services of the Department.*

"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight, and quality improvement to an EMS agency.

#### **§ 32.1-111.2. Exemptions from provisions of this article.**

The following entities are exempted from the provisions of this article:

1. Emergency medical ~~service~~ services agencies based outside the Commonwealth, except that any such agency receiving a person who is sick, injured, wounded, incapacitated, or helpless within the Commonwealth for transportation to a location within the Commonwealth shall comply with the provisions of this article;
2. Emergency medical ~~service~~ services agencies operated by the United States government; and
3. Wheelchair interfacility transport services and wheelchair interfacility transport service vehicles that are engaged, whether or not for profit, in the business, service, or regular activity of and exclusively used for transporting wheelchair bound passengers between medical facilities in the Commonwealth when no ancillary medical care or oversight is necessary. However, such services and vehicles shall comply with Department of Medical Assistance Services regulations regarding the transportation of Medicaid recipients to covered services.

#### **§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke Triage Plan.**

A. The Board of Health shall develop a *Statewide Emergency Medical Services Plan that shall provide for a comprehensive, coordinated, emergency medical care services system in the Commonwealth and prepare a Statewide Emergency Medical Services Plan which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils.* The Board shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical ~~care~~ services system. *The Plan shall incorporate the regional emergency medical services plans prepared by the regional emergency medical services councils pursuant to § 32.1-111.4:2.* Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the *emergency medical services* system shall include, but not be limited to, the following:

1. Establishing a comprehensive statewide emergency medical ~~care~~ services system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;
2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;
3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;
4. Promoting continuing improvement in system components including ground, water, and air transportation; communications; hospital emergency departments and other emergency medical care facilities; *health care provider training and health care service delivery; and consumer health information and education; and health manpower and manpower training;*
5. Ensuring performance improvement of the ~~Emergency Medical Services~~ *emergency medical services* system and emergency medical services and care delivered on scene, in transit, in hospital emergency departments, and within the hospital environment;

6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;

7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of ~~health manpower involved in~~ emergency medical services *personnel*, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by *emergency medical services* personnel having such skills and training;

8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;

9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;

10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers and specialty care centers based on an applicable national evaluation system;

11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);

12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services *personnel* and public safety personnel, including statewide availability and accreditation of critical incident stress management teams;

14. Establishing a statewide *program of* emergency medical services for children ~~program~~ to provide coordination and support for emergency pediatric care, availability of pediatric emergency medical care equipment, and pediatric training of ~~medical~~ *health care providers*;

15. Establishing and supporting a statewide system of health and medical emergency response teams, including emergency medical services disaster task forces, coordination teams, disaster medical assistance teams, and other support teams that shall assist local emergency medical services *agencies* at their request during mass casualty, disaster, or whenever local resources are overwhelmed;

16. Establishing and maintaining a program to improve dispatching of emergency medical services *personnel and vehicles*, including establishment of and support for emergency medical *services* dispatch training, accreditation of 911 dispatch centers, and public safety answering points;

17. Identifying and establishing best practices for managing and operating *emergency medical services* agencies, improving and managing emergency medical *services* response times, and disseminating such information to the appropriate persons and entities;

18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and

19. Maintaining current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

B. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through ~~formal~~ *development of* regional trauma triage plans that ~~incorporate each~~ *take into account the* region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A *and inclusion of such regional plans in the statewide Trauma Triage Plan*. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The ~~Emergency Medical Services~~ Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of ~~care~~ *emergency medical services and trauma services*, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including ~~but not limited to~~ the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The ~~Emergency Medical Services~~ Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The ~~Emergency Medical Services~~ Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical *services* and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The ~~Emergency Medical Services~~ Advisory Board or its designee shall ensure that each hospital *director* or emergency medical services ~~director~~ *agency chief* is informed of any incorrect interfacility transfer or triage, as defined in the statewide ~~plan~~ *Trauma Triage Plan*, specific to the ~~provider~~ *hospital or agency* and shall give the ~~provider~~ *hospital or agency* an opportunity to correct any facts on which such determination is based, if the ~~provider~~ *hospital or agency* asserts that such facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the ~~Emergency Medical Services~~ Advisory Board, any committee acting on behalf of the ~~Emergency Medical Services~~ Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, ~~licensed~~ *emergency medical services agency that holds a valid license issued by the Commissioner*, or group or committee established to monitor the quality of ~~care~~ *emergency medical services or trauma services* pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board of ~~Health~~ shall also develop and maintain as a component of the *Statewide* Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through ~~formal~~ *development of* regional stroke triage plans that ~~incorporate each~~ *take into account the region's* geographic variations and stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through certification by the Joint Commission or a comparable process consistent with the recommendations of the Brain Attack Coalition, *and inclusion of such regional plans in the statewide Stroke Triage Plan*. The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board of ~~Health~~ may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle, or other form of conveyance.

**§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times; enforcement provisions; civil penalties.**

A. The ~~State Board of Health~~ shall prescribe by regulation:

1. Requirements for ~~record keeping~~ *recordkeeping*, supplies, operating procedures, and other *emergency medical services* agency operations;

2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their medical supplies and equipment;

3. Procedures, including the requirements for forms, to authorize qualified emergency medical services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

4. Requirements for the composition, administration, duties, and responsibilities of the ~~State Emergency Medical Services~~ Advisory Board;

5. Requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, governing the training, certification, and recertification of emergency medical services personnel;

6. Requirements for written notification to the ~~State Emergency Medical Services~~ Advisory Board, the ~~State~~ Office of Emergency Medical Services, and the Financial Assistance and Review Committee of the Board's action, and the reasons therefor, on requests and recommendations of the Advisory Board, the ~~State~~ Office of Emergency Medical Services, or the *Financial Assistance and Review* Committee, no later than five ~~workdays~~ *business days* after reaching its decision, specifying whether the Board has approved, denied, or not acted on such requests and recommendations;

7. Authorization procedures, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, ~~which~~ *that* allow the possession and administration of epinephrine or a medically accepted equivalent for emergency cases of anaphylactic shock by certain levels of certified emergency medical services personnel as authorized by § 54.1-3408 and authorization procedures that allow the possession and administration of oxygen with the authority of the local *operational* medical director and a ~~licensed~~ *an* emergency medical services agency *that holds a valid license issued by the Commissioner*;

8. A uniform definition of "response time" and requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, for each *emergency medical services* agency to measure response times starting from the time a call for emergency medical ~~care~~ *services* is received until ~~(i)~~ the time ~~an~~ *(i)* appropriate emergency medical ~~response unit is~~ *services personnel are* responding and ~~(ii) the~~ appropriate emergency medical ~~response unit arrives~~ *services personnel arrive* on the scene, and requirements for *emergency medical services* agencies to collect and report such data to the Director of the Office of Emergency Medical Services, who shall compile such information and make it available to the public, upon request; and

9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may assess against any *emergency medical services* agency or other entity found to be in violation of any of the provisions of this article or any regulation promulgated under this article. All amounts paid as civil penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the state treasury and shall be deposited in the emergency medical services special fund established pursuant to § 46.2-694, to be used only for emergency medical services purposes.

B. The Board shall classify *emergency medical services* agencies and emergency medical services vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle specifications, and the *emergency medical services* personnel required for each classification.

C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

**§ 32.1-111.4:1. State Emergency Medical Services Advisory Board; purpose; membership; duties; reimbursement of expenses; staff support.**

A. *There is hereby created in the executive branch the State Emergency Medical Services Advisory Board for the purpose of advising the Board concerning the administration of the statewide emergency medical services system and emergency medical services vehicles maintained and operated to provide transportation to persons requiring emergency medical treatment and for reviewing and making recommendations on the Statewide Emergency Medical Services Plan. The Advisory Board shall be composed of 28 members appointed by the Governor as follows: one representative each from the Virginia Municipal League, Virginia Association of Counties, Virginia Hospital and Healthcare Association, and each of the 11 regional emergency medical services councils; one member each from the Medical Society of Virginia, Virginia Chapter of the American College of Emergency Physicians, Virginia Chapter of the American College of Surgeons, Virginia Chapter of the American Academy of Pediatrics, Emergency Nurses Association or the Virginia Nurses' Association, Virginia State Firefighters Association, Virginia Fire Chiefs Association, Virginia Ambulance Association, Virginia Association of Governmental Emergency Medical Services Administrators, and Virginia Association of Public Safety Communications Officials; two representatives of the Virginia Association of Volunteer Rescue Squads, Inc.; one Virginia professional firefighter; and one consumer who shall not be involved in or affiliated with emergency medical services in any capacity. Each organization and group shall submit three nominees from among which the Governor may make appointments. Of the three nominees submitted by each of the regional emergency medical services councils, at least one nominee shall be a representative of providers of prehospital care. Any person appointed to the Advisory Board shall be a member of the organization that he represents. To ensure diversity in the organizations and groups represented on the Advisory Board, the Governor may request additional nominees from the applicable organizations and groups. However, the Governor shall not be bound to make any appointment from among any nominees recommended by such organizations and groups.*

*The members of the Advisory Board shall not be eligible to receive compensation; however, the Department shall provide funding for the reimbursement of expenses incurred by members of the Advisory Board in the performance of their duties.*

B. *Appointments shall be staggered as follows: nine members for a term of two years, nine members for a term of three years, and 10 members for a term of four years. Thereafter, appointments shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. Appointments shall be in a manner to preserve insofar as possible the representation of the specified groups. No member shall serve more than two successive terms. No person representing any organization or group named in subsection A who has served as a member of the Advisory Board for two or more successive terms for any period or for six or more consecutive years shall be nominated for appointment or appointed to the Advisory Board unless at least three consecutive years have elapsed since the person has served on the Advisory Board.*

*The chairman shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection. The Advisory Board shall meet at least four times annually at the call of the chairman or the Commissioner.*

*C. The Advisory Board shall:*

- 1. Advise the Board on the administration of this article;*
- 2. Review and make recommendations for the Statewide Emergency Medical Services Plan and any revisions thereto; and*
- 3. Review, on a schedule as it may determine, reports on the status of all aspects of the statewide emergency medical services system, including the Financial Assistance and Review Committee, the Rescue Squad Assistance Fund, the regional emergency medical services councils, and the emergency medical services vehicles, submitted by the Office of Emergency Medical Services.*

*D. The Advisory Board shall establish an Advisory Board Executive Committee to assist in the work of the Advisory Board. The Advisory Board Executive Committee shall, in addition to those duties of the Advisory Board Executive Committee established by the Advisory Board, review the annual financial report of the Virginia Association of Volunteer Rescue Squads, as required by § 32.1-111.13.*

*E. The Office of Emergency Medical Services shall provide staff support to the Advisory Board.*

**§ 32.1-111.4:2. Regional emergency medical services councils.**

*The Board shall designate regional emergency medical services councils that shall be authorized to receive and disburse public funds. Each such council shall be charged with the development and implementation of an efficient and effective regional emergency medical services delivery system.*

*The Board shall review those agencies that were the designated regional emergency medical services councils. The Board shall, in accordance with the standards established in its regulations, review and may renew or deny applications for such designations every three years. In its discretion, the Board may establish conditions for renewal of such designations or may solicit applications for designation as a regional emergency medical services council.*

*Each regional emergency medical services council shall include, if available, representatives of the participating local governments, fire protection agencies, law-enforcement agencies, emergency medical services agencies, hospitals, licensed practicing physicians, emergency care nurses, mental health professionals, emergency medical services personnel, and other appropriate allied health professionals.*

*Each regional emergency medical services council shall adopt and revise as necessary a regional emergency medical services plan in cooperation with the Board.*

*The designated regional emergency services councils shall be required to match state funds with local funds obtained from private or public sources in the proportion specified in the regulations of the Board. Moneys received directly or indirectly from the Commonwealth shall not be used as matching funds. A local governing body may choose to appropriate funds for the purpose of providing matching grant funds for any designated regional emergency medical services council. However, this section shall not be construed to place any obligation on any local governing body to appropriate funds to any such council.*

*The Board shall promulgate, in cooperation with the Advisory Board, regulations to implement this section, which shall include, but not be limited to, requirements to ensure accountability for public funds, criteria for matching funds, and performance standards.*

**§ 32.1-111.4:3. Provision of emergency medical services.**

*A. Any county, city, or town may provide emergency medical services to its citizens by (i) establishing an emergency medical services agency as a department of government pursuant to § 32.1-111.4:6 or (ii) contracting with or providing for the provision of emergency medical services by an emergency medical services agency established pursuant to § 32.1-111.4:7.*

*B. In cases in which a county, city, or town elects to contract with or provide for emergency medical services by an emergency medical services agency pursuant to clause (ii) of subsection A, the emergency medical services agency shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to the provision of emergency medical services therein unless the emergency medical services agency is a private, for-profit emergency medical services agency.*

**§ 32.1-111.4:4. Emergency medical services personnel and equipment may in emergencies go or be sent beyond territorial limits.**

*Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the emergency medical services personnel of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth to assist in meeting such emergency.*

*In such event, the acts performed by such fire or emergency medical services personnel and the expenditures made for such purpose by such county, city, or town shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or town when acting through its emergency medical services personnel for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.*

*Emergency medical services personnel of any county, city, or town, when acting hereunder or under other lawful authority beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and*

exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

**§ 32.1-III.4:5. Contracts of counties, cities, and towns to furnish emergency medical services; public liability insurance to cover claims arising out of mutual aid agreements.**

A. The governing body of any city or town may, in its discretion, authorize or require the emergency medical services agency thereof to render aid in cases of actual or potential medical emergencies occurring beyond its limits, may prescribe the conditions under which such aid may be rendered, and may enter into contracts with nearby, adjacent, or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in the provision of emergency medical services in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties and cities, or districts, including sanitary districts, provided that each of the parties to such agreement may contract as follows: (i) waive any and all claims against all the other parties thereto that may arise out of their activities outside their respective jurisdictions under such agreement; (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury that may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the emergency medical services agency of any city or town is operating under such permission or contracts on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

B. Any county, city, or town may contract with the federal or state government to provide emergency medical services to federal or state property located within or without the boundaries of the county, city, or town. In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing emergency medical services to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or town when acting through its emergency medical services personnel for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section or under other lawful authority.

Emergency medical services personnel of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties. The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

C. The governing body of any county adjoining or near any county, city, or town, within or without the Commonwealth, including the District of Columbia, having and maintaining emergency medical services equipment may contract with any such county, city, or town, upon such terms as such governing body may deem proper, for responding to medical emergencies in such county, city, or town and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, city, or town and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

D. The governing body of any county, city, or town in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other counties, cities, or towns outside the Commonwealth, including the District of Columbia.

**§ 32.1-III.4:6. Establishment of an emergency medical services agency as a department of local government.**

A. The governing body of any county, city, or town may establish an emergency medical services agency as a department of government and may designate it by any name consistent with the names of its other governmental units. The head of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief." As many other officers and employees may be employed in such emergency medical services agency as the governing body may approve.

B. An emergency medical services agency established pursuant to subsection A may consist of government-employed emergency medical services personnel, volunteer emergency medical services personnel, or both. If an emergency medical services agency established pursuant to this section includes volunteer emergency medical services personnel, such volunteer emergency medical services agency shall be deemed an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to providing emergency medical services to the county, city, or town.

C. The governing body of any county, city, or town may empower an emergency medical services agency established therein pursuant to this section to make bylaws to promote its objects consistent with the laws of the Commonwealth and ordinances of the county, city, or town and may provide for the compensation of the officers and employees of such agency.

D. All check stubs or time cards purporting to be a record of time spent on the job by emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information is shown, the information shall be in compliance with this section.

**§ 32.1-111.4:7. Establishment of an emergency medical services agency as a nongovernmental entity.**

A. Any number of persons wishing to provide emergency medical services may establish an emergency medical services agency by (i) recording a writing stating the formation of such company, with the names of the members thereof thereto subscribed in the court of the county or city wherein such agency shall be located, (ii) complying with such local ordinances as may exist related to establishment of an emergency medical services agency, and (iii) obtaining a valid emergency medical services agency license from the Office of Emergency Medical Services together with such emergency medical services vehicle permits from the Office of Emergency Medical Services as the Office of Emergency Medical Services may require. The principal officer of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief."

B. The members of an emergency medical services agency established pursuant to subsection A may make regulations for effecting its objects consistent with the laws of the Commonwealth; the ordinances of the county, city, or town; and the bylaws of the emergency medical services agency thereof.

C. In every county, city, or town in which an emergency medical services agency is established pursuant to this section, there shall be appointed, at such time and in such manner as the governing body of such county, city, or town in which the emergency medical services agency is located may prescribe, an emergency medical services agency chief and as many other officers of the emergency medical services agency as such governing body may direct.

D. An emergency medical services agency established pursuant to this section may be dissolved when the local governing body of the county, city, or town in which the emergency medical services agency is located determines that the emergency medical services agency has failed, for three months successively, to have or keep in good and serviceable condition emergency medical services vehicles and equipment and other proper implements, or when the governing body of the county, city, or town for any reason deems it advisable.

**§ 32.1-111.4:8. Ordinances as to emergency medical services agencies.**

The governing body of any county, city, or town in which an emergency medical services agency is established pursuant to § 32.1-111.4:6 or 32.1-111.4:7 may make such ordinances in relation to the powers and duties of emergency medical services agencies and emergency medical services agency chiefs or other officers of such emergency medical services agencies as it may deem proper.

**§ 32.1-111.5. Certification and recertification of emergency medical services providers; appeals process.**

A. The Board shall prescribe by regulation the qualifications required for certification of emergency medical services providers, including those qualifications necessary for authorization to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1. Such regulations shall include criteria for determining whether an applicant's relevant practical experience and didactic and clinical components of education and training completed during his service as a member of any branch of the armed forces of the United States may be accepted by the Commissioner as evidence of satisfaction of the requirements for certification.

B. Each person desiring certification as an emergency medical services provider shall apply to the Commissioner upon a form prescribed by the Board. Upon receipt of such application, the Commissioner shall cause the applicant to be examined or otherwise determined to be qualified for certification. When determining whether an applicant is qualified for certification, the Commissioner shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the requirements for certification. If the Commissioner determines that the applicant meets the requirements for certification as an emergency medical services provider, he shall issue a certificate to the applicant. An emergency medical services provider certificate so issued shall be valid for a period required by law or prescribed by the Board. Any certificate so issued may be suspended at any time that the Commissioner determines that the holder no longer meets the qualifications prescribed for such emergency medical services provider. The Commissioner may temporarily suspend any certificate without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a certificate pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Board shall prescribe by regulation procedures and the qualifications required for the recertification of emergency medical services providers.

D. The Commissioner may issue a temporary certificate when he finds that it is in the public interest. A temporary certificate shall be valid for a period not exceeding 90 days.

E. The ~~State Board of Health~~ shall require each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services agency to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation, for the purpose of obtaining his criminal history record information. The Central Criminal Records Exchange shall forward the results of the state and national records search to the Commissioner or his designee, who shall be a governmental entity. If an applicant is denied employment or service as a volunteer because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.

**§ 32.1-111.6. Emergency medical services agency license; emergency medical services vehicle permits.**

A. No person shall operate, conduct, maintain, or profess to be an *emergency medical services* agency without a valid ~~permit license~~ issued by the Commissioner for such *emergency medical services* agency and a valid permit for each emergency medical services vehicle used by such *emergency medical services* agency.

B. The Commissioner shall issue an original or renewal ~~permit license~~ for an *emergency medical services* agency or *renewal permit for an* emergency medical services vehicle ~~which that~~ meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. ~~Permits Licenses and permits~~ shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary ~~permits licenses~~ for *emergency medical services* agencies or *temporary permits for* emergency medical services vehicles not meeting required standards, valid for a period not to exceed ~~sixty~~ 60 days, when the public interest will be served thereby.

D. The issuance of a *license or permit hereunder in accordance with this section* shall not be construed to authorize any *emergency medical services* agency to operate any emergency medical services vehicle without a franchise, *license*, or permit in any county or municipality ~~which that~~ has enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

E. The word "ambulance" shall not appear on any vehicle, vessel, or aircraft that does not hold a valid permit as an *emergency medical services* vehicle.

**§ 32.1-111.6.1. Commissioner to issue certain emergency medical services licenses or permits.**

The Commissioner of Health shall issue ~~permits or licenses for~~ to emergency medical services agencies and *permits for emergency medical services* vehicles as needed to ensure compliance with federal regulations relating to reimbursement of ~~ambulance emergency medical services vehicle transportation~~ services pursuant to Medicare and Medicaid.

**§ 32.1-111.7. Inspections.**

Each *emergency medical services* agency for which a license has been issued and each emergency medical services vehicle for which a permit has been issued shall be inspected as often as the Commissioner deems necessary and a record thereof shall be maintained. Each such *emergency medical services* agency or *emergency medical services* vehicle, its medical supplies and equipment, and the records of its maintenance and operation shall be available at all reasonable times for inspection.

**§ 32.1-111.8. Revocation and suspension of licenses and permits.**

Whenever an *emergency medical services* agency or an emergency medical services vehicle owned or operated by an *emergency medical services* agency is in violation of any provision of this article or any applicable regulation, the Commissioner shall have power to revoke or suspend such *emergency medical services* agency's ~~permit license~~ and the permits of all emergency medical services vehicles owned or operated by the *emergency medical services* agency. The Commissioner may temporarily suspend any ~~permit license for agencies an emergency medical services agency or permit for an emergency medical services vehicles vehicle~~ without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a *license or permit* pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.9. Applications for variances or exemptions.**

A. Prior to the submission of (i) an application for a variance to the Commissioner of Health or (ii) an application for an exemption from any regulations promulgated pursuant to this chapter to the Board of Health by an *emergency medical services* agency or governmental entity licensed or certified by the Office of Emergency Medical Services that holds a valid license issued by the Commissioner, the application shall be reviewed by the governing body or chief administrative officer of the jurisdiction in which the principal office of the *emergency medical services* agency or governmental entity licensed or certified by the Office of Emergency Medical Services is located. The recommendation of the governing body or chief administrative officer of the jurisdiction regarding the variance or exemption shall be submitted with the application, and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

B. ~~A provider~~ An individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 who is certified as an *emergency medical services provider* or is a candidate for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review, but shall submit the application for a variance or exemption to the Operational Medical Director and the ~~agency head of the emergency medical services agency chief~~ with which the ~~provider~~ he is affiliated, and shall include the recommendations of such Operational Medical Director and the *emergency medical services* agency ~~head chief~~ together with the application for a variance or exemption. The recommendation of the Operational Medical Director and the *emergency medical services* agency ~~head chief~~ with which the *emergency medical services personnel* is affiliated regarding the variance or exemption shall be submitted with the application and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

C. ~~A~~ An *emergency medical services* provider who is not affiliated with an *emergency medical services* agency shall submit an application for a variance or exemption to the Commissioner or Board, whichever is appropriate, and the Commissioner or Board, whichever is appropriate, shall consider the application for the purposes of granting or denying the variance or exemption. The Commissioner or Board, whichever is appropriate, may require ~~a~~ an *emergency medical*

services provider who is not affiliated with an *emergency medical services* agency to submit additional case-specific endorsements or supporting documentation as part of an application for a variance or exemption.

D. The applicant shall have the right to appeal any denial by the Commissioner or Board of an application for a variance or exemption pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.12. Virginia Rescue Squads Assistance Fund; disbursements.**

A. For the purpose of providing financial assistance to ~~rescue squads and other~~ emergency medical services organizations in the Commonwealth, of providing the requisite training for emergency medical ~~service~~ services personnel, and of purchasing equipment needed by such ~~rescue squads and~~ organizations, there is hereby created in the Department of the Treasury a special nonreverting fund ~~which that~~ shall be known as the Virginia Rescue Squads Assistance Fund. The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall consist of any moneys appropriated for this purpose by the General Assembly and any other moneys received for such purpose by the Board. On and after July 1, 1996, any such moneys unexpended at the end of a fiscal biennium shall remain in the Fund and shall not revert to the general fund.

B. In accordance with regulations of the Board, the Commissioner shall disburse and expend the moneys in the Virginia Rescue Squads Assistance Fund. No moneys shall be disbursed directly to any ~~rescue squad or other~~ emergency medical services organization unless such ~~squad or~~ organization operates on a nonprofit basis exclusively for the benefit of the general public.

**§ 32.1-111.13. Annual financial reports.**

~~Effective on July 1, 1996, the~~ The Virginia Association of Volunteer Rescue Squads shall submit an annual financial report on the use of funds received from the special emergency medical services fund to the ~~State Emergency Medical Services~~ Advisory Board Executive Committee on such forms and providing such information as may be required by the Advisory Board Executive Committee for such purpose.

**§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns.**

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency *medical* services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate *any* emergency medical services ~~vehicles~~ *vehicle* or ~~any~~ class thereof established by the Board in such county or city without having been granted a franchise, *license* or permit to do so;

2. Grant franchises, *licenses* or permits to *emergency medical services* agencies based within or outside the county or city; however, any *emergency medical services* agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise, *license* or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;

3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any *emergency medical services* agency;

4. Determine and prescribe areas of franchised, *licensed* or permitted service within the county or city;

5. Fix and change from time to time reasonable charges for franchised, *licensed* or permitted services;

6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

7. Contract with franchised, *licensed* or permitted *emergency medical services* agencies for *emergency medical services vehicle* transportation services to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and

8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ~~ambulance~~ *emergency medical services vehicle transportation* services as authorized by § 38.2-3407.9; and to contract with any *emergency medical services* agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such powers until 180 days after written notice to the governing body of the town.

E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency medical services vehicles owned and operated by a town or to authorize any town to regulate in any manner emergency medical services vehicles owned and operated by a county.

F. ~~Any emergency~~ Emergency medical services vehicles operated by a county, city, or town under authority of this section shall be subject to the provisions of this article and to the regulations of the Board ~~adopted thereunder.~~

**§ 32.1-111.14:2. Establishment of emergency medical services zones or districts; tax levies.**

The governing bodies of the several counties or cities of the Commonwealth may create and establish, by designation on a map of the county or city showing current, official parcel boundaries, or by any other description that is legally sufficient for the conveyance of property or the creation of parcels, emergency medical services zones or districts in such counties or cities within which may be located and established one or more emergency medical services agencies for providing emergency medical services within such zones or districts.

In the event of the creation of such zones or districts in any county or city, the county or city governing body may acquire, in the name of the county or city, real or personal property to be devoted to the uses aforesaid and shall prescribe rules and regulations for the proper management, control, and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization, or municipal corporation or any volunteer emergency medical services agency or emergency medical services provider for such emergency medical services as may be required.

To raise funds for the purposes aforesaid, the governing body of any county or city in which such zones or districts are established may levy annually a tax on the assessed value of all property, real and personal, within such zones or districts, subject to local taxation, which tax shall be extended and collected as other county or city taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any county or city having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

The amount realized from such levy shall be kept separate from all other moneys of the county or city and shall be applied to no other purpose than the maintenance and operation of the emergency medical services agencies established pursuant to this section.

**§ 32.1-111.14:3. Exclusion of certain areas from emergency medical services zones or districts and exemption of such areas from certain levies.**

The governing body of any county or city having an emergency medical services zone or district created under the provisions of § 32.1-111.14:2, prior to June 1 of any calendar year, may alter the boundaries of such emergency medical services zone or district for the purpose of excluding an area of any such emergency medical services zone or district that is also within the boundaries of a sanitary district providing emergency medical services or under contract to a sanitary district providing emergency medical services.

Any area excluded from an emergency medical services zone or district as provided by this section shall not be subject to the levy set forth in § 32.1-111.14:2 for the year such area is excluded.

**§ 32.1-111.14:4. Advances by county or city to emergency medical services zone or district; reimbursement; validation of prior advances.**

A. The governing body of any county or city in the Commonwealth may advance funds, not otherwise specifically allocated or obligated, from the general fund to an emergency medical services zone or district to assist the emergency medical services zone or district to exercise the powers set forth in § 32.1-111.14:2.

B. Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to reimburse the general fund of the county or city from the proceeds of any funds to the credit of the emergency medical services zone or district, not otherwise specifically allocated or obligated, to the extent that the county or city has made advances to the emergency medical services zone or district from such general fund to assist the emergency medical services zone or district to exercise the powers set forth in § 32.1-111.14:2.

C. The advancement of any funds heretofore advanced from the general fund by the governing body of any county or city in the Commonwealth for the benefit of an emergency medical services zone or district in exercising the lawful powers of such emergency medical services zone or district is hereby validated and confirmed.

**§ 32.1-111.14:5. Authority of emergency medical services agency incident commander when operating at an emergency incident; penalty for refusal to obey orders.**

Except as provided in § 32.1-111.14:6, while any emergency medical services personnel are in the process of operating at an emergency incident where there is imminent danger and when emergency medical services personnel are returning to the emergency medical services agency, the incident commander of such emergency medical services agency at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity, (ii) direct the actions of emergency medical services personnel at the incident, (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment, (iv) facilitate the speedy movement and operation of emergency equipment and emergency medical services personnel, and (v) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The emergency medical services agency incident commander shall display his emergency medical services personnel's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at an emergency medical services agency. Any person refusing to obey the orders of the emergency medical services incident commander at that time is guilty of a Class 4 misdemeanor. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct

members of law-enforcement agencies or fire departments or fire companies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the incident commander has deemed the area safe and only into those areas of the incident that do not, in the opinion of the incident commander, interfere with the emergency medical services personnel dealing with such emergencies, in which case the emergency medical services incident commander may order such person from the scene of the emergency incident.

**§ 32.1-111.14:6. Supervision and control of joint services of emergency medical services agencies.**

Whenever two or more emergency medical services agencies are called to provide joint services in any district or political subdivision, the incident commander of the first agency to arrive shall have general supervision and control of all such participating agencies until an officer of such district or political subdivision who is otherwise authorized by law to do so shall assume such general supervision and control.

**§ 32.1-111.14:7. Penalty for disobeying emergency medical services agency chief or other officer in command.**

If any person at a fire or medical emergency refuses or neglects to obey any order duly given by the individual having command of the incident in accordance with § 32.1-111.14:5 or 32.1-111.14:6, he shall, upon conviction of such offense, be fined not to exceed \$100.

**§ 32.1-111.14:8. Purchase, maintenance, etc., of equipment; donated equipment.**

A. The governing body of every county, city, or town shall have power to provide for the purchase, operation, staffing, and maintenance of suitable equipment for providing emergency medical services in or upon the property of the county, city, or town and of its inhabitants and to prescribe the terms and conditions upon which the same will be used for providing emergency medical services in or upon privately owned property.

B. Any emergency medical services agency donating equipment for providing emergency medical services to any other emergency medical services agency, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection must be completed by a certified emergency medical services vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency medical services vehicle.

**§ 32.1-111.14:9. Entry of buildings and premises adjoining during a medical emergency.**

A. The incident commander at a medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a medical emergency is in progress, or any building or premises adjacent thereto for the purpose of providing emergency medical services.

B. The incident commander at a medical emergency, and his subordinates upon his order or direction, shall have the right to remain at the scene of a medical emergency, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 32.1-111.15. Statewide poison control system established.**

From such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received, the Board of Health shall establish a statewide poison control system. The funding mechanism for the system and its services shall be as provided in the appropriation act.

The Board shall establish poison control centers that meet national certification standards promulgated by the American Association of Poison Control Centers. If such national certification standards are eliminated, the Board shall establish minimum standards for the designation and operation of these poison control centers. The poison control centers established by the Board shall report to the Board by October 1 of each year regarding program operations; expenditures; revenues, including in-kind contributions; financial status; future needs; and summaries of human poison exposure cases for the most recent calendar year.

The statewide system shall provide, at a minimum, (i) consultation, by free, 24-hour emergency telephone or other means of communication, to the public and to health care practitioners providers regarding the ingestion or application of substances, including determinations of emergency treatment, coordination of referrals to emergency treatment facilities, and provision of appropriate information to the staffs of such facilities; (ii) prevention education and information about poison control services; (iii) training for health care practitioners providers in toxicology and medical management of poison exposure cases; and (iv) poison control surveillance through the collection and analysis of data from reported poison exposures to identify poisoning hazards, prevent poisonings, and improve treatment of poisoned patients.

**§ 32.1-116.1:1. Disclosure of medical records.**

Any licensed physician, licensed health care provider, or licensed health care facility may disclose to an emergency medical services provider personnel, an emergency medical services physician, or their licensed parent agency the medical records of a sick or injured person to whom such emergency medical services provider personnel or emergency medical services physician is providing or has rendered emergency medical care for the purpose of promoting the medical education of the specific person who provided such care or for quality improvement initiatives of their agency or of the EMS emergency medical services system as a whole. Any emergency medical services provider personnel or emergency medical

services physician to whom such confidential records are disclosed shall not further disclose such information to any persons not entitled to receive that information in accordance with the provisions of this section.

**§ 32.1-116.3. Reporting of communicable diseases; definitions.**

A. For the purposes of this section:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual or person to another or to uninfected persons through airborne or nonairborne means and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall include any companion animal.

"Communicable diseases" means any airborne infection or disease, including, but not limited to, tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus Influenzae Type b, and those transmitted by contact with blood or other human body fluids, including, but not limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

B. Every licensed health care facility ~~which~~ *that* transfers or receives patients via emergency medical services ~~ambulances or mobile intensive care units vehicles~~ shall notify the emergency medical services agencies providing such patient transport of the name and telephone number of the individual who is the infection control practitioner with the responsibility of investigating exposure to infectious diseases in the facility.

Every ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner and that is established in the Commonwealth shall notify all facilities to which they transport it transports patients or from which they transfer it transfers patients of the names and telephone numbers of the members, not to exceed three persons, who have been appointed to serve as the exposure control officers. Every licensed emergency medical services agency that holds a valid license issued by the Commissioner shall implement universal precautions and shall ensure that these precautions are appropriately followed and enforced.*

C. Upon requesting any ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner* to transfer a patient who is known to be positive for or who suffers from any communicable disease, the transferring facility shall inform the attendant-in-charge of the transferring crew of the general condition of the patient and the types of precautions to be taken to prevent the spread of the disease. The identity of the patient shall be confidential.

D. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic~~ has an exposure of blood or body fluid to mucous membrane; *or* non-intact skin; *or* a contaminated needlestick injury, his exposure control officer shall be notified, a report completed, and the infection control practitioner at the receiving facility notified.

E. If, during the course of medical care and treatment, any physician determines that a patient who was transported to a receiving facility by any ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner* (i) is positive for or has been diagnosed as suffering from an airborne infectious disease or (ii) is subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, then the infection control practitioner in the facility shall immediately notify the exposure control officer who represents the transporting emergency medical services agency of the name of the patient; and the date and time of the patient's admittance to the facility. The exposure control officer for the transporting emergency medical services agency shall investigate the incident to determine if any exposure of emergency medical services personnel or other emergency personnel occurred. The identity of the patient and all personnel involved in any such investigation shall be confidential.

F. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic shall be~~ is exposed to a communicable disease, the exposure control officer shall immediately notify the infection control practitioner of the receiving facility. The infection control practitioner of the facility shall conduct an investigation and provide information concerning the extent and severity of the exposure and the recommended course of action to the exposure control officer of the transporting agency.

G. Any person requesting or requiring any employee of a public safety agency as defined in subsection J of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~ shall inform such public safety agency employee of a potential risk of exposure to a communicable disease.

H. Local or state correctional facilities which transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~ shall notify the emergency medical services agency providing transportation services of a potential risk of exposure to a communicable disease, including a communicable disease of public health threat. For the purposes of this section, the chief medical person at a local or state correctional facility or the facility director or his designee shall be responsible for providing such information to the transporting agency.

I. Any person who, as a result of this provision, becomes aware of the identity or condition of a person known to be (i) positive for or to suffer from any communicable disease, or to have suffered exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, shall keep such information confidential, except as expressly authorized by this provision.

J. No person known to be (i) positive for or to suffer from any communicable disease, including any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title, shall be refused transportation or service for that reason by an emergency medical services, law-enforcement, or public safety agency.

**§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity.**

A. Upon the initiative of any local or regional law-enforcement agency, fire department, department of social services, emergency medical services agency, Commonwealth's attorney's office, or community services board, local or regional child fatality teams may be established for the purpose of conducting contemporaneous reviews of local child deaths in order to develop interventions and strategies for prevention specific to the locality or region. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. Violations shall be punishable as a Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical assistance and direction as provided for in subsection A of § 32.1-283.1.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a local or regional medical examiner, a local social services official in charge of child protective services, a director of the relevant local or district health department, a chief law-enforcement officer, a local fire marshal, *a local emergency medical services agency chief*, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, and such additional persons, not to exceed ~~five~~ *four*, as may be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected from among the designated membership. The additional members appointed by the chairperson may include, but are not restricted to, representatives of local human services agencies; local public education agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

C. Each team shall establish local rules and procedures to govern the review process prior to conducting the first child fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the reviews nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection shall be punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a child fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

**§ 32.1-291.12. Search and notification.**

A. The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

1. A law-enforcement officer, *a firefighter, paramedic emergency medical services personnel*, or other emergency rescuer finding the individual; and

2. If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

B. If a document of gift or a refusal to make an anatomical gift is located by the search required by subdivision A 1 and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

C. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

**§ 33.2-262. Removal of snow from driveways of volunteer fire departments and emergency medical services agencies.**

On the roads under the jurisdiction of the Department, the Department shall remove snow from the driveways and entrances of volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies* when the chief of any individual volunteer fire department; or ~~the head of any individual~~ *volunteer rescue squad, emergency medical services agency* makes a written request for such snow removal service, provided that such service shall only be performed when such service can be performed during the normal course of snow removal activities of the Department without interfering with, or otherwise inconveniencing, such snow removal activities. Such service shall not extend to any parking lots adjacent to such driveways and entranceways not normally used by the volunteer fire department or volunteer ~~rescue squad~~ *vehicles emergency medical services agency* as their direct driveway or entrance.

**§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. Notwithstanding the foregoing provisions of this section, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles; ~~ambulances;~~ and ~~rescue squad~~ *emergency medical services* vehicles;

2. Law-enforcement vehicles;

3. Motorcycles;

4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;

b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;

5. Vehicles of public utility companies operating in response to an emergency call;

6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;

7. Taxicabs having two or more occupants, including the driver; or

8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;

2. For a second offense within a period of five years from a first offense, by a fine of \$250;

3. For a third offense within a period of five years from a first offense, by a fine of \$500; and

4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving

record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

a. Is changing the HOV-2 designation to HOV-3 in the public interest?

b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

**§ 33.2-503. HOT lanes enforcement.**

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for civil violation of this section may be executed pursuant to this subdivision, when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed pursuant to § 19.2-76.2. Such form shall contain the option for the driver or registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the

address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the driver of the vehicle at the time of the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee shall not exceed \$25.

b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

d. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any

violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, ~~ambulance~~, or ~~rescue squad~~ *emergency medical services* vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

**§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ~~ambulances~~ *emergency medical services vehicles* owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than

\$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

#### **§ 35.1-25. Exemptions.**

The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* that hold occasional dinners, bazaars, and other fund-raisers of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fund raiser;

4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) for their members or their invited guests;

6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax; or

7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision.

#### **§ 38.2-1904. Rate standards.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound, provided; *that* other data, including countrywide, regional, or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

1. No rate shall be held to be excessive unless it is unreasonably high for the insurance provided and a reasonable degree of competition does not exist in the area with respect to the classification to which the rate applies.

2. No rate shall be held inadequate unless it is unreasonably low for the insurance provided and (i) continued use of it would endanger solvency of the insurer or (ii) use of the rate by the insurer has or, if continued, will have the effect of destroying competition or creating a monopoly.

3. No rate shall be unfairly discriminatory if a different rate is charged for the same coverage and the rate differential (i) is based on sound actuarial principles or (ii) is related to actual or reasonably anticipated experience.

B. 1. In determining whether rates comply with the standards of subsection A ~~of this section~~, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) the loss reserving practices, standards and procedures utilized by the insurer, (vii) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give separate consideration to investment income earned on surplus funds, and (viii) all other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. In the case of workers' compensation insurance rates for volunteer firefighters or volunteer ~~lifeguard or volunteer rescue squad members~~ *emergency medical services personnel*, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifeguard or volunteer rescue squad members~~ *emergency medical services personnel* and paid firefighters or paid ~~lifeguard or paid rescue squad members~~ *emergency medical services personnel*, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ *volunteer emergency medical services personnel*.

4. In the case of uninsured motorist coverage required by subsection A of § 38.2-2206, consideration shall be given to all sums distributed by the Commission from the Uninsured Motorists Fund in accordance with the provisions of Chapter 30 (§ 38.2-3000 et seq.) ~~of this title~~.

C. For the classes of insurance to which this chapter applies, including insurance against contingent, consequential and indirect losses as defined in § 38.2-133 (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or with respect to any subdivision or combination of insurance for which separate expense provisions are applicable, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference between risks that can be demonstrated to have a probable effect upon losses or expenses. Notwithstanding any other provision of this subsection, except as permitted by § 38.2-1908, each member of a rate service organization shall use the uniform classification system, uniform experience rating plan, and uniform statistical plan of its designated rate service organization in the provision of insurance defined in § 38.2-119.

D. No insurer shall use any information pertaining to any motor vehicle conviction or accident to produce increased or surcharged rates above their filed manual rates for individual risks for a period longer than ~~thirty-six~~ 36 months. This period shall begin no later than ~~twelve~~ 12 months after the date of the conviction or accident.

E. Each authorized insurer subject to the provisions of this chapter may file with the Commission an expense reduction plan that permits variations in expense provisions. Such filing may contain provisions permitting agents to reduce their commission resulting in an appropriate reduction in premium. Nothing in this section shall be construed to require an agent to reduce a commission, nor may an insurer unreasonably refuse to reduce a premium due to a commission reduction as permitted by its filed expense reduction plan.

#### **§ 38.2-2005. Provisions governing making of rates.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound; however, other data, including countrywide, regional or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

B. 1. In making rates for the classes of insurance to which this chapter applies, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give separate consideration to investment income earned on surplus funds, (vii) the loss reserving practices, standards and procedures utilized by the insurer, and (viii) all

other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. [Repealed.]

In the case of workers' compensation insurance rates for volunteer firefighters or volunteer ~~lifeguarding or volunteer rescue squad members~~ *emergency medical services personnel* written through the Virginia Worker's Compensation Insurance Plan, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifeguarding or volunteer rescue squad members~~ *emergency medical services personnel* and paid firefighters or paid ~~lifeguarding or paid rescue squad members~~ *emergency medical services personnel*, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ *volunteer emergency medical services personnel*.

C. For the classes of insurance to which this chapter applies (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or for any subdivision or combination of insurance for which separate expense provisions apply, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses.

D. All rates, rating schedules or rating plans and every manual of classifications, rules and rates, including every modification thereof, approved by the Commission under this chapter, shall be used until a change is approved by the Commission.

**§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits; assignment of certain benefits.**

A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering any policy or contract of bodily injury or property damage liability insurance covering liability arising from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium, as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while in or upon, entering or alighting from or through being struck by a motor vehicle while not occupying a motor vehicle, the following health care and disability benefits for each accident:

1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical, ~~ambulance~~, prosthetic and rehabilitation services, *services provided by an emergency medical services vehicle as defined in § 32.1-111.1*, and funeral expenses, resulting from the accident and incurred within three years after the date of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the insurer and insured may agree to any other limit;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first workday lost as a result of the accident up to the date the person is able to return to his usual occupation. However, the period shall not extend beyond one year from the date of the accident; and

3. An expense described in subdivision 1 shall be deemed to have been incurred:

a. If the insured is directly responsible for payment of the expense;

b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or similar documentation from the health care provider; however, if the insured is required to make a payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the amount shall be increased by the payment made by the insured; or

c. If no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, in the amount of the usual and customary fee charged in that community for the service rendered.

B. The insured has the option of purchasing either or both of the coverages set forth in subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss of income coverage under any policy of automobile liability insurance, shall be payable to the covered injured person or pursuant to an assignment of benefits in accordance with subsection D, notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to give notice to the insurer of an accident as soon as practicable under the terms of the policy, except where the failure or refusal prejudices the insurer in establishing the validity of the claim.

C. In any policy of personal automobile insurance in which the insured has purchased coverage under subsection A, every insurer providing such coverage arising from the ownership, maintenance or use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available on every motor vehicle insured under that coverage if the health care or disability expenses and costs mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

D. Any attempt to assign medical expense benefits shall be subject to the following:

1. An assignment of medical expense benefits shall be valid only if:
  - a. A copy of the AOB form, executed by the assignor and in compliance with the other requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;
  - b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and (iii) executed by the assignor;
  - c. The AOB form includes a conspicuous statement that the assignor is not required to execute the AOB form;
  - d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to acknowledge that the assignor has read, or had the opportunity to read, the notice;
  - e. If the AOB form does not include a notice that complies with the provisions of subdivision g, (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the assignor at the same time as the AOB form and that contains a notice that complies with the provisions of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the assignment of medical expense benefits is provided in a separate document; and (iii) the AOB form is signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to acknowledge that the assignor has read, or had the opportunity to read, the separate document containing the notice;
  - f. The statements required by subdivision D 1 to be included in the AOB form or a separate document, including the notice prescribed by subdivision g, are in not less than eight-point type; and
  - g. The assignor is provided, either in the AOB form or in a separate document, a notice that summarizes the effect of the assignment of medical expense benefits, which notice states the following:

"Notice: automobile accident patients

If you have been in an automobile accident, you may be entitled to payment from your automobile insurance if you have medical expense benefits coverage. By signing this assignment of benefits form you are giving to your health care provider the right to receive some or all of that payment directly from your automobile insurance company.

If you have health insurance and your healthcare provider is in-network: as long as you provide information necessary to verify your health insurance coverage the healthcare provider may only bill the amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you may be entitled to any remainder of your automobile insurance benefit.

If you do not provide information necessary to verify your health insurance coverage, do not have health insurance, or your healthcare provider is not in your health insurer's provider network: your health care provider may bill their full charges to your automobile insurance.

You may want to consult your insurance agent or attorney before signing or initialing this form. You are not required to sign/initial this form to receive care."
2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the assignee advising that it has been represented to the assignee that the covered injured person does not have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy:
  - a. If the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider, as evidenced by an explanation of benefits, remittance advice, or similar documentation provided to the motor vehicle insurer; or
  - b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered injured person is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered;
3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the requirements of subdivision D 1;
4. A covered injured person shall not be required to assign to any person any medical expense benefits he may have under this section, including any assignment of the proceeds of such coverages;
5. An assignment of medical expense benefits shall be void and unenforceable as against public policy if the assignment does not comply with the requirements of subdivision D 1;
6. Medical expense benefits may not be reduced because of any benefits paid, payable, or provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits, or any subscription contract or health services plan delivered or issued for delivery or providing for the payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as authorized by this section; and
7. Nothing in this section shall prohibit the payment of medical expense benefits due to the covered injured person directly to any state or federal assistance program that has provided medical benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any motor vehicle.

E. As used in subsection D:

"AOB form" means the document or instrument that contains a provision by which the assignor assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an assignee. The AOB form may be a separate instrument or included in another instrument, including a consent form or a form assigning other benefits.

"Assignee" means the health care provider to which the assignor is assigning medical expense benefits, including any assignment of the proceeds of such coverages.

"Assignor" means the covered injured person or a person authorized to consent on the covered injured person's behalf.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or (i) medical expense coverage issued pursuant to this section.

"Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which applicable agreement the health care provider has agreed to provide health care services to covered patients.

"Medical expense benefits" means the benefits of coverages described in subdivision A 1, including any assignment of the proceeds of such coverages.

"Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering liability arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for medical expense benefits.

"Person authorized to consent on the covered injured person's behalf" means any person authorized by law to consent on behalf of the covered injured person incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

**§ 38.2-2202. Required notice of optional coverage available.**

A. No original premium notice for insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains on the front of the premium notice or unless there is enclosed with the premium notice, in boldface type, the following statement:

**IMPORTANT NOTICE**

**IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH BEING STRUCK BY A MOTOR VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS ARE AVAILABLE FOR EACH ACCIDENT:**

**1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND NECESSARY EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL, ~~AMBULANCE~~, PROSTHETIC AND REHABILITATION SERVICES, SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES VEHICLE AS DEFINED IN § 3.1-111.1, AND FUNERAL EXPENSES RESULTING FROM THE ACCIDENT AND INCURRED**

WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF COVERAGE, YOU AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND

2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE ACCIDENT.

IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY THAT ISSUED YOUR POLICY.

The insurer issuing the premium notice shall inform the insured by any reasonable means of communication of the approximate premium for the additional coverage.

B. No new policy or original premium notice of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains the following statement printed in boldface type, or unless the statement is attached to the front of or is enclosed with the policy or premium notice:

**IMPORTANT NOTICE**

IN ADDITION TO THE INSURANCE COVERAGE REQUIRED BY LAW TO PROTECT YOU AGAINST A LOSS CAUSED BY AN UNINSURED MOTORIST, IF YOU HAVE PURCHASED LIABILITY INSURANCE COVERAGE THAT IS HIGHER THAN THAT REQUIRED BY LAW TO PROTECT YOU AGAINST LIABILITY ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLES COVERED BY THIS POLICY, AND YOU HAVE NOT ALREADY PURCHASED UNINSURED MOTORIST INSURANCE COVERAGE EQUAL TO YOUR LIABILITY INSURANCE COVERAGE:

1. YOUR UNINSURED AND UNDERINSURED MOTORIST INSURANCE COVERAGE HAS INCREASED TO THE LIMITS OF YOUR LIABILITY COVERAGE AND THIS INCREASE WILL COST YOU AN EXTRA PREMIUM CHARGE; AND

2. YOUR TOTAL PREMIUM CHARGE FOR YOUR MOTOR VEHICLE INSURANCE COVERAGE WILL INCREASE IF YOU DO NOT NOTIFY YOUR AGENT OR INSURER OF YOUR DESIRE TO REDUCE COVERAGE WITHIN 20 DAYS OF THE MAILING OF THE POLICY OR THE PREMIUM NOTICE, AS THE CASE MAY BE. THE INSURER MAY REQUIRE THAT SUCH A REQUEST TO REDUCE COVERAGE BE IN WRITING.

3. IF THIS IS A NEW POLICY AND YOU HAVE ALREADY SIGNED A WRITTEN REJECTION OF SUCH HIGHER LIMITS IN CONNECTION WITH IT, PARAGRAPHS 1 AND 2 OF THIS NOTICE DO NOT APPLY.

After ~~twenty~~ 20 days, the insurer shall be relieved of the obligation imposed by this subsection to attach or imprint the foregoing statement to any subsequently delivered renewal policy, extension certificate, other written statement of coverage continuance, or to any subsequently mailed premium notice.

**§ 38.2-3407.9. Reimbursement for emergency medical services vehicle transportation services.**

A. If an accident and sickness insurance policy provides coverage for ~~ambulance~~ services *provided by an emergency medical services vehicle*, any person providing such services to a person covered under such policy shall receive reimbursement for such services directly from the issuer of such policy, when the issuer of such policy is presented with an assignment of benefits by the person providing such services.

B. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall establish or promote an emergency medical response and transportation system that encourages or directs access by a person covered under such policy, contract or plan in competition with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*. An entity subject to this subsection may use transportation outside an emergency 911 system or other state, county or municipal emergency medical system for services that are not ~~ambulance~~ services *provided by an emergency medical services vehicle*.

C. For the purposes of this section, "~~ambulance~~ services *provided by an emergency medical services vehicle*" means the transportation of any person requiring resuscitation or emergency relief or where human life is endangered, by means of any ~~ambulance, rescue or life-saving~~ *emergency medical services vehicle* designed or used principally for such purposes. ~~Such term includes emergency medical services ambulances and mobile intensive care units.~~ No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall require a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*.

**§ 40.1-79.01. Exemptions from chapter generally.**

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;

2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;

3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in gardens with the consent of his parent or a person standing in place of his parent;

4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;

5. A child participating in the activities of a volunteer ~~rescue squad~~ *emergency medical services agency*;

6. A child under 16 years of age employed by his parent in an occupation other than manufacturing; or

7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

**§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.**

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section ~~shall be~~ *is* guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 44-146.28. Authority of Governor and agencies under his control in declared state of emergency.**

(a) In the case of a declaration of a state of emergency as defined in § 44-146.16, the Governor is authorized to expend from all funds of the state treasury not constitutionally restricted, a sum sufficient. Allotments from such sum sufficient may be made by the Governor to any state agency or political subdivision of the Commonwealth to carry out disaster service missions and responsibilities. Allotments may also be made by the Governor from the sum sufficient to provide financial assistance to eligible applicants located in an area declared to be in a state of emergency, but not declared to be a major disaster area for which federal assistance might be forthcoming. This shall be considered as a program of last resort for those local jurisdictions that cannot meet the full cost.

The Virginia Department of Emergency Management shall establish guidelines and procedures for determining whether and to what extent financial assistance to local governments may be provided.

The guidelines and procedures shall include, but not be limited to, the following:

(1) Participants may be eligible to receive financial assistance to cover a percentage of eligible costs if they demonstrate that they are incapable of covering the full cost. The percentage may vary, based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent disasters during the preceding twelve months may also be considered for eligibility purposes.

(2) Only eligible participants that have sustained an emergency or disaster as defined in § 44-146.16 with total eligible costs of four dollars or more per capita may receive assistance except that (i) any town with a total population of less than 3,500 shall be eligible for disaster assistance for incurred eligible damages of \$15,000 or greater and (ii) any town with a population of 3,500 or more, but less than 5,000 shall be eligible for disaster assistance for incurred eligible damages of \$20,000 or greater and (iii) any town with a population of 5,000 or greater with total eligible costs of four dollars or more per capita may receive assistance. No site or facility may be included with less than \$1,000 in eligible costs. However, the total cost of debris clearance may be considered as costs associated with a single site.

(3) Eligible participants shall be fully covered by all-risk property and flood insurance policies, including provisions for insuring the contents of the property and business interruptions, or shall be self-insured, in order to be eligible for this assistance. Insurance deductibles shall not be covered by this program.

(4) Eligible costs incurred by towns, public service authorities, volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies* may be included in a county's or city's total costs.

(5) Unless otherwise stated in guidelines and procedures, eligible costs are defined as those listed in the Public Assistance component of Public Law 93-288, as amended, excluding beach replenishment and snow removal.

(6) State agencies, as directed by the Virginia Department of Emergency Management, shall conduct an on-site survey to validate damages and to document restoration costs.

(7) Eligible participants shall maintain complete documentation of all costs in a manner approved by the Auditor of Public Accounts and shall provide copies of the documentation to the Virginia Department of Emergency Management upon request.

If a jurisdiction meets the criteria set forth in the guidelines and procedures, but is in an area that has neither been declared to be in a state of emergency nor been declared to be a major disaster area for which federal assistance might be forthcoming, the Governor is authorized, in his discretion, to make an allotment from the sum sufficient to that jurisdiction without a declaration of a state of emergency, in the same manner as if a state of emergency declaration had been made.

The Governor shall report to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, and the House Finance Committee within thirty days of authorizing the sum sufficient pursuant to this section. The Virginia Department of Emergency Management shall report annually to the General Assembly on the local jurisdictions that received financial assistance and the amount each jurisdiction received.

(b) Public agencies under the supervision and control of the Governor may implement their emergency assignments without regard to normal procedures (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

(c) Allotments may be made by the Governor from a sum sufficient to provide financial assistance to Virginia state agencies and political subdivisions responding to a declared state of emergency in another state as provided by § 44-146.17, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16.

(d) Allotments may be made by the Governor from a sum sufficient for the deployment of personnel and materials for the Virginia National Guard and the Virginia Defense Force to prepare for a response to any of the circumstances set forth in subdivisions A 1 through A 5 of § 44-75.1, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16. However, preparation authorized by this subsection shall be limited to the deployment of no more than 300 personnel, and shall be limited to no more than five days, unless a state of emergency is declared.

**§ 45.1-161.199. Certified emergency medical services providers.**

At least one person who is a working coal miner and who ~~has been certified by the State Board of Health as possessing the qualifications of an emergency medical technician or holds a valid certificate as an emergency medical services first responder~~ *provider issued by the Commissioner of the Department of Health* shall be located so as to be available for duty at each mine when miners are working at that mine. Such emergency medical services ~~personnel~~ *providers* shall be utilized in sufficient numbers to assure that workers in any mine location can be reached by them within such reasonable time as is determined by the Chief. Emergency medical services ~~personnel~~ *providers* shall have available to them at all times the necessary equipment, as specified by the Chief, for prompt response to emergencies. In the event that at any time there is at any mine an insufficient number of qualified miners volunteering to serve as emergency medical services ~~personnel~~ *providers* as provided for in this section, the operator may elect to utilize the services of first aid trainees, in such numbers as the Chief determines to be appropriate. Telephone or equivalent facilities shall be installed to provide two-way voice communication between the emergency medical services ~~personnel~~ *providers* and medical personnel outside the mine.

**§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension

and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6 of this subsection.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or *any volunteer emergency medical services personnel or applicant to serve as* volunteer ~~rescue squad~~ *emergency medical services personnel*, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* is different from that contained in the Department's records, provide the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, *personnel*, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or *a volunteer* ~~rescue squad~~ *emergency medical services agency to serve as a member of a volunteer emergency medical services agency* and the abstract is needed by a volunteer fire company or

volunteer ~~rescue squad~~ *emergency medical services agency* to establish the qualifications of the member, *volunteer*, or applicant to operate equipment owned by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency*.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently

possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

**§ 46.2-334.01. Licenses issued to persons less than 19 years old subject to certain restrictions.**

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth and from his home, his place of employment, or an institution of higher learning where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher learning where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher learning where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, unless the driver is accompanied by a parent or person acting in loco parentis provided that such person accompanying the driver is occupying the seat beside the driver and is lawfully permitted to operate a motor vehicle at the time. After the first year the provisional license is issued the holder may operate a motor vehicle with up to three passengers who are less than 21 years old when (i) the holder is driving to or from a school-sponsored activity, or (ii) a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. This passenger limitation, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer rescue squad emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in either subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in either subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

**§ 46.2-502. Clinic fees.**

A. The Department and all businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction may charge a fee not to exceed \$100, which shall include the processing fee set forth in subsection B of this section, to persons notified by the Department to attend a driver improvement clinic. No person shall be permitted to attend a driver improvement clinic unless the person first pays the required attendance fee to the business, organization, governmental entity or individual providing the driver improvement clinic instruction.

B. All businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction shall collect for the Department a processing fee of \$10 from each person attending a driver improvement clinic taught by such businesses, organizations, governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters submitted to the Department by such businesses, organizations, governmental entities or individuals. No such processing fee, however, shall be required or collected from members of volunteer ~~rescue~~ ~~squad~~ ~~emergency medical services agencies~~ and volunteer fire departments who attend such clinics in order to successfully complete training for emergency vehicle operation. All fees collected by the Department under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

**§ 46.2-644.2. Department's records; fees; exemption.**

The Department shall maintain a record of any certificate of title it issued under this article. Fees to be paid to the Department for issuance of such certificates of title shall be the same as those imposed for the titling of motor vehicles pursuant to § 46.2-627.

Any all-terrain vehicle or off-road motorcycle purchased and used by a nonprofit volunteer ~~rescue squad~~ ~~emergency medical services agency~~ shall be exempt from fees imposed under this section.

**§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer emergency medical services agencies.**

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department or (ii) ~~ambulance~~ ~~emergency medical services vehicle~~ or other vehicle owned or used exclusively by a volunteer fire department or volunteer ~~lifeguarding or first aid crew or rescue squad~~ ~~emergency medical services agency~~ if any such vehicle is used exclusively as an ~~ambulance or lifeguarding and first aid~~ ~~emergency medical services vehicle~~ and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle. The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the volunteer fire department, ~~lifeguarding or first aid crew or rescue squad~~ ~~or volunteer emergency medical services agency~~ having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under this section.

**§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service services~~ personnel of ~~licensed~~, nonprofit emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services *provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.*

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed~~, nonprofit emergency medical ~~and rescue~~ services *agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of

such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical ~~service~~ *services* purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ *services* personnel of ~~licensed~~, nonprofit emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ *services provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health*.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ *services agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle,

trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-698. Fees for farm vehicles.**

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incidental to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer ~~rescue squad members~~ *emergency medical services personnel* and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending ~~squad~~ *emergency medical services agency or fire company* meetings and drills.

**§ 46.2-726. License plates with reserved numbers or letters; fees.**

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered.

License plates with reserved numbers or letters may be issued for and displayed on ~~vehicles operated as ambulances by private ambulance services~~ *emergency medical services vehicles operated by emergency medical services agencies.*

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be ~~ten dollars~~ *\$10* plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state

license plates, the fee for such special license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be ~~ten dollars~~ \$10 plus the prescribed fee for state license plates. If those license plates are special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

**§ 46.2-735. Special license plates for members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries; fees.**

The Commissioner, on application, shall supply members of volunteer ~~rescue squads~~ *emergency medical services agencies* and members of volunteer ~~rescue squad~~ *emergency medical services agency* auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any combination thereof.

Only one application shall be required from each volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer ~~rescue squad~~ *emergency medical services agency* auxiliary. The application shall contain the names and residence addresses of all members *of the volunteer emergency medical services agency and members of the volunteer emergency medical services agency auxiliary* who request license plates. The Commissioner shall charge the prescribed cost of state license plates for each set of license plates issued under this section.

**§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.**

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer ~~rescue squads~~ *emergency medical services agencies*,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer ~~rescue squads~~ *emergency medical services agencies*,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer ~~rescue squads~~ *emergency medical services agencies*, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer ~~rescue squads~~ *emergency medical services agencies* and *active members of* volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active *affiliation or* membership, and no *member of an emergency medical services agency or member of a volunteer fire department* shall be issued more than one such license free of charge,
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,

15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,

16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,

17. Vehicles owned or leased by salaried emergency medical technicians services personnel; however, no salaried emergency medical technician services personnel shall be issued more than one such license free of charge,

18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,

19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and

20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for

fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the particular county, city, or town.

**§ 46.2-818. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof; penalties.**

No person shall intentionally and willfully:

1. Stop the vehicle of another for the sole purpose of impeding its progress on the highways, except in the case of an emergency or mechanical breakdown;

2. Block the access to or egress from any premises of any service facility operated for the purposes of (i) selling fuel for motor vehicles, (ii) performing repair services on motor vehicles, or (iii) furnishing food, rest, or any other convenience for the use of persons operating motor vehicles engaged in intrastate and interstate commerce on the highways of ~~this~~ *the* Commonwealth;

3. Damage any vehicle engaged in commerce on the highways of ~~this~~ *the* Commonwealth, or threaten, assault, or otherwise harm the person of any operator of a motor vehicle being used for the transportation of property for hire.

Any person violating any provision of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor, and in addition, his driver's license may be suspended by the court for a period of not more than one year. The court shall forward such license to the Department as provided by § 46.2-398.

The provisions of this section shall not apply to any law-enforcement officer, school guard, ~~fire fighter~~ *firefighter*, or ~~member of a rescue squad~~ *emergency medical services personnel* engaged in the performance of his duties nor to any vehicle owned or controlled by the Virginia Department of Transportation while engaged in the construction, reconstruction, or maintenance of highways.

**§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or ~~rescue squad~~ *emergency medical services* personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A ~~of this section~~.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than \$500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or
2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

**§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.**

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or
7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle designed or used for the principal purpose of ~~supplying resuscitation or emergency relief~~ *providing emergency medical services* where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

**§ 46.2-921. Following or parking near fire apparatus or emergency medical services vehicle.**

It shall be unlawful, in any county, city, or town for the driver of any vehicle, other than one on official business, to follow any fire apparatus or ~~rescue squad~~ *emergency medical services* vehicle traveling in response to a fire alarm or emergency call at any distance closer than 500 feet to such apparatus or ~~rescue squad~~ *emergency medical services* vehicle or to park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

**§ 46.2-1020. Other permissible lights.**

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower, an interior light or lights of not more than 15 candlepower each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer ~~rescue squads~~ *emergency medical services agencies*, (b) professional ~~fire fighters~~ *firefighters*, or (c) police chaplains. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device is both covered and unlit, no motor vehicle which is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

**§ 46.2-1023. Flashing red or red and white warning lights.**

Fire apparatus, forest warden vehicles, ~~ambulances, rescue and life-saving~~ *emergency medical services* vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

**§ 46.2-1024. Flashing or steady-burning red or red and white warning lights.**

Any member of a fire department, volunteer fire company, or volunteer ~~rescue squad, any ambulance driver employed by a privately owned ambulance service,~~ *emergency medical services agency* and any police chaplain may equip one vehicle owned by him with no more than two flashing or steady-burning red or red and white combination warning lights of types approved by the Superintendent. Warning lights permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

**§ 46.2-1025. Flashing amber, purple, or green warning lights.**

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus; ~~ambulances, and rescue and life-saving~~ *and emergency medical services* vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;
9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;
10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;
11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;
12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;
13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;
14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;
15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;
16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;
17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;
18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;
19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;
20. Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;
21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; and
22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, ~~fire-fighting~~ *firefighting*, or ~~rescue~~ *emergency medical services* personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

**§ 46.2-1027. Warning lights on certain demonstrator vehicles.**

Dealers or businesses engaged in the sale of fire, ~~rescue~~ *emergency medical services*, or law-enforcement vehicles ~~or ambulances~~ may, for demonstration purposes, equip such vehicles with colored warning lights.

**§ 46.2-1028. Auxiliary lights on firefighting, Virginia Department of Transportation, and other emergency vehicles.**

Any ~~fire-fighting~~ *firefighting* vehicle, ~~ambulance~~, ~~rescue~~ or ~~life-saving~~ *emergency medical services* vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with clear auxiliary lights, which shall be used exclusively for lighting emergency scenes. Such lights shall be of a type approved by the Superintendent, and shall not be used in a manner ~~which~~ *that* may blind or interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted while the vehicle is in motion.

**§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.**

In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, and (iii) ~~rescue squad vehicle, ambulance, or any other~~ *emergency medical services* vehicle may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights of a type approved by the Superintendent of State Police.

**§ 46.2-1044. Cleats, etc., on tires; chains; tires with studs.**

No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible, however, to use on the highways farm machinery having protuberances which will not injure the highway and to use tire chains of reasonable proportions when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use on any vehicle whose gross weight does not exceed 10,000 pounds tires with studs which project no more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed if the studs cover no more than three percent of the traction surface of the tire.

The use of studded tires shall be permissible only from October 15 to April 15.

The provisions of this section shall not apply to any (i) law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer; (ii) vehicle used to fight fire, including publicly owned state forest warden vehicles; (iii) ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle; or (iv) vehicle owned or operated by the Virginia Department of Transportation or its contractors in maintenance and emergency response operations.

**§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

A. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

B. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

C. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of ~~this~~ *the* Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of ~~this~~ *the* Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of ~~this~~ *the* Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ *is* guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ *is* guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

D. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

E. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle.

F. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall subsection B ~~of this section~~ apply to a motor vehicle to which but one such sticker is so affixed.

G. Nothing in this section shall prohibit applying to the rear side windows or rear window of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light transmittance of such window or windows below 35 percent.

H. As used in this article:

"Front side windows" means those windows located adjacent to and forward of the driver's seat;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle;

"Rear side windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows which are located to the rear of the passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any ~~ambulance, rescue squad vehicle, or any other~~ emergency medical services vehicle used to transport patients.

M. The provisions of subdivision C 1 ~~of this section~~ shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

#### **§ 46.2-1076. Lettering on certain vehicles.**

A. No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle on the highways in the Commonwealth unless the legal name or trade name of the motor carrier as defined in Chapter 20 (§ 46.2-2000 et seq.) or Chapter 21 (§ 46.2-2100 et seq.) operating the vehicle is plainly displayed on both sides of the vehicle. The letters and numerals in the display shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of ~~fifty~~ 50 feet while the vehicle is not in motion. The display shall be kept legible and may take the form of a removable device which meets the identification and legibility requirements of this section.

B. This section shall not apply to any motor vehicle:

1. Having a registered gross weight of less than 10,000 pounds;
2. Which is used exclusively for ~~wedding, ambulance, weddings~~ or funeral services; ~~or~~
3. Which is rented without chauffeur and operated under a valid lease which gives the lessee exclusive control of the vehicle; *or*
4. Which is used exclusively as an emergency medical services vehicle.

C. Subsection A ~~of this section~~ shall also apply to tow trucks used in providing service to the public for hire. For the purposes of this section, "tow truck" means any motor vehicle which is constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles.

D. No person shall drive on the highways in the Commonwealth a pickup or panel truck, tractor truck, trailer, or semitrailer bearing any name other than that of the vehicle's owner or lessee. However, the provisions of this subsection shall not apply to advertising material for another, displayed pursuant to a valid contract.

**§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.**

A. It shall be unlawful for any person to operate a motor vehicle on the highways of the Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth, except for uses permitted under this section. In addition, the provisions of this section shall not apply to any law-enforcement, ~~fire-fighting~~ *firefighting*, ~~life-saving~~, or ~~rescue vehicle or ambulance or emergency medical services vehicle~~ responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a violation of this section, or at that person's request and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B of this section, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. No demerit points shall be awarded by the Commissioner for violations of this section.

**§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.**

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or
2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
2. An operator who is lawfully parked or stopped;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle designed or used for the principal purpose of ~~supplying resuscitation or emergency relief~~ *emergency medical services* where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

**§ 46.2-1239. Parking in certain locations; penalty.**

No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within ~~fifteen~~ 15 feet of a fire hydrant or the entrance to a fire station, within ~~fifteen~~ 15 feet of the entrance to a plainly designated ~~building housing rescue squad equipment or ambulances~~ *emergency medical services agency*, or within

~~twenty~~ 20 feet from the intersection of curb lines or, if none, then within ~~fifteen~~ 15 feet of the intersection of property lines at any highway intersection.

**§ 46.2-1900. Definitions.**

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised T&M vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of T&M vehicles to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles T&M vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M vehicles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model or factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a franchise agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase T&M vehicles.

"Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles that has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

"Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

"Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately preceding model year.

"Manufacturer" means a person engaged in the business of constructing or assembling new T&M vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the motor home.

"Motor home" means a motor vehicle with a normal seating capacity of not more than ~~ten~~ 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor vehicle distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and "motor vehicle distributor representative" mean the same as provided in § 46.2-1500.

"New T&M vehicle" means any T&M vehicle ~~which~~ that (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration T&M vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the T&M vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal T&M vehicle safety and emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle that has been previously sold but not titled shall be deemed a new T&M vehicle if it meets the requirements of provisions (ii), (iv), and (v) of this definition.

"Original license" means a T&M vehicle dealer license issued to an applicant who has never been licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has been expired for more than ~~thirty~~ 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular area around an existing franchised dealer not to exceed a radius of ~~ten~~ 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of ~~ten~~ 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of ~~fifteen~~ 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the ~~fifteen-mile~~ 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area responsibility, the relevant market area shall be the greater of an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use and not for resale, in which the price of the T&M vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"T&M vehicle" means motor homes and travel trailers as defined in this section.

"T&M vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M vehicles, new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles are owned by him;

2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles within any ~~twelve~~ 12 consecutive months.

The term "T&M vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of T&M vehicles to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles acquired for their own use and actually so used, when the T&M vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of ~~fire-fighting~~ firefighting equipment, ~~ambulances~~ emergency medical services vehicles, and funeral vehicles, including T&M vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1919, 46.2-1920 and 46.2-1949.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a T&M vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of T&M vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M vehicles for sale by any T&M vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of T&M vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

"T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

"T&M vehicle show" means a display of T&M vehicles to the general public at a location other than a dealer's location licensed under this chapter where the T&M vehicles are not being offered for sale or exchange during or as part of the display.

"Travel trailer" means a vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet.

"Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this section.

"Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

**§ 46.2-2000.1. Vehicles excluded from operation of chapter.**

This chapter shall not be construed to include:

1. Motor vehicles employed solely in transporting school children and teachers;
2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating capacity of not more than six passengers, excluding the driver, while operating in a county, city, or town which has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a bona fide taxicab service, and not operating on a regular route or between fixed termini;
3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the transportation of hotel patronage between hotels and local railroad or other common carrier stations;
4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality or any other political subdivision of this Commonwealth, including passenger-carrying motor vehicles while being operated under an exclusive contract with the United States;
5. Any motor vehicle designed with a seating capacity for and used to transport not more than ~~fifteen~~ 15 passengers, including the driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share not more than the expenses of operation of the vehicle. Regular payments toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing the vehicle are to be considered eligible expenses of operation;
6. Unless otherwise provided, motor vehicles while used exclusively in the transportation of passengers within the corporate limits of incorporated cities or towns, and motor vehicles used exclusively in the regular transportation of passengers within the boundaries of such cities or towns and adjacent counties where such vehicles are being operated by such county or pursuant to a contract with the board of supervisors of such county;
7. Motor vehicles while operated under the exclusive regulatory control of a transportation district commission acting pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2;
8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties; and
9. ~~Ambulances~~ *Emergency medical services vehicles* as defined in § 32.1-111.1.

**§ 51.1-153. Service retirement.**

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire at any time upon written notification to the Board setting forth the date the retirement is to become effective. Any member in service who was denied membership prior to July 1, 1987, as a result of being age 60 or over when first employed may retire at any time after his normal retirement date and the requirement of having five or more years of service shall not apply.

B. Early retirement. - 1. Any member in service who has attained his fifty-fifth birthday with five or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective.

However, a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter shall be allowed to retire under this subdivision prior to his normal retirement date only if the person is in service and has attained his sixtieth birthday with five or more years of creditable service, and the benefit for such person shall be calculated in accordance with the provisions of subdivision A 3 of § 51.1-155.

2. Subject to the provisions of subdivision 3, any state employee, teacher, or employee of a political subdivision who is a member of the retirement system may retire prior to his normal retirement date after attaining age 50 and 30 years of creditable service, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

3. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, as a state employee, teacher, or employee of a political subdivision may retire prior to his normal retirement date after the sum of his age and years of creditable service equals 90, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

4. Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of subdivisions B 1 and B 3 and subsection D, and subdivision A 3 of § 51.1-155, any person who is *an*

*individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or who is employed as a firefighter; emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.*

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service, regardless of termination date, may retire under the provisions of subsection A, B, or D of ~~this section~~ if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. 50/10 retirement. - Any member in service on or after January 1, 1994, who has attained his fiftieth birthday with 10 or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, shall not be allowed to retire pursuant to this subsection.

E. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

F. Notification on behalf of member. - If the member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification on his behalf.

#### **§ 51.1-155. Service retirement allowance.**

A. Retirement allowance. - A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. - The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who *meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter; emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.*

4. Additional allowance. - In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to

four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. - The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2015) Any person receiving a service retirement allowance under this chapter, who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

#### **§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who *meets the definition of "emergency medical services personnel" in § 32.1-III.1* or is employed as a firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. 1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. 1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a

payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

**§ 51.1-1200. Fund established; administration and management; Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund" (the Fund). The Fund is established to provide service awards to eligible volunteer firefighters and ~~rescue squad workers~~ *volunteer emergency medical services personnel* who elect to become members of the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board (the Board) shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter. The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 ~~of this title~~. The Fund shall annually reimburse the Virginia Retirement System for all costs incurred and associated, directly and indirectly, with the administration of this chapter and management and investment of the Fund.

**§ 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

A. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board is hereby created and is to be composed of 10 members. The Director of the Virginia Retirement System shall be a member and act as chairman. The Governor shall appoint three members of the Board from a list provided by the Virginia State ~~Firefighters' Firefighters~~ Association and three members from a list provided by the Virginia Association of Volunteer Rescue Squads. Such appointees shall be confirmed by the General Assembly and shall serve for six-year terms. No Board member appointed by the Governor shall serve more than two full consecutive terms. The Speaker of the House of Delegates shall appoint two members of the House of Delegates and the Senate Committee on Rules shall appoint one member of the Senate. Legislative members shall serve terms coincident with their terms of office.

B. The Director of the Virginia Retirement System with the consent of the Board shall immediately declare the office of any nonlegislative member of the Board vacant when he finds that the member is unable to perform the duties of his office or for any reason does not meet the qualifications of this section. The Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a full or unexpired term whenever the office of a nonlegislative member becomes or is declared vacant. In any case where a new appointment is made, the person receiving the appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter representative or (ii) ~~volunteer rescue squad~~ *volunteer emergency medical services personnel* representative if his predecessor was a volunteer ~~rescue squad~~ *volunteer emergency medical services personnel* representative.

C. The members of the Board shall serve without compensation; however, the nongovernmental members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board or in acting in an official capacity for the Board.

D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such special meetings as the chairman may call. The chairman may call a special meeting at any time and shall call a special meeting when requested by three or more members of the Board. No meeting shall be deemed a regular or special meeting unless a quorum is present.

E. Members of the Board shall be subject to removal from office only as set forth in Article 7 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have exclusive jurisdiction over such removal proceedings.

**§ 51.1-1203. Definitions.**

*For purposes of this chapter, unless the context requires a different meaning:*

"Creditable service" means service as an eligible volunteer plus any service credited pursuant to § 51.1-1207.

"Eligible volunteer" means any volunteer ~~rescue squad member~~ *emergency medical services personnel* or any volunteer firefighter who is a member of a bona fide volunteer ~~rescue or~~ *emergency medical ~~squad~~ services agency* or *volunteer fire department* and who is otherwise eligible pursuant to the criteria established by the Board.

"Member" means an eligible volunteer.

**§ 51.1-1204. Application for membership in Fund; quarterly payments by members; matching payments from the general fund; payments credited to separate accounts of members.**

Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall pay an amount to be set by the Board per quarter into the Fund. Each quarterly payment made by a member shall be supplemented by such contribution from the general fund of the state treasury for a period not to exceed ~~twenty~~ 20 years as shall be determined by the Board and as may be appropriated by the general appropriation act. The quarterly payments shall be credited to the separate accounts of the members, and the matching contributions shall be credited to the Fund. The member contribution or any additional contribution to the Fund may be made by (i) the individual fire department or ~~rescue squad~~ *emergency medical services agency*, provided it is paid for all eligible members of the Fund within the particular fire department or ~~rescue squad~~ *emergency medical services agency*; (ii) local government, provided it is paid for all eligible members of the Fund who are volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the local government; or (iii) any other source provided it is paid for all eligible members of the Fund. Such accounts shall be kept so that they are available for payment on withdrawal from membership or upon receipt of the service award. No eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible volunteer is in more than one eligible position, he must choose the position upon which his membership will be determined.

**§ 51.1-1206. Other distributions.**

The Board shall direct payment in lump sums from the Fund as follows:

1. To any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* upon attaining age ~~sixty~~ 60 who has at least five but less than ~~ten~~ 10 years of creditable service as an eligible volunteer, an amount equal to (i) the amount paid into the Fund by him plus (ii) the amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ *emergency medical services agency* plus (iii) the amount paid into the Fund on his behalf by his local government plus (iv) the amount paid into the Fund on his behalf by any other source plus (v) a portion of the amount paid into the Fund, on his behalf, from the general fund of the state treasury pursuant to § 51.1-1204 plus (vi) any investment gains less any losses on the amounts paid into the Fund described under clauses (i) through (v). The portion of the amount paid from the general fund on behalf of such person that shall be paid to such person shall be based upon such person's years of creditable service as follows:

Years of creditable service	Portion of general fund contributions to be paid
At least five but less than six	Five percent of general fund contributions
At least six but less than seven	Ten percent of general fund contributions
At least seven but less than eight	Twenty-five percent of general fund contributions
At least eight but less than nine	Forty-five percent of general fund contributions
At least nine but less than ten	Seventy percent of general fund contributions

In any case where the person shall be paid less than 100 percent of the general fund contributions made on his behalf, the investment gain or investment loss applicable to such contributions that shall be paid, or subtracted from any payment otherwise required, to such person shall equal the amount of the investment gain or investment loss, applicable to such contributions at the time of payment, multiplied by the percentage of such general fund contributions to be paid to the person as determined under this subdivision.

2. If the eligible volunteer firefighter or volunteer ~~rescue squad member~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* ceases to serve as a volunteer and has less than five years of creditable service upon attaining age ~~sixty~~ 60, such person shall not be paid, nor have any right or interest in, the amount paid into the Fund on his behalf (i) by his fire department or ~~rescue squad~~ *emergency medical services agency*, (ii) from the general fund of the state treasury pursuant to § 51.1-1204, or (iii) by any local government. Such person shall, however, be paid all contributions to the Fund that he has made plus the applicable portion of any investment gains or losses thereon.

The amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ *emergency medical services agency* shall remain in the Fund and shall be deemed additional contributions made by such fire department or ~~rescue squad~~ *emergency medical services agency*. The amount paid into the Fund on his behalf from the general fund of the state treasury shall remain in the Fund and shall be deemed additional contributions made from the general fund of the state treasury. The amount paid into the Fund on his behalf from a local government shall remain in the Fund and shall be deemed additional contributions from such local government.

3. The provisions of this section shall not be construed to preclude any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* from completing the requisite number of years of active service, after attaining the age of ~~sixty~~ 60, necessary to entitle him to the distribution provided for in § 51.1-1205.

4. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is an eligible volunteer, there shall be paid to his beneficiary an amount equal to the contributions he has made, the matching contributions made on his behalf, and any investment gains on such contributions less any losses. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is no longer an eligible volunteer, there shall be paid to his beneficiary an amount equal to the amount paid into the Fund by the volunteer and any investment gains on that amount, less any losses. For purposes of this section, a member's beneficiary is the person or persons the member may name on a form prepared by the Board, signed by the member and filed in a manner prescribed by the Board. If there are no such persons, then his beneficiary shall be his spouse; if there is no spouse, then his living children equally; if there are no children, then his heirs-at-law as may be determined by the Board; or if there are no heirs, then his estate, if it is administered.

5. To any firefighter or ~~rescue squad worker~~ *emergency medical services personnel* withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund less any investment losses, and an administrative fee of ~~twenty-five dollars~~ \$25.

**§ 51.1-1207. Determination of prior creditable service; information furnished by applicants for membership.**

Any member with eligible service prior to the effective date of membership may purchase up to ~~ten~~ 10 years of such service upon certification of his fire department or ~~rescue squad~~ *emergency medical services agency*. Such purchase shall be prorated at the rate of one year for every two years of eligible service. The cost of such service shall be an amount as established by the Board. Notwithstanding any other provisions of this chapter, the Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible ~~rescue squad worker~~ *volunteer emergency medical services personnel*, under such terms and conditions that the Board may adopt, if the Board determines that such volunteer has been denied such prior service credit through no fault of his own.

**§ 51.1-1208. Length of service not affected by serving in more than one department or agency; transfer from one department or agency to another.**

~~An~~ *The length of service of an eligible volunteer firefighter's firefighter or eligible volunteer rescue squad worker's length of service who is an individual who meets the definition of "emergency services personnel" in § 32.1-111.1* shall not be affected by the fact that he may have served with more than one department or ~~squad~~ *agency*, and upon transfer from one department or ~~squad~~ *agency* to another, notice of the fact shall be given to the Board.

**§ 53.1-47. Purchases by agencies, localities, and certain nonprofit organizations.**

Articles and services produced or manufactured by persons confined in state correctional facilities:

1. Shall be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~ *that* are supported in whole or in part with funds from the state treasury for their use or the use of persons whom they assist financially. Except as provided in § 53.1-48, no such articles or services shall be purchased by any department, institution, or agency of the Commonwealth from any other source; and

2. May be purchased by any county, district of any county, city, or town and by any nonprofit organization, including volunteer ~~lifeguarding or first aid crews; rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops, and community service organizations.

**§ 53.1-133.8. Purchases by agencies, localities, and certain nonprofit organizations.**

Articles and services produced or manufactured by participants in jail industry programs:

1. May be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~ *that* are supported in whole or in part with funds from the state treasury for their use or the use of persons whom they assist financially, provided such purchase is not in conflict with the provisions of Article 3 (§ 53.1-41 et seq.) of Chapter 2 ~~of this title~~.

2. May be purchased by any county, district of any county, city, or town and by any nonprofit, volunteer ~~lifeguarding or first aid crews; rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops, and community service organizations.

**§ 54.1-829. License required; bond; physical examination; emergency medical services vehicles; physician; and health insurance.**

A. Unless exempted by § 54.1-830, no person shall promote or conduct a boxing, martial arts, or wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. Unless exempted by § 54.1-830, no person shall act as a promoter, matchmaker, trainer, boxer or wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with boxers and wrestlers in accordance with Department regulations.

D. Each boxer shall, and each wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

E. No boxing event shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ~~ambulance~~ *emergency medical services vehicle* is at the site of the boxing event.

F. No boxer shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, ~~certified emergency medical technician-intermediate~~, or ~~designated emergency medical technician-paramedic services provider who holds an advanced life support certificate issued by the Commissioner of Health~~ under the direction of an operational medical director when the prescriber is not physically present. ~~Emergency~~ The emergency medical services ~~personnel~~ provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with

regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, ~~certified emergency medical technician-intermediate~~, or emergency medical technician-paramedic services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a

family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

**§ 56-484.14. Powers and duties of E-911 Services Board.**

The E-911 Services Board shall have the power and duty to:

1. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including purchase agreements payable from (i) the Wireless E-911 Fund and (ii) other moneys appropriated for the provision of enhanced 9-1-1 services.

2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into pursuant to this article.

3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any other future communications technologies accessing E-911 for emergency purposes. In constructing and periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for these enhanced technologies, and formulate strategies for the efficient and effective delivery of enhanced 9-1-1 services in the future with the exclusion of traditional circuit-switched wireline 9-1-1 service.

4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board deems appropriate.

5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone number.

6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board, as appropriate.

7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and emergency medical service agencies, upon request.

8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.

9. Develop a comprehensive single, statewide electronic addressing database to support geographic data and statewide base map data programs pursuant to § 2.2-2027.

10. Receive such funds as may be appropriated for purposes consistent with this article and such gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by either public or private sources.

11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications services.

12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this article.

13. Drawing from the work of E-911 professional organizations, in its sole discretion, publish best practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee composed of PSAP representatives.

14. Monitor developments in enhanced 9-1-1 service and multiline telephone systems and the impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall include its assessment of such impact in the annual report filed pursuant to subdivision 6.

**§ 57-60. Exemptions.**

A. The following persons shall be exempt from the registration requirements of § 57-49, but shall otherwise be subject to the provisions of this chapter:

1. Educational institutions that are accredited by the Board of Education, by a regional accrediting association or by an organization affiliated with the National Commission on Accrediting, the Association Montessori Internationale, the American Montessori Society, the Virginia Independent Schools Association, or the Virginia Association of Independent Schools, any foundation having an established identity with any of the aforementioned educational institutions, and any other educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families.

2. Persons requesting contributions for the relief of any individual specified by name at the time of the solicitation when all of the contributions collected without any deductions whatsoever are turned over to the named beneficiary for his use.

3. Charitable organizations that do not intend to solicit and receive, during a calendar year, and have not actually raised or received, during any of the three next preceding calendar years, contributions from the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public, whether all of such are or are not received by any charitable organization during any calendar year, shall be in excess of \$5,000, it shall, within 30 days after the date it has received total contributions in excess of \$5,000, register with and report to the Commissioner as required by this chapter.

4. Organizations that solicit only within the membership of the organization by the members thereof.

5. Organizations that have no office within the Commonwealth, that solicit in the Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail or advertising in national media, and that have a chapter, branch, or affiliate within the Commonwealth that has registered with the Commissioner.

6. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7.

7. Health care institutions defined herein as any facilities that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, and that are (i) licensed by the Department of Health or the Department of Behavioral Health

and Developmental Services; (ii) designated by the Health Care Financing Administration (HCFA) as federally qualified health centers; (iii) certified by the HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without charge; and any supporting organization that exists solely to support any such health care institutions. For the purposes of clause (iv), "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs.

8. Civic organizations as defined herein.

9. Agencies providing or offering to provide debt management plans for consumers that are licensed pursuant to Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2.

10. Agencies designated by the Virginia Department for Aging and Rehabilitative Services pursuant to subdivision A 6 of § 51.5-135 as area agencies on aging.

11. Labor unions, labor associations and labor organizations that have been granted tax-exempt status under § 501(c)(5) of the Internal Revenue Code.

12. Trade associations that have been granted tax-exempt status under § 501(c)(6) of the Internal Revenue Code.

13. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as regional emergency medical services councils in accordance with § ~~32.1-111.11~~ 32.1-111.4:2.

14. Nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509(a) of the Internal Revenue Code.

B. A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall otherwise be exempt from the provisions of this chapter for any year in which it confines its solicitations in the Commonwealth to five or fewer contiguous cities and counties, and in which it has registered under the charitable solicitations ordinance, if any, of each such city and county. No organization shall be exempt under this subsection if, during its next preceding fiscal year, more than 10 percent of its gross receipts were paid to any person or combination of persons, located outside the boundaries of such cities and counties, other than for the purchase of real property, or tangible personal property or personal services to be used within such localities. An organization that is otherwise qualified for exemption under this subsection that solicits by means of a local publication, or radio or television station, shall not be disqualified solely because the circulation or range of such medium extends beyond the boundaries of such cities or counties.

C. No charitable or civic organization shall be exempt under this section unless it submits to the Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively for good cause shown, on forms to be prescribed by him, the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. Parent organizations may file consolidated applications for exemptions for any chapters, branches, or affiliates that they believe to be exempt from the registration provisions of this chapter. If the organization is exempted, the Commissioner shall issue a letter of exemption, which may be exhibited to the public. A registration fee of \$10 shall be required of every organization requesting an exemption after June 30, 1984. The letter of exemption shall remain in effect as long as the organization continues to solicit in accordance with its claim for exemption.

D. Nothing in this chapter shall be construed as being applicable to the American Red Cross or any of its local chapters.

#### § 58.1-1404. Exemptions.

A. Any watercraft sold to or used by the United States or any of the governmental agencies thereof or the Commonwealth of Virginia or any political subdivision thereof or sold to an insurance company for the sole purpose of disposition when such insurance company has paid the registered owner of such watercraft on a total loss claim shall be exempt from the tax imposed by this chapter.

B. Any person who was the owner of a watercraft that was not required to be titled prior to January 1, 1998, shall apply for a title for such watercraft without incurring liability for the tax imposed under this chapter.

C. Any watercraft constructed by a commercial waterman for his own use shall be exempt from the tax imposed under this chapter.

D. Any registered dealer in watercraft shall be exempt from the tax imposed by subdivisions 1 and 2 of § 58.1-1402. Such dealer shall also be exempt from titling requirements as provided in § 29.1-733.6.

E. Any watercraft purchased by and for the use of a ~~volunteer sea rescue squad~~, volunteer fire department, or volunteer ~~rescue squad~~ emergency medical services agency not conducted for profit shall be exempt from the tax imposed under this chapter.

F. Any watercraft transferred to trustees of a revocable inter vivos trust, when the owners of the watercraft and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case, shall be exempt from the tax imposed under this chapter.

#### § 58.1-1505. Exemptions.

A. Any aircraft sold to or used by (i) the United States or any of the governmental agencies thereof, (ii) the Commonwealth of Virginia or any political subdivision thereof, (iii) any air carrier operating in intrastate, interstate or

foreign commerce providing scheduled air service as defined in § 58.1-1501, (iv) any nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c) (3) of the Internal Revenue Code and ~~which that~~ is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using an emergency medical services vehicle* for low-income medical patients in the Commonwealth, or (v) an organization ~~which that~~ is exempt from taxation under § 501(c) (3) of the Internal Revenue Code and ~~which that~~ is organized for the primary purpose of distributing food, clothing, medicines and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world shall be exempt from the tax imposed by this chapter.

B. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), but not including any aircraft used for commercial purposes, including transportation and other services for a fee, shall be exempt from the tax imposed by this chapter.

C. Beginning July 1, 2011, and ending December 31, 2014, any aircraft purchased or used by a qualified company shall be exempt from the tax imposed by this chapter. For purposes of this subsection, a qualified company shall be an aviation-related company, limited liability company, partnership, or a combination of such entities that have a common ownership interest through a parent, as a direct or indirect subsidiary of a parent, or as affiliated brother-sister entities that (i) is headquartered in the Commonwealth, (ii) between January 1, 2010, and December 31, 2014, makes a new capital investment of at least \$4 million in aviation-related real estate and real estate improvements in the Commonwealth on publicly-owned, public-use airports, (iii) between January 1, 2010, and December 31, 2014, creates in the Commonwealth at least 50 new jobs that pay at least one and a half times the prevailing average wage in the locality in which the jobs are located, (iv) owns or uses aircraft that are used primarily for intrastate, interstate, or foreign commerce, and (v) has entered into a memorandum of understanding with the Virginia Economic Development Partnership, after consultation with the Virginia Department of Aviation, on or before December 31, 2014, that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required.

D. Any aircraft sold in the Commonwealth as evidenced by Federal Aviation Administration Bill of Sale AC Form 8050-2 and registered outside of the Commonwealth as evidenced by Federal Aviation Administration Aircraft Registration AC Form 8050-1 shall be exempt from the sales tax imposed by this chapter, so long as the aircraft is removed from the Commonwealth within 60 days of the date of purchase on the Bill of Sale. If the aircraft is removed from the Commonwealth within 60 days of the date of purchase, the time between the date of purchase and the removal of the aircraft shall not be counted for purposes of determining whether the aircraft is subject to the use tax imposed by this chapter on aircraft that are based in the Commonwealth for over 60 days in any ~~12 month~~ 12-month period.

**§ 58.1-2226. Exemptions from tax.**

No tax shall be levied or collected pursuant to this chapter on:

1. Motor fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to fuel sold or delivered to any person operating under contract with the governmental entity;

2. Motor fuel sold and delivered to a nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft;

3. Bonded aviation jet fuel;

4. Dyed diesel fuel, except as provided in subdivision A 1 of § 58.1-2225;

5. Motor fuel removed, by transport truck or another means of transfer outside the terminal transfer system, from a terminal for export, if the supplier of the motor fuel collects tax on the fuel at the rate of the motor fuel's destination state; or

6. Heating oil, as defined in § 58.1-2201.

**§ 58.1-2235. Information required on return filed by supplier.**

A. A return of a supplier shall list all of the following information and any other information required by the Commissioner:

1. The number of gallons of tax-paid motor fuel received by the supplier during the month, sorted by type of fuel, seller, point of origin, destination state, and carrier;

2. The number of gallons of motor fuel removed at a terminal rack during the month from the account of the supplier, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

3. The number of gallons of motor fuel removed during the month for export, sorted by type of fuel, person receiving the fuel, terminal code, destination state, and carrier;

4. The number of gallons of motor fuel removed during the month from a terminal located in another state for conveyance to Virginia, as indicated on the shipping document for the fuel, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

5. The number of gallons of motor fuel the supplier sold during the month to the following, sorted by type of fuel, exempt entity, person receiving the fuel, terminal code, and carrier:

- a. A governmental entity whose use of fuel is exempt from the tax;
- b. A licensed aviation consumer purchasing aviation jet fuel;
- c. A licensed distributor or importer who resold the motor fuel to a governmental unit whose use of fuel is exempt from the tax, as indicated by the distributor or importer;
- d. A licensed distributor or importer who resold aviation jet fuel to a licensed aviation consumer as indicated by the distributor or importer;
- e. A licensed exporter who resold the motor fuel to a person whose use of the fuel is exempt from tax in the destination state, as indicated by the exporter;
- f. A nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and
- g. A licensed distributor or importer who resold the motor fuel to a nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and

6. The amount of discounts allowed under subsection C of § 58.1-2233 on motor fuel sold during the month to licensed distributors or licensed importers.

B. Suppliers shall not require information identifying who purchased exempt fuel from persons licensed under this chapter.

**§ 58.1-2250. Exemptions from tax.**

No tax shall be levied or collected pursuant to this article on:

1. Alternative fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to alternative fuel sold or delivered to any person operating under contract with the governmental entity;
2. Alternative fuel sold and delivered to a nonprofit charitable organization ~~which~~ *that* is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and ~~which~~ *that* is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; or
3. Alternative fuel produced by the owner or lessee of an agricultural operation, as defined in § 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles operated by the producer of such fuel.

**§ 58.1-2259. Fuel uses eligible for refund of taxes paid for motor fuels.**

A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon any fuel:

1. Sold and delivered to a governmental entity for its exclusive use;
2. Used by a governmental entity, provided persons operating under contract with a governmental entity shall not be eligible for such refund;
3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft;
4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such an organization shall not be eligible for such refund;
5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply tank of a highway vehicle or an aircraft;
6. Used by any person performing transportation under contract or lease with any transportation district for use in a highway vehicle controlled by a transportation district created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.) and used in providing transit service by the transportation district by contract or lease, provided the refund shall be paid to the person performing such transportation;
7. Used by any private, nonprofit agency on aging, designated by the Department for Aging and Rehabilitative Services, providing transportation services to citizens in highway vehicles owned, operated or under contract with such agency;

8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides specialized transportation to various locations for elderly or disabled individuals to secure essential services and to participate in community life according to the individual's interest and abilities;

9. Used in operating or propelling buses owned and operated by a county or the school board thereof while being used to transport children to and from public school or from school to and from educational or athletic activities;

10. Used by buses owned or solely used by a private, nonprofit, nonreligious school while being used to transport children to and from such school or from such school to and from educational or athletic activities;

11. Used by any county or city school board or any private, nonprofit, nonreligious school contracting with a private carrier to transport children to and from public schools or any private, nonprofit, nonreligious school, provided the tax shall be refunded to the private carrier performing such transportation;

12. Used in operating or propelling the equipment of volunteer firefighting companies and of volunteer ~~rescue squads~~ *emergency medical services agencies* within the Commonwealth used actually and necessarily for firefighting and ~~rescue~~ *emergency medical services* purposes;

13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if actually used in public activities;

14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;

15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose, which is used on a job site and the movement of which on any highway is incidental to the purpose for which it was designed and manufactured;

16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but excluding fuel lost through personal negligence or theft;

17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or lessee of such vehicles and not operated on or over any highway for any purpose other than to move it in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund, the entire tax paid by such applicant for the purposes specified in § 28.2-208;

20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion while fuel is being used from the auxiliary tank; or

21. Used in operating or propelling recreational and pleasure watercraft.

B. 1. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or air feed discharge systems for off-road deliveries of animal feed.

2. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of passengers which has been issued a certificate pursuant to § 46.2-2075 or 46.2-2099.4 providing regular route service over the highways of the Commonwealth. No refund shall be granted unless the majority of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel of a distance of not more than 40 miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met.

Under no circumstances shall a refund be granted more than once for the same fuel. The amount of refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less \$0.01 per gallon on the fuel used.

Any refunds made under this subsection shall be deducted from the urban highway funds allocated to the highway construction district, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, in which the recipient has its principal place of business.

Except as otherwise provided in this chapter, all provisions of law applicable to the refund of fuel taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any county having withdrawn its roads from the secondary system of state highways under provisions of § 11 of Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now provided by law with respect to other fuel tax receipts.

D. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

E. Any person purchasing diesel fuel used in operating or propelling a passenger car, a pickup or panel truck, or a truck having a gross vehicle weight rating of 10,000 pounds or less is entitled to a refund of a portion of the taxes paid in an amount equal to the difference between the rate of tax on diesel fuel and the rate of tax on gasoline and gasohol pursuant to § 58.1-2217. For purposes of this subsection, "passenger car," "pickup or panel truck," and "truck" shall have the meaning given in § 46.2-100. Notwithstanding any other provision of law, diesel fuel used in a vehicle upon which the fuels tax has been refunded pursuant to this subsection shall be exempt from the tax imposed under Chapter 6 (§ 58.1-600 et seq.).

F. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the amount of tax paid for the fuel less discounts allowed by § 58.1-2233.

G. Any person who is required to be licensed under this chapter and is applying for a refund shall not be eligible for such refund if the applicant was not licensed at the time the refundable transaction was conducted.

#### **§ 58.1-2403. Exemptions.**

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;
8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;
9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;
10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;
11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or  
b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;
12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;
13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;
14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;
15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;
16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;
17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;

19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;

27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter; or

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer ~~rescue squad~~ *emergency medical services agency* or a member of a volunteer fire department or (ii) leased by ~~members of a volunteer rescue squad~~ *emergency medical services personnel* or a member of a volunteer fire department if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member, or leased by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer ~~rescue squad member or volunteer fire department member~~ regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or ~~head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer ~~rescue squad or fire department~~ who regularly responds to calls or regularly performs other duties for the ~~rescue squad~~ *emergency medical services agency* or fire department, and the motor vehicle owned or leased by the volunteer ~~rescue squad member or volunteer fire department member~~ is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the ~~member~~ *volunteer*, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;
16. Motor vehicles (i) owned by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department or (ii) leased by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department if the *auxiliary* member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or ~~rescue squad~~ *emergency medical services agency* member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or ~~head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is an auxiliary member of the volunteer ~~rescue squad~~ *emergency medical services agency* or fire department who regularly performs duties for the ~~rescue squad~~ *emergency medical services agency* or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer ~~rescue squad~~ *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the *auxiliary* member, to accept a certification after the January 31 deadline;
17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;
18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;
19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;
20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the

applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

**§ 58.1-3610. Volunteer fire departments and volunteer emergency medical services agencies.**

Volunteer fire departments and volunteer ~~rescue squads~~ *which emergency medical services agencies* that operate exclusively for the benefit of the general public without charge are hereby classified as charitable organizations.

**§ 58.1-3833. County food and beverage tax.**

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the

aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

**§ 58.1-3840. Certain excise taxes permitted.**

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) of this title to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined in subdivision 9 a of § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by

such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools, or public or private colleges and universities, to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums and amphitheatres.

D. [Expired.]

#### § 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services providers*, within 14 days of the child's birth. For purposes of terminating parental

rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and

providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency.

"Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

#### **§ 63.2-1515. Central registry; disclosure of information.**

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by

written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments and (ii) local school boards regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments and local school boards within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA/rs, (d) volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency*, or (e) ~~with a~~ court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

#### § 65.2-101. Definitions.

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer ~~lifesaving or volunteer rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer ~~lifesaving or volunteer rescue squad member~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of ~~this~~ the Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city, or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer ~~lifeguarding or rescue squad members emergency medical services agency personnel~~, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer ~~lifeguarding or rescue squad emergency medical services agency personnel~~, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, ~~volunteer emergency medical technicians~~, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer ~~lifeguarding or rescue squad members emergency medical services personnel~~, the fire companies or ~~squads emergency medical services agencies~~ for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer ~~lifeguarding or rescue squad members emergency medical services agency personnel~~, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations and any other persons who respond

to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 ~~of this title~~ shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen

the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer ~~fire-fighting, lifesaving or rescue squad~~ *fire department or volunteer emergency medical services agency* when engaged in activities related principally to participation as *an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or a member of such ~~squad~~ *fire department* whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer ~~lifesaving or rescue squad~~ *emergency medical services agency* electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) ~~of this title~~ and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or
  2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.
- Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and
2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a

client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

**§ 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.**

A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section:

"Firefighter" means all (i) salaried firefighters, including special forest wardens designated pursuant to § 10.1-1135, emergency medical technicians, lifesaving and rescue squad members services personnel, and arson investigators and (ii) volunteer firefighters and lifesaving or rescue squad members emergency medical services personnel, if the governing body of the political subdivision in which the principal office of such volunteer fire company or volunteer lifesaving or rescue squad emergency medical services agency is located has adopted a resolution acknowledging such volunteer fire company or volunteer lifesaving and rescue squad emergency medical services agency as employees for purposes of this title.

"Law-enforcement officer" means all (i) members of county, city, town, or authority police departments, (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve deputy sheriffs, if the governing body of the political subdivision in which the principal office of such auxiliary or reserve police and auxiliary or reserve deputy sheriff force is located has adopted a resolution acknowledging such auxiliary or reserve police and auxiliary or reserve deputy sheriffs as employees for purposes of this title, (iv) members of the State Police Officers' Retirement System, and (v) members of the Capitol Police as described in § 30-34.2:1.

**§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.**

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city, or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer ~~lifeguard and rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, ~~the term "firefighter" shall include~~ *includes* special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

**§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, ~~paramedic~~ or *salaried or volunteer emergency medical technician services personnel*, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city, or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

**§ 66-25.1. Work programs.**

A. The Director or his designee may enter into an agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.

B. The primary purpose of such work program shall be the training of such juveniles, not the production of goods or the rendering of service by juveniles committed to the Department. Such work programs also shall not interfere with or impact a juvenile's education program where the goal is achieving a high school diploma or its equivalent. The Board shall promulgate regulations governing the form and review process for proposed agreements.

C. Articles produced or manufactured and services provided by juveniles participating in such a work program may be purchased by any county, *by any* district of any county, city, or town and by any nonprofit organization, including volunteer ~~lifeguarding or first aid crews, rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops and community service organizations. Such articles and services may also be bought, sold or acquired by exchange on the open market through the participating public or private entity.

D. Revenues received from the sale of articles, as provided in subsection C, shall be deposited into a special fund established in the state treasury. Such funds shall be expended to support work programs for juveniles committed to the Department.

**2. That §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia are repealed.**

**3. That the provisions of this act amending §§ 38.2-2201 and 38.2-2202 shall become effective on January 1, 2016.**

**CHAPTER 503**

*An Act to amend and reenact §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9; and to repeal §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia, relating to fire services and emergency medical services.*

[S 938]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1,**

16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9 as follows:

**§ 2.2-507. Legal service in civil matters.**

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors,

investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

**§ 2.2-1122. Aid and cooperation of Division may be sought by any public body or public broadcasting station in making purchases; use of facilities of Virginia Distribution Center; services to certain volunteer organizations.**

A. Virginia public broadcasting stations as defined in § 22.1-20.1, and public bodies as defined in § 2.2-4300 who are empowered to purchase material, equipment, and supplies of any kind, may purchase through the Division. When any such public body, public broadcasting station, or duly authorized officer requests the Division to obtain bids for any materials, equipment and supplies, and the bids have been obtained by the Division, the Division may award the contract to the lowest responsible bidder, and the public body or public broadcasting station shall be bound by the contract. The Division shall set forth in the purchase order that the materials, equipment, and supplies be delivered to, and that the bill be rendered and forwarded to, the public body or public broadcasting station. Any such bill shall be a valid and enforceable claim against the public body or public broadcasting station requesting the bids.

B. The Division may make available to any public body or public broadcasting station the facilities of the Virginia Distribution Center maintained by the Division; however, the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution, or agency of the Commonwealth.

C. The Board of Education shall furnish to the Division a list of public broadcasting stations in Virginia for the purposes of this section.

D. The services or supplies authorized by this section shall extend to any volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* that is recognized by an ordinance to be a part of the safety program of a county, city, or town when the services or supplies are sought through and approved by the governing body of such county, city, or town.

E. ~~"Public~~ For purposes of this section, "public broadcasting station" means the same as that term is defined in § 22.1-20.1.

**§ 2.2-1205. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active or retired local law-enforcement officer, firefighter, etc., through the Department.**

A. The surviving spouse and any dependents of an active or retired law-enforcement officer of any county, city, or town of the Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; *or a member of any fire company or department or rescue squad emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this the~~ Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a member of an emergency medical services department~~, whose death occurs as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, shall be entitled, upon proper application to the Department, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the Department pursuant to § 2.2-1204 and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition clause (i) of this subsection~~. The health insurance plan administered by the Department pursuant to § 2.2-1204 shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased. The spouse and any dependents of the deceased who purchase continued health insurance coverage pursuant to this section shall pay the same portion of the applicable premium as active employees pay for the same class of coverage, and the local government employer that employed the deceased shall pay the remaining portion of the premium.

B. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the Department within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the Department for good cause shown.

C. In addition to any necessary information requested by the Department, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii)* of subsection A ~~of this section~~ have been met. If the Department states that such conditions have not been met, the Department shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply thereafter.

D. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

E. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the Department. The Department may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall a surviving spouse or dependents pay more for continued health insurance coverage than active employees pay under the same plan for the same class of coverage.

F. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

G. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being

obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

**§ 2.2-1206. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active local law-enforcement officer, firefighter, etc., through a plan sponsor.**

A. For the purposes of this section, "plan sponsor" means a local government employer that has established a plan of health insurance coverage for its employees, retirees and dependents of employees as are described in subsection B.

B. The surviving spouse and any dependents of an active law-enforcement officer of any county, city, or town of ~~this~~ the Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; ~~or a member of any fire company or department or rescue squad~~ emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this~~ the Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a member of an emergency medical services department~~; whose death occurs as the direct or proximate result of the performance of his duty shall be entitled, upon proper application to the appropriate plan sponsor, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the plan sponsor and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition clause (i) of this subsection~~. The health insurance plan administered by the plan sponsor shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased.

C. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the plan sponsor within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the plan sponsor for good cause shown.

D. In addition to any necessary information requested by the plan sponsor, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii)* of subsection B have been met. If the plan sponsor states that such conditions have not been met, the plan sponsor, notwithstanding the provisions of §§ 2.2-4002, 2.2-4006, or § 2.2-4011, shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the local government's grievance procedure for nonprobationary, permanent employees shall apply thereafter.

E. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

F. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the plan sponsor. The plan sponsor may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall the surviving spouse or dependents pay more for continued health insurance coverage than the active employee rate under the same plan for the same class of coverage.

G. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

H. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

**§ 2.2-2821.2. Leave for volunteer fire and volunteer emergency medical services.**

State employees shall be allowed up to 24 hours of paid leave in any calendar year, in addition to other paid leave, to serve with a volunteer fire department ~~and rescue squad~~ or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision. The Department shall develop personnel policies providing for the use of such leave. For the purposes of this section, "state employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof.

**§ 2.2-4501. Legal investments for other public funds.**

A. The Commonwealth, all public officers, municipal corporations, other political subdivisions and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control, other than sinking funds, in the following:

1. Stocks, bonds, notes, and other evidences of indebtedness of the Commonwealth and those unconditionally guaranteed as to the payment of principal and interest by the Commonwealth.

2. Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof. The evidences of indebtedness enumerated by this subdivision may be held directly, or in the form of repurchase agreements collateralized by such debt securities, or in the form of securities of any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such investment company or investment trust is limited to such evidences of indebtedness, or repurchase agreements collateralized by such debt securities, or securities of other such investment companies or investment trusts whose portfolios are so restricted.

3. Stocks, bonds, notes and other evidences of indebtedness of any state of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days, provided, that within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such state has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any debt authorized by the legislature of such state to be contracted.

4. Stocks, bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body in the Commonwealth upon which there is no default, provided, that if the principal and interest be payable from revenues or tolls and the project has not been completed, or if completed, has not established an operating record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, the standards of judgment and care required in Article 9 (§ 64.2-780 et seq.) of Chapter 7 of Title 64.2, without reference to this section, shall apply.

In any case in which an authority, having an established record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, issues additional evidences of indebtedness for the purposes of acquiring or constructing additional facilities of the same general character that it is then operating, such additional evidences of indebtedness shall be governed by the provisions of this section without limitation.

5. Legally authorized stocks, bonds, notes and other evidences of indebtedness of any city, county, town, or district situated in any one of the states of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days, provided, that (i) within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such city, county, town, or district has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any stock, bond, note or other evidence of indebtedness issued by it; (ii) such city, county, town, or district shall have been in continuous existence for at least ~~twenty~~ 20 years; (iii) such city, county, town, or district has a population, as shown by the federal census next preceding the making of such investment, of not less than 25,000 inhabitants; (iv) the stocks, bonds, notes or other evidences of indebtedness in which such investment is made are the direct legal obligations of the city, county, town, or district issuing the same; (v) the city, county, town, or district has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount; and (vi) the net indebtedness of such city, county, town, or district (including the issue in which such investment is made), after deducting the amount of its bonds issued for self-sustaining public utilities, does not exceed ~~ten~~ 10 percent of the value of the taxable property in such city, county, town, or district, to be ascertained by the valuation of such property therein for the assessment of taxes next preceding the making of such investment.

6. Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development, by the Asian Development Bank or by the African Development Bank.

B. This section shall not apply to funds authorized by law to be invested by the Virginia Retirement System or to deferred compensation plan funds to be invested pursuant to § 51.1-601 or to funds contributed by a locality to a pension program for the benefit of any volunteer fire department ~~and rescue squad~~ or *volunteer emergency medical services agency* established pursuant to § 15.2-955.

C. Investments made prior to July 1, 1991, pursuant to § 51.1-601 are ratified and deemed valid to the extent that such investments were made in conformity with the standards set forth in Chapter 6 (§ 51.1-600 et seq.) of Title 51.1.

**§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies*, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the

premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a *volunteer fire or ~~rescue squad~~ volunteer emergency medical services agency* station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a *volunteer fire or ~~rescue squad~~ volunteer emergency medical services agency* station, provided such other premises are occupied and under the control of the *volunteer fire department or ~~rescue squad~~ volunteer emergency medical services agency* while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

**§ 8.01-66.2. Lien against person whose negligence causes injury.**

Whenever any person sustains personal injuries caused by the alleged negligence of another and receives treatment in any hospital, public or private, or nursing home, or receives medical attention or treatment from any physician, or receives nursing service or care from any registered nurse, or receives physical therapy treatment from any registered physical therapist in this Commonwealth, or receives medicine from a pharmacy, or receives any ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, such hospital, nursing home,

physician, nurse, physical therapist, pharmacy or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle* shall each have a lien for the amount of a just and reasonable charge for the service rendered, but not exceeding \$2,500 in the case of a hospital or nursing home, \$750 for each physician, nurse, physical therapist, or pharmacy, and \$200 for each ~~ambulance service~~ *emergency medical services agency providing emergency medical services or emergency medical services vehicle transportation* on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries.

**§ 8.01-66.5. Written notice required.**

A. No lien provided for in § 8.01-66.2, 8.01-66.9, or 19.2-368.15 shall be created or become effective in favor of the Commonwealth, an institution thereof, or a hospital, nursing home, physician, nurse, or physical therapist, or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, unless and until a written notice of lien setting forth the name of the Commonwealth, or the institution, hospital, nursing home, physician, nurse, physical therapist, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* and the name of the injured person; has been served upon or given to the person, firm, or corporation whose negligence is alleged to have caused such injuries, or to the attorney for the injured party, or to the injured party. Such written notice of lien shall not be required if the attorney for the injured party knew that medical services were either provided or paid for by the Commonwealth.

B. In any action for personal injuries or wrongful death against a nursing home or its agents, if the Department of Medical Assistance Services has paid for any health care services provided to the injured party or decedent relating to the action, the injured party or personal representative shall, within 60 days of filing a lawsuit or 21 days of determining that the Department of Medical Assistance Services has paid for such health care services, whichever is later, give written notice to the Department of Medical Assistance Services that the lawsuit has been filed. The Department of Medical Assistance Services shall provide a written response, stating the amount of the lien as of the date of their response, within 60 days of receiving a request for that information from the injured party or personal representative.

**§ 8.01-66.7. Hearing and disposal of claim of unreasonableness.**

If the injured person questions the reasonableness of the charges made by a hospital, nurse, physician, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* claiming a lien pursuant to § 8.01-66.2, the injured person or the hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* may file, in the court that would have jurisdiction of such claim if such claim were asserted against the injured person by such hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation*, a petition setting forth the facts. The court shall hear and dispose of the matter in a summary way after five days' notice to the other party in interest.

**§ 8.01-66.8. Petition to enforce lien.**

If suit is instituted by an injured person or his personal representative against the person, firm, or corporation allegedly causing the person's injuries, a hospital, nursing home, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation*, in lieu of proceeding according to §§ 8.01-66.5 to 8.01-66.7, may file in the court wherein such suit is pending a petition to enforce the lien provided for in § 8.01-66.2 or § 8.01-66.9. Such petition shall be heard and disposed of in a summary way.

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services ~~technician certified by the Board of Health~~ *provider who holds a valid certificate issued by the Commissioner of Health*, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, ~~rescue or emergency squad~~ *emergency medical services agency*, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical ~~care attendant or technician~~ *services provider* possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the

rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a ~~licensed~~ an emergency medical services agency ~~in the Commonwealth that holds a valid license as an emergency medical services agency issued by the Commissioner of Health~~ shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services ~~technician~~ provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, ~~the term~~ "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, ~~the term~~ "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of

a coal producer engaging in emergency medical ~~technician service~~ services or first aid ~~service~~ services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, ~~an "emergency medical care attendant or technician services provider"~~ shall be ~~deemed to~~ include a person licensed or certified as such or its equivalent by any other state when he is performing services ~~which that~~ he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for the acceptance of certain infants.**

Any personnel of a hospital ~~or rescue squad~~ or emergency medical services agency receiving a child under the circumstances described in ~~subsection B~~ the second paragraph of § 18.2-371, subdivision B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel.

**§ 8.01-420.2. Limitation on use of recorded conversations as evidence.**

No mechanical recording, electronic or otherwise, of a telephone conversation shall be admitted into evidence in any civil proceeding unless (i) all parties to the conversation were aware the conversation was being recorded or (ii) the portion of the recording to be admitted contains admissions that, if true, would constitute criminal conduct which is the basis for the civil action, and one of the parties was aware of the recording and the proceeding is not one for divorce, separate maintenance or annulment of a marriage. The parties' knowledge of the recording pursuant to clause (i) shall be demonstrated by a declaration at the beginning of the recorded portion of the conversation to be admitted into evidence that the conversation is being recorded. This section shall not apply to emergency reporting systems operated by police and fire departments and by ~~rescue squads~~ emergency medical services agencies, nor to any communications common carrier utilizing service observing or random monitoring pursuant to § 19.2-62.

**§ 8.01-581.13. Civil immunity for certain health professionals and health profession students serving as members of certain entities.**

A. For the purposes of this subsection, "health professional" means any clinical psychologist, applied psychologist, school psychologist, dentist, certified emergency medical services ~~personnel~~ provider, licensed professional counselor, licensed substance abuse treatment practitioner, certified substance abuse counselor, certified substance abuse counseling assistant, licensed marriage and family therapist, nurse, optometrist, pharmacist, physician, chiropractor, podiatrist, or veterinarian who is actively engaged in the practice of his profession or any member of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

Unless such act, decision, or omission resulted from such health professional's bad faith or malicious intent, any health professional, as defined in this subsection, shall be immune from civil liability for any act, decision or omission resulting from his duties as a member or agent of any entity which functions primarily (i) to investigate any complaint that a physical or mental impairment, including alcoholism or drug addiction, has impaired the ability of any such health professional to practice his profession and (ii) to encourage, recommend and arrange for a course of treatment or intervention, if deemed appropriate, or (iii) to review or monitor the duration of patient stays in health facilities, delivery of professional services, or the quality of care delivered in the statewide emergency medical ~~care~~ services system for the purpose of promoting the most efficient use of available health facilities and services, the adequacy and quality of professional services, or the reasonableness or appropriateness of charges made by or on behalf of such health professionals. Such entity shall have been established pursuant to a federal or state law, or by one or more public or licensed private hospitals, or a relevant health professional society, academy or association affiliated with the American Medical Association, the American Dental Association, the American Pharmaceutical Association, the American Psychological Association, the American Podiatric Medical Association, the American Society of Hospitals and Pharmacies, the American Veterinary Medical Association, the American Association for Counseling and Development, the American Optometric Association, International Chiropractic Association, the American Chiropractic Association, the NAADAC: the Association for Addiction Professionals, the American Association for Marriage and Family Therapy or a governmental agency.

B. For the purposes of this subsection, "health profession student" means a student in good standing who is enrolled in an accredited school, program, or curriculum in clinical psychology, counseling, dentistry, medicine, nursing, pharmacy, chiropractic, marriage and family therapy, substance abuse treatment, or veterinary medicine and has received training relating to substance abuse.

Unless such act, decision, or omission resulted from such health profession student's bad faith or malicious intent, any health profession student, as defined in this subsection, shall be immune from civil liability for any act, decision, or omission resulting from his duties as a member of an entity established by the institution of higher education in which he is enrolled or a professional student's organization affiliated with such institution which functions primarily (i) to investigate

any complaint of a physical or mental impairment, including alcoholism or drug addiction, of any health profession student and (ii) to encourage, recommend, and arrange for a course of treatment, if deemed appropriate.

C. The immunity provided hereunder shall not extend to any person with respect to actions, decisions or omissions, liability for which is limited under the provisions of the federal Social Security Act or amendments thereto.

**§ 8.01-581.19. Civil immunity for physicians, psychologists, podiatrists, optometrists, veterinarians, nursing home administrators, and certified emergency medical services providers while members of certain committees.**

A. Any physician, chiropractor, psychologist, podiatrist, veterinarian, or optometrist licensed to practice in ~~this~~ the Commonwealth shall be immune from civil liability for any communication, finding, opinion, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any physician, psychologist, podiatrist, veterinarian, or optometrist to, or the taking of disciplinary action against any member of, any medical society, academy, or association affiliated with the American Medical Association, the Virginia Academy of Clinical Psychologists, the American Psychological Association, the Virginia Applied Psychology Academy, the Virginia Academy of School Psychologists, the American Podiatric Medical Association, the American Veterinary Medical Association, the International Chiropractic Association, the American Chiropractic Association, the Virginia Chiropractic Association, or the American Optometric Association, provided that such communication, finding, opinion, or conclusion is not made in bad faith or with malicious intent.

B. Any nursing home administrator licensed under the laws of ~~this~~ the Commonwealth shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any health care facility to, or the taking of disciplinary action against any member of, the Virginia Health Care Association, provided that such communication, finding, opinion, decision, or conclusion is not made in bad faith or with malicious intent.

C. Any emergency medical services ~~personnel certified under the laws of the Commonwealth~~ provider who holds a valid certificate issued by the Commissioner of Health shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any regional council, committee, board, group, commission, or other entity that is responsible for resolving questions concerning the quality of care, including triage, interfacility transfer, and other components of emergency medical services care, unless such communication, finding, opinion, decision, or conclusion is made in bad faith or with malicious intent.

**§ 9.1-300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Emergency medical ~~technician services personnel~~" means any person who holds a valid certificate issued by the Commissioner and who is employed solely within the fire department, emergency medical services agency, or public safety department of an employing agency as a full-time emergency medical ~~technician services personnel~~ whose primary responsibility is the provision of emergency care to the sick and injured, using either basic or advanced techniques. Emergency medical ~~technicians services personnel~~ may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Employing agency" means any municipality of the Commonwealth or any political subdivision thereof, including authorities and special districts, ~~which~~ that employs firefighters and emergency medical ~~technicians services personnel~~.

"Firefighter" means any person who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires, the protection of life and property, and the enforcement of local and state fire prevention codes and laws pertaining to the prevention and control of fires.

"Interrogation" means any questioning of a formal nature as used in Chapter 4 (§ 9.1-500 et seq.) of ~~this title~~ that could lead to dismissal, demotion, or suspension for punitive reasons of a firefighter or emergency medical ~~technician services personnel~~.

**§ 9.1-301. Conduct of interrogation.**

The provisions of this section shall apply whenever a firefighter or emergency medical ~~technician is services personnel~~ are subjected to an interrogation ~~which~~ that could lead to dismissal, demotion, or suspension for punitive reasons:

1. The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility ~~which~~ that has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

2. No firefighter or emergency medical ~~technician services personnel~~ shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter or emergency medical ~~technician services personnel~~ of the nature of the investigation.

3. All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or individual who meets the definition of "emergency medical ~~technician services personnel~~" in § 32.1-111.1 is on duty, unless the matters being investigated are of such a nature that immediate action is required.

4. The firefighter or emergency medical ~~technician services personnel~~ under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.

5. Interrogation sessions shall be of reasonable duration, and the firefighter or emergency medical ~~technician~~ *services personnel* shall be permitted reasonable periods for rest and personal necessities. The firefighter or emergency medical ~~technician~~ *services personnel* may have an observer of his choice present during the interrogation, as long as the interview is not unduly delayed. This observer may not participate or represent the employee, may not be involved in the investigation, and must be a current member of the Department, for purposes of confidentiality.

6. The firefighter or emergency medical ~~technician~~ *services personnel* being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.

7. If a recording of any interrogation is made, and if a transcript of the interrogation is made, the firefighter or emergency medical ~~technician~~ *services personnel* under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

8. No firefighter or emergency medical ~~technician~~ *services personnel* shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any of the rights granted or protected by this chapter.

Nothing contained in this section shall prohibit a local governing body from granting its employees rights greater than those contained herein.

**§ 9.1-302. Breach of procedures.**

Any breach of the procedures required by this chapter shall not exclude any evidence from being presented in any case against a firefighter or *individual who meets the definition of "emergency medical ~~technician~~ services personnel" in § 32.1-111.1* and shall not cause any charge to be dismissed unless the firefighter or emergency medical ~~technician~~ *services personnel* demonstrates that the breach prejudiced his case.

**§ 9.1-303. Informal counseling not prohibited.**

Nothing in this chapter shall be construed to prohibit the informal counseling of a firefighter or emergency medical ~~technician~~ *services personnel* by a supervisor in reference to a minor infraction of policy or procedure ~~which that~~ does not result in disciplinary action being taken against the firefighter or emergency medical ~~technician~~ *services personnel*.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

**§ 9.1-700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Employer" means any political subdivision of the Commonwealth, including any county, city, town, authority, or special district that employs fire protection employees except any locality with five or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k).

"Fire protection employee" means any person, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid firefighter, ~~paramedic~~, emergency medical ~~technician~~ *services provider*, ~~rescue worker~~, ~~ambulance personnel~~, or hazardous materials worker who is (i) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; and is employed by a fire department of an employer; and (ii) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

"Law-enforcement employee" means any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof.

"Regularly scheduled work hours" means those hours that are recurring and fixed within the work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled work hours" does not include on-call, extra duty assignments or any other nonrecurring and nonfixed hours.

**§ 9.1-801. Public safety officer defined.**

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of ~~this~~ *the* Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or ~~rescue squad~~ *nonprofit or volunteer emergency medical services agency* that has been recognized by an ordinance or resolution of the governing body of any county, city, or town of ~~this~~ *the* Commonwealth as an integral part of the official safety program of such county, city, or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

**§ 10.1-1141. Liability and recovery of cost of fighting forest fires by localities and the State Forester.**

A. The State Forester in the name of the Commonwealth shall collect the costs of ~~fire fighting~~ *firefighting* performed under the direction of a forest warden in accordance with § 10.1-1139 from any person who, negligently or intentionally without using reasonable care and precaution starts a fire or who negligently or intentionally fails to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the Commonwealth, for fighting or extinguishing such fire. All expenses collected shall be credited to the Forestry Operations Fund. It shall be the duty of the Commonwealth's attorneys to institute and prosecute proper proceedings under this section, at the instance of the State Forester.

B. Any locality may collect the costs of ~~fire fighting~~ *firefighting* from any person who intentionally starts a fire and who fails to attempt to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the locality and any volunteer fire *company* or ~~rescue squad~~ *volunteer emergency medical services agency* to fight or extinguish the fire and the reasonable administrative costs expended to collect such expenses. The locality shall remit any costs recovered on behalf of another entity to such entity.

C. The State Forester or a locality may institute an action and recover from either one or both parents of any minor, living with such parents or either of them, the cost of forest fire suppression suffered by reason of the willful or malicious destruction of, or damage to, public or private property by such minor. No more than \$750 may be recovered from such parents or either of them as a result of any forest fire incident or occurrence on which such action is based.

**§ 15.2-622. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates another officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials and equipment between departments and offices; sell, exchange or otherwise dispose of any surplus supplies, materials or equipment; and make such other sales, exchanges and dispositions as the board authorizes. He may, with the approval of the board, establish suitable specifications or standards for all goods, services, insurance and construction to be procured for the county; inspect all deliveries to determine their compliance with such specifications and standards; and sell supplies, materials and equipment to volunteer

~~rescue squads~~ *emergency medical services agencies* at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes. He shall not furnish any goods, services, insurance or construction to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for them.

**§ 15.2-831. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials or equipment between departments and offices; sell any surplus supplies, materials or equipment; and make such other sales as the board authorizes. He may also, with the board's approval, (i) establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county; (ii) inspect all deliveries to determine their compliance with such specifications and standards; and (iii) sell supplies, materials and equipment to volunteer ~~rescue squads~~ *emergency medical services agencies* and ~~fire-fighting~~ *firefighting* companies at the same cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes by ordinance or resolution, which ordinance or resolution may, notwithstanding the provisions of § 15.2-830, provide for the use of a combination purchase order-check, which check may be made valid for such maximum amount as the board may fix, not to exceed \$250. Subject to such exceptions as the board provides, before making any sale the director shall invite competitive bidding under such rules and regulations as the board establishes by ordinance or resolution. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for the supplies, materials, equipment or contractual services.

**§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.**

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money; to (i) any charitable institution or nonprofit or other organization; providing housing for persons 60 years of age or older; or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary ~~fire-fighting~~ *firefighting* services; (iii) any nonprofit ~~lifeguarding crew or lifeguarding organization, or rescue squad or volunteer emergency medical services agency,~~ within or outside the boundaries of the locality; (iv) ~~any nonprofit recreational associations association or organizations organization;~~ (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities ~~and/or~~ or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer ~~rescue squad~~ *emergency medical services agency* that meets the required minimum standards for such volunteer ~~rescue squads~~ *emergency medical services agency* set forth in the ordinance; a sum for each rescue call the volunteer ~~rescue squad~~ *emergency medical services agency* makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or ~~rescue squads~~ *any volunteer emergency medical services agency* in an amount sufficient to enroll any qualified member of such volunteer fire company or ~~rescue squad~~ *emergency medical services agency* in any program available within the locality intended to defray out-of-pocket expenses for ~~emergency ambulance~~ *transportation by an emergency medical services vehicle*.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

**§ 15.2-954.1. Volunteer firefighter or volunteer emergency medical services personnel tuition reimbursement.**

Notwithstanding any other provision to the contrary, any locality may by ordinance establish and administer a tuition reimbursement program for eligible volunteer firefighters or *volunteer* emergency medical services personnel, or both, for the purposes of recruitment and retention.

**§ 15.2-955. Approval by local governing body for the establishment of volunteer emergency medical services agencies and firefighting organizations.**

A. No volunteer ~~rescue squad~~, *emergency medical service organization or other organization providing similar type services; services agency or volunteer fire-fighting firefighting* organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body.

B. Each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

**§ 15.2-1512.2. Political activities of employees of localities, firefighters, emergency medical services personnel, and law-enforcement officers and certain other officers and employees.**

A. For the purposes of this section:

"Emergency medical ~~technician~~ *services personnel*" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the provision of emergency medical care to the sick or injured, using either basic or advanced techniques. Emergency medical ~~technicians~~ *services personnel* may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Firefighter" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the prevention or extinguishment of fires, the protection of life and property, or the enforcement of local or state fire prevention codes or laws pertaining to the prevention or control of fires.

"Law-enforcement officer" means any person who is employed within the police department, bureau, or force of any locality, including the sheriff's department of any city or county, and who is authorized by law to make arrests.

"Locality" means counties, cities, towns, authorities, or special districts.

"Political campaign" means activities engaged in for the purpose of promoting a political issue, for influencing the outcome of an election for local or state office, or for influencing the outcome of a referendum or special election.

"Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state office in a general, primary, or special election.

"Political party" means any party, organization, or group having as its purpose the promotion of political candidates or political campaigns.

B. Notwithstanding any contrary provision of law, general or special, no locality shall prohibit an employee of the locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, or law-enforcement officers within its employment, or deputies, appointees, and employees of local constitutional officers as defined in § 15.2-1600, from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

C. For purposes of this section, the term "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating, or signing a political petition; engaging in fund-raising activities for any political party,

candidate, or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate, or campaign; or becoming a political candidate.

D. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

E. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from discriminating in the provision of public services, including but not limited to ~~fire fighting~~ *firefighting*, emergency medical, ~~or~~ *and* law-enforcement services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

F. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from suggesting or implying that a locality has officially endorsed a political party, candidate, or campaign.

**§ 15.2-1714. Establishing police lines, perimeters, or barricades.**

Whenever fires, accidents, wrecks, explosions, crimes, riots, or other emergency situations where life, limb, or property may be endangered may cause persons to collect on the public streets, alleys, highways, parking lots, or other public area, the chief law-enforcement officer of any locality or that officer's authorized representative who is responsible for the security of the scene may establish such areas, zones, or perimeters by the placement of police lines or barricades as are reasonably necessary to (i) preserve the integrity of evidence at such scenes, (ii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, facilitate the movement of vehicular and pedestrian traffic into, out of, and around the scene, (iii) permit firefighters, police officers, and emergency *medical services personnel* to perform necessary operations unimpeded, and (iv) protect persons and property.

Any police line or barricade erected for these purposes shall be clearly identified by wording such as "Police Line - DO NOT CROSS" or other similar wording. If material or equipment is not available for identifying the prohibited area, then a verbal warning by identifiable law-enforcement officials positioned to indicate a location of a police line or barricade shall be given to any person or persons attempting to cross police lines or barricades without proper authorization.

Such scene may be secured no longer than is reasonably necessary to effect the above-described purposes. Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny access to such scene by, any person charged by law with the responsibility of rendering assistance at or investigating any such fires, accidents, wrecks, explosions, crimes or riots.

Personnel from information services such as press, radio, and television, when gathering news, shall be exempt from the provisions of this section except that it shall be unlawful for such persons to obstruct the police, ~~firemen and rescue workers~~ *firefighters, or emergency medical services personnel* in the performance of their duties at such scene. Such personnel shall proceed at their own risk.

**§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI and related incidents.**

A. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire *company or department* or ~~rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency *medical services*, including those incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. The ordinance may further provide that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing:

1. The provisions of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing

law-enforcement, firefighting, ~~rescue~~, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

**§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident.**

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer ~~rescue squad~~ *emergency medical services agency*, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, ~~fire-fighting~~ *firefighting*, ~~rescue~~, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax as set forth herein.

**§ 16.1-228. Definitions.**

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;
3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or
6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good

faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of ~~this~~ the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

**§ 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue personnel, or emergency medical services personnel; penalty; lesser-included offense.**

If any person maliciously causes bodily injury to another by any means including the means set out in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel, as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel, such person ~~shall be~~ *is* guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30 years and, subject to subdivision (g) of § 18.2-10, a fine of not more than \$100,000. Upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of two years.

If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to another by any means, knowing or having reason to know such other person is a law-enforcement officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel *as defined in § 32.1-111.1*, he ~~shall be~~ *is* guilty of a Class 6 felony, and upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of one year.

Nothing in this section shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

As used in this section, "law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic, or highway laws of ~~this the~~ the Commonwealth; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any conservation police officer appointed pursuant to § 29.1-200; and auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to § 15.2-1603.

As used in this section, "search and rescue personnel" means any employee or member of a search and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing body of any county, city, or town of the Commonwealth or any member of a search and rescue organization operating under a memorandum of understanding with the Virginia Department of Emergency Management.

The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

**§ 18.2-121.2. Trespass by spotlight on agricultural land.**

If any person shall willfully use a spotlight or similar lighting apparatus to cast a light upon private property used for livestock or crops without the written permission of the person in legal possession of such property, he shall be guilty of a Class 3 misdemeanor.

The prohibition of this section shall not apply to light cast by (i) permanently installed outdoor lighting fixtures, (ii) headlamps on vehicles moving in normal travel on public or private roads, (iii) railroad locomotives or rolling stock being operated on the tracks or right-of-way of a railroad company, (iv) aircraft or watercraft, (v) apparatus used by employees of any public utility in maintaining the utility's lines and equipment, (vi) *emergency medical services vehicles used by emergency medical services personnel or fire apparatus* used by members of ~~rescue squads~~ or fire departments in the performance of their official duties, (vii) apparatus used by any law-enforcement officer in the performance of his official duties, or (viii) farm machinery or motor vehicles being used in normal farming operations.

**§ 18.2-154. Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.**

Any person who maliciously shoots at, or maliciously throws any missile at or against, any train or cars on any railroad or other transportation company or any vessel or other watercraft, or any motor vehicle or other vehicles when occupied by one or more persons, whereby the life of any person on such train, car, vessel, or other watercraft, or in such motor vehicle or other vehicle, may be put in peril, is guilty of a Class 4 felony. In the event of the death of any such person, resulting from such malicious shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the homicide is willful, deliberate, and premeditated, he is guilty of murder in the first degree.

If any such act is committed unlawfully, but not maliciously, the person so offending is guilty of a Class 6 felony and, in the event of the death of any such person, resulting from such unlawful act, the person so offending is guilty of involuntary manslaughter.

If any person commits a violation of this section by maliciously or unlawfully shooting, with a firearm, at a conspicuously marked law-enforcement, fire, or ~~rescue squad vehicle, ambulance or any other~~ emergency medical services vehicle, the sentence imposed shall include a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence.

**§ 18.2-174.1. Impersonating certain public safety personnel; penalty.**

Any person who willfully impersonates, with the intent to make another believe he is, ~~a certified~~ an emergency medical services ~~personnel provider~~, firefighter, special forest warden designated pursuant to § 10.1-1135, fire marshal, or fire chief is guilty of a Class 1 misdemeanor. A second or subsequent offense is punishable as a Class 6 felony.

**§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting apparatus without just cause; maliciously activating fire alarms in public buildings; venue.**

A. Any person who without just cause therefor, calls or summons, by telephone or otherwise, any ~~ambulance,~~ *emergency medical services vehicle* or ~~fire-fighting~~ *firefighting* apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums, and arenas, regardless of whether *an emergency medical services vehicle* or fire apparatus responds or not, ~~shall be deemed~~ is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

**§ 18.2-340.16. Definitions.**

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof ~~which that~~ has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision;

2. An organization operated exclusively for religious, charitable, community or educational purposes;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. A local chamber of commerce; or

7. Any other nonprofit organization that raises funds by conducting raffles that generate annual gross receipts of \$40,000 or less, provided such gross receipts from the raffle, less expenses and prizes, are used exclusively for charitable, educational, religious or community purposes.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction

of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming supplies to any qualified organization.

**§ 18.2-340.23. Organizations exempt from certain permits and fees.**

A. No organization that reasonably expects, based on prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period shall be required to (i) notify the Department of its intention to conduct charitable gaming; or (ii) comply with Board regulations. If any organization's actual gross receipts for the 12-month period exceed \$40,000, the Department may require the organization to file by a specified date the report required by § 18.2-340.30.

B. Any volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof ~~which that~~ has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* from any other provisions of this article or other Board regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, Board regulations.

**§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification; suspension, revocation or refusal to renew certificate; exceptions.**

A. No person shall receive remuneration as a bingo manager or caller from any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Department. Application for registration shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by the Department.

B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide member of the qualified organization for at least 12 consecutive months prior to making application for registration and (ii) be required to complete a reasonable training course developed and conducted by the Department.

As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable training course developed and conducted by the Department.

The Department may refuse to register any bingo manager or caller who has (a) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo manager or caller for any conduct described in subsection B or for any violation of this article or regulations of the Board. Before taking any such action, the Department shall give the bingo manager or caller a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Department shall not apply to a bingo caller for a volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision.

**§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.**

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *volunteer emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~

emergency medical services agency that employs emergency medical ~~technicians~~ services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child ~~shall be~~ is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" ~~shall include~~ includes but is not ~~be~~ limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, ~~or~~ and (vii) life-threatening internal injuries.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life ~~shall be~~ is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ emergency medical services agency that employs emergency medical ~~technicians~~ services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

**§ 18.2-414.1. Obstructing emergency medical services agency personnel in performance of mission; penalty.**

Any person ~~or persons~~ who unreasonably or unnecessarily ~~obstruct a member or members of a rescue squad~~ obstructs the delivery of emergency medical services by emergency medical services agency personnel, whether governmental, private, or volunteer, in the performance of their rescue mission or who ~~shall fail~~ fails or ~~refuse~~ refuses to cease such obstruction or move on when requested to do so by a member of a ~~rescue squad~~ emergency medical services personnel going to or at the site of a ~~rescue mission~~, shall be at which emergency medical services are required is guilty of a Class 2 misdemeanor.

**§ 18.2-426. "Emergency call" and "emergency personnel" defined.**

As used in this article:

"Emergency call" means a call to report a fire or summon police, or for ~~medical aid or ambulance service~~ emergency medical services, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any persons, paid or volunteer, who receive calls for dispatch of police, fire, or emergency medical ~~service~~ services personnel, and includes law-enforcement officers, firefighters, including special forest wardens designated pursuant to § 10.1-1135, and emergency medical ~~service~~ services personnel.

**§ 18.2-429. Causing telephone or pager to ring with intent to annoy.**

A. Any person who, with or without intent to communicate but with intent to annoy any other person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person who permits or condones the use of any telephone under his control for such purpose, is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.

B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, causes a telephone to ring, which is owned or leased for the purpose of receiving emergency calls by a public or private entity providing fire, police or emergency medical ~~service~~ services, and any person who knowingly permits the use of a telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

**§ 18.2-488.1. Flag at half mast for certain public safety personnel killed in the line of duty.**

A. As used in this section, unless the context requires a different meaning:

"Emergency medical services provider" means the same as that term is defined in § 32.1-111.1; and any member of a volunteer ~~lifeguard crew or rescue squad~~ emergency medical services agency.

"Firefighter" means the same as that term is defined in § 9.1-300, and any member of a volunteer fire department.

"Police officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

"Service member" means a member of the United States armed forces, Virginia National Guard, or Virginia Defense Force.

B. Whenever a service member, police officer, firefighter, or emergency medical services provider who is a resident of Virginia is killed in the line of duty, all flags, state and local, flown at any building owned and operated by the Commonwealth shall be flown at half staff or mast for one day to honor and acknowledge respect for those who made the supreme sacrifice.

C. The Department of General Services shall develop procedures to effectuate the purposes of this section.

**§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.**

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services ~~official~~ agency, and the emergency management official of the locality. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems

necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

**§ 27-1. Firefighters and equipment may in emergencies go or be sent beyond territorial limits.**

Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth, to assist in meeting such emergency.

In such event, the acts performed for such purpose by such ~~fire fighters or emergency medical technicians~~, *firefighters* and the expenditures made for such purpose by such county, city, or town, shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town, when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits, enjoyed by them while performing their respective duties.

**§ 27-2. Contracts of cities or towns to furnish fire protection.**

The governing body of any city or town may, in its discretion, authorize or require the fire department ~~or emergency medical services department~~ or division thereof to render aid in cases of actual or potential fire ~~or medical emergency~~ occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with nearby, adjacent or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in fire protection ~~or in emergency medical response~~ in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties or cities ~~and/or~~ or district, including sanitary districts, provided, that each of the parties to such agreement may contract as follows: (1) (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury ~~which that~~ may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the fire department ~~or emergency medical services department~~ or division of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

**§ 27-2.1. Contracts for fire protection for federal and state property.**

Any county, city, or town may contract with the federal or state ~~governments~~ *government* to provide fire ~~or emergency medical~~ service to federal or state property located within or without the boundaries of the county, city, or town.

In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing fire protection ~~or emergency medical services~~ to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section, or under other lawful authority.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

**§ 27-3. Contract of county with city or another county for fire protection.**

The governing body of any county adjoining or near any city, town, or county, within or without the Commonwealth, including the District of Columbia, having and maintaining ~~fire-fighting or emergency medical services~~ *firefighting* equipment may contract with any such city, town, or county, upon such terms as such governing body may deem proper, for fighting fires ~~or responding to medical emergencies~~ in such county, town, or city and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, town, or city and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

**§ 27-4. Contract of county, city, or town to furnish fire protection.**

Any county, city, or town ~~which that~~ operates ~~fire-fighting~~ firefighting equipment as provided for in § 27-15.2 and any county, city, or town mentioned in § ~~27-23-6~~ 27-6.02 may contract with counties, cities, or towns in, adjacent to, or near such county, city, or town, including the District of Columbia, for fire protection ~~or emergency medical services~~ in the manner provided for in § 27-2.

**§ 27-6.01. Definitions.**

*For the purposes of this chapter, unless the context requires a different meaning:*

"Fire company" means a volunteer firefighting organization organized pursuant to § 27-8 in any county, city, or town of the Commonwealth for the purpose of fighting fires.

"Fire department" means a firefighting organization established as a department of government of any county, city, or town pursuant to § 27-6.1.

**§ 27-6.02. Provision of firefighting services.**

A. Any county, city, or town may provide firefighting services to its citizens by (i) establishing a fire department as a department of government pursuant to § 27-6.1 or (ii) contracting with or providing for the provision of firefighting services by a fire company established pursuant to § 27-8.

B. In cases in which a county, city, or town elects to contract with or provide for the provision of firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to fighting fires therein. The county, city, or town may elect to provide for the matters authorized in §§ 27-4 and 27-39.

As used in this section, "provide firefighting services" includes travel while performing fire, rescue, or other emergency operations in emergency vehicles or fire apparatus as described in §§ 46.2-920 and 46.2-1023, respectively.

**§ 27-6.1. Establishment of fire department; chief, officers, and employees.**

The governing body of any ~~city, town or~~ county, city, or town may establish a fire department as a department of government ~~a fire/EMS department~~ and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief" ~~or "the director."~~ As many other officers and employees may be employed in such ~~fire/EMS~~ fire department as the governing body may approve.

**§ 27-7. Bylaws of fire department; compensation of officers and employees; information on check stubs, time cards, etc.**

The governing body of any ~~city, town or~~ county, city, or town may empower the ~~fire/EMS~~ fire department therein to make bylaws to promote its objects consistent with the laws of ~~this the~~ Commonwealth and ordinances of the ~~city, town or~~ county, city, or town and may provide for the compensation of the officers and employees of such department.

All check stubs or time cards purporting to be a record of time spent on the job by a ~~fire fighter or emergency medical services personnel~~ firefighter shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of a ~~fire fighter or emergency medical services personnel~~ firefighter shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information ~~shall be~~ is shown, the information shall be in compliance with this section.

**§ 27-8. Who may form a fire company; limit on number of persons in combined companies.**

Any number of persons, not less than ~~twenty~~ 20, may form themselves into a company for extinguishing fires ~~or for performing emergency medical services, or both.~~ In any county in which two or more companies for extinguishing fires ~~or for performing emergency medical services~~ shall join together and singly use one ~~fire/EMS~~ fire station, the number of persons in the combined companies shall be not less than ~~twenty~~ 20. ~~The minimum number of persons required by this section shall only apply to the formation of a fire company.~~

**§ 27-9. Organization of fire company.**

A writing stating the formation of ~~such a~~ fire company, with the names of the members thereof thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire company is ~~located, after which;~~ ~~After~~ located, after which; the members of the fire company may make regulations for effecting its objects consistent with the laws of the Commonwealth, the ordinances of the ~~city, town or~~ county, city, or town and the bylaws of the ~~fire/EMS~~ fire department thereof. The principal officer of such fire company shall be known as "the chief."

**§ 27-10. Dissolution of fire company.**

Whenever the ~~fire/EMS~~ fire department of the ~~city, town, or~~ county, city, or town to which any ~~fire/EMS~~ fire company belongs ~~shall ascertain~~ ascertains that such company has failed, for three months successively, to consist of ~~twenty~~ 20 effective members ~~in the case of a fire company,~~ or ~~ascertain~~ ascertains that it has failed for the like period to have or keep in good and serviceable condition; an engine, hose, ~~emergency medical services vehicle~~ and equipment and other proper implements, or the governing body of the county, city, or town for any reason deems it advisable, such governing body may dissolve the fire company.

**§ 27-11. Duty of members on alarm of fire or call of a medical emergency.**

Every member of the fire company shall, upon any alarm of fire or call of a medical emergency, attend according to the ordinances of the ~~city, town or~~ county, city, or town, or the bylaws, rules, or regulations of the ~~fire/EMS~~ fire department or the fire company's regulations, and endeavor to extinguish such fire or assist in the medical emergency.

**§ 27-13. Appointment of chief and other officers.**

In every ~~city, town or county, city, or town~~ in which there is any such a fire company is established, there shall be appointed, at such time and in such manner as the governing body of such ~~city, town or county, city, or town~~ may prescribe, a chief ~~or director~~ and as many other officers as such governing body may direct.

**§ 27-14. Ordinances as to fire departments and fire companies.**

A. ~~Such~~ The governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of ~~fire/EMS departments, such fire departments or fire companies, and chiefs or directors~~ and other officers of such fire departments or fire companies, as it may deem proper, including billing property owners on behalf of volunteer fire departments as provided in § 38.2-2130.

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

**§ 27-15.1. Authority of chief or other officer in charge when answering alarm; penalty for refusal to obey orders.**

While any ~~fire/EMS fire department or fire/EMS fire company~~ is in the process of answering an alarm ~~or operating at an emergency incident~~ where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials ~~which that~~ threaten life or property and returning to the station, the chief, ~~director, or other officer in charge of such fire/EMS fire department or fire company~~ at that time shall have the authority to: (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the ~~fire fighters or emergency medical services personnel~~ firefighters at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and ~~fire fighters or emergency medical services personnel~~ firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief, ~~director, or other officer in charge~~ shall display his ~~fire fighter's or emergency medical services personnel's~~ firefighter's badge, or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a ~~fire/EMS fire station~~. Any person or persons refusing to obey the orders of the chief, ~~director, or his deputies~~ or other officer in charge at that time ~~shall be~~ is guilty of a Class 4 misdemeanor. The chief, ~~director, or other officer in charge~~ shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or ~~rescue squads~~ emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (*§ 10.1-1100 et seq.*) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the ~~fire/EMS fire department or fire fighters fire company, firefighters, or emergency medical services personnel~~ dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

**§ 27-15.1:1. Penalty for refusing or neglecting to obey order of chief or other officer in command.**

*If any person at a fire refuses or neglects to obey any order duly given by the chief or other officer in command, he shall be fined a civil penalty not to exceed \$100.*

**§ 27-15.2. Purchase, maintenance, etc., of equipment; donated equipment.**

A. The governing body of every ~~city, town or county, city, and town~~ shall have power to provide for the purchase, operation, ~~manning~~ staffing, and maintenance of suitable equipment for ~~fighting fires firefighting~~ or performing emergency medical services in or upon the property of the ~~city, town or county, city, or town~~ and of its inhabitants, and to prescribe the terms and conditions upon which the same will be used for fighting fires or performing emergency medical services in or upon privately owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA Standard B2.3, B2.4 of the American Standards Association.

B. Any ~~fire/EMS fire department of a city, town, or county, city, or town, or any fire/EMS fire company~~ donating equipment for fighting fires ~~or performing emergency medical services to any fire/EMS fire department or any fire/EMS fire company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity,~~ shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection ~~must~~ shall be completed by a certified emergency vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency vehicle.

**§ 27-17. Entry of buildings on fire and premises adjoining.**

The chief of any ~~fire/EMS fire department; or fire company~~ or other authorized officer in command at a fire or medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a fire ~~or medical emergency~~ is in progress, or any building or premises adjacent thereto for the purpose of extinguishing the fire ~~or performing emergency medical services~~.

**§ 27-17.1. Remaining on premises after fire extinguished.**

The chief or other authorized officer of any ~~fire/EMS fire department or fire/EMS fire company~~ in command at a fire ~~or medical emergency~~, and his subordinates upon his order or direction, shall have the right to remain at the scene of fire ~~or~~

medical emergency, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 27-20. Destruction of property to prevent spread of fire.**

The chief, ~~director~~, or other officer commanding in his absence, may direct the pulling down or destroying of any fence, house, or other thing which he may judge necessary to be pulled down or destroyed; to prevent the further spreading of a fire, and for this purpose may require such assistance from all present as he shall judge necessary.

**§ 27-21. Owner may recover amount of actual damage.**

The owner of ~~such~~ property *destroyed pursuant to § 27-20* shall be entitled to recover from the ~~city, town or county, city, or town~~ the amount of the actual damage ~~which that~~ he may have sustained by reason of the same having been pulled down or destroyed under such direction.

**§ 27-23.1. Establishment of fire zones or districts; tax levies.**

The governing bodies of the several cities or counties of ~~this~~ the Commonwealth may create and establish, by designation on a map of the city or county showing current, official parcel boundaries, or by any other description which is legally sufficient for the conveyance of property or the creation of parcels, ~~fire/EMS fire~~ fire zones or districts in such cities or counties, within which may be located and established one or more ~~fire/EMS fire~~ fire departments, to be equipped with apparatus for fighting fires and protecting property and human life within such zones or districts from loss or damage by fire, illness or injury.

In the event of the creation of such zones or districts in any city or county, the city or county governing body may acquire, in the name of the city or county, real or personal property to be devoted to the uses aforesaid, and shall prescribe rules and regulations for the proper management, control, and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization, or municipal corporation, or any volunteer ~~fire fighters or emergency medical services personnel~~ *firefighters* for such fire ~~or emergency medical services~~ protection as may be required.

To raise funds for the purposes aforesaid, the governing body of any city or county in which such zones or districts are established may levy annually a tax on the assessed value of all property real and personal within such zones or districts, subject to local taxation, which tax shall be extended and collected as other city or county taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any city or county having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

The amount realized from such levy shall be kept separate from all other moneys of the city or county and shall be applied to no other purpose than the maintenance and operation of the ~~fire/EMS fire~~ fire departments and companies established under the provisions of this section.

**§ 27-23.2. Advances by city or county to fire zone or district.**

The governing body of any city or county in ~~this~~ the Commonwealth may advance funds, not otherwise specifically allocated or obligated, from the general fund to a ~~fire/EMS fire zone or district~~ to assist the fire *zone or district* to exercise the powers set forth in § 27-23.1.

**§ 27-23.3. Reimbursement for advances.**

Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to reimburse the general fund of the city or county from the proceeds of any funds to the credit of the ~~fire/EMS fire zone or district~~, not otherwise specifically allocated or obligated to the extent that the city or county has made advances to the ~~fire/EMS fire zone or district~~ from such general fund to assist the *zone or district* to exercise the powers set forth in § 27-23.1.

**§ 27-23.4. Validation of prior advances.**

The advancement of any funds heretofore advanced from the general fund by the governing body of any city or county in this Commonwealth for the benefit of a ~~fire/EMS fire zone or district~~ in exercising the lawful powers of such ~~fire/EMS fire zone or district~~ is hereby validated and confirmed.

**§ 27-23.5. Exclusion of certain areas from fire zones or districts and exemption of such areas from certain levies.**

The governing body of any city or county having a ~~fire/EMS fire zone or district~~ created under the provisions of § 27-23.1, prior to June 1 of any calendar year, may alter the boundaries of such ~~fire/EMS fire zone or district~~ for the purpose of excluding an area of any such ~~fire/EMS fire zone or district~~ ~~which that~~ is also within the boundaries of a sanitary district providing fire protection ~~or emergency medical services~~ or under contract to a sanitary district providing fire protection ~~or emergency medical services~~.

Any area excluded from a ~~fire/EMS fire zone or district~~ as provided by this section shall not be subject to the levy set forth in § 27-23.1 for the year such area is excluded.

**§ 27-23.9. Supervision and control of joint services of fire companies or departments.**

Whenever two or more ~~fire/EMS fire~~ fire companies or fire departments are called to provide joint services in any district or political subdivision, the commander of the first company *or department* to arrive shall have general supervision and control of all such participating companies and departments until an officer of such district or political subdivision who is otherwise authorized by law to do so ~~shall assume~~ *assumes* such general supervision and control.

**§ 29.1-355. Disposition of funds.**

All moneys received from the sale of the special stamps shall be paid into the local treasury to the credit of a special damage stamp fund and identified by the year in which the moneys were collected. The special fund shall be used for the following purposes:

1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

2. Payment of the actual and necessary costs of the administration of the provisions of this article, including the printing and distribution of the required stamps and the payment of reasonable fees to persons designated by a local governing body to inspect, evaluate, and confirm reported claims and adjust such claims; and

3. In the discretion of the local governing body, payment of the costs of law enforcement directly related to and incidental to carrying out the provisions of this article and the general game laws of the Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved for such employment by the director and appointed to be a special conservation police officer in accordance with the Board's standards and policies governing such appointment; and

4. In the discretion of the local governing body, administrative expenses related to the special stamps, support of a county volunteer fire prevention and suppression program when the program includes ~~fire fighting~~ *firefighting* on big game hunting lands open to the public, and support of local volunteer ~~rescue squads~~ *emergency medical services agencies* whose services are available to hunters in distress. However, the money appropriated from the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local governing body must continue to use that selected period of time in determining the amount of money to be appropriated from the special damage stamp fund.

**§ 29.1-530.4. Duty of certain entities to report hunting incidents.**

Any law-enforcement agency or emergency medical ~~service~~ *services* provider that receives a report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or death, shall immediately give notice of the incident to the Department of Game and Inland Fisheries.

**§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate; exemption.**

A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an application for a number with the Department on forms approved by it. The owner of the motorboat or the owner's agent shall sign the application and pay the following boat registration fee:

- a. For a motorboat under 16 feet, \$18;
- b. For a motorboat 16 feet to less than 20 feet, \$22;
- c. For a motorboat 20 feet to less than 40 feet, \$28;
- d. For a motorboat 40 feet and over, \$36.

2. Owners, other than manufacturers or dealers, of more than 10 motorboats numbered by the Commonwealth, shall pay \$18 each for the first 10 such boats and \$12 for each additional boat.

3. Upon receipt of the application in approved form, the Department shall have the application entered upon the records of its office and issue to the applicant a certificate of number stating the identification number awarded to the motorboat and the name, address and a social security number or numbers, or federal tax identification number of the owner or owners. Any certificate issued in accordance with this chapter shall expire three years from the last day of the month in which it was issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate may be renewed.

B. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by rules and regulations of the Board. The number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available for inspection on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of number for any vessel less than 26 feet in length, and leased or rented to another for the lessee's noncommercial use for less than 24 hours, may be retained on shore by the vessel's owner or his representative at the place at which the vessel departs and returns to the possession of the owner or his representative, provided the vessel is appropriately identified as to its owner while in use under such lease or rental.

C. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be displayed on either side of the bow of the motorboat.

D. The Department is authorized to cancel and recall any certificate of number issued by the Department when it appears proper payment has not been made for the certificate of number or when the certificate has been improperly or erroneously issued.

E. Any motorboat purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department shall be exempt from the registration fees imposed by subsection A ~~of this section~~.

**§ 29.1-733.7. Application for certificate of title.**

A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, only an owner may apply for a certificate of title.

B. An application for a certificate of title shall be signed by the applicant and contain:

1. The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;
  2. The name and mailing address of each other owner of the watercraft at the time of application;
  3. The motor vehicle driver's license number, social security number, or taxpayer identification number of each owner;
  4. The hull identification number for the watercraft or, if none, an application for the issuance of a hull identification number for the watercraft;
  5. If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or, if none has been issued by the Department, an application for a registration number pursuant to § 29.1-702;
  6. A description of the watercraft as required by the Department, which shall include:
    - a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;
    - b. The name of the manufacturer, builder, or maker;
    - c. The model year or the year in which the manufacture or build of the watercraft was completed;
    - d. The overall length of the watercraft;
    - e. The watercraft type;
    - f. The hull material;
    - g. The propulsion type;
    - h. The engine drive type, if any;
    - i. The motor identification, including manufacturer's name and serial number, except on motors of 25 horsepower or less; and
    - j. The fuel type, if any;
  7. An indication of all security interests in the watercraft known to the applicant and the name and mailing address of each secured party;
  8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;
  9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;
  10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is hull damaged;
  11. If the application is made in connection with a transfer of ownership, the transferor's name, street address and, if different, mailing address, the sales price, if any, and the date of the transfer; and
  12. If the watercraft previously was registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the watercraft was registered or titled.
- C. In addition to the information required by subsection B, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.
- D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an application for a certificate of title shall be accompanied by:
1. A certificate of title that is signed by the owner shown on the certificate and that:
    - a. Identifies the applicant as the owner of the watercraft; or
    - b. Is accompanied by a record that identifies the applicant as the owner; or
  2. If there is no certificate of title:
    - a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows that the watercraft is no longer a documented vessel and identifies the applicant as the owner;
    - b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the owner; or
    - c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the Department identifies the applicant as the owner. Issuance of registration under the provisions of § 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title under the provisions of this article.
- E. A record submitted in connection with an application is part of the application. The Department shall maintain the record in its files.
- F. The Department shall require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under law of the Commonwealth other than this article in connection with the application or the acquisition or use of the watercraft. The Department shall charge \$7 for issue of each certificate of title, transfer of title, or for the recording of a supplemental lien. The Department shall charge \$2 for the issuance of each duplicate title or for changes to a previously issued certificate of title that are made necessary by a change of the motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* shall be exempt from the fees imposed under this section.
- G. The application shall be on forms prescribed and furnished by the Department and shall contain any other information required by the Director.
- H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft, moves from the address shown in the application or upon the certificate of title, he shall, within 30 days, notify the Department in writing of his change of address. A fee of \$7 shall be imposed upon anyone failing to comply with this subsection within the time prescribed.

**§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.**

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C of this section, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ or *salaried or volunteer emergency medical technician services provider* is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ or *salaried or volunteer emergency medical technician services provider* in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ or *salaried or volunteer emergency medical technician services provider* shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed. In other than emergency situations, it shall be the responsibility of the school board employee to inform the person of this provision prior to the contact that creates a risk of such exposure.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or

city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court shall be advised by the Commissioner or his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

**§ 32.1-46.02. Administration of influenza vaccine to minors.**

The Board shall, together with the Board of Nursing and by August 31, 2009, develop and issue guidelines for the administration of influenza vaccine to minors by licensed pharmacists, registered nurses, licensed practical nurses, ~~certified emergency medical technicians intermediate, or emergency medical technicians-paramedic services providers who hold an emergency medical technician intermediate or emergency medical technician paramedic certification issued by the Commissioner~~ pursuant to § 54.1-3408. Such guidelines shall require the consent of the minor's parent, guardian, or person standing in loco parentis, and shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention.

**§ 32.1-111.1. Definitions.**

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

~~"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.~~

~~"Ambulance" means any vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.~~

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

*"Emergency medical services" or "EMS" means health care, public health, and public safety services used in the medical response to the real or perceived need for immediate medical assessment, care, or transportation and preventive care or transportation in order to prevent loss of life or aggravation of physiological or psychological illness or injury.*

*"Emergency medical services agency" or "EMS agency" means any person engaged in the business, service, or regular activity, whether for profit or not, of rendering immediate medical care and providing transportation to persons who are sick, injured, wounded, or otherwise incapacitated or helpless and that holds a valid license as an emergency medical services agency issued by the Commissioner in accordance with § 32.1-111.6.*

~~"Emergency medical services personnel" or "EMS personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants in charge, or operators individuals who are employed by or members of an emergency medical services agency and who provide emergency medical services pursuant to an emergency medical services agency license issued to that agency by the Commissioner and in accordance with the authorization of that agency's operational medical director.~~

"Emergency medical services physician" or "EMS physician" means a physician who holds a current endorsement from the Office of Emergency Medical Services (EMS) and may serve as an EMS agency operational medical director or training program physician course director.

~~"Emergency medical services provider" or "EMS provider" means a any person who holds a valid certification certificate as an emergency medical services provider issued by the Office of Emergency Medical Services Commissioner.~~

*"Emergency medical services system" or "EMS system" means the system of emergency medical services agencies, vehicles, equipment, and personnel; health care facilities; other health care and emergency services providers; and other components engaged in the planning, coordination, and delivery of emergency medical services in the Commonwealth, including individuals and facilities providing communication and other services necessary to facilitate the delivery of emergency medical services in the Commonwealth.*

"Emergency medical services vehicle" means any vehicle, vessel, or aircraft, ~~or ambulance~~ that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

*"Office of Emergency Medical Services" means the Office of Emergency Medical Services of the Department.*

"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight, and quality improvement to an EMS agency.

**§ 32.1-111.2. Exemptions from provisions of this article.**

The following entities are exempted from the provisions of this article:

1. Emergency medical ~~service~~ *services* agencies based outside the Commonwealth, except that any such agency receiving a person who is sick, injured, wounded, incapacitated, or helpless within the Commonwealth for transportation to a location within the Commonwealth shall comply with the provisions of this article;
2. Emergency medical ~~service~~ *services* agencies operated by the United States government; and
3. Wheelchair interfacility transport services and wheelchair interfacility transport service vehicles that are engaged, whether or not for profit, in the business, service, or regular activity of and exclusively used for transporting wheelchair bound passengers between medical facilities in the Commonwealth when no ancillary medical care or oversight is necessary. However, such services and vehicles shall comply with Department of Medical Assistance Services regulations regarding the transportation of Medicaid recipients to covered services.

**§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke Triage Plan.**

A. The Board of Health shall develop a *Statewide Emergency Medical Services Plan* that shall provide for a comprehensive, coordinated, emergency medical ~~care~~ *services* system in the Commonwealth and ~~prepare a Statewide Emergency Medical Services Plan which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils.~~ The Board shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical ~~care~~ *services* system. *The Plan shall incorporate the regional emergency medical services plans prepared by the regional emergency medical services councils pursuant to § 32.1-111.4:2.* Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the *emergency medical services* system shall include, but not be limited to, the following:

1. Establishing a comprehensive statewide emergency medical ~~care~~ *services* system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;
2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;
3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;
4. Promoting continuing improvement in system components including ground, water, and air transportation; communications; hospital emergency departments and other emergency medical care facilities; *health care provider training and health care service delivery; and consumer health information and education; and health manpower and manpower training;*
5. Ensuring performance improvement of the ~~Emergency Medical Services~~ *emergency medical services* system and emergency medical *services* and care delivered on scene, in transit, in hospital emergency departments, and within the hospital environment;
6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;
7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of ~~health manpower involved in~~ emergency medical services *personnel*, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by *emergency medical services* personnel having such skills and training;
8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;
9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;
10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers and specialty care centers based on an applicable national evaluation system;
11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);
12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services *personnel* and public safety personnel, including statewide availability and accreditation of critical incident stress management teams;

14. Establishing a statewide *program of* emergency medical services for children ~~program~~ to provide coordination and support for emergency pediatric care, availability of pediatric emergency medical care equipment, and pediatric training of ~~medical health care providers~~;

15. Establishing and supporting a statewide system of health and medical emergency response teams, including emergency medical services disaster task forces, coordination teams, disaster medical assistance teams, and other support teams that shall assist local emergency medical services *agencies* at their request during mass casualty, disaster, or whenever local resources are overwhelmed;

16. Establishing and maintaining a program to improve dispatching of emergency medical services *personnel and vehicles*, including establishment of and support for emergency medical *services* dispatch training, accreditation of 911 dispatch centers, and public safety answering points;

17. Identifying and establishing best practices for managing and operating *emergency medical services* agencies, improving and managing emergency medical *services* response times, and disseminating such information to the appropriate persons and entities;

18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and

19. Maintaining current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

B. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through ~~formal development of~~ regional trauma triage plans that ~~incorporate each~~ *take into account the* region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A *and inclusion of such regional plans in the statewide Trauma Triage Plan*. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The ~~Emergency Medical Services~~ Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of ~~care~~ *emergency medical services and trauma services*, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including ~~but not limited to~~ the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The ~~Emergency Medical Services~~ Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The ~~Emergency Medical Services~~ Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical *services* and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The ~~Emergency Medical Services~~ Advisory Board or its designee shall ensure that each hospital *director* or emergency medical services *director agency chief* is informed of any incorrect interfacility transfer or triage, as defined in the statewide ~~plan~~ *Trauma Triage Plan*, specific to the ~~provider~~ *hospital or agency* and shall give the ~~provider~~ *hospital or agency* an opportunity to correct any facts on which such determination is based, if the ~~provider~~ *hospital or agency* asserts that such

facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the ~~Emergency Medical Services~~ Advisory Board, any committee acting on behalf of the ~~Emergency Medical Services~~ Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner*, or group or committee established to monitor the quality of ~~care~~ *emergency medical services or trauma services* pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board of ~~Health~~ shall also develop and maintain as a component of the *Statewide* Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through ~~formal~~ *development of* regional stroke triage plans that ~~incorporate each~~ *take into account the* region's geographic variations and stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through certification by the Joint Commission or a comparable process consistent with the recommendations of the Brain Attack Coalition, *and inclusion of such regional plans in the statewide Stroke Triage Plan.* The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board of ~~Health~~ may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle, or other form of conveyance.

**§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times; enforcement provisions; civil penalties.**

A. The ~~State Board of Health~~ shall prescribe by regulation:

1. Requirements for ~~record keeping~~ *recordkeeping*, supplies, operating procedures, and other *emergency medical services* agency operations;

2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their medical supplies and equipment;

3. Procedures, including the requirements for forms, to authorize qualified emergency medical services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

4. Requirements for the composition, administration, duties, and responsibilities of the ~~State Emergency Medical Services~~ Advisory Board;

5. Requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, governing the training, certification, and recertification of emergency medical services personnel;

6. Requirements for written notification to the ~~State Emergency Medical Services~~ Advisory Board, the ~~State~~ Office of Emergency Medical Services, and the Financial Assistance and Review Committee of the Board's action, and the reasons therefor, on requests and recommendations of the Advisory Board, the ~~State~~ Office of Emergency Medical Services, or the *Financial Assistance and Review* Committee, no later than five ~~workdays~~ *business days* after reaching its decision, specifying whether the Board has approved, denied, or not acted on such requests and recommendations;

7. Authorization procedures, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, ~~which~~ *that* allow the possession and administration of epinephrine or a medically accepted equivalent for emergency cases of anaphylactic shock by certain levels of certified emergency medical services personnel as authorized by § 54.1-3408 and authorization procedures that allow the possession and administration of oxygen with the authority of the local *operational* medical director and a ~~licensed~~ *an* emergency medical services agency *that holds a valid license issued by the Commissioner*;

8. A uniform definition of "response time" and requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board, for each *emergency medical services* agency to measure response times starting from the time a call for emergency medical ~~care~~ *services* is received until (i) the time ~~an~~ *an* (i) appropriate emergency medical ~~response unit~~ *response unit is* ~~services personnel are~~ *services personnel* are responding and (ii) ~~the~~ *the* appropriate emergency medical ~~response unit arrives~~ *services personnel arrive* on the scene, and requirements for *emergency medical services* agencies to collect and report such data to the Director of the Office of Emergency Medical Services, who shall compile such information and make it available to the public, upon request; and

9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may assess against any *emergency medical services* agency or other entity found to be in violation of any of the provisions of this article or any regulation promulgated under this article. All amounts paid as civil penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the state treasury and shall be deposited in the emergency medical services special fund established pursuant to § 46.2-694, to be used only for emergency medical services purposes.

B. The Board shall classify *emergency medical services* agencies and emergency medical services vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle specifications, and the *emergency medical services* personnel required for each classification.

C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

**§ 32.1-111.4:1. State Emergency Medical Services Advisory Board; purpose; membership; duties; reimbursement of expenses; staff support.**

A. *There is hereby created in the executive branch the State Emergency Medical Services Advisory Board for the purpose of advising the Board concerning the administration of the statewide emergency medical services system and emergency medical services vehicles maintained and operated to provide transportation to persons requiring emergency medical treatment and for reviewing and making recommendations on the Statewide Emergency Medical Services Plan. The Advisory Board shall be composed of 28 members appointed by the Governor as follows: one representative each from the Virginia Municipal League, Virginia Association of Counties, Virginia Hospital and Healthcare Association, and each of the 11 regional emergency medical services councils; one member each from the Medical Society of Virginia, Virginia Chapter of the American College of Emergency Physicians, Virginia Chapter of the American College of Surgeons, Virginia Chapter of the American Academy of Pediatrics, Emergency Nurses Association or the Virginia Nurses' Association, Virginia State Firefighters Association, Virginia Fire Chiefs Association, Virginia Ambulance Association, Virginia Association of Governmental Emergency Medical Services Administrators, and Virginia Association of Public Safety Communications Officials; two representatives of the Virginia Association of Volunteer Rescue Squads, Inc.; one Virginia professional firefighter; and one consumer who shall not be involved in or affiliated with emergency medical services in any capacity. Each organization and group shall submit three nominees from among which the Governor may make appointments. Of the three nominees submitted by each of the regional emergency medical services councils, at least one nominee shall be a representative of providers of prehospital care. Any person appointed to the Advisory Board shall be a member of the organization that he represents. To ensure diversity in the organizations and groups represented on the Advisory Board, the Governor may request additional nominees from the applicable organizations and groups. However, the Governor shall not be bound to make any appointment from among any nominees recommended by such organizations and groups.*

*The members of the Advisory Board shall not be eligible to receive compensation; however, the Department shall provide funding for the reimbursement of expenses incurred by members of the Advisory Board in the performance of their duties.*

B. *Appointments shall be staggered as follows: nine members for a term of two years, nine members for a term of three years, and 10 members for a term of four years. Thereafter, appointments shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. Appointments shall be in a manner to preserve insofar as possible the representation of the specified groups. No member shall serve more than two successive terms. No person representing any organization or group named in subsection A who has served as a member of the Advisory Board for two or more successive terms for any period or for six or more consecutive years shall be nominated for appointment or appointed to the Advisory Board unless at least three consecutive years have elapsed since the person has served on the Advisory Board.*

*The chairman shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection. The Advisory Board shall meet at least four times annually at the call of the chairman or the Commissioner.*

C. *The Advisory Board shall:*

1. *Advise the Board on the administration of this article;*
2. *Review and make recommendations for the Statewide Emergency Medical Services Plan and any revisions thereto; and*
3. *Review, on a schedule as it may determine, reports on the status of all aspects of the statewide emergency medical services system, including the Financial Assistance and Review Committee, the Rescue Squad Assistance Fund, the regional emergency medical services councils, and the emergency medical services vehicles, submitted by the Office of Emergency Medical Services.*

D. *The Advisory Board shall establish an Advisory Board Executive Committee to assist in the work of the Advisory Board. The Advisory Board Executive Committee shall, in addition to those duties of the Advisory Board Executive Committee established by the Advisory Board, review the annual financial report of the Virginia Association of Volunteer Rescue Squads, as required by § 32.1-111.13.*

E. *The Office of Emergency Medical Services shall provide staff support to the Advisory Board.*

**§ 32.1-111.4:2. Regional emergency medical services councils.**

*The Board shall designate regional emergency medical services councils that shall be authorized to receive and disburse public funds. Each such council shall be charged with the development and implementation of an efficient and effective regional emergency medical services delivery system.*

*The Board shall review those agencies that were the designated regional emergency medical services councils. The Board shall, in accordance with the standards established in its regulations, review and may renew or deny applications for such designations every three years. In its discretion, the Board may establish conditions for renewal of such designations or may solicit applications for designation as a regional emergency medical services council.*

*Each regional emergency medical services council shall include, if available, representatives of the participating local governments, fire protection agencies, law-enforcement agencies, emergency medical services agencies, hospitals, licensed practicing physicians, emergency care nurses, mental health professionals, emergency medical services personnel, and other appropriate allied health professionals.*

*Each regional emergency medical services council shall adopt and revise as necessary a regional emergency medical services plan in cooperation with the Board.*

*The designated regional emergency services councils shall be required to match state funds with local funds obtained from private or public sources in the proportion specified in the regulations of the Board. Moneys received directly or indirectly from the Commonwealth shall not be used as matching funds. A local governing body may choose to appropriate funds for the purpose of providing matching grant funds for any designated regional emergency medical services council. However, this section shall not be construed to place any obligation on any local governing body to appropriate funds to any such council.*

*The Board shall promulgate, in cooperation with the Advisory Board, regulations to implement this section, which shall include, but not be limited to, requirements to ensure accountability for public funds, criteria for matching funds, and performance standards.*

**§ 32.1-111.4:3. Provision of emergency medical services.**

*A. Any county, city, or town may provide emergency medical services to its citizens by (i) establishing an emergency medical services agency as a department of government pursuant to § 32.1-111.4:6 or (ii) contracting with or providing for the provision of emergency medical services by an emergency medical services agency established pursuant to § 32.1-111.4:7.*

*B. In cases in which a county, city, or town elects to contract with or provide for emergency medical services by an emergency medical services agency pursuant to clause (ii) of subsection A, the emergency medical services agency shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to the provision of emergency medical services therein unless the emergency medical services agency is a private, for-profit emergency medical services agency.*

**§ 32.1-111.4:4. Emergency medical services personnel and equipment may in emergencies go or be sent beyond territorial limits.**

*Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the emergency medical services personnel of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth to assist in meeting such emergency.*

*In such event, the acts performed by such fire or emergency medical services personnel and the expenditures made for such purpose by such county, city, or town shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or town when acting through its emergency medical services personnel for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.*

*Emergency medical services personnel of any county, city, or town, when acting hereunder or under other lawful authority beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.*

**§ 32.1-111.4:5. Contracts of counties, cities, and towns to furnish emergency medical services; public liability insurance to cover claims arising out of mutual aid agreements.**

*A. The governing body of any city or town may, in its discretion, authorize or require the emergency medical services agency thereof to render aid in cases of actual or potential medical emergencies occurring beyond its limits, may prescribe the conditions under which such aid may be rendered, and may enter into contracts with nearby, adjacent, or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in the provision of emergency medical services in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties and cities, or districts, including sanitary districts, provided that each of the parties to such agreement may contract as follows: (i) waive any and all claims against all the other parties thereto that may arise out of their activities outside their respective jurisdictions under such agreement; (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury that may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the emergency medical services agency of any city or town is operating under such permission or contracts on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.*

B. Any county, city, or town may contract with the federal or state government to provide emergency medical services to federal or state property located within or without the boundaries of the county, city, or town. In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing emergency medical services to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or town when acting through its emergency medical services personnel for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section or under other lawful authority.

Emergency medical services personnel of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties. The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

C. The governing body of any county adjoining or near any county, city, or town, within or without the Commonwealth, including the District of Columbia, having and maintaining emergency medical services equipment may contract with any such county, city, or town, upon such terms as such governing body may deem proper, for responding to medical emergencies in such county, city, or town and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, city, or town and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

D. The governing body of any county, city, or town in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other counties, cities, or towns outside the Commonwealth, including the District of Columbia.

**§ 32.1-111.4.6. Establishment of an emergency medical services agency as a department of local government.**

A. The governing body of any county, city, or town may establish an emergency medical services agency as a department of government and may designate it by any name consistent with the names of its other governmental units. The head of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief." As many other officers and employees may be employed in such emergency medical services agency as the governing body may approve.

B. An emergency medical services agency established pursuant to subsection A may consist of government-employed emergency medical services personnel, volunteer emergency medical services personnel, or both. If an emergency medical services agency established pursuant to this section includes volunteer emergency medical services personnel, such volunteer emergency medical services agency shall be deemed an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to providing emergency medical services to the county, city, or town.

C. The governing body of any county, city, or town may empower an emergency medical services agency established therein pursuant to this section to make bylaws to promote its objects consistent with the laws of the Commonwealth and ordinances of the county, city, or town and may provide for the compensation of the officers and employees of such agency.

D. All check stubs or time cards purporting to be a record of time spent on the job by emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information is shown, the information shall be in compliance with this section.

**§ 32.1-111.4.7. Establishment of an emergency medical services agency as a nongovernmental entity.**

A. Any number of persons wishing to provide emergency medical services may establish an emergency medical services agency by (i) recording a writing stating the formation of such company, with the names of the members thereof thereto subscribed in the court of the county or city wherein such agency shall be located, (ii) complying with such local ordinances as may exist related to establishment of an emergency medical services agency, and (iii) obtaining a valid emergency medical services agency license from the Office of Emergency Medical Services together with such emergency medical services vehicle permits from the Office of Emergency Medical Services as the Office of Emergency Medical Services may require. The principal officer of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief."

B. The members of an emergency medical services agency established pursuant to subsection A may make regulations for effecting its objects consistent with the laws of the Commonwealth; the ordinances of the county, city, or town; and the bylaws of the emergency medical services agency thereof.

C. In every county, city, or town in which an emergency medical services agency is established pursuant to this section, there shall be appointed, at such time and in such manner as the governing body of such county, city, or town in which the emergency medical services agency is located may prescribe, an emergency medical services agency chief and as many other officers of the emergency medical services agency as such governing body may direct.

D. An emergency medical services agency established pursuant to this section may be dissolved when the local governing body of the county, city, or town in which the emergency medical services agency is located determines that the

*emergency medical services agency has failed, for three months successively, to have or keep in good and serviceable condition emergency medical services vehicles and equipment and other proper implements, or when the governing body of the county, city, or town for any reason deems it advisable.*

**§ 32.1-111.4:8. Ordinances as to emergency medical services agencies.**

*The governing body of any county, city, or town in which an emergency medical services agency is established pursuant to § 32.1-111.4:6 or 32.1-111.4:7 may make such ordinances in relation to the powers and duties of emergency medical services agencies and emergency medical services agency chiefs or other officers of such emergency medical services agencies as it may deem proper.*

**§ 32.1-111.5. Certification and recertification of emergency medical services providers; appeals process.**

A. The Board shall prescribe by regulation the qualifications required for certification of emergency medical services providers, including those qualifications necessary for authorization to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1. Such regulations shall include criteria for determining whether an applicant's relevant practical experience and didactic and clinical components of education and training completed during his service as a member of any branch of the armed forces of the United States may be accepted by the Commissioner as evidence of satisfaction of the requirements for certification.

B. Each person desiring certification as an emergency medical services provider shall apply to the Commissioner upon a form prescribed by the Board. Upon receipt of such application, the Commissioner shall cause the applicant to be examined or otherwise determined to be qualified for certification. When determining whether an applicant is qualified for certification, the Commissioner shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the requirements for certification. If the Commissioner determines that the applicant meets the requirements for certification as an emergency medical services provider, he shall issue a certificate to the applicant. An emergency medical services provider certificate so issued shall be valid for a period required by law or prescribed by the Board. Any certificate so issued may be suspended at any time that the Commissioner determines that the holder no longer meets the qualifications prescribed for such emergency medical services provider. The Commissioner may temporarily suspend any certificate without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a certificate pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Board shall prescribe by regulation procedures and the qualifications required for the recertification of emergency medical services providers.

D. The Commissioner may issue a temporary certificate when he finds that it is in the public interest. A temporary certificate shall be valid for a period not exceeding 90 days.

E. The ~~State Board of Health~~ shall require each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services agency to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation, for the purpose of obtaining his criminal history record information. The Central Criminal Records Exchange shall forward the results of the state and national records search to the Commissioner or his designee, who shall be a governmental entity. If an applicant is denied employment or service as a volunteer because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.

**§ 32.1-111.6. Emergency medical services agency license; emergency medical services vehicle permits.**

A. No person shall operate, conduct, maintain, or profess to be an *emergency medical services* agency without a valid ~~permit~~ *license* issued by the Commissioner for such *emergency medical services* agency and a *valid permit* for each emergency medical services vehicle used by such *emergency medical services* agency.

B. The Commissioner shall issue an original or renewal ~~permit~~ *license* for an *emergency medical services* agency or *renewal permit* for an emergency medical services vehicle ~~which that~~ meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. ~~Permits~~ *Licenses and permits* shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary ~~permits~~ *licenses* for *emergency medical services* agencies or *temporary permits* for emergency medical services vehicles not meeting required standards, valid for a period not to exceed ~~sixty~~ 60 days, when the public interest will be served thereby.

D. The issuance of a *license* or *permit* ~~hereunder~~ in accordance with this section shall not be construed to authorize any *emergency medical services* agency to operate any emergency medical services vehicle without a franchise, *license*, or permit in any county or municipality ~~which that~~ has enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

E. The word "ambulance" shall not appear on any vehicle, vessel, or aircraft that does not hold a valid permit as an *emergency medical services* vehicle.

**§ 32.1-111.6:1. Commissioner to issue certain emergency medical services licenses or permits.**

The Commissioner of Health shall issue ~~permits or licenses for~~ *permits for* emergency medical services agencies and *permits for emergency medical services* vehicles as needed to ensure compliance with federal regulations relating to reimbursement of ~~ambulance emergency medical services vehicle transportation~~ services pursuant to Medicare and Medicaid.

**§ 32.1-111.7. Inspections.**

Each *emergency medical services* agency for which a license has been issued and ~~each~~ emergency medical services vehicle for which a permit has been issued shall be inspected as often as the Commissioner deems necessary and a record thereof shall be maintained. Each such *emergency medical services* agency or *emergency medical services* vehicle, its medical supplies and equipment, and the records of its maintenance and operation shall be available at all reasonable times for inspection.

**§ 32.1-111.8. Revocation and suspension of licenses and permits.**

Whenever an *emergency medical services* agency or ~~an~~ emergency medical services vehicle owned or operated by an *emergency medical services* agency is in violation of any provision of this article or any applicable regulation, the Commissioner shall have power to revoke or suspend such *emergency medical services* agency's ~~permit license~~ and the permits of all emergency medical services vehicles owned or operated by the *emergency medical services* agency. The Commissioner may temporarily suspend any ~~permit license for agencies an emergency medical services agency or permit for an emergency medical services vehicles vehicle~~ without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a *license or permit* pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.9. Applications for variances or exemptions.**

A. Prior to the submission of (i) an application for a variance to the Commissioner ~~of Health~~ or (ii) an application for an exemption from any regulations promulgated pursuant to this chapter to the Board ~~of Health~~ by an *emergency medical services* agency or ~~governmental entity licensed or certified by the Office of Emergency Medical Services that holds a valid license issued by the Commissioner,~~ the application shall be reviewed by the governing body or chief administrative officer of the jurisdiction in which the principal office of the *emergency medical services* agency or ~~governmental entity licensed or certified by the Office of Emergency Medical Services~~ is located. The recommendation of the governing body or chief administrative officer of the jurisdiction regarding the variance or exemption shall be submitted with the application, and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

B. ~~A provider~~ An individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 who is certified as an *emergency medical services provider* or is a candidate for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review, but shall submit the application for a variance or exemption to the Operational Medical Director and the ~~agency head of the emergency medical services agency chief with which the provider~~ *he* is affiliated, and shall include the recommendations of such Operational Medical Director and the *emergency medical services* agency ~~head chief~~ together with the application for a variance or exemption. The recommendation of the Operational Medical Director and the *emergency medical services* agency ~~head chief with which the emergency medical services personnel is affiliated~~ regarding the variance or exemption shall be submitted with the application and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

C. ~~A~~ An *emergency medical services* provider who is not affiliated with an *emergency medical services* agency shall submit an application for a variance or exemption to the Commissioner or Board, whichever is appropriate, and the Commissioner or Board, whichever is appropriate, shall consider the application for the purposes of granting or denying the variance or exemption. The Commissioner or Board, whichever is appropriate, may require ~~a~~ an *emergency medical services* provider who is not affiliated with an *emergency medical services* agency to submit additional case-specific endorsements or supporting documentation as part of an application for a variance or exemption.

D. The applicant shall have the right to appeal any denial by the Commissioner or Board of an application for a variance or exemption pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.12. Virginia Rescue Squads Assistance Fund; disbursements.**

A. For the purpose of providing financial assistance to ~~rescue squads and other~~ emergency medical services organizations in the Commonwealth, of providing the requisite training for emergency medical ~~service services~~ personnel, and of purchasing equipment needed by such ~~rescue squads and~~ organizations, there is hereby created in the Department of the Treasury a special nonreverting fund ~~which that~~ shall be known as the Virginia Rescue Squads Assistance Fund. The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall consist of any moneys appropriated for this purpose by the General Assembly and any other moneys received for such purpose by the Board. On and after July 1, 1996, any such moneys unexpended at the end of a fiscal biennium shall remain in the Fund and shall not revert to the general fund.

B. In accordance with regulations of the Board, the Commissioner shall disburse and expend the moneys in the Virginia Rescue Squads Assistance Fund. No moneys shall be disbursed directly to any ~~rescue squad or other~~ emergency

medical services organization unless such ~~squad or~~ organization operates on a nonprofit basis exclusively for the benefit of the general public.

**§ 32.1-111.13. Annual financial reports.**

~~Effective on July 1, 1996, the~~ *The Virginia Association of Volunteer Rescue Squads* shall submit an annual financial report on the use of funds received from the special emergency medical services fund to the ~~State Emergency Medical Services~~ Advisory Board Executive Committee on such forms and providing such information as may be required by the Advisory Board Executive Committee for such purpose.

**§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns.**

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency *medical services* and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate *any* emergency medical services ~~vehicles~~ *vehicle* or ~~any~~ class thereof established by the Board in such county or city without having been granted a franchise, *license* or permit to do so;

2. Grant franchises, *licenses* or permits to *emergency medical services* agencies based within or outside the county or city; however, any *emergency medical services* agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise, *license* or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;

3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any *emergency medical services* agency;

4. Determine and prescribe areas of franchised, *licensed* or permitted service within the county or city;

5. Fix and change from time to time reasonable charges for franchised, *licensed* or permitted services;

6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

7. Contract with franchised, *licensed* or permitted *emergency medical services* agencies for *emergency medical services vehicle* transportation *services* to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and

8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ~~ambulance~~ *emergency medical services vehicle transportation* services as authorized by § 38.2-3407.9; and to contract with any *emergency medical services* agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such powers until 180 days after written notice to the governing body of the town.

E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency medical services vehicles owned and operated by a town or to authorize any town to regulate in any manner emergency medical services vehicles owned and operated by a county.

F. ~~Any emergency~~ *Emergency medical services* vehicles operated by a county, city, or town under authority of this section shall be subject to the provisions of this article and to the regulations of the Board ~~adopted thereunder~~.

**§ 32.1-111.14.2. Establishment of emergency medical services zones or districts; tax levies.**

*The governing bodies of the several counties or cities of the Commonwealth may create and establish, by designation on a map of the county or city showing current, official parcel boundaries, or by any other description that is legally sufficient for the conveyance of property or the creation of parcels, emergency medical services zones or districts in such counties or cities within which may be located and established one or more emergency medical services agencies for providing emergency medical services within such zones or districts.*

*In the event of the creation of such zones or districts in any county or city, the county or city governing body may acquire, in the name of the county or city, real or personal property to be devoted to the uses aforesaid and shall prescribe rules and regulations for the proper management, control, and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization, or municipal corporation or any volunteer emergency medical services agency or emergency medical services provider for such emergency medical services as may be required.*

*To raise funds for the purposes aforesaid, the governing body of any county or city in which such zones or districts are established may levy annually a tax on the assessed value of all property, real and personal, within such zones or districts,*

subject to local taxation, which tax shall be extended and collected as other county or city taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any county or city having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

The amount realized from such levy shall be kept separate from all other moneys of the county or city and shall be applied to no other purpose than the maintenance and operation of the emergency medical services agencies established pursuant to this section.

**§ 32.1-111.14:3. Exclusion of certain areas from emergency medical services zones or districts and exemption of such areas from certain levies.**

The governing body of any county or city having an emergency medical services zone or district created under the provisions of § 32.1-111.14:2, prior to June 1 of any calendar year, may alter the boundaries of such emergency medical services zone or district for the purpose of excluding an area of any such emergency medical services zone or district that is also within the boundaries of a sanitary district providing emergency medical services or under contract to a sanitary district providing emergency medical services.

Any area excluded from an emergency medical services zone or district as provided by this section shall not be subject to the levy set forth in § 32.1-111.14:2 for the year such area is excluded.

**§ 32.1-111.14:4. Advances by county or city to emergency medical services zone or district; reimbursement; validation of prior advances.**

A. The governing body of any county or city in the Commonwealth may advance funds, not otherwise specifically allocated or obligated, from the general fund to an emergency medical services zone or district to assist the emergency medical services zone or district to exercise the powers set forth in § 32.1-111.14:2.

B. Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to reimburse the general fund of the county or city from the proceeds of any funds to the credit of the emergency medical services zone or district, not otherwise specifically allocated or obligated, to the extent that the county or city has made advances to the emergency medical services zone or district from such general fund to assist the emergency medical services zone or district to exercise the powers set forth in § 32.1-111.14:2.

C. The advancement of any funds heretofore advanced from the general fund by the governing body of any county or city in the Commonwealth for the benefit of an emergency medical services zone or district in exercising the lawful powers of such emergency medical services zone or district is hereby validated and confirmed.

**§ 32.1-111.14:5. Authority of emergency medical services agency incident commander when operating at an emergency incident; penalty for refusal to obey orders.**

Except as provided in § 32.1-111.14:6, while any emergency medical services personnel are in the process of operating at an emergency incident where there is imminent danger and when emergency medical services personnel are returning to the emergency medical services agency, the incident commander of such emergency medical services agency at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity, (ii) direct the actions of emergency medical services personnel at the incident, (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment, (iv) facilitate the speedy movement and operation of emergency equipment and emergency medical services personnel, and (v) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The emergency medical services agency incident commander shall display his emergency medical services personnel's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at an emergency medical services agency. Any person refusing to obey the orders of the emergency medical services incident commander at that time is guilty of a Class 4 misdemeanor. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or fire departments or fire companies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the incident commander has deemed the area safe and only into those areas of the incident that do not, in the opinion of the incident commander, interfere with the emergency medical services personnel dealing with such emergencies, in which case the emergency medical services incident commander may order such person from the scene of the emergency incident.

**§ 32.1-111.14:6. Supervision and control of joint services of emergency medical services agencies.**

Whenever two or more emergency medical services agencies are called to provide joint services in any district or political subdivision, the incident commander of the first agency to arrive shall have general supervision and control of all such participating agencies until an officer of such district or political subdivision who is otherwise authorized by law to do so shall assume such general supervision and control.

**§ 32.1-111.14:7. Penalty for disobeying emergency medical services agency chief or other officer in command.**

If any person at a fire or medical emergency refuses or neglects to obey any order duly given by the individual having command of the incident in accordance with § 32.1-111.14:5 or 32.1-111.14:6, he shall, upon conviction of such offense, be fined not to exceed \$100.

**§ 32.1-111.14:8. Purchase, maintenance, etc., of equipment; donated equipment.**

A. The governing body of every county, city, or town shall have power to provide for the purchase, operation, staffing, and maintenance of suitable equipment for providing emergency medical services in or upon the property of the county, city, or town and of its inhabitants and to prescribe the terms and conditions upon which the same will be used for providing emergency medical services in or upon privately owned property.

B. Any emergency medical services agency donating equipment for providing emergency medical services to any other emergency medical services agency, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection must be completed by a certified emergency medical services vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency medical services vehicle.

**§ 32.1-111.14:9. Entry of buildings and premises adjoining during a medical emergency.**

A. The incident commander at a medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a medical emergency is in progress, or any building or premises adjacent thereto for the purpose of providing emergency medical services.

B. The incident commander at a medical emergency, and his subordinates upon his order or direction, shall have the right to remain at the scene of a medical emergency, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 32.1-111.15. Statewide poison control system established.**

From such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received, the Board of Health shall establish a statewide poison control system. The funding mechanism for the system and its services shall be as provided in the appropriation act.

The Board shall establish poison control centers that meet national certification standards promulgated by the American Association of Poison Control Centers. If such national certification standards are eliminated, the Board shall establish minimum standards for the designation and operation of these poison control centers. The poison control centers established by the Board shall report to the Board by October 1 of each year regarding program operations; expenditures; revenues, including in-kind contributions; financial status; future needs; and summaries of human poison exposure cases for the most recent calendar year.

The statewide system shall provide, at a minimum, (i) consultation, by free, 24-hour emergency telephone or other means of communication, to the public and to health care practitioners providers regarding the ingestion or application of substances, including determinations of emergency treatment, coordination of referrals to emergency treatment facilities, and provision of appropriate information to the staffs of such facilities; (ii) prevention education and information about poison control services; (iii) training for health care practitioners providers in toxicology and medical management of poison exposure cases; and (iv) poison control surveillance through the collection and analysis of data from reported poison exposures to identify poisoning hazards, prevent poisonings, and improve treatment of poisoned patients.

**§ 32.1-116.1:1. Disclosure of medical records.**

Any licensed physician, licensed health care provider, or licensed health care facility may disclose to ~~an~~ emergency medical services provider personnel, an emergency medical services physician, or their licensed parent agency the medical records of a sick or injured person to whom such emergency medical services provider personnel or emergency medical services physician is providing or has rendered emergency medical care for the purpose of promoting the medical education of the specific person who provided such care or for quality improvement initiatives of their agency or of the EMS emergency medical services system as a whole. Any emergency medical services provider personnel or emergency medical services physician to whom such confidential records are disclosed shall not further disclose such information to any persons not entitled to receive that information in accordance with the provisions of this section.

**§ 32.1-116.3. Reporting of communicable diseases; definitions.**

A. For the purposes of this section:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual or person to another or to uninfected persons through airborne or nonairborne means and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall include any companion animal.

"Communicable diseases" means any airborne infection or disease, including, but not limited to, tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus Influenzae Type b, and those transmitted by contact

with blood or other human body fluids, including, but not limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

B. Every licensed health care facility ~~which~~ *that* transfers or receives patients via emergency medical services ~~ambulances or mobile intensive care units vehicles~~ shall notify the emergency medical services agencies providing such patient transport of the name and telephone number of the individual who is the infection control practitioner with the responsibility of investigating exposure to infectious diseases in the facility.

Every ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner and that is established in the Commonwealth shall notify all facilities to which they transport it transports* patients or from which ~~they transfer it transfers~~ patients of the names and telephone numbers of the members, not to exceed three persons, who have been appointed to serve as the exposure control officers. Every ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner* shall implement universal precautions and shall ensure that these precautions are appropriately followed and enforced.

C. Upon requesting any ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner* to transfer a patient who is known to be positive for or who suffers from any communicable disease, the transferring facility shall inform the attendant-in-charge of the transferring crew of the general condition of the patient and the types of precautions to be taken to prevent the spread of the disease. The identity of the patient shall be confidential.

D. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic~~ has an exposure of blood or body fluid to mucous membrane, *or* non-intact skin, *or* a contaminated needlestick injury, his exposure control officer shall be notified, a report completed, and the infection control practitioner at the receiving facility notified.

E. If, during the course of medical care and treatment, any physician determines that a patient who was transported to a receiving facility by any ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner* (i) is positive for or has been diagnosed as suffering from an airborne infectious disease or (ii) is subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, then the infection control practitioner in the facility shall immediately notify the exposure control officer who represents the transporting emergency medical services agency of the name of the patient, and the date and time of the patient's admittance to the facility. The exposure control officer for the transporting emergency medical services agency shall investigate the incident to determine if any exposure of emergency medical services personnel or other emergency personnel occurred. The identity of the patient and all personnel involved in any such investigation shall be confidential.

F. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic shall be~~ *is* exposed to a communicable disease, the exposure control officer shall immediately notify the infection control practitioner of the receiving facility. The infection control practitioner of the facility shall conduct an investigation and provide information concerning the extent and severity of the exposure and the recommended course of action to the exposure control officer of the transporting agency.

G. Any person requesting or requiring any employee of a public safety agency as defined in subsection J of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~ shall inform such public safety agency employee of a potential risk of exposure to a communicable disease.

H. Local or state correctional facilities which transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~ shall notify the emergency medical services agency providing transportation services of a potential risk of exposure to a communicable disease, including a communicable disease of public health threat. For the purposes of this section, the chief medical person at a local or state correctional facility or the facility director or his designee shall be responsible for providing such information to the transporting agency.

I. Any person who, as a result of this provision, becomes aware of the identity or condition of a person known to be (i) positive for or to suffer from any communicable disease, or to have suffered exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, shall keep such information confidential, except as expressly authorized by this provision.

J. No person known to be (i) positive for or to suffer from any communicable disease, including any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, shall be refused transportation or service for that reason by an emergency medical services, law-enforcement, or public safety agency.

**§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity.**

A. Upon the initiative of any local or regional law-enforcement agency, fire department, department of social services, emergency medical services agency, Commonwealth's attorney's office, or community services board, local or regional child fatality teams may be established for the purpose of conducting contemporaneous reviews of local child deaths in order to develop interventions and strategies for prevention specific to the locality or region. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. Violations shall be punishable as a

Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical assistance and direction as provided for in subsection A of § 32.1-283.1.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a local or regional medical examiner, a local social services official in charge of child protective services, a director of the relevant local or district health department, a chief law-enforcement officer, a local fire marshal, *a local emergency medical services agency chief*, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, and such additional persons, not to exceed ~~five~~ *four*, as may be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected from among the designated membership. The additional members appointed by the chairperson may include, but are not restricted to, representatives of local human services agencies; local public education agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

C. Each team shall establish local rules and procedures to govern the review process prior to conducting the first child fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the reviews nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection shall be punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a child fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

#### **§ 32.1-291.12. Search and notification.**

A. The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

1. A law-enforcement officer, a firefighter, ~~paramedic~~ *emergency medical services personnel*, or other emergency rescuer finding the individual; and

2. If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

B. If a document of gift or a refusal to make an anatomical gift is located by the search required by subdivision A 1 and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

C. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

#### **§ 33.2-262. Removal of snow from driveways of volunteer fire departments and emergency medical services agencies.**

On the roads under the jurisdiction of the Department, the Department shall remove snow from the driveways and entrances of volunteer fire departments and ~~volunteer rescue squads~~ *emergency medical services agencies* when the chief of any individual volunteer fire department; ~~or the head of any individual volunteer rescue squad;~~ *emergency medical services agency* makes a written request for such snow removal service, provided that such service shall only be performed when such service can be performed during the normal course of snow removal activities of the Department without interfering with, or otherwise inconveniencing, such snow removal activities. Such service shall not extend to any parking lots adjacent to such driveways and entranceways not normally used by the volunteer fire department or ~~volunteer rescue squad vehicles~~ *emergency medical services agency* as their direct driveway or entrance.

#### **§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. Notwithstanding the foregoing provisions of this section, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles, ~~ambulances,~~ and ~~rescue squad~~ *emergency medical services* vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown

on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

a. Is changing the HOV-2 designation to HOV-3 in the public interest?

b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

**§ 33.2-503. HOT lanes enforcement.**

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for civil violation of this section may be executed pursuant to this subdivision, when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed pursuant to § 19.2-76.2. Such form shall contain the option for the driver or registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the driver of the vehicle at the time of the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee shall not exceed \$25.

b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

d. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, ~~ambulance~~, or ~~rescue squad~~ *emergency medical services* vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

**§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ~~ambulances~~ *emergency medical services vehicles* owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

**§ 35.1-25. Exemptions.**

The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* that hold occasional dinners, bazaars, and other fund-raisers of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fund raiser;

4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) for their members or their invited guests;

6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax; or

7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision.

**§ 38.2-1904. Rate standards.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound; ~~provided;~~ *that* other data, including countrywide, regional, or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

1. No rate shall be held to be excessive unless it is unreasonably high for the insurance provided and a reasonable degree of competition does not exist in the area with respect to the classification to which the rate applies.

2. No rate shall be held inadequate unless it is unreasonably low for the insurance provided and (i) continued use of it would endanger solvency of the insurer or (ii) use of the rate by the insurer has or, if continued, will have the effect of destroying competition or creating a monopoly.

3. No rate shall be unfairly discriminatory if a different rate is charged for the same coverage and the rate differential (i) is based on sound actuarial principles or (ii) is related to actual or reasonably anticipated experience.

B. 1. In determining whether rates comply with the standards of subsection A ~~of this section~~, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) the loss reserving practices, standards and procedures utilized by the insurer, (vii) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give separate consideration to investment income earned on

surplus funds, and (viii) all other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. In the case of workers' compensation insurance rates for volunteer firefighters or volunteer ~~lifescaping or volunteer rescue squad members~~ *emergency medical services personnel*, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifescaping or volunteer rescue squad members~~ *emergency medical services personnel* and paid firefighters or paid ~~lifescaping or paid rescue squad members~~ *emergency medical services personnel*, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ *volunteer emergency medical services personnel*.

4. In the case of uninsured motorist coverage required by subsection A of § 38.2-2206, consideration shall be given to all sums distributed by the Commission from the Uninsured Motorists Fund in accordance with the provisions of Chapter 30 (§ 38.2-3000 et seq.) ~~of this title~~.

C. For the classes of insurance to which this chapter applies, including insurance against contingent, consequential and indirect losses as defined in § 38.2-133 (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or with respect to any subdivision or combination of insurance for which separate expense provisions are applicable, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference between risks that can be demonstrated to have a probable effect upon losses or expenses. Notwithstanding any other provision of this subsection, except as permitted by § 38.2-1908, each member of a rate service organization shall use the uniform classification system, uniform experience rating plan, and uniform statistical plan of its designated rate service organization in the provision of insurance defined in § 38.2-119.

D. No insurer shall use any information pertaining to any motor vehicle conviction or accident to produce increased or surcharged rates above their filed manual rates for individual risks for a period longer than ~~thirty-six~~ 36 months. This period shall begin no later than ~~twelve~~ 12 months after the date of the conviction or accident.

E. Each authorized insurer subject to the provisions of this chapter may file with the Commission an expense reduction plan that permits variations in expense provisions. Such filing may contain provisions permitting agents to reduce their commission resulting in an appropriate reduction in premium. Nothing in this section shall be construed to require an agent to reduce a commission, nor may an insurer unreasonably refuse to reduce a premium due to a commission reduction as permitted by its filed expense reduction plan.

#### **§ 38.2-2005. Provisions governing making of rates.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound; however, other data, including countrywide, regional or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

B. 1. In making rates for the classes of insurance to which this chapter applies, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give separate consideration to investment income earned on surplus funds, (vii) the loss reserving practices, standards and procedures utilized by the insurer, and (viii) all other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. [Repealed.]

In the case of workers' compensation insurance rates for volunteer firefighters or volunteer ~~lifescaping or volunteer rescue squad members~~ *emergency medical services personnel* written through the Virginia Worker's Compensation Insurance Plan, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifescaping or volunteer rescue squad members~~ *emergency medical services personnel* and paid firefighters or paid ~~lifescaping or paid rescue squad members~~ *emergency medical services personnel*, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ *volunteer emergency medical services personnel*.

C. For the classes of insurance to which this chapter applies (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or for any subdivision or

combination of insurance for which separate expense provisions apply, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses.

D. All rates, rating schedules or rating plans and every manual of classifications, rules and rates, including every modification thereof, approved by the Commission under this chapter, shall be used until a change is approved by the Commission.

**§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits; assignment of certain benefits.**

A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering any policy or contract of bodily injury or property damage liability insurance covering liability arising from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium, as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while in or upon, entering or alighting from or through being struck by a motor vehicle while not occupying a motor vehicle, the following health care and disability benefits for each accident:

1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical, ~~ambulance~~, prosthetic and rehabilitation services, *services provided by an emergency medical services vehicle as defined in § 32.1-111.1*, and funeral expenses, resulting from the accident and incurred within three years after the date of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the insurer and insured may agree to any other limit;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first workday lost as a result of the accident up to the date the person is able to return to his usual occupation. However, the period shall not extend beyond one year from the date of the accident; and

3. An expense described in subdivision 1 shall be deemed to have been incurred:

a. If the insured is directly responsible for payment of the expense;

b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or similar documentation from the health care provider; however, if the insured is required to make a payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the amount shall be increased by the payment made by the insured; or

c. If no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, in the amount of the usual and customary fee charged in that community for the service rendered.

B. The insured has the option of purchasing either or both of the coverages set forth in subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss of income coverage under any policy of automobile liability insurance, shall be payable to the covered injured person or pursuant to an assignment of benefits in accordance with subsection D, notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to give notice to the insurer of an accident as soon as practicable under the terms of the policy, except where the failure or refusal prejudices the insurer in establishing the validity of the claim.

C. In any policy of personal automobile insurance in which the insured has purchased coverage under subsection A, every insurer providing such coverage arising from the ownership, maintenance or use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available on every motor vehicle insured under that coverage if the health care or disability expenses and costs mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

D. Any attempt to assign medical expense benefits shall be subject to the following:

1. An assignment of medical expense benefits shall be valid only if:

a. A copy of the AOB form, executed by the assignor and in compliance with the other requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;

b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and (iii) executed by the assignor;

c. The AOB form includes a conspicuous statement that the assignor is not required to execute the AOB form;

d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to acknowledge that the assignor has read, or had the opportunity to read, the notice;

e. If the AOB form does not include a notice that complies with the provisions of subdivision g, (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the assignor at the same time as the AOB form and that contains a notice that complies with the provisions of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the assignment of medical expense benefits is provided in a separate document; and

(iii) the AOB form is signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to acknowledge that the assignor has read, or had the opportunity to read, the separate document containing the notice;

f. The statements required by subdivision D 1 to be included in the AOB form or a separate document, including the notice prescribed by subdivision g, are in not less than eight-point type; and

g. The assignor is provided, either in the AOB form or in a separate document, a notice that summarizes the effect of the assignment of medical expense benefits, which notice states the following:

"Notice: automobile accident patients

If you have been in an automobile accident, you may be entitled to payment from your automobile insurance if you have medical expense benefits coverage. By signing this assignment of benefits form you are giving to your health care provider the right to receive some or all of that payment directly from your automobile insurance company.

If you have health insurance and your healthcare provider is in-network: as long as you provide information necessary to verify your health insurance coverage the healthcare provider may only bill the amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you may be entitled to any remainder of your automobile insurance benefit.

If you do not provide information necessary to verify your health insurance coverage, do not have health insurance, or your healthcare provider is not in your health insurer's provider network: your health care provider may bill their full charges to your automobile insurance.

You may want to consult your insurance agent or attorney before signing or initialing this form. You are not required to sign/initial this form to receive care."

2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the assignee advising that it has been represented to the assignee that the covered injured person does not have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy:

a. If the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider, as evidenced by an explanation of benefits, remittance advice, or similar documentation provided to the motor vehicle insurer; or

b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered injured person is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered;

3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the requirements of subdivision D 1;

4. A covered injured person shall not be required to assign to any person any medical expense benefits he may have under this section, including any assignment of the proceeds of such coverages;

5. An assignment of medical expense benefits shall be void and unenforceable as against public policy if the assignment does not comply with the requirements of subdivision D 1;

6. Medical expense benefits may not be reduced because of any benefits paid, payable, or provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits, or any subscription contract or health services plan delivered or issued for delivery or providing for the payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as authorized by this section; and

7. Nothing in this section shall prohibit the payment of medical expense benefits due to the covered injured person directly to any state or federal assistance program that has provided medical benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any motor vehicle.

E. As used in subsection D:

"AOB form" means the document or instrument that contains a provision by which the assignor assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an assignee. The AOB form may be a separate instrument or included in another instrument, including a consent form or a form assigning other benefits.

"Assignee" means the health care provider to which the assignor is assigning medical expense benefits, including any assignment of the proceeds of such coverages.

"Assignor" means the covered injured person or a person authorized to consent on the covered injured person's behalf.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee

Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or (i) medical expense coverage issued pursuant to this section.

"Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which applicable agreement the health care provider has agreed to provide health care services to covered patients.

"Medical expense benefits" means the benefits of coverages described in subdivision A 1, including any assignment of the proceeds of such coverages.

"Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering liability arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for medical expense benefits.

"Person authorized to consent on the covered injured person's behalf" means any person authorized by law to consent on behalf of the covered injured person incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

**§ 38.2-2202. Required notice of optional coverage available.**

A. No original premium notice for insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains on the front of the premium notice or unless there is enclosed with the premium notice, in boldface type, the following statement:

**IMPORTANT NOTICE**

**IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH BEING STRUCK BY A MOTOR VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS ARE AVAILABLE FOR EACH ACCIDENT:**

**1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND NECESSARY EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL, ~~AMBULANCE~~, PROSTHETIC AND REHABILITATION SERVICES, *SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES VEHICLE AS DEFINED IN § 32.1-111.1*, AND FUNERAL EXPENSES RESULTING FROM THE ACCIDENT AND INCURRED WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF COVERAGE, YOU AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND**

**2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE ACCIDENT.**

**IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY THAT ISSUED YOUR POLICY.**

The insurer issuing the premium notice shall inform the insured by any reasonable means of communication of the approximate premium for the additional coverage.

B. No new policy or original premium notice of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains the following statement printed in boldface type, or unless the statement is attached to the front of or is enclosed with the policy or premium notice:

## IMPORTANT NOTICE

IN ADDITION TO THE INSURANCE COVERAGE REQUIRED BY LAW TO PROTECT YOU AGAINST A LOSS CAUSED BY AN UNINSURED MOTORIST, IF YOU HAVE PURCHASED LIABILITY INSURANCE COVERAGE THAT IS HIGHER THAN THAT REQUIRED BY LAW TO PROTECT YOU AGAINST LIABILITY ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLES COVERED BY THIS POLICY, AND YOU HAVE NOT ALREADY PURCHASED UNINSURED MOTORIST INSURANCE COVERAGE EQUAL TO YOUR LIABILITY INSURANCE COVERAGE:

1. YOUR UNINSURED AND UNDERINSURED MOTORIST INSURANCE COVERAGE HAS INCREASED TO THE LIMITS OF YOUR LIABILITY COVERAGE AND THIS INCREASE WILL COST YOU AN EXTRA PREMIUM CHARGE; AND

2. YOUR TOTAL PREMIUM CHARGE FOR YOUR MOTOR VEHICLE INSURANCE COVERAGE WILL INCREASE IF YOU DO NOT NOTIFY YOUR AGENT OR INSURER OF YOUR DESIRE TO REDUCE COVERAGE WITHIN 20 DAYS OF THE MAILING OF THE POLICY OR THE PREMIUM NOTICE, AS THE CASE MAY BE. THE INSURER MAY REQUIRE THAT SUCH A REQUEST TO REDUCE COVERAGE BE IN WRITING.

3. IF THIS IS A NEW POLICY AND YOU HAVE ALREADY SIGNED A WRITTEN REJECTION OF SUCH HIGHER LIMITS IN CONNECTION WITH IT, PARAGRAPHS 1 AND 2 OF THIS NOTICE DO NOT APPLY.

After ~~twenty~~ 20 days, the insurer shall be relieved of the obligation imposed by this subsection to attach or imprint the foregoing statement to any subsequently delivered renewal policy, extension certificate, other written statement of coverage continuance, or to any subsequently mailed premium notice.

**§ 38.2-3407.9. Reimbursement for emergency medical services vehicle transportation services.**

A. If an accident and sickness insurance policy provides coverage for ~~ambulance~~ services *provided by an emergency medical services vehicle*, any person providing such services to a person covered under such policy shall receive reimbursement for such services directly from the issuer of such policy, when the issuer of such policy is presented with an assignment of benefits by the person providing such services.

B. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall establish or promote an emergency medical response and transportation system that encourages or directs access by a person covered under such policy, contract or plan in competition with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*. An entity subject to this subsection may use transportation outside an emergency 911 system or other state, county or municipal emergency medical system for services that are not ~~ambulance~~ services *provided by an emergency medical services vehicle*.

C. For the purposes of this section, "~~ambulance~~ services *provided by an emergency medical services vehicle*" means the transportation of any person requiring resuscitation or emergency relief or where human life is endangered, by means of any ~~ambulance, rescue or life-saving~~ *emergency medical services vehicle* designed or used principally for such purposes. ~~Such term includes emergency medical services ambulances and mobile intensive care units.~~ No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall require a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*.

**§ 40.1-79.01. Exemptions from chapter generally.**

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;
2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;
3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in gardens with the consent of his parent or a person standing in place of his parent;
4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;
5. A child participating in the activities of a volunteer ~~rescue squad~~ *emergency medical services agency*;
6. A child under 16 years of age employed by his parent in an occupation other than manufacturing; or
7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

**§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.**

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section ~~shall be~~ *is* guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 44-146.28. Authority of Governor and agencies under his control in declared state of emergency.**

(a) In the case of a declaration of a state of emergency as defined in § 44-146.16, the Governor is authorized to expend from all funds of the state treasury not constitutionally restricted, a sum sufficient. Allotments from such sum sufficient may be made by the Governor to any state agency or political subdivision of the Commonwealth to carry out disaster service missions and responsibilities. Allotments may also be made by the Governor from the sum sufficient to provide financial assistance to eligible applicants located in an area declared to be in a state of emergency, but not declared to be a major disaster area for which federal assistance might be forthcoming. This shall be considered as a program of last resort for those local jurisdictions that cannot meet the full cost.

The Virginia Department of Emergency Management shall establish guidelines and procedures for determining whether and to what extent financial assistance to local governments may be provided.

The guidelines and procedures shall include, but not be limited to, the following:

(1) Participants may be eligible to receive financial assistance to cover a percentage of eligible costs if they demonstrate that they are incapable of covering the full cost. The percentage may vary, based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent disasters during the preceding twelve months may also be considered for eligibility purposes.

(2) Only eligible participants that have sustained an emergency or disaster as defined in § 44-146.16 with total eligible costs of four dollars or more per capita may receive assistance except that (i) any town with a total population of less than 3,500 shall be eligible for disaster assistance for incurred eligible damages of \$15,000 or greater and (ii) any town with a population of 3,500 or more, but less than 5,000 shall be eligible for disaster assistance for incurred eligible damages of \$20,000 or greater and (iii) any town with a population of 5,000 or greater with total eligible costs of four dollars or more per capita may receive assistance. No site or facility may be included with less than \$1,000 in eligible costs. However, the total cost of debris clearance may be considered as costs associated with a single site.

(3) Eligible participants shall be fully covered by all-risk property and flood insurance policies, including provisions for insuring the contents of the property and business interruptions, or shall be self-insured, in order to be eligible for this assistance. Insurance deductibles shall not be covered by this program.

(4) Eligible costs incurred by towns, public service authorities, volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies* may be included in a county's or city's total costs.

(5) Unless otherwise stated in guidelines and procedures, eligible costs are defined as those listed in the Public Assistance component of Public Law 93-288, as amended, excluding beach replenishment and snow removal.

(6) State agencies, as directed by the Virginia Department of Emergency Management, shall conduct an on-site survey to validate damages and to document restoration costs.

(7) Eligible participants shall maintain complete documentation of all costs in a manner approved by the Auditor of Public Accounts and shall provide copies of the documentation to the Virginia Department of Emergency Management upon request.

If a jurisdiction meets the criteria set forth in the guidelines and procedures, but is in an area that has neither been declared to be in a state of emergency nor been declared to be a major disaster area for which federal assistance might be forthcoming, the Governor is authorized, in his discretion, to make an allotment from the sum sufficient to that jurisdiction without a declaration of a state of emergency, in the same manner as if a state of emergency declaration had been made.

The Governor shall report to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, and the House Finance Committee within thirty days of authorizing the sum sufficient pursuant to this section. The Virginia Department of Emergency Management shall report annually to the General Assembly on the local jurisdictions that received financial assistance and the amount each jurisdiction received.

(b) Public agencies under the supervision and control of the Governor may implement their emergency assignments without regard to normal procedures (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

(c) Allotments may be made by the Governor from a sum sufficient to provide financial assistance to Virginia state agencies and political subdivisions responding to a declared state of emergency in another state as provided by § 44-146.17, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16.

(d) Allotments may be made by the Governor from a sum sufficient for the deployment of personnel and materials for the Virginia National Guard and the Virginia Defense Force to prepare for a response to any of the circumstances set forth in subdivisions A 1 through A 5 of § 44-75.1, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16. However, preparation authorized by this subsection shall be limited to the deployment of no more than 300 personnel, and shall be limited to no more than five days, unless a state of emergency is declared.

**§ 45.1-161.199. Certified emergency medical services providers.**

At least one person who is a working coal miner and who ~~has been certified by the State Board of Health as possessing the qualifications of an emergency medical technician or holds a valid certificate as an emergency medical services first responder~~ *provider* issued by the Commissioner of the Department of Health shall be located so as to be available for duty at each mine when miners are working at that mine. Such emergency medical services ~~personnel~~ *providers* shall be utilized in sufficient numbers to assure that workers in any mine location can be reached by them within such reasonable time as is determined by the Chief. Emergency medical services ~~personnel~~ *providers* shall have available to them at all times the necessary equipment, as specified by the Chief, for prompt response to emergencies. In the event that at any time there is at any mine an insufficient number of qualified miners volunteering to serve as emergency medical services ~~personnel~~ *providers* as provided for in this section, the operator may elect to utilize the services of first aid trainees, in such numbers as the Chief determines to be appropriate. Telephone or equivalent facilities shall be installed to provide two-way voice communication between the emergency medical services ~~personnel~~ *providers* and medical personnel outside the mine.

**§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6 ~~of this subsection~~.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such

abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or *any volunteer emergency medical services personnel or applicant to serve as* volunteer ~~rescue squad~~ *emergency medical services personnel*, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* is different from that contained in the Department's records, provide the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, *personnel*, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or *a volunteer* ~~rescue squad~~ *emergency medical services agency to serve as a member of a volunteer emergency medical services agency* and the abstract is needed by a volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* to establish the qualifications of the member, *volunteer*, or applicant to operate equipment owned by the volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency*.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently

possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol

with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

#### **§ 46.2-334.01. Licenses issued to persons less than 19 years old subject to certain restrictions.**

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher learning where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher learning where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher learning where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, unless the driver is accompanied by a parent or person acting in loco parentis provided that such person accompanying the driver is occupying the seat beside the driver and is lawfully permitted to operate a motor vehicle at the time. After the first year the provisional license is issued the holder may operate a motor vehicle with up to three passengers who are less than 21 years old when (i) the holder is driving to or from a school-sponsored activity, or (ii) a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. This passenger limitation, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer ~~rescue squad~~ *emergency medical services* personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in either subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in either subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

#### **§ 46.2-502. Clinic fees.**

A. The Department and all businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction may charge a fee not to exceed \$100, which shall include the processing fee set forth in subsection B of this section, to persons notified by the Department to attend a driver improvement clinic. No

person shall be permitted to attend a driver improvement clinic unless the person first pays the required attendance fee to the business, organization, governmental entity or individual providing the driver improvement clinic instruction.

B. All businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction shall collect for the Department a processing fee of \$10 from each person attending a driver improvement clinic taught by such businesses, organizations, governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters submitted to the Department by such businesses, organizations, governmental entities or individuals. No such processing fee, however, shall be required or collected from members of volunteer ~~rescue squads~~ *emergency medical services agencies* and volunteer fire departments who attend such clinics in order to successfully complete training for emergency vehicle operation. All fees collected by the Department under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

**§ 46.2-644.2. Department's records; fees; exemption.**

The Department shall maintain a record of any certificate of title it issued under this article. Fees to be paid to the Department for issuance of such certificates of title shall be the same as those imposed for the titling of motor vehicles pursuant to § 46.2-627.

Any all-terrain vehicle or off-road motorcycle purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* shall be exempt from fees imposed under this section.

**§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer emergency medical services agencies.**

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department or (ii) ~~ambulance or lifesaving or first aid crew or rescue squad~~ *emergency medical services vehicle* or other vehicle owned or used exclusively by a volunteer fire department or volunteer ~~lifesaving or first aid crew or rescue squad~~ *emergency medical services agency* if any such vehicle is used exclusively as an ~~ambulance or lifesaving and first aid~~ *emergency medical services vehicle* and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle. The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the volunteer fire department; ~~lifesaving or first aid crew or rescue squad~~ *or volunteer emergency medical services agency* having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under this section.

**§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there

were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical ~~service~~ services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ services personnel of ~~licensed~~, nonprofit emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services *provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health*.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed~~, nonprofit emergency medical ~~and rescue~~ services *agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local

governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical ~~service~~ *services* purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ *services* personnel of ~~licensed~~, nonprofit emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ *services provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health.*

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ *services agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

#### **§ 46.2-698. Fees for farm vehicles.**

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer ~~rescue squad members~~ *emergency medical services personnel* and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending ~~squad~~ *emergency medical services agency or fire company* meetings and drills.

**§ 46.2-726. License plates with reserved numbers or letters; fees.**

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered.

License plates with reserved numbers or letters may be issued for and displayed on ~~vehicles operated as ambulances by private ambulance services~~ *emergency medical services vehicles operated by emergency medical services agencies*.

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be ~~ten dollars~~ \$10 plus the prescribed fee for state license plates. If those license plates are special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

**§ 46.2-735. Special license plates for members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries; fees.**

The Commissioner, on application, shall supply members of volunteer ~~rescue squads~~ *emergency medical services agencies* and members of volunteer ~~rescue squad~~ *emergency medical services agency* auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any combination thereof.

Only one application shall be required from each volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer ~~rescue squad~~ *emergency medical services agency* auxiliary. The application shall contain the names and residence addresses of all members *of the volunteer emergency medical services agency and members of the volunteer emergency*

*medical services agency auxiliary* who request license plates. The Commissioner shall charge the prescribed cost of state license plates for each set of license plates issued under this section.

**§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.**

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer ~~rescue squads~~ *emergency medical services agencies*,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer ~~rescue squads~~ *emergency medical services agencies*,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer ~~rescue squads~~ *emergency medical services agencies*, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer ~~rescue squads~~ *emergency medical services agencies* and *active members* of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active *affiliation or membership*, and no *member of an emergency medical services agency or member of a volunteer fire department* shall be issued more than one such license free of charge,
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
17. Vehicles owned or leased by salaried emergency medical ~~technicians~~ *services personnel*; however, no salaried emergency medical ~~technician~~ *services personnel* shall be issued more than one such license free of charge,
18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,
19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and
20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any

person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does

not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the particular county, city, or town.

**§ 46.2-818. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof; penalties.**

No person shall intentionally and willfully:

1. Stop the vehicle of another for the sole purpose of impeding its progress on the highways, except in the case of an emergency or mechanical breakdown;
2. Block the access to or egress from any premises of any service facility operated for the purposes of (i) selling fuel for motor vehicles, (ii) performing repair services on motor vehicles, or (iii) furnishing food, rest, or any other convenience

for the use of persons operating motor vehicles engaged in intrastate and interstate commerce on the highways of ~~this~~ the Commonwealth;

3. Damage any vehicle engaged in commerce on the highways of ~~this~~ the Commonwealth, or threaten, assault, or otherwise harm the person of any operator of a motor vehicle being used for the transportation of property for hire.

Any person violating any provision of this section ~~shall be~~ is guilty of a Class 1 misdemeanor, and in addition, his driver's license may be suspended by the court for a period of not more than one year. The court shall forward such license to the Department as provided by § 46.2-398.

The provisions of this section shall not apply to any law-enforcement officer, school guard, ~~fire fighter~~ firefighter, or ~~member of a rescue squad~~ emergency medical services personnel engaged in the performance of his duties nor to any vehicle owned or controlled by the Virginia Department of Transportation while engaged in the construction, reconstruction, or maintenance of highways.

**§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or ~~rescue squad~~ emergency medical services personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than \$500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

**§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.**

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or
7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle designed or used for the principal purpose of ~~supplying resuscitation or emergency relief~~ *providing emergency medical services* where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or
5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

**§ 46.2-921. Following or parking near fire apparatus or emergency medical services vehicle.**

It shall be unlawful, in any county, city, or town for the driver of any vehicle, other than one on official business, to follow any fire apparatus or ~~rescue squad~~ *emergency medical services* vehicle traveling in response to a fire alarm or emergency call at any distance closer than 500 feet to such apparatus or ~~rescue squad~~ *emergency medical services* vehicle or to park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

**§ 46.2-1020. Other permissible lights.**

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower, an interior light or lights of not more than 15 candlepower each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer ~~rescue squads~~ *emergency medical services agencies*, (b) professional ~~fire fighters~~ *firefighters*, or (c) police chaplains. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device is both covered and unlit, no motor vehicle which is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

**§ 46.2-1023. Flashing red or red and white warning lights.**

Fire apparatus, forest warden vehicles, ~~ambulances, rescue and life-saving~~ *emergency medical services* vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

**§ 46.2-1024. Flashing or steady-burning red or red and white warning lights.**

Any member of a fire department, volunteer fire company, or volunteer ~~rescue squad, any ambulance driver employed by a privately owned ambulance service,~~ *emergency medical services agency* and any police chaplain may equip one vehicle owned by him with no more than two flashing or steady-burning red or red and white combination warning lights of types approved by the Superintendent. Warning lights permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

**§ 46.2-1025. Flashing amber, purple, or green warning lights.**

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;

8. Fire apparatus, ~~ambulances, and rescue and life-saving~~ *and emergency medical services* vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

20. Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; and

22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, ~~fire-fighting~~ *firefighting*, or ~~rescue~~ *emergency medical services* personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

#### **§ 46.2-1027. Warning lights on certain demonstrator vehicles.**

Dealers or businesses engaged in the sale of fire, ~~rescue~~ *emergency medical services*, or law-enforcement vehicles ~~or ambulances~~ may, for demonstration purposes, equip such vehicles with colored warning lights.

#### **§ 46.2-1028. Auxiliary lights on firefighting, Virginia Department of Transportation, and other emergency vehicles.**

Any ~~fire-fighting~~ *firefighting* vehicle, ~~ambulance, rescue or life-saving~~ *emergency medical services* vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with clear auxiliary lights, which shall be used exclusively for lighting emergency scenes. Such lights shall be of a type approved by the Superintendent, and shall not be used in a manner ~~which~~ *that* may blind or interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted while the vehicle is in motion.

#### **§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.**

In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, and (iii) ~~rescue squad vehicle, ambulance, or any other~~ emergency medical *services* vehicle may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights of a type approved by the Superintendent of State Police.

**§ 46.2-1044. Cleats, etc., on tires; chains; tires with studs.**

No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible, however, to use on the highways farm machinery having protuberances which will not injure the highway and to use tire chains of reasonable proportions when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use on any vehicle whose gross weight does not exceed 10,000 pounds tires with studs which project no more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed if the studs cover no more than three percent of the traction surface of the tire.

The use of studded tires shall be permissible only from October 15 to April 15.

The provisions of this section shall not apply to any (i) law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer; (ii) vehicle used to fight fire, including publicly owned state forest warden vehicles; (iii) ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle; or (iv) vehicle owned or operated by the Virginia Department of Transportation or its contractors in maintenance and emergency response operations.

**§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

A. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

B. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

C. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of ~~this~~ *the* Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of ~~this~~ *the* Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of ~~this~~ *the* Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ *is* guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ *is* guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

D. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to measure light transmittance through windows that meet the standards established by the

Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

E. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle.

F. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall subsection B of this section apply to a motor vehicle to which but one such sticker is so affixed.

G. Nothing in this section shall prohibit applying to the rear side windows or rear window of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light transmittance of such window or windows below 35 percent.

H. As used in this article:

"Front side windows" means those windows located adjacent to and forward of the driver's seat;

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed;

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use;

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle;

"Rear side windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows which are located to the rear of the passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed prior to July 1, 1987.

J. Where a person is convicted within one year of a second or subsequent violation of this section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the vehicle.

K. The provisions of this section shall not apply to law-enforcement vehicles.

L. The provisions of this section shall not apply to the rear windows or rear side windows of any ambulance, rescue squad vehicle, or any other emergency medical services vehicle used to transport patients.

M. The provisions of subdivision C 1 of this section shall not apply to sight-seeing carriers as defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

#### **§ 46.2-1076. Lettering on certain vehicles.**

A. No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle on the highways in the Commonwealth unless the legal name or trade name of the motor carrier as defined in Chapter 20 (§ 46.2-2000 et seq.) or Chapter 21 (§ 46.2-2100 et seq.) operating the vehicle is plainly displayed on both sides of the vehicle. The letters and numerals in the display shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of  ~~fifty~~ 50 feet while the vehicle is not in motion. The display shall be kept legible and may take the form of a removable device which meets the identification and legibility requirements of this section.

B. This section shall not apply to any motor vehicle:

1. Having a registered gross weight of less than 10,000 pounds;

2. Which is used exclusively for ~~wedding, ambulance, weddings~~ or funeral services; ~~or~~

3. Which is rented without chauffeur and operated under a valid lease which gives the lessee exclusive control of the vehicle; *or*

4. Which is used exclusively as an emergency medical services vehicle.

C. Subsection A of this section shall also apply to tow trucks used in providing service to the public for hire. For the purposes of this section, "tow truck" means any motor vehicle which is constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles.

D. No person shall drive on the highways in the Commonwealth a pickup or panel truck, tractor truck, trailer, or semitrailer bearing any name other than that of the vehicle's owner or lessee. However, the provisions of this subsection shall not apply to advertising material for another, displayed pursuant to a valid contract.

#### **§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.**

A. It shall be unlawful for any person to operate a motor vehicle on the highways of the Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth, except for uses permitted under this section. In addition, the provisions of this section shall not apply to any law-enforcement, ~~fire-fighting~~ firefighting, life-saving, or rescue vehicle or ambulance or emergency medical services vehicle responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a violation of this section, or at that person's request and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B of this section, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. No demerit points shall be awarded by the Commissioner for violations of this section.

**§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.**

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or  
 2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;  
 2. An operator who is lawfully parked or stopped;  
 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or  
 4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;  
 2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;  
 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;  
 4. Any ambulance, rescue, or life-saving emergency medical services vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief medical services where human life is endangered;  
 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;  
 6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and  
 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

**§ 46.2-1239. Parking in certain locations; penalty.**

No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within ~~fifteen~~ 15 feet of a fire hydrant or the entrance to a fire station, within ~~fifteen~~ 15 feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances emergency medical services agency, or within ~~twenty~~ 20 feet from the intersection of curb lines or, if none, then within ~~fifteen~~ 15 feet of the intersection of property lines at any highway intersection.

**§ 46.2-1900. Definitions.**

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised T&M vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of T&M vehicles to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles T&M vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M vehicles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model or factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a franchise agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase T&M vehicles.

"Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles that has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

"Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

"Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately preceding model year.

"Manufacturer" means a person engaged in the business of constructing or assembling new T&M vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the motor home.

"Motor home" means a motor vehicle with a normal seating capacity of not more than ~~ten~~ 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor vehicle distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and "motor vehicle distributor representative" mean the same as provided in § 46.2-1500.

"New T&M vehicle" means any T&M vehicle ~~which~~ *that* (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration T&M vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the T&M vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal T&M vehicle safety and emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle that has been previously sold but not titled shall be deemed a new T&M vehicle if it meets the requirements of provisions (ii), (iv), and (v) of this definition.

"Original license" means a T&M vehicle dealer license issued to an applicant who has never been licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has been expired for more than ~~thirty~~ 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular area around an existing franchised dealer not to exceed a radius of ~~ten~~ 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of ~~ten~~ 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of ~~fifteen~~ 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the ~~fifteen-mile~~ 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area responsibility, the relevant market area shall be the greater of an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use and not for resale, in which the price of the T&M vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"T&M vehicle" means motor homes and travel trailers as defined in this section.

"T&M vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M vehicles, new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles are owned by him;

2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles within any ~~twelve~~ 12 consecutive months.

The term "T&M vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of T&M vehicles to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles acquired for their own use and actually so used, when the T&M vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of ~~fire-fighting firefighting~~ equipment, ~~ambulances~~ emergency medical services vehicles, and funeral vehicles, including T&M vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1919, 46.2-1920 and 46.2-1949.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a T&M vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of T&M vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M vehicles for sale by any T&M vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of T&M vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

"T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

"T&M vehicle show" means a display of T&M vehicles to the general public at a location other than a dealer's location licensed under this chapter where the T&M vehicles are not being offered for sale or exchange during or as part of the display.

"Travel trailer" means a vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet.

"Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this section.

"Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

#### **§ 46.2-2000.1. Vehicles excluded from operation of chapter.**

This chapter shall not be construed to include:

1. Motor vehicles employed solely in transporting school children and teachers;

2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating capacity of not more than six passengers, excluding the driver, while operating in a county, city, or town which has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a bona fide taxicab service, and not operating on a regular route or between fixed termini;

3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the transportation of hotel patronage between hotels and local railroad or other common carrier stations;

4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality or any other political subdivision of this Commonwealth, including passenger-carrying motor vehicles while being operated under an exclusive contract with the United States;

5. Any motor vehicle designed with a seating capacity for and used to transport not more than ~~fifteen~~ 15 passengers, including the driver, if the driver and the passengers are engaged in a share-the-ride undertaking and if they share not more than the expenses of operation of the vehicle. Regular payments toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing the vehicle are to be considered eligible expenses of operation;

6. Unless otherwise provided, motor vehicles while used exclusively in the transportation of passengers within the corporate limits of incorporated cities or towns, and motor vehicles used exclusively in the regular transportation of passengers within the boundaries of such cities or towns and adjacent counties where such vehicles are being operated by such county or pursuant to a contract with the board of supervisors of such county;

7. Motor vehicles while operated under the exclusive regulatory control of a transportation district commission acting pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2;

8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties; and

9. ~~Ambulances~~ *Emergency medical services vehicles* as defined in § 32.1-111.1.

**§ 51.1-153. Service retirement.**

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire at any time upon written notification to the Board setting forth the date the retirement is to become effective. Any member in service who was denied membership prior to July 1, 1987, as a result of being age 60 or over when first employed may retire at any time after his normal retirement date and the requirement of having five or more years of service shall not apply.

B. Early retirement. - 1. Any member in service who has attained his fifty-fifth birthday with five or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective.

However, a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter shall be allowed to retire under this subdivision prior to his normal retirement date only if the person is in service and has attained his sixtieth birthday with five or more years of creditable service, and the benefit for such person shall be calculated in accordance with the provisions of subdivision A 3 of § 51.1-155.

2. Subject to the provisions of subdivision 3, any state employee, teacher, or employee of a political subdivision who is a member of the retirement system may retire prior to his normal retirement date after attaining age 50 and 30 years of creditable service, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

3. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, as a state employee, teacher, or employee of a political subdivision may retire prior to his normal retirement date after the sum of his age and years of creditable service equals 90, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

4. Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of subdivisions B 1 and B 3 and subsection D, and subdivision A 3 of § 51.1-155, any person who is *an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2* (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service, regardless of termination date, may retire under the provisions of subsection A, B, or D ~~of this section~~ if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. 50/10 retirement. - Any member in service on or after January 1, 1994, who has attained his fiftieth birthday with 10 or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective. A person who becomes a member on or after July 1, 2010, or a

member who does not have at least 60 months of creditable service as of January 1, 2013, shall not be allowed to retire pursuant to this subsection.

E. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

F. Notification on behalf of member. - If the member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification on his behalf.

**§ 51.1-155. Service retirement allowance.**

A. Retirement allowance. - A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. - The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who *meets the definition of "emergency medical services personnel" in § 32.1-III.1* or is employed as a firefighter, ~~emergency medical technician,~~ or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. - In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. - The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2015) Any person receiving a service retirement allowance under this chapter, who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

#### **§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or is employed as a firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. 1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

a. Upon completion of two years of active participation, 50 percent.

b. Upon completion of three years of active participation, 75 percent.

c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. 1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement

program. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

**§ 51.1-1200. Fund established; administration and management; Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund" (the Fund). The Fund is established to provide service awards to eligible volunteer firefighters and ~~rescue squad workers~~ *volunteer emergency medical services personnel* who elect to become members of the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board (the Board) shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter. The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 ~~of this title~~. The Fund shall annually reimburse the Virginia Retirement System for all costs incurred and associated, directly and indirectly, with the administration of this chapter and management and investment of the Fund.

**§ 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

A. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board is hereby created and is to be composed of 10 members. The Director of the Virginia Retirement System shall be a member and act as chairman. The Governor shall appoint three members of the Board from a list provided by the Virginia State ~~Firefighter's~~ *Firefighters* Association and three members from a list provided by the Virginia Association of Volunteer Rescue Squads. Such appointees shall be confirmed by the General Assembly and shall serve for six-year terms. No Board member appointed by the Governor shall serve more than two full consecutive terms. The Speaker of the House of Delegates shall appoint two members of the House of Delegates and the Senate Committee on Rules shall appoint one member of the Senate. Legislative members shall serve terms coincident with their terms of office.

B. The Director of the Virginia Retirement System with the consent of the Board shall immediately declare the office of any nonlegislative member of the Board vacant when he finds that the member is unable to perform the duties of his office or for any reason does not meet the qualifications of this section. The Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a full or unexpired term whenever the office of a nonlegislative member becomes or is declared vacant. In any case where a new appointment is made, the person receiving the appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter representative or (ii) ~~volunteer rescue squad~~ *volunteer emergency medical services personnel* representative if his predecessor was a volunteer ~~rescue squad~~ *emergency medical services personnel* representative.

C. The members of the Board shall serve without compensation; however, the nongovernmental members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board or in acting in an official capacity for the Board.

D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such special meetings as the chairman may call. The chairman may call a special meeting at any time and shall call a special meeting when requested by three or more members of the Board. No meeting shall be deemed a regular or special meeting unless a quorum is present.

E. Members of the Board shall be subject to removal from office only as set forth in Article 7 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have exclusive jurisdiction over such removal proceedings.

**§ 51.1-1203. Definitions.**

*For purposes of this chapter, unless the context requires a different meaning:*

"Creditable service" means service as an eligible volunteer plus any service credited pursuant to § 51.1-1207.

"Eligible volunteer" means any volunteer ~~rescue squad member~~ *emergency medical services personnel* or any volunteer firefighter who is a member of a bona fide volunteer ~~rescue or~~ *emergency medical squad services agency* or *volunteer fire department* and who is otherwise eligible pursuant to the criteria established by the Board.

"Member" means an eligible volunteer.

**§ 51.1-1204. Application for membership in Fund; quarterly payments by members; matching payments from the general fund; payments credited to separate accounts of members.**

Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall pay an amount to be set by the Board per quarter into the Fund. Each quarterly payment made by a member shall be supplemented by such contribution from the general fund of the state treasury for a period not to exceed ~~twenty~~ *20* years as shall be determined by the Board and as may be appropriated by the general appropriation act. The quarterly payments shall be credited to the separate accounts of the members, and the matching contributions shall be credited to the Fund. The member contribution or any additional contribution to the Fund may be made by (i) the individual fire department or ~~rescue squad~~ *emergency medical services agency*, provided it is paid for all eligible members of the Fund within the particular fire department or ~~rescue squad~~ *emergency medical services agency*; (ii) local government, provided it is paid for all eligible members of the Fund who are

volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the local government; or (iii) any other source provided it is paid for all eligible members of the Fund. Such accounts shall be kept so that they are available for payment on withdrawal from membership or upon receipt of the service award. No eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible volunteer is in more than one eligible position, he must choose the position upon which his membership will be determined.

**§ 51.1-1206. Other distributions.**

The Board shall direct payment in lump sums from the Fund as follows:

1. To any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* upon attaining age ~~sixty~~ 60 who has at least five but less than ~~ten~~ 10 years of creditable service as an eligible volunteer, an amount equal to (i) the amount paid into the Fund by him plus (ii) the amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ *emergency medical services agency* plus (iii) the amount paid into the Fund on his behalf by his local government plus (iv) the amount paid into the Fund on his behalf by any other source plus (v) a portion of the amount paid into the Fund, on his behalf, from the general fund of the state treasury pursuant to § 51.1-1204 plus (vi) any investment gains less any losses on the amounts paid into the Fund described under clauses (i) through (v). The portion of the amount paid from the general fund on behalf of such person that shall be paid to such person shall be based upon such person's years of creditable service as follows:

Years of creditable service	Portion of general fund contributions to be paid
At least five but less than six	Five percent of general fund contributions
At least six but less than seven	Ten percent of general fund contributions
At least seven but less than eight	Twenty-five percent of general fund contributions
At least eight but less than nine	Forty-five percent of general fund contributions
At least nine but less than ten	Seventy percent of general fund contributions

In any case where the person shall be paid less than 100 percent of the general fund contributions made on his behalf, the investment gain or investment loss applicable to such contributions that shall be paid, or subtracted from any payment otherwise required, to such person shall equal the amount of the investment gain or investment loss, applicable to such contributions at the time of payment, multiplied by the percentage of such general fund contributions to be paid to the person as determined under this subdivision.

2. If the eligible volunteer firefighter or volunteer ~~rescue squad member~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* ceases to serve as a volunteer and has less than five years of creditable service upon attaining age ~~sixty~~ 60, such person shall not be paid, nor have any right or interest in, the amount paid into the Fund on his behalf (i) by his fire department or ~~rescue squad~~ *emergency medical services agency*, (ii) from the general fund of the state treasury pursuant to § 51.1-1204, or (iii) by any local government. Such person shall, however, be paid all contributions to the Fund that he has made plus the applicable portion of any investment gains or losses thereon.

The amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ *emergency medical services agency* shall remain in the Fund and shall be deemed additional contributions made by such fire department or ~~rescue squad~~ *emergency medical services agency*. The amount paid into the Fund on his behalf from the general fund of the state treasury shall remain in the Fund and shall be deemed additional contributions made from the general fund of the state treasury. The amount paid into the Fund on his behalf from a local government shall remain in the Fund and shall be deemed additional contributions from such local government.

3. The provisions of this section shall not be construed to preclude any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* from completing the requisite number of years of active service, after attaining the age of ~~sixty~~ 60, necessary to entitle him to the distribution provided for in § 51.1-1205.

4. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is an eligible volunteer, there shall be paid to his beneficiary an amount equal to the contributions he has made, the matching contributions made on his behalf, and any investment gains on such contributions less any losses. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is no longer an eligible volunteer, there shall be paid to his beneficiary an amount equal to the amount paid into the Fund by the volunteer and any investment gains on that amount, less any losses. For purposes of this section, a member's beneficiary is the person or persons the member may name on a form prepared by the Board, signed by the member and filed in a manner prescribed by the Board. If there are no such persons, then his beneficiary shall be his spouse; if there is no spouse, then his living children equally; if there are no children, then his heirs-at-law as may be determined by the Board; or if there are no heirs, then his estate, if it is administered.

5. To any firefighter or ~~rescue squad worker~~ *emergency medical services personnel* withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund less any investment losses, and an administrative fee of ~~twenty-five dollars~~ \$25.

**§ 51.1-1207. Determination of prior creditable service; information furnished by applicants for membership.**

Any member with eligible service prior to the effective date of membership may purchase up to ~~ten~~ 10 years of such service upon certification of his fire department or ~~rescue squad~~ *emergency medical services agency*. Such purchase shall be prorated at the rate of one year for every two years of eligible service. The cost of such service shall be an amount as established by the Board. Notwithstanding any other provisions of this chapter, the Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible ~~rescue squad worker~~ *volunteer emergency medical services personnel*, under such terms and conditions that the Board may adopt, if the Board determines that such volunteer has been denied such prior service credit through no fault of his own.

**§ 51.1-1208. Length of service not affected by serving in more than one department or agency; transfer from one department or agency to another.**

~~An~~ *The length of service of an eligible volunteer firefighter's firefighter or eligible volunteer rescue squad worker's length of service who is an individual who meets the definition of "emergency services personnel" in § 32.1-111.1 shall not be affected by the fact that he may have served with more than one department or squad agency, and upon transfer from one department or squad agency to another, notice of the fact shall be given to the Board.*

**§ 53.1-47. Purchases by agencies, localities, and certain nonprofit organizations.**

Articles and services produced or manufactured by persons confined in state correctional facilities:

1. Shall be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~ *that* are supported in whole or in part with funds from the state treasury for their use or the use of persons whom they assist financially. Except as provided in § 53.1-48, no such articles or services shall be purchased by any department, institution, or agency of the Commonwealth from any other source; and

2. May be purchased by any county, district of any county, city, or town and by any nonprofit organization, including volunteer ~~lifesaving or first aid crews, rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops, and community service organizations.

**§ 53.1-133.8. Purchases by agencies, localities, and certain nonprofit organizations.**

Articles and services produced or manufactured by participants in jail industry programs:

1. May be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~ *that* are supported in whole or in part with funds from the state treasury for their use or the use of persons whom they assist financially, provided such purchase is not in conflict with the provisions of Article 3 (§ 53.1-41 et seq.) of Chapter 2 ~~of this title~~.

2. May be purchased by any county, district of any county, city, or town and by any nonprofit, volunteer ~~lifesaving or first aid crews, rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops, and community service organizations.

**§ 54.1-829. License required; bond; physical examination; emergency medical services vehicles; physician; and health insurance.**

A. Unless exempted by § 54.1-830, no person shall promote or conduct a boxing, martial arts, or wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. Unless exempted by § 54.1-830, no person shall act as a promoter, matchmaker, trainer, boxer or wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with boxers and wrestlers in accordance with Department regulations.

D. Each boxer shall, and each wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

E. No boxing event shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ~~ambulance~~ *emergency medical services vehicle* is at the site of the boxing event.

F. No boxer shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as

having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, ~~certified emergency medical technician-intermediate~~, or *designated emergency medical technician-paramedic services provider who holds an advanced life support certificate issued by the Commissioner of Health* under the direction of an operational medical director when the prescriber is not physically present. ~~Emergency~~ *The emergency medical services personnel* provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine

or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, ~~certified emergency medical technician-intermediate~~, or emergency medical ~~technician-paramedic~~ *services provider who holds an advanced life support certificate issued by the Commissioner of Health* when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

#### **§ 56-484.14. Powers and duties of E-911 Services Board.**

The E-911 Services Board shall have the power and duty to:

1. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including purchase agreements payable from (i) the Wireless E-911 Fund and (ii) other moneys appropriated for the provision of enhanced 9-1-1 services.

2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into pursuant to this article.

3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any other future communications technologies accessing E-911 for emergency purposes. In constructing and periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for these enhanced technologies, and formulate strategies for the efficient and effective delivery of enhanced 9-1-1 services in the future with the exclusion of traditional circuit-switched wireline 9-1-1 service.

4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board deems appropriate.
5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone number.
6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board, as appropriate.
7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and emergency medical service agencies, upon request.
8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.
9. Develop a comprehensive single, statewide electronic addressing database to support geographic data and statewide base map data programs pursuant to § 2.2-2027.
10. Receive such funds as may be appropriated for purposes consistent with this article and such gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by either public or private sources.
11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications services.
12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this article.
13. Drawing from the work of E-911 professional organizations, in its sole discretion, publish best practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee composed of PSAP representatives.
14. Monitor developments in enhanced 9-1-1 service and multiline telephone systems and the impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall include its assessment of such impact in the annual report filed pursuant to subdivision 6.

#### **§ 57-60. Exemptions.**

A. The following persons shall be exempt from the registration requirements of § 57-49, but shall otherwise be subject to the provisions of this chapter:

1. Educational institutions that are accredited by the Board of Education, by a regional accrediting association or by an organization affiliated with the National Commission on Accrediting, the Association Montessori Internationale, the American Montessori Society, the Virginia Independent Schools Association, or the Virginia Association of Independent Schools, any foundation having an established identity with any of the aforementioned educational institutions, and any other educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families.
2. Persons requesting contributions for the relief of any individual specified by name at the time of the solicitation when all of the contributions collected without any deductions whatsoever are turned over to the named beneficiary for his use.
3. Charitable organizations that do not intend to solicit and receive, during a calendar year, and have not actually raised or received, during any of the three next preceding calendar years, contributions from the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public, whether all of such are or are not received by any charitable organization during any calendar year, shall be in excess of \$5,000, it shall, within 30 days after the date it has received total contributions in excess of \$5,000, register with and report to the Commissioner as required by this chapter.
4. Organizations that solicit only within the membership of the organization by the members thereof.
5. Organizations that have no office within the Commonwealth, that solicit in the Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail or advertising in national media, and that have a chapter, branch, or affiliate within the Commonwealth that has registered with the Commissioner.
6. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7.
7. Health care institutions defined herein as any facilities that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, and that are (i) licensed by the Department of Health or the Department of Behavioral Health and Developmental Services; (ii) designated by the Health Care Financing Administration (HCFA) as federally qualified health centers; (iii) certified by the HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without charge; and any supporting organization that exists solely to support any such health care institutions. For the purposes of clause (iv), "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs.
8. Civic organizations as defined herein.
9. Agencies providing or offering to provide debt management plans for consumers that are licensed pursuant to Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2.
10. Agencies designated by the Virginia Department for Aging and Rehabilitative Services pursuant to subdivision A 6 of § 51.5-135 as area agencies on aging.
11. Labor unions, labor associations and labor organizations that have been granted tax-exempt status under § 501(c)(5) of the Internal Revenue Code.
12. Trade associations that have been granted tax-exempt status under § 501(c)(6) of the Internal Revenue Code.

13. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as regional emergency medical services councils in accordance with § ~~32.1-111.4~~ 32.1-111.4:2.

14. Nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509(a) of the Internal Revenue Code.

B. A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall otherwise be exempt from the provisions of this chapter for any year in which it confines its solicitations in the Commonwealth to five or fewer contiguous cities and counties, and in which it has registered under the charitable solicitations ordinance, if any, of each such city and county. No organization shall be exempt under this subsection if, during its next preceding fiscal year, more than 10 percent of its gross receipts were paid to any person or combination of persons, located outside the boundaries of such cities and counties, other than for the purchase of real property, or tangible personal property or personal services to be used within such localities. An organization that is otherwise qualified for exemption under this subsection that solicits by means of a local publication, or radio or television station, shall not be disqualified solely because the circulation or range of such medium extends beyond the boundaries of such cities or counties.

C. No charitable or civic organization shall be exempt under this section unless it submits to the Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively for good cause shown, on forms to be prescribed by him, the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. Parent organizations may file consolidated applications for exemptions for any chapters, branches, or affiliates that they believe to be exempt from the registration provisions of this chapter. If the organization is exempted, the Commissioner shall issue a letter of exemption, which may be exhibited to the public. A registration fee of \$10 shall be required of every organization requesting an exemption after June 30, 1984. The letter of exemption shall remain in effect as long as the organization continues to solicit in accordance with its claim for exemption.

D. Nothing in this chapter shall be construed as being applicable to the American Red Cross or any of its local chapters.

#### § 58.1-1404. Exemptions.

A. Any watercraft sold to or used by the United States or any of the governmental agencies thereof or the Commonwealth of Virginia or any political subdivision thereof or sold to an insurance company for the sole purpose of disposition when such insurance company has paid the registered owner of such watercraft on a total loss claim shall be exempt from the tax imposed by this chapter.

B. Any person who was the owner of a watercraft that was not required to be titled prior to January 1, 1998, shall apply for a title for such watercraft without incurring liability for the tax imposed under this chapter.

C. Any watercraft constructed by a commercial waterman for his own use shall be exempt from the tax imposed under this chapter.

D. Any registered dealer in watercraft shall be exempt from the tax imposed by subdivisions 1 and 2 of § 58.1-1402. Such dealer shall also be exempt from titling requirements as provided in § 29.1-733.6.

E. Any watercraft purchased by and for the use of a ~~volunteer sea rescue squad~~, volunteer fire department; or volunteer ~~rescue squad~~ emergency medical services agency not conducted for profit shall be exempt from the tax imposed under this chapter.

F. Any watercraft transferred to trustees of a revocable inter vivos trust, when the owners of the watercraft and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case, shall be exempt from the tax imposed under this chapter.

#### § 58.1-1505. Exemptions.

A. Any aircraft sold to or used by (i) the United States or any of the governmental agencies thereof, (ii) the Commonwealth of Virginia or any political subdivision thereof, (iii) any air carrier operating in intrastate, interstate or foreign commerce providing scheduled air service as defined in § 58.1-1501, (iv) any nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and ~~which that~~ is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ transportation services using an emergency medical services vehicle for low-income medical patients in the Commonwealth, or (v) an organization ~~which that~~ is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and ~~which that~~ is organized for the primary purpose of distributing food, clothing, medicines and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world shall be exempt from the tax imposed by this chapter.

B. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe

operation), but not including any aircraft used for commercial purposes, including transportation and other services for a fee, shall be exempt from the tax imposed by this chapter.

C. Beginning July 1, 2011, and ending December 31, 2014, any aircraft purchased or used by a qualified company shall be exempt from the tax imposed by this chapter. For purposes of this subsection, a qualified company shall be an aviation-related company, limited liability company, partnership, or a combination of such entities that have a common ownership interest through a parent, as a direct or indirect subsidiary of a parent, or as affiliated brother-sister entities that (i) is headquartered in the Commonwealth, (ii) between January 1, 2010, and December 31, 2014, makes a new capital investment of at least \$4 million in aviation-related real estate and real estate improvements in the Commonwealth on publicly-owned, public-use airports, (iii) between January 1, 2010, and December 31, 2014, creates in the Commonwealth at least 50 new jobs that pay at least one and a half times the prevailing average wage in the locality in which the jobs are located, (iv) owns or uses aircraft that are used primarily for intrastate, interstate, or foreign commerce, and (v) has entered into a memorandum of understanding with the Virginia Economic Development Partnership, after consultation with the Virginia Department of Aviation, on or before December 31, 2014, that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required.

D. Any aircraft sold in the Commonwealth as evidenced by Federal Aviation Administration Bill of Sale AC Form 8050-2 and registered outside of the Commonwealth as evidenced by Federal Aviation Administration Aircraft Registration AC Form 8050-1 shall be exempt from the sales tax imposed by this chapter, so long as the aircraft is removed from the Commonwealth within 60 days of the date of purchase of the Bill of Sale. If the aircraft is removed from the Commonwealth within 60 days of the date of purchase, the time between the date of purchase and the removal of the aircraft shall not be counted for purposes of determining whether the aircraft is subject to the use tax imposed by this chapter on aircraft that are based in the Commonwealth for over 60 days in any ~~42 month~~ 12-month period.

**§ 58.1-2226. Exemptions from tax.**

No tax shall be levied or collected pursuant to this chapter on:

1. Motor fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to fuel sold or delivered to any person operating under contract with the governmental entity;

2. Motor fuel sold and delivered to a nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft;

3. Bonded aviation jet fuel;

4. Dyed diesel fuel, except as provided in subdivision A 1 of § 58.1-2225;

5. Motor fuel removed, by transport truck or another means of transfer outside the terminal transfer system, from a terminal for export, if the supplier of the motor fuel collects tax on the fuel at the rate of the motor fuel's destination state; or

6. Heating oil, as defined in § 58.1-2201.

**§ 58.1-2235. Information required on return filed by supplier.**

A. A return of a supplier shall list all of the following information and any other information required by the Commissioner:

1. The number of gallons of tax-paid motor fuel received by the supplier during the month, sorted by type of fuel, seller, point of origin, destination state, and carrier;

2. The number of gallons of motor fuel removed at a terminal rack during the month from the account of the supplier, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

3. The number of gallons of motor fuel removed during the month for export, sorted by type of fuel, person receiving the fuel, terminal code, destination state, and carrier;

4. The number of gallons of motor fuel removed during the month from a terminal located in another state for conveyance to Virginia, as indicated on the shipping document for the fuel, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

5. The number of gallons of motor fuel the supplier sold during the month to the following, sorted by type of fuel, exempt entity, person receiving the fuel, terminal code, and carrier:

a. A governmental entity whose use of fuel is exempt from the tax;

b. A licensed aviation consumer purchasing aviation jet fuel;

c. A licensed distributor or importer who resold the motor fuel to a governmental unit whose use of fuel is exempt from the tax, as indicated by the distributor or importer;

d. A licensed distributor or importer who resold aviation jet fuel to a licensed aviation consumer as indicated by the distributor or importer;

e. A licensed exporter who resold the motor fuel to a person whose use of the fuel is exempt from tax in the destination state, as indicated by the exporter;

f. A nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and

g. A licensed distributor or importer who resold the motor fuel to a nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and

6. The amount of discounts allowed under subsection C of § 58.1-2233 on motor fuel sold during the month to licensed distributors or licensed importers.

B. Suppliers shall not require information identifying who purchased exempt fuel from persons licensed under this chapter.

**§ 58.1-2250. Exemptions from tax.**

No tax shall be levied or collected pursuant to this article on:

1. Alternative fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to alternative fuel sold or delivered to any person operating under contract with the governmental entity;

2. Alternative fuel sold and delivered to a nonprofit charitable organization ~~which~~ *that* is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and ~~which~~ *that* is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; or

3. Alternative fuel produced by the owner or lessee of an agricultural operation, as defined in § 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles operated by the producer of such fuel.

**§ 58.1-2259. Fuel uses eligible for refund of taxes paid for motor fuels.**

A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon any fuel:

1. Sold and delivered to a governmental entity for its exclusive use;

2. Used by a governmental entity, provided persons operating under contract with a governmental entity shall not be eligible for such refund;

3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft;

4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such an organization shall not be eligible for such refund;

5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply tank of a highway vehicle or an aircraft;

6. Used by any person performing transportation under contract or lease with any transportation district for use in a highway vehicle controlled by a transportation district created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.) and used in providing transit service by the transportation district by contract or lease, provided the refund shall be paid to the person performing such transportation;

7. Used by any private, nonprofit agency on aging, designated by the Department for Aging and Rehabilitative Services, providing transportation services to citizens in highway vehicles owned, operated or under contract with such agency;

8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides specialized transportation to various locations for elderly or disabled individuals to secure essential services and to participate in community life according to the individual's interest and abilities;

9. Used in operating or propelling buses owned and operated by a county or the school board thereof while being used to transport children to and from public school or from school to and from educational or athletic activities;

10. Used by buses owned or solely used by a private, nonprofit, nonreligious school while being used to transport children to and from such school or from such school to and from educational or athletic activities;

11. Used by any county or city school board or any private, nonprofit, nonreligious school contracting with a private carrier to transport children to and from public schools or any private, nonprofit, nonreligious school, provided the tax shall be refunded to the private carrier performing such transportation;

12. Used in operating or propelling the equipment of volunteer firefighting companies and of volunteer ~~rescue squads~~ *emergency medical services agencies* within the Commonwealth used actually and necessarily for firefighting and ~~rescue~~ *emergency medical services* purposes;

13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if actually used in public activities;

14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;

15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose, which is used on a job site and the movement of which on any highway is incidental to the purpose for which it was designed and manufactured;

16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but excluding fuel lost through personal negligence or theft;

17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or lessee of such vehicles and not operated on or over any highway for any purpose other than to move it in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund, the entire tax paid by such applicant for the purposes specified in § 28.2-208;

20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion while fuel is being used from the auxiliary tank; or

21. Used in operating or propelling recreational and pleasure watercraft.

B. 1. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or air feed discharge systems for off-road deliveries of animal feed.

2. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of passengers which has been issued a certificate pursuant to § 46.2-2075 or 46.2-2099.4 providing regular route service over the highways of the Commonwealth. No refund shall be granted unless the majority of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel of a distance of not more than 40 miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met.

Under no circumstances shall a refund be granted more than once for the same fuel. The amount of refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less \$0.01 per gallon on the fuel used.

Any refunds made under this subsection shall be deducted from the urban highway funds allocated to the highway construction district, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, in which the recipient has its principal place of business.

Except as otherwise provided in this chapter, all provisions of law applicable to the refund of fuel taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any county having withdrawn its roads from the secondary system of state highways under provisions of § 11 of Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now provided by law with respect to other fuel tax receipts.

D. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

E. Any person purchasing diesel fuel used in operating or propelling a passenger car, a pickup or panel truck, or a truck having a gross vehicle weight rating of 10,000 pounds or less is entitled to a refund of a portion of the taxes paid in an amount equal to the difference between the rate of tax on diesel fuel and the rate of tax on gasoline and gasohol pursuant to

§ 58.1-2217. For purposes of this subsection, "passenger car," "pickup or panel truck," and "truck" shall have the meaning given in § 46.2-100. Notwithstanding any other provision of law, diesel fuel used in a vehicle upon which the fuels tax has been refunded pursuant to this subsection shall be exempt from the tax imposed under Chapter 6 (§ 58.1-600 et seq.).

F. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the amount of tax paid for the fuel less discounts allowed by § 58.1-2233.

G. Any person who is required to be licensed under this chapter and is applying for a refund shall not be eligible for such refund if the applicant was not licensed at the time the refundable transaction was conducted.

**§ 58.1-2403. Exemptions.**

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;
8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;
9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;
10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;
  11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or
  - b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;
12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;
13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;
14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;
15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;
16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;
17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;
18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;
19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;
20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;
21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;
22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;

27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter; or

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

#### **§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer ~~rescue squad~~ *emergency medical services agency* or a member of a volunteer fire department or (ii) leased by ~~members of a volunteer rescue squad~~ *emergency medical services personnel* or a member of a volunteer fire department if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member, or leased by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in*

§ 32.1-111.1 or volunteer fire department member if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer ~~rescue squad member or volunteer fire department member~~ regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief ~~or head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is *an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or a member of the volunteer ~~rescue squad~~ *rescue squad* or fire department who regularly responds to calls or regularly performs other duties for the ~~rescue squad~~ *emergency medical services agency* or fire department, and the motor vehicle owned or leased by the volunteer ~~rescue squad member or volunteer fire department member~~ is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the ~~member~~ *volunteer*, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department or (ii) leased by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department if the *auxiliary* member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or ~~rescue squad~~ *emergency medical services agency* member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief ~~or head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is an auxiliary member of the volunteer ~~rescue squad~~ *emergency medical services agency* or fire department who regularly performs duties for the ~~rescue squad~~ *emergency medical services agency* or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer ~~rescue squad~~ *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or *volunteer* fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the *auxiliary* member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

**§ 58.1-3610. Volunteer fire departments and volunteer emergency medical services agencies.**

Volunteer fire departments and volunteer ~~rescue squads~~ *which emergency medical services agencies* that operate exclusively for the benefit of the general public without charge are hereby classified as charitable organizations.

**§ 58.1-3833. County food and beverage tax.**

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number

of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

**§ 58.1-3840. Certain excise taxes permitted.**

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) ~~of this title~~ to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined in subdivision 9 a of § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools, or public or private colleges and universities, to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food

products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums and amphitheatres.

D. [Expired.]

**§ 63.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services providers*, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to

him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

#### **§ 63.2-1515. Central registry; disclosure of information.**

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments and (ii) local school boards regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments and local school boards within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA/rs, (d) volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency*, or (e) ~~with a~~ court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

**§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of ~~this~~ *the* Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of ~~this~~ *the* Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer ~~lifeguarding or volunteer rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer ~~lifeguarding or volunteer rescue squad member~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of ~~this~~ the Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city, or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer ~~lifeguarding or rescue squad members~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer ~~lifeguarding or rescue squad~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, ~~volunteer emergency medical technicians~~, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer ~~lifeguarding or rescue squad members~~ *emergency medical services personnel*, the fire companies or ~~squads~~ *emergency medical services agencies* for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer ~~lifeguarding or rescue squad members~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department of Emergency Management, who shall be deemed employees of the Department of Emergency Management for the purposes of this title.

(2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of the Department of Forestry, who shall be deemed employees of the Department of Forestry for the purposes of this title.

n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a limited liability company having only one member, or all partners of a business electing to be included as an employee under the workers' compensation coverage of such business if the insurer is notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this title, such person shall be subject to all provisions of this title as if he were an employee; however, the notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

o. The independent contractor of any employer subject to this title at the election of such employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the insurance coverage of the independent contractor may be borne by the independent contractor.

When any independent contractor is entitled to receive coverage under this section, such person shall be subject to all provisions of this title as if he were an employee, provided that the notices required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

However, nothing in this title shall be construed to make the employees of any independent contractor the employees of the person or corporation employing or contracting with such independent contractor.

p. The legal representative, dependents and any other persons to whom compensation may be payable when any person covered as an employee under this title shall be deceased.

q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter 3 of Title 53.1, or an act of assembly.

r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes of this title.

s. Food Stamp recipients participating in the work experience component of the Food Stamp Employment and Training Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall be deemed employees of the Commonwealth for the purposes of this title.

2. "Employee" shall not mean:

a. Officers and employees of the Commonwealth who are elected by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate. This exception shall not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation Commission and the State Corporation Commission, or the Superintendent of State Police.

b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth who are elected by the people or by the governing bodies, and who act in purely administrative capacities and are to serve for a definite term of office.

c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is derived from real estate commissions, (ii) the services of the salesperson or associated broker are performed under a written contract specifying that the salesperson is an independent contractor, and (iii) such contract includes a provision that the salesperson or associated broker will not be treated as an employee for federal income tax purposes.

d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such individual is excluded from taxation by the Federal Unemployment Tax Act.

e. Casual employees.

f. Domestic servants.

g. Farm and horticultural laborers, unless the employer regularly has in service more than three full-time employees.

h. Employees of any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer ~~fire fighting, lifesaving or rescue squad~~ *fire department or volunteer emergency medical services agency* when engaged in activities related principally to participation as *an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or a member of such ~~squad~~ *fire department* whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer ~~lifesaving or rescue squad~~ *emergency medical services agency* electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) ~~of this title~~ and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or

2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

**§ 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.**

A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section:

"Firefighter" means all (i) ~~salari~~ed firefighters, including special forest wardens designated pursuant to § 10.1-1135, emergency medical ~~technicians, lifesaving and rescue squad members~~ *services personnel*, and arson investigators and (ii) volunteer firefighters and ~~lifesaving or rescue squad members~~ *emergency medical services personnel*, if the governing body of the political subdivision in which the principal office of such volunteer fire company or volunteer ~~lifesaving or rescue squad~~ *emergency medical services agency* is located has adopted a resolution acknowledging such volunteer fire company or volunteer ~~lifesaving and rescue squad~~ *emergency medical services agency* as employees for purposes of this title.

"Law-enforcement officer" means all (i) members of county, city, town, or authority police departments, (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve deputy sheriffs, if the governing body of the political subdivision in which the principal office of such auxiliary or reserve police and auxiliary or reserve deputy sheriff force is located has adopted a resolution acknowledging such auxiliary or reserve police and auxiliary or reserve deputy sheriffs as employees for purposes of this title, (iv) members of the State Police Officers' Retirement System, and (v) members of the Capitol Police as described in § 30-34.2:1.

**§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.**

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city, or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or

governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer ~~lifesaving and rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, ~~the term "firefighter" shall include~~ *includes* special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

**§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, ~~paramedic or~~ *salaried or volunteer emergency medical technician services personnel*, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city, or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such

examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

**§ 66-25.1. Work programs.**

A. The Director or his designee may enter into an agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.

B. The primary purpose of such work program shall be the training of such juveniles, not the production of goods or the rendering of service by juveniles committed to the Department. Such work programs also shall not interfere with or impact a juvenile's education program where the goal is achieving a high school diploma or its equivalent. The Board shall promulgate regulations governing the form and review process for proposed agreements.

C. Articles produced or manufactured and services provided by juveniles participating in such a work program may be purchased by any county, by any district of any county, city, or town and by any nonprofit organization, including volunteer lifesaving or first aid crews, rescue squads emergency medical services agencies, fire departments, sheltered workshops and community service organizations. Such articles and services may also be bought, sold or acquired by exchange on the open market through the participating public or private entity.

D. Revenues received from the sale of articles, as provided in subsection C, shall be deposited into a special fund established in the state treasury. Such funds shall be expended to support work programs for juveniles committed to the Department.

**2. That §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia are repealed.**

**3. That the provisions of this act amending §§ 38.2-2201 and 38.2-2202 shall become effective on January 1, 2016.**

**CHAPTER 504**

*An Act to amend and reenact §§ 16.1-338 and 16.1-339 of the Code of Virginia, relating to psychiatric treatment of minors; objecting minor; criteria; duration of admission.*

[H 1717]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-338 and 16.1-339 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-338. Parental admission of minors younger than 14 and nonobjecting minors 14 years of age or older.**

A. A minor younger than 14 years of age may be admitted to a willing mental health facility for inpatient treatment upon application and with the consent of a parent. A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment upon the joint application and consent of the minor and the minor's parent.

B. Admission of a minor under this section shall be approved by a qualified evaluator who has conducted a personal examination of the minor within 48 hours after admission and has made the following written findings:

1. The minor appears to have a mental illness serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment; and

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. If the minor is 14 years of age or older, that he has been provided with an explanation of his rights under this Act as they would apply if he were to object to admission, and that he has consented to admission; and

4. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide, in lieu of the examination required by this section, a preadmission screening report conducted by an employee or designee of the community services board and shall ensure that the necessary written findings have been made before approving the admission. A copy of the written findings of the evaluation or preadmission screening report required by this section shall be provided to the consenting parent and the parent shall have the opportunity to discuss the findings with the qualified evaluator or employee or designee of the community services board.

C. Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured. A copy of the plan shall be provided to the minor and to his parents.

D. If the parent who consented to a minor's admission under this section revokes his consent at any time, or if a minor 14 or older objects at any time to further treatment, the minor shall be discharged within 48 hours to the custody of such consenting parent unless the minor's continued hospitalization is authorized pursuant to § 16.1-339, 16.1-340.1, or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. *If a minor 14 or older objects to further treatment, the mental health facility shall (i) immediately notify the consenting parent of the minor's objections and (ii) provide to the consenting parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor pursuant to § 16.1-339, 16.1-340.1, or 16.1-345.*

E. Inpatient treatment of a minor hospitalized under this section may not exceed 90 consecutive days unless it has been authorized by appropriate hospital medical personnel, based upon their written findings that the criteria set forth in subsection B of this section continue to be met, after such persons have examined the minor and interviewed the consenting parent and reviewed reports submitted by members of the facility staff familiar with the minor's condition.

F. Any minor admitted under this section while younger than 14 and his consenting parent shall be informed orally and in writing by the director of the facility for inpatient treatment within 10 days of his fourteenth birthday that continued voluntary treatment under the authority of this section requires his consent.

G. Any minor 14 years of age or older who joins in an application and consents to admission pursuant to subsection A, shall, in addition to his parent, have the right to access his health information. The concurrent authorization of both the parent and the minor shall be required to disclose such minor's health information.

H. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

**§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.**

A. A minor 14 years of age or older who (i) objects to admission; or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to 96 hours, pending the review required by subsections B and C of this section, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission.

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. ~~Because of~~ *The minor appears to have a mental illness; the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self control;*

2. ~~The minor is in need of enough to warrant inpatient treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and~~

3. ~~Inpatient~~ *All available modalities of treatment is the least less restrictive than inpatient treatment have been considered and no less restrictive alternative that meets the minor's needs is available that would offer comparable benefits to the minor.*

The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than 96 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's

admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.

2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to 96 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

F. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

## CHAPTER 505

*An Act to amend and reenact § 54.1-3420.2 of the Code of Virginia, relating to delivery of prescription drug orders; PACE programs.*

[H 1733]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 54.1-3420.2 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 54.1-3420.2. Delivery of prescription drug order.**

A. Whenever any pharmacy permitted to operate in this Commonwealth or nonresident pharmacy registered to conduct business in the Commonwealth delivers a prescription drug order by mail, common carrier, or delivery service, when the drug order is not personally hand delivered directly, to the patient or his agent at the person's residence or other designated location, the following conditions shall be required:

1. Written notice shall be placed in each shipment alerting the consumer that under certain circumstances chemical degradation of drugs may occur; and

2. Written notice shall be placed in each shipment providing a toll-free or local consumer access telephone number which is designed to respond to consumer questions pertaining to chemical degradation of drugs.

B. If a prescription drug order for a Schedule VI controlled substance is not personally hand delivered directly to the patient or the patient's agent, or if the prescription drug order is not delivered to the residence of the patient, the delivery location shall hold a current permit, license, or registration with the Board that authorizes the possession of controlled substances at that location. The Board shall promulgate regulations related to the security, access, required records, accountability, storage, and accuracy of delivery of such drug delivery systems. Schedule II through Schedule V controlled substances shall be delivered to an alternate delivery location only if such delivery is authorized by federal law and regulations of the Board.

C. Prescription drug orders dispensed to a patient and delivered to a community services board or behavioral health authority facility licensed by the Department of Behavioral Health and Developmental Services upon the signed written request of the patient or the patient's legally authorized representative may be stored, retained, and repackaged at the facility on behalf of the patient for subsequent delivery or administration. The repackaging of a dispensed prescription drug order retained by a community services board or behavioral health authority facility for the purpose of assisting a client with self-administration pursuant to this subsection shall only be performed by a pharmacist, pharmacy technician, nurse, or other person who has successfully completed a Board-approved training program for repackaging of prescription drug

orders as authorized by this subsection. The Board shall promulgate regulations relating to training, packaging, labeling, and ~~record keeping~~ *recordkeeping* for such repackaging.

D. Prescription drug orders dispensed to a patient and delivered to a Virginia Department of Health or local health department clinic upon the signed written request of a patient, a patient's legally authorized representative, or a Virginia Department of Health district director or his designee may be stored and retained at the clinic on behalf of the patient for subsequent delivery or administration.

*E. Prescription drug orders dispensed to a patient and delivered to a program of all-inclusive care for the elderly (PACE) site licensed by the Department of Social Services pursuant to § 63.2-1701 and overseen by the Department of Medical Assistance Services in accordance with § 32.1-330.3 upon the signed written request of the patient or the patient's legally authorized representative may be stored, retained, and repackaged at the site on behalf of the patient for subsequent delivery or administration. The repackaging of a dispensed prescription drug order retained by the PACE site for the purpose of assisting a client with self-administration pursuant to this subsection shall only be performed by a pharmacist, pharmacy technician, nurse, or other person who has successfully completed a Board-approved training program for repackaging of prescription drug orders as authorized by this subsection. The Board shall promulgate regulations relating to training, packaging, labeling, and recordkeeping for such repackaging.*

## CHAPTER 506

*An Act to amend and reenact §§ 18.2-271.1, 46.2-320.1, and 63.2-1952 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1908.1, relating to child support; arrearage.*

[H 1783]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-271.1, 46.2-320.1, and 63.2-1952 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1908.1 as follows:**

**§ 18.2-271.1. Probation, education and rehabilitation of person charged or convicted; person convicted under law of another state.**

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E of this section. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E of this section, if

the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted in another state of the violation of a law of such state substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A of this section and that, upon entry into such program, he be issued an order in accordance with subsection E of this section. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E of this section as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense in any state, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in ~~a~~ *an administrative or* court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; or (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A of this section. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year

of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund.

F. The court shall have jurisdiction over any person entering such program under any provision of this section until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court which has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, town, or any combination thereof may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

**§ 46.2-320.1. Other grounds for suspension; nonpayment of child support.**

A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services; or (b) pursuant to § 8.01-296, or service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within 10 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social

Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

B. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

C. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment representing at least five percent of the total delinquency or \$600, whichever is greater, has been made pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support *as ordered by a juvenile and domestic relations district court for noncustodial parents, as determined by the court or as administered by the Department of Social Services.* Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

D. If a person who has entered into an agreement with the Department of Social Services pursuant to clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of Social Services shall notify the Department of the person's noncompliance and the Department shall suspend or refuse to renew the driver's license of the person until it has received from the Department of Social Services a certification that the person has paid the delinquency in full or has entered into a subsequent agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed seven years and has made at least one payment of \$1,200 or five percent of the total delinquency, whichever is greater, pursuant to the agreement. If the person fails to comply with the terms of a subsequent agreement reached with the Department of Social Services pursuant to this section, without further notice to the person as provided in the subsequent agreement, the Department of Social Services shall notify the Department of the person's noncompliance, and the Department shall suspend or refuse to renew the driver's license of the person. A person who has failed to comply with the terms of a second or subsequent agreement pursuant to this subsection may be granted a new agreement with the Department of Social Services if the person has made at least one payment of \$1,800 or five percent of the total delinquency, whichever is greater, and agrees to a repayment schedule of not more than seven years. Upon receipt of certification from the Department of Social Services of the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or reinstate the person's driver's license. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by this subsection is made.

**§ 63.2-1908.1. Arrears compromise program.**

*The Department may establish and operate an arrears compromise program pursuant to which it may compromise child support arrears and interest accrued thereon owed to the Commonwealth for reimbursement of public assistance paid. The program shall take into consideration the obligor's ability to pay.*

**§ 63.2-1952. Interest on debts due.**

Interest at the judgment interest rate as established by § 6.2-302 on any arrearage pursuant to an order being enforced by the Department pursuant to this chapter shall be collected by the Commissioner except in the case of a minor obligor during the period of his minority. The Commissioner shall maintain interest balance due accounts. *In accordance with § 63.2-1908.1, the Commissioner may compromise interest on debt owed to the Commonwealth for reimbursement of public assistance paid.*

**CHAPTER 507**

*An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; subpoenas.*  
[H 1810]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. *Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.* Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide

services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

## CHAPTER 508

*An Act to amend and reenact §§ 51.1-142.2 and 51.1-142.3 of the Code of Virginia, relating to the Virginia Retirement System; prior service or membership credit.*

[H 1890]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-142.2 and 51.1-142.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.**

Certain members may purchase credit for service as provided in this section.

A. ~~Except as provided in subdivisions 1 and 2, in order to receive credit for the service made available in subsection B,~~ a member in service shall be required to make a payment for each year, or portion thereof, to be credited at the time of purchase, equal to five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing the service made available in subsection B through a pre-tax or post-tax deduction; in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation.

1. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, shall pay an amount equal to a rate approximating the normal cost for the retirement program under which the member is covered, with such rate for each retirement program to be determined by the Board, and reviewed by the Board no less than every six years. However, if the member does not purchase, or enter into a purchase of service contract for the service made available in subsection B within one year from his first date of hire or within one year of the final day of any leave of absence under subdivision B 2, as applicable; then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

2. If a member other than a member described in subdivision 1 does not purchase, or enter into a purchase of service contract for, the service made available in subsection B within three years from his first date of hire or within three years of the final day of any leave of absence under subdivision B 2, as applicable; then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

3. When a member requests credit for a portion of the period, the most recent portion shall be credited. Payment may be made in a lump sum at the time of purchase or by an additional payroll deduction. Any number of additional deductions may be permitted at any time. Should any additional deduction be terminated prior to purchasing the entire period that might otherwise be credited, the member shall be credited with the number of additional full or partial months of service for which full payment is made. If any additional deduction is continued beyond the point at which the entire period has been purchased, the member shall be credited with no more than the entire period that might otherwise have been credited and the excess amount deducted shall be refunded to the member.

Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purpose of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.); nor shall they be considered to be salary for purposes of this chapter.

B. 1. Any member in service may purchase prior service credit ~~for from the following categories of service or leave:~~ (i) active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable; (ii) creditable leave of absence for educational purposes that was previously approved by the member's employer; (iii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iv) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a qualified child, as defined in § 51.1-500; (v) service as a full-time employee of another state ~~or of, a public school system of another state, or a political subdivision or public school system of this the Commonwealth or another state, as certified by such state, public school system, or political subdivision or public school system~~ (iii) creditable; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; ~~(iv)~~ (vi) civilian service of the United States; ~~(v)~~ creditable (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or ~~(vi)~~ (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. *The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.*

*For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.*

*Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.*

For purposes of this ~~subsection~~ section, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

~~2. Any member (i) granted a leave of absence for educational purposes may purchase service credit for such leave of absence, or (ii) granted any unpaid leave of absence due to the birth or adoption of a child may purchase up to one year of service credit per occurrence of leave.~~

~~C. B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing such service through a pre-tax or post-tax deduction, in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation; provided, however, that the applicable cost for a person enrolled in the hybrid retirement program described in § 51.1-169 shall be four percent. If the member purchases or enters into a contract to purchase such service within three years of the date he became eligible to purchase the service, then the service may be purchased in a lump sum at the time of purchase or through an additional payroll deduction. Any purchase of such service made at a time later than such period shall be made in a lump sum at the time of purchase. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.~~

~~D. C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.~~

~~E. D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service credit for service that is not reported to the retirement system by the member's employer while the member is receiving such benefits. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of the member's creditable compensation.~~

*For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.*

*E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.*

*F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.*

F. G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service *credit* shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and *at the cost* prescribed by the Board; and

2. All other years of service *credit shall be purchased by the employer shall purchase* at an actuarial equivalent cost.

G. ~~The service credit to be credited to a member under this section shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for part-time service purchased under clause (vi) of subdivision B 1 which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer and as purchased by the member. Up to a maximum of four years of service credit may be purchased for each of clauses (i) through (vi) of subdivision B 1 and clauses (i) and (ii) of subdivision B 2. In addition, a member in service may purchase service credit for every year or portion thereof for service lost from cessation of membership as described in subsection C.~~

~~Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, the service credit made available under this section may not be purchased if, before being purchased or at the time of such purchase pursuant to this section, the service to be purchased is service that is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system.~~

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

**§ 51.1-142.3. Purchase of additional prior service credit by certain school division superintendents.**

A. In addition to the four years of prior service credit that may be purchased under clause ~~(ii)~~ (iv) of subdivision B A 1 of § 51.1-142.2, a school division superintendent appointed by a school board pursuant to § 22.1-60, with at least five years of creditable service in the Retirement System, may purchase up to a maximum of 10 additional years of prior service credit for creditable service of another state or of a political subdivision, or public school system of this or another state, as certified by such state, political subdivision, or public school system. Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, the service credit made available under this section may not be purchased if, before being purchased or at the time of such purchase pursuant to this section, the service to be purchased is service that is included in the calculation of any retirement allowance received or to be received by the member from this or any other retirement system.

The school board that has appointed such school division superintendent may purchase such prior service credit on behalf of the school division superintendent.

B. The cost at the time of purchase for each additional year of service credit (or portion thereof) pursuant to this section, shall be 10 percent of the school division superintendent's creditable compensation or 10 percent of the school division superintendent's average final compensation, whichever is greater, provided that the service credit to be purchased is paid for in one lump-sum payment within one year after the school division superintendent first became eligible to purchase such service credit or by July 1, 2004, whichever is later.

A school division superintendent shall first become eligible to purchase prior service credit under this section as follows:

1. For members in service on June 30, 2003, and July 1, 2003, upon attaining five years of creditable service as a school division superintendent in the Retirement System;
2. For members in service on June 30, 2003, and July 1, 2003, who become a school division superintendent on or after July 1, 2003, upon attaining five years of creditable service as a school division superintendent in the Retirement System; and
3. For members not in service on June 30, 2003, upon the member earning five years of creditable service as a school division superintendent in the Retirement System for service performed after June 30, 2003.

C. In any case in which prior service credit pursuant to this section has been purchased by or on behalf of a school division superintendent, if the school division superintendent, subsequent to the date of such purchase, does not remain in such position with the local school board for at least the number of years purchased: (i) the Retirement System shall reduce the creditable service credited to the school division superintendent by an amount equivalent to the number of years of prior service purchased less the number of years served by the person as a school division superintendent with the local school board subsequent to the date of such purchase. Such reduction in creditable service shall be deemed to be forfeited by the school division superintendent for purposes of this chapter and the contributions representing that forfeited service shall be refunded to the school division superintendent; and (ii) the school division superintendent shall be liable to the local school board for the amount paid by the local school board for purchasing the forfeited prior service credit.

D. If a school division superintendent does not purchase the prior service credit described in subsection A within the timeframe provided in subsection B, such prior service credit may be purchased at the actuarial equivalent cost, provided that in no case shall any person purchase more than 10 years of such prior service credit under this section.

2. That the provisions of this act shall become effective on January 1, 2017.

### CHAPTER 509

*An Act to amend and reenact §§ 63.2-503 and 63.2-514 of the Code of Virginia, relating to public assistance; determining eligibility.*

[H 1918]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 63.2-503 and 63.2-514 of the Code of Virginia are amended and reenacted as follows:**

**§ 63.2-503. Procedure upon receipt of application.**

A. Upon receipt of the application for public assistance, the local director shall make or cause to be made promptly ~~such an investigation as he deems necessary~~ to determine the completeness and correctness of the statements contained in the application and to ascertain the facts supporting the application and such other information as the local board or the Commissioner may require; ~~to determine whether an applicant is eligible for public assistance and shall submit recommendations in writing to the local board.~~

B. *In conducting the investigation required by subsection A, and only when consistent with federal law and regulations, the local director shall verify each applicant's identity, income, assets, and any other information necessary for the purpose of determining eligibility for public assistance, eliminating the duplication of assistance, and deterring fraud.*

C. *In cases in which information obtained as a result of the investigation required by subsection A is inconsistent with information provided by the applicant at the time of application or otherwise suggests that the applicant may not be eligible for public assistance, the local director shall notify the applicant in writing and provide opportunity for the applicant to explain the discrepancy. If the applicant fails to respond within 10 days of the date of such notice, the local director shall deny the application for public assistance. If the applicant responds within 10 days of such notice, upon receipt of such response, the local director shall conduct such further investigation as may be necessary to verify the applicant's response and resolve the discrepancy or other issue arising from comparing the information provided by the applicant with information obtained as a result of the investigation required by subsection A. If the local director determines that the information obtained as a result of the investigation required by subsection A is accurate, and that as a result the applicant is ineligible for public assistance, the local director shall so notify the applicant and public assistance shall be denied. In any case in which the local director believes that the applicant has obtained or attempted to obtain public assistance by means of willful false statements or representations, impersonation, or other fraudulent devices, the local director shall initiate a fraud investigation pursuant to § 63.2-526.*

D. *The Department shall establish a means to obtain and provide the data necessary for the local departments to conduct the search required by subsection B in an automated electronic format. In doing so, the Department may use a third-party contractor. The local department shall immediately take action upon obtaining information indicating a change in a recipient's circumstances that could warrant reconsideration, cancellation, or changes in the amount of public assistance paid to the recipient in accordance with the provisions of § 63.2-514.*

E. *The Department shall report to the General Assembly no later than December 1 of each year the following:*

1. *Which specific types or sources of information local directors used, either directly or through a third-party contractor, during the past year for the purpose of verifying applicants' identity, income, assets, and other information pursuant to subsection B; and*

2. *Any types or sources of information that the Department plans to make available to local directors to use in the future to verify applicants' identity, income, assets, and other information and the approximate date on which the local directors plan to begin using those types or sources of information.*

F. *The Department shall include in its report required pursuant to subsection F the number of applications for public assistance received in accordance with this section, the number of cases in which eligibility for public assistance was approved or denied, and the number of cases referred for investigation and the reasons in each case.*

G. *The Board may by regulation authorize the local directors to provide immediate and temporary assistance to persons pending action of the local boards.*

H. *In the event that any provision of this section conflicts with federal law or regulations, provisions of federal law shall prevail.*

**§ 63.2-514. Reconsideration or changes in amount of public assistance; cancellation.**

~~At~~ A. *Eligibility for public assistance grants shall be reconsidered in accordance with federal law or regulations by the local board as frequently as may be required by Board regulations local department at least annually or upon receipt of information indicating a change in the recipient's circumstances that may affect the amount of assistance paid to a recipient or the recipient's eligibility for assistance and at such other times as the local board may deem necessary. As part of such reconsideration, the local department shall conduct an investigation to determine whether a recipient is eligible for renewal of public assistance. Such investigation shall include a review of information described in subsection B of § 63.2-503 for each applicant. After such investigation as the local board deems necessary, or the Board requires, the amount of public*

assistance may be changed; or public assistance may be entirely withdrawn, if the local ~~board~~ department finds that the recipient's circumstances have altered sufficiently to warrant such action.

B. In cases in which information obtained as a result of the investigation required by subsection A is inconsistent with information provided by the applicant, the local department shall notify the applicant in writing and provide opportunity for the applicant to explain the discrepancy. If the applicant fails to respond within 10 days of the date of such notice, the local department shall refuse to renew the applicant's eligibility for public assistance. If the applicant responds within 10 days of such notice, upon receipt of such response, the local department shall conduct such further investigation as may be necessary to verify the applicant's response and resolve the discrepancy between information provided by the applicant and information obtained as a result of the investigation required by subsection A. If the local department determines that the information obtained as a result of the investigation required by subsection A is accurate and that as a result the applicant is ineligible for public assistance, the local director of social services shall so notify the applicant and public assistance shall be denied. In any case in which the local department believes that the applicant has obtained or attempted to obtain public assistance by means of willful false statements or representations, impersonation, or other fraudulent devices, the local director shall initiate a fraud investigation pursuant to § 63.2-526.

C. If the local ~~board~~ director does not act within ~~thirty~~ 30 days of the receipt of information affecting the amount of assistance or the eligibility therefor as to any recipient, or if the circumstances require immediate action, the ~~local director~~ Commissioner may make necessary adjustments in the amount of public assistance or suspend further assistance to any such individual pending action by the local ~~board~~ department.

## CHAPTER 510

An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support; health insurance premiums.

[H 1951]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.**

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

### SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216

500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361

3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974

6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
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8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
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8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
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9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
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9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310

9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597
10700	1112	1656	1952	2180	2398	2607
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10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
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11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
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11550	1173	1745	2054	2294	2524	2743
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11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
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11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
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12000	1199	1779	2090	2335	2568	2791
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12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
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12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
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12800	1248	1851	2173	2427	2670	2902
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12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968
13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
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13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
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13650	1300	1930	2268	2533	2786	3029
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13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
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13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085
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14200	1331	1980	2333	2607	2867	3117
14250	1334	1985	2339	2613	2875	3125
14300	1336	1990	2345	2620	2882	3133
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14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232
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15050	1382	2059	2430	2714	2986	3246
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15150	1389	2069	2440	2726	2998	3259
15200	1392	2074	2445	2731	3004	3266
15250	1396	2078	2450	2737	3010	3272
15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286
15400	1407	2093	2465	2754	3029	3292
15450	1410	2098	2470	2759	3035	3299
15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319
15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
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15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
16050	1453	2155	2530	2826	3109	3379
16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
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16350	1464	2171	2549	2847	3132	3404
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16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
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16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
17050	1483	2200	2585	2887	3176	3452
17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
17600	1498	2224	2613	2919	3211	3490
17650	1499	2226	2616	2922	3214	3494
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17750	1502	2230	2621	2928	3220	3500
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17850	1505	2234	2626	2933	3227	3507
17900	1506	2236	2629	2936	3230	3511

17950	1507	2238	2631	2939	3233	3514
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18200	1514	2249	2644	2953	3249	3531
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18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
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18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
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18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
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19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
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19650	1575	2332	2732	3052	3357	3649
19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
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20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
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20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
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20850	1627	2402	2806	3135	3448	3748
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20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764
21100	1638	2417	2822	3152	3467	3768
21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
21600	1659	2446	2853	3187	3506	3811
21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892
22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918
22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
23450	1728	2557	2995	3345	3680	4000
23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025

23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322

26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488

29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523

32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income,

annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. ~~Any~~ *The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage, when actually for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent or that parent's spouse providing the coverage would otherwise have, shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.*

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party

derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

### 3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support

calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

## CHAPTER 511

*An Act to require the Virginia Retirement System to report to the General Assembly on a cash balance retirement plan.*

[H 1969]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. *That the Virginia Retirement System (VRS) shall review cash balance retirement plans implemented in other statewide retirement systems and develop and submit a plan to the General Assembly no later than November 1, 2015. The analysis shall include: (i) a comparison of the long-term employer and employee costs of such cash balance plans to current VRS plan designs, (ii) an assessment of their financial risks to employers and employees, (iii) the administrative impact of such plans to VRS and its employers, (iv) the likely effect upon retirement benefits for employees, and (v) a recommended funding structure under which a cash balance plan could be funded by state and local employers while still meeting the funding requirements of existing VRS plans.*

## CHAPTER 512

*An Act to amend and reenact § 51.1-505 of the Code of Virginia, relating to life insurance for retired state employees.*

[H 2277]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

1. That § 51.1-505 of the Code of Virginia is amended and reenacted as follows:

**§ 51.1-505. Amounts of life and accident insurance for each employee; reduction and termination of insurance.**

A. Each employee to whom this chapter applies shall, subject to the terms and conditions thereof, be eligible to be insured for an amount of group life insurance plus an amount of group accidental death and dismemberment insurance, each amount equal to twice the amount of his annual salary. If an employee's annual salary is not an even multiple of \$1,000, his annual salary for purposes of this section shall be considered to be the next higher \$1,000. For purposes of this section, the annual salary of a member of the General Assembly shall be his creditable compensation for his last full calendar year of service or his salary under § 30-19.11, whichever is greater, and shall include the full amount of any salaries payable to such member for working in covered positions, regardless of whether such salaries were paid, reduced, or not paid because of such member's service in the General Assembly. The annual salary for an employee retired for service or disability on an immediate retirement allowance may be adjusted by the Board in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

Subject to the conditions and limitations of the group insurance policy, the accidental death and dismemberment insurance shall provide payments as follows:

Loss	Amount Payable
For loss of life	Full amount determined in accordance with the provisions of this section
Loss of one hand or of one foot or loss of sight of one eye	One-half of the amount determined in accordance with the provisions of this section
Loss of two or more such members	Full amount determined in accordance with the provisions of this section.

For any one accident, the aggregate amount of accidental death and dismemberment insurance that may be paid shall not exceed the maximum amount of accidental death and dismemberment insurance determined in accordance with this section.

Notwithstanding the provisions of § 51.1-124.8, the amount of life insurance for which an employee shall be eligible shall be equal to twice the amount of his annual salary without regard to the date of the employee's qualification for a retirement allowance.

B. The amount of life insurance on an employee who retires for service on an immediate retirement allowance or who elects to postpone the receipt of his retirement allowance to some date other than his last day of service shall be the amount set forth in subsection A, reduced by an amount equal to 25 percent thereof on the January 1 following the first full year from the date the employee is separated from service and each January 1 thereafter. The amount of life insurance on an employee who retires for disability on an immediate retirement allowance shall be the amount set forth in subsection A on the date the employee last rendered service reduced by an amount equal to 25 percent thereof on January 1 following the first full year from the date the employee attains his "normal retirement date" as defined in § 51.1-124.3, and each January 1 thereafter. If the employee by statute or Board regulation has been construed to be in service to the beginning of the next school year, the reduction shall not apply until the beginning of the next school year. The reduction shall not decrease the amount of life insurance on an employee to less than 25 percent of the amount of life insurance to which the initial reduction is applied, *provided, however, that the reduction shall not decrease the amount of life insurance to less than \$8,000 for employees with at least 30 years of creditable service, which amount shall be increased by the same percentage as any annual post-retirement supplement for retirees, as calculated for employees hired on or after July 1, 2010, pursuant to § 51.1-166.* For purposes of this subsection, an employee shall be deemed to have retired only if the employee has five or more years of service as an employee prior to the date of retirement. This requirement shall not be applicable if the employee is retired for disability.

Any employee who was denied membership in the Retirement System because of having attained age 60 at the time of being employed or reemployed and who has five or more years of service immediately prior to separation from service shall retain the life insurance coverage as though he had retired on an immediate retirement allowance.

C. For any employee who at any time has at least 20 years of creditable service in any retirement plan administered by the Virginia Retirement System or other Virginia public plan participating in the group life program established by this chapter, the amount of group life insurance shall be an amount equal to twice the amount of the highest annual salary earned during such employment.

The provisions of subsection B providing a reduction in the amount of life insurance shall apply to the amount of group life insurance as determined under this subsection for such employees with at least 20 years of creditable service.

D. The amount of life insurance for an employee who is retired for disability on an immediate retirement allowance, who also has attained age 55, and who elects to receive a retirement allowance as set forth in subsection C of § 51.1-160, shall be reduced as set forth in subsection B. The reduction shall begin the January 1 following the first full year from the date the employee elects a service retirement allowance.

E. All accidental death and dismemberment insurance on an employee shall cease upon the earliest of (i) his separation from service; (ii) his failure to pay, in the manner prescribed by the Board, the contribution required for the first 24 months of leave without pay; (iii) if the employee has not returned to pay status, the expiration of 24 months of leave without pay; or (iv) his retirement.

F. Except in case of retirement as provided in subsections B, C, and D, all life insurance on an employee shall cease upon the earliest of (i) his separation from service; (ii) his failure to pay, in the manner prescribed by the Board, the contribution required for the first 24 months of leave without pay; or (iii) if the employee has not returned to pay status, the expiration of 24 months of leave without pay. Except in the case of retirement, life insurance shall be subject to a temporary extension of 31 days. During this 31-day extension, the employee may convert his life insurance into an individual policy of life insurance (without disability or other supplementary benefits) in any one of the forms, except term insurance, then customarily issued by the insuring company. The amount of life insurance which may be converted shall not exceed the amount of his life insurance under the group insurance policy at the time coverage is terminated. The insurance shall be converted to an individual policy (a) without evidence of insurability, (b) at the premium applicable to the class of risk to which he belongs, and (c) to the form and amount of the individual policy at his then attained age, provided application for the individual policy and payment of the first premium thereon is made to the issuing company within the 31 days. The right to convert to an individual policy as provided in § 38.2-3333 shall not apply upon termination of this group policy or elimination of a class of insured employees.

Except as provided in subsection C, the amount of life insurance on each insured employee who retires shall be determined under the provisions of this chapter as it exists on the employee's date of retirement.

G. Each employee of a state institution of higher education or of a local school board who remains in service until the completion of the school year and who makes contributions required to provide insurance coverage until service normally will be resumed the beginning of the next school year shall be deemed to be in service as an employee through the period to which the payments apply. If the employee is retired for service or disability during this period, contributions made by the employee shall be accepted and retained as proper.

Each state employee of a public institution of higher education or a teaching hospital affiliated with a public institution of higher education who (i) is employed pursuant to a contract (a) that is for a term of employment of at least nine months and (b) that does not coincide with the normal scholastic year, (ii) remains in service until the completion of the contract year, and (iii) makes contributions required to provide insurance coverage until service normally will be resumed at the beginning of the next contract year shall be deemed to be in service as an employee through the period to which the payments apply. If the employee is retired for service or disability during this period, contributions made by the employee shall be accepted and retained as proper.

H. The limit of 24 months of leave without pay, after which accidental death and dismemberment insurance and life insurance shall cease, referred to in subsections E and F shall not apply to an employee who is on leave without pay while performing active duty military service in the armed forces of the United States.

I. The provisions of this section shall apply to all members of the Virginia Retirement System who, on and after July 1, 1995, are covered under the group life insurance program created pursuant to this section and whose effective date of retirement is (i) before July 1, 1970, or (ii) on and after July 1, 1970.

## CHAPTER 513

*An Act to amend and reenact §§ 63.2-501, 63.2-503, and 63.2-504 of the Code of Virginia, relating to public assistance; eligibility determinations.*

[H 1847]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 63.2-501, 63.2-503, and 63.2-504 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 63.2-501. Application for assistance.**

A. Except as provided for in the state plan for medical assistance services pursuant to § 32.1-325, application for public assistance shall be made to the local ~~board~~ department and filed with the local director of the county or city in which the applicant resides; *however, when necessary to overcome backlogs in the application and renewal process, the Commissioner may temporarily utilize other entities to receive and process applications, conduct periodic eligibility renewals, and perform other tasks associated with eligibility determinations. Such entities shall be subject to the confidentiality requirements set forth in § 63.2-501.1. Applications and renewals processed by other entities pursuant to this subsection shall be subject to appeals pursuant to § 63.2-517.* Such application may be made either electronically or in writing on forms prescribed by the Commissioner and shall be signed by the applicant or otherwise attested to in a manner prescribed by the Commissioner under penalty of perjury in accordance with § 63.2-502.

If the condition of the applicant for public assistance precludes his signing or otherwise attesting to the accuracy of information contained in an application for public assistance, the application may be made on his behalf by his guardian or conservator. If no guardian or conservator has been appointed for the applicant, the application may be made by any competent adult person having sufficient knowledge of the applicant's circumstances to provide the necessary information, until such time as a guardian or conservator is appointed by a court.

B. Local ~~boards~~ departments or the Commissioner shall provide each applicant for public assistance with information regarding his rights and responsibilities related to eligibility for and continued receipt of public assistance. Such information shall be provided in an electronic or written format approved by the Board that is easily understandable and shall also be

provided orally to the applicant by an employee of the local department, except in the case of energy assistance. The local department shall require each applicant to acknowledge, in a format approved by the Board, that the information required by this subsection has been provided and shall maintain such acknowledgment together with information regarding the application for public assistance.

**§ 63.2-503. Procedure upon receipt of application.**

Upon receipt of the application for public assistance, the local director or *Commissioner* shall make or cause to be made promptly such investigation as he deems necessary to determine the completeness and correctness of the statements contained in the application and to ascertain the facts supporting the application and such other information as the local ~~board~~ *department* or the Commissioner may require; ~~and shall submit recommendations in writing to the local board.~~

The Board may by regulation authorize the local directors to provide immediate and temporary assistance to persons pending action of the local ~~boards~~ *departments*.

**§ 63.2-504. Decision of local department that applicant entitled to public assistance.**

Upon completion of the investigation, the local ~~board~~ *department* shall determine whether the applicant is eligible for public assistance under this subtitle, and, if eligible, the amount of such public assistance and the date upon which such public assistance shall begin. If the local ~~board~~ *department* approves the payment of public assistance, such public assistance shall thereupon, until changed, modified, or revoked, be paid as hereinafter provided. ~~If the local board does not act upon any such application within the period specified by Board regulation, or, if the circumstances require immediate public assistance to prevent hardship, the local director may provide necessary public assistance pending determination by the local board.~~

## CHAPTER 514

*An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to pharmacists; oxygen and epinephrine.*

[H 1914]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

*Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.*

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a

prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a

supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

## CHAPTER 515

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:2, relating to health insurance; carrier business practices; prior authorization provisions.*

[H 1942]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:2 as follows:**

##### **§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.**

*A. As used in this section, unless the context requires a different meaning:*

*"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.*

*"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.*

*B. Any provider contract between a carrier and a participating health care provider, or its contracting agent, shall contain specific provisions that:*

*1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;*

*2. Require that the carrier communicate to the prescriber or his designee within 24 hours of submission of an urgent prior authorization request to the carrier, if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;*

*3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;*

*4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;*

*5. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;*

*6. Require that prior authorization approved by another carrier be honored at least for the initial 30 days of a member's prescription drug benefit coverage, subject to the provisions of the new carrier's evidence of coverage, upon the carrier's receipt from the prescriber or his designee, of a record demonstrating the previous carrier's prior authorization approval;*

7. Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request; and

8. Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes.

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. The state employee health insurance plan established pursuant to § 2.2-2818;

3. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

4. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

5. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

**2. That the Virginia Association of Health Plans, the Medical Society of Virginia, and the Virginia Academy of Family Physicians shall convene a workgroup, including appropriate provider, carrier, and pharmacy benefit manager stakeholders, to identify common evidence-based parameters for carrier approval of the 10 most frequently prescribed chronic disease management prescription drugs subject to prior authorization by a majority of carriers, the 10 most frequently prescribed mental health prescription drugs subject to prior authorization by a majority of carriers, and generic prescription drugs subject to prior authorization by a majority of carriers. The workgroup shall report its findings to the Health Insurance Reform Commission and the Chairmen of the House and Senate Commerce and Labor Committees by July 1, 2016.**

## CHAPTER 516

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:2, relating to health insurance; carrier business practices; prior authorization provisions.

[S 1262]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:2 as follows:**

**§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.**

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.

B. Any provider contract between a carrier and a participating health care provider, or its contracting agent, shall contain specific provisions that:

1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;

2. Require that the carrier communicate to the prescriber or his designee within 24 hours of submission of an urgent prior authorization request to the carrier; if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;

3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;

4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;

5. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;

6. Require that prior authorization approved by another carrier be honored at least for the initial 30 days of a member's prescription drug benefit coverage, subject to the provisions of the new carrier's evidence of coverage, upon the carrier's receipt from the prescriber or his designee, of a record demonstrating the previous carrier's prior authorization approval;

7. Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request; and

8. Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes.

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. The state employee health insurance plan established pursuant to § 2.2-2818;

3. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

4. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

5. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

**2. That the Virginia Association of Health Plans, the Medical Society of Virginia, and the Virginia Academy of Family Physicians shall convene a workgroup, including appropriate provider, carrier, and pharmacy benefit manager stakeholders, to identify common evidence-based parameters for carrier approval of the 10 most frequently prescribed chronic disease management prescription drugs subject to prior authorization by a majority of carriers, the 10 most frequently prescribed mental health prescription drugs subject to prior authorization by a majority of carriers, and generic prescription drugs subject to prior authorization by a majority of carriers. The workgroup shall report its findings to the Health Insurance Reform Commission and the Chairmen of the House and Senate Commerce and Labor Committees by July 1, 2016.**

## CHAPTER 517

*An Act to amend and reenact § 54.1-2522.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2522.2, relating to the Prescription Monitoring Program; requirements for dispensers.*

[H 1841]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2522.1, as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2522.2 as follows:**

**§ 54.1-2522.1. (Effective July 1, 2015) Requirements of prescribers.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions ~~upon filing an application for licensure or renewal of licensure, if the prescriber is not already registered.~~

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated *at the onset of*

*treatment* to last more than 90 consecutive days ~~and for which a treatment agreement is entered into~~, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.

**§ 54.1-2522.2. Requirements for dispensers.**

*The Department shall register every dispenser licensed by the Board of Pharmacy pursuant to Article 3 (§ 54.1-3310 et seq.) of Chapter 33 with the Prescription Monitoring Program.*

**2. That the provisions of this act amending subsection A of § 54.1-2522.1 of the Code of Virginia and adding a section numbered 54.1-2522.2 shall become effective on January 1, 2016.**

## CHAPTER 518

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:2, relating to pharmacy benefits administration; contracts; disclosure of maximum allowable cost for prescription drugs.*

[H 2031]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:2 as follows:**

**§ 38.2-3407.15:2. Carrier and intermediary contracts with pharmacy providers; disclosure and updating of maximum allowable cost of drugs; limit on termination or nonrenewal.**

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Maximum allowable cost" means the maximum dollar amount that a carrier or its intermediary will reimburse a pharmacy provider for a group of drugs rated as "A", "AB", "NR", or "NA" in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, published by the U.S. Food and Drug Administration, or similarly rated by a nationally recognized reference.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

B. Any contract between a carrier and its intermediary, pursuant to which the intermediary has the right or obligation to establish a maximum allowable cost, and any provider contract between a carrier and a participating pharmacy provider or its contracting agent, pursuant to which the carrier has the right or obligation to establish a maximum allowable cost, shall contain specific provisions that require the intermediary or carrier to:

1. Update, not less frequently than once every seven days, the maximum allowable cost list, unless there has been no change to the maximum allowable cost of any drug on the list since the last update;

2. Verify, not less frequently than once every seven days, that the drugs on the maximum allowable cost list are available to participating pharmacy providers from at least one regional or national pharmacy wholesaler and that the amount for each drug is not obsolete and promptly revise the maximum allowable cost if necessary to comply with this subsection;

3. Provide a process for each participating pharmacy provider to readily access the maximum allowable cost list specific to that provider; and

4. Prohibit the intermediary or carrier from terminating or failing to renew its contractual relationship with a participating pharmacy provider for invoking its rights under any contractual provision required by this section.

C. Any contract between a carrier and its intermediary, pursuant to which the intermediary has the right or obligation to establish a maximum allowable cost, and any provider contract between a carrier and a participating pharmacy provider or its contracting agent, pursuant to which the carrier has the right or obligation to establish a maximum allowable cost, shall contain specific provisions that require the intermediary or carrier to provide a process for an appeal, investigation, and resolution of disputes regarding maximum allowable cost drug pricing that includes:

1. A time period of 14 days from the date of initial claim adjudication for the participating pharmacy provider to file its dispute request;

2. A requirement that the dispute request be investigated and resolved within 14 days of its initiation by the participating pharmacy provider;

3. A telephone number at which the participating pharmacy provider may contact the carrier or its intermediary to speak to a person responsible for processing dispute requests;

4. A requirement that a carrier or its intermediary, if a dispute request is denied, provide (i) a reason for the denial, and (ii) the national drug code of the drug under dispute that the carrier or its intermediary contends may be purchased by the participating pharmacy provider for an amount that is equal to or less than the maximum allowable cost; and

5. A requirement that a carrier or its intermediary, if a dispute is successful, update the maximum allowable cost for the drug under dispute within five days of the determination of the dispute.

D. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

E. This section shall apply with respect to contracts described in subsections B and C entered into, amended, extended, or renewed on or after January 1, 2016.

## CHAPTER 519

An Act to amend and reenact § 38.2-4229.2 of the Code of Virginia, relating to health services plans; effects of actions by other states.

[H 2299]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-4229.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-4229.2. Hearings and investigations on effect of other state's law.**

A. If another state enacts a law *or takes any other regulatory action* that requires a health services plan operating in the Commonwealth to provide a program or benefits for the residents of the other state *or to distribute or reduce its surplus on grounds that it is excessive in whole or in part*, the Commission ~~may~~ shall conduct a proceeding to review and evaluate the impact of the law *or action* on the health services plan. The Commission shall direct the Commissioner to conduct an examination of the health service plan in accordance with Article 4 (§ 38.2-1317 et seq.) of Chapter 13 and report its findings to the Commission, including the impact on (i) surplus; (ii) premium rates for residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state; and (iii) solvency.

B. Based on the findings of the Commissioner, the Commission shall determine whether the impact on the health services plan is harmful to the interests of residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state.

C. If the Commission determines the program or benefits for the residents of another state ~~have~~ *or the surplus distribution or reduction has* an impact on the health services plan that is harmful to the interests of residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state, the Commission shall issue an appropriate order to protect such residents of the Commonwealth. The order may include ~~a~~:

1. A prohibition on the health services plan subsidizing the program or benefits for the residents of another state through:

~~1-~~ a. Premiums charged or otherwise allocable to residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state; or

~~2-~~ b. The use of any earned surplus attributable to residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state;

2. A prohibition on the health services plan's distributing or reducing its surplus for the benefit of residents of another state; or

3. Any other action the Commission finds necessary to protect the interests of the residents of the Commonwealth.

The determination of premiums charged or otherwise allocable to residents of the Commonwealth and the determination of surplus attributable to residents of the Commonwealth in each case covered by policies issued or delivered either in the Commonwealth or in any other state shall be based upon the number of residents in the Commonwealth compared with the number of residents in other states covered by the policies of the health services plan.

D. No health services plan shall distribute or reduce its surplus pursuant to a law or regulatory action the impact of which is subject to a proceeding under subsection A except with the approval of the Commission after the examination required by this section.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 520

An Act to amend and reenact § 38.2-4229.2 of the Code of Virginia, relating to health services plans; effects of actions by other states.

[S 1405]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-4229.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-4229.2. Hearings and investigations on effect of other state's law.**

A. If another state enacts a law *or takes any other regulatory action* that requires a health services plan operating in the Commonwealth to provide a program or benefits for the residents of the other state *or to distribute or reduce its surplus on grounds that it is excessive in whole or in part*, the Commission ~~may~~ shall conduct a proceeding to review and evaluate the impact of the law *or action* on the health services plan. The Commission shall direct the Commissioner to conduct an examination of the health service plan in accordance with Article 4 (§ 38.2-1317 et seq.) of Chapter 13 and report its findings to the Commission, including the impact on (i) surplus; (ii) premium rates for residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state; and (iii) solvency.

B. Based on the findings of the Commissioner, the Commission shall determine whether the impact on the health services plan is harmful to the interests of residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state.

C. If the Commission determines the program or benefits for the residents of another state ~~have~~ *or the surplus distribution or reduction has* an impact on the health services plan that is harmful to the interests of residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state, the Commission shall issue an appropriate order to protect such residents of the Commonwealth. The order may include ~~a~~:

1. A prohibition on the health services plan subsidizing the program or benefits for the residents of another state through:

~~+~~ a. Premiums charged or otherwise allocable to residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state; or

~~-~~ b. The use of any earned surplus attributable to residents of the Commonwealth covered by policies issued or delivered either in the Commonwealth or in any other state;

2. A prohibition on the health services plan's distributing or reducing its surplus for the benefit of residents of another state; or

3. Any other action the Commission finds necessary to protect the interests of the residents of the Commonwealth.

The determination of premiums charged or otherwise allocable to residents of the Commonwealth and the determination of surplus attributable to residents of the Commonwealth in each case covered by policies issued or delivered either in the Commonwealth or in any other state shall be based upon the number of residents in the Commonwealth compared with the number of residents in other states covered by the policies of the health services plan.

D. No health services plan shall distribute or reduce its surplus pursuant to a law or regulatory action the impact of which is subject to a proceeding under subsection A except with the approval of the Commission after the examination required by this section.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 521

*An Act to amend and reenact § 63.2-226 of the Code of Virginia, relating to the Department of Social Services; statewide referral system; information on financial literacy courses.*

[S 846]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 63.2-226 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-226. Duties of Department.**

A. The Department shall assume administrative responsibilities for the statewide system. In this capacity, the Department shall establish an office to:

1. Develop a plan for the design and implementation of a statewide human services information and referral program;

2. Coordinate and supervise the implementation and operation of the information and referral program;

3. Coordinate funding for the system;

4. Select regional providers of information and referral services;

5. Supervise coordination of information management among information and referral regions across the Commonwealth;

6. Encourage effective relationships between the system and state and local agencies and public and private organizations;

7. Develop and implement a statewide publicity effort;

8. Provide training, technical assistance, research, and consultation for regional and local information and referral centers, and to localities interested in developing information and referral services;

9. Determine a core level of services to be funded from state government resources;

10. Coordinate standardization of resource data collection, maintenance and dissemination;

11. Stimulate and encourage the availability of statewide information and referral services;

12. Develop and implement a program for monitoring and assessing the performance and success of the information and referral program; and

13. Collect information on child-specific payments made through the Title IV-E foster care program and submit information, when available, to the Office of Comprehensive Services for At-Risk Youth and Families.

*B. The Department, in consultation with the Virginia Employment Commission and Virginia Community College System, shall develop and implement a plan for the provision to citizens receiving any form of public assistance of information regarding courses on financial literacy, offered online or through any other appropriate medium, that are available to such citizens at no cost to them.*

## CHAPTER 522

*An Act to amend the Code of Virginia by adding a section numbered 54.1-2957.001 and by adding in Article 1 of Chapter 30 of Title 54.1 a section numbered 54.1-3011.01, relating to restricted volunteer license for registered and practical nurses and nurse practitioners.*

[S 901]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 54.1-2957.001 and by adding in Article 1 of Chapter 30 of Title 54.1 a section numbered 54.1-3011.01 as follows:**

**§ 54.1-2957.001. Restricted volunteer license for nurse practitioners.**

*A. The Board of Medicine and the Board of Nursing may jointly issue a restricted volunteer license to a nurse practitioner who (i) within the past five years held an unrestricted license as a nurse practitioner in the Commonwealth or another state that was in good standing at the time the license expired or became inactive and (ii) holds an active license or a volunteer restricted license as a registered nurse or a multistate licensure privilege. Nurse practitioners holding a restricted volunteer license issued pursuant to this section shall only practice in public health or community free clinics that provide services to underserved populations.*

*B. An applicant for a restricted volunteer license shall submit an application on a form provided by the Boards of Medicine and Nursing and attest that he will not receive remuneration directly or indirectly for providing nursing services.*

*C. A nurse practitioner holding a restricted volunteer license pursuant to this section may obtain prescriptive authority in accordance with the provisions of § 54.1-2957.01.*

*D. A nurse practitioner holding a restricted volunteer license pursuant to this section shall not be required to complete continuing competency requirements for the first renewal of such license. For subsequent renewals, a nurse practitioner holding a restricted volunteer license shall be required to complete the continuing competency requirements required for renewal of an active license.*

*E. A restricted volunteer license issued pursuant to this section may be renewed biennially in accordance with the renewal schedule established in regulations jointly promulgated by the Boards of Medicine and Nursing.*

*F. The application and biennial renewal fee for restricted volunteer licenses pursuant to this section shall be one-half of the fee for an active license.*

*G. A nurse practitioner holding a restricted volunteer license issued pursuant to this section shall be subject to the provisions of this chapter and all regulations applicable to nurse practitioners practicing in the Commonwealth.*

**§ 54.1-3011.01. Restricted volunteer license for registered or practical nurses.**

*A. The Board may issue a restricted volunteer license to a registered or practical nurse who, within the past five years, held an unrestricted active license as a registered or practical nurse issued by the Board or another state, which was in good standing at the time the license expired or became inactive. Nurses holding a restricted volunteer license issued pursuant to this section shall only practice in public health or community free clinics that provide services to underserved populations.*

*B. An applicant for a restricted volunteer license shall submit an application on a form provided by the Board and attest that he will not receive remuneration directly or indirectly for providing nursing services.*

*C. A person holding a restricted volunteer license pursuant to this section shall not be required to complete continuing competency requirements for the first renewal of such license. For subsequent renewals, a nurse holding a restricted volunteer license shall be required to complete the continuing competency requirements required for renewal of an active license.*

*D. A restricted volunteer license issued pursuant to this section may be renewed biennially in accordance with the renewal schedule established in regulations promulgated by the Board.*

*E. The application and biennial renewal fee for restricted volunteer licenses pursuant to this section shall be one-half of the fee for an active license.*

*F. A nurse holding a restricted volunteer license issued pursuant to this section shall be subject to the provisions of this chapter and all regulations applicable to nurses practicing in the Commonwealth.*

*G. A restricted volunteer license shall only be valid in the Commonwealth and shall not confer any multistate licensure privilege.*

## CHAPTER 523

An Act to amend and reenact §§ 51.5-31 and 51.5-33 of the Code of Virginia, relating to Virginia Board for People with Disabilities; membership; powers and duties.

[S 1111]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 51.5-31 and 51.5-33 of the Code of Virginia are amended and reenacted as follows:****§ 51.5-31. Board created.**

There shall be a Virginia Board for People with Disabilities, responsible to the Secretary of Health and Human Resources. The Board shall be composed of 39 members, to include the head or a person designated by the head of the Department for Aging and Rehabilitative Services, Department for the Deaf and Hard-of-Hearing, Department of Education, Department of Medical Assistance Services, Department of Behavioral Health and Developmental Services, and the Department for the Blind and Vision Impaired; one representative of the protection and advocacy ~~agency~~ *entity*; one representative of the university-affiliated ~~facility~~ *center for excellence in developmental disabilities*; one representative each, to be appointed by the Governor, of a local governmental agency, a manufacturing or a retailing industry, a high-technology industry, a public transit interest, and a nongovernmental agency or group of agencies ~~that provide~~ *concerned with services for persons with developmental disabilities*; a banking executive; one person with disabilities other than developmental disabilities; and 24 persons with developmental disabilities ~~or the~~ *parents or guardians of such persons children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves*. Of the last 24 persons, ~~at least eight~~ *one-third* shall be a combination of (i) ~~parents or guardians of children with developmental disabilities and~~ *immediate relatives or guardians of persons adults with mentally impairing developmental disabilities who cannot advocate for themselves*; and ~~at~~ *one-third* shall be a combination of (a) *persons with developmental disabilities, (b) parents or guardians of children with developmental disabilities, and (c) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves*. At least one person shall be *either (1) an immediate relative or guardian of an institutionalized person who resides in or previously resided in an institution or (2) a person with a developmental disability who previously resided in an institution*. *Such persons shall not be employees of the Virginia Board for People with Disabilities or "managing employees," as defined by the Social Security Act (42 U.S.C. § 1320a-5), of any other entity that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402).*

Each member appointed by the Governor shall be appointed for a four-year term. Members so appointed shall be subject to removal at the pleasure of the Governor. Any vacancy other than by expiration of a term shall be filled for the unexpired term. No person appointed by the Governor shall serve for more than two successive terms.

The Board shall elect its chairman.

**§ 51.5-33. Powers and duties.**

The Board shall have the following powers and duties:

1. To advise the Secretary of Health and Human Resources and Governor on issues and problems of interest to persons with disabilities and on such other matters as either the Secretary or the Governor may request;
2. To submit every three years to the Governor, through the Secretary of Health and Human Resources, an assessment of the needs of persons with disabilities in the Commonwealth, the success in the preceding three years of the state agencies in meeting those needs, programmatic and fiscal recommendations for improving the delivery of services to persons with disabilities, and an assessment of the triennial economic cost and benefit to the Commonwealth of the services and rights afforded persons with disabilities as established in this title;
3. To serve as the State ~~Planning~~ *Council on Developmental Disabilities* for the administration of certain federal public health and welfare laws as provided in 42 U.S.C. § ~~6000~~ *15001*;
4. To perform all duties and exercise all powers designated by federal law for such state ~~planning~~ *councils on developmental disabilities*, including the responsibility for planning activities on behalf of all developmentally disabled persons in the Commonwealth; for receiving, accounting for and disbursing federal funds; for developing and approving the state plan; and for monitoring and evaluating the implementation of such plan for the provision of services and facilities for persons with developmental disabilities;
5. To be responsible for obtaining information and data from within the Commonwealth, and from time to time, but not less than annually, to review and evaluate the state plan and submit such state plan, and revisions thereto, to the Governor and to the U.S. Secretary of Health and Human Services;
6. To ~~appoint~~ *hire* and supervise the Director of the Board and prescribe his duties, *including:*
  7. ~~To hire~~ *a. Hiring* such staff and ~~obtain~~ *obtaining* the service of such professional, technical, and clerical personnel necessary to carry out ~~its~~ *the Board's* powers and duties; and
  8. ~~To accept~~ *b. Accepting* gifts and grants on behalf of the Commonwealth, in furtherance of the purpose of this Board.

## CHAPTER 524

*An Act to amend and reenact § 63.2-1505 of the Code of Virginia, relating to reports of suspected child abuse or neglect; time period for investigation and report; school division employees.*

[S 1117]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1505. Investigations by local departments.**

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;
5. Whether abuse or neglect has occurred;
6. If abuse or neglect has occurred, who abused or neglected the child; and
7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and transmit it forthwith to the Department, except that no such report shall be transmitted in cases in which the cause to suspect abuse or neglect is one of the factors specified in subsection B of § 63.2-1509 and the mother sought substance abuse counseling or treatment prior to the child's birth;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. *In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;*

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect; and

7. If a report of child abuse and neglect is founded, and the subject of the report is a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board also may obtain such a criminal records or registry search on all

adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

## CHAPTER 525

*An Act to amend and reenact §§ 54.1-2930, 54.1-2935, and 54.1-2937 of the Code of Virginia and to repeal § 54.1-2933 of the Code of Virginia, relating to supervised clinical training required by the Board of Medicine for licensure.*

[S 1120]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2930, 54.1-2935, and 54.1-2937 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 54.1-2930. Requirements for licensure.**

The Board may issue a license to practice medicine, osteopathy, chiropractic, and podiatric medicine to any candidate who has submitted satisfactory evidence verified by affidavits that he:

1. Is 18 years of age or more;
2. Is of good moral character;
3. Has successfully completed all or such part as may be prescribed by the Board, of an educational course of study of that branch of the healing arts in which he desires a license to practice, which course of study and the educational institution providing that course of study are acceptable to the Board; and
4. Has completed ~~one year~~ *at least 12 months* of satisfactory postgraduate training in ~~a hospital~~ *one program or institution* approved by an accrediting agency recognized by the Board for internships or residency training. At the discretion of the Board, the postgraduate training may be waived if an applicant for licensure in podiatry has been in active practice for four continuous years while serving in the military and is a diplomate of the American Board of Podiatric Surgery. Applicants for licensure in chiropractic need not fulfill this requirement.

In determining whether such course of study and institution are acceptable to it, the Board may consider the reputation of the institution and whether it is approved or accredited by regional or national educational or professional associations including, but not limited to, such organizations as the Accreditation Council for Graduate Medical Education, Liaison Committee on Medical Education, Council on Postgraduate Training of the American Osteopathic Association, Council on Osteopathic College Accreditation, College of Family Physicians of Canada, Committee for the Accreditation of Canadian Medical Schools, Education Commission on Foreign Medical Graduates, Royal College of Physicians and Surgeons of Canada, or their appropriate subsidiary agencies; by any appropriate agency of the United States government; or by any other organization approved by the Board. Supervised clinical training that is received in the United States as part of the curriculum of an international medical school shall be obtained in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the relevant clinical training *or in a program acceptable to the Board and deemed a substantially equivalent experience*. The Board may also consider any other factors that reflect whether that institution and its course of instruction provide training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

#### **§ 54.1-2935. Supplemental training or study required of certain graduates.**

In the event that an applicant has completed an educational course of study in an institution that is not approved by an accrediting agency recognized by the Board, the applicant shall not be licensed until he has completed two years of satisfactory postgraduate training ~~in a hospital~~. *The two years shall include at least 12 months in one program or institution* approved by an accrediting agency recognized by the Board for internship or residency training *or in a clinical fellowship, acceptable to the Board, in the same or a related field*. The Board may consider other postgraduate training as a substitute for the required postgraduate training if it finds that such training is substantially equivalent to that required by this section.

#### **§ 54.1-2937. Temporary licenses to interns and residents in hospitals and other organizations.**

Upon recommendation by the chief of an approved internship or residency program as defined in this chapter, the Board may issue a temporary annual license to practice medicine, osteopathic medicine, *or podiatry* ~~or chiropractic~~ to interns and residents in such programs. No such license shall be issued to an intern or resident who has not completed

successfully the preliminary academic education required for admission to examinations given by the Board in his particular field of practice. Such license shall expire upon the holder's withdrawal or termination from the internship or residency program. The Board may prescribe such regulations not in conflict with existing law and require such reports from hospitals or other organizations operating an approved graduate medical education program in the Commonwealth as may be necessary to carry out the provisions of this section.

**2. That § 54.1-2933 of the Code of Virginia is repealed.**

### CHAPTER 526

*An Act to amend and reenact § 2.2-5201 of the Code of Virginia, relating to the state and local advisory team; membership.* [S 1151]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-5201 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-5201. State and local advisory team; appointment; membership.**

The state and local advisory team is established to better serve the needs of troubled and at-risk youths and their families by advising the Council by managing cooperative efforts at the state level and providing support to community efforts. The team shall be appointed by and be responsible to the Council. The team shall include one representative from each of the following state agencies: the Department of Health, Department of Juvenile Justice, Department of Social Services, Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, and the Department of Education. The team shall also include a parent representative who is not an employee of any public or private program which serves children and families *and who has a child who has received services that are within the purview of the Comprehensive Services Act*; a representative of a private organization or association of providers for children's or family services; a local Comprehensive Services Act coordinator or program manager; a juvenile and domestic relations district court judge; and one member from each of five different geographical areas of the Commonwealth ~~and~~ who ~~serves on and~~ is representative of *one of* the different participants of community policy and management teams pursuant to § 2.2-5205. The nonstate agency members shall serve staggered terms of not more than three years, such terms to be determined by the Council.

The team shall annually elect a chairman from among the local government representatives who shall be responsible for convening the team. The team shall develop and adopt bylaws to govern its operations that shall be subject to approval by the Council. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

### CHAPTER 527

*An Act relating to the Virginia Retirement System; revocation of participation by the Town of Damascus.*

[S 1173]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That notwithstanding the provisions of § 51.1-139 of the Code of Virginia and based on its not having made contributions to the Virginia Retirement System for a period of 25 consecutive years, the Town of Damascus may revoke, in writing, its agreement to contribute to the Virginia Retirement System on behalf of any eligible employees for creditable service rendered on or after the date of the revocation.**

### CHAPTER 528

*An Act to amend and reenact §§ 35.1-14 and 35.1-15 of the Code of Virginia, relating to restaurant employees; training in food safety and food allergy awareness and safety.*

[S 1260]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 35.1-14 and 35.1-15 of the Code of Virginia are amended and reenacted as follows:**

**§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.**

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and

preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; ~~and~~ (x) the appropriate use of precautions to prevent the transmission of communicable diseases; *and (xi) training standards that address food safety and food allergy awareness and safety.*

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish requirements for any license, permit or inspection unless such license, permit or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by entities exempt from the provisions of this title pursuant to § 35.1-25 or 35.1-26.

E. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § 3.2-5121 and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have the same effective date. In the event that the Board of Agriculture and Consumer Services adopts regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection C shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time and place of the hearing.

#### **§ 35.1-15. Training materials.**

The Commissioner shall cause to be written materials designed to provide information on training for the prevention of disease transmission, symptoms of communicable disease, personal hygiene practices, hazards in food preparation, *food safety and food allergy awareness and safety*, and any other matter deemed appropriate by the Commissioner for the training of restaurant personnel. The Commissioner may, if he desires, provide personnel for the training of employees of restaurants in the handling of food.

## **CHAPTER 529**

*An Act to amend and reenact §§ 63.2-1232 and 63.2-1237 of the Code of Virginia, relating to adoption; child in custody of prospective adoptive parent(s) for five years or more.*

[S 1268]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 63.2-1232 and 63.2-1237 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 63.2-1232. Requirements of a parental placement adoption; exception.**

A. The juvenile and domestic relations district court shall not accept consent until it determines that:

1. The birth parent(s) are aware of alternatives to adoption, adoption procedures, and opportunities for placement with other adoptive families, and that the birth parents' consent is informed and uncoerced.

2. A licensed or duly authorized child-placing agency has counseled the prospective adoptive parents with regard to alternatives to adoption, adoption procedures, including the need to address the parental rights of birth parents, the procedures for terminating such rights, and opportunities for adoption of other children; that the prospective adoptive parents' decision is informed and uncoerced; and that they intend to file an adoption petition and proceed toward a final order of adoption.

3. The birth parent(s) and adoptive parents have exchanged identifying information including but not limited to full names, addresses, physical, mental, social and psychological information and any other information necessary to promote the welfare of the child, unless both parties agree in writing to waive the disclosure of full names and addresses.

4. Any financial agreement or exchange of property among the parties and any fees charged or paid for services related to the placement or adoption of the child have been disclosed to the court and that all parties understand that no binding contract regarding placement or adoption of the child exists.

5. There has been no violation of the provisions of § 63.2-1218 in connection with the placement; however, if it appears there has been such violation, the court shall not reject consent of the birth parent to the adoption for that reason alone but shall report the alleged violation as required by § 63.2-1219.

6. A licensed or duly authorized child-placing agency has conducted a home study of the prospective adoptive home in accordance with regulations established by the Board and has provided to the court a report of such home study, which shall contain the agency's recommendation regarding the suitability of the placement. A married couple or an unmarried individual shall be eligible to receive placement of a child for adoption.

7. The birth parent(s) have been informed of their opportunity to be represented by legal counsel.

B. The juvenile and domestic relations district court shall not accept the consent if the requirements of subsection A have not been met. In such cases, it shall refer the birth parent to a licensed or duly authorized child-placing agency for investigation and recommendation in accordance with §§ 63.2-1208 and 63.2-1238. If the juvenile and domestic relations district court determines that any of the parties is financially unable to obtain the required services, it shall refer the matter to the local director.

C. In cases in which a birth parent who resides in the Commonwealth places his child for adoption with adoptive parents in another state and the laws of that receiving state govern the proceeding for adoption, the birth parent may elect to waive the execution of consent pursuant to § 63.2-1233 and instead execute consent to the adoption pursuant to the laws of the receiving state. Any waiver of consent made pursuant to this subsection shall be made under oath and in writing, and shall expressly state that the birth parent has received independent legal counsel from an attorney licensed in the Commonwealth of Virginia advising him of the laws of the Commonwealth, the laws of the receiving state pursuant to which he elects to consent to the adoption, and the effects of his waiver of consent pursuant to § 63.2-1233 and election to consent pursuant to the laws of the receiving state. Any waiver of consent and election to consent pursuant to the laws of a receiving state shall include the name, address, and telephone number of such legal counsel. Failure to comply with this section shall render a waiver of consent pursuant to § 63.2-1233 and election to consent pursuant to the laws of the receiving state as authorized by this subsection invalid.

*D. When consent to a parental placement adoption is sought pursuant to this article and the prospective adoptive parent(s) have had continuous physical and legal custody of the child for five or more years, the juvenile and domestic relations district court may, in its discretion, accept consent without (i) a home study as required by subsection A of § 63.2-1231 and subdivision A 6 of this section and (ii) the meeting and counseling requirements, as they relate to the prospective adoptive parent(s), listed in subsection A of § 63.2-1231 and subdivision A 2 of this section. All other provisions of the parental placement adoption statutes shall apply.*

**§ 63.2-1237. Petition for parental placement adoption; jurisdiction; contents.**

Proceedings for the parental placement adoption of a minor child and for a change of name of such child shall be instituted only by petition to the circuit court in the county or city in which the petitioner resides or in the county or city where a birth parent has executed a consent pursuant to § 63.2-1233. Such petition may be filed by any natural person who resides in the Commonwealth or is the adopting parent(s) of a child who was subject to a consent proceeding held pursuant to § 63.2-1233. The petition shall ask leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, the petition shall be the joint petition of the husband and wife but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating his or her consent to the prayer thereof only. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition for adoption shall be signed by the petitioner as well as by counsel of record, if any. In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath.

The petition shall state that the findings required by § 63.2-1232 have been made and shall be accompanied by appropriate documentation supporting such statement, to include copies of documents executing consent and transferring custody of the child to the prospective adoptive parents, and a copy of the report required by § 63.2-1231. The court shall not waive any of the requirements of this paragraph nor any of the requirements of § 63.2-1232 except as allowed pursuant to *subsection D of § 63.2-1232 or subdivision 4 of § 63.2-1233.*

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents; and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

**CHAPTER 530**

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 35 of Title 54.1 a section numbered 54.1-3506.1, relating to counselors; client notification.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 35 of Title 54.1 a section numbered 54.1-3506.1 as follows:

**§ 54.1-3506.1. Client notification.**

*Any person licensed by the Board and operating in a nonhospital setting shall post a copy of his license in a conspicuous place. The posting shall also provide clients with (i) the number of the toll-free complaint line at the Department of Health Professions, (ii) the website address of the Department for the purposes of accessing the licensee's record, and (iii) notice of the client's right to report to the Department if he believes the licensee may have engaged in unethical, fraudulent, or unprofessional conduct.*

## CHAPTER 531

*An Act to amend and reenact §§ 63.2-900, 63.2-1250, 63.2-1251, and 63.2-1252 of the Code of Virginia, relating to placement of children entering foster care; Putative Father Registry.*

[S 1423]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-900, 63.2-1250, 63.2-1251, and 63.2-1252 of the Code of Virginia are amended and reenacted as follows:

**§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.**

A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable family homes, children's residential facilities or independent living arrangements, subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians where legal custody remains with the parent, parents, or guardians.

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a child cannot be returned to his prior family or placed for adoption and kinship care is not currently in the best interests of the child, the local board shall consider the placement and services that afford the best alternative for protecting the child's welfare. Placements may include but are not limited to family foster care, treatment foster care and residential care. Services may include but are not limited to assessment and stabilization, diligent family search, intensive in-home, intensive wraparound, respite, mentoring, family mentoring, adoption support, supported adoption, crisis stabilization or other community-based services. The Board shall also approve in foster care policy the language of the agreement required in § 63.2-902. The agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement.

*Within 30 days of accepting for foster care placement a person under 18 years of age whose father is unknown, the local board shall request a search of the Putative Father Registry established pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has registered as the putative father of the child. If the search results indicate that a man has registered as the putative father of the child, the local board shall contact the man to begin the process to determine paternity.*

The local board shall, in accordance with the regulations adopted by the Board and in accordance with the entrustment agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has been adopted or has attained his majority.

Whenever a local board places a child where legal custody remains with the parent, parents or guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement shall specify the responsibilities of each for the care and control of the child.

The local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the termination of all parental rights and responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the child.

The local board shall also have the right to accept temporary custody of any person under 18 years of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of adoption unless the placement agreement between the foster parents and the local board specifically so stipulates.

B. Prior to the approval of any family for placement of a child, a home study shall be completed and the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help

and support for caretakers is available on a website maintained by the Department as prescribed in regulations adopted by the Board.

C. Prior to placing any such child in any foster home or children's residential facility, the local board shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the facility, the written agreement does not need to be entered into prior to placement, but shall be completed and signed by the local board and the facility representative within 24 hours of the child's arrival or by the end of the next business day after the child's arrival.

D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee of such placement, and (ii) inform the principal of the status of the parental rights.

If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster child within 30 days after the child's enrollment.

**§ 63.2-1250. Registration; notice; form.**

A. Except as otherwise provided in subsection C, a man who desires to be notified of a *placement of a child by a local board pursuant to § 63.2-900, a proceeding for adoption of, or a proceeding for termination of parental rights regarding, a child that he may have fathered* shall register with the Putative Father Registry before the birth of the child or within 10 days after the birth. A registrant shall promptly notify the registry of any change in the information registered including but not limited to change of address. The Department shall incorporate all new information received into its records but is not required to obtain current information for incorporation in the registry.

B. A man will not prejudice any rights by failing to register if:

1. A father-child relationship between the man and the child has been established pursuant to § 20-49.1, 20-49.8, or if the man is a presumed father as defined in § 63.2-1202; or

2. The man commences a proceeding to adjudicate his paternity before a petition to accept consent or waive adoption consent is filed in the juvenile and domestic relations district court, or a petition for adoption or a petition for the termination of his parental rights is filed with the court.

C. Failure to register pursuant to subsection A shall waive all rights of a man who is not an acknowledged, presumed, or adjudicated father to withhold consent to an adoption proceeding unless the man was led to believe through the birth mother's fraud that (i) the pregnancy was terminated or the mother miscarried when in fact the baby was born or (ii) that the child died when in fact the child is alive. Upon the discovery of the fraud, the man shall register with the Putative Father Registry within 10 days.

D. The child-placing agency or adoptive parent(s) shall give notice of a *placement of a child by a local board pursuant to § 63.2-900, a proceeding for the adoption of, or a proceeding for termination of parental rights regarding, a child to a registrant who has timely registered pursuant to subsection A.* Notice shall be given pursuant to the requirements of this chapter or § 16.1-277.01 for the appropriate adoption proceeding.

E. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register. In the event that the identity and whereabouts of the birth father are reasonably ascertainable, written notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be provided by personal service or by certified mailing to the man's last known address. The man shall have no more than 10 days from the date of such personal service or certified mailing to register. The personal service or certified mailing may be done either prior to or after the birth of the child.

F. The Department shall prepare a form for registering with the agency that shall require (i) the registrant's name, date of birth and social security number; (ii) the registrant's driver's license number and state of issuance; (iii) the registrant's home address, telephone number and employer; (iv) the name, date of birth, ethnicity, address and telephone number of the putative mother, if known; (v) the state of conception; (vi) the place and date of birth of the child, if known; (vii) the name and gender of the child, if known; and (viii) the signature of the registrant. No form for registering with the Putative Father Registry pursuant to this subsection shall be complete unless signed by the registrant.

G. The form shall also state that (i) timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights, (ii) registration does not commence a proceeding to establish paternity, (iii) the information disclosed on the form may be used against the registrant to establish paternity, (iv) services to assist in establishing paternity are available to the registrant through the Department, (v) the registrant should also register in another state if conception or birth of the child occurred in another state, (vi) information on registries of other states may be available from the Department, (vii) the form is signed under penalty of perjury, and (viii) procedures exist to rescind the registration of a claim of paternity.

**§ 63.2-1251. Furnishing information; confidentiality; penalty.**

A. The Department is not required to locate the mother of a child who is the subject of a registration, but the Department shall send a copy of the notice of registration to the mother if an address is provided.

B. Information contained in the registry is confidential and may only be released on request to:

1. A court or a person designated by the court;
2. The mother of the child who is the subject of the registration;
3. An agency authorized by law to receive such information;
4. A licensed child-placing agency;
5. A support enforcement agency;
6. The child's guardian ad litem;
7. A party or the party's attorney of record in an adoption proceeding, custody proceeding, paternity proceeding, or in a proceeding of termination of parental rights, regarding a child who is the subject of the registration; ~~and~~
8. A putative father registry in another state; *and*
9. *A local department of social services for the purpose of establishing paternity of a child accepted for placement by a local board pursuant to § 63.2-900.*

C. Information contained in the registry shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. An individual who intentionally releases information from the registry to an individual or agency not authorized to receive the information in this section is guilty of a Class 4 misdemeanor.

**§ 63.2-1252. Search of registry.**

A. If no father-child relationship has been established pursuant to § 20-49.1, a petitioner for adoption shall obtain from the Department a certificate that a search of the Putative Father Registry was performed. If the conception or birth of the child occurred in another state, a petitioner for adoption shall obtain a certificate from that state indicating that a search of the putative father registry was performed, if that state has a putative father registry.

B. The Department shall furnish to the requester a certificate of search of the registry upon the request of an individual, court, or agency listed in ~~§ 63.2-1253~~ *63.2-1251*. Any such certificate shall be signed on behalf of the Department and state that a search has been made of the registry and a registration containing the information required to identify the registrant has been found and is attached to the certificate of search or has not been found. Within four business days from the receipt of the request, the Department shall mail the certificate to the requestor by United States mail. Upon request of the requestor and payment of any additional costs, the Department shall have the certificate delivered to the requestor by overnight mail, in person, by messenger, by facsimile or other electronic communication. The Department's certificate or an appropriate certificate from another state shall be sufficient proof the registry was searched.

C. A petitioner shall file the certificate of search with the court before a proceeding for adoption of, or termination of parental rights regarding, a child may be concluded.

D. A certificate of search of the Putative Father Registry is admissible in a proceeding for adoption of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.

## CHAPTER 532

*An Act to amend and reenact § 32.1-122.6 of the Code of Virginia, relating to medical school scholarships.*

[S 717]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-122.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-122.6. Conditional grants for certain medical students.**

A. With such funds as are appropriated for this purpose, the Board of Health shall establish annual medical scholarships for students who intend to enter the designated specialties of family practice medicine, general internal medicine, pediatrics, and obstetrics/gynecology ~~for students and who are~~ in good standing at ~~the Medical College of Virginia of Virginia Commonwealth University, the University of Virginia School of Medicine, and the Eastern Virginia Medical School~~ *a medical school in the United States that has received accreditation or provisional accreditation from the Liaison Committee on Medical Education or the Bureau of Professional Education of the American Osteopathic Association*. No recipient shall be awarded more than five scholarships. The amount and number of such scholarships ~~and the apportionment of the scholarships among the medical schools~~ shall be determined annually as provided in the appropriation act; ~~however, the Board shall reallocate annually any remaining funds from awards made pursuant to this section and § 32.1-122.5:1 among the schools participating in these scholarship programs, proportionally to their need, for additional medical scholarships for eligible students.~~ The Commissioner shall act as fiscal agent for the Board in administration of the scholarship funds.

~~The governing boards of Virginia Commonwealth University, the University of Virginia, and the Eastern Virginia Medical School shall submit to the Commissioner the names of those eligible applicants who are most qualified as determined by the regulations of the Board for these medical scholarships. The Commissioner shall award the scholarships to the applicants whose names are submitted by the governing boards.~~

B. The Board, after consultation with the Medical College of Virginia of Virginia Commonwealth University, the University of Virginia School of Medicine, and the Eastern Virginia Medical School, shall promulgate regulations to administer this scholarship program which that shall include, but not be limited to:

1. Qualifications of applicants;
2. Criteria for award of the scholarships to assure that recipients will fulfill the practice obligations established in this section;
3. Standards to assure that these scholarships increase access to primary health care for individuals who are indigent or who are recipients of public assistance;
4. Assurances that bona fide residents of Virginia, as determined by § 23-7.4, students of economically disadvantaged backgrounds and residents of medically underserved areas are given preference over nonresidents in determining scholarship eligibility and awards;
5. Assurances that scholarship recipients will begin medical practice in one of the designated specialties in an underserved area of the Commonwealth within two years following completion of their residencies;
6. Methods for reimbursement of the Commonwealth by recipients who fail to complete medical school or who fail to honor the obligation to engage in medical practice for a period of years equal to the number of annual scholarships received;
7. Procedures for reimbursing any recipient who has repaid the Commonwealth for part or all of any scholarship and who later fulfills the terms of his contract; and
8. Procedures for transferring unused funds upon the recommendation of the Commissioner and the approval of the Department of Planning and Budget in the event any of the medical schools has not recommended the award of its full complement of scholarships by January of each year and one or both of the other medical schools has a demonstrated need for additional scholarships for that year; and
9. Reporting of data related to the recipients of the scholarships by the medical schools.

C. Prior to the award of any scholarship, the applicant shall sign a contract in which he agrees to pursue the medical course of the school nominating him for the award until his graduation or to pursue his first year of postgraduate training at the hospital or institution approved by the school nominating him for the award and upon completing a term not to exceed three years, or four years for the obstetric/gynecology specialty, as an intern or resident at an approved institution or facility intends to promptly begin and thereafter engage continuously in one of the designated specialties of medical practice in an underserved area in Virginia for a period of years equal to the number of annual scholarships received. The contract shall specify that no form of medical practice such as military service or public health service may be substituted for the obligation to practice in one of the designated specialties in an underserved area in the Commonwealth.

The contract shall provide that the applicant will not voluntarily obligate himself for more than the minimum period of military service required for physicians by the laws of the United States and that, upon completion of this minimum period of obligatory military service, the applicant will promptly begin to practice in an underserved area in one of the designated specialties for the requisite number of years. The contract shall include other provisions as considered necessary by the Attorney General and the Commissioner.

The contract may be terminated by the recipient while the recipient is enrolled in medical school upon providing notice and immediate repayment of the total amount of scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt.

D. In the event the recipient fails to maintain a satisfactory scholastic standing, the recipient may, upon certification of the Commissioner, be relieved of the obligations under the contract to engage in medical practice in an underserved area upon repayment to the Commonwealth of the total amount of scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt.

E. In the event the recipient dies or becomes permanently disabled so as not to be able to engage in the practice of medicine, the recipient or his estate may, upon certification of the Commissioner, be relieved of the obligation under the contract to engage in medical practice in an underserved area upon repayment to the Commonwealth of the total amount of scholarship funds plus interest on such amount computed at eight percent per annum from the date of receipt of scholarship funds. This obligation may be waived in whole or in part by the Commissioner in his discretion upon application by the recipient or his estate to the Commissioner with proof of hardship or inability to pay.

F. Except as provided in subsections D and E, any recipient of a scholarship who fails or refuses to fulfill his obligation to practice medicine in one of the designated specialties in an underserved area for a period of years equal to the number of annual scholarships received shall reimburse the Commonwealth three times the total amount of the scholarship funds received plus interest at the prevailing bank rate for similar amounts of unsecured debt. If the recipient has fulfilled part of his contractual obligations by serving in an underserved area in one of the designated specialties, the total amount of the scholarship funds received shall be reduced by the amount of the annual scholarship multiplied by the number of years served.

G. The Commissioner shall collect all repayments required by this section and may establish a schedule of payments for reimbursement consistent with the regulations of the Board. No schedule of payments shall amortize the total amount due for a period of longer than two years following the completion of the recipient's postgraduate training or the recipient's entrance into the full-time practice of medicine, whichever is later. All such funds, including any interest thereon, shall be used only for the purposes of this section and shall not revert to the general fund. If any recipient fails to make any payment when and as due, the Commissioner shall notify the Attorney General. The Attorney General shall take such action as he

deems proper. In the event court action is required to collect a delinquent scholarship account, the recipient shall be responsible for the court costs and reasonable ~~attorneys'~~ attorney fees incurred by the Commonwealth in such collection.

H. For purposes of this section, the term "underserved area" ~~shall include~~ includes those medically underserved areas designated by the Board pursuant to § 32.1-122.5 and health professional shortage areas designated in accordance with the criteria established in 42 C.F.R. Part 5.

### CHAPTER 533

*An Act to amend and reenact §§ 2.2-2525 and 2.2-2529 of the Code of Virginia, relating to the Community Integration Advisory Commission; membership.*

[S 894]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2525 and 2.2-2529 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2525. (Expires July 1, 2019) Membership; terms; quorum; meetings.**

The Commission shall have a total membership of 21 nonlegislative citizen members to be appointed as follows: four nonlegislative citizen members, of whom two shall be persons with disabilities, one shall be the relative of a citizen of the Commonwealth with a disability, and one shall be a provider of services to citizens of the Commonwealth with disabilities or an advocate for persons with disabilities or for services to such persons to be appointed by the Senate Committee on Rules; six nonlegislative citizen members, of whom three shall be persons with disabilities, one shall be the relative of a citizen of the Commonwealth with a disability, and two shall be providers of services to citizens of the Commonwealth with disabilities or an advocate for persons with disabilities or for services to such persons to be appointed by the Speaker of the House of Delegates; and 11 nonlegislative citizen members, of whom three shall be persons with disabilities, one shall be an individual *who is receiving or has received* services in a state hospital operated by the Department of Behavioral Health and Developmental Services, one shall be an individual *who is receiving or has received* services in a state ~~training center~~ *or private intermediate care facility for individuals with intellectual disability*, one shall be a *current or former* resident of a nursing facility, two shall be the relatives of citizens of the Commonwealth with disabilities, and three shall be providers of services to citizens of the Commonwealth with disabilities or an advocate for persons with disabilities or for services to such persons to be appointed by the Governor. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Nonlegislative citizen members shall serve a term of four years; however, no nonlegislative citizen member shall serve more than two consecutive four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The Commission shall meet not less than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

**§ 2.2-2529. (Expires July 1, 2019) Sunset.**

This article shall expire on July 1, ~~2016~~ 2019.

### CHAPTER 534

*An Act to amend and reenact §§ 54.1-2800, 54.1-2802, 54.1-2806, 54.1-2815, and 54.1-2819 of the Code of Virginia, relating to the Board of Funeral Directors and Embalmers.*

[S 895]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2800, 54.1-2802, 54.1-2806, 54.1-2815, and 54.1-2819 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2800. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the ~~preservation and disinfection of the human dead by external or internal application of chemicals~~ process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch, or chapel ~~which~~ *that* is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child over 18 years of age, custodial parent, noncustodial parent, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

**§ 54.1-2802. Board; appointment; terms; vacancies; meetings; quorum.**

The Board of Funeral Directors and Embalmers shall consist of nine members as follows: seven funeral service licensees of the Board with at least five consecutive years of funeral service practice in ~~this~~ *the* Commonwealth immediately prior to appointment and two *nonlegislative* citizen members. The terms of office shall be for four years from July 1. Appointments shall be made annually on or before June 30 as the terms of the members respectively expire. Appointments to the Board should generally represent the geographical areas of the Commonwealth. The Board shall annually elect a president, a vice-president, and a secretary-treasurer.

The Board shall hold at least two meetings each year. In addition, the Board may meet as often as its duties require. Five members shall constitute a quorum. ~~No less than quarterly, the Board shall offer examinations for licensure. Such examinations for licensure are not required to be held in conjunction with meetings of the Board.~~

**§ 54.1-2806. Refusal, suspension, or revocation of license.**

The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct ~~which~~ *that* is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;

11. Using profane, indecent, or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;
13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of *Chapter 1* (§ 54.1-100 et seq.), *Chapter 24* (§ 54.1-2400 et seq.), this chapter, or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral service interns as required by regulations of the Board;
23. Violating any statute or regulation of the Board regarding the confidentiality of information pertaining to the deceased or the family of the deceased or permitting access to the body in a manner that is contrary to the lawful instructions of the next-of-kin of the deceased;
24. Failure to include, as part of the general price list for funeral services, a disclosure statement notifying the next of kin that certain funeral services may be provided off-premises by other funeral service providers;
25. Disciplinary action against a license, certificate, or registration issued by another state, the District of Columbia, or territory or possession of the United States; ~~and~~
26. Failure to ensure that a dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed if it is to be stored for more than 48 hours prior to disposition. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order; *and*
27. *Mental or physical incapacity to practice his profession with safety to the public.*

**§ 54.1-2815. Application for license; how license signed; duration.**

All applications for examination for a license for the practice of funeral service shall be upon forms furnished by the Board.

~~All licenses shall be signed by the president and secretary of the Board and stamped with the seal of the Board.~~

All licenses shall be issued or renewed for a period prescribed by the Board, not exceeding two years.

**§ 54.1-2819. Registration of surface transportation and removal services.**

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in ~~this~~ *the* Commonwealth.

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

The Board of Funeral Directors and Embalmers shall promulgate regulations for such registration including proper procedures in the handling of all dead human bodies being transported, application process for registration, and establishment of registration fees. These regulations shall not require the use of a casket for transportation. No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.

All registrations as a surface transportation and removal service shall be renewed annually and no person; *or* private business ~~or funeral service establishment~~ shall engage in the business as a surface transportation and removal service without holding a valid registration.

Any surface transportation or removal service ~~which~~ *that* is not registered or persons who knowingly engage in transportation or removal services without registration shall be subject to the disciplinary actions provided in this chapter.

This section shall not be construed to prohibit private individuals from transporting or removing the remains of deceased family members and relatives either by preference or in observation of religious beliefs and customs.

## CHAPTER 535

*An Act to amend and reenact § 16.1-339 of the Code of Virginia, relating to psychiatric treatment of minors; duration of admission.*

[S 779]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 16.1-339 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.**

A. A minor 14 years of age or older who (i) objects to admission, or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to ~~96~~ 120 hours, pending the review required by subsections B and C of this section, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission.

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of inpatient treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. Inpatient treatment is the least restrictive alternative that meets the minor's needs. The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than ~~96~~ 120 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.

2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to ~~96~~ 120 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant

to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed.

F. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

### CHAPTER 536

*An Act to amend and reenact § 51.1-142.2 of the Code of Virginia, relating to the Virginia Retirement System; purchase of prior service credit.*

[S 942]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.1-142.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.**

Certain members may purchase credit for service as provided in this section.

A. Except as provided in subdivisions 1 and 2, in order to receive credit for the service made available in subsection B, a member in service shall be required to make a payment for each year, or portion thereof, to be credited at the time of purchase, equal to five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing the service made available in subsection B through a pre-tax or post-tax deduction, in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation.

1. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, shall pay an amount equal to a rate approximating the normal cost for the retirement program under which the member is covered, with such rate for each retirement program to be determined by the Board, and reviewed by the Board no less than every six years. However, if the member does not purchase, or enter into a purchase of service contract for the service made available in subsection B within one year from his first date of hire or within one year of the final day of any leave of absence under subdivision B 2, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

2. If a member other than a member described in subdivision 1 does not purchase, or enter into a purchase of service contract for, the service made available in subsection B within three years from his first date of hire or within three years of the final day of any leave of absence under subdivision B 2, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay an amount equal to the actuarial equivalent cost.

3. When a member requests credit for a portion of the period, the most recent portion shall be credited. Payment may be made in a lump sum at the time of purchase or by an additional payroll deduction. Any number of additional deductions may be permitted at any time. Should any additional deduction be terminated prior to purchasing the entire period that might otherwise be credited, the member shall be credited with the number of additional full or partial months of service for which full payment is made. If any additional deduction is continued beyond the point at which the entire period has been purchased, the member shall be credited with no more than the entire period that might otherwise have been credited and the excess amount deducted shall be refunded to the member.

Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purpose of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered to be salary for purposes of this chapter.

B. 1. Any member in service may purchase prior service credit for (i) active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable; (ii) creditable service of another state or of a political subdivision or public school system of this or another state, as certified by such state, political subdivision or public school system; (iii) creditable service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (iv) civilian service of the United States; (v) creditable service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (vi) any period of time when the member was employed by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

2. Any member (i) granted a leave of absence for educational purposes may purchase service credit for such leave of absence; or (ii) granted any unpaid leave of absence due to the birth or adoption, or death of a qualifying child, as defined in § 51.1-500, may purchase up to one year of service credit per occurrence of leave.

C. Any member in service may purchase service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, unless the member in service is purchasing such service through a pre-tax or post-tax deduction, in which case the cost to purchase each year, or portion thereof, of such service shall be five percent of his creditable compensation, provided, however, that the applicable cost for a person enrolled in the hybrid retirement program described in § 51.1-169 shall be four percent. If the member purchases or enters into a contract to purchase such service within three years of the date he became eligible to purchase the service, then the service may be purchased in a lump sum at the time of purchase or through an additional payroll deduction. Any purchase of such service made at a time later than such period shall be made in a lump sum at the time of purchase.

D. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

E. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service credit for service that is not reported to the retirement system by the member's employer while the member is receiving such benefits. Notwithstanding any other provision in this section, the cost to purchase such service shall be five percent of the member's creditable compensation.

F. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and cost prescribed by the Board; and
2. All other years of service the employer shall purchase at an actuarial equivalent cost.

G. The service credit to be credited to a member under this section shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for part-time service purchased under clause (vi) of subdivision B 1 which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer and as purchased by the member. Up to a maximum of four years of service credit may be purchased for each of clauses (i) through (vi) of subdivision B 1 and clauses (i) and (ii) of subdivision B 2. In addition, a member in service may purchase service credit for every year or portion thereof for service lost from cessation of membership as described in subsection C.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, the service credit made available under this section may not be purchased if, before being purchased or at the time of such purchase pursuant to this section, the service to be purchased is service that is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

## CHAPTER 537

*An Act to amend and reenact § 32.1-314 of the Code of Virginia, relating to trial for false statement or representation on application for Medicaid payment; venue.*

[S 1086]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-314 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-314. False statement or representation in applications for payment or for use in determining rights to payment; concealment of facts; penalty.**

A. Any person who engages in the following activities shall be guilty of a felony punishable by a term of imprisonment of not less than one nor more than 20 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and, in addition to such imprisonment or confinement, may be fined an amount not to exceed \$25,000:

1. Knowingly and willfully making or causing to be made any false statement or representation of a material fact in any application for any payment under medical assistance;

2. At any time knowingly and willfully making or causing to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly and willfully falsifying, concealing or covering up by any trick, scheme or device a material fact, causing a material fact to be falsified, concealed, or covered up in such a manner in connection with such application or payment; or

3. When having knowledge of the occurrence of any event affecting (i) the initial or continued right to any payment or (ii) the initial or continued right to any such payment of any other individual in whose behalf he has applied for or is receiving such payments, willfully concealing or failing to disclose such event, causing such concealment or failure to disclose such an event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized.

B. Upon conviction for any violation of subsection A, the court shall order restitution to be made to the Department of Medical Assistance Services for any loss caused by the violation.

C. The Director of the Department of Medical Assistance Services may terminate or deny a contract to a provider for any violation of this section pursuant to § 32.1-325.

*D. Venue for the trial of any person charged with an offense under this section shall be the county or city in which (i) any act was performed in furtherance of the offense or (ii) the person charged with the offense resided at the time of the offense.*

### CHAPTER 538

*An Act to amend and reenact §§ 51.1-169 and 51.1-610 of the Code of Virginia, relating to hybrid retirement program; school division deferred compensation and cash match plans.*

[S 1162]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-169 and 51.1-610 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

*B. Except as otherwise provided in subsection G:*

1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation, *which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.* In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The

matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

*C. Except as otherwise provided in subsection G:*

1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation, *which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.*

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

*5. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subdivision C 2 shall be provided by the Board on an annual basis to an employee who does not make the election provided in subdivision G 1.*

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee

participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program, *except as provided in subsection G*. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

*G.1. Any political subdivision of the Commonwealth that has established a plan pursuant to § 403(b) of the Internal Revenue Code of 1986, as amended (a "403(b) plan"), may, at its option, elect to allow its employees the option to direct that voluntary contributions to the defined contribution component of the program under subdivision C 2 be made to such 403(b) plan and the corresponding employer matching contributions under subdivision B 2 be made to such 403(b) plan or the appropriate local cash match plan established under § 51.1-610. All such voluntary contributions by an employee to such 403(b) plan shall be made on a pretax basis. Any such political subdivision of the Commonwealth that so directs shall develop policies and procedures for administering such contributions, subject to and in accordance with applicable federal law and regulations. The policies and procedures shall provide for the administration of vesting provisions as provided in subdivision B 3, the establishment of and uses for a forfeiture account as provided in subdivision B 3, and automatic contribution escalation provisions as provided in subdivision C 3, all with regard to employee voluntary contributions and corresponding employer matching contributions.*

*In all other respects, the political subdivision shall be subject to the provisions of the hybrid retirement program described in this section.*

2. The governing body of any political subdivision of the Commonwealth electing to allow its employees to use its 403(b) plan or a local cash match plan as described in subdivision 1 shall adopt a resolution on or before November 1, 2015, and submit such resolution to the Board to notify the Board of its election, which shall be effective January 1, 2016, and shall remain effective for 12 months. Thereafter, the governing body of any political subdivision of the Commonwealth may make or change its election for its employees no more often than annually by adopting a resolution on or before November 1 of each year notifying the Board of a new or changed election, which shall become effective on January 1.

3. A person who participates in the hybrid retirement program maintained under this section may make an election to participate in the 403(b) plan established by his employer under subdivision G 1. Such election shall be exercised no later than November 30, 2015, and shall be effective January 1, 2016. If an election is not made by November 30, 2015, such employee shall be deemed to have elected not to participate in the 403(b) plan established by his employer under subdivision G 1. Thereafter, such employee may make or change his election on or before November 30 of each year by notifying his employer of a new or changed election, which shall become effective the following January 1. If an election is not made or changed by November 30, such employee shall be deemed to have elected not to change the prior year's election.

4. In the case of a 403(b) plan or local cash match plan administered by a political subdivision of the Commonwealth that provides individual accounts permitting an employee or beneficiary to exercise discretion over assets in his account, the political subdivision shall not be liable for any loss resulting from such employee's or beneficiary's (i) investment of voluntary contributions in the political subdivision's 403(b) plan or matching contributions in the political subdivision's 403(b) plan or local cash match plan, (ii) exercise of discretion over the assets in any of his accounts, or (iii) inaction with respect to the assets in any of his accounts that results in such assets being placed in a default investment option selected by the political subdivision, provided that the investment options for the affected individual account and the particular default investment option for such individual account are selected in accordance with subsection A of § 51.1-803, applied *mutatis mutandis*. Under no circumstances shall the Commonwealth, the Board, employees of the Retirement System, the Investment Advisory Committee of the Retirement System, or any other advisory committee established by the Board bear any liability with respect to any plan or individual account described in this subsection.

5. The provisions of this subsection shall not apply to any political subdivision of the Commonwealth that has entered into an agreement with the Retirement System pursuant to § 51.1-603.1 or 51.1-611 except with regard to a 403(b) plan.

6. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subsection G shall be provided by the political subdivision of the Commonwealth on an annual basis to an employee who makes the election provided in subdivision G 1. Such employee shall also be provided with a side-by-side comparison of the long-term effects of generic expense ratios on his investments.

7. The Board shall not be responsible for administration of or recordkeeping related to voluntary contributions to the defined contribution component of the program made to a 403(b) plan or the corresponding employer matching

*contributions made to a 403(b) plan or the appropriate local cash match plan established under § 51.1-610 that are authorized by subdivision G 1.*

8. *The Board shall develop policies and procedures for administering the provisions of this subsection.*

**§ 51.1-610. Local cash match plans.**

A. Any county, municipality, authority, or other political subdivision of the Commonwealth may by ordinance or resolution adopt and establish for itself and its employees a cash match plan. Any such cash match plan may include constitutional officers and their employees. The ordinance or resolution adopting or establishing such plan shall create or designate an appropriate board or officer to administer the plan, and shall confer upon such board or officer the authority to do all things by way of supervision, administration, and implementation of the plan, including the power to contract with private corporations or institutions for services in connection therewith.

B. If it deems it advisable, any county, municipality, authority, or other political subdivision of the Commonwealth, which by ordinance or resolution adopts and establishes for itself and its employees a cash match plan, may create a trust or other special fund for the segregation of the funds or assets resulting from contributions.

~~C. No amount shall be credited pursuant to any cash match plan created pursuant to this section on behalf of a qualified participant who is participating in the hybrid retirement program described in § 51.1-169 if the qualified participant has not contributed the maximum amount of voluntary contributions under subdivision C 2 of § 51.1-169.~~

**2. That the provisions of this act shall become effective on January 1, 2016, except the provisions of subdivision G 2 of § 51.1-169 of the Code of Virginia, as created by this act, which shall become effective in due course.**

## CHAPTER 539

*An Act to amend and reenact §§ 51.1-169 and 51.1-610 of the Code of Virginia, relating to hybrid retirement program; school division deferred compensation and cash match plans.*

[H 2178]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-169 and 51.1-610 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. *Except as otherwise provided in subsection G:*

1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation, *which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.* In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under

subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

*C. Except as otherwise provided in subsection G:*

1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation, *which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.*

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

*5. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subdivision C 2 shall be provided by the Board on an annual basis to an employee who does not make the election provided in subdivision G 1.*

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program, *except as provided in subsection G*. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

*G.1. Any political subdivision of the Commonwealth that has established a plan pursuant to § 403(b) of the Internal Revenue Code of 1986, as amended (a "403(b) plan"), may, at its option, elect to allow its employees the option to direct that voluntary contributions to the defined contribution component of the program under subdivision C 2 be made to such 403(b) plan and the corresponding employer matching contributions under subdivision B 2 be made to such 403(b) plan or the appropriate local cash match plan established under § 51.1-610. All such voluntary contributions by an employee to such 403(b) plan shall be made on a pretax basis. Any such political subdivision of the Commonwealth that so directs shall develop policies and procedures for administering such contributions, subject to and in accordance with applicable federal law and regulations. The policies and procedures shall provide for the administration of vesting provisions as provided in subdivision B 3, the establishment of and uses for a forfeiture account as provided in subdivision B 3, and automatic contribution escalation provisions as provided in subdivision C 3, all with regard to employee voluntary contributions and corresponding employer matching contributions.*

*In all other respects, the political subdivision shall be subject to the provisions of the hybrid retirement program described in this section.*

*2. The governing body of any political subdivision of the Commonwealth electing to allow its employees to use its 403(b) plan or a local cash match plan as described in subdivision 1 shall adopt a resolution on or before November 1, 2015, and submit such resolution to the Board to notify the Board of its election, which shall be effective January 1, 2016, and shall remain effective for 12 months. Thereafter, the governing body of any political subdivision of the Commonwealth may make or change its election for its employees no more often than annually by adopting a resolution on or before November 1 of each year notifying the Board of a new or changed election, which shall become effective on January 1.*

*3. A person who participates in the hybrid retirement program maintained under this section may make an election to participate in the 403(b) plan established by his employer under subdivision G 1. Such election shall be exercised no later than November 30, 2015, and shall be effective January 1, 2016. If an election is not made by November 30, 2015, such employee shall be deemed to have elected not to participate in the 403(b) plan established by his employer under subdivision G 1. Thereafter, such employee may make or change his election on or before November 30 of each year by notifying his employer of a new or changed election, which shall become effective the following January 1. If an election is not made or changed by November 30, such employee shall be deemed to have elected not to change the prior year's election.*

*4. In the case of a 403(b) plan or local cash match plan administered by a political subdivision of the Commonwealth that provides individual accounts permitting an employee or beneficiary to exercise discretion over assets in his account, the political subdivision shall not be liable for any loss resulting from such employee's or beneficiary's (i) investment of voluntary contributions in the political subdivision's 403(b) plan or matching contributions in the political subdivision's 403(b) plan or local cash match plan, (ii) exercise of discretion over the assets in any of his accounts, or (iii) inaction with respect to the assets in any of his accounts that results in such assets being placed in a default investment option selected by the political subdivision, provided that the investment options for the affected individual account and the particular default investment option for such individual account are selected in accordance with subsection A of § 51.1-803, applied mutatis mutandis. Under no circumstances shall the Commonwealth, the Board, employees of the Retirement System, the Investment Advisory Committee of the Retirement System, or any other advisory committee established by the Board bear any liability with respect to any plan or individual account described in this subsection.*

*5. The provisions of this subsection shall not apply to any political subdivision of the Commonwealth that has entered into an agreement with the Retirement System pursuant to § 51.1-603.1 or 51.1-611 except with regard to a 403(b) plan.*

*6. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subsection G shall be provided by the political subdivision of the Commonwealth on an annual basis to an employee who makes the election provided in subdivision G 1. Such employee shall also be provided with a side-by-side comparison of the long-term effects of generic expense ratios on his investments.*

7. The Board shall not be responsible for administration of or recordkeeping related to voluntary contributions to the defined contribution component of the program made to a 403(b) plan or the corresponding employer matching contributions made to a 403(b) plan or the appropriate local cash match plan established under § 51.1-610 that are authorized by subdivision G 1.

8. The Board shall develop policies and procedures for administering the provisions of this subsection.

**§ 51.1-610. Local cash match plans.**

A. Any county, municipality, authority, or other political subdivision of the Commonwealth may by ordinance or resolution adopt and establish for itself and its employees a cash match plan. Any such cash match plan may include constitutional officers and their employees. The ordinance or resolution adopting or establishing such plan shall create or designate an appropriate board or officer to administer the plan, and shall confer upon such board or officer the authority to do all things by way of supervision, administration, and implementation of the plan, including the power to contract with private corporations or institutions for services in connection therewith.

B. If it deems it advisable, any county, municipality, authority, or other political subdivision of the Commonwealth, which by ordinance or resolution adopts and establishes for itself and its employees a cash match plan, may create a trust or other special fund for the segregation of the funds or assets resulting from contributions.

~~C. No amount shall be credited pursuant to any cash match plan created pursuant to this section on behalf of a qualified participant who is participating in the hybrid retirement program described in § 51.1-169 if the qualified participant has not contributed the maximum amount of voluntary contributions under subdivision C 2 of § 51.1-169.~~

**2. That the provisions of this act shall become effective on January 1, 2016, except the provisions of subdivision G 2 of § 51.1-169 of the Code of Virginia, as created by this act, which shall become effective in due course.**

## CHAPTER 540

*An Act to amend and reenact §§ 19.2-389, 37.2-819, and 64.2-2014 of the Code of Virginia, relating to law-enforcement access to involuntary admission and incapacity information.*

[S 1264]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-389, 37.2-819, and 64.2-2014 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. *For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;*

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a

person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering

comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

**§ 37.2-819. Order of involuntary admission or mandatory outpatient treatment forwarded to CCRE; certain voluntary admissions forwarded to CCRE; firearm background check.**

A. The order from a commitment hearing issued pursuant to this chapter for involuntary admission or mandatory outpatient treatment and the certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809 and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805 shall be filed by the judge or special justice with the clerk of the district court for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing.

B. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for involuntary admission to a facility, the clerk of court shall, as soon as practicable but not later than the close of business on the next following business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order. Upon receipt of any order from a commitment hearing issued pursuant to this chapter for mandatory outpatient

treatment, the clerk of court shall, prior to the close of that business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order.

C. The clerk of court shall also, as soon as practicable but no later than the close of business on the next following business day, forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, certification of any person who has been the subject of a temporary detention order pursuant to § 37.2-809, and who, after being advised by the judge or special justice that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 37.2-805.

D. ~~The~~ *Except as provided in subdivision A 1 of § 19.2-389, the copy of the forms and orders sent to the Central Criminal Records Exchange pursuant to subsection B, and the forms and certifications sent to the Central Criminal Records Exchange regarding voluntary admission pursuant to subsection C, shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm. No medical records shall be forwarded to the Central Criminal Records Exchange with any form, order, or certification required by subsection B or C. The Department of State Police shall forward only a person's eligibility to possess, purchase, or transfer a firearm to the National Instant Criminal Background Check System.*

**§ 64.2-2014. Clerk to index findings of incapacity or restoration; notice of findings.**

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing. The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Commissioner of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded and, if different, to the local department of social services in the jurisdiction where the person then resides.

B. The clerk shall, as soon as practicable, but no later than the close of business on the following business day, certify and forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. ~~The~~ *Except as provided in subdivision A 1 of § 19.2-389, the copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.*

## CHAPTER 541

*An Act to amend and reenact § 32.1-102.1 of the Code of Virginia, relating to certificate of public need; definition of project.*

[S 1283]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-102.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-102.1. Definitions.**

As used in this article, unless the context indicates otherwise:

"Certificate" means a certificate of public need for a project required by this article.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons which is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated persons who are injured or physically sick or have mental illness, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.

2. Sanitariums.
3. Nursing homes.
4. Intermediate care facilities, except those intermediate care facilities established for individuals with intellectual disability (ICF/MR) that have no more than 12 beds and are in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services.
5. Extended care facilities.
6. Mental hospitals.
7. Facilities for individuals with intellectual disability.
8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of individuals with substance abuse.
9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.
10. Rehabilitation hospitals.
11. Any facility licensed as a hospital.

The term "medical care facility" ~~shall~~ *does* not include any facility of (i) the Department of Behavioral Health and Developmental Services; (ii) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Behavioral Health and Developmental Services' Comprehensive State Plan; (iii) an intermediate care facility for individuals with intellectual disability (ICF/MR) that has no more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; (iv) a physician's office, except that portion of a physician's office described in subdivision 9 of the definition of "medical care facility"; (v) the Woodrow Wilson Rehabilitation Center of the Department for Aging and Rehabilitative Services; (vi) the Department of Corrections; or (vii) the Department of Veterans Services. "Medical care facility" shall also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

"Project" means:

1. Establishment of a medical care facility;
2. An increase in the total number of beds or operating rooms in an existing medical care facility;
3. Relocation of beds from one existing facility to another, provided that "project" ~~shall~~ *does* not include the relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period, or (ii) in any three-year period, from one existing nursing home facility to any other existing nursing home facility owned or controlled by the same person that is located either within the same planning district, or within another planning district out of which, during or prior to that three-year period, at least 10 times that number of beds have been authorized by statute to be relocated from one or more facilities located in that other planning district and at least half of those beds have not been replaced, provided further that, however, a hospital shall not be required to obtain a certificate for the use of 10 percent of its beds as nursing home beds as provided in § 32.1-132;

4. Introduction into an existing medical care facility of any new nursing home service, such as intermediate care facility services, extended care facility services, or skilled nursing facility services, regardless of the type of medical care facility in which those services are provided;

5. Introduction into an existing medical care facility of any new cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, substance abuse treatment, or such other specialty clinical services as may be designated by the Board by regulation, which the facility has never provided or has not provided in the previous 12 months;

6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or psychiatric beds;

7. The addition by an existing medical care facility of any medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, or other specialized service designated by the Board by regulation. Replacement of existing equipment shall not require a certificate of public need;

8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1 through 7 of this definition, by or ~~in~~ *on* behalf of a medical care facility *other than a general hospital*. ~~However, Capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$15 million by a medical care facility other than a general hospital shall be registered with the Commissioner pursuant to regulations developed by the Board. The amounts specified in this subdivision shall be revised effective July 1, 2008, and annually thereafter to reflect inflation using appropriate measures incorporating construction costs and medical inflation. Nothing in this subdivision shall be construed~~

to modify or eliminate the reviewability of any project described in subdivisions 1 through 7 of this definition when undertaken by or on behalf of a general hospital; or

9. Conversion in an existing medical care facility of psychiatric inpatient beds approved pursuant to a Request for Applications (RFA) to nonpsychiatric inpatient beds.

"Regional health planning agency" means the regional agency, including the regional health planning board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform the health planning activities set forth in this chapter within a health planning region.

"State Medical Facilities Plan" means the planning document adopted by the Board of Health which shall include, but not be limited to, (i) methodologies for projecting need for medical care facility beds and services; (ii) statistical information on the availability of medical care facilities and services; and (iii) procedures, criteria and standards for review of applications for projects for medical care facilities and services.

**2. That the Secretary of Health and Human Resources shall convene a workgroup that shall include health care providers, consumers of health care services, representatives of the business community, and other stakeholders to review the current certificate of public need process and the impact of such process on health care services in the Commonwealth, and the need for changes to the current certificate of public need process. In conducting such review, the work group shall evaluate: (i) the process by which applications for certificates of public need are reviewed, the criteria upon which decisions about issuance of certificates of public need are based, and barriers to issuance of a certificate of public need; (ii) the frequency with which applications for a certificate are approved or denied; (iii) fees charged for review of applications for a certificate of public need and the cost to the Commonwealth of processing applications for a certificate of public need; (iv) applications for and the impact of the current certificate of public need process on establishment of new health care services, including the establishment of new intermediate-level or specialty-level neonatal special care services and open heart surgery services and the addition of new beds or operating rooms at existing medical care facilities; (v) the relationship between the certificate of public need process and the provision of charity care in the Commonwealth and the impact of the certificate of public need process on the provision of charity care in the Commonwealth; (vi) the impact of the certificate of public need process on graduate medical education programs and teaching hospitals in the Commonwealth; (vii) the efficacy of regional health planning agencies, the role of regional health planning agencies in the certificate of public need process, and barriers to the continued role of regional health planning agencies in the certificate of public need process; and (viii) the frequency with which the State Medical Facilities Plan is updated and whether such plan should be updated more frequently. The work group shall develop specific recommendations for changes to the certificate of public need process to address any problems or challenges identified during such review, which shall include recommendations for changes to the process to be introduced during the 2016 Session of the General Assembly and any additional changes that may require further study or review. In conducting its review and developing its recommendations, the work group shall consider data and information about the current certificate of public need process in the Commonwealth, the impact of such process, and any data or information about similar processes in other states. The Secretary shall report on the recommendations developed by the work group by December 1, 2015.**

## CHAPTER 542

*An Act to amend and reenact §§ 22.1-218, 22.1-220, 23-14, 32.1-102.1, 32.1-330, 51.1-209, 51.5-55, 51.5-131, and 51.5-132 of the Code of Virginia, relating to Woodrow Wilson Rehabilitation Center; name change.*

[S 1039]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-218, 22.1-220, 23-14, 32.1-102.1, 32.1-330, 51.1-209, 51.5-55, 51.5-131, and 51.5-132 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-218. Reimbursement for placement in private schools; reimbursement of school boards from state funds.**

A. If a child's individualized education program calls for placement in a private nonreligious school, agency, or institution, payment for reasonable tuition cost and other reasonable charges shall be made from the state pool of funds pursuant to § 2.2-5211.

B. Where a school board enters into an agreement with the ~~Woodrow Wilson~~ *Woodrow Wilson Workforce and Rehabilitation Center* or a special education regional program established pursuant to regulations of the Board of Education, the Board of Education is authorized to reimburse the school board from such funds as are appropriated for this purpose.

C. The Board of Education is further authorized to reimburse each school board operating a preschool special education program for children with disabilities aged two through four, through the Standards of Quality Special Education account.

**§ 22.1-220. Power of counties, cities, and towns to appropriate and expend funds for education of children with disabilities.**

The governing body of any county, city or town is hereby authorized and empowered to appropriate and expend funds of the county, city or town in furtherance of the education of children with disabilities residing in such county, city or town who attend ~~Woodrow Wilson Workforce and Rehabilitation Center~~ or public or private nonsectarian schools, or public or private nonsectarian child-day programs for children below the compulsory school attendance age, whether within or without the county, city or town and whether within or without the Commonwealth.

**§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.**

The College of William and Mary in Virginia, at Williamsburg; Richard Bland College of the College of William and Mary at Dinwiddie and Prince George; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the ~~Woodrow Wilson Workforce and Rehabilitation Center~~, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Institute for Advanced Learning and Research; the New College Institute; and the Opportunity Educational Institution are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

**§ 32.1-102.1. Definitions.**

As used in this article, unless the context indicates otherwise:

"Certificate" means a certificate of public need for a project required by this article.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons which is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated persons who are injured or physically sick or have mental illness, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.
2. Sanitariums.
3. Nursing homes.
4. Intermediate care facilities, except those intermediate care facilities established for individuals with intellectual disability (ICF/MR) that have no more than 12 beds and are in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services.
5. Extended care facilities.
6. Mental hospitals.
7. Facilities for individuals with intellectual disability.
8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of individuals with substance abuse.
9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.
10. Rehabilitation hospitals.
11. Any facility licensed as a hospital.

The term "medical care facility" shall not include any facility of (i) the Department of Behavioral Health and Developmental Services; (ii) any nonhospital substance abuse residential treatment program operated by or contracted

primarily for the use of a community services board under the Department of Behavioral Health and Developmental Services' Comprehensive State Plan; (iii) an intermediate care facility for individuals with intellectual disability (ICF/MR) that has no more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; (iv) a physician's office, except that portion of a physician's office described in subdivision 9 of the definition of "medical care facility"; (v) the ~~Woodrow Wilson Workforce and Rehabilitation Center~~ of the Department of Aging and Rehabilitative Services; (vi) the Department of Corrections; or (vii) the Department of Veterans Services. "Medical care facility" shall also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

"Project" means:

1. Establishment of a medical care facility;
2. An increase in the total number of beds or operating rooms in an existing medical care facility;
3. Relocation of beds from one existing facility to another, provided that "project" shall not include the relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period, or (ii) in any three-year period, from one existing nursing home facility to any other existing nursing home facility owned or controlled by the same person that is located either within the same planning district, or within another planning district out of which, during or prior to that three-year period, at least 10 times that number of beds have been authorized by statute to be relocated from one or more facilities located in that other planning district and at least half of those beds have not been replaced, provided further that, however, a hospital shall not be required to obtain a certificate for the use of 10 percent of its beds as nursing home beds as provided in § 32.1-132;
4. Introduction into an existing medical care facility of any new nursing home service, such as intermediate care facility services, extended care facility services, or skilled nursing facility services, regardless of the type of medical care facility in which those services are provided;
5. Introduction into an existing medical care facility of any new cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, substance abuse treatment, or such other specialty clinical services as may be designated by the Board by regulation, which the facility has never provided or has not provided in the previous 12 months;
6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or psychiatric beds;
7. The addition by an existing medical care facility of any medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, or other specialized service designated by the Board by regulation. Replacement of existing equipment shall not require a certificate of public need;
8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1 through 7 of this definition, by or in behalf of a medical care facility. However, capital expenditures between \$5 and \$15 million shall be registered with the Commissioner pursuant to regulations developed by the Board. The amounts specified in this subdivision shall be revised effective July 1, 2008, and annually thereafter to reflect inflation using appropriate measures incorporating construction costs and medical inflation; or
9. Conversion in an existing medical care facility of psychiatric inpatient beds approved pursuant to a Request for Applications (RFA) to nonpsychiatric inpatient beds.

"Regional health planning agency" means the regional agency, including the regional health planning board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform the health planning activities set forth in this chapter within a health planning region.

"State Medical Facilities Plan" means the planning document adopted by the Board of Health which shall include, but not be limited to, (i) methodologies for projecting need for medical care facility beds and services; (ii) statistical information on the availability of medical care facilities and services; and (iii) procedures, criteria and standards for review of applications for projects for medical care facilities and services.

**§ 32.1-330. Preadmission screening required.**

All individuals who will be eligible for community or institutional long-term care services as defined in the state plan for medical assistance shall be evaluated to determine their need for nursing facility services as defined in that plan. The Department shall require a preadmission screening of all individuals who, at the time of application for admission to a certified nursing facility as defined in § 32.1-123, are eligible for medical assistance or will become eligible within six months following admission. For community-based screening, the screening team shall consist of a nurse, social worker or other assessor designated by the Department, and physician who are employees of the Department of Health or the local department of social services or a team of licensed physicians, nurses, and social workers at the ~~Woodrow Wilson Workforce and Rehabilitation Center~~ (WWRC) for WWRC clients only. For institutional screening, the Department shall contract with acute care hospitals. The Department shall contract with other public or private entities to conduct required community-based and institutional screenings in addition to or in lieu of the screening teams described in this section in

jurisdictions in which the screening team has been unable to complete screenings of individuals within 30 days of such individuals' application.

**§ 51.1-209. Disability as the result of felonious misconduct of another.**

Any member in service who is totally and permanently disabled while on active duty as the result of the felonious misconduct of another may retire for disability as provided in subsection B of § 51.1-156 and shall be entitled to maintenance and services at or under the supervision of the ~~Woodrow Wilson~~ *Woodrow Wilson Workforce and Rehabilitation Center* without being liable to pay for the same.

**§ 51.5-55. Membership of Board; terms, compensation, and expenses.**

A. All powers, rights and duties conferred by this chapter or other provisions of law upon the Authority shall be exercised by the Board of Directors of the Authority. The Board shall consist of 12 members as follows: the Secretary of Health and Human Resources or his designee; an employee of the ~~Woodrow Wilson~~ *Woodrow Wilson Workforce and Rehabilitation Center*; an experienced consumer lender; a certified public accountant; two persons with investment finance experience; and six persons with a range of disabilities. The citizen members shall be appointed by the Governor and confirmed by the General Assembly. The Board shall annually elect a chairman from among its members. Board members shall receive no salaries but shall be reimbursed for all reasonable and necessary expenses incurred by them in the performance of their duties on behalf of the Authority.

B. The 10 citizen members of the Board shall be appointed for four-year terms, except that appointments to fill vacancies shall be made for the unexpired terms. Representatives of state agencies shall serve coincident with the term of the Governor. No member appointed by the Governor shall be eligible to serve more than two complete terms in succession.

C. Meetings of the members of the Board shall be held at the call of the chairman or whenever six members so request. The Board may delegate to a loan committee of at least six members the authority to review and approve or deny loan applications based upon information provided to or obtained by the Board, in accordance with criteria established by the Board. In any event, the Board shall meet as necessary to attend to the business of the Authority.

**§ 51.5-131. Powers and duties of Commissioner.**

The Commissioner shall have the following powers and duties:

1. To employ such personnel, qualified by knowledge, skills, and abilities, as may be required to carry out the purposes of this chapter relating to the Department;

2. To make and enter into all contracts and agreements necessary for or incidental to the performance of the Department's duties and the execution of its powers under this title, including but not limited to contracts with the United States, other states, agencies, and governmental subdivisions of the Commonwealth;

3. To accept grants from the United States government and agencies and instrumentalities thereof and any other source and, to these ends, to comply with such conditions and execute such agreements as may be necessary, convenient, or desirable;

4. To perform all acts necessary or convenient to carry out the purposes of this chapter;

5. To develop and analyze information on the needs of older Virginians and persons with disabilities;

6. To establish plans, policies, and programs for the delivery of services to older Virginians and persons with disabilities for consideration by the Governor and the General Assembly. Such policies, plans, and programs for services for those who cannot benefit from vocational rehabilitation shall be prepared over time and as funds become available for such efforts;

7. To operate and maintain the ~~Woodrow Wilson~~ *Woodrow Wilson Workforce and Rehabilitation Center* and to organize, supervise, and provide other necessary services and facilities (i) to prepare persons with disabilities for useful and productive lives, including suitable employment, and (ii) to enable persons with disabilities, to the degree possible, to become self-sufficient and have a sense of well-being;

8. To develop criteria for the evaluation of plans and programs relative to the provision of long-term services and supports for older Virginians and persons with disabilities;

9. To investigate the availability of funds from any source for planning, developing, and providing services to older Virginians and persons with disabilities, particularly those not capable of being gainfully employed;

10. To coordinate the Department's plans, policies, programs, and services, and such programs and services required under § 51.5-123, with those of the other state agencies providing services to persons with disabilities so as to achieve maximum utilization of available resources to meet the needs of such persons;

11. To compile and provide information on the availability of federal, state, regional, and local funds and services for older Virginians and persons with disabilities;

12. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor;

13. To promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by the Department;

14. To work with the Department of Veterans Services and the Department of Behavioral Health and Developmental Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1;

15. To promote the use of technologies to realize communication access and increase livability across the Commonwealth; and

16. To perform such other duties as may be required by the Governor and the Secretary of Health and Human Resources.

**§ 51.5-132. Commissioner to establish regulations regarding human research.**

The Commissioner shall promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in § 32.1-162.16, to be conducted or authorized by the Department, any sheltered workshop, any independent living center, or the ~~Woodrow Wilson~~ *Woodrow Wilson Workforce and Rehabilitation Center*. The regulations shall require the human research review committee, as provided in § 32.1-162.19, to submit to the Governor, the General Assembly, and the Commissioner or his designee, at least annually, a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.

**CHAPTER 543**

*An Act to amend and reenact §§ 16.1-338 and 16.1-339 of the Code of Virginia, relating to psychiatric treatment of minors; objecting minor; criteria.*

[S 773]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-338 and 16.1-339 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-338. Parental admission of minors younger than 14 and nonobjecting minors 14 years of age or older.**

A. A minor younger than 14 years of age may be admitted to a willing mental health facility for inpatient treatment upon application and with the consent of a parent. A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment upon the joint application and consent of the minor and the minor's parent.

B. Admission of a minor under this section shall be approved by a qualified evaluator who has conducted a personal examination of the minor within 48 hours after admission and has made the following written findings:

1. The minor appears to have a mental illness serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment; and

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. If the minor is 14 years of age or older, that he has been provided with an explanation of his rights under this Act as they would apply if he were to object to admission, and that he has consented to admission; and

4. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide, in lieu of the examination required by this section, a preadmission screening report conducted by an employee or designee of the community services board and shall ensure that the necessary written findings have been made before approving the admission. A copy of the written findings of the evaluation or preadmission screening report required by this section shall be provided to the consenting parent and the parent shall have the opportunity to discuss the findings with the qualified evaluator or employee or designee of the community services board.

C. Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured. A copy of the plan shall be provided to the minor and to his parents.

D. If the parent who consented to a minor's admission under this section revokes his consent at any time, or if a minor 14 or older objects at any time to further treatment, the minor shall be discharged within 48 hours to the custody of such consenting parent unless the minor's continued hospitalization is authorized pursuant to § 16.1-339, 16.1-340.1, or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. *If a minor 14 or older objects to further treatment, the mental health facility shall (i) immediately notify the consenting parent of the minor's objections and (ii) provide to the consenting parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor pursuant to § 16.1-339, 16.1-340.1, or 16.1-345.*

E. Inpatient treatment of a minor hospitalized under this section may not exceed 90 consecutive days unless it has been authorized by appropriate hospital medical personnel, based upon their written findings that the criteria set forth in

subsection B of this section continue to be met, after such persons have examined the minor and interviewed the consenting parent and reviewed reports submitted by members of the facility staff familiar with the minor's condition.

F. Any minor admitted under this section while younger than 14 and his consenting parent shall be informed orally and in writing by the director of the facility for inpatient treatment within 10 days of his fourteenth birthday that continued voluntary treatment under the authority of this section requires his consent.

G. Any minor 14 years of age or older who joins in an application and consents to admission pursuant to subsection A, shall, in addition to his parent, have the right to access his health information. The concurrent authorization of both the parent and the minor shall be required to disclose such minor's health information.

H. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

**§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.**

A. A minor 14 years of age or older who (i) objects to admission; or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to 96 hours, pending the review required by subsections B and C of this section, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission.

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. ~~Because of The minor appears to have a mental illness; the minor (i) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;~~

~~2. The minor is in need of enough to warrant inpatient treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and~~

2. *The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and*

~~3. Inpatient All available modalities of treatment is the least less restrictive than inpatient treatment have been considered and no less restrictive alternative that meets the minor's needs is available that would offer comparable benefits to the minor.~~

The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than 96 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.

2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to 96 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

F. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

## CHAPTER 544

*An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoenas; electronic communication service or remote computing service; sealing.*

[H 1946]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-10.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-10.2. Administrative subpoena issued for record from provider of electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications as required by § 19.2-70.3, to an attorney for the Commonwealth *or the Attorney General* pursuant to an administrative subpoena issued under this section.

1. In order to obtain such records or other information, the attorney for the Commonwealth *or the Attorney General* shall certify on the face of the subpoena that there is reason to believe that the records or other information being sought are relevant to a legitimate law-enforcement investigation concerning violations of §§ 18.2-47, 18.2-48, 18.2-49, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-374.1, and 18.2-374.1:1, former § 18.2-374.1:2, and § 18.2-374.3.

2. *Upon written certification by the attorney for the Commonwealth or the Attorney General that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the subpoena shall include a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person, other than an attorney to obtain legal advice, for a period of 30 days after the date on which the service provider responds to the subpoena.*

3. On a motion made promptly by the electronic communication service or remote computing service provider, a court of competent jurisdiction may quash or modify the administrative subpoena if the records or other information requested are unusually voluminous in nature or if compliance with the subpoena would otherwise cause an undue burden on the service provider.

B. All records or other information received by an attorney for the Commonwealth *or the Attorney General* pursuant to an administrative subpoena issued under this section shall be used only for a reasonable length of time not to exceed 30 days and only for a legitimate law-enforcement purpose. Upon completion of the investigation, the records or other information held by the attorney for the Commonwealth *or the Attorney General* shall be destroyed if no prosecution is initiated. *The existence of such a subpoena shall be disclosed upon motion of an accused.*

C. No cause of action shall lie in any court against an electronic communication service or remote computing service provider, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of an administrative subpoena issued under this section.

D. Records or other information pertaining to a subscriber to or customer of such service means name, address, local and long distance telephone connection records, or records of session times and durations, length of service, including start date, and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service.

E. Nothing in this section shall require the disclosure of information in violation of any federal law.

## CHAPTER 545

*An Act to amend the Code of Virginia by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.12, relating to protective orders; compensation for required representation of respondents.*

[H 2329]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.12 as follows:**

**§ 19.2-152.12. Compensation for required representation of respondents.**

*Notwithstanding any other provision of law, when, in a proceeding pursuant to this chapter, representation of a respondent by counsel is required under the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.) or a guardian ad litem is required by law and there is no other provision for the compensation of counsel or a guardian ad litem, the court may order such counsel or guardian ad litem to be compensated for services pursuant to § 19.2-163.*

## CHAPTER 546

*An Act to amend and reenact § 17.1-279.1 of the Code of Virginia, relating to additional assessment for electronic summons systems; towns.*

[H 1560]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-279.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-279.1. Additional assessment for electronic summons system.**

*Any county ~~or~~ city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located ~~within its boundaries~~ where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county ~~or~~ city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.*

## CHAPTER 547

*An Act to amend and reenact §§ 8.01-126, 8.01-454, and 16.1-94.01 of the Code of Virginia, relating to unlawful detainer proceedings; satisfaction of judgments.*

[H 1767]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-126, 8.01-454, and 16.1-94.01 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.**

A. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof.

B. Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or

sworn testimony that the copy of such document is a true and accurate copy of the original lease. An attorney or agent of the landlord or managing agent may present such affidavit into evidence.

C.1. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may ~~include in the~~ *submit into evidence by an affidavit entered into evidence pursuant to subsection B or sworn testimony* a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. ~~Upon request of the plaintiff or the plaintiff's attorney or agent, if the court determines that (i) the affidavit accurately sets forth the amount due the plaintiff and (ii) the~~ *The plaintiff or the plaintiff's attorney or agent shall advise the court of any payments by the defendant that result in a variance reducing the amount due the plaintiff as of the day of the hearing.*

2. ~~If the~~ *If the* unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the ~~affidavit~~ *evidence* and shall enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises.

3. *In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.*

**§ 8.01-454. Judgment, when satisfied, to be so noted by creditor.**

In all cases in which ~~payment or~~ satisfaction of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such ~~payment or~~ satisfaction by the defendant, ~~whether in whole or in part,~~ and if there is more than one defendant, by which defendant it was ~~paid or discharged~~ *satisfied*, to be entered within 30 days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. For any failure to do so within 90 days, or after 10 days' notice to do so by the judgment debtor or his agent or attorney, the judgment creditor shall be liable to a fine of \$100 and shall pay the filing cost of the release. The entry of ~~payment or~~ satisfaction shall be signed by the creditor or his duly authorized attorney or other agent and be attested by the clerk in whose office the judgment is docketed, or when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor. *For any money judgment marked as satisfied pursuant to this section, nothing herein shall satisfy an unexecuted order of possession entered pursuant to § 8.01-126.*

**§ 16.1-94.01. When and how satisfaction entered on judgment.**

A. When ~~payment or~~ satisfaction of any judgment rendered in a court not of record is made, the judgment creditor shall by himself, or his agent or attorney, give written notice of such ~~payment or~~ satisfaction, within ~~thirty~~ 30 days of receipt, to the clerk of the court in which the judgment was rendered. Such notice shall include the docket number, the names of the parties, the date and amount of the judgment, and the date of the ~~payment or~~ satisfaction. The clerk of the court shall then mark the judgment satisfied. *For any money judgment marked as satisfied pursuant to this section, nothing herein shall satisfy an unexecuted order of possession entered pursuant to § 8.01-126.*

B. If the judgment creditor fails to comply with subsection A, the judgment debtor, his heirs or personal representatives, may, on motion, after ~~ten~~ 10 days' notice thereof to the judgment creditor, or his assignee, his personal representative, or his agent or attorney, apply to the court in which the judgment was rendered to have the judgment marked satisfied. Upon proof that the judgment has been ~~paid, discharged or otherwise~~ satisfied, the clerk shall mark the judgment satisfied. If the judgment creditor or his legal representatives cannot be reasonably located, the notice may be published and posted as an order of publication is required to be published and posted under §§ 8.01-316 and 8.01-317.

C. The cost of such proceedings, including reasonable ~~attorney's~~ attorney fees and the cost of publication, may be ordered to be paid by the judgment creditor.

**CHAPTER 548**

*An Act to amend the Code of Virginia by adding in Chapter 12 of Title 19.2 a section numbered 19.2-190.1, relating to preliminary hearing; certification of ancillary misdemeanor offenses.*

[H 2049]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 12 of Title 19.2 a section numbered 19.2-190.1 as follows:**

**§ 19.2-190.1. Certification of ancillary misdemeanor offenses.**

*Upon certification of any felony offense pursuant to this chapter, the court shall also certify any ancillary misdemeanor offense to the clerk of the circuit court provided that the attorney for the Commonwealth and the accused consent to such certification. Any misdemeanor offense certified pursuant to this section shall proceed in the same manner as a misdemeanor appealed to circuit court pursuant to § 16.1-136.*

## CHAPTER 549

*An Act to amend and reenact §§ 2.2-3705.7 and 2.2-3711 of the Code of Virginia, relating to the Virginia Freedom of Information Act; records held by both Virginia Commonwealth University (VCU) and the VCU Medical Center; discussion of same.*

[H 2104]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 2.2-3705.7 and 2.2-3711 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented. *This exemption shall also apply when such records are in the possession of the Virginia Commonwealth University.*

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is

a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.
12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.
13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.
15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.
16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.
17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.
18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.
19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.
21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.
22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.
23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies

where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. *This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.*

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a

local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

## CHAPTER 550

*An Act to amend and reenact § 19.2-305.1 of the Code of Virginia, relating to restitution; damage to Capitol Square or any building, monument, etc., in Capitol Square.*

[S 707]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-305.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. *Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned*

to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.

E1. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

F. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims. The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. Before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the clerk's report to be entitled to restitution.

G. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

## CHAPTER 551

*An Act to amend and reenact § 64.2-502 of the Code of Virginia, relating to administration of intestate estate; person convicted of fraud, misrepresentation, robbery, etc.*

[S 865]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 64.2-502 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 64.2-502. Grant of administration of intestate estate.**

A. The court or the clerk who would have jurisdiction as to the probate of a will, if there were a will, has jurisdiction to hear and determine the right of administration of the estate in the case of a person dying intestate. Administration shall be granted as follows:

1. During the first 30 days following the decedent's death, the court or the clerk may grant administration to a sole distributee, or his designee, or in the absence of a sole distributee, to any distributee, or his designee, who presents written waivers of the right to qualify from all other competent distributees.

2. After 30 days have passed since the decedent's death, the court or the clerk may grant administration to the first distributee, or his designee, who applies, provided, that if, during the first 30 days following the decedent's death, more than one distributee notifies the court or the clerk of an intent to qualify after the 30-day period has elapsed, the court or the clerk shall not grant administration to any distributee, or his designee, until the court or the clerk has given all such distributees an opportunity to be heard.

3. After 45 days have passed since the decedent's death, the court or the clerk may grant administration to any nonprofit charitable organization that operated as a conservator or guardian for the decedent at the time of his death if such

organization certifies that it has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of its intention to apply for administration at least 30 days before such application, or, that it has not been able to find any address for such distributee. However, if, during the first 45 days following the decedent's death, any distributee notifies the court or the clerk of an intent to qualify after the 45-day period has elapsed, the court or the clerk shall not grant administration to any such organization until the court or the clerk has given all such distributees an opportunity to be heard. Qualification of such nonprofit charitable organization is not subject to challenge on account of the failure to make the certification required by this subdivision.

4. After 60 days have passed since the decedent's death, the court or the clerk may grant administration to one or more of the creditors or to any other person, provided such creditor or person other than a distributee certifies that he has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of his intention to apply for administration at least 30 days before such application, or that he has not been able to find any address for such distributee. Qualification of a creditor or person other than a distributee is not subject to challenge on account of the failure to make the certification required by this subdivision.

B. When granting administration, if the court determines that it is in the best interests of a decedent's estate, the court may depart from the provisions of this section at any time and grant administration to such person as the court deems appropriate.

C. The court or clerk may admit to probate a will of the decedent after a grant of administration. If administration has been granted to a creditor or person other than a distributee, the court or clerk may grant administration to a distributee who applies for administration and who has not previously been refused administration after reasonable notice has been given to such creditor or other person previously granted administration. Admission of a will to probate or the grant of administration pursuant to this subsection terminates any previous grant of administration.

D. The court or clerk shall not grant administration to any person unless satisfied that he is suitable and competent to perform the duties of his office. ~~Administration shall not be granted to any person~~ *The clerk shall require such person to sign under oath that such person is not under a disability as defined in § 8.01-2 or, regardless of whether his civil rights have been restored, has not been convicted of a felony offense of (i) fraud or misrepresentation or (ii) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, perjury, bribery, treason, or racketeering. However, if the person convicted of such felony offense is the sole distributee of the estate, then the court or clerk may grant administration to such person if he is otherwise suitable and competent to perform the duties of his office.*

E. If any beneficiary of the estate objects, a spouse or parent who has been barred from all interest in the estate because of desertion or abandonment as provided under § 64.2-308 may not serve as an administrator of the estate of the deceased spouse or child.

## CHAPTER 552

*An Act to amend and reenact § 17.1-213 of the Code of Virginia, relating to retention of court records; sexually violent predator offenses.*

[S 914]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 17.1-213 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 17.1-213. Disposition of papers in ended cases.**

A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in hardcopy form, either in the locality served by the circuit court where such files originated or in The Library of Virginia in accordance with the provisions of § 42.1-86 and subsection C of § 42.1-87.

B. The following records for cases ending on or after January 1, 1913, shall be retained for 10 years after conclusion:

1. Conditional sales contracts;
2. Concealed weapons permit applications;
3. Minister appointments;
4. Petitions for appointment of trustee;
5. Name changes;
6. Nolle prosequi cases;

7. Civil actions that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled and agreed, cases that are dismissed with or without prejudice, cases that are discontinued or dismissed under § 8.01-335, and district court appeals dismissed under § 16.1-113 prior to 1988;

8. Misdemeanor and traffic cases, except as provided in subdivision C 3, including those which were commenced on a felony charge but concluded as a misdemeanor;

9. Suits to enforce a lien;

10. Garnishments;

11. Executions except for those covered in § 8.01-484;

12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in the appropriate order book; and

13. Civil cases pertaining to declarations of habitual offender status and full restoration of driving privileges.

C. All other records or cases ending on or after January 1, 1913, shall be retained subject to the following:

1. All civil case files to which subsection D does not pertain shall be retained 20 years from the court order date.

2. All criminal cases dismissed, including those not a true bill, acquittals, and not guilty verdicts, shall be retained 10 years from the court order date.

3. ~~All~~ *Except as otherwise provided in this subdivision*, criminal case files involving a felony conviction and all criminal case files involving a misdemeanor conviction under § 16.1-253.2, 18.2-57.2, or 18.2-60.4 shall be retained (i) 20 years from the sentencing date or (ii) until the sentence term ends, whichever comes later. *Case files involving a conviction for a sexually violent offense as defined in § 37.2-900 shall be retained (a) 50 years from the sentencing date or (b) until the sentence term ends, whichever comes later.*

D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance shall be retained permanently as shall all cases in which the title to real estate is established, conveyed or condemned by an order or decree of the court. The final order for all cases in which the title to real estate is so affected shall include an appropriate notification thereof to the clerk.

E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all papers or documents pertaining to civil and criminal cases; (ii) any unexecuted search warrants and affidavits for unexecuted search warrants, provided at least three years have passed since issued; (iii) any abstracts of judgments; and (iv) original wills, to be destroyed if such records, papers, documents, or wills no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using same. The clerk shall further provide security negative copies of any such microfilmed materials for storage in The Library of Virginia.

## CHAPTER 553

*An Act to amend and reenact § 8.01-454 of the Code of Virginia, relating to satisfaction of judgment required to be noted by creditor.*

[S 860]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-454 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-454. Judgment, when satisfied, to be so noted by creditor.**

In all cases in which ~~payment or~~ satisfaction of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such ~~payment or~~ satisfaction by the defendant, ~~whether in whole or in part~~, and if there is more than one defendant, by which defendant it was ~~paid or discharged~~ *satisfied*, to be entered within 30 days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. For any failure to do so within 90 days, or after 10 days' notice to do so by the judgment debtor or his agent or attorney, the judgment creditor shall be liable to a fine of \$100 and shall pay the filing cost of the release. The entry of ~~payment or~~ satisfaction shall be signed by the creditor or his duly authorized attorney or other agent and be attested by the clerk in whose office the judgment is docketed, or when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor.

## CHAPTER 554

*An Act to amend and reenact § 8.01-658 of the Code of Virginia, relating to service of writ of habeas corpus; dismissal of petition.*

[S 1156]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-658 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-658. How writ served; dismissal of habeas petition without prejudice.**

A. The writ shall be served on the person to whom it is directed; or, in his absence from the place where the petitioner is confined, on the person having the immediate *or potential* custody of him.

1. If the petitioner is in jail, prison, or other actual physical restraint due to the conviction or sentence he is attacking, the named respondent shall be (i) the Director of the Department of Corrections or the warden or superintendent of the state correctional facility where the petitioner is detained if the sentence is one year or more or (ii) the sheriff or superintendent of a local or regional jail facility if the sentence is less than one year.

2. If the petitioner is on probation or parole due to the conviction or sentence he is attacking, the named respondent shall be the probation or parole officer responsible for supervising the applicant or the official in charge of the parole or probation agency.

3. If a petitioner has a suspended sentence and is not under supervision by a probation or parole officer, the respondent shall be (i) the local sheriff if the judgment of conviction the petitioner challenges has a suspended sentence of less than one year or (ii) the Director of the Department of Corrections if the judgment of conviction the petitioner challenges has a suspended sentence of one year or more.

B. The petitioner shall name a proper party respondent, and if he fails to do so, the court shall allow amendment of the petition. If the petitioner fails to amend the petition by naming a proper party respondent in the time provided by the court, the court in which the petition is filed shall dismiss the habeas petition without prejudice.

## CHAPTER 555

An Act to amend and reenact § 18.2-359 of the Code of Virginia, relating to venue for certain sex crimes.

[S 915]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-359 of the Code of Virginia is amended and reenacted as follows:

**§ 18.2-359. Venue for criminal sexual assault or where any person transported for criminal sexual assault, attempted criminal sexual assault, or purposes of unlawful sexual intercourse, crimes against nature, and indecent liberties with children; venue for such crimes when coupled with a violent felony.**

A. Any person transporting or attempting to transport through or across the Commonwealth any person for the purposes of unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or prostitution, or for the purpose of committing any crime specified in § 18.2-361 ~~or~~ 18.2-370, or 18.2-370.1, or for the purposes of committing or attempting to commit criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4, may be presented, indicted, tried, and convicted in any county or city in which any part of such transportation occurred.

B. Venue for the trial of any person charged with committing or attempting to commit any crime specified in § 18.2-361 ~~or~~ 18.2-370, or 18.2-370.1, or sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 may be had in the county or city in which such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant prior to the commission of such offense.

C. Venue for the trial of any person charged with committing or attempting to commit criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 against a person under 18 years of age may be had in the county or city in which such crime is alleged to have occurred or, when the county or city where the offense is alleged to have occurred cannot be determined, then in the county or city where the person under 18 years of age resided at the time of the offense.

D. Venue for the trial of any person charged with committing or attempting to commit (i) any crime specified in § 18.2-361 ~~or~~ 18.2-370, or 18.2-370.1, or criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 and (ii) any violent felony as defined in § 17.1-805 or any act of violence as defined in § 19.2-297.1 arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant in the commission of such offense.

## CHAPTER 556

An Act to amend the Code of Virginia by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.12, relating to protective orders; compensation for required representation of respondents.

[S 941]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.12 as follows:

**§ 19.2-152.12. Compensation for required representation of respondents.**

Notwithstanding any other provision of law, when, in a proceeding pursuant to this chapter, representation of a respondent by counsel is required under the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.) or a guardian ad litem is required by law and there is no other provision for the compensation of counsel or a guardian ad litem, the court may order such counsel or guardian ad litem to be compensated for services pursuant to § 19.2-163.

## CHAPTER 557

*An Act to amend and reenact § 46.2-1573 of the Code of Virginia, relating to hearing officer requirements and hearing process for motor vehicle franchise dealers.*

[S 1118]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1573 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1573. Hearings and other remedies; civil penalties.**

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. In every case of a hearing before the Commissioner authorized under this article based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.

B. The hearing process before the Commissioner under this article shall commence within 90 days of the request for a hearing by prehearing conference between the hearing officer and the parties in person, by telephone, or by other electronic means designated by the Commissioner. The hearing officer will set the hearing on a date or dates consistent with the rights of due process of the parties. The Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia within 60 days following the request for a hearing. *Reasonable efforts shall be made to ensure that a hearing officer shall have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth, shall have telephone and email capability, and shall be an active member of the Virginia State Bar.* On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information by the Motor Vehicle Dealer Board or any other person indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6 and 7b of § 46.2-1569 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's capitalization to the franchisor's standards and the adequacy of the dealer's facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under motor vehicle warranties;
6. The dealer's performance under the terms of its franchise;
7. Other economic and geographical factors reasonably associated with the proposed action; and
8. The recommendations, if any, from a three-member panel composed of members of the Board who are franchised dealers not of the same line-make involved in the hearing and who are appointed to the panel by the Commissioner.

E. An interested party in a hearing held pursuant to subsection A of this section shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A of this section. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

F. *During the hearing process, parties may obtain documents and materials by discovery pursuant to Rules 4:9 and 4:9A of the Supreme Court of Virginia. The parties shall exchange reports of experts, which shall meet the standard of Rule 4:1 of the Supreme Court of Virginia, at times to be established by the hearing officer. The parties may utilize any other form of discovery provided under the Rules of Supreme Court of Virginia if allowed by the hearing officer based on good cause shown. For discovery permitted under the Rules of Supreme Court of Virginia, a party may object to the discovery sought or seek to limit the discovery sought on any grounds permitted by the Rules or applicable law.*

2. That the Commissioner of the Department of Motor Vehicles shall report to the Chairmen of the House and Senate Committees on Transportation by December 1, 2015, and December 1, 2016, as to the feasibility of hiring hearing officers as contemplated in subsection B of § 46.2-1573 of the Code of Virginia, as amended by this act.

## CHAPTER 558

*An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to public schools; Standards of Learning assessments.*

[H 1303]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, ~~(i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a~~

~~timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.~~

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or

investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

## CHAPTER 559

*An Act to amend and reenact § 22.1-177 of the Code of Virginia, relating to the transfer and sale of school buses between local school divisions and the purchase of used school buses.*

[H 1952]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-177 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-177. Regulations.**

A. The Board may make regulations relating to the construction, design, operation, equipment, and color of public school buses and shall have the authority to issue an order prohibiting the operation on public streets and highways of any public school bus that does not comply with such regulations. Any such order shall be enforced by the Department of State Police.

B. Local school boards may, notwithstanding any regulation to the contrary, display decals depicting the flag of the United States on the sides and rear of school buses as long as any such decal does not obstruct the name of the school division or the number of the school bus and is no larger than 100 square inches. In addition, local school boards may, notwithstanding any regulation to the contrary, display decals relating to school bus safety. Local school divisions shall be responsible for the cost of the decals. Such decal shall not obstruct the name of the school division or the number of the school bus.

C. No regulation of the Board shall unreasonably limit the authority of any local school division to purchase and use school buses using compressed natural gas or other alternative fuels or convert its school buses to use compressed natural gas or other alternative fuels.

D. Any local school board may, notwithstanding any regulation to the contrary, sell or transfer any of its school buses to another school division or purchase a used school bus from another school division or a school bus dealer as long as the school bus (i) conforms to the specifications relating to construction and design effective in the Commonwealth on the date of manufacture; (ii) has a valid Virginia State Police inspection; and (iii) has not reached the end of its useful life according to the school bus replacement schedule utilized by the Department of Education as required by the general appropriation act.

## CHAPTER 560

*An Act to amend and reenact §§ 23-49.16 and 23-91.28 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 23-2.06, and to repeal §§ 23-49.27, 23-73, 23-91.39, 23-120, 23-155.6, and 23-186.1 of the Code of Virginia, relating to governing boards of public institutions of higher education; members; removal.*

[H 1791]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 23-49.16 and 23-91.28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23-2.06 as follows:****§ 23-2.06. Members of governing boards; removal; terms.**

A. If any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23-9.14:1 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. However, no member serving as of January 1, 2015 shall be removed for failing to attend the educational programs required by § 23-9.14:1 if he attends such training by January 1, 2016.

B. The board of visitors of each four-year public institution of higher education and the State Board for Community Colleges shall adopt in its bylaws policies (i) for removing members pursuant to subsection A and (ii) referencing the Governor's power to remove members described in § 2.2-108.

C. No person who has served two consecutive four-year terms on the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges shall be eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

**§ 23-49.16. Visitor ineligible for more than two successive terms.**

No person shall be eligible to serve for or during more than two successive four-year terms.

If any visitor fails to perform the duties of his office for one year, without sufficient cause shown to the board, the board of visitors shall, at their next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board, or by the president of the University, the offices of all visitors so failing to attend shall be vacated.

**§ 23-91.28. No person eligible to serve more than two successive terms.**

No person shall be eligible to serve for more than ~~two full four-year terms~~ *two successive terms; however, a member appointed to serve an unexpired term shall be eligible to serve two successive four-year terms.*

If any visitor fails to perform the duties of his office for one year, without sufficient cause shown to the board, the board of visitors shall, at their next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings; and certify the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the Governor by the rector or any member of the board, or by the president of the University, the offices of all visitors so failing to attend shall be vacated.

**2. That §§ 23-49.27, 23-73, 23-91.39, 23-120, 23-155.6, and 23-186.1 of the Code of Virginia are repealed.**

**CHAPTER 561**

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.2, relating to the Department of Education; student data security.*

[H 2350]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.2 as follows:**  
**§ 22.1-20.2. Student data security.**

*A. The Department of Education shall develop, in collaboration with the Virginia Information Technologies Agency, and update regularly but in no case less than annually, a model data security plan for the protection of student data held by school divisions. Such model plan shall include (i) guidelines for access to student data and student data systems, including guidelines for authentication of authorized access; (ii) privacy compliance standards; (iii) privacy and security audits; (iv) procedures to follow in the event of a breach of student data; and (v) data retention and disposition policies. The model plan and any updates shall be made available to every school division.*

*B. The Department of Education shall designate a chief data security officer, with such state funds as made available, to assist school divisions, upon request, with the development and implementation of their own data security plans and to develop best practice recommendations regarding the use, retention, and protection of student data.*

**2. That the Department of Education may convene a working group to assist with the development of initial instructions, procedures, services, security assessments, best practices, and security measures required by this act for the development of a model student data security plan. Such working group shall include the Superintendent of Public Instruction, the Chief Information Officer of the Commonwealth, the Chief Security Officer of the Commonwealth, representatives from each of the eight superintendent regions, and other parties deemed necessary by the Department. If convened, the working group shall submit a report on or before July 1, 2016, to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance on the cost of developing a model student data security plan.**

**CHAPTER 562**

*An Act to amend and reenact §§ 22.1-253.13:1 and 22.1-298.1 of the Code of Virginia, relating to teacher licensure renewal; college credit.*

[H 1320]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:1 and 22.1-298.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

*A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.*

*B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the*

development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 4 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a

community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

#### **§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means a career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a state professional license, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into Virginia from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in Virginia and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. *Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;*

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

~~5.~~ 6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille; and

~~6.~~ 7. Every teacher seeking initial licensure with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

### CHAPTER 563

*An Act to amend and reenact § 22.1-90.1 of the Code of Virginia, relating to allocation of instructional costs on the School Performance Report Card; electronic textbook hardware.*

[H 1338]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-90.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-90.1. Inclusion of instructional spending in the School Performance Report Card.**

The Department shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this purpose, the Department shall (i) establish a methodology for allocating each school division's expenditures to instructional and noninstructional costs in a manner that, *except in the case of the hardware necessary to support electronic textbooks*, is consistent with the funding of the Standards of Quality as approved by the General Assembly and (ii) *allocate to instructional costs each school division's expenditures on the hardware necessary to support electronic textbooks*. Further, at the discretion of the Superintendent, the Department may also report on other methods of measuring instructional spending such as those used by the U.S. Census Bureau and the U.S. Department of Education.

### CHAPTER 564

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to diploma seals; biliteracy.*

[H 1351]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and

technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

E. In the exercise of its authority to recognize exemplary ~~academic~~ performance by providing for diploma seals, ~~the~~:

~~1. The Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.~~

~~In addition, the~~ 2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

~~The~~ 3. The Board shall ~~also~~ establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

**2. That the Board of Education shall establish criteria for awarding a diploma seal of biliteracy pursuant to this act in time for any student graduating from a public high school in the Commonwealth in 2016 to be awarded such a diploma seal.**

## CHAPTER 565

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to diploma seals; biliteracy.*

[S 916]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable

accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace

readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical education concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, ~~the~~

1. ~~The Board of Education~~ shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

~~In addition, the~~ 2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

~~The~~ 3. The Board shall ~~also~~ establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

**2. That the Board of Education shall establish criteria for awarding a diploma seal of biliteracy pursuant to this act in time for any student graduating from a public high school in the Commonwealth in 2016 to be awarded such a diploma seal.**

## CHAPTER 566

*An Act to amend and reenact §§ 22.1-253.13:3 and 22.1-253.13:9 of the Code of Virginia, relating to school accreditation frequency.*

[H 1674]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:3 and 22.1-253.13:9 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. *However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.*

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics, and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the

judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, *regardless of accreditation frequency*, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

**§ 22.1-253.13:9. Virginia Index of Performance incentive program.**

A. Schools and local school divisions shall be recognized by the Board of Education in accordance with guidelines it shall establish for the Virginia Index of Performance (VIP) incentive program. The VIP incentive program shall be designed to recognize and reward fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and on other indicators of school and student performance that are aligned with the Commonwealth's goals for public education. Such recognition may include:

1. Public announcements recognizing individual schools and divisions;
2. Tangible rewards;
3. Waivers of certain board regulations;

4. Exemptions from certain reporting requirements; or
5. Other commendations deemed appropriate to recognize high achievement.

In addition to Board recognition, local school boards shall adopt policies to recognize individual schools through public announcements or media releases as well as other appropriate recognition.

In order to encourage school divisions to promote student achievement in science, technology, engineering, and mathematics, the Board of Education shall take into account in its guidelines a school division's increase in enrollments and elective course offerings in these areas.

B. A school that maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of 95 percent or above in each of the four core academic areas for two consecutive years may, upon application to the Department of Education, receive a waiver from ~~annual~~ accreditation. A school receiving such a waiver shall be fully accredited for a three-year period. However, such school shall continue to annually submit documentation in compliance with the pre-accreditation eligibility requirements.

C. Schools may be eligible to receive the Governor's Award for Outstanding Achievement. This award will be given to schools rated fully accredited that significantly increase the achievement of students within student subgroups in accordance with guidelines prescribed by the Board of Education.

D. In its guidelines for calculating an award under the Virginia Index of Performance incentive program pursuant to this section, the Department of Education shall take into account the number of high school students who earn the one-year Uniform Certificate of General Studies or an associate's degree from a community college in the Commonwealth concurrent with a high school diploma.

## CHAPTER 567

*An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to requirements for home instruction of children; testing options.*

[S 1403]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, *or an equivalent score on the ACT, SAT, or PSAT test* or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following

the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.

## CHAPTER 568

*An Act to amend and reenact § 22.1-207.4 of the Code of Virginia, relating to competitive foods; school-sponsored fundraisers.*

[H 2114]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-207.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207.4. Nutritional guidelines for competitive foods.**

*A. For purposes of this section, "competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program.*

*B. The Board, in cooperation with the Department of Health, shall promulgate regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours.*

~~*C. The Board, with assistance from the Department of Health, shall periodically review the nutritional guidelines for competitive foods to ensure that they remain current and science-based and shall also review the nutritional guidelines upon changes to federal law or regulations for competitive foods.*~~

~~*D. The regulations promulgated pursuant to this section shall include but not be limited to: calorie, fat, sugar, and sodium content.*~~

~~*For purposes of this section, "competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program.*~~

*E. The regulations promulgated pursuant to this section shall permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year, during which food that does not meet the nutrition guidelines for competitive foods may be sold to students.*

## CHAPTER 569

*An Act to amend and reenact § 2.2-4309 of the Code of Virginia, relating to the Virginia Public Procurement Act; contract modification.*

[H 1628]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4309 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4309. Modification of the contract.**

*A. A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of the Governor or his designee, in the case of state agencies, or the governing body, in the case of political subdivisions. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its bid or offer.*

*B. Any public body may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.*

*C. Nothing in this section shall prevent any public body from placing greater restrictions on contract modifications.*

*D. The provisions of this section shall not limit the amount a party to a public contract may claim or recover against a public body pursuant to § 2.2-4363 or any other applicable statute or regulation. Modifications made by a political subdivision that fail to comply with this section are voidable at the discretion of the governing body, and the unauthorized approval of a modification cannot be the basis of a contractual claim as set forth in § 2.2-4363.*

## CHAPTER 570

*An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; job order contracts and design professional contracts.*

[H 1637]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4302.2. Process for competitive negotiation.**

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization, or planning district commission with a population in excess of ~~80,000~~ 78,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 \$6 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed ~~\$2~~ \$5 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of ~~80,000~~ 78,000, or any city within Planning District 8, the project fee shall not exceed ~~\$2~~ \$2.5 million; and

3. Job order contracting, the project fee shall not exceed ~~\$400,000~~ \$500,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

## CHAPTER 571

*An Act to amend and reenact § 24.2-643 of the Code of Virginia, relating to voter identification; accepted forms of identification.*

[H 1653]

Approved March 23, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 24.2-643 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth *or any private school located in the Commonwealth*; or any valid employee

identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

**2. That the provisions of this act shall become effective on January 2, 2016.**

## CHAPTER 572

*An Act to amend and reenact § 2.2-1133 of the Code of Virginia, relating to the Department of General Services; Division of Engineering and Buildings; use of value engineering.*

[H 2293]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-1133 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1133. Use of value engineering.**

A. The Division shall ensure that value engineering is employed for any capital project costing more than ~~five~~ \$5 million ~~dollars~~. Value engineering may also be used for any project costing ~~five~~ \$5 million ~~dollars~~ or less. For purposes of this section, "value engineering" means a systematic process of review and analysis of a capital project by a team of persons not originally involved in the project. Such team, which shall include appropriate professionals licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1, may offer suggestions that would improve project quality and reduce total project cost by combining or eliminating inefficient or expensive parts or steps in the original proposal or by totally redesigning the project using different technologies, materials, or methods.

B. The review developed pursuant to subsection A shall be compiled in a value engineering report and submitted to the Division. Each item included in the value engineering report shall have a status designation of accepted, declined, or accepted as modified. The Division, within 45 days, must approve the value engineering report before the project may move to the next phase of design. ~~For~~

C. ~~A value engineering report shall not be required for projects that (i) are designed utilizing either the design-build or construction manager management at risk construction delivery method, basis and (ii) have the value engineering process as an integral component, and (iii) have been granted an appropriate waiver by the Director of the Department of General Services; a representative designated by the Director shall participate in all cost savings decisions before modifications to the design may be finalized. In such cases, a written summary of the cost savings that have been incorporated into the design shall be provided to the Division prior to moving forward to the construction phase of the contract.~~

~~↪~~ D. The Director of the Department may waive the requirements of this section for any proposed capital project for compelling reasons. Any waiver shall be in writing, state the reasons for the waiver, and apply only to a single capital project. On or before September 15 of each year, the Director of the Department shall report to the Governor and the General Assembly on the (i) number and value of the capital projects where value engineering was employed and

(ii) identity of the capital projects for which a waiver of the requirements of this section was granted, including a statement of the compelling reasons for granting the waiver. The report shall cover projects completed or for which a waiver was granted within the previous fiscal year.

~~D~~. E. Notwithstanding any law to the contrary, the provisions of this section shall apply to public institutions of higher education in Virginia.

## CHAPTER 573

*An Act to amend and reenact § 24.2-955.1 of the Code of Virginia, relating to political campaign advertisements; yard signs.*  
[S 871]

Approved March 23, 2015

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 24.2-955.1 of the Code of Virginia is amended and reenacted as follows:

##### § 24.2-955.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by . . . ." means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, *yard signs*, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

*"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.*

## CHAPTER 574

*An Act to amend and reenact § 2.2-3103 of the Code of Virginia, relating to prohibited conduct by state and local government officers and employees; retaliation.*

[S 1133]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-3103 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3103. Prohibited conduct.**

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;

8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; ~~or~~

9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; *or*

10. *Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this subdivision shall not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.*

## CHAPTER 575

*An Act to amend and reenact § 24.2-604 of the Code of Virginia, relating to polling places; authorized representatives of political parties; permitted handheld wireless communications devices.*

[S 1351]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-604 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.**

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, ~~except that authorized representatives shall not be allowed to use such devices when they contain a camera or other imaging device to film or photograph inside a polling place or central absentee voter precinct, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct.~~ The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board, and its general registrar, may conduct a special election day program for high school students, selected by the electoral board in cooperation with high school authorities, in one or more polling places designated by the electoral board, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth.

I. A local electoral board may authorize in writing the presence of additional neutral observers as it deems appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

## CHAPTER 576

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:5, relating to prohibitions on an employer's requiring employees to disclose usernames or passwords for social media accounts; access to social media account.*

[H 2081]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:5 as follows:**

**§ 40.1-28.7:5. Social media accounts of current and prospective employees.**

A. As used in this section:

"Employer" includes, in addition to the persons enumerated in the definition of employer in § 40.1-2, (i) any unit of state or local government and (ii) any agent, representative, or designee of a person or unit of government that constitutes an employer.

"Social media account" means a personal account with an electronic medium or service where users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by an employee at the request of an employer; (ii) provided to an employee by an employer such as the employer's email account or other software program owned or operated exclusively by an employer; (iii) set up by an employee on behalf of an employer; or (iv) set up by an employee to impersonate an employer through the use of the employer's name, logos, or trademarks.

B. An employer shall not require a current or prospective employee to:

1. Disclose the username and password to the current or prospective employee's social media account; or

2. Add an employee, supervisor, or administrator to the list of contacts associated with the current or prospective employee's social media account.

C. If an employer inadvertently receives an employee's username and password to, or other login information associated with, the employee's social media account through the use of an electronic device provided to the employee by the employer or a program that monitors an employer's network, the employer shall not be liable for having the information but shall not use the information to gain access to an employee's social media account.

D. An employer shall not:

1. Take action against or threaten to discharge, discipline, or otherwise penalize a current employee for exercising his rights under this section; or

2. Fail or refuse to hire a prospective employee for exercising his rights under this section.

E. This section does not prohibit an employer from viewing information about a current or prospective employee that is publicly available.

F. Nothing in this section:

1. Prevents an employer from complying with the requirements of federal, state, or local laws, rules, or regulations or the rules or regulations of self-regulatory organizations; or

2. Affects an employer's existing rights or obligations to request an employee to disclose his username and password for the purpose of accessing a social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the employer of allegations of an employee's violation of federal, state, or local laws or regulations or of the employer's written policies. If an employer exercises its rights under this subdivision, the employee's username and password shall only be used for the purpose of the formal investigation or a related proceeding.

## CHAPTER 577

*An Act to amend and reenact §§ 58.1-3219.9, 58.1-3360.1, and 58.1-3360.2 of the Code of Virginia, relating to the real property tax exemption for surviving spouses of soldiers killed in action.*

[H 1721]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 58.1-3219.9, 58.1-3360.1, and 58.1-3360.2 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.**

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense and (ii) who occupies the real property as his principal place of residence. If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. ~~Only those~~ *Those* dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for ~~the a total exemption from real property taxes~~ *under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes.* Single family homes, condominiums, town homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

For purposes of determining whether a dwelling, *or a portion of its value*, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. *The exemption applies without any restriction on the spouse's moving to a different principal place of residence.*

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, *or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B*, and (ii) the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator ~~the number of surviving spouses who are qualified for the exemption pursuant to this section~~ and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals; ~~not all of whom qualify for the exemption~~; *including the surviving spouse*, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by ~~all such joint owners who qualify for the exemption~~ *the surviving spouse*, and as a denominator, 100 percent.

**§ 58.1-3360.1. Clerk to furnish certificate of land acquired; contents of certificate; certificate as authority to receive and prorate taxes.**

The clerk of the court of the county or city in which is recorded the transfer of title to such property shall furnish a certificate to the county or city treasurer showing the quantity of land so taken or acquired, and whether by the

Commonwealth; or any political subdivision thereof; a church or religious body, ~~which~~ that is exempt from taxation by Article X, Section 6 of the Constitution of Virginia; a surviving spouse of a member of the armed forces of the United States who was killed in action for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.9; or a disabled veteran for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.5, the name of the former owner and a description of the property and the district or ward in which the property is situated, also the date of the recordation of the deed or order by which such property was taken or acquired by the Commonwealth or any political subdivision thereof or any such church or religious body, as shown by the records in his office. Such certificate shall be sufficient evidence to the county and city treasurers to authorize them to receive and prorate the taxes and levies as herein authorized.

**§ 58.1-3360.2. Proration by court; effect on interest and penalties.**

Any such taxpayer, or his heirs, successors or assigns, who shall fail to have his taxes prorated by the county or city treasurer, as above provided, shall be entitled to apply to the appropriate court for proration of the taxes, as herein provided, in the same manner and within the same time as provided by law for the correction of erroneous assessments and refunding taxes erroneously charged; provided, however that in such proceedings such taxpayer shall be entitled to relief of interest and penalties only as to the proportionate part of the property so taken or acquired by the Commonwealth; or any county or municipality thereof; a church or religious body, ~~which~~ that is exempt from taxation by Article X, Section 6 of the Constitution of Virginia; a surviving spouse of a member of the armed forces of the United States who was killed in action for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.9; or a disabled veteran for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.5.

**2. That county, city, and town treasurers shall refund, without interest and to the extent paid, any taxes on a surviving spouse's real property that was (i) not exempt from taxation under Article 2.4 (§ 58.1-3219.9 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia as of January 1, 2015, and (ii) made exempt from real property taxation under the provisions of this act. The refund shall be limited to (a) such taxes on that portion of the surviving spouse's real property that is exempt from taxation under Article 2.4 and (b) tax year 2015 real property taxes.**

## CHAPTER 578

*An Act to amend the Code of Virginia by adding a section numbered 23-9.2:3.10 and to repeal § 23-9.2:3.8 of the Code of Virginia, relating to the State Council of Higher Education for Virginia; policy on course credit at public institutions of higher education for certain examinations.*

[H 1336]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 23-9.2:3.10 as follows:**

**§ 23-9.2:3.10. Course credit; Advanced Placement, Cambridge Advanced, College-Level Examination Program, and International Baccalaureate examinations.**

*A. The State Council of Higher Education for Virginia (Council), in consultation with the governing board of each public institution of higher education, shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations. The policy shall:*

- 1. Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;*
- 2. Identify each public institution of higher education's course credit or other academic requirements that the student satisfies by achieving the minimum required scores on such examinations; and*
- 3. Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.*

*B. The Council and each public institution of higher education shall make the policy available to the public on its website.*

**2. That § 23-9.2:3.8 of the Code of Virginia is repealed.**

**3. That the provisions of this act shall become effective on July 1, 2016.**

## CHAPTER 579

*An Act to amend and reenact § 23-4.4 of the Code of Virginia, relating to reports required from public institutions of higher education regarding intellectual property and externally sponsored research.*

[H 1959]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-4.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-4.4. Authorization to transfer interest; Governor's approval required under certain circumstances.**

A. The boards of visitors, the State Board for Community Colleges, or their designees are authorized to assign any interest they possess in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to subsection A of § 23-4.3. However, the Governor's prior written approval shall be required for transfers of such property developed wholly or predominately through the use of state general funds, exclusive of capital assets, and either (i) such property was developed by an employee of the institution acting within the scope of his assigned duties, or (ii) such property is to be transferred to an entity other than the Innovation and Entrepreneurship Investment Authority, an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges and universities, or an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law.

B. The president of each state-supported institution of higher education, including the chancellor of the Virginia Community College System, shall ~~report annually to the Governor and the Joint Commission on Technology and Science regarding the assignment of any intellectual property interests by that institution~~, *beginning with fiscal year 2016, include in its six-year plan adopted pursuant to § 23-38.87:17 the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; and (iii) the number and types of patents awarded during the year to the institution, any foundation supporting the intellectual property research funded by the institution, or any entity affiliated with the institution that were developed in whole or part from externally sponsored research provided by a person or nongovernmental entity. The plan shall report separate aggregate data on (a) those persons or nongovernmental entities that have a principal place of business in Virginia as reflected in the assignment agreement or awarding documents and (b) those persons or nongovernmental entities that do not have a principal place of business in Virginia as reflected in the assignment agreement or awarding documents.*

**CHAPTER 580**

*An Act to amend and reenact § 23-4.4 of the Code of Virginia, relating to reports required from public institutions of higher education regarding intellectual property and externally sponsored research.*

[S 1206]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-4.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-4.4. Authorization to transfer interest; Governor's approval required under certain circumstances.**

A. The boards of visitors, the State Board for Community Colleges, or their designees are authorized to assign any interest they possess in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to subsection A of § 23-4.3. However, the Governor's prior written approval shall be required for transfers of such property developed wholly or predominately through the use of state general funds, exclusive of capital assets, and either (i) such property was developed by an employee of the institution acting within the scope of his assigned duties, or (ii) such property is to be transferred to an entity other than the Innovation and Entrepreneurship Investment Authority, an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges and universities, or an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law.

B. The president of each state-supported institution of higher education, including the chancellor of the Virginia Community College System, shall ~~report annually to the Governor and the Joint Commission on Technology and Science regarding the assignment of any intellectual property interests by that institution~~, *beginning with fiscal year 2016, include in its six-year plan adopted pursuant to § 23-38.87:17 the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; and (iii) the number and types of patents awarded during the year to the institution, any foundation supporting the intellectual property research funded by the institution, or any entity affiliated with the institution that were developed in whole or part from externally sponsored research provided by a person or nongovernmental entity. The plan shall report separate aggregate data on (a) those persons or nongovernmental entities that have a principal place*

of business in Virginia as reflected in the assignment agreement or awarding documents and (b) those persons or nongovernmental entities that do not have a principal place of business in Virginia as reflected in the assignment agreement or awarding documents.

### CHAPTER 581

An Act to amend the Code of Virginia by adding in Chapter 16 of Title 23 an article numbered 2.1, consisting of a section numbered 23-220.5, relating to the State Board for Community Colleges; policy for the award of academic credit for military training.

[S 1335]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 16 of Title 23 an article numbered 2.1, consisting of a section numbered 23-220.5, as follows:**

#### Article 2.1.

*Award of Academic Credit for Military Training Applicable to the Student's Certificate of Degree Requirements.*

**§ 23-220.5. Policy for the award of academic credit for military training.**

A. The State Board shall adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is:

1. Recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs;

2. Noted on the student's military transcript issued by any of the armed forces of the United States; or

3. Otherwise documented in writing by any of the armed forces of the United States.

B. The State Board shall:

1. Develop a procedure for each comprehensive community college to receive the documentation necessary to identify and verify the military training course or program for which the student has applied for academic credit; and

2. Develop, maintain, and disseminate to each comprehensive community college a list of military training courses and programs that it has deemed qualified for the award of academic credit.

C. Each comprehensive community college shall provide a copy of the State Board's policy for the award of academic credit for military training courses or programs to each student applicant.

**2. That the State Board for Community Colleges shall adopt a policy for the award of academic credit for military training pursuant to this act no later than December 31, 2015.**

### CHAPTER 582

An Act to amend the Code of Virginia by adding a section numbered 22.1-287.02, relating to uniformed services-connected students; identification.

[H 2373]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-287.02 as follows:**

**§ 22.1-287.02. Uniformed services-connected students.**

A. For purposes of this section, a "uniformed services-connected student" means a student enrolled in a public school whose parent is serving in either (i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

B. The Department of Education shall establish a process for the identification of newly enrolled uniformed services-connected students by local school divisions. Local school divisions shall identify newly enrolled uniformed services-connected students in accordance with such process.

C. Nonidentifiable, aggregate data collected from the identification of uniformed services-connected students shall be made available to local, state, and federal entities for the purposes of becoming eligible for nongeneral fund sources and receiving services to meet the needs of uniformed services-connected students residing in the Commonwealth.

D. Data collected from the identification of uniformed services-connected students shall not be a public record as defined in § 2.2-3701. No person shall disclose such data except as permitted under the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations. No such data shall be used for the purposes of student achievement, the Standards of Accreditation, student-growth indicators, the school performance report card, or any other school rating system.

## CHAPTER 583

*An Act to amend the Code of Virginia by adding a section numbered 22.1-287.02, relating to uniformed services-connected students; identification.*

[S 1354]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 22.1-287.02 as follows:****§ 22.1-287.02. Uniformed services-connected students.**

A. For purposes of this section, a "uniformed services-connected student" means a student enrolled in a public school whose parent is serving in either (i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

B. The Department of Education shall establish a process for the identification of newly enrolled uniformed services-connected students by local school divisions. Local school divisions shall identify newly enrolled uniformed services-connected students in accordance with such process.

C. Nonidentifiable, aggregate data collected from the identification of uniformed services-connected students shall be made available to local, state, and federal entities for the purposes of becoming eligible for nongeneral fund sources and receiving services to meet the needs of uniformed services-connected students residing in the Commonwealth.

D. Data collected from the identification of uniformed services-connected students shall not be a public record as defined in § 2.2-3701. No person shall disclose such data except as permitted under the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations. No such data shall be used for the purposes of student achievement, the Standards of Accreditation, student-growth indicators, the school performance report card, or any other school rating system.

## CHAPTER 584

*An Act to amend and reenact § 38.2-2206 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 8.01 a section numbered 8.01-66.1:1, relating to motor vehicle accidents; settlement of underinsured motorist claims; subrogation claims by underinsured motorist benefits insurer.*

[S 1190]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 38.2-2206 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 8.01 a section numbered 8.01-66.1:1 as follows:****§ 8.01-66.1:1. Subrogation claims by underinsured motorist benefits insurer.**

A. Any underinsured motorist benefits insurer paying such benefits to an insured, by way of settlement or payment pursuant to a judgment, shall have no right of subrogation against any individual or entity who settled with the underinsured motorist benefits insurer's insured pursuant to subsection K of § 38.2-2206 unless the underinsured motorist failed to reasonably cooperate in the defense of any lawsuit brought against him. An underinsured motorist shall be presumed to have failed to reasonably cooperate if he fails or refuses:

1. To attend his deposition or trial if subpoenaed to appear at least 21 days in advance of either event;
2. To assist in responding to written discovery;
3. To meet with defense counsel for a reasonable period of time after reasonable notice, by phone or in person, within 21 days of being served with any lawsuit and again prior to his deposition and trial; or
4. To notify counsel for the underinsured motorist benefits insurer of any change in address.

The underinsured motorist may rebut the presumption that he failed to reasonably cooperate. If the court finds that the underinsured motorist's failure to cooperate was not unreasonable or that the underinsured motorist otherwise acted in good faith in attempting to comply with his duty to reasonably cooperate with the underinsured motorist benefits insurer, then the underinsured motorist benefits insurer will not regain its right of subrogation.

B. The underinsured motorist benefits insurer seeking the cooperation of the underinsured motorist shall pay the reasonable costs and expenses related to procuring such cooperation, including any travel costs if the underinsured motorist resides more than 100 miles from the location of his deposition or trial. Travel costs may be considered by the court in determining whether the underinsured motorist's failure to cooperate was unreasonable or not.

C. If the court finds that the underinsured motorist satisfied his duty to cooperate with the underinsured motorist benefits insurer or that his failure to do so was not unreasonable, then the court may award him his costs in defending such subrogation action, including reasonable attorney fees.

**§ 38.2-2206. Uninsured motorist insurance coverage.**

A. Except as provided in subsection J of this section, no policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to the owner of such vehicle or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor vehicle principally garaged or used in this Commonwealth unless it contains an endorsement or provisions undertaking to pay the insured all sums that he is legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits not less than the requirements of § 46.2-472. Those limits shall equal but not exceed the limits of the liability insurance provided by the policy, unless any one named insured rejects the additional uninsured motorist insurance coverage by notifying the insurer as provided in subsection B of § 38.2-2202. This rejection of the additional uninsured motorist insurance coverage by any one named insured shall be binding upon all insureds under such policy as defined in subsection B of this section. The endorsement or provisions shall also obligate the insurer to make payment for bodily injury or property damage caused by the operation or use of an underinsured motor vehicle to the extent the vehicle is underinsured, as defined in subsection B of this section. The endorsement or provisions shall also provide for at least \$20,000 coverage for damage or destruction of the property of the insured in any one accident but may provide an exclusion of the first \$200 of the loss or damage where the loss or damage is a result of any one accident involving an unidentifiable owner or operator of an uninsured motor vehicle.

B. As used in this section, the term "bodily injury" includes death resulting from bodily injury.

"Insured" as used in subsections A, D, G, and H of this section means the named insured and, while resident of the same household, the spouse of the named insured, and relatives, wards or foster children of either, while in a motor vehicle or otherwise, and any person who uses the motor vehicle to which the policy applies, with the expressed or implied consent of the named insured, and a guest in the motor vehicle to which the policy applies or the personal representative of any of the above.

"Uninsured motor vehicle" means a motor vehicle for which (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472, (ii) there is such insurance but the insurer writing the insurance denies coverage for any reason whatsoever, including failure or refusal of the insured to cooperate with the insurer, (iii) there is no bond or deposit of money or securities in lieu of such insurance, (iv) the owner of the motor vehicle has not qualified as a self-insurer under the provisions of § 46.2-368, or (v) the owner or operator of the motor vehicle is immune from liability for negligence under the laws of the Commonwealth or the United States, in which case the provisions of subsection F shall apply and the action shall continue against the insurer. A motor vehicle shall be deemed uninsured if its owner or operator is unknown.

A motor vehicle is "underinsured" when, and to the extent that, the total amount of bodily injury and property damage coverage applicable to the operation or use of the motor vehicle and available for payment for such bodily injury or property damage, including all bonds or deposits of money or securities made pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 of Title 46.2, is less than the total amount of uninsured motorist coverage afforded any person injured as a result of the operation or use of the vehicle.

"Available for payment" means the amount of liability insurance coverage applicable to the claim of the injured person for bodily injury or property damage reduced by the payment of any other claims arising out of the same occurrence.

If an injured person is entitled to underinsured motorist coverage under more than one policy, the following order of priority of policies applies and any amount available for payment shall be credited against such policies in the following order of priority:

1. The policy covering a motor vehicle occupied by the injured person at the time of the accident;
2. The policy covering a motor vehicle not involved in the accident under which the injured person is a named insured;
3. The policy covering a motor vehicle not involved in the accident under which the injured person is an insured other than a named insured.

Where there is more than one insurer providing coverage under one of the payment priorities set forth, their liability shall be proportioned as to their respective underinsured motorist coverages.

Recovery under the endorsement or provisions shall be subject to the conditions set forth in this section.

C. There shall be a rebuttable presumption that a motor vehicle is uninsured if the Commissioner of the Department of Motor Vehicles certifies that, from the records of the Department of Motor Vehicles, it appears that: (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472 covering the owner or operator of the motor vehicle; or (ii) no bond has been given or cash or securities delivered in lieu of the insurance; or (iii) the owner or operator of the motor vehicle has not qualified as a self-insurer in accordance with the provisions of § 46.2-368.

D. If the owner or operator of any motor vehicle that causes bodily injury or property damage to the insured is unknown, and if the damage or injury results from an accident where there has been no contact between that motor vehicle and the motor vehicle occupied by the insured, or where there has been no contact with the person of the insured if the insured was not occupying a motor vehicle, then for the insured to recover under the endorsement required by subsection A of this section, the accident shall be reported promptly to either (i) the insurer or (ii) a law-enforcement officer having jurisdiction in the county or city in which the accident occurred. If it is not reasonably practicable to make the report promptly, the report shall be made as soon as reasonably practicable under the circumstances.

E. If the owner or operator of any vehicle causing injury or damages is unknown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivering a copy of the motion for judgment

or other pleadings to the clerk of the court in which the action is brought. Service upon the insurer issuing the policy shall be made as prescribed by law as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

F. If any action is instituted against the owner or operator of an uninsured or underinsured motor vehicle by any insured intending to rely on the uninsured or underinsured coverage provision or endorsement of this policy under which the insured is making a claim, then the insured shall serve a copy of the process upon this insurer in the manner prescribed by law, as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall then have the right to file pleadings and take other action allowable by law in the name of the owner or operator of the uninsured or underinsured motor vehicle or in its own name. Notwithstanding the provisions of subsection A, the immunity from liability for negligence of the owner or operator of a motor vehicle shall not be a bar to the insured obtaining a judgment enforceable against the insurer for the negligence of the immune owner or operator, and shall not be a defense available to the insurer to the action brought by the insured, which shall proceed against the named defendant although any judgment obtained against an immune defendant shall be entered in the name of "Immune Defendant" and shall be enforceable against the insurer and any other nonimmune defendant as though it were entered in the actual name of the named immune defendant. Nothing in this subsection shall prevent the owner or operator of the uninsured motor vehicle from employing counsel of his own choice and taking any action in his own interest in connection with the proceeding.

G. Any insurer paying a claim under the endorsement or provisions required by subsection A of this section shall be subrogated to the rights of the insured to whom the claim was paid against the person causing the injury, death, or damage and that person's insurer, although it may deny coverage for any reason, to the extent that payment was made. The bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not bar the insured from bringing an action against the owner or operator proceeded against as John Doe, or against the owner's or operator's insurer denying coverage for any reason, if the identity of the owner or operator who caused the injury or damages becomes known. The bringing of an action against an unknown owner or operator as John Doe shall toll the statute of limitations for purposes of bringing an action against the owner or operator who caused the injury or damages until his identity becomes known. In no event shall an action be brought against an owner or operator who caused the injury or damages, previously filed against as John Doe, more than three years from the commencement of the action against the unknown owner or operator as John Doe in a court of competent jurisdiction. Any recovery against the owner or operator, or the insurer of the owner or operator shall be paid to the insurer of the injured party to the extent that the insurer paid the named insured in the action brought against the owner or operator as John Doe. However, the insurer shall pay its proportionate part of all reasonable costs and expenses incurred in connection with the action, including reasonable attorney's fees. Nothing in an endorsement or provisions made under this subsection nor any other provision of law shall prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing the injury as a party defendant, and the joinder is hereby specifically authorized. No action, verdict or release arising out of a suit brought under this subsection shall give rise to any defenses in any other action brought in the subrogated party's name, including res judicata and collateral estoppel.

H. No endorsement or provisions providing the coverage required by subsection A of this section shall require arbitration of any claim arising under the endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insured be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

I. Except as provided in § 65.2-309.1, the provisions of subsections A and B of § 38.2-2204 and the provisions of subsection A of this section shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workers' compensation law, or to the extent that it covers liability to which the Federal Tort Claims Act applies. No provision or application of this section shall limit the liability of an insurer of motor vehicles to an employee or other insured under this section who is injured by an uninsured motor vehicle; provided that in the event an employee of a self-insured employer receives a workers' compensation award for injuries resulting from an accident with an uninsured motor vehicle, such award shall be set off against any judgment for damages awarded pursuant to this section for personal injuries resulting from such accident.

J. Policies of insurance whose primary purpose is to provide coverage in excess of other valid and collectible insurance or qualified self-insurance may include uninsured motorist coverage as provided in subsection A of this section. Insurers issuing or providing liability policies that are of an excess or umbrella type or which provide liability coverage incidental to a policy and not related to a specifically insured motor vehicle, shall not be required to offer, provide or make available to those policies uninsured or underinsured motor vehicle coverage as defined in subsection A of this section.

K. ~~A liability insurance carrier providing coverage under a policy issued or renewed on or after July 1, 1988, may pay the entire amount of its available coverage without obtaining a release of a claim if the claimant has underinsured insurance coverage in excess of the amount so paid. Any liability insurer making a payment pursuant to this section shall promptly give notice to its insured and to the insurer which provides the underinsured coverage that it has paid the full amount of its available coverage. An injured person, or in the case of death or disability his personal representative, may settle a claim with (i) a liability insurer or insurers, including any insurer providing liability coverage through an excess or umbrella insurance policy or contract and (ii) the liability insurer's or insurers' insured for the available limits of the liability insurer's coverage. Upon settlement with the liability insurer or insurers, the injured party or personal representative shall~~

proceed to execute a full release in favor of the underinsured motorist's liability insurer and its insured and finalize the proposed settlement without prejudice to any underinsured motorist benefits or claim. Upon payment of the liability insurer's available limits to the injured person or personal representative or his attorney, the liability insurer shall thereafter have no further duties to its insured, including the duty to defend its insured if an action has been or is brought against the liability insurer's insured, and the insurer providing applicable underinsured motorist coverage shall have no right of subrogation or claim against the underinsured motorist. However, if the underinsured motorist unreasonably fails to cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the injured person or his personal representative, he may again be subjected to a claim for subrogation by the underinsured motorist benefits insurer pursuant to § 8.01-66.1:1. This section provides an alternative means by which the parties may resolve claims and does not eliminate or restrict any other available means.

L. If the liability insurer or insurers providing coverage to an underinsured motor vehicle owner or operator make an irrevocable offer in writing, which may be contingent upon waiver of subrogation, to pay the total amount of liability coverage available for payment with reference to a claim for property damage or bodily injury, 60 days following written notice of the offer to any insurer or insurers providing underinsured coverage that have been served pursuant to this section, the insurer or insurers providing liability coverage shall be relieved of the cost of defending the owner or operator incurred thereafter, including expenses as well as reasonable and necessary attorney fees, and the insurer or insurers providing the underinsured motorist coverage shall reimburse the liability insurer or insurers for the costs to defend the underinsured motor vehicle owner or operator to the date of the underinsured motorist insurer's offer of its limit of coverage. The liability insurer or insurers shall nonetheless retain the duty to defend their insured. If underinsured motorist coverage is provided by more than one insurer, the cost to defend shall be assumed in the same order of priority as set forth in subsection B with regard to the payment of underinsured benefits upon the offer of each underinsured motorist insurer's limit of coverage. This subsection, including the liability insurer's irrevocable offer and the underinsured insurer's liability for defense costs, shall not apply in the event of either a jury verdict being returned in an amount equal to or less than the total liability coverage available for payment or a dispositive ruling dismissing the plaintiff's complaint, including but not limited to the plaintiff taking a voluntary nonsuit. This subsection shall not apply to costs incurred in connection with an appeal. Any settlement between the injured person or his personal representative, any insurer providing liability coverage applicable to the claim, and the underinsured motorist described in subsection K shall be in writing, signed by both the injured person or his personal representative and the underinsured motorist, and shall include the following notice to the underinsured motorist, which must be initiated by the underinsured motorist:

*"NOTICE TO RELEASED PARTY: Your insurance company has agreed to pay the available limits of its insurance to settle certain claims on your behalf. This settlement secures a full release of you for all claims the claimant/plaintiff has against you arising out of the subject accident, as well as ensures that no judgment can ever be entered against you by the claimant/plaintiff. In order to protect yourself from subrogation by any underinsured motorist insurer, you are agreeing to cooperate with the underinsured motorist benefits insurer(s).*

*Under this manner of settlement, the underinsured motorist benefits insurer(s) that is/are involved in this case has/have no right of subrogation against you unless you fail to reasonably cooperate in its/their defense of the claim by not (i) attending your deposition and trial, if subpoenaed, (ii) assisting in responding to discovery, (iii) meeting with defense counsel at reasonable times after commencement of this suit and before your testimony at a deposition and/or trial, and (iv) notifying defense counsel of any change in your address.*

*Upon payment of the agreed settlement amount by your insurance company(ies), such company shall no longer owe you any duties, including the duty to hire and pay for an attorney for you. You are not required to consent to settlement in this manner. If you do not consent to settlement in this manner, your insurance company will still defend you in any lawsuit brought against you by the claimant/plaintiff, but you will not have the protections of a full release from the claimant/plaintiff, judgment could be entered against you and may exceed your available insurance coverage, and any underinsured motorist benefits insurer would have a right of subrogation against you to recover any moneys it pays to the claimant/plaintiff.*

*You are encouraged to discuss your rights and obligations related to settlement in this manner with your insurance company and/or an attorney. By signing this document, you agree to consent to this settlement and to reasonably cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the claimant/plaintiff.*

\_\_\_\_\_ (initial)"

*In the alternative, the liability insurer may send the notice to the released party by certified mail return receipt requested to the underinsured motorist at his last known address.*

M. Any action brought by the injured person or his personal representative to recover underinsured motorist benefits after payment of the liability insurer's available limits pursuant to subsection K shall be brought against the released defendant or defendants, and a copy of the complaint shall be served on any insurer providing underinsured motorist benefits. If an action is pending at the time the liability insurer's available limits are paid to the injured person or personal representative or his attorney, then the action shall remain pending against the named defendant or defendants who have been released. If such action results in a verdict in favor of the injured person or his personal representative against a released defendant, then judgment as to that defendant shall be entered in the name of "Released Defendant" and shall be enforceable against the underinsured motorist benefits insurer or insurers, not to exceed the underinsured motorist benefits limits, and against any unreleased defendant, as though it were entered in the actual name of the released defendant.

*N. Any proposed settlement between a liability insurer and a person under a disability or a personal representative as permitted in subsection K that compromises in part a claim for personal injuries by the person under a disability or for death by wrongful act pursuant to § 8.01-50 may be, but is not required to be, approved pursuant to § 8.01-424 or 8.01-55, as applicable. If the personal representative elects not to have the settlement with the liability insurer approved pursuant to § 8.01-55, then any payment made to the personal representative by the liability insurer shall be made payable to the personal representative's attorney, to be held in trust, or paid into the court pursuant to § 8.01-600 if the personal representative is not represented by an attorney, with no disbursements made therefrom until the compromise is approved by the court pursuant to § 8.01-55. Approval by the court of a settlement between the liability insurer and a person under a disability or the personal representative pursuant to this subsection shall not prejudice the person's or personal representative's claim for underinsured motorist benefits.*

**2. That the provisions of this act shall apply to policies issued or renewed on or after January 1, 2016.**

## CHAPTER 585

*An Act to amend and reenact § 38.2-2206 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 8.01 a section numbered 8.01-66.1:1, relating to motor vehicle accidents; settlement of underinsured motorist claims; subrogation claims by underinsured motorist benefits insurer.*

[H 1819]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-2206 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 8.01 a section numbered 8.01-66.1:1 as follows:**

**§ 8.01-66.1:1. Subrogation claims by underinsured motorist benefits insurer.**

*A. Any underinsured motorist benefits insurer paying such benefits to an insured, by way of settlement or payment pursuant to a judgment, shall have no right of subrogation against any individual or entity who settled with the underinsured motorist benefits insurer's insured pursuant to subsection K of § 38.2-2206 unless the underinsured motorist failed to reasonably cooperate in the defense of any lawsuit brought against him. An underinsured motorist shall be presumed to have failed to reasonably cooperate if he fails or refuses:*

- 1. To attend his deposition or trial if subpoenaed to appear at least 21 days in advance of either event;*
- 2. To assist in responding to written discovery;*
- 3. To meet with defense counsel for a reasonable period of time after reasonable notice, by phone or in person, within 21 days of being served with any lawsuit and again prior to his deposition and trial; or*
- 4. To notify counsel for the underinsured motorist benefits insurer of any change in address.*

*The underinsured motorist may rebut the presumption that he failed to reasonably cooperate. If the court finds that the underinsured motorist's failure to cooperate was not unreasonable or that the underinsured motorist otherwise acted in good faith in attempting to comply with his duty to reasonably cooperate with the underinsured motorist benefits insurer, then the underinsured motorist benefits insurer will not regain its right of subrogation.*

*B. The underinsured motorist benefits insurer seeking the cooperation of the underinsured motorist shall pay the reasonable costs and expenses related to procuring such cooperation, including any travel costs if the underinsured motorist resides more than 100 miles from the location of his deposition or trial. Travel costs may be considered by the court in determining whether the underinsured motorist's failure to cooperate was unreasonable or not.*

*C. If the court finds that the underinsured motorist satisfied his duty to cooperate with the underinsured motorist benefits insurer or that his failure to do so was not unreasonable, then the court may award him his costs in defending such subrogation action, including reasonable attorney fees.*

**§ 38.2-2206. Uninsured motorist insurance coverage.**

*A. Except as provided in subsection J of this section, no policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to the owner of such vehicle or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor vehicle principally garaged or used in this Commonwealth unless it contains an endorsement or provisions undertaking to pay the insured all sums that he is legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits not less than the requirements of § 46.2-472. Those limits shall equal but not exceed the limits of the liability insurance provided by the policy, unless any one named insured rejects the additional uninsured motorist insurance coverage by notifying the insurer as provided in subsection B of § 38.2-2202. This rejection of the additional uninsured motorist insurance coverage by any one named insured shall be binding upon all insureds under such policy as defined in subsection B of this section. The endorsement or provisions shall also obligate the insurer to make payment for bodily injury or property damage caused by the operation or use of an underinsured motor vehicle to the extent the vehicle is underinsured, as defined in subsection B of this section. The endorsement or provisions shall also provide for at least \$20,000 coverage for damage or destruction of the property of the insured in any one accident but may provide an exclusion of the first \$200 of the loss or damage where the loss or damage is a result of any one accident involving an unidentifiable owner or operator of an uninsured motor vehicle.*

B. As used in this section, the term "bodily injury" includes death resulting from bodily injury.

"Insured" as used in subsections A, D, G, and H of this section means the named insured and, while resident of the same household, the spouse of the named insured, and relatives, wards or foster children of either, while in a motor vehicle or otherwise, and any person who uses the motor vehicle to which the policy applies, with the expressed or implied consent of the named insured, and a guest in the motor vehicle to which the policy applies or the personal representative of any of the above.

"Uninsured motor vehicle" means a motor vehicle for which (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472, (ii) there is such insurance but the insurer writing the insurance denies coverage for any reason whatsoever, including failure or refusal of the insured to cooperate with the insurer, (iii) there is no bond or deposit of money or securities in lieu of such insurance, (iv) the owner of the motor vehicle has not qualified as a self-insurer under the provisions of § 46.2-368, or (v) the owner or operator of the motor vehicle is immune from liability for negligence under the laws of the Commonwealth or the United States, in which case the provisions of subsection F shall apply and the action shall continue against the insurer. A motor vehicle shall be deemed uninsured if its owner or operator is unknown.

A motor vehicle is "underinsured" when, and to the extent that, the total amount of bodily injury and property damage coverage applicable to the operation or use of the motor vehicle and available for payment for such bodily injury or property damage, including all bonds or deposits of money or securities made pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 of Title 46.2, is less than the total amount of uninsured motorist coverage afforded any person injured as a result of the operation or use of the vehicle.

"Available for payment" means the amount of liability insurance coverage applicable to the claim of the injured person for bodily injury or property damage reduced by the payment of any other claims arising out of the same occurrence.

If an injured person is entitled to underinsured motorist coverage under more than one policy, the following order of priority of policies applies and any amount available for payment shall be credited against such policies in the following order of priority:

1. The policy covering a motor vehicle occupied by the injured person at the time of the accident;
2. The policy covering a motor vehicle not involved in the accident under which the injured person is a named insured;
3. The policy covering a motor vehicle not involved in the accident under which the injured person is an insured other than a named insured.

Where there is more than one insurer providing coverage under one of the payment priorities set forth, their liability shall be proportioned as to their respective underinsured motorist coverages.

Recovery under the endorsement or provisions shall be subject to the conditions set forth in this section.

C. There shall be a rebuttable presumption that a motor vehicle is uninsured if the Commissioner of the Department of Motor Vehicles certifies that, from the records of the Department of Motor Vehicles, it appears that: (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472 covering the owner or operator of the motor vehicle; or (ii) no bond has been given or cash or securities delivered in lieu of the insurance; or (iii) the owner or operator of the motor vehicle has not qualified as a self-insurer in accordance with the provisions of § 46.2-368.

D. If the owner or operator of any motor vehicle that causes bodily injury or property damage to the insured is unknown, and if the damage or injury results from an accident where there has been no contact between that motor vehicle and the motor vehicle occupied by the insured, or where there has been no contact with the person of the insured if the insured was not occupying a motor vehicle, then for the insured to recover under the endorsement required by subsection A of this section, the accident shall be reported promptly to either (i) the insurer or (ii) a law-enforcement officer having jurisdiction in the county or city in which the accident occurred. If it is not reasonably practicable to make the report promptly, the report shall be made as soon as reasonably practicable under the circumstances.

E. If the owner or operator of any vehicle causing injury or damages is unknown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivering a copy of the motion for judgment or other pleadings to the clerk of the court in which the action is brought. Service upon the insurer issuing the policy shall be made as prescribed by law as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

F. If any action is instituted against the owner or operator of an uninsured or underinsured motor vehicle by any insured intending to rely on the uninsured or underinsured coverage provision or endorsement of this policy under which the insured is making a claim, then the insured shall serve a copy of the process upon this insurer in the manner prescribed by law, as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall then have the right to file pleadings and take other action allowable by law in the name of the owner or operator of the uninsured or underinsured motor vehicle or in its own name. Notwithstanding the provisions of subsection A, the immunity from liability for negligence of the owner or operator of a motor vehicle shall not be a bar to the insured obtaining a judgment enforceable against the insurer for the negligence of the immune owner or operator, and shall not be a defense available to the insurer to the action brought by the insured, which shall proceed against the named defendant although any judgment obtained against an immune defendant shall be entered in the name of "Immune Defendant" and shall be enforceable against the insurer and any other nonimmune defendant as though it were

entered in the actual name of the named immune defendant. Nothing in this subsection shall prevent the owner or operator of the uninsured motor vehicle from employing counsel of his own choice and taking any action in his own interest in connection with the proceeding.

G. Any insurer paying a claim under the endorsement or provisions required by subsection A of this section shall be subrogated to the rights of the insured to whom the claim was paid against the person causing the injury, death, or damage and that person's insurer, although it may deny coverage for any reason, to the extent that payment was made. The bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not bar the insured from bringing an action against the owner or operator proceeded against as John Doe, or against the owner's or operator's insurer denying coverage for any reason, if the identity of the owner or operator who caused the injury or damages becomes known. The bringing of an action against an unknown owner or operator as John Doe shall toll the statute of limitations for purposes of bringing an action against the owner or operator who caused the injury or damages until his identity becomes known. In no event shall an action be brought against an owner or operator who caused the injury or damages, previously filed against as John Doe, more than three years from the commencement of the action against the unknown owner or operator as John Doe in a court of competent jurisdiction. Any recovery against the owner or operator, or the insurer of the owner or operator shall be paid to the insurer of the injured party to the extent that the insurer paid the named insured in the action brought against the owner or operator as John Doe. However, the insurer shall pay its proportionate part of all reasonable costs and expenses incurred in connection with the action, including reasonable attorney's fees. Nothing in an endorsement or provisions made under this subsection nor any other provision of law shall prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing the injury as a party defendant, and the joinder is hereby specifically authorized. No action, verdict or release arising out of a suit brought under this subsection shall give rise to any defenses in any other action brought in the subrogated party's name, including res judicata and collateral estoppel.

H. No endorsement or provisions providing the coverage required by subsection A of this section shall require arbitration of any claim arising under the endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insured be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

I. Except as provided in § 65.2-309.1, the provisions of subsections A and B of § 38.2-2204 and the provisions of subsection A of this section shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workers' compensation law, or to the extent that it covers liability to which the Federal Tort Claims Act applies. No provision or application of this section shall limit the liability of an insurer of motor vehicles to an employee or other insured under this section who is injured by an uninsured motor vehicle; provided that in the event an employee of a self-insured employer receives a workers' compensation award for injuries resulting from an accident with an uninsured motor vehicle, such award shall be set off against any judgment for damages awarded pursuant to this section for personal injuries resulting from such accident.

J. Policies of insurance whose primary purpose is to provide coverage in excess of other valid and collectible insurance or qualified self-insurance may include uninsured motorist coverage as provided in subsection A of this section. Insurers issuing or providing liability policies that are of an excess or umbrella type or which provide liability coverage incidental to a policy and not related to a specifically insured motor vehicle, shall not be required to offer, provide or make available to those policies uninsured or underinsured motor vehicle coverage as defined in subsection A of this section.

~~K. A liability insurance carrier providing coverage under a policy issued or renewed on or after July 1, 1988, may pay the entire amount of its available coverage without obtaining a release of a claim if the claimant has underinsured insurance coverage in excess of the amount so paid. Any liability insurer making a payment pursuant to this section shall promptly give notice to its insured and to the insurer which provides the underinsured coverage that it has paid the full amount of its available coverage. An injured person, or in the case of death or disability his personal representative, may settle a claim with (i) a liability insurer or insurers, including any insurer providing liability coverage through an excess or umbrella insurance policy or contract and (ii) the liability insurer's or insurers' insured for the available limits of the liability insurer's coverage. Upon settlement with the liability insurer or insurers, the injured party or personal representative shall proceed to execute a full release in favor of the underinsured motorist's liability insurer and its insured and finalize the proposed settlement without prejudice to any underinsured motorist benefits or claim. Upon payment of the liability insurer's available limits to the injured person or personal representative or his attorney, the liability insurer shall thereafter have no further duties to its insured, including the duty to defend its insured if an action has been or is brought against the liability insurer's insured, and the insurer providing applicable underinsured motorist coverage shall have no right of subrogation or claim against the underinsured motorist. However, if the underinsured motorist unreasonably fails to cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the injured person or his personal representative, he may again be subjected to a claim for subrogation by the underinsured motorist benefits insurer pursuant to § 8.01-66.1:1. This section provides an alternative means by which the parties may resolve claims and does not eliminate or restrict any other available means.~~

~~L. If the liability insurer or insurers providing coverage to an underinsured motor vehicle owner or operator make an irrevocable offer in writing, which may be contingent upon waiver of subrogation, to pay the total amount of liability coverage available for payment with reference to a claim for property damage or bodily injury, 60 days following written notice of the offer to any insurer or insurers providing underinsured coverage that have been served pursuant to this section, the insurer or insurers providing liability coverage shall be relieved of the cost of defending the owner or operator incurred~~

thereafter, including expenses as well as reasonable and necessary attorney fees, and the insurer or insurers providing the underinsured motorist coverage shall reimburse the liability insurer or insurers for the costs to defend the underinsured motor vehicle owner or operator to the date of the underinsured motorist insurer's offer of its limit of coverage. The liability insurer or insurers shall nonetheless retain the duty to defend their insured. If underinsured motorist coverage is provided by more than one insurer, the cost to defend shall be assumed in the same order of priority as set forth in subsection B with regard to the payment of underinsured benefits upon the offer of each underinsured motorist insurer's limit of coverage. This subsection, including the liability insurer's irrevocable offer and the underinsured insurer's liability for defense costs, shall not apply in the event of either a jury verdict being returned in an amount equal to or less than the total liability coverage available for payment or a dispositive ruling dismissing the plaintiff's complaint, including but not limited to the plaintiff taking a voluntary nonsuit. This subsection shall not apply to costs incurred in connection with an appeal. Any settlement between the injured person or his personal representative, any insurer providing liability coverage applicable to the claim, and the underinsured motorist described in subsection K shall be in writing, signed by both the injured person or his personal representative and the underinsured motorist, and shall include the following notice to the underinsured motorist, which must be initialed by the underinsured motorist:

*"NOTICE TO RELEASED PARTY: Your insurance company has agreed to pay the available limits of its insurance to settle certain claims on your behalf. This settlement secures a full release of you for all claims the claimant/plaintiff has against you arising out of the subject accident, as well as ensures that no judgment can ever be entered against you by the claimant/plaintiff. In order to protect yourself from subrogation by any underinsured motorist insurer, you are agreeing to cooperate with the underinsured motorist benefits insurer(s).*

*Under this manner of settlement, the underinsured motorist benefits insurer(s) that is/are involved in this case has/have no right of subrogation against you unless you fail to reasonably cooperate in its/their defense of the claim by not (i) attending your deposition and trial, if subpoenaed, (ii) assisting in responding to discovery, (iii) meeting with defense counsel at reasonable times after commencement of this suit and before your testimony at a deposition and/or trial, and (iv) notifying defense counsel of any change in your address.*

*Upon payment of the agreed settlement amount by your insurance company(ies), such company shall no longer owe you any duties, including the duty to hire and pay for an attorney for you. You are not required to consent to settlement in this manner. If you do not consent to settlement in this manner, your insurance company will still defend you in any lawsuit brought against you by the claimant/plaintiff, but you will not have the protections of a full release from the claimant/plaintiff, judgment could be entered against you and may exceed your available insurance coverage, and any underinsured motorist benefits insurer would have a right of subrogation against you to recover any moneys it pays to the claimant/plaintiff.*

*You are encouraged to discuss your rights and obligations related to settlement in this manner with your insurance company and/or an attorney. By signing this document, you agree to consent to this settlement and to reasonably cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the claimant/plaintiff.*

\_\_\_\_\_ (initial)"

*In the alternative, the liability insurer may send the notice to the released party by certified mail return receipt requested to the underinsured motorist at his last known address.*

*M. Any action brought by the injured person or his personal representative to recover underinsured motorist benefits after payment of the liability insurer's available limits pursuant to subsection K shall be brought against the released defendant or defendants, and a copy of the complaint shall be served on any insurer providing underinsured motorist benefits. If an action is pending at the time the liability insurer's available limits are paid to the injured person or personal representative or his attorney, then the action shall remain pending against the named defendant or defendants who have been released. If such action results in a verdict in favor of the injured person or his personal representative against a released defendant, then judgment as to that defendant shall be entered in the name of "Released Defendant" and shall be enforceable against the underinsured motorist benefits insurer or insurers, not to exceed the underinsured motorist benefits limits, and against any unreleased defendant, as though it were entered in the actual name of the released defendant.*

*N. Any proposed settlement between a liability insurer and a person under a disability or a personal representative as permitted in subsection K that compromises in part a claim for personal injuries by the person under a disability or for death by wrongful act pursuant to § 8.01-50 may be, but is not required to be, approved pursuant to § 8.01-424 or 8.01-55, as applicable. If the personal representative elects not to have the settlement with the liability insurer approved pursuant to § 8.01-55, then any payment made to the personal representative by the liability insurer shall be made payable to the personal representative's attorney, to be held in trust, or paid into the court pursuant to § 8.01-600 if the personal representative is not represented by an attorney, with no disbursements made therefrom until the compromise is approved by the court pursuant to § 8.01-55. Approval by the court of a settlement between the liability insurer and a person under a disability or the personal representative pursuant to this subsection shall not prejudice the person's or personal representative's claim for underinsured motorist benefits.*

**2. That the provisions of this act shall apply to policies issued or renewed on or after January 1, 2016.**

## CHAPTER 586

*An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; state song.*

[H 1472]

Approved March 26, 2015

Whereas, the Commonwealth has no official song because "Carry Me Back to Old Virginny," declared the official song of the Commonwealth in 1940, was declared the official song emeritus of the Commonwealth in 1997; and

Whereas, the official song should reference the rich tradition of the Commonwealth and invoke images of the natural and scenic beauty its citizens celebrate; and

Whereas, the extensive history and diversity of the Commonwealth require the designation of two official songs that can be sung with pride and affection; and

Whereas, "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis, meets the melodic and lyrical requirements for a state song, the words of which are as follows:

"You'll always be our great Virginia.  
You're the birthplace of the nation:  
Where history was changed forever.  
Today, your glory stays, as we build tomorrow.

I fill with pride at all you give us—  
Rolling hills, majestic mountains,  
From the Shenandoah to the Atlantic,  
Rivers wide and forests tall, all in one Virginia.

For each of us here in Virginia,  
From farm to city dweller,  
All of us, we stand together.  
We're yours, we all are yours—  
Across our great Virginia.

You'll always be our great Virginia."; and

Whereas, "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett, meets the melodic and lyrical requirements for a state song, the words of which are as follows:

Woke up this morning, the breeze blowin' 'cross my face,  
And I just had to look up above and thank somebody for this place,  
Because He must've been thinkin' 'bout me  
When He planted that very first dogwood tree,  
It's where I want to be,  
Livin' in the Sweet Virginia Breeze.

Take me out to the country, it feels mighty good out there,  
When I get back to the city of the monuments,  
It doesn't matter where I hang my hat, it's home to me,  
The Blue Ridge Mountains tend to set me free,  
It's where I want to be,  
Livin' in the Sweet Virginia Breeze.

Wakes me up in the mornin',  
Rocks me to sleep at night,  
I've got a red bird singin' on my window sill,  
I know everything will be all right,  
Livin' in the Sweet Virginia Breeze.

Just sittin' on my back porch,  
I'm just watchin' the sun come up,  
Sweet sweet Virginia Breeze blowin' ripples 'cross my coffee cup,  
Because He must've been thinkin' 'bout me when He planted that very first  
dogwood tree,  
'Cause when that breeze comes blowin' through the trees,  
You know everything will be all right,  
Livin' in a Sweet Virginia Breeze,  
Sweet Virginia Breeze"; and

Whereas, "Our Great Virginia" is worthy of designation as the official traditional song of the Commonwealth and "Sweet Virginia Breeze" is worthy of designation as the official popular song of the Commonwealth; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:**

**§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center - "Virginia Artisans Center," located in the City of Waynesboro.

Bat - Virginia Big-eared bat (*Corynorhinos townsendii virginianus*).

Beverage - Milk.

Blue Ridge Folklore State Center - Blue Ridge Institute located in the village of Ferrum.

Boat - "Chesapeake Bay Deadrise."

Cabin Capital of Virginia - Page County.

Coal Miners' Memorial - The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth - Patrick County.

Covered Bridge Festival - Virginia Covered Bridge Festival held in Patrick County.

Dog - American Foxhound.

Emergency medical services museum - "To The Rescue," located in the City of Roanoke.

Fish (Freshwater) - Brook Trout.

Fish (Saltwater) - Striped Bass.

Fleet - Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower - American Dogwood (*Cornus florida*).

Folk dance - Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil - Chesapecten jeffersonius.

Gold mining interpretive center - Monroe Park, located in the County of Fauquier.

Insect - Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival - The Highland County Maple Festival.

Motor sports museum - "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Outdoor drama - "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical - "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Shakespeare festival - The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell - Oyster shell (*Crassostrea virginica*).

Song emeritus - "Carry Me Back to Old Virginia *Virginnny*," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

*Song (Popular)* - "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

*Song (Traditional)* - "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folksong "Oh Shenandoah."

Sports hall of fame - "Virginia Sports Hall of Fame," located in the City of Portsmouth.

War memorial museum - "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

## CHAPTER 587

*An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; state song.*

[S 1362]

Approved March 26, 2015

Whereas, the Commonwealth has no official song because "Carry Me Back to Old Virginnny," declared the official song of the Commonwealth in 1940, was declared the official song emeritus of the Commonwealth in 1997; and

Whereas, the official song should reference the rich tradition of the Commonwealth and invoke images of the natural and scenic beauty its citizens celebrate; and

Whereas, the extensive history and diversity of the Commonwealth require the designation of two official songs that can be sung with pride and affection; and

Whereas, "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis, meets the melodic and lyrical requirements for a state song, the words of which are as follows:

"You'll always be our great Virginia.  
 You're the birthplace of the nation:  
 Where history was changed forever.  
 Today, your glory stays, as we build tomorrow.

I fill with pride at all you give us—  
 Rolling hills, majestic mountains,  
 From the Shenandoah to the Atlantic,  
 Rivers wide and forests tall, all in one Virginia.

For each of us here in Virginia,  
 From farm to city dweller,  
 All of us, we stand together.  
 We're yours, we all are yours—  
 Across our great Virginia.

You'll always be our great Virginia."; and  
 Whereas, "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett, meets the melodic and lyrical requirements for a state song, the words of which are as follows:

Woke up this morning, the breeze blowin' 'cross my face,  
 And I just had to look up above and thank somebody for this place,  
 Because He must've been thinkin' 'bout me  
 When He planted that very first dogwood tree,  
 It's where I want to be,  
 Livin' in the Sweet Virginia Breeze.

Take me out to the country, it feels mighty good out there,  
 When I get back to the city of the monuments,  
 It doesn't matter where I hang my hat, it's home to me,  
 The Blue Ridge Mountains tend to set me free,  
 It's where I want to be,  
 Livin' in the Sweet Virginia Breeze.

Wakes me up in the mornin',  
 Rocks me to sleep at night,  
 I've got a red bird singin' on my window sill,  
 I know everything will be all right,  
 Livin' in the Sweet Virginia Breeze.

Just sittin' on my back porch,  
 I'm just watchin' the sun come up,  
 Sweet sweet Virginia Breeze blowin' ripples 'cross my coffee cup,  
 Because He must've been thinkin' 'bout me when He planted that very first  
 dogwood tree,  
 'Cause when that breeze comes blowin' through the trees,  
 You know everything will be all right,  
 Livin' in a Sweet Virginia Breeze,  
 Sweet Virginia Breeze"; and

Whereas, "Our Great Virginia" is worthy of designation as the official traditional song of the Commonwealth and "Sweet Virginia Breeze" is worthy of designation as the official popular song of the Commonwealth; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:**

**§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center - "Virginia Artisans Center," located in the City of Waynesboro.

Bat - Virginia Big-eared bat (*Corynorhinos townsendii virginianus*).

Beverage - Milk.

Blue Ridge Folklore State Center - Blue Ridge Institute located in the village of Ferrum.

Boat - "Chesapeake Bay Deadrise."

Cabin Capital of Virginia - Page County.

Coal Miners' Memorial - The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth - Patrick County.

- Covered Bridge Festival - Virginia Covered Bridge Festival held in Patrick County.
- Dog - American Foxhound.
- Emergency medical services museum - "To The Rescue," located in the City of Roanoke.
- Fish (Freshwater) - Brook Trout.
- Fish (Saltwater) - Striped Bass.
- Fleet - Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.
- Flower - American Dogwood (*Cornus florida*).
- Folk dance - Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.
- Fossil - *Chesapecten jeffersonius*.
- Gold mining interpretive center - Monroe Park, located in the County of Fauquier.
- Insect - Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).
- Maple Festival - The Highland County Maple Festival.
- Motor sports museum - "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.
- Outdoor drama - "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.
- Outdoor drama, historical - "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.
- Shakespeare festival - The Virginia Shakespeare Festival held in the City of Williamsburg.
- Shell - Oyster shell (*Crassostrea virginica*).
- Song emeritus - "Carry Me Back to Old Virginia ~~Virginny~~," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.
- Song (Popular) - "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.
- Song (Traditional) - "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."
- Sports hall of fame - "Virginia Sports Hall of Fame," located in the City of Portsmouth.
- War memorial museum - "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

## CHAPTER 588

*An Act to amend and reenact § 22.1-227.01 of the Code of Virginia, relating to career and technical education; alignment with state or national program certification and accreditation standards.*

[H 1616]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-227.01 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-227.01. Career and technical education defined.**

As used in this article, "career and technical education" means an organized education program offering a sequence of courses that (i) may incorporate field, laboratory, and classroom instruction; ~~and that~~ (ii) emphasize career and technical occupational experiences ~~and~~; (iii) are designed to prepare individuals for further education and gainful employment; and (iv) are aligned with state or national program certification and accreditation standards, if such standards exist for the sequence of courses. However, clause (iv) shall not apply to any program offered by industry in cooperation with a local school board.

## CHAPTER 589

*An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to agreements for postsecondary credential, certification, or license attainment.*

[H 1676]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 4 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including

knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community

involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

*F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.*

## CHAPTER 590

*An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to requirements for home instruction of children; Testing Options.*

[H 1754]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, *or an equivalent score on the ACT, SAT, or PSAT test* or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.

## CHAPTER 591

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to the standard diploma; career and technical education credential; exemption.*

[H 2276]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, ~~that~~ *except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential,*

when required, could include, ~~but not be limited to,~~ the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have

(i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

## CHAPTER 592

*An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to information on students who receive home instruction or a religious exemption.*

[S 1383]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test SAT (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.

G. No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by subsection B.

## CHAPTER 593

*An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property; miscellaneous and incidental property.*

[S 1127]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or

other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle

for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

46. *Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$250. A county, city, or town may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subsection, in lieu of a specific, itemized list.*

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through ~~45~~ 46, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

## CHAPTER 594

*An Act to amend and reenact § 9.1-918 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923, relating to the Supplement to the Sex Offender and Crimes Against Minors Registry; penalty.*

[H 1353]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-918 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923 as follows:**

**§ 9.1-918. Misuse of registry or supplement information; penalty.**

Use of registry information or information from the Supplement to the Registry established pursuant to § 9.1-923 for purposes not authorized by this chapter is prohibited, the unlawful use of the information contained in or derived from the Registry or Supplement for purposes of intimidating or harassing another is prohibited, and a willful violation of this chapter is a Class 1 misdemeanor. For purposes of this section, absent other aggravating circumstances, the mere republication or reasonable distribution of material contained on or derived from the publicly available Internet sex offender database shall not be deemed intimidation or harassment.

**§ 9.1-923. Supplement to the Sex Offender and Crimes Against Minors Registry established.**

A. The Superintendent of State Police shall establish a Supplement to the Registry of information composed of persons who were convicted of an offense listed in subsection B on or after July 1, 1980, and before July 1, 1994, but whose names are not on the Registry. Access to the Supplement to the Registry shall be made available to the public on the website of the Department of State Police and shall contain the following information for each person: name, year of birth, the date of the conviction, the jurisdiction in which the conviction occurred, the person's age on the date of the conviction, the offense of which he was convicted, and the Code of Virginia section of the conviction.

B. Information on the following offenses where the conviction occurred on or after July 1, 1980, and before July 1, 1994, shall be listed in the Supplement: clause (i) of § 18.2-48 if the victim was a minor; clauses (ii) and (iii) of § 18.2-48; § 18.2-61; § 18.2-63 if the victim was under 13 years of age; subsection A of § 18.2-63 if the offender was more than five years older than the victim; §§ 18.2-67.1, 18.2-67.2, and 18.2-67.3; § 18.2-67.4 if the victim was a minor;

subsections A and B of § 18.2-67.5; subsection C of § 18.2-67.5 if the victim was a minor; § 18.2-361 if the victim was a minor; and §§ 18.2-370, 18.2-370.1, and 18.2-374.1.

C. Persons whose names and conviction information appear on the Supplement are not subject to the registration requirements of this chapter and are not considered persons for whom registration is required unless they are required to register pursuant to other provisions of this chapter.

D. A person whose name and conviction information appear on the Supplement may, regardless of the date of conviction, petition the circuit court in which he was convicted or the circuit court where he then resides for removal of his name and conviction information from the Supplement if the offense he was convicted of would qualify for removal from the Registry under § 9.1-910. A petition may not be filed until all court ordered treatment, counseling, and restitution has been completed. The court shall obtain a copy of the petitioner's complete criminal history and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence. The Commonwealth shall be made a party to any action under this subsection. If after such a hearing, the court is satisfied that such person does not pose a risk to public safety, the court shall grant the petition. In the event the petition is not granted, the person shall wait at least 24 months from the date of denial to file a new petition for removal from the Supplement. The State Police shall remove from the Supplement the name and conviction information upon receipt of an order granting a petition pursuant to this subsection.

E. The Superintendent of State Police shall complete the Supplement to the Registry prior to January 1, 2016.

## CHAPTER 595

An Act to amend and reenact § 12.1-12 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 44-146.28:2, relating to disaster relief assistance by out-of-state businesses and employees.

[H 1386]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 12.1-12 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 44-146.28:2 as follows:**

**§ 12.1-12. Powers and duties generally.**

A. Subject to such requirements as may be prescribed by law, the Commission shall be the department of government through which shall be issued all charters, and amendments or extensions thereof, of domestic corporations and all licenses of foreign corporations to do business in this Commonwealth. Except as may be otherwise prescribed by law, the Commission shall be charged with the duty of administering the laws made for the regulation and control of corporations doing business in this Commonwealth. Subject to such criteria and other requirements as may be prescribed by law, the Commission shall have the power and be charged with the duty of regulating the rates, charges, services, and facilities of all public service companies as defined in § 56-1. The Commission shall in proceedings before it insure that the interests of the consumers of the Commonwealth are represented, unless the General Assembly otherwise provides for representation of such interests. The Commission may appoint such clerical force as may be deemed necessary to the efficiency of its office, but the aggregate amount paid such clerks shall not exceed the sum provided by law; and it may expend for the contingent expenses of its office such sums as may be provided by law. The Commission shall have such other powers and duties as may be prescribed by law.

B. 1. Upon request, the Commission may require any business (i) to disclose whether it is an out-of-state business as defined in subsection A of § 44-146.28:2 and (ii) if the business states that it is such, to provide a statement that includes the business's name, state of domicile, principal business address, federal tax identification number, date of entry into the Commonwealth, local contact information, and contact information for any affiliate of such business that has obtained from the Commission a certificate of authority or registration to transact business in the Commonwealth.

2. Upon request, the Commission may require any business entity that has obtained from the Commission a certificate of authority or registration to transact business in the Commonwealth to provide the information required in clause (ii) of subdivision 1 for any affiliate that is an out-of-state business as defined in subsection A of § 44-146.28:2.

3. The Commission shall maintain a record of such disclosures, statements, and information and shall make the record available to the public.

**§ 44-146.28:2. Disaster relief assistance by out-of-state businesses and employees.**

A. As used in this section, unless the context requires a different meaning:

"Critical infrastructure" means real and personal property and equipment owned or used to provide public utility or communications services, including communications networks, electric generation facilities, transmission and distribution systems, gas distribution systems, lines, poles, pipes, structures, towers, water and sewage pipelines and systems, and related support facilities, buildings, offices, and equipment.

"Declared disaster or emergency" means a disaster or emergency as defined in § 44-146.16 for which a state of emergency as defined in § 44-146.16 has been declared for the Commonwealth by the Governor or by an official authorized by federal law to make such declarations.

"Disaster-related or emergency-related work" means repairing, renovating, installing, building, or rendering services or other activities necessary to mitigate damage to critical infrastructure resulting from a declared disaster or emergency during the disaster response period. "Disaster-related or emergency-related work" does not include (i) any activities that an out-of-state business or an out-of-state employee is paid to perform by the Commonwealth, a locality in the Commonwealth, or a registered business in Virginia or (ii) the sale of goods by an out-of-state business or an out-of-state employee to the Commonwealth, a locality in the Commonwealth, or a registered business in the Commonwealth.

"Disaster response period" means a period that begins 10 days prior to the first day of the declared disaster or emergency and extends for a period of 60 days after the end of the declared disaster or emergency, or any longer period as declared by the Governor.

"Out-of-state business" means a business entity (i) whose services are requested by a registered business, the Commonwealth, or a local government for purposes of performing disaster-related or emergency-related work in the Commonwealth; (ii) that, except for declared disaster-related or emergency-related work, has no presence in and conducts no business in the Commonwealth; and (iii) that had not obtained from the State Corporation Commission a certificate of authority or registration to transact business in the Commonwealth and had no registrations or tax filings or nexus in the Commonwealth other than disaster-related or emergency-related work during the tax year immediately preceding the declared disaster or emergency. A business entity that otherwise meets the definition of an out-of-state business maintains that status even though it is affiliated with a registered business if such affiliation is solely through common ownership.

"Out-of-state employee" means an employee who, except for disaster-related or emergency-related work during the disaster response period, does not work in the Commonwealth.

"Registered business" means a domestic or foreign business entity that is listed in the business entity records maintained in the office of the clerk of the State Corporation Commission, provides public utility or communications services, and was in existence or had obtained from the State Corporation Commission a certificate of authority or registration to transact business in the Commonwealth prior to the declared disaster or emergency.

**B. Except as provided in subsection C:**

1. Disaster-related or emergency-related work performed by an out-of-state business within the Commonwealth shall not be considered in determining and shall not result in (i) any requirement that the business file, remit, or pay any state or local taxes or fees, including any filing required for a unitary or combined group of which the out-of-state business may be a part, or (ii) any requirement that the business or its out-of-state employees be licensed or registered in any manner by the Commonwealth or local governments. These taxes, fees, and registration requirements include but are not limited to fees assessed and collected, and authorizations or registrations issued by the State Corporation Commission; unemployment insurance premiums; income taxes; state registration fees; local business, professional, and occupational taxes; and collection of sales and use tax; and

2. Disaster-related or emergency-related work performed by an out-of-state employee shall not be considered to have established such person's residency or a presence in the Commonwealth that would require that person or that person's employer to file and pay income taxes or to be subject to tax withholdings or to file and pay any other state or local tax or fee during the disaster response period. However, nothing in this section shall be construed to affect or alter the responsibility of the out-of-state employee, or that person's employer, to file and pay income taxes or be subject to tax withholdings in the employee's home state on income earned in the Commonwealth during the disaster response period.

C. The provisions of this section shall not apply to any applicable transaction taxes and fees, including motor fuels taxes, sales and use taxes, transient occupancy taxes, and car rental taxes or fees, based on purchases, leases, or consumption in the Commonwealth.

D. The provisions of this section shall not apply to any out-of-state business or out-of-state employee for any period of presence or transaction of business in the Commonwealth after the disaster response period ends.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 596

An Act to amend and reenact §§ 55-222, 55-226.2, 55-248.4, 55-248.7:1, 55-248.7:2, 55-248.9:1, 55-248.15:1, 55-248.18, and 55-248.24 of the Code of Virginia, relating to landlord and tenant laws.

[H 1451]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 55-222, 55-226.2, 55-248.4, 55-248.7:1, 55-248.7:2, 55-248.9:1, 55-248.15:1, 55-248.18, and 55-248.24 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-222. Notice to terminate a tenancy; on whom served; when necessary.**

A. A tenancy from year to year may be terminated by either party giving three months' notice, in writing, prior to the end of any year of the tenancy, of his intention to terminate the same. A tenancy from month to month may be terminated by either party giving 30 days' notice in writing, prior to the next rent due date, of his intention to terminate the same, unless the rental agreement provides for a different notice period. *Written notice of termination shall be given in accordance with this chapter or the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), as applicable.*

~~B. In addition to the termination rights set forth above in subsection A, and notwithstanding the terms of the lease, the landlord may terminate the lease due to rehabilitation or a change in the use of all or any part of a building containing at least four residential units, upon 120 days' prior written notice to the tenant. Changes in use shall include but not be limited to conversion to hotel, motel, apartment hotel or other commercial use, planned unit development, substantial rehabilitation, demolition or sale to a contract purchaser requiring an empty building. This 120-day notice requirement shall not be waived; however, a period of less than 120 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement or lease executed after such notice is given and applicable only to the 120-day notice period. When such notice is to the tenant it may be served upon him or upon anyone holding under him the leased premises, or any part thereof. When it is by the tenant it may be served upon anyone who, at the time, owns the premises in whole or in part, or the agent of such owner, or according to the common law. This section shall not apply when, by special agreement, no notice is to be given; nor shall notice be necessary from or to a tenant whose term is to end at a certain time except in the case of a tenancy from month to month, which may be terminated by the landlord by giving the tenant 30 days' written notice prior to the next rent due date of the landlord's intention to terminate the tenancy.~~

The written notice required by this section to terminate a tenancy shall not be contained in the rental agreement or lease, but shall be a separate writing.

**§ 55-226.2. Energy submetering, energy allocation equipment, sewer and water submetering equipment, ratio utility billings systems; local government fees.**

A. Energy submetering equipment, energy allocation equipment, water and sewer submetering equipment, or a ratio utility billing system may be used in a commercial or residential building, *manufactured home park*, or campground if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. All energy submetering equipment and energy allocation equipment shall meet the requirements and standards established and enforced by the State Corporation Commission pursuant to § 56-245.3.

B. If energy submetering equipment, water and sewer submetering equipment, or energy allocation equipment is used in any building, *manufactured home park*, or campground, the owner, manager, or operator of the building, *manufactured home park*, or campground shall bill the tenant for electricity, natural gas or water and sewer for the same billing period as the utility serving the building or campground, unless the rental agreement or lease expressly provides otherwise. The owner, manager, or operator of the building, *manufactured home park*, or campground may charge and collect from the tenant additional service charges, including, but not limited to, monthly billing fees, account set-up fees or account move-out fees, to cover the actual costs of administrative expenses and billing charged to the building, *manufactured home park*, or campground owner, manager, or operator by a third-party provider of such services, provided that such charges are agreed to by the building or campground owner and the tenant in the rental agreement or lease. The building or campground owner may require the tenant to pay a late charge of up to \$5 if the tenant fails to make payment when due, which shall not be less than 15 days following the date of mailing or delivery of the bill sent pursuant to this section.

C. If a ratio utility billing system is used in any building, *manufactured home park*, or campground, in lieu of increasing the rent, the owner, manager, or operator of the building, *manufactured home park*, or campground may employ such a program that utilizes a mathematical formula for allocating, among the tenants in a building, *manufactured home park*, or campground, the actual or anticipated water, sewer, electrical, or natural gas billings billed to the building or campground owner from a third-party provider of the utility service. The owner, manager, or operator of the building, *manufactured home park*, or campground may charge and collect from the tenant additional service charges, including but not limited to monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses and billings charged to the building, *manufactured home park*, or campground owner, manager, or operator by a third-party provider of such services, provided that such charges are agreed to by the building, *manufactured home park*, or campground owner and the tenant in the rental agreement or lease. The building, *manufactured home park*, or campground owner may require the tenant to pay a late charge of up to \$5 if the tenant fails to make payment when due, which shall not be less than 15 days following the date of mailing or delivery of the bill sent pursuant to this section. The late charge shall be deemed rent (i) as defined in § 55-248.4 if a ratio utility billing system is used in a residential multifamily dwelling unit subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) or (ii) as defined in § 55-248.41 if a ratio utility billing system is used in *manufactured home park* subject to the *Manufactured Home Lot Rental Act* (55-248.41 et seq.).

D. Energy allocation equipment shall be tested periodically by the owner, operator or manager of the building, *manufactured home park*, or campground. Upon the request by a tenant, the owner shall test the energy allocation equipment without charge. The test conducted without charge to the tenant shall not be conducted more frequently than once in a 24-month period for the same tenant. The tenant or his designated representative may be present during the testing of the energy allocation equipment. A written report of the results of the test shall be made to the tenant within 10 working days after the completion of the test.

E. The owner of any building, *manufactured home park*, or campground shall maintain adequate records regarding energy submetering equipment, water and sewer submetering equipment, energy allocation equipment, or a ratio utility billing system. A tenant may inspect and copy the records for the leased premises during reasonable business hours at a convenient location within the building or campground. The owner of the building or campground may impose and collect a reasonable charge for copying documents, reflecting the actual costs of materials and labor for copying, prior to providing copies of the records to the tenant.

F. Notwithstanding any enforcement action undertaken by the State Corporation Commission pursuant to its authority under § 56-245.3, tenants and owners shall retain any private right of action resulting from any breach of the rental agreement or lease terms required by this section or § 56-245.3, if applicable, to the same extent as such actions may be maintained for breach of other terms of the rental agreement or lease under Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of this title, if applicable. The use of energy submetering equipment, water and sewer submetering equipment, energy allocation equipment, or a ratio utility billing system is not within the jurisdiction of the Department of Agriculture and Consumer Services under Chapter 56 (§ 3.2-5600 et seq.) of Title 3.2.

G. In lieu of increasing the rent, the owner, manager, or operator of a commercial or residential building, *manufactured home park*, or campground may employ a program that utilizes a mathematical formula for allocating the actual or anticipated local government fees billed to the building, *manufactured home park*, or campground owner among the tenants in such building, *manufactured home park*, or campground if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. Permitted allocation methods may include formulas based upon square footage, occupancy, number of bedrooms, or some other specific method agreed to by the building, *manufactured home park*, or campground owner and the tenant in the rental agreement or lease. Such owner, manager, or operator of a commercial or residential building, *manufactured home park*, or campground may also charge and collect from each tenant additional service charges, including monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses for administration of such a program. If the building is residential and is subject to (i) the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), such local government fees and administrative expenses shall be deemed to be rent as defined in § 55-248.4 or (ii) the *Manufactured Home Lot Rental Act (55-248.41 et seq.)*, such local government fees and administrative expenses shall be deemed to be rent as defined in § 55-248.41.

H. *Nothing in this section shall be construed to prohibit an owner, manager, or operator of a commercial or residential building, manufactured home park, or campground from including water, sewer, electrical, natural gas, or other utilities in the amount of rent as specified in the rental agreement or lease.*

I. As used in this section:

"Building" means all of the individual units served through the same utility-owned meter within a commercial or residential building that is defined in subsection A of § 56-245.2 as an apartment building or house, office building or shopping center, *or all of the individual dwelling units served through the same utility-owned meter within a manufactured home park as defined in § 55-248.41.*

"Campground" means the same as that term is defined in § 35.1-1.

"Campsite" means the same as that term is defined in § 35.1-1.

"Energy allocation equipment" has the same meaning ascribed to such term in subsection A of § 56-245.2.

"Energy submetering equipment" has the same meaning ascribed to "submetering equipment" in subsection A of § 56-245.2.

"Local government fees" means any local government charges or fees assessed against a commercial or residential building or campground, including stormwater, recycling, trash collection, elevator testing, fire or life safety testing, or residential rental inspection programs.

"Ratio utility billing system" means a program that utilizes a mathematical formula for allocating, among the tenants in a building or campground, the actual or anticipated water, sewer, electrical, or natural gas billings billed to the building or campground owner from a third-party provider of the utility service. Permitted allocation methods may include formulas based upon square footage, occupancy, number of bedrooms, or some other specific method agreed to by the building or campground owner and the tenant in the rental agreement or lease.

"Water and sewer submetering equipment" means equipment used to measure actual water or sewer usage in any dwelling unit or nonresidential rental unit, as defined in subsection A of § 56-245.2 or campsite, when such equipment is not owned or controlled by the utility or other provider of water or sewer service that provides service to the building in which the dwelling unit or nonresidential rental unit is located or campground where the campsite is located.

#### **§ 55-248.4. Definitions.**

When used in this chapter, unless expressly stated otherwise:

"Action" means recoupment, counterclaim, set off, or other civil suit and any other proceeding in which rights are determined, including without limitation actions for possession, rent, unlawful detainer, unlawful entry, and distress for rent.

"Application deposit" means any refundable deposit of money, however denominated, including all money intended to be used as a security deposit under a rental agreement, or property, which is paid by a tenant to a landlord for the purpose of being considered as a tenant for a dwelling unit.

"Application fee" means any nonrefundable fee, which is paid by a tenant to a landlord or managing agent for the purpose of being considered as a tenant for a dwelling unit. An application fee shall not exceed \$50, exclusive of any actual out-of-pocket expenses paid by the landlord to a third party performing background, credit, or other pre-occupancy checks on the applicant. However, where an application is being made for a dwelling unit which is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, an application fee shall not exceed \$32, exclusive of any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant.

"Assignment" means the transfer by any tenant of all interests created by a rental agreement.

"Authorized occupant" means a person entitled to occupy a dwelling unit with the consent of the landlord, but who has not signed the rental agreement and therefore does not have the financial obligations as a tenant under the rental agreement.

"Building or housing code" means any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any structure or that part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Commencement date of rental agreement" means the date upon which the tenant is entitled to occupy the dwelling unit as a tenant.

"Dwelling unit" means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, including, but not limited to, a manufactured home.

"Effective date of rental agreement" means the date upon which the rental agreement is signed by the landlord and the tenant obligating each party to the terms and conditions of the rental agreement.

"Facility" means something that is built, constructed, installed or established to perform some particular function.

"Good faith" means honesty in fact in the conduct of the transaction concerned.

"Guest or invitee" means a person, other than the tenant or person authorized by the landlord to occupy the premises, who has the permission of the tenant to visit but not to occupy the premises.

"Interior of the dwelling unit" means the inside of the dwelling unit, consisting of interior walls, floor, and ceiling, that enclose the dwelling unit as conditioned space from the outside air.

"Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which such dwelling unit is a part. "Landlord" also includes a managing agent of the premises who fails to disclose the name of such owner, lessor or sublessor. Such managing agent shall be subject to the provisions of § 16.1-88.03. Landlord shall not, however, include a community land trust as defined in § 55-221.1.

"Managing agent" means a person authorized by the landlord to act on behalf of the landlord under an agreement.

"Mold remediation in accordance with professional standards" means mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the United States Environmental Protection Agency, the U.S. Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents.

"Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners who are natural persons, either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or beneficiaries of a trust, general partnerships, limited liability partnerships, registered limited liability partnerships or limited liability companies, or any lawful combination of natural persons permitted by law.

"Notice" means notice given in writing by either regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice, which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender. However, a person shall be deemed to have notice of a fact if he has actual knowledge of it, he has received a verbal notice of it, or from all of the facts and circumstances known to him at the time in question, he has reason to know it exists. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform another person whether or not the other person actually comes to know of it. If notice is given that is not in writing, the person giving the notice has the burden of proof to show that the notice was given to the recipient of the notice.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any combination thereof, and any other legal or commercial entity.

"Owner" means one or more persons or entities, jointly or severally, in whom is vested:

1. All or part of the legal title to the property, or
2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term includes a mortgagee in possession.

"Person" means any individual, group of individuals, corporation, partnership, business trust, association or other legal entity, or any combination thereof.

"Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

"Processing fee for payment of rent with bad check" means the processing fee specified in the rental agreement, not to exceed \$50, assessed by a landlord against a tenant for payment of rent with a check drawn by the tenant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds.

"Readily accessible" means areas within the interior of the dwelling unit available for observation at the time of the move-in inspection that do not require removal of materials, personal property, equipment or similar items.

"Rent" means all money, other than a security deposit, owed or paid to the landlord under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

"Rental agreement" or "lease agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

"Rental application" means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. A landlord may charge an application fee as provided in this chapter and may request a prospective tenant to provide information that will enable the landlord to make such determination. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. *However, a landlord shall not photocopy a U.S. government-issued identification so long as to do so is a violation of Title 18 U.S.C. Part I, Chapter 33, § 701.* The landlord may require that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit.

"Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility, in a structure where one or more major facilities are used in common by occupants of the dwelling unit and other dwelling units. Major facility in the case of a bathroom means toilet, and either a bath or shower, and in the case of a kitchen means refrigerator, stove, or sink.

"Security deposit" means any refundable deposit of money that is furnished by a tenant to a landlord to secure the performance of the terms and conditions of a rental agreement, as a security for damages to the leased premises, or as a pet deposit. However, such money shall be deemed an application deposit until the commencement date of the rental agreement. Security deposit shall not include a damage insurance policy or renter's insurance policy as those terms are defined in § 55-248.7:2 purchased by a landlord to provide coverage for a tenant.

"Single-family residence" means a structure, other than a multi-family residential structure, maintained and used as a single dwelling unit or any dwelling unit which has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or service with any other dwelling unit.

"Sublease" means the transfer by any tenant of any but not all interests created by a rental agreement.

"Tenant" means a person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others and shall include roomer. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

"Tenant records" means all information, including financial, maintenance, and other records about a tenant or prospective tenant, whether such information is in written or electronic form or other medium.

"Utility" means electricity, natural gas, water and sewer provided by a public service corporation or such other person providing utility services as permitted under § 56-1.2. If the rental agreement so provides, a landlord may use submetering equipment or energy allocation equipment as defined in § 56-245.2, or a ratio utility billing system as defined in § 55-226.2.

"Visible evidence of mold" means the existence of mold in the dwelling unit that is visible to the naked eye by the landlord or tenant in areas within the interior of the dwelling unit readily accessible at the time of the move-in inspection.

"Written notice" means notice given in accordance with § 55-248.6, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium, retrievable in a perceivable form, and regardless of whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is affixed. The landlord may, in accordance with a written agreement, delegate to a managing agent or other third party the responsibility of providing any written notice required by this chapter.

#### **§ 55-248.7:1. Prepaid rent; maintenance of escrow account.**

~~A landlord and a tenant may offer and a landlord may accept~~ *agree in a rental agreement that the tenant pay prepaid rent. If a landlord receives prepaid rent, it shall be placed in an escrow account in a federally insured depository in Virginia by the end of the fifth business day following receipt and shall remain in the account until such time as the prepaid rent becomes due. Unless the landlord has otherwise become entitled to receive any portion of the prepaid rent, it shall not be removed from the escrow account required by this section without the written consent of the tenant.*

#### **§ 55-248.7:2. Landlord may obtain certain insurance for tenant.**

A. Damage Insurance. A landlord may require as a condition of tenancy that a tenant have commercial insurance coverage as specified in the rental agreement to secure the performance by the tenant of the terms and conditions of the rental agreement and pay for the cost of premiums for such insurance coverage obtained by the landlord, generally known as "damage insurance." As provided in § 55-248.4, such payments shall not be deemed a security deposit, but shall be rent. However, as provided in § 55-248.9, the landlord cannot require a tenant to pay both security deposits and the cost of damage insurance premiums, if the total amount of any security deposits and damage insurance premiums exceeds the amount of two months' periodic rent. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for damage insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. Where a landlord obtains damage insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with administration of a damage insurance policy, including a tenant opting out of the insurance coverage provided by the landlord pursuant to this subsection. If a landlord

obtains damage insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

B. Renter's Insurance. A landlord may require as a condition of tenancy that a tenant have renter's insurance as specified in the rental agreement that is a combination multi-peril policy containing fire, miscellaneous property, and personal liability coverage insuring personal property located in residential units not occupied by the owner. A landlord may require a tenant to pay for the cost of premiums for such insurance obtained by the landlord, to provide such coverage for the tenant as part of rent or as otherwise provided herein. As provided in § 55-248.4, such payments shall not be deemed a security deposit, but shall be rent. If the landlord requires that such premiums be paid prior to the commencement of the tenancy, the total amount of all security deposits and insurance premiums for damage insurance and renter's insurance shall not exceed the amount of two months' periodic rent. Otherwise, the landlord may add a monthly amount as additional rent to recover the costs of such insurance coverage. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for renter's insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement.

C. Where a landlord obtains renter's insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with the administration of a renter's insurance program, including a tenant opting out of the insurance coverage provided to the tenant pursuant to this subsection. If a landlord obtains renter's insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy prepared by the insurer or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

D. Nothing in this section shall be construed to prohibit the landlord from recovering from the tenant *as part of the rent*, the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, *or the tenant's prorated share of a self-insurance program held in an escrow account by the landlord*, including the landlord's administrative or other fees associated with the administration of such coverages. *The landlord may apply such funds held in escrow to pay claims pursuant to the landlord's self-insurance plan.*

**§ 55-248.9:1. Confidentiality of tenant records.**

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or, termination notice given to the tenant under § 55-248.31 and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties;
6. The information is requested pursuant to a subpoena in a civil case;
7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;
8. The information is requested by a contract purchaser of the landlord's property; provided the contract purchaser agrees in writing to maintain the confidentiality of such information;
9. The information is requested by a lender of the landlord for financing or refinancing of the property;
10. The information is requested by the commanding officer, military housing officer, or military attorney of the tenant;
11. The third party is the landlord's attorney; ~~or~~
12. The information is otherwise provided in the case of an emergency; *or*
13. *The information is requested by the landlord to be provided to the managing agent, or a successor to the managing agent.*

B. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

C. *A landlord or managing agent may enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable under this section in the event of a breach of the electronic data of such third-party service provider, except in the case of gross negligence or intentional act. Nothing herein shall be construed to require a landlord or managing agent to indemnify such third-party service provider.*

**§ 55-248.15:1. Security deposits.**

A. A landlord may not demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy, such security deposit, whether it is property or money held by the landlord as security as hereinafter provided may be applied solely by the landlord (i) to the payment of accrued rent and including the reasonable charges for late payment of rent specified in the rental agreement; (ii) to the payment of the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with § 55-248.16, less reasonable wear and tear; or (iii) to other damages or charges as provided in the rental agreement. The security deposit and any deductions, damages and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due the tenant within 45 days after termination of the tenancy and delivery of possession.

Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. Regardless of the number of tenants subject to a rental agreement, if a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, ~~the balance of such security deposit shall~~ *landlord shall, within a reasonable period of time not to exceed 90 days, escheat the balance of such security deposit and any other moneys due the tenant to the Commonwealth and, which sums shall be paid into the state treasury sent to the Virginia Department of Housing and Community Development, payable to the State Treasurer, and credited to the Virginia Housing Partnership Revolving Trust Fund established pursuant to § 36-142.* Upon payment to the Commonwealth, the landlord shall have no further liability to any tenant relative to the security deposit. If the landlord or managing agent is a real estate licensee, compliance with this paragraph shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period. However, provided the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days thereafter, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a vacating notice to the tenant in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55-248.6.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period, or if the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

The landlord shall notify the tenant in writing of any deductions provided by this subsection to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection B. Such notification shall not be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case, the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period. If notice is given as prescribed in this paragraph, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

B. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section which the landlord has made by reason of a tenant's noncompliance with § 55-248.16 during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

C. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall make reasonable efforts to advise the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall so advise the landlord in writing who, in turn, shall notify the tenant of the time and date of the inspection, which must be made within 72 hours of delivery of possession. Upon completion of the inspection attended by the tenant, the landlord shall furnish the tenant with an itemized list of damages to the dwelling unit known to exist at the time of the inspection.

D. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

**§ 55-248.18. Access; consent; correction of nonemergency conditions; relocation of tenant.**

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 24-hours' notice of routine maintenance to be performed that has not been requested by the tenant. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, as selected by the landlord, and at no expense or cost to the tenant. *The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days.* For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55-248.13; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing herein shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing herein shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this section.

C. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.

2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.

3. Upon termination of the tenancy the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of the tenant, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days of such request and may charge the tenant a reasonable fee to recover the costs of such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code.

**§ 55-248.24. Fire or casualty damage.**

If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that the tenant's enjoyment of the dwelling unit is substantially impaired or required repairs can only be accomplished if the tenant vacates the dwelling unit, either the tenant or the landlord may terminate the rental agreement. The tenant may terminate the rental agreement by vacating the premises and within 14 days thereafter, serve on the landlord a written notice of his intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating; or if continued occupancy is lawful, § 55-226 shall apply.

The landlord may terminate the rental agreement by giving the tenant ~~30~~ 14 days' notice of his intention to terminate the rental agreement based upon the landlord's determination that such damage requires the removal of the tenant and the use of the premises is substantially impaired, in which case the rental agreement terminates as of the expiration of the notice period.

If the rental agreement is terminated, the landlord shall return all security deposits in accordance with § 55-248.15:1 and prepaid rent, plus accrued interest, recoverable by law unless the landlord reasonably believes that the tenant, tenant's

guests, invitees or authorized occupants were the cause of the damage or casualty, in which case the landlord shall account to the tenant for the security and prepaid rent, plus accrued interest based upon the damage or casualty. Accounting for rent in the event of termination or apportionment shall be made as of the date of the casualty.

## CHAPTER 597

*An Act to amend and reenact §§ 15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2308.1, relating to variances.*

[H 1849]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2308.1 as follows:**

#### **§ 15.2-2201. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public

facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use; that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the *shape, size, or area of a lot or parcel of land; or the size, height, area, bulk, or location of a building or structure* when the strict application of the ordinance would ~~result in unnecessary or unreasonable hardship to the property owner~~ *unreasonably restrict the utilization of the property*, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the ~~intended spirit and purpose of the ordinance; and would result in substantial justice being done.~~ It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

**§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.**

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. ~~For~~ *Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body.* Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such

compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members of the board shall be appointed by the governing body. The governing body of such city shall also appoint at least one but not more than three alternates to the board.

**§ 15.2-2308.1. Boards of zoning appeals, ex parte communications, proceedings.**

A. *The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.*

B. *Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.*

C. *For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.*

D. *This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.*

**§ 15.2-2309. Powers and duties of boards of zoning appeals.**

Boards of zoning appeals shall have the following powers and duties:

1. *To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider the purpose and intent of any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.*

2. ~~To authorize~~ *Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance as defined in § 15.2-2201 from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows: the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.*

~~When a property owner can show that his~~ *Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and where by reason of the exceptional and any hardship was not created by the applicant for the variance; narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance: (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the*

zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

~~No such variance shall be authorized by the board unless it finds:~~

- ~~a. That the strict application of the ordinance would produce undue hardship relating to the property;~~
- ~~b. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and~~
- ~~c. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

No variance shall be ~~authorized~~ *considered* except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

~~No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.~~

In ~~authorizing~~ *granting* a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, *general or special*, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

#### **§ 15.2-2314. Certiorari to review decision of board.**

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county

or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings *in the circuit court*. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

~~If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.~~ The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

~~In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, or application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.~~

*In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.*

*In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.*

Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

## CHAPTER 598

*An Act to amend and reenact § 9.1-907 of the Code of Virginia, relating to the Sex Offender and Crimes Against Minors Registry; verification of registration information.*

[H 2228]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-907 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-907. Procedures upon a failure to register or reregister.**

A. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the

person last registered or reregistered or, if the person failed to comply with the duty to register, in the jurisdiction in which the person was last convicted of an offense for which registration or reregistration is required or if the person was convicted of an offense requiring registration outside the Commonwealth, in the jurisdiction in which the person resides. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the duty to register or reregister. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the duty to register or reregister in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

B. Nothing in this section shall prohibit a law-enforcement officer employed by a sheriff's office or police department of a locality from enforcing the provisions of this chapter, including obtaining a warrant, or assisting in obtaining an indictment for a violation of § 18.2-472.1. The local law-enforcement agency shall notify the State Police forthwith of such actions taken pursuant to this chapter or under the authority granted pursuant to this section.

C. The State Police shall physically verify or cause to be physically verified the registration information within 30 days of the initial registration and semiannually each year thereafter and within 30 days of a change of address of those persons who are not under the control of the Department of Corrections or ~~Community Supervision~~ *community supervision* as defined by § 53.1-1, who are required to register pursuant to this chapter. Whenever it appears that a person has provided false registration information, the State Police shall promptly investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

D. The Department of Corrections or ~~Community Supervision~~ *community supervision* as defined by § 53.1-1 shall physically verify *or cause to be physically verified by the State Police* the registration information within 30 days of the original registration and semiannually each year thereafter and within 30 days of a change of address of all persons who are under the control of the Department of Corrections or ~~Community Supervision~~ *community supervision*, and those who are under supervision pursuant to § 37.2-919, who are required to register pursuant to this chapter. The Department of Corrections or ~~Community Supervision~~ *community supervision*, upon request, shall provide the State Police the verification information, in an electronic format approved by the State Police, regarding persons under their control who are required to register pursuant to the chapter. Whenever it appears that a person has provided false registration information, the Department of Corrections or ~~Community Supervision~~ *community supervision* shall promptly notify the State Police, who shall investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

## CHAPTER 599

*An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility ratemaking; recovery of costs of solar energy facilities.*

[H 2237]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.**

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use

any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average

Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then Phase I utilities shall commence biennial filings in 2011 and Phase II utilities shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision 7 or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the

utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2; and

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis

from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, or (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or purchases any such generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. *A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility.* A utility seeking approval to construct or purchase a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. *The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such*

facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. In determining whether to approve petitions for rate adjustment clauses for new underground facilities, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title and shall give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new *utility-owned and utility-operated* generating facility or facilities utilizing energy derived from *sunlight with an aggregate capacity of 500 megawatts, or from offshore wind*, are in the public interest.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I utility and the large general service rate classes for a Phase II utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the

Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to biennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined

rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such biennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

## CHAPTER 600

*An Act to amend and reenact §§ 9.1-185.8, 9.1-185.14, and 9.1-186.11 of the Code of Virginia, relating to bail bondsmen and bail enforcement agents; arrest for felony offense; reporting.*

[H 2314]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 9.1-185.8, 9.1-185.14, and 9.1-186.11 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-185.8. Professional conduct standards; grounds for disciplinary actions.**

A. Any violations of the restrictions or standards under this statute shall be grounds for placing on probation, refusal to issue or renew, sanctioning, suspension or revocation of the bail bondsman's license. A licensed bail bondsman is responsible for ensuring that his employees, partners and individuals contracted to perform services for or on behalf of the bonding business comply with all of these provisions, and do not violate any of the restrictions that apply to bail bondsmen. Violations by a bondsman's employee, partner, or agent may be grounds for disciplinary action against the bondsman, including probation, suspension or revocation of license.

B. A licensed bail bondsman shall not:

1. Knowingly commit, or be a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, forgery, scheme or device whereby any other person lawfully relies upon the word, representation, or conduct of the bail bondsman.

2. Solicit sexual favors or extort additional consideration as a condition of obtaining, maintaining, or exonerating bail bond, regardless of the identity of the person who performs the favors.

3. Conduct a bail bond transaction that demonstrates bad faith, dishonesty, coercion, incompetence, extortion or untrustworthiness.

4. Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime.

5. Give or receive, directly or indirectly, any gift of any kind to any nonelected public official or any employee of a governmental agency involved with the administration of justice, including but not limited to law-enforcement personnel, magistrates, judges, and jail employees, as well as attorneys. De minimis gifts, not to exceed \$50 per year per recipient, are acceptable, provided the purpose of the gift is not to directly solicit business, or would otherwise be a violation of Board regulations or the laws of the Commonwealth.

6. Fail to comply with any of the statutory or regulatory requirements governing licensed bail bondsmen.

7. Fail to cooperate with any investigation by the Department.

8. Fail to comply with any subpoena issued by the Department.

9. Provide materially incorrect, misleading, incomplete or untrue information in a license application, renewal application, or any other document filed with the Department.

10. Provide bail for any person if he is also an attorney representing that person.

11. Provide bail for any person if the bondsman was initially involved in the arrest of that person.

C. A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain the name and contact information for both the surety agent and the registered agent of the issuing company.

D. An administrative fee may be charged by a bail bondsman, not to exceed reasonable costs. Reasonable costs may include, but are not limited to, travel, court time, recovery fees, phone expenses, administrative overhead and postage.

E. A property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of four times the true market value of the equity in his real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof.

F. A property bail bondsman or his agent shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

G. A surety bail bondsman shall not write bail bonds on any qualifying power of attorney for which a copy has not been filed with the Department.

H. A surety bail bondsman shall not violate any of the statutes or regulations that govern insurance agents.

I. A licensed bail bondsman shall not charge a bail bond premium less than 10 percent or more than 15 percent of the amount of the bond. A licensed bail bondsman shall not loan money with interest for the purpose of helping another obtain a bail bond.

For the purposes of this section subsection, a "bail bond premium is defined as" means the amount of money paid to a licensed bail bondsman for the execution of a bail bond.

*J. A licensed bail bondsman who has been arrested for a felony offense shall not issue any new bonds pending the outcome of the investigation by the Department.*

**§ 9.1-185.14. Reporting standards and requirements.**

A. Each licensed bail bondsman shall report within ~~30~~ 10 calendar days to the Department any change in his residence, name, business name or business address, and ensure that the Department has the names and all fictitious names of all companies under which he carries out his bail bonding business.

B. Each licensed bail bondsman *arrested for or* convicted of a felony shall report within ~~30~~ 10 calendar days to the Department the facts and circumstances regarding the criminal *arrest or* conviction.

C. Each licensed bail bondsman shall report to the Department within ~~30~~ 10 calendar days of the final disposition of the matter any administrative action taken against him by another governmental agency in the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. Each licensed property bail bondsman shall submit to the Department, on a prescribed form, not later than the fifth day of each month, a list of all outstanding bonds on which he was obligated as of the last day of the preceding month, together with the amount of the penalty of each such bond.

E. Each licensed property bail bondsman shall report to the Department any change in the number of agents in his employ within seven days of such change and concurrently provide proof of collateral of \$200,000 for each new agent, in accordance with subsection C of § 9.1-185.5.

F. Each licensed surety bail bondsman shall report to the Department within 30 days any change in his employment or agency status with a licensed insurance company. If the surety bail bondsman receives a new qualifying power of attorney from an insurance company, he shall forward a copy thereof within 30 days to the Department, in accordance with subdivision D 2 of § 9.1-185.5.

G. Each licensed property bail bondsman shall report to the Department within five business days if any new lien, encumbrance, or deed of trust is placed on any real estate that is being used as collateral on his or his agents' bonds as well as the amount it is securing. The reporting requirement deadline is deemed to begin as soon as the licensed property bail bondsman learns of the new lien, encumbrance, or deed of trust, or should have reasonably known that such a lien, encumbrance, or deed of trust had been recorded.

#### **§ 9.1-186.11. Reporting standards and requirements.**

A. Each licensed bail enforcement agent shall report within ~~30~~ 10 calendar days to the Department any change in his residence, name, or business name or business address, and ensure that the Department has the names and fictitious names of all companies under which he carries out his bail recovery business.

B. Each licensed bail enforcement agent arrested or issued a summons for any crime shall report such fact within ~~30~~ 10 calendar days to the Department, and shall report to the Department within ~~30~~ 10 days the facts and circumstances regarding the final disposition of his case.

C. Each licensed bail enforcement agent shall report to the Department within ~~30~~ 10 calendar days of the final disposition any administrative action taken against him by another governmental agency in ~~this~~ the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

### **CHAPTER 601**

*An Act to amend and reenact § 18.2-431.1 of the Code of Virginia, relating to possession, etc., of wireless telecommunications device by prisoner; penalty.*

[H 2385]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-431.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-431.1. Illegal conveyance or possession of cellular telephone or other wireless telecommunications device by prisoner or committed person; penalty.**

A. It ~~shall be~~ *is* unlawful for any person without authorization to provide or cause to be provided a cellular telephone *or other wireless telecommunications device* to an incarcerated prisoner or person committed to the Department of Juvenile Justice in any juvenile correctional center.

B. It ~~shall be~~ *is* unlawful for an incarcerated prisoner or person committed to the Department of Juvenile Justice in any juvenile correctional center without authorization to possess a cellular telephone *or other wireless telecommunications device* during the period of his incarceration.

C. Any violation of this section is a Class 6 felony.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2015 REGULAR SESSION**

**VOLUME I**

**VOLUME II**

**VOLUME III**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2015 REGULAR SESSION**

**which met at the State Capitol, Richmond**

**Convened Wednesday, January 14, 2015**

**Adjourned sine die Friday, February 27, 2015**

**Reconvened Wednesday, April 15, 2015**

**Adjourned sine die Friday, April 17, 2015**

**VOLUME II**

**CHAPTERS 602-777**

**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**2015**

**Compiled by the Clerk's Office**

**The House of Delegates**

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**Clerk of the House of Delegates**

**and**

**Keeper of the Rolls of the Commonwealth**

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**in cooperation with the**

**Senate of Virginia,  
Division of Legislative Services,  
and  
Division of Legislative Automated Systems**

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## CHAPTER 602

*An Act to amend and reenact § 19.2-13 of the Code of Virginia, relating to special conservators of the peace; orders of appointment.*

[H 2369]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-13 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; bond; liability of employers; penalty; report.**

A. Upon the application of (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, *during which time the court shall retain jurisdiction over the appointment order*, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection B. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. *A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable.*

The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate within the confines of the county, city or town that makes application or within the county, city or town where the corporate applicant is located, limited, except as provided in subsection E, to the judicial circuit wherein application has been made, whenever such special conservator of the peace is engaged in the performance of his duties as such. The order may also provide that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1. The order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. The order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Department of Criminal Justice Services, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order also may (a) require the local sheriff or chief of police to conduct a background investigation which may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment and (b) limit the use of flashing lights and sirens on personal vehicles used by the conservator in the performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

B. Effective September 15, 2004, no person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section, (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search, and (iii) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or ~~(g)~~ for any felony, shall be registered as a special conservator of the peace. *Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in subdivisions (a) through (f) or of any felony.* All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

C. Each person registered as or seeking registration as a special conservator of the peace shall be covered by (i) a cash bond, or a surety bond executed by a surety company authorized to do business in the Commonwealth, in a reasonable amount to be fixed by the Board, not to be less than \$10,000, conditioned upon the faithful and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the bond or insurance policy of the registrant.

D. Individuals listed in § 19.2-12, individuals who have complied with or been exempted pursuant to subsection A of § 9.1-141, individuals employed as law-enforcement officers as defined in § 9.1-101 who have met the minimum qualifications set forth in § 15.2-1705 shall be exempt from the requirements in subsections A through C. Further, individuals appointed under subsection A and employed by a private corporation or entity that meets the requirements of subdivision (ii) of the definition of criminal justice agency in § 9.1-101, shall be exempt from the registration requirements of subsection A and from subsections B and C provided they have met the minimum qualifications set forth in § 15.2-1705. The Department of Criminal Justice Services shall, upon request by the circuit court, provide evidence to the circuit court of such employment prior to appointing an individual special conservator of the peace. The employing agency shall notify the circuit court within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

E. When the application is made, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. Court appointments shall be limited to the judicial circuit wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. Effective July 1, 2004, the clerk of the appointing circuit court shall transmit a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection F, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide a temporary registration letter issued by the Department of Criminal Justice Services prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order with the Department of Criminal Justice Services in order to receive his special conservator of the peace photo registration card.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master, from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

F. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.

### CHAPTER 603

*An Act to amend and reenact § 9.1-918 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923, relating to the Supplement to the Sex Offender and Crimes Against Minors Registry; penalty.*

[S 1074]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9.1-918 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9 of Title 9.1 a section numbered 9.1-923 as follows:**

**§ 9.1-918. Misuse of registry or supplement information; penalty.**

Use of registry information or information from the Supplement to the Registry established pursuant to § 9.1-923 for purposes not authorized by this chapter is prohibited, the unlawful use of the information contained in or derived from the

Registry or Supplement for purposes of intimidating or harassing another is prohibited, and a willful violation of this chapter is a Class 1 misdemeanor. For purposes of this section, absent other aggravating circumstances, the mere republication or reasonable distribution of material contained on or derived from the publicly available Internet sex offender database shall not be deemed intimidation or harassment.

**§ 9.1-923. Supplement to the Sex Offender and Crimes Against Minors Registry established.**

A. The Superintendent of State Police shall establish a Supplement to the Registry of information composed of persons who were convicted of an offense listed in subsection B on or after July 1, 1980, and before July 1, 1994, but whose names are not on the Registry. Access to the Supplement to the Registry shall be made available to the public on the website of the Department of State Police and shall contain the following information for each person: name, year of birth, the date of the conviction, the jurisdiction in which the conviction occurred, the person's age on the date of the conviction, the offense of which he was convicted, and the Code of Virginia section of the conviction.

B. Information on the following offenses where the conviction occurred on or after July 1, 1980, and before July 1, 1994, shall be listed in the Supplement: clause (i) of § 18.2-48 if the victim was a minor; clauses (ii) and (iii) of § 18.2-48; § 18.2-61; § 18.2-63 if the victim was under 13 years of age; subsection A of § 18.2-63 if the offender was more than five years older than the victim; §§ 18.2-67.1, 18.2-67.2, and 18.2-67.3; § 18.2-67.4 if the victim was a minor; subsections A and B of § 18.2-67.5; subsection C of § 18.2-67.5 if the victim was a minor; § 18.2-361 if the victim was a minor; and §§ 18.2-370, 18.2-370.1, and 18.2-374.1.

C. Persons whose names and conviction information appear on the Supplement are not subject to the registration requirements of this chapter and are not considered persons for whom registration is required unless they are required to register pursuant to other provisions of this chapter.

D. A person whose name and conviction information appear on the Supplement may, regardless of the date of conviction, petition the circuit court in which he was convicted or the circuit court where he then resides for removal of his name and conviction information from the Supplement if the offense he was convicted of would qualify for removal from the Registry under § 9.1-910. A petition may not be filed until all court ordered treatment, counseling, and restitution has been completed. The court shall obtain a copy of the petitioner's complete criminal history and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence. The Commonwealth shall be made a party to any action under this subsection. If after such a hearing, the court is satisfied that such person does not pose a risk to public safety, the court shall grant the petition. In the event the petition is not granted, the person shall wait at least 24 months from the date of denial to file a new petition for removal from the Supplement. The State Police shall remove from the Supplement the name and conviction information upon receipt of an order granting a petition pursuant to this subsection.

E. The Superintendent of State Police shall complete the Supplement to the Registry prior to January 1, 2016.

## CHAPTER 604

An Act to amend and reenact §§ 4.1-119, 4.1-201, 4.1-215, 4.1-325, and 4.1-325.2 of the Code of Virginia, relating to alcoholic beverage control; privileges of distiller's license; special events for manufacturers of distilled spirits.

[S 1269]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-119, 4.1-201, 4.1-215, 4.1-325, and 4.1-325.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-119. Operation of government stores.**

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the

Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises, provided:

1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;

2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;

3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;

4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency;

5. Such licensee is employing traditional distilling techniques, including the use of copper or stainless steel pot stills to blend or produce spirits in any county with a population of less than 20,000; or

6. Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. ~~The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.~~

*Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a brewery or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits; and (iii) no more than four total samples of alcoholic beverage products shall be given or sold to any person per day. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as a mixed beverage.*

*The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.*

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

**§ 4.1-201. Conduct not prohibited by this title; limitation.**

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them

to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

~~11. Any distiller licensed under this title from serving as an agent of the Board for the sale of alcoholic beverages, other than beer and wine, at a government store established by the Board on the licensed premises of the distiller in accordance with subsection D of § 4.1-119.~~

~~12.~~ Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce. No more than two product samples shall be given to any person per visit.

~~13.~~ 12. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

~~14.~~ 13. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

~~45-14.~~ Any retail on-premises wine or beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers.

~~46-15.~~ Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The licensee may charge a corkage fee to such customer for the wine so consumed; however, the licensee shall not charge any other fee to such customer.

~~47-16.~~ Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to adult customers of licensed retail establishments information about wine being consumed on such premises.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

**§ 4.1-215. Limitation on manufacturers, bottlers and wholesalers; exemptions.**

A. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler or wholesaler of alcoholic beverages; or (v) manufacturer, bottler or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer, bottler or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler or wholesaler and such retailer are under common control, by stock ownership or otherwise.

Notwithstanding any other provision of this title, a manufacturer of malt beverages or wine, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in § 4.1-209 upon application to the Board provided that such event is (a) at a place approved by the Board and (b) conducted for the purposes of featuring and educating the consuming public about malt beverage or wine products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.

*Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision A 4 of § 4.1-210 upon application to the Board, provided that such event is (1) at a place approved by the Board and (2) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to give samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that (A) no single sample shall exceed one-half ounce per spirits product offered and (B) no more than four spirits products may be offered to any patron. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as a mixed beverage.*

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision 5 of § 4.1-207;
4. Manufacturers, bottlers or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers or wholesalers;
5. Wineries, farm wineries, or breweries engaging in conduct authorized by § 4.1-209.1 or 4.1-212.1; or
6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

**§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from pre-mixing containers of sangria to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to § 4.1-111 B 11;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-210.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this clause, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; or (iv) pursuant to subdivision A 12 of § 4.1-201. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

#### **§ 4.1-325.2. Prohibited acts by employees of wine or beer licensees; penalty.**

A. In addition to the provisions of § 4.1-324, no retail wine or beer licensee or his agent or employee shall consume any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subsection shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes.

B. For the purposes of subsection A, a wine or beer wholesaler or farm winery licensee or its employees that participate in a wine or beer tasting sponsored by a retail wine or beer licensee shall not be deemed to be agents of the retail wine or beer licensee.

C. No retail wine or beer licensee, or his agent or employee shall make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subsection; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subsection; (iii) pursuant to subsection C of § 4.1-209; or (iv) pursuant to subdivision A ~~12~~ *II* of § 4.1-201. Any gift permitted by this subsection shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subsection.

D. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to exceed \$500.

### CHAPTER 605

*An Act to amend and reenact § 15.2-2304 of the Code of Virginia, relating to zoning; affordable dwelling units; City of Fairfax.*

[S 889]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2304 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2304. Affordable dwelling unit ordinances in certain localities.**

In furtherance of the purpose of providing affordable shelter for all residents of the Commonwealth, the governing ~~bodies~~ *body* of any county where the urban county executive form of government or the county manager plan of government is in effect, the Counties of Albemarle and Loudoun, and the ~~City~~ *Cities* of Alexandria and Fairfax may by amendment to the zoning ordinances of such ~~localities~~ *locality* provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement outside of such program to contribute to a county or city housing fund.

Any local ordinance of any other locality providing optional increases in density for provision of low and moderate income housing adopted before December 31, 1988, shall continue in full force and effect.

### CHAPTER 606

*An Act to amend and reenact § 65.2-307 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; exclusivity of remedies.*

[H 1486]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-307 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-307. Employee's rights under Act exclude all others; exception.**

A. The rights and remedies herein granted to an employee when his employer and he have accepted the provisions of this title respectively to pay and accept compensation on account of injury or death by accident shall exclude all other rights and remedies of such employee, his personal representative, parents, dependents, or next of kin, at common law or otherwise, on account of such injury, loss of service, or death.

B. *If a court of the Commonwealth makes a finding in a final unappealed order based on an evidentiary hearing or a factual stipulation of the parties and participants thereto that the cause of action relating to an accident, injury, disease, or death is barred by this section, that finding shall be res judicata between those same parties and estop them and any employer, uninsured employer's fund, guarantee fund, responsible entities, or statutory employer from arguing before the Commission that the accident, injury, disease, or death did not arise out of and in the course of such employee's employment. If the Commission or a court on appeal from the Commission makes a finding in a final unappealed order based on an evidentiary hearing, hearing on the record, or a factual stipulation of the parties that the claims relating to an*

*accident, injury, disease, or death did not arise out of or in the course of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court of the Commonwealth that the accident is barred by the exclusivity provisions of the Act. However, except in the case of a self-insured employer or business entity closely related to a party to the court proceeding, in order for the court finding to be res judicata as to a non-party, notice shall be provided in the same manner as allowed in subsection F of § 38.2-2206 or § 8.01-288 to any employer, uninsured employer's fund, guarantee fund, responsible entities, or statutory employer sought to be bound. In addition, any such entities so notified shall be given the same opportunity to be heard in that court proceeding as a party to the same, but limited to the issue of whether the accident, injury, disease, or death arose out of and in the course of the employee's employment. Failure to provide notice to any party to the court proceeding shall not affect the rights, privileges, or obligations of said parties thereto but shall affect only the applicability of this subsection and only as stated herein. Furthermore, the findings by either the Commission or the court under this subsection shall not prevent the parties and participants to those proceedings from raising or relying upon any and all other available defenses.*

C. Notwithstanding this exclusion, nothing in the Act shall bar an employer from voluntarily agreeing to pay an employee compensation above and beyond those benefits provided for in the Act. Nothing herein, however, shall be deemed to affect or alter any existing right or remedy of the employer or employee under the Act.

## CHAPTER 607

*An Act to amend and reenact § 33.2-1204 of the Code of Virginia, relating to regulation of certain outdoor advertising by local governing bodies.*

[H 1594]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-1204 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1204. Excepted signs, advertisements, and advertising structures.**

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures or parts thereof upon which they are posted or displayed are excepted from all the provisions of this article except those enumerated in §§ 33.2-1202, 33.2-1205, and 33.2-1208, subdivisions 2 through 12 of § 33.2-1216, and §§ 33.2-1217 and 33.2-1227:

1. Advertisements securely attached to a place of business or residence and no more than 10 advertising structures, with a combined total area of such advertisements and advertising structures, exclusive of the area occupied by the name of the business, owner, or lessee, of no more than 500 square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence, within 250 feet of such place of business or residence or located on the real property of such place of business or residence and relating solely to merchandise, services, or entertainment sold, produced, manufactured, or furnished at such place of business or residence;

2. Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services, or entertainment sold, produced, manufactured, or furnished on such farm;

3. Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances and the name and address of the owner and the agent of such owner;

4. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments;

5. Danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway erected or authorized by the Commissioner of Highways; forest fire warning signs erected under authority of the State Forester; and signs, notices, or symbols erected by the United States government under the direction of the U.S. Forest Service;

6. Notices of any telephone company, telegraph company, railroad, bridges, ferries, or other transportation company necessary in the discretion of the Commissioner of Highways for the safety of the public or for the direction of the public to such utility or to any place to be reached by it;

7. Signs, notices, or symbols for the information of aviators as to location, direction, and landings and conditions affecting safety in aviation erected or authorized by the Commissioner of Highways;

8. Signs of 16 square feet or less and bearing an announcement of any locality, or historic place, museum, or shrine situated in the Commonwealth advertising itself or local industries, meetings, buildings, or attractions, provided such signs are maintained wholly at public expense or at the expense of such historic place, museum, or shrine;

9. Signs or notices of two square feet or less placed at a junction of two or more highways in the primary state highway system denoting only the distance or direction of a church, residence, or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner of Highways;

10. Signs or notices erected or maintained upon property giving the name of the owner, lessee, or occupant of the premises;

11. Advertisements and advertising structures within the corporate limits of cities and towns, except as specified in § 33.2-1202;

12. Historical markers erected by duly constituted and authorized public authorities;

13. Highway markers and signs erected or caused to be erected by the Commissioner of Highways or the Board or other authorities in accordance with law;

14. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon;

15. Signs erected by Red Cross authorities relating to Red Cross Emergency Stations, with authority hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all highways in the Commonwealth at such locations as may be approved by the Commissioner of Highways;

16. Signs advertising agricultural products and horticultural products, or either, when such products are produced by the person who erects and maintains the signs, provided that restriction of the location and number of such signs shall be in the sole discretion of the Commissioner of Highways;

17. Signs advertising only the name, time, and place of bona fide agricultural, county, district, or state fairs, together with announcements of related special events that do not consume more than 50 percent of the display area of such signs, provided the person who posts the signs or causes them to be posted shall post a cash bond as may be prescribed by the Commissioner of Highways adequate to reimburse the Commonwealth for the actual cost of removing such signs that are not removed within 30 days after the last day of the fair so advertised;

18. Signs of no more than eight square feet, or one sign structure containing more than one sign of no more than eight square feet, that denote only the name of a civic service club or church, location and directions for reaching same, and time of meeting of such organization, provided such signs or notices do not exceed a reasonable number as determined by the Commissioner of Highways; ~~and~~

19. Notwithstanding the provisions of § 33.2-1224, signs containing advertisements or notices that have been authorized by a county and that are securely affixed to a public transit passenger shelter that is owned by that county, provided that no advertisement shall be placed within the right-of-way of the Interstate System, National Highway System, or federal-aid primary system of highways in violation of federal law. The prohibition in subdivision 7 of § 33.2-1216 against placing signs within 15 feet of the nearest edge of the pavement of any highway shall not apply to such signs. The Commissioner of Highways may require the removal of any particular sign located on such a shelter as provided in this subdivision if, in his judgment, such sign constitutes a safety hazard; *and*

20. *Notwithstanding the provisions of § 33.2-1205, signs containing advertisements or notices that have been authorized by a county and that are located on public park property or school property that is owned by that county, provided that no advertisement or notice is visible from the main traveled way of the National Highway System in violation of federal law.*

## CHAPTER 608

*An Act to amend and reenact §§ 2.2-4007.04 and 30-73.3 of the Code of Virginia, relating to the Administrative Process Act; certain review by Joint Commission on Administrative Rules.*

[H 1751]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-4007.04 and 30-73.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-4007.04. Economic impact analysis.**

A. Before delivering any proposed regulation under consideration to the Registrar as required in § 2.2-4007.05, the agency shall submit on the Virginia Regulatory Town Hall a copy of that regulation to the Department of Planning and Budget. In addition to determining the public benefit, the Department of Planning and Budget in coordination with the agency shall, within 45 days, prepare an economic impact analysis of the proposed regulation, as follows:

1. The economic impact analysis shall include but need not be limited to the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected by the regulation; the projected number of persons and employment positions to be affected; the impact of the regulation on the use and value of private property, including additional costs related to the development of real estate for commercial or residential purposes; and the projected costs to affected businesses, localities, or entities of implementing or complying with the regulations, including the estimated fiscal impact on such localities and sources of potential funds to implement and comply with such regulation. A copy of the economic impact analysis shall be provided to the Joint Commission on Administrative Rules;

2. If the regulation may have an adverse effect on small businesses, the economic impact analysis shall also include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable

effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. As used in this subdivision, "small business" has the same meaning as provided in subsection A of § 2.2-4007.1; and

3. In the event the Department cannot complete an economic impact statement within the 45-day period, it shall advise the agency and the Joint Commission on Administrative Rules as to the reasons for the delay. In no event shall the delay exceed 30 days beyond the original 45-day period.

B. Agencies shall provide the Department with such estimated fiscal impacts on localities and sources of potential funds. The Department may request the assistance of any other agency in preparing the analysis. The Department shall deliver a copy of the analysis to the agency drafting the regulation, which shall comment thereon as provided in § 2.2-4007.05, a copy to the Registrar for publication with the proposed regulation, and an electronic copy to each member of the General Assembly. No regulation shall be promulgated for consideration pursuant to § 2.2-4007.05 until the impact analysis has been received by the Registrar. For purposes of this section, the term "locality, business, or entity particularly affected" means any locality, business, or entity that bears any identified disproportionate material impact that would not be experienced by other localities, businesses, or entities. The analysis shall represent the Department's best estimate for the purposes of public review and comment on the proposed regulation. The accuracy of the estimate shall in no way affect the validity of the regulation, nor shall any failure to comply with or otherwise follow the procedures set forth in this subsection create any cause of action or provide standing for any person under Article 5 (§ 2.2-4025 et seq.) or otherwise to challenge the actions of the Department hereunder or the action of the agency in adopting the proposed regulation.

*C. In the event the economic impact analysis completed by the Department reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period. The Joint Commission on Administrative Rules shall review such rule or regulation and issue a statement containing the Commission's findings in accordance with § 30-73.3.*

#### **§ 30-73.3. Powers and duties of Commission.**

A. The Commission shall have the powers and duties to:

1. Review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation (i) is authorized by statute, (ii) complies with legislative intent, and (iii) contains no mandate that improperly burdens businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected as defined in § 2.2-4007.04.

2. Review the impact of the rule or regulation on (i) the economy, (ii) protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, (iii) government operations of the State and localities, and (iv) affected persons and businesses.

3. File with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation.

4. Suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor as provided in subsection B of § 2.2-4014.

5. Make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation.

6. Review any existing agency rule, regulation, practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed or adopted.

*B. If the Commission finds that a rule or regulation improperly burdens businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, it shall report quarterly to the Governor and the General Assembly on any such regulation. The report shall contain a statement of any position taken by the Commission on any such regulation.*

C. If the Commission decides to seek suspension of a final rule or regulation, it shall deliver a statement to the Governor, signed by a majority of the members of the Commission, asking the Governor to concur in delaying the effective date of a portion or all of the final regulation until the end of the next regular legislative session as provided in §§ 2.2-4014 and 2.2-4015.

~~C. D.~~ Based upon its review of (i) any final rule or regulation during the promulgation or final adoption process or (ii) any existing agency rule, regulation, practice or failure to adopt a rule or regulation, the Commission may prepare and arrange for the introduction of a bill to clarify the intent of the General Assembly when it enacted a law or to correct any misapplication of a law by an agency.

## **CHAPTER 609**

*An Act to amend and reenact §§ 58.1-638 and 62.1-132.1 of the Code of Virginia, relating to the Virginia Port Authority; capital projects.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-638 and 62.1-132.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-638. **Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. *Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.*

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's

recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date - see note) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date - see note) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

#### **§ 62.1-132.1. General powers.**

~~The~~ *A. Except as provided in subsection B, the Authority is vested with the powers of a body corporate, including, without limitation, to:*

1. Sue and be sued;
2. Make contracts;
3. Adopt and use a common seal, and alter such seal at its pleasure;
4. Procure insurance, participate in insurance plans, and provide self-insurance. The purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
5. Develop policies and procedures generally applicable to the procurement of goods, services and construction based on competitive principles; and
6. Exercise all the powers that are conferred upon industrial development authorities created pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, except that the power to effect a change in ownership or operation of the Port of Virginia shall be subject to the provisions of § 62.1-132.19.

*B. Expenditures by the Authority for capital projects are restricted to projects located on real property that is owned, leased, or operated by the Virginia Port Authority, except those expenditures (i) as provided in § 62.1-132.13 or 62.1-132.14, (ii) on grants to local government for financial assistance for port facilities as approved by the Board in policies posted on the Authority's website, or (iii) to provide support for the types of projects eligible for funding under subsection A of § 33.2-1509, subsection A of § 33.2-1600, or subsection A of § 33.2-1601.*

### **CHAPTER 610**

*An Act to amend and reenact § 64.2-1411 of the Code of Virginia, relating to qualification of fiduciary without security; issuance of certificates of qualification; payments.*

[H 1798]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 64.2-1411 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-1411. When fiduciary may qualify without security; requirements for issuance of certificates of qualification; payments.**

A. Any circuit court or circuit court clerk, having jurisdiction to appoint personal representatives, guardians, conservators, and committees, may, in his discretion, when the amount coming into the possession of the personal representative, guardian of a minor, conservator, or committee does not exceed \$25,000, allow the personal representative, guardian, conservator, or committee to qualify by giving bond without surety.

B. Any personal representative or trustee serving jointly with a bank or trust company that is exempted from giving surety on its bond under § 6.2-1003 shall, unless the court directs otherwise, also be exempt from giving surety.

C. *If a fiduciary qualifies pursuant to subsection A, the court or clerk shall issue one or more certificates of qualification pursuant to this section for administration of an estate, guardianship, conservatorship, or committeehip that does not exceed a cumulative total of \$25,000. Each such certificate shall specify that the maximum amount of estate, guardianship, conservatorship, or committeehip assets that may be collected pursuant to that certificate shall not exceed \$25,000. Each such certificate shall:*

1. *Be titled "Qualification Certificate for Small Asset Estate";*

2. *State in a prominent position on the front of such certificate that any person may pay or deliver to the fiduciary named in the certificate any asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor having a value, on the date of payment or delivery, of no more than \$25,000. Assets held in a safe deposit box shall not be counted toward such \$25,000 limit, and the lessor of a safe deposit box shall not be deemed to know of, and shall have no obligation to determine, the presence or value of any asset in a safe deposit box;*

3. *State that the certificate (i) may only be used once, (ii) is not effective if it does not have an impression seal of the court clerk and therefore photocopies of the certificate are not effective, and (iii) must be retained by the payor; and*

4. *Bear the impression seal of the court clerk.*

D. *Upon being presented with a certificate of qualification issued pursuant to subsection C, any person may pay or deliver to the fiduciary named in such certificate any asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor having a value, on the date of payment, of no more than \$25,000. The payor shall retain possession of such certificate. Assets held in a safe deposit box shall not be counted toward such \$25,000 limit, and the lessor of a safe deposit box shall not be deemed to know of, and shall have no obligation to determine, the presence or value of any asset in a safe deposit box. Any person that makes such payment or delivery upon presentation of a certificate of qualification issued pursuant to subsection C is discharged and released from any or all claims or liabilities for such payment or delivery. Such payor is not required to see the application of such payment or delivery or to inquire into the assets paid or delivered by other parties to a fiduciary that qualifies pursuant to subsection A. A person presented with a certificate of qualification issued pursuant to subsection C shall not be liable for, or subject to, any claims, damages, fines or penalties for paying or distributing assets the person believed in good faith to have a value of \$25,000 or less or for the failure to pay or deliver assets the person believed in good faith to have a value of more than \$25,000.*

E. *A court clerk shall not be liable for any misrepresentations of a personal representative, guardian, conservator, or committee with regard to whether the estate qualifies for the small asset estate exemption under this section or for the performance of any of the clerk's duties under this section, except in the case of the clerk's gross negligence or intentional misconduct.*

## CHAPTER 611

*An Act to amend and reenact §§ 13.1-603, 13.1-624, 13.1-627, 13.1-649, 13.1-657, 13.1-658, 13.1-664.1, 13.1-665, 13.1-669.1, 13.1-670, 13.1-671.1, 13.1-674, 13.1-685, 13.1-699, 13.1-716 through 13.1-720, 13.1-730, 13.1-732, 13.1-733, 13.1-741.1, 13.1-746.1, 13.1-749.1, 13.1-826, 13.1-841, 13.1-842, 13.1-847.1, 13.1-848, 13.1-852.1, 13.1-865, 13.1-878, 13.1-894, 13.1-895, and 13.1-908.1 of the Code of Virginia, relating to stock and nonstock corporations.*

[H 1878]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 13.1-603, 13.1-624, 13.1-627, 13.1-649, 13.1-657, 13.1-658, 13.1-664.1, 13.1-665, 13.1-669.1, 13.1-670, 13.1-671.1, 13.1-674, 13.1-685, 13.1-699, 13.1-716 through 13.1-720, 13.1-730, 13.1-732, 13.1-733, 13.1-741.1, 13.1-746.1, 13.1-749.1, 13.1-826, 13.1-841, 13.1-842, 13.1-847.1, 13.1-848, 13.1-852.1, 13.1-865, 13.1-878, 13.1-894, 13.1-895, and 13.1-908.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 13.1-603. Definitions.**

In this chapter:

"Articles of incorporation" means all documents constituting, at any particular time, the charter of a corporation. It includes the original charter issued by the General Assembly, a court or the Commission and all amendments including certificates of consolidation, serial designation, reduction, correction, and merger; ~~except for a certificate of merger with a subsidiary pursuant to § 13.1-719 that does not include an amendment to the survivor's articles of incorporation.~~ It excludes articles of share exchange filed by an acquiring corporation. When the articles of incorporation have been restated pursuant to any articles of restatement, amendment, domestication, or merger, it includes only the restated articles of incorporation,

including any articles of serial designation, without the accompanying articles of restatement, amendment, domestication, or merger.

"Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

"Certificate," when relating to articles filed with the Commission, means the order of the Commission that makes the articles effective, together with the articles.

"Commission" means the State Corporation Commission of Virginia.

"Conspicuous" means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, text that is italicized, is in boldface, contrasting colors, or capitals, or is underlined, is conspicuous.

"Corporation" or "domestic corporation" means a corporation authorized by law to issue shares, irrespective of the nature of the business to be transacted, organized under this chapter or existing pursuant to the laws of the Commonwealth on January 1, 1986, or which, by virtue of articles of incorporation, amendment, or merger, has become a domestic corporation of the Commonwealth, even though also being a corporation organized under laws other than the laws of the Commonwealth, or which has become a domestic corporation of the Commonwealth pursuant to Article 12.1 (§ 13.1-722.2 et seq.) or Article 12.2 (§ 13.1-722.8 et seq.) of this chapter.

"Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with § 13.1-610, electronic transmission.

"Derivative proceeding" means a civil suit in the right of a domestic corporation or, to the extent provided in Article 8.1 (§ 13.1-672.1 et seq.) of Chapter 9 of this title, a foreign corporation.

"Disinterested director" means, except with respect to Article 14 (§ 13.1-725 et seq.) of this chapter, a director who, at the time action is to be taken under § 13.1-672.4, 13.1-691, 13.1-699 or 13.1-701, does not have (i) a financial interest in a matter that is the subject of such action or (ii) a familial, financial, professional, employment or other relationship with a person who has a financial interest in the matter, either of which would reasonably be expected to affect adversely the objectivity of the director when participating in the action, and if the action is to be taken under § 13.1-699 or 13.1-701, is also not a party to the proceeding. The presence of one or more of the following circumstances shall not by itself prevent a person from being a disinterested director: (i) nomination or election of the director to the current board by any person, acting alone or participating with others, who is so interested in the matter; (ii) service as a director of another corporation of which an interested person is also a director; or (iii) at the time action is to be taken under § 13.1-672.4, status as a named defendant, as a director against whom action is demanded, or as a director who approved the act being challenged.

"Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness of the corporation; or otherwise. Distribution does not include acquisition by a corporation of its shares from the estate or personal representative of a deceased shareholder, or any other shareholder, but only to the extent the acquisition is effected using the proceeds of insurance on the life of such deceased shareholder and the board of directors approved the policy and the terms of the redemption prior to the shareholder's death.

"Document" means (i) any tangible medium on which information is inscribed, and includes any writing or written instrument, or (ii) an electronic record.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic limited liability company" has the same meaning as specified in § 13.1-1002.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Effective date of notice" is defined in § 13.1-610.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic record" means information that is stored in an electronic or other medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-610.

"Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or other tangible medium, that (i) is suitable for the retention, retrieval, and reproduction of information by the recipient, and (ii) is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-610.

"Eligible entity" means a domestic or foreign unincorporated entity or a domestic or foreign nonstock corporation.

"Eligible interests" means interests or memberships.

"Employee" includes, unless otherwise provided in the bylaws, an officer but not a director. A director may accept duties that make him also an employee.

"Entity" includes any domestic or foreign corporation; any domestic or foreign nonstock corporation; any domestic or foreign unincorporated entity; any estate or trust; and any state, the United States and any foreign government.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" means a corporation authorized by law to issue shares, organized under laws other than the laws of the Commonwealth.

"Foreign limited liability company" has the same meaning as specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-803.

"Foreign partnership" means an association of two or more persons to carry on as co-owners of a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than the Commonwealth.

"Government subdivision" includes authority, county, district, and municipality.

"Includes" denotes a partial definition.

"Individual" means a natural person.

"Interest" means either or both of the following rights under the organic law of an unincorporated entity:

1. The right to receive distributions from the entity either in the ordinary course or upon liquidation; or
2. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy or person responsible for managing its business and affairs.

"Means" denotes an exhaustive definition.

"Membership" means the rights of a member in a domestic or foreign nonstock corporation or limited liability company.

"Notice" is defined in § 13.1-610.

"Organic document" means the document, if any, that is filed of public record to create an unincorporated entity. Where an organic document has been amended or restated, the term means the organic document as last amended or restated.

"Organic law" means the statute governing the internal affairs of a domestic or foreign corporation or eligible entity.

"Person" includes an individual and an entity.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign corporation are located, or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the board of directors. The designation of the principal office in the most recent annual report filed pursuant to § 13.1-775 shall be conclusive for purposes of this chapter.

"Proceeding" includes civil suit and criminal, administrative, and investigatory action conducted by a governmental agency.

"Public corporation" means a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

"Record date" means the date established under Article 7 (§ 13.1-638 et seq.) or Article 8 (§ 13.1-654 et seq.) of this chapter on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this chapter. The determination shall be made as of the close of business at the principal office of the corporation on the record date unless another time for doing so is specified when the record date is fixed.

"Shareholder" means the person in whose name shares are registered in the records of the corporation, the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation, or the beneficial owner of shares held in a voting trust.

"Shares" means the units into which the proprietary interests in a corporation are divided.

"Sign" or "signature" means, with present intent to authenticate or adopt a document: (i) to execute or adopt a tangible symbol to a document, and includes any manual, facsimile, or conformed signature; or (ii) to attach to or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

"State" when referring to a part of the United States, includes a state, commonwealth, and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

"Subsidiary" means, as to any corporation, any other corporation of which it owns, directly or indirectly, voting shares entitled to cast a majority of the votes entitled to be cast generally in an election of directors of such other corporation.

"Unincorporated entity" or "domestic unincorporated entity" means a domestic partnership, limited liability company, limited partnership or business trust.

"United States" includes district, authority, bureau, commission, department, and any other agency of the United States.

"Voting group" means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

"Voting power" means the current power to vote in the election of directors.

"Writing" or "written" means any information in the form of a document.

**§ 13.1-624. Bylaws.**

A. The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation.

B. The bylaws of a corporation may contain any provision that is not inconsistent with law or the articles of incorporation.

C. The bylaws may contain one or ~~both~~ more of the following provisions:

1. A requirement that if the corporation solicits proxies or consents with respect to an election of directors, the corporation include in its proxy statement and any form of its proxy or consent, to the extent and subject to such procedures or conditions as are provided in the bylaws, one or more individuals nominated by a shareholder in addition to individuals nominated by the board of directors; ~~and~~

2. A requirement that the corporation reimburse the expenses incurred by a shareholder in soliciting proxies or consents in connection with an election of directors, to the extent and subject to such procedures or conditions as are provided in the bylaws, provided that no bylaw so adopted shall apply to elections for which any record date precedes its adoption; *and*

3. *A requirement that a circuit court or a federal district court in the Commonwealth or the jurisdiction in which the corporation has its principal office shall be the sole and exclusive forum for (i) any derivative action brought on behalf of the corporation; (ii) any action for breach of duty to the corporation or the corporation's shareholders by any current or former officer or director of the corporation; or (iii) any action against the corporation or any current or former officer or director of the corporation arising pursuant to this chapter or the corporation's articles of incorporation or bylaws.*

D. Notwithstanding subdivision B 2 of § 13.1-714, the shareholders in amending, repealing, or adopting a bylaw described in subsection C may not limit the authority of the board of directors to amend or repeal any condition or procedure set forth in, or to add any procedure or condition to, such a bylaw in order to provide for a reasonable, practicable, and orderly process.

**§ 13.1-627. General powers.**

A. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including, without limitation, power:

1. To sue and be sued, complain and defend in its corporate name;

2. To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;

3. To make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of the Commonwealth; ~~for managing the business and regulating the affairs of the corporation;~~

4. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located;

5. To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

6. To purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with shares or other interests in, or obligations of, any other entity;

7. To make contracts and guarantees, incur liabilities, borrow money, issue its notes, bonds, and other obligations, which may be convertible into or include the option to purchase other securities or property of the corporation, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income;

8. To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment;

9. To conduct its business, locate offices, and exercise the powers granted by this chapter within or without the Commonwealth;

10. To elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit;

11. To pay pensions and establish pension plans, pension trusts, profit sharing plans, share bonus plans, share option plans, share purchase plans and benefit and incentive plans for any or all of the current or former directors, officers, employees, and agents of the corporation or any of its subsidiaries;

12. To make donations for the public welfare or for religious, charitable, scientific, literary or educational purposes, except that corporations subject to regulation as to rates by the Commission shall not have power to make donations in excess of five percent of net income computed before federal and state taxes on income and without taking into account any deduction for gifts;

13. To make payments or donations, or do any other act, not inconsistent with this section or any other applicable law, that furthers the business and affairs of the corporation;

14. To pay compensation, or to pay additional compensation, to any or all directors, officers and employees on account of services previously rendered to the corporation, whether or not an agreement to pay such compensation was made before such services were rendered;

15. To insure for its benefit the life of any of its directors, officers or employees, to insure the life of any shareholder for the purpose of acquiring at his death shares owned by such shareholder and to continue such insurance after the relationship terminates;

16. To cease its corporate activities and surrender its corporate franchise; and

17. To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

B. Each corporation other than a public service company, a banking corporation, an insurance corporation, a savings institution or a credit union shall have power to enter into partnership agreements, joint ventures or other associations of any kind with any person or persons. The foregoing limitations on public service companies, banking corporations, insurance corporations, savings institutions, and credit unions shall not apply to the purchase by any such entity of any security of a limited liability company. The term "public service company" as used in this subsection shall not apply to railroads, which shall have the power given other corporations generally by this subsection. The foregoing limitation on public service companies shall not apply to partnership agreements, joint ventures or other associations where the purposes of such partnerships, joint ventures or other associations are activities that the public service company could lawfully engage in without participation in a partnership, joint venture or association and will require an equity investment by the public service company and debt with recourse to the public service company of an amount not more than one percent of its net equity as measured at the end of the most recent fiscal year so long as all such partnerships, joint ventures and associations collectively will require an equity investment by the public service company and debt with recourse to the public service company of less than five percent of the net equity of the public service company as measured at the end of the most recent fiscal year. Upon application by the public service company, the Commission may approve any partnership agreements, joint ventures or other associations that exceed the equity investment criteria set forth above. The foregoing limitation on public service companies shall not apply to partnership agreements, joint ventures or other associations between telephone companies and telephone companies, whether in corporate or other form, or between telephone companies and commonly owned affiliates of telephone companies for the purpose of providing domestic cellular radio telecommunication service.

C. Privileges and powers conferred and restrictions and requirements imposed by other titles of the Code on railroads or other public service companies, banking corporations, insurance corporations, savings and loan associations, credit unions, industrial loan associations or other special types of corporations, shall not be deemed repealed or amended by any provision of this chapter except where specifically so provided.

D. Each corporation which is deemed a private foundation, as defined in § 509 of the Internal Revenue Code, unless its articles of incorporation expressly provide otherwise, shall distribute its income and, if necessary, principal, for each taxable year at such time and in such manner as not to subject such corporation to tax under § 4942 of the Internal Revenue Code. Such corporation shall not engage in any act of self-dealing, as defined in § 4941(d) of the Internal Revenue Code, retain any excess business holdings, as defined in § 4943(c) of the Internal Revenue Code, make any investments in such manner as to give rise to liability for the tax imposed by § 4944 of the Internal Revenue Code or make any taxable expenditures, as defined in § 4945(d) of the Internal Revenue Code. This subsection shall apply to any corporation organized after December 31, 1969, under this chapter or under the Virginia Stock Corporation Act (§ 13.1-601 et seq.) enacted by Chapter 428 of the 1956 Acts of General Assembly; and to any corporation organized before January 1, 1970, only for its taxable years beginning on and after January 1, 1972, unless the exceptions provided in § 508(e)(2)(A) or (B) of the Internal Revenue Code shall apply or unless the board of directors of such corporation shall elect that such restrictions as contained in this subsection shall not apply by filing written notice of such election with the Attorney General and the clerk of the Commission on or before December 31, 1971. Each reference to a section of the Internal Revenue Code made in this subsection shall include future amendments to such Code sections and corresponding provisions of future internal revenue laws.

#### **§ 13.1-649. Restriction on transfer of shares and other securities.**

A. The articles of incorporation, bylaws, an agreement among shareholders, or an agreement between shareholders and the corporation may impose restrictions on the transfer or registration of transfer of shares of the corporation. A restriction does not affect shares issued before the restriction was adopted unless the holders of the shares are parties to the restriction agreement or voted in favor of the restriction.

B. A restriction on the transfer or registration of ~~transfer~~ of shares is valid and enforceable against the holder or a transferee of the holder if the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate or is ~~contained~~ in the information statement required by subsection B of § 13.1-648. Unless so noted, a restriction is not enforceable against a person without knowledge of the restriction.

C. A restriction on the transfer or registration of transfer of shares is authorized:

1. To maintain the corporation's status when it is dependent on the number or identity of its shareholders;
2. To preserve exemptions under federal or state securities law; and
3. For any other reasonable purpose.

D. A restriction on the transfer or registration of transfer of shares may:

1. Obligate the shareholder first to offer the corporation or other persons (separately, consecutively, or simultaneously) an opportunity to acquire the restricted shares;

2. Obligate the corporation or other persons (separately, consecutively, or simultaneously) to acquire the restricted shares;

3. Require the corporation, the holders of any class of its shares, or another person to approve the transfer of the restricted shares, if the requirement is not manifestly unreasonable; or

4. Prohibit the transfer of the restricted shares to designated persons or classes of persons, if the prohibition is not manifestly unreasonable.

E. For purposes of this section, "shares" includes any warrants, rights or options to acquire any such shares or any security or other obligation of the corporation convertible into any such shares or into warrants, rights or options to acquire any such shares.

**§ 13.1-657. Action without meeting.**

A. Action required or permitted by this chapter to be adopted or taken at a shareholders' meeting may be adopted or taken without a meeting if the action is adopted or taken by all the shareholders entitled to vote on the action, in which case no action by the board of directors shall be required. The adoption or taking of the action shall be evidenced by one or more written consents describing the action taken, signed by all the shareholders entitled to vote on the action, bearing the date of each signature, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

B. The articles of incorporation may authorize action by shareholders by less than unanimous written consent provided that the taking of such action is consistent with any requirements that may be set forth in the corporation's articles of incorporation, the bylaws, or this section. For such action to be valid:

1. It shall be an action that this chapter requires or permits to be adopted or taken at a ~~shareholder's~~ *shareholders'* meeting;

2. The corporation's articles of incorporation shall authorize action by shareholders by less than unanimous written consent and, if a public corporation at the time of such authorization, the inclusion of the authorization in the articles of incorporation shall be approved by each voting group entitled to vote by the greater of:

a. The vote of that voting group required by the corporation's articles of incorporation to amend the articles of incorporation; and

b. More than two-thirds of all votes that the voting group is entitled to cast on the amendment;

3. Before the holders of more than 10 percent of the outstanding shares of any voting group entitled to vote on the action to be adopted or taken have executed the written consent, the corporation's secretary shall have received a copy of the form of written consent setting forth the action to be adopted or taken; and

4. The holders of not less than the minimum number of outstanding shares of each voting group entitled to vote on the action that would be required to adopt or take the action at a shareholders' meeting at which all shares of each voting group entitled to vote on the action were present and voted shall have signed written consents setting forth the action to be adopted or taken.

The written consent shall bear the date on which each shareholder signed the consent and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

C. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is not required respecting the action to be adopted or taken without a meeting, the record date for determining the shareholders entitled to adopt or take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is required respecting the action to be adopted or taken without a meeting, the record date shall be the close of business on the day the resolution of the board taking such prior action is adopted. No written consent shall be effective to adopt or take the action referred to therein unless, within 60 days of the earliest date on which a consent delivered to the corporation as required by this section was signed, written consents signed by the holders of shares having sufficient votes to adopt or take the action have been delivered to the corporation. A written consent may be revoked by a writing to that effect delivered to the corporation before unrevoked written consents sufficient in number to adopt or take the action are delivered to the corporation.

D. A consent signed pursuant to the provisions of this section has the effect of a vote at a meeting and may be described as such in any document. Unless the articles of incorporation, bylaws or a resolution of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action adopted or taken by written consent shall be effective when (i) written consents signed by the holders of shares having sufficient votes to adopt or take the action are delivered to the corporation or (ii) if an effective date is specified therein, as of such date provided such consent states the date of execution by the consenting shareholder.

E. *Any person, whether or not then a shareholder, may provide that a consent in writing as a shareholder shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a shareholder at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.*

F. If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be adopted or taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation, or (ii) such later date that tabulation of consents is completed pursuant to an authorization under

subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.

F. G. If action is adopted or taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation; or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

**§ 13.1-658. Notice of meeting.**

A. A corporation shall notify shareholders of the date, time, and place of each annual and special shareholders' meeting. Such notice shall be given no less than 10 nor more than 60 days before the meeting date except that notice of a shareholders' meeting to act on an amendment of the articles of incorporation, a plan of merger, share exchange, domestication or entity conversion, a proposed sale of assets pursuant to § 13.1-724, or the dissolution of the corporation shall be given not less than 25 nor more than 60 days before the meeting date. The notice shall include the record date for determining the shareholders entitled to vote at the meeting, if such date is different than the record date for determining shareholders entitled to notice of the meeting. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting as of the record date for determining the shareholders entitled to notice of the meeting.

B. Unless the articles of incorporation or this chapter requires otherwise, notice of an annual meeting need not state the purpose or purposes for which the meeting is called.

C. Notice of a special meeting shall state the purpose or purposes for which the meeting is called.

D. If not otherwise fixed under § 13.1-656 or 13.1-660, the record date for determining shareholders entitled to notice of and to vote at an annual or special meeting is the day before the effective date of the notice to shareholders.

E. Unless the bylaws require otherwise, if an annual or special meeting is adjourned to a different date, time, or place, notice need not be given if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or shall be fixed under § 13.1-660, however, *not less than 10 days before the meeting date* notice of the adjourned meeting shall be given under this section to shareholders entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting.

F. Notwithstanding the foregoing, no notice of a ~~shareholder's~~ *shareholders'* meeting need be given to a shareholder if (i) an annual report and proxy statements for two consecutive annual meetings of shareholders or (ii) all, and at least two, checks in payment of dividends or interest on securities during a 12-month period, have been sent by first-class United States mail, addressed to the shareholder at the shareholder's address as it appears on the share transfer books of the corporation, and returned undeliverable. The obligation of the corporation to give notice of shareholders' meetings to any such shareholder shall be reinstated once the corporation has received a new address for such shareholder for entry on its share transfer books.

**§ 13.1-664.1. Voting procedures and inspectors of elections.**

A. A public corporation shall, and any other corporation may, appoint one or more inspectors to act at a meeting of shareholders ~~and make a written report of the inspector's determinations. The corporation may designate one or more persons as alternate inspectors to replace any inspector who fails to act. If no inspector or alternate is able to act at a meeting of shareholders, the person presiding at the meeting shall appoint one or more inspectors to act at the meeting in connection with determining voting results.~~ Each inspector, before entering upon the discharge of his duties, shall ~~take and sign an oath~~ *certify in writing that the inspector will faithfully to* execute the duties of inspector with strict impartiality and according to the best of his ability.

B. The inspectors shall (i) ascertain the number of shares outstanding and the voting power of each, (ii) determine the shares represented at a meeting and the validity of ~~proxies~~ *proxy appointments* and ballots, (iii) count all votes, (iv) determine and retain for a reasonable period a record of the disposition of any challenges made to any determination by the inspectors, and (v) ~~certify in a written report~~ *certify in writing* their determination of the number of shares represented at the meeting and their count of ~~all~~ *the* votes. The inspectors may appoint or retain other persons or entities to assist the inspectors in the performance of the duties of the inspectors *and may rely on information provided by such persons and other persons, including those appointed to tabulate votes, unless the inspectors believe reliance is unwarranted.* In any court proceeding there shall be a rebuttable presumption that the report of the inspectors is correct.

C. No ballot, proxies, or votes, nor any revocations thereof or changes thereto, shall be accepted by the inspectors after the closing of the polls unless the circuit court of the city or county where the corporation's principal office is located or, if none in this Commonwealth, where its registered office is located, upon application by a shareholder, shall determine otherwise.

D. ~~In determining the validity of proxies and ballots and in counting the votes performing their duties,~~ the inspectors ~~shall be limited to an examination of the proxies, any envelopes submitted with those proxies, any~~ *may examine (i) the proxy appointment forms and any other information provided in accordance with subsection B of § 13.1-663, (ii) any envelope or related writing submitted with those appointment forms, (iii) any ballots, (iv) any evidence or other information specified in*

§ 13.1-665, and (v) the ~~regular~~ relevant books and records of the corporation; ~~except that the~~ relating to its shareholders and their entitlement to vote, including any securities position list provided by a depository clearing agency.

E. The inspectors also may consider other ~~reliable~~ information for the ~~limited purpose~~ of that they believe is relevant and reliable for the purpose of performing any of the duties assigned to them pursuant to subsection B, including for the purpose of evaluating inconsistent, incomplete, or erroneous information and reconciling proxies and ballots information submitted by or on behalf of banks, brokers, their nominees, or similar persons that ~~represent~~ indicates more votes being cast than the holder of a proxy is authorized by the record owner shareholder to cast or more votes being cast than the shareholder holds of record shareholder is entitled to cast. If the inspectors consider other ~~reliable~~ information for the ~~limited purpose permitted herein~~, the inspectors at the time allowed by this subsection, they ~~make~~ shall specify in their certification pursuant to clause (v) of report under subsection B shall specify the precise information considered by them, including the purpose or purposes for which the information was considered, the person or persons from whom they obtained the information, when the information was obtained, the means by which the information was obtained, and the basis for the inspectors' belief that such information is ~~accurate~~ relevant and reliable.

~~E. F.~~ Determinations of law by the inspectors shall be subject to de novo review by a court in a proceeding under § 13.1-669.1 or other judicial proceeding.

G. If authorized by the board of directors, any shareholder vote to be taken by written ballot may be satisfied by a ballot submitted by electronic transmission by the shareholder or the shareholder's proxy, provided that any such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the shareholder or the shareholder's proxy. A share that is voted by a ballot submitted by electronic transmission is deemed present at the meeting of shareholders.

**§ 13.1-665. Corporation's acceptance of votes.**

A. If the name signed on a vote, *ballot*, consent, waiver, or proxy appointment corresponds to the name of a shareholder, the corporation, if acting in good faith, is entitled to accept the vote, *ballot*, consent, waiver or proxy appointment and give it effect as the act of the shareholder.

B. If the name signed on a vote, *ballot*, consent, waiver, or proxy appointment does not correspond to the name of its shareholder, the corporation, if acting in good faith, is nevertheless entitled to accept the vote, *ballot*, consent, waiver, or proxy appointment and give it effect as the act of the shareholder if:

1. The shareholder is an entity and the name signed purports to be that of an officer, partner, or agent of the entity;

2. The name signed purports to be that of an administrator, executor, guardian, or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment;

3. The name signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence acceptable to the corporation that such receiver or trustee has been authorized to vote the shares in an order of the court by which such person was appointed has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment;

4. The name signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment; or

5. Two or more persons are the shareholder as fiduciaries and the name signed purports to be the name of at least one of the fiduciaries and the person signing appears to be acting on behalf of all the fiduciaries.

C. Notwithstanding the provisions of subdivisions B 2 and B 5, in any case in which the will, trust agreement, or other instrument under which a fiduciary purports to act contains directions for the voting of shares in any corporation, or for the execution and delivery of proxies for the voting thereof, such directions shall be binding upon the fiduciary and upon the corporation if a copy thereof has been furnished to the corporation.

D. The corporation is entitled to reject a vote, *ballot*, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to ~~tabulate~~ count votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the shareholder.

E. ~~The~~ Neither the corporation and its officer or agent nor the person authorized to count votes, including an inspector under § 13.1-664.1, who accepts or rejects a vote, *ballot*, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section or subsection B of § 13.1-663 ~~are not~~ is liable in damages to the shareholder for the consequences of the acceptance or rejection.

F. Corporate action based on the acceptance or rejection of a vote, *ballot*, consent, waiver, or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.

**§ 13.1-669.1. Judicial determination of corporate officers and review of elections and shareholder votes.**

A. Any shareholder, director, or nominee for director aggrieved by an election of directors, after reasonable notice to the corporation and each director whose election is contested, may apply for relief to Upon application of, or in a proceeding commenced by, a person specified in subsection B, the circuit court in the county or city in which the principal office of the corporation is located, or, if none in the Commonwealth, in the county or city in which its registered office is located: The court shall proceed forthwith on an expedited basis to hear and decide the issues and thereupon to may determine the persons elected or order a new election or grant such other relief as may be equitable. Pending decision the court may require the production of any information and by order may restrain any person from exercising the powers of a

director if such relief is equitable. In any such application, service of copies of the application upon the registered agent of the corporation shall be deemed to be service upon the corporation and upon each director whose election is contested and upon each person, if any, nominated for election as a director, and the registered agent shall forward immediately a copy of the application to the corporation and to each director whose election is contested and to each person, if any, nominated for election as a director, in a postpaid, registered letter addressed to such corporation and each such person at their post office addresses last known to the registered agent or furnished to the registered agent by the applicant. The court may make such order respecting further or other notice of such application as it deems proper under the circumstances:

1. The validity of the election, appointment, removal, or resignation of a director or officer of the corporation;
2. The right of an individual to hold the office of director or officer of the corporation;
3. The result or validity of an election or vote by the shareholders of the corporation;
4. The right of a director to membership on a committee of the board of directors; and
5. The right of a person to nominate, or an individual to be nominated as, a candidate for election or appointment as a director of the corporation, and any right under a bylaw adopted pursuant to subsection C of § 13.1-624 or any comparable right under any provision of the articles of incorporation, contract, or applicable law.

B. Any application or proceeding pursuant to subsection A may be filed or commenced by any of the following persons:

1. The corporation;
2. A shareholder ~~after prior notice to~~ of the corporation; or;
3. A director of the corporation itself, may apply for relief to the circuit court in the county or city in which the principal office of the corporation is located, or, if none in the Commonwealth, in the county or city in which its registered office is located, to hear and determine the result of any vote of shareholders upon matters other than the election of directors. The court shall proceed forthwith on an expedited basis to hear and decide the issues and thereupon to determine the validity of any vote of shareholders or order a new vote to be held or grant such other relief as may be equitable. Service of copies of the application upon the registered agent of the corporation shall be deemed to be service upon the corporation, and no other party need be joined in order for the court to adjudicate the results of the vote. The court may make such order respecting notice of such application as it deems proper under the circumstances, an individual claiming the office of director, or a director whose membership on a committee of the board of directors is contested, who, in each case, is seeking a determination of his right to such office or membership;

4. An officer of the corporation or an individual claiming to be an officer of the corporation, in each case who is seeking a determination of his right to such office; or

5. A person claiming a right covered by subdivision A 5 and who is seeking a determination of such right.

C. In connection with any application or proceeding pursuant to this section in which it is alleged that a proxy or ballot was submitted by the beneficial owner or other authorized person contrary to applicable instructions given prior to the closing of the polls, in addition to the information that may be considered by inspectors of election pursuant to subsection D of § 13.1-664.1, the court may consider other reliable information for the purpose of determining whether the proxy or ballot should be considered subsection A, the following shall be named as defendants, unless such person made the application or commenced the proceeding:

1. The corporation;
2. An individual whose right to office or membership on a committee of the board of directors is contested;
3. Any individual claiming the office or membership at issue; and
4. Any person claiming a right covered by subdivision A 5 that is at issue.

D. In connection with any application or proceeding under subsection A, service of process may be made upon each of the persons specified in subsection C either by:

1. Serving on the corporation process addressed to such person in any manner provided by statute of the Commonwealth or by rule of the applicable court for service of process on the corporation; or
2. Serving on such person process in any manner provided by statute of the Commonwealth or by rule of the applicable court.

E. When service of process is made upon a person other than the corporation by service upon the corporation pursuant to subdivision D 1, the plaintiff and the corporation promptly shall provide written notice of such service, together with copies of all process and the application or complaint, to such person at the person's last known residence or business address, or as permitted by statute of the Commonwealth.

F. In connection with any application or proceeding under subsection A, the court shall dispose of the application or proceeding on an expedited basis and also may:

1. Order such additional or further notice as the court deems proper under the circumstances;
2. Order that additional persons be joined as parties to the proceeding if the court determines that such joinder is necessary for a just adjudication of matters before the court;
3. Order an election or meeting be held in accordance with the provisions of § 13.1-656 or otherwise;
4. Appoint a master to conduct an election or meeting;
5. Enter temporary, preliminary, or permanent injunctive relief;

6. Resolve solely for the purposes of the proceeding any legal or factual issues necessary for the resolution of any of the matters specified in subsection A, including the right and power of persons claiming to own shares to vote at any meeting of the shareholders; and

7. Order such relief as the court determines is equitable, just, and proper.

G. It shall not be necessary to make shareholders parties to a proceeding or application pursuant to this section unless the shareholder is a required defendant under subdivision C 4, relief is sought against the shareholder individually, or the court orders joinder pursuant to subdivision F 2.

H. Nothing in this section limits, restricts, or abolishes the subject matter jurisdiction or powers of the court as existed prior to July 1, 2015. An application or proceeding pursuant to this section is not the exclusive remedy or proceeding available with respect to the matters specified in subsection A.

#### § 13.1-670. Voting trusts.

A. One or more shareholders may create a voting trust, conferring on a trustee or trustees the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee or trustees. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all owners of beneficial interests in the trust, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

B. A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. ~~A~~

C. The duration of a voting trust shall be as set forth in the voting trust, except that a voting trust that became effective prior to July 1, 2015, is valid for not more than 10 years after its effective date unless ~~extended under subsection C~~.

~~C. 1. All or some or all of the parties to a the voting trust may extend it for additional terms of not more than 10 years each by signing a written consent to the extension. An~~

~~D. Any consent to an extension is valid for not more than 10 years from the date the first shareholder signs such a consent pursuant to subsection C signed by less than all of the parties to the voting trust binds only the parties signing it.~~

~~2. E. The voting trustee shall deliver copies of the any consent to extension and the list of beneficial owners to the secretary at the corporation's principal office. A consent to extension binds only those parties signing it.~~

#### § 13.1-671.1. Shareholder agreements.

A. An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation, even though it is inconsistent with one or more other provisions of this chapter in that it:

1. Eliminates the board of directors or, subject to the requirements of subsection D of § 13.1-647 and subsection A of § 13.1-693, one or more officers or restricts the discretion or powers of the board of directors or one or more officers;

2. Governs the authorization or making of distributions, whether or not in proportion to ownership of shares, subject to the limitations in § 13.1-653;

3. Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;

4. Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;

5. Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer or employee of the corporation, or among any of them;

6. Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders;

7. Requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency; or

8. Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors and the corporation, or among any of them, and is not contrary to public policy.

B. An agreement authorized by this section shall be:

1. a. Set forth in the articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the agreement; or

b. Set forth in a written agreement that is signed by all persons who are shareholders at the time of the agreement; and

2. Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise; and

~~3. Valid for 10 years, unless the agreement provides otherwise.~~

C. The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by subsection B of § 13.1-648. If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this

subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of 90 days after discovery of the existence of the agreement or two years after the time of purchase of the shares.

D. An agreement authorized by this section shall cease to be effective when the corporation becomes a public corporation. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

E. An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

F. The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

G. Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares were issued when the agreement was made.

H. No action taken pursuant to this section shall change any requirement to file articles or other documents with the Commission or affect the rights of any creditors or other third parties.

*I. The duration of an agreement authorized by this section shall be as set forth in the agreement, except that the duration of an agreement that became effective prior to July 1, 2015, remains 10 years unless the agreement provided otherwise or is subsequently amended to provide otherwise.*

*J. An agreement among shareholders of a corporation that is consistent with the other provisions of this chapter that does not comply with the provisions of this section shall nonetheless be effective among the shareholders and the corporation.*

#### **§ 13.1-674. Qualification of directors or for nomination for director.**

A. The articles of incorporation or bylaws may prescribe qualifications ~~to be~~ for directors or to be nominated as directors.

*B. A requirement that is based on a past, current, or prospective action, or on an expression of an opinion, by a nominee or director that (i) relates to the discharge of a director's duties and (ii) could limit the ability of the nominee or director to discharge his duties as a director is not a permissible qualification for a nominee or director under this section. Permissible qualifications for a nominee or director under this section include the person's not being or having been subject to specified criminal, civil, or regulatory sanctions or not having been removed as a director by judicial action or for cause.*

C. A director need not be a resident of this Commonwealth or a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

*D. A qualification for nomination for director that is prescribed before a person's nomination shall apply to the person at the time of his nomination. A qualification for nomination for director that is prescribed after a person's nomination shall not apply to the person with respect to such nomination.*

*E. A qualification for directors that is prescribed before a person's nomination for director may provide that it applies (i) only at the start of the director's term or (ii) during that person's term as director. A qualification for directors prescribed during a director's term shall not apply to that director prior to the end of that director's term.*

#### **§ 13.1-685. Action without meeting of board of directors.**

A. Except to the extent that the articles of incorporation or bylaws require that action by the board of directors be taken at a meeting, action required or permitted by this chapter to be taken by the board of directors may be taken without a meeting if each director signs a consent describing the action to be taken and delivers it to the corporation.

B. Action taken under this section is effective when the last director signs the consent unless the consent specifies a different effective date, in which event the action taken is effective as of the date specified therein provided the consent states the date of execution by each director.

C. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by all the directors.

*D. Any person, whether or not then a director, may provide that a consent to action as a director shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a director at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.*

E. For purposes of this section, a written consent and the signing thereof may be accomplished by one or more electronic transmissions.

~~E. F.~~ F. A consent signed under this section has the effect of action taken at a meeting of the board of directors and may be described as such in any document.

**§ 13.1-699. Advance for expenses.**

A. A corporation may pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

~~1. The director furnishes the corporation a signed written statement of his good faith belief that he has met the standard of conduct described in § 13.1-697; and~~

~~2. The the director furnishes the corporation a signed written undertaking, executed personally or on his behalf, to repay any funds advanced if the director is not entitled to mandatory indemnification under § 13.1-698 and it is ultimately determined under § 13.1-700.1 or 13.1-701 that the director has not met the relevant standard of conduct.~~

B. The undertaking required by ~~subdivision~~ *subsection A 2* shall be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment.

C. Authorizations of payments under this section shall be made by:

1. The board of directors:

a. If there are two or more disinterested directors, by a majority vote of all the disinterested directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee of two or more disinterested directors appointed by such a vote; or

b. If there are fewer than two disinterested directors, by the vote necessary for action by the board in accordance with subsection C of § 13.1-688, in which authorization directors who do not qualify as disinterested directors may participate; or

2. By the shareholders, but shares owned by or voted under the control of a director who at the time does not qualify as a disinterested director may not be voted on the authorization.

**§ 13.1-716. Merger.**

A. One or more domestic corporations may merge with one or more domestic or foreign corporations or eligible entities pursuant to a plan of merger, or two or more foreign corporations or domestic or foreign eligible entities may merge into a new domestic *or foreign* corporation *or eligible entity* to be created in the merger ~~in the manner provided in this chapter~~. When a domestic corporation is the survivor of a merger with a domestic nonstock corporation, it may become, pursuant to subdivision C 5, a domestic nonstock corporation, provided that the only parties to the merger are domestic corporations and domestic nonstock corporations.

B. A foreign corporation or a foreign eligible entity may be a party to a merger with a domestic corporation, or may be created pursuant to the terms of the plan of merger, only if the merger is permitted by the laws under which the foreign corporation or eligible entity is organized or by which it is governed.

C. The plan of merger shall include:

1. The name of each domestic or foreign corporation or eligible entity that will merge and the name of the domestic or foreign corporation or eligible entity that will be the survivor of the merger;

2. The terms and conditions of the merger;

3. The manner and basis of converting the shares of each merging domestic or foreign corporation and eligible interests of each merging domestic or foreign eligible entity into shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property or any combination of the foregoing;

4. The manner and basis of converting any rights to acquire the shares of each merging domestic or foreign corporation and eligible interests of each merging domestic or foreign eligible entity into shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property or any combination of the foregoing;

5. The articles of incorporation of any domestic or foreign corporation or nonstock corporation, or the organic document of any domestic or foreign unincorporated entity, to be created by the merger, or if a new domestic or foreign corporation or nonstock corporation or unincorporated entity is not to be created by the merger, any amendments to the survivor's articles of incorporation or organic document; and

6. Any other provisions required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of incorporation or organic document of any such party.

D. Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with subsection L of § 13.1-604.

E. The plan of merger may also include a provision that the plan may be amended prior to the effective date of the certificate of merger, but if the shareholders of a domestic corporation that is a party to the merger are required ~~or permitted by any provision of this chapter~~ to vote on the plan ~~and amendment of the plan is not conditioned on unanimous shareholder approval~~, the plan ~~must provide that may not be amended~~ subsequent to approval of the plan by such shareholders ~~the plan may not be amended~~ to change any of the following, unless the amendment is approved by the shareholders:

1. The amount or kind of shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash or other property to be received under the plan by the shareholders of or owners of eligible interests in any party to the merger;

2. The articles of incorporation of any domestic or foreign corporation or nonstock corporation, or the organic document of any unincorporated entity, that will survive or be created as a result of the merger, except for changes permitted by § 13.1-706; or

3. Any of the other terms or conditions of the plan if the change would adversely affect such shareholders in any material respect.

F. 1. One or more domestic corporations may merge pursuant to this section into another domestic corporation if the articles of incorporation of each of them could lawfully contain all the corporate powers and purposes of all of them.

2. Any corporation authorized by its articles of incorporation to engage in a special kind of business enumerated in § 13.1-620 may be merged with another corporation authorized by its articles of incorporation to engage in the same special kind of business, including mergers authorized under § 6.2-1146, whether or not either or both of such corporations are actually engaged in the transaction of such business, and the shareholders of the corporations parties to the merger may receive shares of a corporation not authorized by its articles of incorporation to engage in such special kind of business.

**§ 13.1-717. Share exchange.**

A. Through a share exchange:

1. A domestic corporation may acquire all of the shares of one or more classes or series of shares of another domestic or foreign corporation, or all of the eligible interests of one or more classes or series of eligible interests of a domestic or foreign eligible entity, as well as rights to acquire any such shares or eligible interests, in exchange for shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property or any combination of the foregoing, pursuant to a plan of share exchange; or

2. All of the shares of one or more classes or series of shares of a domestic corporation, as well as rights to acquire any such shares or eligible interests, may be acquired by another domestic or foreign corporation or other eligible entity, in exchange for shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property or any combination of the foregoing, pursuant to a plan of share exchange.

B. A foreign corporation or eligible entity may be a party to a share exchange only if the share exchange is permitted by the laws under which the corporation or eligible entity is organized or by which it is governed.

C. If the organic law of a domestic eligible entity does not provide procedures for the approval of a share exchange, a plan of share exchange may be adopted and approved, and the share exchange effectuated, in accordance with the procedures, if any, for a merger.

D. The plan of share exchange shall include:

1. The name of each domestic or foreign corporation or eligible entity whose shares or eligible interests will be acquired and the name of the domestic or foreign corporation or other eligible entity that will acquire those shares or eligible interests;

2. The terms and conditions of the share exchange;

3. The manner and basis of exchanging shares of a domestic or foreign corporation or eligible interests in an eligible entity whose shares or eligible interests will be acquired under the share exchange into shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property or any combination of the foregoing;

4. The manner and basis for exchanging any rights to acquire shares of a domestic or foreign corporation or eligible interests in an eligible entity whose shares or eligible interests will be acquired under the share exchange into shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property or any combination of the foregoing; and

5. Any other provisions required by the laws under which any party to the share exchange is organized or by the articles of incorporation or organic document of any such party.

E. Terms of a plan of share exchange may be made dependent on facts objectively ascertainable outside the plan in accordance with subsection L of § 13.1-604.

F. The plan of share exchange may also include a provision that the plan may be amended prior to the effective date of the certificate of share exchange, but if the shareholders of a domestic corporation that is a party to the share exchange are required ~~or permitted by any provision of this chapter to vote on the plan, the plan must provide that may not be amended~~ subsequent to approval of the plan by such shareholders ~~the plan may not be amended~~ to change any of the following, unless the amendment is approved by the shareholders:

1. The amount or kind of shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property or any combination of the foregoing to be issued by the corporation or to be received under the plan by the shareholders of or owners of eligible interests in any party to the share exchange; or

2. Any of the other terms or conditions of the plan if the change would adversely affect such shareholders in any material respect.

G. This section does not limit the power of a domestic corporation to acquire shares of another domestic or foreign corporation or eligible interests in an eligible entity in a transaction other than a share exchange.

**§ 13.1-718. Action on a plan of merger or share exchange.**

A. In the case of a domestic corporation that is a party to a merger or share exchange:

1. The plan of merger or share exchange shall be adopted by the board of directors.

2. Except as provided in subsections F and ~~G of this section H~~ and in §§ 13.1-719 and 13.1-719.1, after adopting the plan of merger or share exchange the board of directors shall submit the plan to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the shareholders the basis for that determination.

B. The board of directors may condition its submission of the plan of merger or share exchange to the shareholders on any basis.

C. If the plan of merger or share exchange is required to be approved by the shareholders, and if the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and shall contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing domestic or foreign corporation or eligible entity and its shareholders are to receive shares or other interests or the right to receive shares or other interests in the surviving corporation or eligible entity, the notice shall also include or be accompanied by a copy or summary of the articles of incorporation or organic document of that corporation or eligible entity. If the corporation is to be merged into a domestic or foreign corporation or eligible entity that is to be created pursuant to the merger and its shareholders are to receive shares or other interests or the right to receive shares or other interests in the surviving corporation or eligible entity, the notice shall include or be accompanied by a copy or a summary of the articles of incorporation or organic document of the new domestic or foreign corporation or eligible entity.

D. Unless the articles of incorporation, or the board of directors acting pursuant to subsection B, require a greater vote, the plan of merger or share exchange to be authorized shall be approved by each voting group entitled to vote on the plan by more than two-thirds of all the votes entitled to be cast by that voting group. The articles of incorporation may provide for a greater or lesser vote than that provided for in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all the votes cast on the plan by each voting group entitled to vote on the transaction at a meeting at which a quorum of the voting group exists.

E. Separate voting by voting groups is required:

1. Except as otherwise provided in the articles of incorporation, on a plan of merger by each class or series of shares that:

a. Is to be converted under the plan of merger into shares, other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property, or any combination of the foregoing, or is proposed to be eliminated without being converted into any of the foregoing; or

b. Would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under § 13.1-708;

2. ~~On~~ *Except as otherwise provided in the articles of incorporation, on a plan of share exchange, by each class or series of shares included in the exchange, with each class or series constituting a separate voting group; and*

3. *On a plan of merger, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger; and*

4. *On a plan of share exchange, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of share exchange.*

F. Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if:

1. The corporation will survive the merger or is the acquiring corporation in a share exchange;

2. Except for amendments permitted by § 13.1-706, its articles of incorporation will not be changed;

3. Each shareholder of the corporation whose shares were outstanding immediately before the effective ~~date~~ *time* of the merger or share exchange will hold the same number of shares, with identical preferences, limitations, and rights immediately after the effective ~~date~~ *time* of the merger or share exchange; and

4. With respect to shares of the surviving corporation in a merger that are entitled to vote unconditionally in the election of directors, the number of shares outstanding immediately after the merger, plus the number of shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of options, rights, and warrants issued pursuant to the merger, will not exceed by more than ~~20%~~ *20 percent* the total number of shares of the surviving corporation outstanding immediately before the merger.

G. *Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if:*

1. *The corporation is a public corporation;*

2. *The plan of merger or share exchange expressly (i) permits or requires such a merger or share exchange to be effected under this subsection and (ii) provides that such merger or share exchange be effected as soon as practicable following the consummation of the offer referred to in subdivision 3 if such merger or share exchange is effected under this subsection;*

3. *A corporation or limited liability company irrevocably accepts for payment shares tendered pursuant to a tender or exchange offer for any and all of the outstanding shares of a constituent corporation, as defined in § 13.1-719.1, on the terms provided in such plan of merger or share exchange that, absent this subsection, would be entitled to vote on the adoption of the plan of merger or share exchange; however, the offer may exclude shares of the constituent corporation that are owned at the commencement of the offer by:*

a. *The corporation or limited liability company making the offer;*

b. *Any person that owns, directly or indirectly, all of the outstanding shares or eligible interests of the corporation or limited liability company making the offer; or*

*c. Any direct or indirect wholly-owned subsidiary of any corporation or limited liability company described in subdivision a or person described in subdivision b;*

*4. Following the acceptance of shares referred to in this subsection, the shares irrevocably accepted for payment pursuant to the offer and received by the depository prior to expiration of the offer, plus the shares otherwise owned by the corporation or limited liability company consummating the offer, equals at least the percentage of the shares, and of each class or series thereof, that, absent this subsection, would be required to adopt a plan of merger or share exchange under this chapter and by the articles of incorporation of the constituent corporation;*

*5. The corporation or limited liability company accepting the shares referred to in subdivision 3 merges with or into the constituent corporation or acquires all of the outstanding shares of the constituent corporation pursuant to the plan; and*

*6. Each outstanding share of each class or series of stock of the constituent corporation that is the subject of, and is not irrevocably accepted for payment in, the offer referred to in subdivision 3 is either:*

*a. To be converted in such merger into, or into the right to receive, the same amount and kind of consideration to be paid for shares of such class or series of stock of such constituent corporation irrevocably accepted for payment in the offer; or*

*b. Exchanged in such share exchange for, or for the right to receive, the same amount and kind of consideration to be paid for shares of such class or series of stock of such constituent corporation irrevocably accepted for payment in the offer.*

*As used in this subsection:*

*"Depository" means an agent appointed in connection with an offer referred to in subdivision 3 by the corporation or limited liability company consummating the offer.*

*"Person" means any individual, corporation, partnership, limited liability company, unincorporated association, or other entity.*

*"Received" means (i) with respect to certificated shares, the physical receipt of a stock certificate and (ii) with respect to uncertificated shares, (a) the transfer into the depository's account or (b) the receipt by the depository of an agent's message.*

*H. If a corporation has not yet issued shares and its articles of incorporation do not otherwise provide, its board of directors may adopt and approve a plan of merger or share exchange on behalf of the corporation without shareholder action.*

~~H. I.~~ *If as a result of a merger or share exchange one or more shareholders of a domestic corporation would become subject to owner liability for the debts, obligations, or liabilities of any other person or entity, approval of the plan of merger or share exchange shall require the execution, by each shareholder, of a separate written consent to become subject to such owner liability.*

### **§ 13.1-719. Merger between parent and subsidiary or between subsidiaries.**

*A. A domestic parent corporation that owns shares of a domestic or foreign subsidiary corporation that possess at least 90 percent of the voting power of each class and series of the outstanding shares of the subsidiary that have voting power may merge the subsidiary into itself or into another such subsidiary, or merge itself into the subsidiary, without the approval of the board of directors or shareholders of the subsidiary, unless the articles of incorporation of any of the corporations otherwise provide, and unless, in the case of a foreign subsidiary, approval by the subsidiary's board of directors or shareholders is required by the laws under which the subsidiary is organized.*

*B. A foreign parent corporation that owns shares of a domestic subsidiary corporation that possess at least 90 percent of the voting power of each class and series of the outstanding shares of the subsidiary that have voting power may merge the subsidiary into itself or into another domestic or foreign subsidiary, or merge itself into the subsidiary if permitted by the laws under which any such foreign parent or subsidiary corporation is organized or by which it is governed, without the approval of the board of directors or shareholders of the subsidiary, unless the articles of incorporation of any of the corporations, or in the case of a foreign corporation, its equivalent governing document, otherwise provide. A foreign corporation may be a party to a merger pursuant to this subsection only if the merger is permitted by the laws under which the foreign corporation is organized.*

*C. If under subsection A or B approval of the merger by the subsidiary's shareholders is not required, the parent corporation shall, within 10 days after the effective date of the merger, notify each of the subsidiary's shareholders that the merger has become effective.*

~~C. D.~~ *Except as provided in subsections A and B, and C, a merger between a parent and a subsidiary shall be governed by the provisions of this article applicable to mergers generally.*

~~D. E.~~ *The articles of incorporation of the survivor shall not be altered or amended by a merger pursuant to this section, except for amendments permitted by § 13.1-706.*

~~E. F.~~ *Two or more subsidiaries may be merged into a domestic parent corporation pursuant to this section.*

#### **§ 13.1-719.1. Formation of a holding company.**

~~A. H.~~ *As used in this section:*

*"Constituent corporation" means a corporation which, from the incorporation of the holding company until consummation of a merger governed by this section, was at all times the sole direct parent of the holding company and whose shares are converted into shares of the holding company in such merger.*

*"Holding company" means a corporation which, from its incorporation until consummation of a merger governed by this section, was at all times a direct wholly-owned wholly owned subsidiary of the constituent corporation and whose shares are issued in such merger in exchange for the shares of the constituent corporation.*

"Indirect subsidiary" means a corporation which, from its incorporation until consummation of a merger governed by this section, was at all times a direct ~~wholly-owned~~ wholly owned subsidiary of the holding company.

B. Unless its articles of incorporation otherwise provide, a constituent corporation may merge an indirect subsidiary into itself, or may merge itself into an indirect subsidiary, without the approval of the shareholders of the constituent corporation or the board of directors or shareholders of the indirect subsidiary, if:

1. Such constituent corporation and indirect subsidiary are the only parties to the merger;
2. The provisions in the articles of incorporation and bylaws of the constituent corporation and the holding company at the effective ~~date~~ time of the merger are identical as they relate to:
  - a. The designation, number, and par value of each class and series of shares that are authorized, and the preferences, rights and limitations of each class and series of shares;
  - b. Any terms of the shares that are dependent upon facts objectively ascertainable outside of the articles of incorporation or that vary among the holders of the same class or series;
  - c. The preemptive right of the shareholders to acquire unissued shares, provided, however, that if the constituent corporation was formed on or before December 31, 2005, and its articles of incorporation do not deny the preemptive right of its shareholders, and the holding company was formed after December 31, 2005, the articles of incorporation of the holding company must provide that its shareholders have the preemptive right to acquire the holding company's unissued shares to the same extent the shareholders of the constituent corporation had a preemptive right to acquire unissued shares of the constituent corporation;
  - d. The definition, limitation, and regulation of the powers of the corporation, its directors, and shareholders;
  - e. The management of the business and regulation of the affairs of the corporation; and
  - f. For purposes of subdivision 2 c of this subsection, shares include any warrants, rights or options to acquire any such shares or any security or other obligation of the corporation convertible into any such shares or into warrants, rights or options to acquire any such shares;
3. Each share or fraction of a share of the constituent corporation outstanding immediately prior to the effective ~~date~~ time of the merger is converted in the merger into a share or equal fraction of a share of the holding company having the same preferences, rights, and limitations as the share or fraction of a share of the constituent corporation being converted in the merger;
4. Each right to acquire shares of the constituent corporation outstanding immediately prior to the effective ~~date~~ time of the merger is converted in the merger into a right to acquire shares of the holding company having the same preferences, rights, and limitations as the right to acquire shares of the constituent corporation being converted in the merger; and
5. The directors of the constituent corporation become or remain the directors of the holding company upon the effective ~~date~~ time of the merger.

C. Notwithstanding any provision in this chapter to the contrary, a plan of merger adopted pursuant to this section may include:

1. If the indirect subsidiary is the survivor:
  - a. An amendment or restatement of the indirect subsidiary's articles of incorporation to change the name of the indirect subsidiary to a name that satisfies the requirements of this chapter; and
  - b. A provision that the shares of the holding company into which the shares of the constituent corporation are converted in the merger may be represented by the share certificates that previously represented shares of the constituent corporation, if the holding company adopts the former name of the constituent corporation by filing articles of amendment that are effective immediately following consummation of the merger; and
2. If the constituent corporation is the survivor:
  - a. An amendment or restatement of the constituent corporation's articles of incorporation:
    - (1) To change the name of the constituent corporation to a name that satisfies the requirements of this chapter;
    - (2) To delete any existing provisions that authorize the issuance of or relate to multiple classes or series of shares and to add one or more provisions that authorize a new, single class of shares with unlimited voting rights in lieu thereof;
    - (3) To delete any existing provision that provides for staggering the terms of directors pursuant to § 13.1-678; or
    - (4) To make any change permitted by § 13.1-706;
  - b. A provision that one or more of the directors of the constituent corporation immediately prior to the effective ~~date~~ time of the merger will no longer be directors of the constituent corporation immediately following the effective ~~date~~ time of the merger; and
  - c. A provision that the shares of the holding company into which the shares of the constituent corporation are converted in the merger may be represented by the share certificates that previously represented shares of the constituent corporation, if the constituent corporation adopts a new name in the merger that is distinguishable upon the records of the Commission and *if the board of directors of the holding company, acting pursuant to § 13.1-706*, adopts the former name of the constituent corporation by filing articles of amendment that are effective immediately following consummation of the merger.

D. Articles of merger filed with respect to a merger authorized by this section shall include a statement that the plan of merger did not require approval by the shareholders of the constituent corporation or by the board of directors or shareholders of the indirect subsidiary because the merger was authorized by this section and that the conditions specified in subsection B ~~of this section~~ have been satisfied.

E. Except as provided in this section, a merger governed by this section shall comply with the provisions of this article applicable to mergers generally.

F. From and after the effective ~~date~~ *time* of a merger adopted by a constituent corporation pursuant to this section:

1. To the extent the restrictions of § 13.1-725.1 or § 13.1-728.2 applied to the constituent corporation and its shareholders ~~at the effective date of~~ *immediately prior to* the merger, such restrictions shall apply to the holding company and its shareholders immediately after the effective ~~date~~ *time* of the merger as though it were the constituent corporation, and all shares of the holding company acquired in the merger shall for purposes of §§ 13.1-725.1 and 13.1-728.2 be deemed to have been acquired at the time that the shares of the constituent corporation converted in the merger were acquired, and provided further that:

a. Any shareholder who immediately prior to the effective ~~date~~ *time* of the merger was not an interested shareholder within the meaning of § 13.1-725 shall not solely by reason of the merger become an interested shareholder of the holding company; and

b. Any shares which immediately prior to the effective ~~date~~ *time* of the merger were not interested shares within the meaning of § 13.1-728.1 shall not solely by reason of the merger become interested shares of the holding company; and

2. To the extent a shareholder of the constituent corporation immediately prior to the effective ~~date~~ *time* of the merger had standing to institute or maintain a derivative proceeding on behalf of the constituent corporation, consummation of the merger shall not be deemed to limit or extinguish such standing.

3. To the extent a voting trust authorized by § 13.1-670, a voting agreement authorized by § 13.1-671, a shareholder agreement authorized by § 13.1-671.1, a proxy or any similar agreement or instrument applied to the constituent corporation, its shares or its shareholders ~~at the effective date of~~ *immediately prior to* the merger, such voting trust, voting agreement, shareholder agreement, proxy or other agreement or instrument shall apply to the holding company and its shares and shareholders immediately following consummation of the merger to the same extent that it applied to the constituent corporation and its shares and shareholders immediately prior to consummation of the merger.

#### **§ 13.1-720. Articles of merger or share exchange.**

A. After a plan of merger or share exchange has been adopted and approved as required by this chapter, articles of merger or share exchange shall be signed on behalf of each party to the merger or share exchange. The articles shall set forth:

1. The plan of merger or share exchange, the names of the parties to the merger or share exchange and, for each party that is a foreign corporation or eligible entity, the name of the state or country under whose law it is incorporated or formed;

2. If the articles of incorporation of a domestic corporation that is the survivor of a merger are amended, or if a new domestic corporation is created as a result of a merger, as an attachment to the articles of merger or share exchange, the amendments to the survivor's articles of incorporation or the articles of incorporation of the new corporation;

3. The date the plan of merger or share exchange was adopted by each domestic corporation that was a party to the merger or share exchange;

4. If the plan of merger or share exchange required approval by the shareholders of a domestic corporation that was a party to the merger or share exchange, either:

a. A statement that the plan was approved by the unanimous consent of the shareholders; or

b. A statement that the plan was submitted to the shareholders by the board of directors in accordance with this chapter, and a statement of:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group;

5. If the plan of merger or share exchange was adopted by the directors without approval by the shareholders of a domestic corporation that was a party to the merger or share exchange, a statement that the plan of merger or share exchange was duly approved by the directors including the reason shareholder approval was not required and, in the case of a merger pursuant to § 13.1-719.1, the additional statements required by subsection D of § 13.1-719.1; and

6. As to each foreign corporation or eligible entity that was a party to the merger or share exchange, a statement that the participation of the foreign corporation or eligible entity was duly authorized as required by the organic law of the corporation or eligible entity.

B. Articles of merger or share exchange shall be filed with the Commission by the survivor of the merger or the acquiring corporation in a share exchange. If the Commission finds that the articles of merger or share exchange comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of merger or share exchange. Articles of merger or share exchange filed under this section may be combined with any filing required under the organic law of any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

C. In the case of a merger pursuant to § 13.1-719 or § 13.1-719.1:

1. The articles shall recite that the merger is being effected pursuant to § 13.1-719 or § 13.1-719.1, *as the case may be*; and

2. The articles need only be ~~executed~~ *signed* on behalf of the parent corporation; ~~and~~

~~3. The certificate of merger shall not be deemed a part of the articles of incorporation or the constituent corporation, as the case may be.~~

**§ 13.1-730. Right to appraisal.**

A. A shareholder is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

1. Consummation of a merger to which the corporation is a party (i) if shareholder approval is required for the merger by § 13.1-718, ~~except that or would be required but for the provisions of subsection G of § 13.1-718~~; however, appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger; or (ii) if the corporation is a subsidiary and the merger is governed by § 13.1-719;

2. Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

3. Consummation of a disposition of assets pursuant to § 13.1-724 if ~~the shareholder is entitled to vote on approval is required for the disposition, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series if:~~

*a. Under the terms of the corporate action approved by the shareholders there is to be distributed to the shareholders in cash the corporation's net assets, in excess of a reasonable amount reserved to meet claims of the type described in § 13.1-746 or 13.1-746.1:*

*(1) Within one year after the shareholders' approval of the action; and*

*(2) In accordance with their respective interests determined at the time of distribution; and*

*b. The disposition of assets is not an interested transaction;*

4. An amendment of the articles of incorporation with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created; ~~or~~

5. Any other amendment to the articles of incorporation, or any other merger, share exchange or disposition of assets to the extent provided by the articles of incorporation, bylaws or a resolution of the board of directors; *or*

6. *Consummation of a domestication in which a domestic corporation becomes a foreign corporation if the shareholder does not receive shares in the foreign corporation resulting from the domestication that have terms as favorable to the shareholder in all material respects, and represent at least the same percentage interest in the total voting rights of the outstanding shares of the domestic corporation, as the shares held by the shareholder immediately before the domestication.*

B. Notwithstanding subsection A, the availability of appraisal rights under subdivisions A 1 through A 4 shall be limited in accordance with the following provisions:

1. Appraisal rights shall not be available for the holders of shares of any class or series of shares that is:

a. A covered security under § 18(b)(1)(A) or (B) of the federal Securities Act of 1933, as amended;

b. Traded in an organized market and has at least 2,000 shareholders and a market value of at least \$20 million, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial shareholders owning more than 10 percent of such shares; or

c. Issued by an open end management investment company registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 and may be redeemed at the option of the holder at net asset value.

2. The applicability of subdivision 1 ~~of this subsection~~ shall be determined as of:

a. The record date fixed to determine the shareholders entitled to receive notice of the meeting of shareholders to act upon the corporate action requiring appraisal rights; or

b. The day before the effective date of such corporate action if there is no meeting of shareholders.

3. Subdivision 1 ~~of this subsection~~ shall not be applicable and appraisal rights shall be available pursuant to subsection A for the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in subdivision 1 ~~of this subsection~~ at the time the corporate action becomes effective.

4. Subdivision 1 ~~of this subsection~~ shall not be applicable and appraisal rights shall be available pursuant to subsection A for the holders of any class or series of shares where the corporate action is an interested transaction.

C. Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment thereto may limit or eliminate appraisal rights for any class or series of preferred shares, but any such limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately prior to the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange or other right existing immediately before the effective date of such amendment shall not apply to any corporate action that becomes effective within one year of that date if such action would otherwise afford appraisal rights.

**§ 13.1-732. Notice of appraisal rights.**

A. Where any corporate action specified in subsection A of § 13.1-730 is to be submitted to a vote at a shareholders' meeting, ~~the meeting notice shall state that~~ and the corporation has concluded that shareholders are, ~~are not~~ or may be entitled to assert appraisal rights under this article, *the meeting notice shall state the corporation's position as to the availability of appraisal rights.*

~~If the corporation concludes that appraisal rights are or may be available, a~~ A copy of this article ~~and a statement of the corporation's position as to the availability of appraisal rights~~ shall accompany the meeting notice sent to those record shareholders ~~who are or may be~~ entitled to exercise appraisal rights.

B. In a merger pursuant to § 13.1-719, the parent corporation shall notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. Such notice shall be sent within 10 days after the corporate action became effective and include the materials described in § 13.1-734.

C. Where any corporate action specified in subsection A of § 13.1-730 is to be approved by written consent of the shareholders pursuant to § 13.1-657:

1. Written notice that appraisal rights are, are not, or may be available must be given to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this article; and

2. Written notice that appraisal rights are, are not, or may be available must be delivered together with the notice to nonconsenting and nonvoting shareholders required by subsections ~~E and F and G~~ of § 13.1-657, may include the materials described in § 13.1-734, and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this article.

D. Where corporate action described in subsection A of § 13.1-730 is proposed, or a merger pursuant to § 13.1-719 is effected, the notice referred to in subsection A or C, if the corporation concludes that appraisal rights are or may be available, and in subsection B shall be accompanied by:

1. The annual financial statements specified in subsection A of § 13.1-774 of the corporation that issued the shares that may be subject to appraisal, which shall be as of a date ending not more than 16 months before the date of the notice and shall comply with subsection B of § 13.1-774; provided that, if such annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information; and

2. The latest available quarterly financial statements of such corporation, if any.

E. A public corporation, or a corporation that ceased to be a public corporation as a result of the corporate action specified in subsection A of § 13.1-730, may fulfill its responsibilities under subsection D by delivering the specified financial statements, or otherwise making them available, in any manner permitted by the applicable rules and regulations of the U.S. Securities and Exchange Commission if the corporation was a public corporation as of the date of the specified financial statements.

F. The right to receive the information described in subsection D may be waived in writing by a shareholder before or after the corporate action.

#### **§ 13.1-733. Notice of intent to demand payment.**

A. If a corporate action specified in subsection A of § 13.1-730 is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares:

1. Must deliver to the corporation before the vote is taken written notice of the shareholder's intent to demand payment if the proposed action is effectuated; and

2. Must not vote, or cause or permit to be voted, any shares of such class or series in favor of the proposed action.

B. If a corporate action specified in subsection A of § 13.1-730 is to be approved by ~~less than unanimous shareholders~~ by written consent, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares ~~may~~:

1. *Shall deliver to the corporation before the proposed action becomes effective written notice of the shareholder's intent to demand payment if the proposed action is effectuated, except that such written notice is not required if the notice required by subsection C of § 13.1-732 is given less than 25 days prior to the date such proposed action is effectuated; and*

2. *Shall not sign a consent in favor of the proposed action with respect to that class or series of shares.*

C. A shareholder who fails to satisfy the requirements of subsection A or ~~subsection B~~ is not entitled to payment under this article.

#### **§ 13.1-741.1. Limitations on other remedies for fundamental transactions.**

A. Except for action taken before the Commission pursuant to § 13.1-614 or as provided in subsection B, the legality of a proposed or completed corporate action described in subsection A of § 13.1-730 may not be contested, nor may the corporate action be enjoined, set aside or rescinded, in a legal or equitable proceeding by a shareholder after the shareholders have approved the corporate action.

B. Subsection A does not apply to a corporate action that:

1. Was not authorized and approved in accordance with the applicable provisions of:

a. Article 11 (§ 13.1-705 et seq.), Article 12 (§ 13.1-715.1 et seq.), or Article 13 (§ 13.1-723 et seq.);

b. The articles of incorporation or bylaws; or

c. The resolutions of the board of directors authorizing the corporate action;

2. Was procured as a result of fraud, a material misrepresentation, or an omission of a material fact necessary to make statements made, in light of the circumstances in which they were made, not misleading;

3. Is an interested transaction, unless it has been authorized, approved or ratified by the board of directors in the same manner as is provided in subsection B of § 13.1-691 and has been authorized, approved or ratified by the shareholders in the same manner as is provided in subsection C of § 13.1-691 as if the interested transaction were a director's conflict of interests transaction; or

4. Is adopted or taken by less than unanimous consent of the voting shareholders pursuant to § 13.1-657 if:

a. The challenge to the corporate action is brought by a shareholder who did not consent ~~and as to whom notice of the adoption or taking of~~ to the corporate action ~~was not effective at least 10 days before the corporate action was effected~~; and

b. The proceeding challenging the corporate action is commenced within 10 days after notice of the adoption or taking of the corporate action is effective as to the shareholder bringing the proceeding.

C. Any remedial action with respect to corporate action described in subsection A of § 13.1-730 shall not limit the scope of, or be inconsistent with, any provision of § 13.1-614.

**§ 13.1-746.1. Other claims against dissolved corporation.**

A. A dissolved corporation may also (i) deliver notice of its dissolution to any known claimant with a liability or claim that ~~is excluded from the definition of a claim in~~ pursuant to subsection D of § 13.1-746 ~~is not treated as a claim for~~ purposes of § 13.1-746 and (ii) publish notice of its dissolution one time in a newspaper of general circulation in the city or county where the dissolved corporation's principal office, or, if none in the Commonwealth, its registered office, is or was last located. The notice of dissolution shall request that persons with claims against the dissolved corporation present them in accordance with the notice.

B. The notice shall:

1. Describe the information that is required to be included in a claim and provide a mailing address where the claim may be sent; and

2. State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced prior to the earlier of the expiration of any applicable statute of limitations or three years after the date of delivery of notice to the claimant, or the date of publication of the notice, as appropriate.

C. If the dissolved corporation provides notice of its dissolution in accordance with this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation prior to the earlier of the expiration of any applicable statute of limitations or three years after the date on which notice was delivered to the claimant or published, as appropriate:

1. A claimant who was not given written notice under § 13.1-746;

2. A claimant whose claim was timely sent to the dissolved corporation but not acted on; *and*

3. A claimant whose claim ~~does not meet the definition of a claim in~~ pursuant to subsection D of § 13.1-746 ~~is not treated as a claim for purposes of § 13.1-746.~~

D. A claim that is not barred by subsection C of § 13.1-746 or subsection C of ~~§ 13.1-746.~~ *this section* may be enforced:

1. Against the dissolved corporation, to the extent of its undistributed assets; or

2. Except as provided in subsection D of § 13.1-746.2, if the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of the shareholder's pro rata share of the claim or the corporate assets distributed to the shareholder in liquidation, whichever is less, but a shareholder's total liability for all claims under this section may not exceed the total amount of assets distributed to the shareholder.

**§ 13.1-749.1. Election to purchase in lieu of dissolution.**

A. Unless otherwise provided in the articles of incorporation, in a proceeding under subdivision A 1 of § 13.1-747 to dissolve a corporation, the corporation may elect or, if it fails to elect, one or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

B. An election to purchase pursuant to this section may be filed with the court at any time within 90 days after the filing of the petition under subdivision A 1 of § 13.1-747 or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within 10 days thereafter, give written notice to all shareholders, other than the petitioner. The notice shall state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and shall advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate shall file notice of their intention to join in the purchase no later than 30 days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs. After an election has been filed by the corporation or one or more shareholders, the proceeding under subdivision A 1 of § 13.1-747 may not be discontinued or settled, nor may the petitioning shareholder sell or otherwise dispose of the petitioner's shares, unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

C. If, within 60 days of the filing of the first election, the parties reach agreement as to the fair value and terms of purchase of the petitioner's shares, the court shall enter an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

D. If the parties are unable to reach an agreement as provided for in subsection C, the court, upon application of any party, shall stay the proceedings under subdivision A 1 of § 13.1-747 and determine the fair value of the petitioner's shares as of the day before the date on which the petition under subdivision A 1 of § 13.1-747 was filed or as of such other date as the court deems appropriate under the circumstances. *The determination of fair value shall include consideration of all relevant facts and circumstances, including, unless the court determines it would be unjust or inequitable to do so, (i) the petitioner's minority status, (ii) the marketability of the petitioner's shares, (iii) the relevant terms of any shareholders' agreement, and (iv) if the court finds that the value of the corporation has been diminished by the wrongful conduct of controlling shareholders, the petitioner's proportionate claim for any compensable corporate injury.* In determining the fair value, the court may, in its discretion, select an appraiser to appraise the fair value of the petitioner's shares and shall assess the cost of any such appraisal to the parties, to the corporation, or both, as the equities may appear to the court.

E. Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interests of equity, provision for security to assure payment of the purchase price and any additional costs, fees and expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among them. In allocating petitioner's shares among holders of different classes of shares, the court should attempt to preserve the existing distribution of voting rights among holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed. If the court finds that the petitioning shareholder had probable grounds for relief under subdivision A 1 b or d of § 13.1-747, it may award to the petitioning shareholder reasonable fees and expenses of counsel and of any experts employed by the shareholder.

F. Upon entry of an order under subsection C or E, the court shall dismiss the petition to dissolve the corporation under subdivision A 1 of § 13.1-747 and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation, except the right to receive the amounts awarded to him by the order of the court, which shall be enforceable in the same manner as any other judgment.

G. The purchase ordered pursuant to subsection E shall be made within 10 days after the date the order becomes final.

H. Any payment by the corporation pursuant to an order under subsection C or E, other than an award of fees and expenses pursuant to subsection E, is subject to the provisions of § 13.1-653.

#### **§ 13.1-826. General powers.**

A. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including, without limitation, power:

1. To sue and be sued, complain and defend, in its corporate name;
2. To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;
3. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located;
4. To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;
5. To purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal with shares or other interests in, or obligations of, any other entity;
6. To make contracts and guarantees, incur liabilities, borrow money, and issue its notes, bonds, and other obligations, which may be convertible into, or include the option to purchase, other securities or property of the corporation, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income;
7. To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment;
8. To transact its business, locate offices, and exercise the powers granted by this ~~Act~~ *chapter* within or without the Commonwealth;
9. To elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit;
10. To make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of the Commonwealth; ~~for managing the business and regulating the affairs of the corporation;~~
11. To make donations for the public welfare or for religious, charitable, scientific, literary or educational purposes;
12. To pay pensions and establish pension plans, pension trusts, profit-sharing plans, bonus plans, and benefit and incentive plans for any or all of the current or former directors, officers, employees, and agents of the corporation or any of its subsidiaries;
13. To insure for its benefit the life of any of its directors, officers, or employees and to continue such insurance after the relationship terminates;
14. To make payments or donations or do any other act not inconsistent with this section or any other applicable law that furthers the business and affairs of the corporation;

15. To pay compensation or to pay additional compensation to any or all directors, officers, and employees on account of services previously rendered to the corporation, whether or not an agreement to pay such compensation was made before such services were rendered;

16. To cease its corporate activities and surrender its corporate franchise; and

17. To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

B. Each corporation other than a banking corporation, an insurance corporation, a savings institution or a credit union shall have power to enter into partnership agreements, joint ventures or other associations of any kind with any person or persons. The foregoing limitations on banking corporations, insurance corporations, savings institutions, and credit unions shall not apply to the purchase by any such entity of any security of a limited liability company.

C. Privileges and powers conferred and restrictions and requirements imposed by other titles of the Code on railroads or other public service companies, banking corporations, insurance corporations, savings institutions, credit unions, industrial loan associations or other special types of corporations shall not be deemed repealed or amended by any provision of this ~~Act~~ chapter except where specifically so provided.

D. Each corporation which is deemed a private foundation, as defined in § 509 of the Internal Revenue Code, unless its articles of incorporation expressly provide otherwise, shall distribute its income and, if necessary, principal, for each taxable year at such time and in such manner as not to subject such corporation to tax under § 4942 of the Internal Revenue Code. Such corporation shall not engage in any act of self-dealing, as defined in § 4941(d) of the Internal Revenue Code, retain any excess business holdings, as defined in § 4943(c) of the Internal Revenue Code, make any investments in such manner as to give rise to liability for the tax imposed by § 4944 of the Internal Revenue Code, or make any taxable expenditures, as defined in § 4945(d) of the Internal Revenue Code. This subsection shall apply to any corporation organized after December 31, 1969, under this ~~Act~~ chapter or under the Virginia Nonstock Corporation Act (§ 13.1-201 et seq.) enacted by Chapter 428 of the Acts of Assembly of 1956; and to any corporation organized before January 1, 1970, only for its taxable years beginning on and after January 1, 1972, unless the exceptions provided in § 508(e)(2)(B) or (C) of the Internal Revenue Code shall apply or unless the board of directors of such corporation shall elect that such restrictions as contained in this subsection shall not apply by filing written notice of such election with the Attorney General and the clerk of the Commission on or before December 31, 1971. Each reference to a section of the Internal Revenue Code made in this subsection shall include future amendments to such Code sections and corresponding provisions of future internal revenue laws.

**§ 13.1-841. Corporate action without meeting.**

A. 1. Corporate action required or permitted by this ~~Act~~ chapter to be taken at a meeting of the members may be taken without a meeting and without prior notice if the corporate action is taken by all members entitled to vote on the corporate action, in which case no corporate action by the board of directors shall be required.

2. Notwithstanding subdivision 1 of this subsection, if so provided in the articles of incorporation of a corporation, corporate action required or permitted by this ~~Act~~ chapter to be taken at a meeting of members may be taken without a meeting and without prior notice, if the corporate action is taken by members who would be entitled to vote at a meeting of members having voting power to cast not fewer than the minimum number (or numbers, in the case of voting by voting groups) of votes that would be necessary to authorize or take the corporate action at a meeting at which all members entitled to vote thereon were present and voted.

3. The corporate action shall be evidenced by one or more written consents bearing the date of execution and describing the corporate action taken, signed by the members entitled to take such corporate action without a meeting and delivered to the secretary of the corporation for inclusion in the minutes or filing with the corporate records. Any corporate action taken by written consent shall be effective according to its terms when the requisite consents are in possession of the corporation. Corporate action taken under this section is effective as of the date specified therein, provided the consent states the date of execution by each member.

B. If not otherwise determined under § 13.1-840 or 13.1-844, the record date for determining members entitled to take corporate action without a meeting is the date the first member signs the consent under subsection A. No written consent shall be effective to take the corporate action referred to therein unless, within 120 days after the earliest date of execution appearing on a consent delivered to the corporation in the manner required by this section, written consents sufficient in number to take corporate action are received by the corporation. A written consent may be revoked by a writing to that effect received by the corporation prior to receipt by the corporation of unrevoked written consents sufficient in number to take corporate action.

C. For purposes of this section, written consent may be accomplished by one or more electronic transmissions, as defined in § 13.1-803. A consent signed under this section has the effect of a vote of voting members at a meeting and may be described as such in any document filed with the Commission under this ~~Act~~ chapter.

D. If corporate action is to be taken under this section by fewer than all of the members entitled to vote on the action, the corporation shall give written notice of the proposed corporate action, not less than five days before the action is taken, to all persons who are members on the record date and who are entitled to vote on the matter. The notice shall contain or be accompanied by the same material that under this ~~Act~~ chapter would have been required to be sent to members in a notice of meeting at which the corporate action would have been submitted to the members for a vote.

E. If this ~~Act~~ chapter requires that notice of proposed corporate action be given to nonvoting members and the corporate action is to be taken by consent of the voting members, the corporation shall give its nonvoting members written

notice of the proposed action not less than five days before it is taken. The notice shall contain or be accompanied by the same material that under this ~~Act~~ chapter would have been required to be sent to nonvoting members in a notice of meeting at which the corporate action would have been submitted to the members for a vote.

*F. Any person, whether or not then a member, may provide that a consent in writing as a member shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a member at such future time and (ii) the person did not revoke the consent prior to such future time.*

**§ 13.1-842. Notice of meeting.**

A. 1. A corporation shall notify members of the date, time and place of each annual and special members' meeting. Such notice shall be given no less than 10 nor more than 60 days before the meeting date except that notice of a members' meeting to act on an amendment of the articles of incorporation, a plan of merger, domestication, a proposed sale of assets pursuant to § 13.1-900, or the dissolution of the corporation shall be given not less than 25 nor more than 60 days before the meeting date. Unless this ~~Act~~ chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to members entitled to vote at the meeting.

2. In lieu of delivering notice as specified in subdivision A 1, the corporation may publish such notice at least once a week for two successive calendar weeks in a newspaper published in the city or county in which the registered office is located, or having a general circulation therein, the first publication to be not more than 60 days, and the second not less than seven days before the date of the meeting.

B. Unless this ~~Act~~ chapter or the articles of incorporation require otherwise, notice of an annual meeting need not state the purpose or purposes for which the meeting is called.

C. Notice of a special meeting shall state the purpose or purposes for which the meeting is called.

D. If not otherwise fixed under § 13.1-840 or 13.1-844, the record date for determining members entitled to notice of and to vote at an annual or special meeting is the day before the effective date of the notice to members.

E. Unless the bylaws require otherwise, if an annual or special meeting is adjourned to a different date, time, or place, notice need not be given if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or shall be fixed under § 13.1-844, however, *not less than 10 days before the meeting date* notice of the adjourned meeting shall be given under this section to persons who are members as of the new record date.

**§ 13.1-847.1. Voting procedures and inspectors of elections.**

A. A corporation may appoint one or more inspectors to act at a meeting of members ~~and make a written report of the inspector's determinations. The corporation may designate one or more persons as alternate inspectors to replace any inspector who fails to act. If no inspector or alternate is able to act at a meeting of members, the person presiding at the meeting shall appoint one or more inspectors to act at the meeting in connection with determining voting results.~~ Each inspector, before entering upon the discharge of his duties, shall ~~take and sign an oath~~ *certify in writing that the inspector will faithfully to* execute the duties of inspector with strict impartiality and according to the best of his ability.

B. The inspectors shall (i) ascertain the number of members and the voting power of each, (ii) determine the number of the members represented at a meeting and the validity of ~~proxies~~ *proxy appointments* and ballots, (iii) count all votes, (iv) determine, and retain for a reasonable period a record of the disposition of, any challenges made to any determination by the inspectors, and (v) certify their determination of the number of members represented at the meeting and their count of ~~all~~ *the* votes. The inspectors may appoint or retain other persons or entities to assist the inspectors in the performance of their duties, *and may rely on information provided by such persons and other persons, including those appointed to tabulate votes, unless the inspectors believe reliance is unwarranted.* In any court proceeding there shall be a rebuttable presumption that the report of the inspectors is correct.

C. No ballot, proxies, or votes, nor any revocations thereof or changes thereto, shall be accepted by the inspectors after the closing of the polls unless the circuit court of the city or county where the corporation's principal office is located or, if none in the Commonwealth, where its registered office is located, upon application by a member, shall determine otherwise.

D. In determining the validity of proxies and ballots and in counting the votes, the inspectors shall be limited to an examination of the proxies, any envelopes submitted with those proxies, any information provided in accordance with subsection B of § 13.1-847, ballots, and the regular books and records of the corporation. If the inspectors consider other reliable information for the limited purpose permitted herein, they shall specify, at the time that they make their certification pursuant to clause (v) of subsection B, the precise information that they considered, including the person or persons from whom they obtained the information, when the information was obtained, the means by which the information was obtained, and the basis for their belief that such information is accurate and reliable.

E. If authorized by the board of directors, any member vote to be taken by written ballot may be satisfied by a ballot submitted by electronic transmission by the member or the member's proxy, provided that any such electronic transmission shall either set forth or be submitted with information from which it may be determined that the electronic transmission was authorized by the member or the member's proxy. *A member who votes by a ballot submitted by electronic transmission is deemed present at the meeting of members.*

**§ 13.1-848. Corporation's acceptance of votes.**

A. If the name signed on a vote, *ballot*, consent, waiver, or proxy appointment corresponds to the name of a member, the corporation, if acting in good faith, is entitled to accept the vote, *ballot*, consent, waiver, or proxy appointment and give it effect as the act of the member.

B. If the name signed on a vote, *ballot*, consent, waiver, or proxy appointment does not correspond to the name of a member, the corporation, if acting in good faith, is nevertheless entitled to accept the vote, *ballot*, consent, waiver, or proxy appointment and give it effect as the act of the member if:

1. The member is an entity and the name signed purports to be that of an officer, partner or agent of the entity;
2. The name signed purports to be that of an administrator, executor, guardian, or conservator representing the member and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment;
3. The name signed purports to be that of a receiver or trustee in bankruptcy of the member and, if the corporation requests, evidence acceptable to the corporation that such receiver or trustee has been authorized to vote the membership interest in an order of the court by which such person was appointed has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment;
4. The name signed purports to be that of a beneficial owner or attorney-in-fact of the member and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the member has been presented with respect to the vote, *ballot*, consent, waiver, or proxy appointment; or
5. Two or more persons are the member as fiduciaries and the name signed purports to be the name of at least one of the fiduciaries and the person signing appears to be acting on behalf of all the fiduciaries.

C. Notwithstanding the provisions of subdivisions B 2 and 5, in any case in which the will, trust agreement, or other instrument under which a fiduciary purports to act contains directions for the voting of membership interests in any corporation, or for the execution and delivery of proxies for the voting thereof, such directions shall be binding upon the fiduciary and upon the corporation if a copy thereof has been furnished to the corporation.

D. The corporation is entitled to reject a vote, *ballot*, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to ~~tabulate~~ count votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the member.

E. ~~The Neither the corporation and its officer or agent nor the person authorized to count votes, including an inspector under § 13.1-847.1, who accepts or rejects a vote, ballot, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section or subsection B of § 13.1-847 are not~~ is liable in damages to the member for the consequences of the acceptance or rejection.

F. Corporate action based on the acceptance or rejection of a vote, consent, waiver, or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.

**§ 13.1-852.1. Member or director agreements.**

A. An agreement among the members or the directors of a corporation that complies with this section is effective among the members or directors and the corporation, even though it is inconsistent with one or more other provisions of this chapter in that it:

1. Eliminates the board of directors or, subject to the requirements of subsection A of § 13.1-872, one or more officers, or restricts the discretion or powers of the board of directors or any one or more officers;
2. Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;
3. Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the members and directors or by or among any of them, including use of weighted voting rights or director proxies;
4. Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any member, director, officer or employee of the corporation, or among any of them;
5. Transfers to one or more members, directors or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or members;
6. Requires dissolution of the corporation at the request of one or more of the members, or directors, in the case of a corporation that has no members or in which the members have no voting rights, or upon the occurrence of a specified event or contingency; or
7. Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the members, the directors and the corporation, or among any of them, and is not contrary to public policy.

B. An agreement authorized by this section shall be:

1. a. Set forth in the articles of incorporation or bylaws and approved by all persons who are members or, if there are no members or the corporation's members do not have voting rights, by all persons who are directors at the time of the agreement; or
- b. Set forth in a written agreement that is signed by all persons who are members or, if there are no members or the corporation's members do not have voting rights, by all persons who are directors at the time of the agreement;

2. Subject to amendment only by all persons who are members or, if ~~there are no members~~ of the corporation's members do not have voting rights, by all persons who are directors at the time of the amendment, unless the agreement provides otherwise; and

3. Valid for an unlimited duration, if the agreement is set forth in the articles of incorporation or bylaws, unless the agreement shall be otherwise amended by the members or the directors, as the case may be; or ~~valid for 10 years~~, if the agreement is set forth in a written agreement, *as set forth in the agreement except that the duration of an agreement that became effective prior to July 1, 2015, remains 10 years unless the agreement ~~provides~~ provided otherwise or is subsequently amended to provide otherwise.*

C. The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate evidencing membership, if any. The failure to note the existence of the agreement on the certificate shall not affect the validity of the agreement or any action taken pursuant to it.

D. An agreement authorized by this section shall cease to be effective when the corporation has more than 300 members of record. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without member action, to delete the agreement and any references to it.

E. An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

F. The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any member for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in a failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

G. Incorporators or subscribers for membership interests may act as members or directors with respect to an agreement authorized by this section if no members have been elected or appointed or, in the case of a corporation that has no members, no directors are elected or holding office when the agreement was made.

H. No action taken pursuant to this section shall change any requirement to file articles or other documents with the Commission or affect the rights of any creditors or other third parties.

*I. An agreement among the members or the directors of a corporation that is consistent with the other provisions of this chapter that does not comply with the provisions of this section shall nonetheless be effective among the members, the directors, and the corporation.*

#### **§ 13.1-865. Action without meeting of board of directors.**

A. Except to the extent that the articles of incorporation or bylaws require that action by the board of directors be taken at a meeting, action required or permitted by this ~~Act~~ *chapter* to be taken by the board of directors may be taken without a meeting if each director signs a consent describing the action to be taken and delivers it to the corporation.

B. Action taken under this section is effective when the last director signs the consent, unless the consent specifies a different effective date, in which event the action taken is effective as of the date specified therein provided the consent states the date of execution by each director.

C. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by all the directors.

D. *Any person, whether or not then a director, may provide that a consent to action as a director shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a director at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.*

E. For purposes of this section, a written consent and the signing thereof may be accomplished by one or more electronic transmissions.

~~E. F.~~ A consent signed under this section has the effect of action taken at a meeting of the board of directors and may be described as such in any document.

#### **§ 13.1-878. Advance for expenses.**

A. A corporation may pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

~~1. The director furnishes the corporation a signed written statement of his good faith belief that he has met the standard of conduct described in § 13.1-876;~~

~~2. The director furnishes the corporation a signed written undertaking, executed personally or on his behalf, to repay any funds advanced if he is not entitled to mandatory indemnification under § 13.1-877 and it is ultimately determined under § 13.1-879.1 or 13.1-880 that he has not met the relevant standard of conduct.~~

B. The undertaking required by ~~subdivision subsection A 2~~ shall be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment.

C. Authorizations of payments under this section shall be made by:

1. The board of directors:

a. If there are two or more disinterested directors, by a majority vote of all the disinterested directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee of two or more disinterested directors appointed by such a vote; or

b. If there are fewer than two disinterested directors, by the vote necessary for action by the board in accordance with subsection C of § 13.1-868, in which authorization directors who do not qualify as disinterested directors may participate; or

2. The members, but any membership interest under the control of a director who at the time does not qualify as a disinterested director may not be voted on the authorization.

**§ 13.1-894. Merger.**

A. One or more domestic corporations may merge with one or more domestic or foreign corporations or eligible entities pursuant to a plan of merger, or two or more foreign corporations or domestic or foreign eligible entities may merge into a new domestic corporation to be created in the merger in the manner provided in this ~~Act~~ *chapter*. When a domestic corporation is the survivor of a merger with a domestic stock corporation, it may become, pursuant to subdivision C 5, a domestic stock corporation, provided that the only parties to the merger are domestic corporations and domestic stock corporations.

B. A foreign corporation or a foreign eligible entity may be a party to a merger with a domestic corporation or may be created pursuant to the terms of the plan of merger only if the merger is permitted by the laws under which the foreign corporation or eligible entity is organized or by which it is governed.

C. The plan of merger shall include:

1. The name of each domestic or foreign corporation or eligible entity that will merge and the name of the domestic or foreign corporation or eligible entity that will be the survivor of the merger;

2. The terms and conditions of the merger;

3. The manner and basis of converting the membership interests of each merging domestic or foreign corporation and eligible interests of each domestic or foreign eligible entity into membership interests, eligible interests or other securities, obligations, rights to acquire membership interests, eligible interests or other securities, cash or other property, or any combination of the foregoing;

4. The manner and basis of converting any rights to acquire the membership interests of each merging domestic or foreign corporation and eligible interests of each merging domestic or foreign eligible entity into membership interests, eligible interests or other securities, obligations, rights to acquire membership interests, eligible interests or other securities, cash or other property, or any combination of the foregoing;

5. The articles of incorporation of any domestic or foreign corporation or stock corporation or the organic document of any domestic or foreign unincorporated entity to be created by the merger or, if a new domestic or foreign corporation or stock corporation or unincorporated entity is not to be created by the merger, any amendments to the survivor's articles of incorporation or organic document; and

6. Any other provisions required by the laws under which any party to the merger is organized or by which it is governed or required by the articles of incorporation or organic document of any such party.

D. Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with subsection L of § 13.1-804.

E. The plan of merger may also include a provision that the plan may be amended prior to the effective date of the certificate of merger, but if the members of a domestic corporation that is a party to the merger are required or permitted by any provision of this chapter to vote on the plan, the plan ~~must provide that, may not be amended~~ subsequent to approval of the plan by such members; ~~the plan may not be amended~~ to change any of the following unless such amendment is approved by the members:

1. The amount or kind of membership interests, eligible interests or other securities, obligations, rights to acquire membership interests, eligible interests or other securities, cash, or other property to be received under the plan by the members of or owners of eligible interests in any party to the merger;

2. The articles of incorporation of any domestic or foreign corporation or stock corporation or the organic document of any unincorporated entity that will survive or be created as a result of the merger, except for changes permitted by subsection B of § 13.1-885; or

3. Any of the other terms or conditions of the plan if the change would adversely affect such members in any material respect.

**§ 13.1-895. Action on plan of merger.**

A. In the case of a domestic corporation that is a party to a merger, where the members of any merging corporation have voting rights the plan of merger shall be adopted by the board of directors. Except as provided in subsection F, after adopting a plan of merger, the board of directors shall submit the plan to the members for their approval.

The board of directors shall also transmit to the members a recommendation that the members approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the members the basis for that determination.

B. The board of directors may condition its submission of the plan of merger to the members on any basis.

C. If the plan of merger is required to be approved by the members, and if the approval is to be given at a meeting, the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing domestic or foreign corporation or eligible entity and its members are to receive membership or other interests in the surviving corporation or eligible entity, the notice shall also include or be accompanied by a copy or summary of the articles of incorporation or organic document of that corporation or eligible entity. If the corporation is to be merged into a domestic or foreign corporation or eligible entity that is to be created pursuant to the merger and its members are to receive membership or other interests in the surviving corporation or eligible entity, the notice shall include or be accompanied by a copy or a summary of the articles of incorporation or organic document of the new domestic or foreign corporation or eligible entity.

D. Unless the articles of incorporation or the board of directors acting pursuant to subsection B, requires a greater vote, the plan of merger to be authorized shall be approved by each voting group entitled to vote on the plan by more than two-thirds of all the votes cast by that voting group at a meeting at which a quorum of the voting group exists. The articles of incorporation may provide for a greater or lesser vote than that provided for in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all the votes cast on the plan by each voting group entitled to vote on the transaction at a meeting at which a quorum of the voting group exists.

E. Separate voting by voting groups is required:

1. On a plan of merger by each class of members:

a. Whose membership interests are to be converted under the plan of merger into membership interests in a different domestic or foreign corporation, or eligible interests or other securities, obligations, rights to acquire membership interests, eligible interests or other securities, cash, other property, or any combination of the foregoing; or

b. Who would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to the articles of incorporation, would require action by separate voting groups under § 13.1-887.

2. On a plan of merger, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger.

F. Unless the articles of incorporation otherwise provide, approval by the corporation's members of a plan of merger is not required if:

1. The corporation will survive the merger;

2. Except for amendments permitted by subsection B of § 13.1-885, its articles of incorporation will not be changed; and

3. Each person who is a member of the corporation immediately before the effective ~~date~~ *time* of the merger will retain the same membership interest with identical designation, preferences, limitations, and rights immediately after the effective ~~date~~ *time* of the merger.

G. Where any merging corporation has no members, or no members having voting rights, a plan of merger shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

H. If as a result of a merger one or more members of a domestic corporation would become subject to owner liability for the debts, obligations, or liabilities of any other person or entity, approval of the plan of merger shall require the execution by each member of a separate written consent to become subject to such owner liability.

**§ 13.1-908.1. Other claims against dissolved corporation.**

A. A dissolved corporation may also (i) *deliver notice of its dissolution to any known claimant with a liability or claim that pursuant to subsection D of § 13.1-908 is not treated as a claim for purposes of § 13.1-908 and (ii) publish notice of its dissolution and one time in a newspaper of general circulation in the city or county where the dissolved corporation's principal office, or, if none in the Commonwealth, its registered office, is or was last located. The notice of dissolution shall request that persons with claims against the dissolved corporation present them in accordance with the notice.*

B. The notice shall:

1. ~~Be published one time in a newspaper of general circulation in the city or county where the dissolved corporation's principal office, or, if none in the Commonwealth, its registered office, is or was last located;~~

~~2.~~ Describe the information that is required to be included in a claim and provide a mailing address to which the claim may be sent; and

~~3.~~ 2. State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced prior to the earlier of the expiration of any applicable statute of limitations or three years after the date of *delivery of notice to the claimant, or the date of publication of the notice, as appropriate.*

C. If the dissolved corporation ~~publishes a newspaper provides~~ *publishes a newspaper provides* notice of its dissolution in accordance with ~~subsection B this section,~~ *subsection B this section,* the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation prior to the earlier of the expiration of any applicable statute of limitations or three years after the ~~publication date of the newspaper on which notice was delivered to the claimant or published, as appropriate:~~ *publication date of the newspaper on which notice was delivered to the claimant or published, as appropriate:*

1. A claimant who was not given written notice under § 13.1-908;

2. A claimant whose claim was ~~sent in a timely manner~~ *sent* to the dissolved corporation but not acted on; and

3. A claimant whose claim ~~does not meet the definition of a claim in pursuant to~~ subsection D of § 13.1-908 *is not treated as a claim for purposes of § 13.1-908.*

D. A claim that is not barred by subsection C of § 13.1-908 or subsection C of this section may be enforced:

1. Against the dissolved corporation, to the extent of its undistributed assets; or
2. Except as provided in subsection D of § 13.1-908.2, if the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of the member's pro rata share of the claim or the corporate assets distributed to the member in liquidation, whichever is less, but a member's total liability for all claims under this section may not exceed the total amount of assets distributed to the member.

## CHAPTER 612

*An Act to amend and reenact §§ 33.2-1803 and 33.2-1820 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-1803.1 and 33.2-1803.2, relating to the Public-Private Transportation Act; finding of public interest.*

[H 1886]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-1803 and 33.2-1820 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 33.2-1803.1 and 33.2-1803.2 as follows:**

**§ 33.2-1803. Approval by the responsible public entity.**

A. The private entity may request approval by the responsible public entity. Any such request shall be accompanied by the following material and information unless waived by the responsible public entity in its guidelines or other instructions given, in writing, to the private entity with respect to the transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying transportation facility:

1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the transportation facility or facilities;
2. A description of the transportation facility or facilities, including the conceptual design of such facility or facilities and all proposed interconnections with other transportation facilities;
3. The proposed date for development and/or operation of the transportation facility or facilities along with an estimate of the life-cycle cost of the transportation facility as proposed;
4. A statement setting forth the method by which the private entity proposes to secure any property interests required for the transportation facility or facilities;
5. Information relating to the current transportation plans, if any, of each affected locality or public entity;
6. A list of all permits and approvals required for developing and/or operating improvements to the transportation facility or facilities from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;
7. A list of public utility's, locality's, or political subdivision's facilities, if any, that will be crossed by the transportation facility or facilities and a statement of the plans of the private entity to accommodate such crossings;
8. A statement setting forth the private entity's general plans for developing and/or operating the transportation facility or facilities, including identification of any revenue, public or private, or proposed debt or equity investment or concession proposed by the private entity;
9. The names and addresses of the persons who may be contacted for further information concerning the request;
10. Information on how the private entity's proposal will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof; ~~and~~
11. *A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity for the development and/or operation of the transportation facility, including revenue risk and operations and maintenance; and*

12. Such additional material and information as the responsible public entity may reasonably request pursuant to its guidelines or other written instructions.

B. The responsible public entity may request proposals from private entities for the development and/or operation of transportation facilities *subject to the following:*

1. *For transportation facilities where the Department of Transportation or the Department of Rail and Public Transportation is the responsible public entity, the Transportation Public-Private Partnership Advisory Committee established pursuant to § 33.2-1803.2 has determined that moving forward with the development and/or operation of the facility pursuant to this article serves the public interest.*

2. *A finding of public interest pursuant to § 33.2-1803.1 has been issued by the responsible public entity.*

3. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to such requests.

C. The responsible public entity may grant approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility if the responsible public entity determines that it serves the public purpose

of this chapter. The responsible public entity may determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves such public purpose if:

1. There is a public need for the transportation facility or facilities the private entity proposes to develop and/or operate as a qualifying transportation facility;

2. The transportation facility or facilities and the proposed interconnections with existing transportation facilities, and the private entity's plans for development and/or operation of the qualifying transportation facility or facilities, are, in the opinion of the responsible public entity, reasonable and will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof;

3. The estimated cost of developing and/or operating the transportation facility or facilities is reasonable in relation to similar facilities; ~~and~~

4. The private entity's plans will result in the timely development and/or operation of the transportation facility or facilities or their more efficient operation; *and*

5. *The risks, liabilities, and responsibilities transferred, assigned, or assumed by the private entity provide sufficient benefits to the public to not proceed with the development and/or operation of the transportation facility through other means of procurement available to the responsible public entity.*

In evaluating any request, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

*D. The responsible public entity shall not enter into a comprehensive agreement unless the chief executive officer of the responsible public entity certifies in writing to the Governor and the General Assembly that the transfer, assignment, and assumption of risks, liabilities, and permitting responsibilities or the mitigation of revenue risk by the private sector enumerated in the finding of public interest issued pursuant to § 33.2-1803.1 have not materially changed since the finding was issued and the finding of public interest is still valid. Changes to the project scope that do not impact the assignment of risks or liabilities or the mitigation of revenue risk shall not be considered material changes to the finding of public interest, provided that such change was presented in a public meeting to the Commonwealth Transportation Board, other state board, or the governing body of a locality, as appropriate.*

*E. The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including reasonable attorney fees and fees for financial and other necessary advisors or consultants. The responsible public entity shall also develop guidelines that establish the process for the acceptance and review of a proposal from a private entity pursuant to subsections A and B. Such guidelines shall establish a specific schedule for review of the proposal by the responsible public entity, a process for alteration of that schedule by the responsible public entity if it deems that changes are necessary because of the scope or complexity of proposals it receives, the process for receipt and review of competing proposals, and the type and amount of information that is necessary for adequate review of proposals in each stage of review. For qualifying transportation facilities that have approved or pending state and federal environmental clearances, have secured significant right-of-way, have previously allocated significant state or federal funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines shall provide for a prioritized documentation, review, and selection process.*

~~F.~~ *F. The approval of the responsible public entity shall be subject to the private entity's entering into an interim agreement or a comprehensive agreement with the responsible public entity. For any project with an estimated construction cost of over \$50 million, the responsible public entity also shall require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.*

~~F.~~ *G. In connection with its approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a date for the acquisition of or the beginning of construction of or improvements to the qualifying transportation facility. The responsible public entity may extend such date.*

~~G.~~ *H. The responsible public entity shall take appropriate action, as more specifically set forth in its guidelines, to protect confidential and proprietary information provided by the private entity pursuant to an agreement under subdivision 11 of § 2.2-3705.6.*

~~H.~~ *I. The responsible public entity may also apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for qualifying projects developed and/or operated pursuant to this chapter.*

**§ 33.2-1803.1. Finding of public interest.**

*A. Prior to the initiation of a procurement pursuant to § 33.2-1803, the chief executive officer of the responsible public entity shall make a finding of public interest. Such finding shall include information set forth in subsection B.*

*B. At a minimum, a finding of public interest shall contain the following information:*

1. A description of the benefits expected to be realized by the responsible public entity through the use of this chapter compared with the development and/or operation of the transportation facility through other options available to the responsible public entity.

2. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity, which shall include the following:

a. A discussion of whether revenue risk will be transferred to the private entity and the degree to which any such transfer may be mitigated through other provisions in the interim or comprehensive agreements;

b. A description of the risks, liabilities, and responsibilities to be retained by the responsible public entity; and

c. Other items determined appropriate by the responsible public entity in the guidelines for this chapter.

3. The determination of whether the project has a high, medium, or low level of project delivery risk and a description of how such determination was made. If the qualifying transportation facility is determined to contain high risk, a description of how the public's interest will be protected through the transfer, assignment, or assumption of risks or responsibilities by the private entity in the event that issues arise with the development and/or operation of the qualifying transportation facility.

4. If the responsible public entity proposes to enter into an interim or comprehensive agreement pursuant to subdivision 2 of § 33.2-1819, information and the rationale demonstrating that proceeding in this manner is more beneficial than proceeding pursuant to subdivision 1 of § 33.2-1819.

**§ 33.2-1803.2. Transportation Public-Private Partnership Advisory Committee.**

A. Procurement pursuant to § 33.2-1803 shall be initiated by the Department of Transportation or the Department of Rail and Public Transportation only after the Transportation Public-Private Partnership Advisory Committee (the Committee) has determined that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves the public interest pursuant to § 33.2-1803.1. The determination shall be evidenced by an affirmative vote of a majority of the members of the Committee.

B. The Committee is established and shall consist of the following members:

1. Two members of the Commonwealth Transportation Board;

2. The staff director of the House Committee on Appropriations, or his designee, and the staff director of the Senate Committee on Finance, or his designee;

3. A Deputy Secretary of Transportation;

4. The chief financial officer of either the Department of Transportation or the Department of Rail and Public Transportation, as appropriate; and

5. A nonagency public financial expert, as selected by the Secretary of Transportation.

C. Meetings of the Committee shall be open to the public, and meetings will be scheduled on an as-needed basis. However, at a minimum, public notice shall be posted at least 30 days prior to a meeting of the Committee.

D. The Committee shall, within 10 business days of any meeting, report whether or not the projects evaluated at such meeting have been found to serve the public interest. Such report shall be made to the Chairmen of the House and Senate Committees on Transportation, the House Committee on Appropriations, and the Senate Committee on Finance.

**§ 33.2-1820. Posting of conceptual proposals; public comment; public access to procurement records.**

A. Conceptual proposals submitted in accordance with subsection A or B of § 33.2-1803 to a responsible public entity shall be posted by the responsible public entity within 10 working days after acceptance of such proposals as follows:

1. For responsible public entities that are state agencies, authorities, departments, institutions, and other units of state government, posting shall be on the Department of General Services' central electronic procurement website. For proposals submitted pursuant to subsection A of § 33.2-1803, the notice posted shall (i) provide for a period of 120 days for the submission of competing proposals; (ii) include specific information regarding the proposed nature, timing, and scope of the qualifying transportation facility; and (iii) outline the opportunities that will be provided for public comment during the review process; and

2. For responsible public entities that are local public bodies, posting shall be on the responsible public entity's website or on the Department of General Services' central electronic procurement website. In addition, such public bodies may publish in a newspaper of general circulation in the area in which the contract is to be performed a summary of the proposals and the location where copies of the proposals are available for public inspection. Such local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Nothing in this section shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the responsible public entity so as to provide maximum notice to the public of the opportunity to inspect the proposals. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of § 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the responsible public entity and the private entity.

B. In addition to the posting requirements of subsection A, for the following shall apply:

1. For 30 days prior to entering into an interim or comprehensive agreement, a responsible public entity shall provide an opportunity for public comment on the proposals. The public comment period required by this subsection may include a

public hearing ~~is~~ at the sole discretion of the responsible public entity. After the end of the public comment period, no additional posting shall be required.

2. For 30 days prior to the planned issuance of a final request for proposals, a responsible public entity shall provide an opportunity for public comment on the draft comprehensive agreement. The public comment period may include a public hearing at the sole discretion of the responsible public entity.

C. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity shall (i) post the major business points of the interim or comprehensive agreement, including the projected use of any public funds, on the Department of General Services' central electronic procurement website; (ii) outline how the public can submit comments on those major business points; and (iii) present the major business points of the interim or comprehensive agreement, including the use of any public funds, to its oversight board at a regularly scheduled meeting of the board that is open to the public.

D. Once an interim agreement or a comprehensive agreement has been entered into, a responsible public entity shall make procurement records available for public inspection, in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). For the purposes of this subsection, procurement records shall not be interpreted to include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.

E. Cost estimates relating to a proposed procurement transaction prepared by or for a responsible public entity shall not be open to public inspection.

F. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

G. The provisions of this section shall apply to accepted proposals regardless of whether the process of bargaining will result in an interim or a comprehensive agreement.

**2. That the Department of Transportation, by September 1, 2015, shall develop a risk assessment model to identify the relative risks associated with a proposed transportation project and facilitate the identification of high-risk projects in advance of project procurement. Further, the Department of Transportation shall establish procurement processes and guidelines for identified high-risk projects to ensure the protection of the public interest.**

## CHAPTER 613

*An Act to amend the Code of Virginia by adding a section numbered 62.1-256.1, relating to establishment of the Eastern Virginia Groundwater Management Advisory Committee.*

[H 1924]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 62.1-256.1 as follows:**

**§ 62.1-256.1. Eastern Virginia Groundwater Management Advisory Committee established.**

A. *The Eastern Virginia Groundwater Management Advisory Committee (the Committee) is hereby established as an advisory committee to assist the State Water Commission and the Department of Environmental Quality in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The Committee shall be appointed by the Director of the Department of Environmental Quality and shall be composed of nonlegislative citizen members consisting of representatives of industrial and municipal water users; representatives of public and private water providers; developers and representatives from the economic development community; representatives of agricultural, conservation, and environmental organizations; state and federal agencies' officials; and university faculty and citizens with expertise in water resources-related issues. The Committee shall meet at least four times each calendar year.*

*Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.*

B. *The Committee shall examine (i) options for developing long-term alternative water sources, including water reclamation and reuse, ground water recharge, desalination, and surface water options, including creation of storage reservoirs; (ii) the interaction between the Department of Environmental Quality's ground water management programs and local and regional water supply plans within the Eastern Virginia Groundwater Management Area for purposes of determining water demand and possible solutions for meeting that demand; (iii) potential funding options both for study and for implementation of management options; (iv) alternative management structures, such as a water resource trading program, formation of a long-term ground water management committee, and formation of a commission; (v) additional data needed to more fully assess aquifer health and sustainable ground water management strategies; (vi) potential future ground water permitting criteria; and (vii) other policies and procedures that the Director of the Department of Environmental Quality determines may enhance the effectiveness of ground water management in the Eastern Virginia Groundwater Management Area. The Committee shall develop specific statutory, budgetary, and regulatory recommendations, as necessary, to implement its recommendations.*

*C. The Committee shall report the results of its examination and related recommendations to the State Water Commission and the Director of the Department of Environmental Quality no later than August 1, 2017. The Director of the Department of Environmental Quality shall issue a report responding to the Committee's recommendations to the Governor, the State Water Commission, the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources, the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources, and the Joint Legislative Audit and Review Commission no later than November 1, 2017.*

**2. That the provisions of this act shall expire on January 1, 2018.**

**3. That unless otherwise agreed to by a ground water management permittee, the State Water Control Board and the Department of Environmental Quality shall not issue draft permits that would require reductions in permitted volumes of ground water withdrawals prior to December 31, 2015.**

## CHAPTER 614

*An Act to amend and reenact §§ 50-73.27 and 50-73.49 of the Code of Virginia, relating to limited partnerships; admission and withdrawal of partners.*

[H 2059]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 50-73.27 and 50-73.49 of the Code of Virginia are amended and reenacted as follows:**

**§ 50-73.27. Admission of additional general partners.**

After the filing of a limited partnership's initial certificate of limited partnership, additional general partners may be admitted as provided in the partnership agreement or, if the partnership agreement does not provide for the admission of additional general partners, with the written consent of all partners. *A person may be admitted to a limited partnership as a general partner of the limited partnership and may receive a partnership interest in the limited partnership without making a contribution or being obligated to make a contribution to the limited partnership. Unless otherwise provided in a partnership agreement, a person may be admitted to a limited partnership as a general partner of the limited partnership without acquiring a partnership interest in the limited partnership.*

**§ 50-73.49. Dissolution generally.**

A limited partnership formed under this chapter or that has filed an amended and restated certificate of limited partnership in compliance with subsection D of § 50-73.77 is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following events:

1. At the time or upon the occurrence of any events specified in the certificate of limited partnership or in writing in the partnership agreement;

2. Upon the unanimous written consent of the partners;

3. Upon an event of withdrawal of a general partner unless ~~at~~:

*a. At the time there is at least one other general partner and, in which event, unless otherwise provided in the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but or agreed upon by all remaining partners, the limited partnership is not dissolved and is not required to be wound up by reason of any the event of withdrawal; if, within; or*

*b. Within 90 days after the withdrawal, all remaining partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired, in which event the limited partnership is not dissolved and is not required to be wound up by reason of the event of withdrawal;*

4. Entry of a decree of judicial dissolution under § 50-73.50;

5. Automatic cancellation of its existence pursuant to § 50-73.52:5; or

6. Involuntary cancellation of its existence pursuant to § 50-73.52:6.

## CHAPTER 615

*An Act to amend and reenact §§ 46.2-205, 46.2-602.2, 46.2-618, 46.2-626.1, 46.2-644.1, 46.2-644.3, 46.2-654.1, 46.2-1105, 46.2-1139, 46.2-1500, 46.2-1503, 46.2-1504, 46.2-1505, 46.2-1508, 46.2-1509 through 46.2-1512, 46.2-1515, 46.2-1516, 46.2-1518, 46.2-1519, 46.2-1521, 46.2-1527.1, 46.2-1527.2, 46.2-1527.3, 46.2-1527.5, 46.2-1527.10, 46.2-1529, 46.2-1529.1, 46.2-1530, 46.2-1531, 46.2-1532, 46.2-1533, 46.2-1534, 46.2-1536, 46.2-1539, 46.2-1540, 46.2-1542 through 46.2-1545, 46.2-1547, 46.2-1558, 46.2-1561, 46.2-1565.1, 58.1-2405, and 58.1-3506 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-1539.1, by adding in Article 5 of Chapter 15 of Title 46.2 sections numbered 46.2-1545.1 and 46.2-1545.2, by adding in Article 6 of Chapter 15 of Title 46.2 sections numbered 46.2-1557.3 and 46.2-1557.4, and by adding in Chapter 15 of Title 46.2 an article numbered 7.2, consisting of sections numbered 46.2-1573.2 through 46.2-1573.12, an article numbered 7.3, consisting of sections numbered 46.2-1573.13 through 46.2-1573.24, and an article numbered 7.4, consisting of sections numbered*

46.2-1573.25 through 46.2-1573.37; and to repeal Chapters 19, 19.1, and 19.2 (§§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia, relating to motor vehicle dealers; penalties.

[H 2189]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 46.2-205, 46.2-602.2, 46.2-618, 46.2-626.1, 46.2-644.1, 46.2-644.3, 46.2-654.1, 46.2-1105, 46.2-1139, 46.2-1500, 46.2-1503, 46.2-1504, 46.2-1505, 46.2-1508, 46.2-1509 through 46.2-1512, 46.2-1515, 46.2-1516, 46.2-1518, 46.2-1519, 46.2-1521, 46.2-1527.1, 46.2-1527.2, 46.2-1527.3, 46.2-1527.5, 46.2-1527.10, 46.2-1529, 46.2-1529.1, 46.2-1530, 46.2-1531, 46.2-1532, 46.2-1533, 46.2-1534, 46.2-1536, 46.2-1539, 46.2-1540, 46.2-1542 through 46.2-1545, 46.2-1547, 46.2-1558, 46.2-1561, 46.2-1565.1, 58.1-2405, and 58.1-3506 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1539.1, by adding in Article 5 of Chapter 15 of Title 46.2 sections numbered 46.2-1545.1 and 46.2-1545.2, by adding in Article 6 of Chapter 15 of Title 46.2 sections numbered 46.2-1557.3 and 46.2-1557.4, and by adding in Chapter 15 of Title 46.2 an article numbered 7.2, consisting of sections numbered 46.2-1573.2 through 46.2-1573.12, an article numbered 7.3, consisting of sections numbered 46.2-1573.13 through 46.2-1573.24, and an article numbered 7.4, consisting of sections numbered 46.2-1573.25 through 46.2-1573.37, as follows:

**§ 46.2-205. Department offices and agencies; agreements with dealers.**

A. The Commissioner shall maintain his office in the Commonwealth at a location which he determines to be appropriate. He may appoint agents and maintain branch offices in the Commonwealth in whatever locations he determines to be necessary to carry out this title.

The personnel of each branch office and each agency shall be appointed by the Commissioner and shall be bonded in an amount fixed by the Commissioner. The person in charge of the branch office and each agency shall deposit daily in the local bank, or at such other intervals as may be designated by the Commissioner, to the account of the State Treasurer, all moneys collected, and shall submit daily to the Commissioner, or at such other intervals as may be designated by the Commissioner, a complete record of what each deposit is intended to cover. The Commissioner shall not be held liable in the event of the loss of any moneys collected by such agents resulting from their failure to deposit such money to the account of the State Treasurer.

The compensation of the personnel of each branch office and each agency is to be fixed by the Commissioner. The compensation fixed for each nonautomated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of the first \$500,000 of gross collections made by the agency, two percent of the next \$500,000 of gross collections made by the agency, and one percent of all gross collections in excess of \$1,000,000 made by the agency during each fiscal year.

The compensation fixed for each automated agency for the purpose of maintaining adequate annual service to the public shall be three and one-half percent of gross collections made by the agency during each fiscal year.

The compensation awarded shall belong to the agents for their services under this section, and the Commissioner shall cause to be paid all freight, cartage, premium on bond and postage, but not any extra clerk hire or other expenses occasioned by their duties.

B. The Commissioner may enter into an agreement with any Virginia-licensed motor vehicle dealer, ~~T&M~~ recreational vehicle dealer, trailer dealer, or motorcycle dealer to act as an agent of the Commissioner as provided in subsection A. Motor vehicle dealers, ~~T&M~~ recreational vehicle dealers, trailer dealers, and motorcycle dealers who act as agents of the Commissioner of the Department of Motor Vehicles as authorized in this subsection shall be compensated as provided in subsection A.

**§ 46.2-602.2. Titling and registration of company vehicles of automotive manufacturers.**

For the purpose of this section:

"Automotive manufacturer" means the entire worldwide affiliated group as defined in § 58.1-3700.1, as of July 31, 2007, if at least one member of the worldwide affiliated group is an automotive manufacturer, as classified under the 2007 North American Industry Classification System Codes 3361, 3362, and 3363 in effect as of December 31, 2007.

"Company vehicles" means the following vehicles owned or operated by an automotive manufacturer having its headquarters in Virginia:

1. Vehicles used for sales or service training, advertising, public relations, quality control, and emissions or other testing and/or evaluation purposes;

2. Vehicles used for headquarters-related purposes, including but not necessarily limited to use by visiting executives or employees;

3. Vehicles provided for use by eligible headquarters employees or their eligible family members in compliance with established corporate policies as may from time to time be in effect, but not more than four vehicles may be leased for the benefit of any eligible headquarters employee at any one time; and

4. All other vehicles deemed by the automotive manufacturer to serve a headquarters function, but excluding any vehicles provided for use by eligible headquarters employees or their eligible family members in compliance with established corporate policies.

"Family members" means the spouse of an employee, and the children and parents of an employee or an employee's spouse.

"Headquarters" means a facility at which company employees are physically employed and at which the majority of the company's financial, personnel, legal, or planning functions are handled either on a regional or national basis.

Each automotive manufacturer having its headquarters in the Commonwealth shall be issued a motor vehicle dealer license or equivalent permit by the Commissioner. Such license or permit shall authorize the automotive manufacturer to dispose of company vehicles using a manufacturer's certificate of origin, but if disposed of within the Commonwealth of Virginia, such vehicles may only be transferred to a new motor vehicle dealer holding a franchise for the automotive manufacturer's line-make, provided each vehicle is transferred with a designation indicating that it is not a new motor vehicle as defined in § 46.2-1500. The automotive manufacturer and its affiliates may sell used motor vehicles directly to its lessees.

An automotive manufacturer having its headquarters in the Commonwealth may obtain a title for any company vehicle, but issuance of any such title shall be exempt from all fees except for the fee for issuance of a certificate of title as provided in § 46.2-627.

All company vehicles used as provided in this section may be driven using license plates issued and affixed as provided in Article 5 (§ ~~46.2-1546~~ 46.2-1545.1 et seq.) of Chapter 15. All such vehicles shall be classified as merchants' capital and subject to merchants' capital tax pursuant to Article 3 (§ 58.1-3509 et seq.) of Chapter 35 of Title 58.1.

**§ 46.2-618. When unlawful to have in possession certificate of title issued to another; remedy of purchaser against persons in possession of title of vehicle purchased from dealer.**

A. It shall constitute a Class 1 misdemeanor for any person in the Commonwealth to possess a certificate of title issued by the Commissioner to a person other than the holder thereof, unless the certificate of title has been assigned to the holder as provided in this title. This section, however, shall apply neither to secured parties who legally hold certificates of title as provided in this title nor to the spouse of the person to whom the certificate of title was issued.

B. When a purchaser of a motor vehicle is unable to obtain the title for such vehicle because the motor vehicle dealer who sold the vehicle to the purchaser is no longer engaged in business in the Commonwealth as a dealer as defined in § 46.2-1500; ~~46.2-1900; 46.2-1992; or 46.2-1993~~ and the purchaser must petition a court of competent jurisdiction to direct that a person other than the dealer holding the title to release the title to the purchaser, the Court may order the title be released to the buyer if the court finds that the purchaser has a right to the title superior to that of the person holding the title under the laws of the Commonwealth. The court may also, upon finding that the person holding the title must release it, award reasonable attorney fees, expenses, and costs incurred by the purchaser in making the petition to the court.

**§ 46.2-626.1. Motorcycle purchased by manufacturer for parts; documentation required for sale of parts.**

For the purposes of this section, "certificate of origin," "line-make," "manufacturer," and "new motorcycle" have the meanings ascribed to them in § ~~46.2-1993~~ 46.2-1500.

A licensed motorcycle manufacturer shall not be required to obtain a certificate of title for a new motorcycle of a different line-make purchased by the manufacturer for the purpose of obtaining parts used in the production of another new motorcycle or an auticycle, provided such manufacturer obtains a salvage dealer license in accordance with § 46.2-1601. The manufacturer shall not be required to obtain a nonrepairable certificate for the purchased motorcycle, as required by § 46.2-1603.1, but shall stamp the words "Va. Code § 46.2-626.1: DISASSEMBLED FOR PARTS" in a minimum font size of 14 point across the face of the original manufacturer's certificate of origin. The certificate of origin shall be forwarded to the Department, which shall make a record of the disassembly of the motorcycle. The manufacturer shall retain a photocopy of the stamped certificate of origin for its records.

Any parts remaining from the purchased motorcycle and sold as parts by the manufacturer shall be accompanied by documentation of how such parts were obtained. Documentation accompanying the frame of the purchased motorcycle shall include a photocopy of the stamped manufacturer's certificate of origin and certification from the manufacturer that the original certificate of origin has been forwarded to the Department.

**§ 46.2-644.1. Titling of all-terrain vehicles and off-road motorcycles.**

A. Every owner, except a dealer licensed under § ~~46.2-1993-6~~ 46.2-1508, of any all-terrain vehicle or off-road motorcycle powered by a gasoline or diesel engine displacing more than 50 cubic centimeters and purchased as new on or after July 1, 2006, shall apply to the Department for a certificate of title in the name of the owner before the all-terrain vehicle or off-road motorcycle is operated anywhere in the Commonwealth.

B. Any owner of an all-terrain vehicle or off-road motorcycle not required to be titled under this section and not titled elsewhere, may apply to the Department for a certificate of title. The Department shall issue the certificate upon reasonable evidence of ownership, such as a ~~bill of sale~~ *buyer's order* or other document satisfactory to the Department.

C. Except as otherwise provided in this title, all-terrain vehicles and off-road motorcycles shall comply with the titling requirements of motor vehicles pursuant to Article 2 (§ 46.2-616 et seq.) ~~of this chapter.~~

**§ 46.2-644.3. Acquisition of all-terrain vehicle or off-road motorcycle by dealer.**

Any dealer licensed under § ~~46.2-1993-6~~ 46.2-1508 who acquires an all-terrain vehicle or off-road motorcycle for resale shall be exempt from the titling requirements of this title.

Any dealer transferring an all-terrain vehicle or off-road motorcycle titled under this title shall assign the title to the new owner or, in the case of a new all-terrain vehicle or off-road motorcycle, assign the certificate of origin.

**§ 46.2-654.1. Temporary registration issued for purchasers of motor vehicles from motor vehicle dealers who are no longer engaged in business and title is held by person other than dealer.**

The Department may issue a temporary registration to any purchaser of a motor vehicle who is unable to obtain the title for such vehicle because the motor vehicle dealer who sold the vehicle to the purchaser is no longer engaged in business in the Commonwealth as a dealer as defined in § 46.2-1500, ~~46.2-1900, 46.2-1992, or 46.2-1993~~ and the title is held by a person other than such dealer.

**§ 46.2-1105. Width of vehicles generally; exceptions.**

A. No vehicle, including any load thereon, but excluding the mirror required by § 46.2-1082 and any warning device installed on a school bus pursuant to § 46.2-1090, shall exceed a total outside width as follows:

1. Passenger bus operated in an incorporated city or town when authorized under § 46.2-1300 - 102 inches;
2. School buses - 100 inches;
3. Vehicles hauling boats or other watercraft - 102 inches;
4. Other vehicles - 102 inches.

B. Notwithstanding subsection A of this section, a travel trailer as defined in § ~~46.2-1900~~ 46.2-1500 or a motor home may exceed 102 inches if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. For the purposes of this subsection, "appurtenance" includes (i) an awning and its support hardware and (ii) any appendage that is installed by the manufacturer or dealer intended to be an integral part of a motor home or travel trailer, but does not include any item that is temporarily attached to the exterior of the vehicle by the vehicle's owner for the purposes of transporting the item from one location to another.

**§ 46.2-1139. Permits for excessive size and weight generally; penalty.**

A. The Commissioner and, unless otherwise indicated in this article, local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, and pursuant to the requirements of subsection A1, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads from the secondary system of state highways that opts to issue permits under this article shall enter into a memorandum of understanding with the Commissioner that:

1. Allows the Commissioner to issue permits on behalf of that locality; and
2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:
  - a. The locality shall have applications for each permit type available online.
  - b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.
  - c. The locality shall have at least one staff member whose primary function is to issue permits.
  - d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections and provide analysis for overweight vehicles.
  - e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations and limitations.
  - f. The locality shall provide to the Department an emergency contact phone number and assign a staff person who is authorized to issue the permit or authorized to make a decision regarding the permit request at all times (24 hours a day, seven days a week).
  - g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day after receiving the completed permit application. Each locality shall define "standard vehicle" and "standard permit" and provide the Department with those definitions. All other requests for permits shall be processed within 10 business days.
  - h. The locality shall retain for at least 36 months all permit data it collects.
  - i. The locality shall maintain an updated list of all maintenance and construction projects within that locality. The list shall provide starting and ending locations and dates for each project, and shall be updated as those dates change.
  - j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.

If the locality satisfies the requirements in the memorandum of understanding, the locality may issue permits under this article.

B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or
2. A tandem axle weight in excess of 34,000 pounds; or
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in § ~~46.2-1900~~ 46.2-1500 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall be carried in the vehicle to which it refers and may be inspected by any officer or size and weight compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title may be transferred to another vehicle no more than two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an administrative fee of \$10 for each transfer.

E. Any permit issued by the Commissioner or local authorities pursuant to state law may be restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such highway would result in a loss of federal-aid funds. Before any such permit is restricted by the Commissioner, or local authority, written notice shall be given to the permittee.

F. When application is made for permits issued by the Commissioner as well as local authorities, any fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion of the total fee to the appropriate locality or localities.

G. Engineering analysis, performed by the ~~Virginia~~ Department of Transportation or local authority, shall be conducted of a proposed routing before the Commissioner or local authority issues any permit under this section when such analysis is required to promote safety and preserve the capacity and structural integrity of highways and bridges. The Commissioner or local authority shall not issue a permit when the ~~Virginia~~ Department of Transportation or local authority determines that the roadway and bridges to be traversed cannot sustain a vehicle's size and weight.

#### **§ 46.2-1500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Motor Vehicle Dealer Board.

"Camping trailer" means a recreational vehicle constructed with collapsible partial side walls that fold for towing by a consumer-owned tow vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under ~~Chapter 19 (§ 46.2-1900 et seq.)~~ *this chapter* and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under ~~Chapter 19 (§ 46.2-1900 et seq.)~~ *this chapter* and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under ~~Chapter 19 (§ 46.2-1900 et seq.)~~ *this chapter* and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under ~~Chapter 19 (§ 46.2-1900 et seq.)~~ *this chapter* and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, offering and delivering pursuant to a lease, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" or "*franchised dealer*" means a dealer in new motor vehicles that has a franchise agreement with a manufacturer or distributor of new motor vehicles; ~~trailers, or semitrailers~~ to sell new motor vehicles or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles; ~~trailers, or semitrailers~~.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor. *The line-make of a motorcycle manufacturer, factory branch, distributor, or distributor branch includes every brand of all-terrain vehicle, autocytle, and off-road motorcycle manufactured or distributed bearing the name of the motorcycle manufacturer or distributor.*

*"Manufactured home dealer" means any person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.*

"Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (~~§ 46.2-1900 et seq.~~) *this chapter* and engaged in the business of constructing or assembling new motor vehicles and, in the case of trucks, *recreational vehicles, and motor homes*, also means a person engaged in the business of manufacturing engines, transmissions, power trains, or rear axles, when such engines, transmissions, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck, *recreational vehicle, or motor home*.

*"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle within the term "farm tractor" or "moped" as defined in § 46.2-100. Except as otherwise provided, for the purposes of this chapter, all-terrain vehicles, autocyycles, and off-road motorcycles are deemed to be motorcycles.*

*"Motor home" means a motorized recreational vehicle designed to provide temporary living quarters for recreational, camping, or travel use that contains at least four of the following permanently installed independent life support systems that meet the National Fire Protection Association standards for recreational vehicles: (i) a cooking facility with an onboard fuel source; (ii) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; (iii) a toilet with exterior evacuation; (iv) a gas or electric refrigerator; (v) a heating or air conditioning system with an onboard power or fuel source separate from the vehicle engine; or (vi) a 110-125 volt electric power supply.*

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, "motor vehicle" does not include (i) ~~trailers and semitrailers~~; (ii) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) ~~motor homes~~; (iv) ~~motorcycles~~; (v) ~~autocycles~~; (vi) (ii) nonrepairable vehicles, as defined in § 46.2-1600; (viii) (iii) salvage vehicles, as defined in § 46.2-1600; or (viii) (iv) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113 or Article 17 (§ 46.2-1122 et seq.) of Chapter 10.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months.

*For the purposes of Article 7.2 (§ 46.2-1573.2 et seq.), "dealer" means recreational vehicle dealer. For the purposes of Article 7.3 (§ 46.2-1573.13 et seq.), "dealer" means trailer dealer and watercraft trailer dealer. For the purposes of Article 7.4 (§ 46.2-1573.25 et seq.), "dealer" means motorcycle dealer.*

"Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

4. Persons dealing solely in the sale and distribution of funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520, and 46.2-1548.

5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.

6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.

7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.

8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.

9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.

10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.

11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.

13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

14. The State Department of Social Services or local departments of social services.

15. *Any person dealing solely in the sale and distribution of utility or cargo trailers that have unloaded weights of 3,000 pounds or less; however, this exemption shall not exempt any person who deals in stock trailers or watercraft trailers.*

*For the purposes of Article 7 (§ 46.2-1566 et seq.), "dealer" does not include recreational vehicle dealers, trailer dealers, watercraft trailer dealers, or motorcycle dealers.*

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle, *excluding trailers*, that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department of Motor Vehicles of the Commonwealth or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"New trailer" means any trailer that (i) has not been previously sold except in good faith for the purpose of resale; (ii) has not been used as a rental, driver education, or demonstration trailer or for the personal or business transportation of the manufacturer, distributor, dealer, or any of its employees; (iii) has not been used except for limited use necessary in moving or road testing the trailer prior to delivery to a customer; (iv) is transferred by a certificate of origin; and (v) has the manufacturer's certification that it conforms to all applicable federal trailer safety and emission standards. *Notwithstanding clauses (i) and (iii), a trailer that has been previously sold but not titled shall be deemed a new trailer if it meets the requirements of clauses (ii), (iv), and (v).*

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Recreational vehicle" or "RV" means a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use; and (iii) complies with all applicable federal vehicle regulations and does not require a special movement permit to legally use the highways. *Recreational vehicle includes motor homes, travel trailers, and camping trailers.*

"Relevant market area" means as follows:

1. ~~It~~ For motor vehicle dealers except motorcycle dealers, in metropolitan localities, the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. ~~It~~ For motor vehicle dealers except motorcycle dealers, if the population in ~~an~~ a circular area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that circular area within the 15-mile radius.

3. ~~It~~ For motor vehicle dealers except motorcycle dealers, in all other cases the relevant market area shall be ~~an~~ a circular area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of ~~an~~ a circular area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

4. For motorcycle dealers, the relevant market area shall be a circular area within a radius of 20 miles around an existing franchised dealer location with a population of one million or more. If the population within a 20-mile radius is less than one million but greater than 750,000, the relevant market area shall be a circular area within a radius of 30 miles. If the population within a 30-mile radius is less than 750,000, the relevant market area shall be a circular area within a radius of 40 miles.

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, *excluding recreational vehicles*, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles, or the area of responsibility defined in the franchise, whichever is greater.

In determining population for ~~this definition~~ relevant market areas, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with another motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by another motor vehicle, including semitrailers but not manufactured homes, watercraft trailers, camping trailers, or travel trailers.

"Travel trailer" means a vehicle designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight so as not to require a special highway movement permit when towed by a consumer-owned tow vehicle.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Watercraft trailer" means any new or used trailer specifically designed to carry a watercraft or a motorboat and purchased, sold, or offered for sale by a watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

"Watercraft trailer dealer" means any watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

#### **§ 46.2-1503. Motor Vehicle Dealer Board.**

A. The Motor Vehicle Dealer Board is hereby created. The Board shall consist of 19 members appointed by the Governor, subject to confirmation by the General Assembly. Every member appointed by the Governor ~~must~~ shall be a citizen of the United States and ~~must be~~ a resident of Virginia. The Governor may remove any member as provided in subsection B of § 2.2-108. ~~The initial terms of eight of the members appointed in July of 1995 shall commence when appointed and shall be for terms ending on June 30, 1997. Nine members shall be appointed for four-year terms.~~ The members shall be at-large members and, insofar as practical, should reflect fair and equitable statewide representation.

B. ~~Nine~~ Ten members shall be licensed franchised motor vehicle dealers who have been licensed as such for at least two years prior to being appointed by the Governor and seven members shall be licensed independent motor vehicle dealers who (i) have been licensed as such for at least two years prior to being appointed by the Governor and (ii) are not also franchised motor vehicle dealers. *One of the franchised dealers appointed to the Board shall be a licensed franchised motorcycle dealer who is primarily engaged in the sale of new motorcycles.* One of the independent dealers appointed to the

Board shall be a licensed ~~motor vehicle~~ *independent motorcycle* dealer ~~primarily engaged in the business of renting vehicles~~, and one shall be a licensed independent dealer ~~primarily engaged in the motor vehicle salvage who is also an independent trailer or recreational vehicle dealer or engaged in the rental vehicle business~~. ~~Two members~~ *One member* shall be ~~individuals~~ *an individual* who ~~have~~ *has* no direct or indirect interest, other than as ~~consumers~~ *a consumer*, in or relating to the motor vehicle industry.

C. Appointments shall be for terms of four years, and no person other than the Commissioner ~~of the Department of Motor Vehicles~~ or his designee shall be eligible to serve more than two successive four-year terms. The Commissioner ~~of the Department of Motor Vehicles~~ shall serve as chairman of the Board. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. Any person appointed to fill a vacancy may serve two additional successive terms.

D. The Commissioner ~~of the Department of Motor Vehicles~~ or his designee shall be an ex officio voting member of the Board.

E. Members of the Board shall be reimbursed their actual and necessary expenses incurred in carrying out their duties, such reimbursement to be paid from the special fund referred to in § 46.2-1520.

**§ 46.2-1504. Board's powers with respect to hearings under this chapter.**

The Board may, in hearings arising under this chapter, except as provided for in ~~Article~~ *Articles* 7 (§ 46.2-1566 et seq.), 7.2 (§ 46.2-1573.2 et seq.), 7.3 (§ 46.2-1573.13 et seq.), and 7.4 (§ 46.2-1573.25 et seq.), determine the place in the Commonwealth where they shall be held; subpoena witnesses; take depositions of witnesses residing outside the Commonwealth in the manner provided for in civil actions in courts of record; pay these witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and administer oaths.

**§ 46.2-1505. Suit to enjoin violations.**

A. The Board, whenever it believes from evidence submitted to the Board that any person has been violating, is violating, or is about to violate any provision of this chapter, in addition to any other remedy, may bring an action in the name of the Commonwealth to enjoin any violation of this chapter.

*B. Any manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative who obtains a license under this chapter is engaged in business in the Commonwealth and is subject to the jurisdiction of the courts of the Commonwealth. Any manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative of motorcycles of a recognized line-make that are sold or leased in the Commonwealth pursuant to a plan, system, or channel of distribution established, approved, authorized, or known to the manufacturer shall be subject to the jurisdiction of the courts of the Commonwealth in any action seeking relief under or to enforce any of the remedies or penalties provided for in this chapter.*

**§ 46.2-1508. Licenses required; penalty.**

It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license ~~as provided in Chapter 19 (§ 46.2-1900 et seq.) of this title from the Department~~. *Every person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter. Every person licensed as a watercraft dealer under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1 and who offers for sale watercraft trailers shall obtain a certificate of dealer registration as provided in this chapter but shall not be required to obtain a dealer license unless he also sells other types of trailers.* Any nonprofit organization exempt from taxation under § ~~501 (c)(3)~~ 501(c)(3) of the Internal Revenue Code, after having obtained a nonprofit organization certificate as provided in this chapter, may consign donated motor vehicles to licensed Virginia motor vehicle dealers. Any person licensed in another state as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in this chapter. The offering or granting of a motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under ~~Chapter 19 of this title~~ *this chapter*. In the event a license issued ~~under Chapter 19~~ to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this section shall constitute a Class 1 misdemeanor.

*Notwithstanding the provisions of subsection A, a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road motorcycles that does not also manufacture or distribute in the Commonwealth any motorcycle designed for lawful use on the public highways shall not be required to obtain a license from the Department.*

**§ 46.2-1509. Application for license or certificate of dealer registration.**

Application for license or certificate of dealer registration under this chapter shall be made to the Board and contain such information as the Board shall require. *Such information shall include whether the applicant will be seeking a license*

to sell cars, trucks, motorcycles, recreational vehicles, or trailers and whether such vehicles will be new or used. The Board shall maintain a record of this information and place the appropriate endorsement on any license issued under this chapter. The application shall be accompanied by the fee as required by the Board.

The Board shall *also* require, in the application or otherwise, information relating to the matters set forth in § 46.2-1575 as grounds for refusing licenses, certificates of dealer registration, and to other pertinent matters requisite for the safeguarding of the public interest, including, if the applicant is a dealer in new motor vehicles with factory warranties, a copy of a current service agreement with the manufacturer or with the distributor, requiring the applicant to perform within a reasonable distance of his established place of business, the service, repair, and replacement work required of the manufacturer or distributor by such vehicle warranty. All of these matters shall be considered by the Board in determining the fitness of the applicant to engage in the business for which he seeks a license or certificate of dealer registration.

**§ 46.2-1510. Dealers required to have established place of business.**

No license shall be issued to any motor vehicle dealer unless he has an established place of business, owned or leased by him, where a substantial portion of the sales activity of the business is routinely conducted and which:

1. Satisfies all local zoning regulations;
2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square feet in a permanent, enclosed building not used as a residence;
3. Houses all records the dealer is required to maintain by § 46.2-1529;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, working utilities including electricity and provisions for space heating, and; ~~on and after July 1, 2013;~~ an Internet connection and email address;
5. Displays a sign and business hours as required by this chapter; and
6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display of at least 10 vehicles.

Any dealer licensed on or before July 1, 1995, shall be considered in compliance with subdivisions 2 and 6 of this section for that licensee.

**§ 46.2-1511. Dealer-operator to have certificate of qualification.**

A. No license shall be issued to any franchised motor vehicle dealer or any independent motor vehicle dealer owned by a franchised motor vehicle dealer or its dealer-operator and operated by the dealer-operator of a franchised motor vehicle dealer unless the dealer-operator holds a valid certificate of qualification issued by the Board. Such certificate shall be issued only on application to the Board, payment of an application fee of no more than \$50 as determined by the Board, the successful completion of an examination prepared and administered by the Board, and other prerequisites as set forth in this subsection. However, any individual who is the dealer-operator of a licensed dealer on July 1, 1995, shall be entitled to such a certificate without examination on application to the Board made on or before January 1, 1996.

The Board may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

B. No license shall be issued to any independent motor vehicle dealer, except as permitted in subsection A, unless the dealer-operator holds a valid certificate of qualification issued by the Board. Such certificate shall be issued only on application to the Board, payment of an application fee of no more than \$50, as determined by the Board, the successful completion of an examination approved by the Board, and other prerequisites as set forth in this subsection. The Board may establish minimum qualifications for applicants and; ~~on and after January 1, 2006;~~ shall require applicants for an original independent dealer-operator certificate of qualification to be issued pursuant to this subsection to satisfactorily complete a course of study prior to taking the examination. The Board shall develop the course curriculum and set course fees and may approve qualified persons to prepare and present such courses and to administer the examination. This subsection shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 46.2-1512. Salesperson to have certificate of qualification.**

No license shall be issued to any motor vehicle salesperson unless he holds a valid certificate of qualification issued by the Board. A certificate shall be issued only on application to the Board, payment of the required application fee of no more than ~~fifty dollars~~ \$50 as determined by the Board, the successful completion of an examination prepared and administered by the Board, and other prerequisites as set forth in this section. Any individual who is licensed as a salesperson on July 1, 1995, shall be entitled to such a certificate without examination on application to the Board made on or before January 1, 1996.

The Board may establish minimum qualifications for applicants and require applicants to satisfactorily complete courses of study or other prerequisites prior to taking the examination.

**§ 46.2-1515. Location to be specified; display of license; change of location.**

The licenses of motor vehicle dealers, *manufacturers, factory branches, distributors, and distributor branches* shall specify the location of each place of business, branch, or other location occupied or to be occupied by the licensee in conducting his business, and the license issued therefor shall be conspicuously displayed at each of the premises. In the event any licensee intends to change a licensed location, he shall provide the *Department, or in the case of motor vehicle dealers, the Board* ~~thirty days'~~ 30 days' advance written notice and a successful inspection of the new location shall be required prior to approval of a change of location. The *Department or* Board shall endorse the change of location on the

license, without charge, if the new location is within the same county or city. A change in location to another county or city shall require a new license and fee.

**§ 46.2-1516. Supplemental sales locations.**

The Board may issue a license for a licensed motor vehicle dealer to display for sale or sell vehicles at locations other than his established place of business, subject to compliance with local ordinances and requirements. A license issued pursuant to this section shall not be required for a licensed motor vehicle dealer to display for sale or sell vehicles at wholesale auction; placing vehicles for sale at a wholesale auction shall not be considered a consignment.

A permanent supplemental license may be issued for premises less than 500 yards from the dealer's established place of business, provided a sign is displayed as required for the established place of business. A supplemental license shall not be required for premises otherwise contiguous to the established place of business except for a public thoroughfare.

A temporary supplemental license may be issued for a period not to exceed seven days, *or 14 days for trailers and motorcycles*, provided that the application is made 15 days prior to the sale. The Board shall not issue a temporary supplemental license (i) for the same jurisdiction for a consecutive seven-day period *or (ii) for motorcycles for a consecutive 14-day period*. The Board shall not issue more than eight supplemental licenses per year to any licensed motor vehicle dealer.

A temporary supplemental license for the sale of new motor vehicles may be issued only for locations within the dealer's area of responsibility, as defined in his franchise or sales agreement, unless proof is provided that all dealers in the same line-make in whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary supplemental license is sought do not oppose the issuance of the temporary license.

A temporary supplemental license for sale of used motor vehicles may be issued only for the county, city, or town in which the dealer is licensed pursuant to § 46.2-1510, or for a contiguous county, city, or town. Temporary licenses may be issued without regard to the foregoing geographic restrictions where the dealer operating under a temporary license provides notice by certified mail, at least 30 days before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction in which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary supplemental license for the sale pursuant to this section. The dealer operating under a temporary license shall provide to the Board a copy of the notice required under this section and a list of the dealers to whom the notice was distributed.

A temporary supplemental license may be issued for the sale of boat trailers at a boat show. Any such license shall be valid for no more than 14 days. Application for such a license shall be made and such license obtained prior to the opening of the show. Temporary supplemental licenses for sale of boat trailers at boat shows may be issued for any boat show located anywhere in the Commonwealth without notification of or approval by other boat trailer dealers.

**§ 46.2-1518. Display of salesperson's license; notice on termination.**

No salesperson shall be employed by more than one dealer, unless the dealers are owned by the same person.

Each dealer shall post and maintain in a place conspicuous to the public a list of salespersons employed.

Each salesperson, *factory representative, and distributor representative* shall carry his license when engaged in his business and shall display it on request.

Each dealer shall notify the Board in writing not later than the tenth day following the month of the termination of any licensed salesperson's employment. In lieu of written notification, the license of the terminated salesperson may be returned to the Board annotated "terminated" on the face of the license and signed and dated by the dealer-operator, owner, or officer.

**§ 46.2-1519. License and registration fees; additional to other licenses and fees required by law.**

A. The fee for each license and registration year or part thereof shall be determined by the Board, subject to the following:

1. For motor vehicle dealers, not more than \$300 for each principal place of business, plus not more than \$40 for each supplemental license.

2. For motor vehicle salespersons, not more than \$50.

3. For motor vehicle dealers licensed in other states, but not in ~~Virginia~~ *the Commonwealth, who sell motor vehicles at wholesale auctions*, not more than \$100.

4. For *manufactured home dealers*, not more than \$100.

5. For *watercraft trailer dealers*, not more than \$100.

The determination of fees by the Board under this subsection shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person from any license, tax, or fee imposed by any other provision of law.

C. The fee for issuance to a nonprofit organization of a certificate pursuant to subsection B of § 46.2-1508.1 shall be \$25 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1508.1 shall, either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on any federal or state income tax return.

E. The Board may authorize discounts and other incentives to encourage licensees to conduct transactions with the Board (i) by means of electronic technologies and (ii) for multi-year periods.

F. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

G. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.

H. *The fee for each license and registration year or part thereof for each motor vehicle manufacturer, factory branch, distributor, and distributor branch shall be \$100 and shall be paid to the Department.*

**§ 46.2-1521. Issuance, expiration, and renewal of licenses and certificates of registration.**

A. All licenses and certificates of registration issued under this chapter shall be issued for a period of 12 consecutive months except, at the discretion of the ~~Board~~ *issuing agency*, the periods may be adjusted as is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The expiration date shall be the last day of the twelfth month of validity or the last day of the designated month. Every license and certificate of registration shall be renewed annually on application by the licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day of the succeeding month.

B. Licenses and certificates of registration issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in this subsection are received by the ~~Board~~ *issuing agency* or postmarked not more than 30 days after the expiration date of such license or certificate of registration. Whenever the renewal application is received by the ~~Board~~ *issuing agency* or postmarked no more than 30 days after the expiration date of such license or certificate of registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1519.

C. For dealers and salespersons who have served outside of the United States in the armed services of the United States, licenses and certificates issued under this chapter shall be deemed not to have expired if the renewal application and required fees as set forth in § 46.2-1519 are received by the ~~Board~~ *issuing agency* or postmarked not more than 60 days from the date they are no longer serving outside the United States and they have:

1. Held a valid license or certificate issued by the ~~Board~~ *issuing agency* at the time the person began service in the armed forces outside of the United States;
2. Not performed sales activities during the period of the person's military service; and
3. Submitted to the ~~Board~~ *issuing agency* orders or other military documentation demonstrating that they have served outside of the United States in the armed services of the United States and it has been less than 61 days from the date they are no longer serving outside the United States.

Prior to renewing a license or certificate under this subsection, the applicant shall notify the ~~Board~~ *issuing agency* of their intentions and verify that they are in compliance with all other requirements established by the ~~Board~~ *issuing agency* and set forth in this title.

D. The ~~Board~~ *issuing agency* may offer an optional multiyear license. When such option is offered and chosen by the licensee, all annual and 12-month fees due at the time of licensing shall be multiplied by the number of years or fraction thereof for which the license will be issued.

E. The Board may issue a salesperson's license to an applicant, as required by § 46.2-1508, even though the applicant is not employed by a motor vehicle dealer if (i) the applicant has been certified pursuant to § 46.2-1512 and is employed by a person that has contracted in writing with a dealer or dealers to provide temporary personnel for the sale of products and services to include but not be limited to providing payment, financing and leasing alternatives; and offering and selling extended service agreements, prepaid maintenance agreements, and similar products and services that are sold in connection with the sale of a vehicle; provided, however, that such persons do not negotiate for the sale of the vehicle but may complete the required paperwork for the sale of the vehicle in addition to the other products and services being offered or to provide training to salespersons employed by a dealer, and (ii) the applicant meets the other qualifications to be licensed as a salesperson under this chapter. The requirements of §§ 46.2-1518 and 46.2-1537 shall not apply to any such salesperson so licensed, provided that any salesperson so licensed:

1. May only act as a salesperson for a dealer who has a contract with the salesperson's employer as provided in this subsection;
2. Shall carry his license when engaged in business and shall display it upon request; and
3. Need not be the person who signs the buyer's order on behalf of the dealer, but the name of that salesperson shall be listed on the buyer's order in any transaction in which the salesperson engages.

**§ 46.2-1527.1. Motor Vehicle Transaction Recovery Fund established.**

A. All fees in this article shall be deposited in the Motor Vehicle Transaction Recovery Fund, ~~hereinafter~~ referred to in this article as "the Fund." The Fund shall be a special fund in the state treasury to pay claims against the Fund and for no other purpose, provided that any such payment does not result in a negative balance of the Fund, except the Board may expend moneys for the administration of this article up to the maximum amount authorized for consumer assistance in the general appropriation act, provided the amount expended for administration does not result in a balance of the Fund of less than \$250,000. The Fund shall be used to satisfy unpaid judgments, as provided for in § 46.2-1527.3. Any interest income shall accrue to the Fund. The Board shall maintain an accurate record of all transactions involving the Fund. The Board may levy a special assessment on all dealers participating in the Fund to pay claims against the Fund and to maintain a minimum Fund balance that is in its judgment adequate. The Board may choose to await a positive balance in the Fund to pay claims ready for payment in chronological order, provided such claims do not go unpaid for more than 60 days.

B. Every applicant renewing a motor vehicle dealer's license shall pay, in addition to other license fees, an annual Fund fee of \$100, and every applicant for a motor vehicle salesperson's license shall pay, in addition to other license fees, an annual Fund fee of \$10, prior to license issue. However, annual Fund renewal fees from salespersons shall not exceed \$100 per year from an individual dealer. These fees shall be deposited in the Motor Vehicle Transaction Recovery Fund. *Any salesperson licensed by the Department and having never paid such a fee prior to July 1, 2015, shall be exempt from this subsection.*

C. Applicants for an original motor vehicle dealer's license shall pay an annual Fund fee of \$350 each year for three consecutive years. During this period, the \$350 Fund fee will take the place of the annual \$100 Fund fee.

D. In addition to the \$350 annual fee, applicants for an original dealer's license shall have a \$50,000 bond pursuant to § 46.2-1527.2 for three consecutive years. Only those renewing licensees who have not been the subject of a claim against their bond or against the Fund for three consecutive years shall pay the annual \$100 fee and will no longer be required to pay the \$350 annual fee or hold the \$50,000 bond. *Any salesperson licensed by the Department and having never paid such fee prior to July 1, 2015, shall be exempt from this subsection.*

E. In addition to other license fees, applicants for an original Certificate of Dealer Registration or its renewal shall pay a Fund fee of \$60.

F. The Board may suspend or reinstate collection of Fund fees.

G. ~~The provisions of this section shall not apply to manufactured home dealers as defined in § 36-85-16, T&M vehicle dealers as defined in § 46.2-1900, trailer dealers as defined in § 46.2-1992, motorcycle dealers as defined in § 46.2-1993, and or nonprofit organizations issued certificates pursuant to subsection B of § 46.2-1508.1.~~

H. The provisions of this section shall not apply to applicants for the renewal of a motor vehicle dealer's license where such applicants have not been the subject of a claim against a bond issued pursuant to § 46.2-1527.2 or against the Fund for three years and such applicants elect to maintain continuous bonding pursuant to Article 3.2 (§ 46.2-1527.9 et seq.). Such applicants shall not participate in the Fund and shall be exempt from the payment of any Fund fees.

I. *The provisions of this article shall not apply to any recreational vehicle, trailer, or motorcycle dealer licensed by the Department prior to July 1, 2015.*

**§ 46.2-1527.2. Bonding requirements for applicants for an original license.**

Before the Board shall issue to an applicant an original license, the applicant shall obtain and file with the Board a bond in the amount of \$50,000. The bond shall come from a corporate surety licensed to do business in the Commonwealth and approved by the Attorney General. The bond shall be conditioned on a statement by the applicant that the applicant will not practice fraud, make any fraudulent representation, or violate any provision of this chapter in the conduct of the applicant's business. The Board may, without holding a hearing, suspend the dealer's license during the period that the dealer does not have a sufficient bond on file.

If a person suffers any of the following: (i) loss or damage in connection with the purchase or lease of a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by a licensed motor vehicle dealer or one of the dealer's salespersons acting within his scope of employment, (ii) loss or damage by reason of the violation by a dealer or salesperson of any provision of this chapter in connection with the purchase or lease of a motor vehicle, or (iii) loss or damage resulting from a breach of an extended service contract *as defined by § 59.1-435 entered into on or after the effective date of this act April 8, 1994; as defined by § 59.1-435*, that person shall have a claim against the dealer and the dealer's bond, and may recover such damages as may be awarded to such person by final judgment of a court of competent jurisdiction against the dealer as a proximate result of such loss or damage up to but not exceeding \$25,000, from such surety, who shall be subrogated to the rights of such person against the dealer or salesperson. The liability of such surety shall be limited to actual damages and attorney fees; and shall not include any punitive damages assessed against the dealer or salesperson. ~~Effective January 1, 2013, and on~~ *On January 1 of each year thereafter*, the amount ~~which that~~ may be awarded against such bond to any person as a result of loss or damage to that person as provided in this section shall be increased by the percentage increase over the most recently available unadjusted 12-month period in the Consumer Price Index for used ~~cars and trucks~~ *motor vehicles*, as published by the U.S. Bureau of Labor Statistics or any successor index. In the event that this index decreases over any such 12-month period, there shall be no change in the amount that may be awarded.

In those cases in which a dealer's surety shall be liable pursuant to this section, the surety shall be liable only for the first \$50,000 in claims against the dealer. Thereafter, the Fund shall be liable for amounts in excess of the bond up to the amount that may be paid out of the Fund, less the amount of the bond, in those cases in which the Fund itself may be liable. The aggregate liability of the dealer's surety to any and all persons, regardless of the number of claims made against the bond or the number of years the bond remains in force, shall in no event exceed \$50,000.

The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a claim is paid and when the bond is cancelled. Such notification shall include the amount of a claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30 days' notice to the Board.

**§ 46.2-1527.3. Recovery from Fund, generally.**

Except as otherwise provided in this chapter, whenever any person is awarded a final judgment in a court of competent jurisdiction in the Commonwealth for (i) any loss or damage in connection with the purchase or lease of a motor vehicle by reason of any fraud practiced on him or fraudulent representation made to him by a licensed or registered motor vehicle

dealer participating in the Motor Vehicle Transaction Recovery Fund or one of a dealer's salespersons acting for the dealer or within the scope of his employment or (ii) any loss or damage by reason of the violation by a dealer or salesperson participating in the Motor Vehicle Transaction Recovery Fund of any of the provisions of this chapter ~~in connection with the purchase of a motor vehicle on or after January 1, 1989, or the lease of a motor vehicle on or after October 1, 1998,~~ the judgment creditor may file a verified claim with the Board, requesting payment from the Fund of the amount unpaid on the judgment subject to the following conditions:

1. The claim shall be filed with the Board no sooner than 30 days and no later than 12 months after the judgment becomes final along with the evidence of compliance with subdivision 3 below.

2. The Board shall consider for payment claims submitted by retail purchasers of motor vehicles, and for purchases of motor vehicles by licensed or registered motor vehicle dealers who contribute to the Fund. The Board shall also consider for payment claims submitted by lessees of motor vehicles leased ~~on or after October 1, 1998,~~ from licensed or registered motor vehicle dealers who contribute to the Fund.

3. If the final judgment from a court of competent jurisdiction includes, as part of the judgment, an award of attorney fees and court costs, the Fund may include those in its payment of the claim if (i) the claimant had previously submitted to the trial court a detailed and itemized affidavit by counsel for the judgment creditor seeking such fees and costs, including a breakdown of the hours worked and the subject matter of those hours; (ii) said itemized affidavit formed the basis of the court's award of such fees; and (iii) a copy of such affidavit is provided to the Board with the judgment creditor's claim. If the award of attorney fees and costs by the trial court was not based on a detailed and itemized affidavit from counsel for the judgment creditor with a breakdown of the hours worked, then the Board may review and limit any claim for attorney fees to those attorney fees directly attributable to that portion of the final judgment that is determined to be a compensable claim by the Board against the Fund, and the Board may require a detailed itemization from counsel before considering such claim for attorney fees.

#### **§ 46.2-1527.5. Limitations on recovery from Fund.**

The maximum claim of one judgment creditor against the Fund based on an unpaid final judgment arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.2 or 46.2-1527.3 involving a single transaction shall be limited to \$25,000, including any amount paid from the dealer's surety bond, regardless of the amount of the unpaid final judgment of one judgment creditor. ~~Effective January 1, 2013, and on~~ On January 1 of each year ~~thereafter,~~ the amount that may be awarded to any person as a result of loss or damage to that person as provided in this section shall be increased by the percentage increase over the most recently available unadjusted 12-month period in the Consumer Price Index for used ~~cars and trucks~~ motor vehicles, as published by the U.S. Bureau of Labor Statistics or any successor index. In the event that this index decreases over any such 12-month period, there shall be no change in the amount which may be awarded.

The aggregate of claims against the Fund based on unpaid final judgments arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.3 involving more than one transaction shall be limited to four times the amount that may be awarded to a single judgment creditor, regardless of the total amounts of the unpaid final judgments of judgment creditors.

However, aggregate claims against the Fund under § 46.2-1527.2 shall be limited to the amount that may be paid out of the Fund under the preceding paragraph less the amount of the dealer's bond and then only after the dealer's bond has been exhausted.

If a claim has been made against the Fund, and the Board has reason to believe that there may be additional claims against the Fund from other transactions involving the same licensee or registrant, the Board may withhold any payment from the Fund involving the licensee or registrant for a period not to exceed the end of the relevant license or registration period. After this period, if the aggregate of claims against the licensee or registrant exceeds the aggregate amount that may be paid from the Fund under this section, then such amount shall be prorated among the claimants and paid from the Fund in proportion to the amounts of their unpaid final judgments against the licensee or registrant.

However, claims against motor vehicle dealers and salespersons participating in the Motor Vehicle Transaction Recovery Fund pursuant to § 46.2-1527.2 shall be prorated when the aggregate exceeds \$50,000. Claims shall be prorated only after the dealer's \$50,000 bond has been exhausted.

On receipt of a verified claim filed against the Fund, the Board shall forthwith notify the licensee or registrant who is the subject of the unpaid judgment that a verified claim has been filed and that the licensee or registrant should satisfy the judgment debt. If the judgment debt is not fully satisfied 30 days following the date of the notification by the Board, the Board shall make payment from the Fund subject to the other limitations contained in this article.

Excluded from the amount of any unpaid final judgment on which a claim against the Fund is based shall be any sums representing (i) interest, (ii) punitive damages, and (iii) exemplary damages. Awards from the Fund shall be limited to reimbursement of costs paid to the dealer for all charges related to the vehicle including without limitation, the sales price, taxes, insurance, and repairs; other out of pocket costs related to the purchase, insuring and registration of the vehicle, and to the loss of use of the vehicle by the purchaser.

If at any time the Fund is insufficient to fully satisfy any claims or claim filed with the Board and authorized by this article, the Board shall pay such claims, claim, or portion thereof to the claimants in the order that the claims were filed with the Board. However, claims by retail purchasers shall take precedence over other claims.

#### **§ 46.2-1527.10. Recovery on bond.**

With respect to a motor vehicle dealer electing continuous bonding under § 46.2-1527.9, whenever any person is awarded a final ~~judgement~~ *judgment* in a court of competent jurisdiction in the Commonwealth against the dealer for (i) any loss or damage in connection with the purchase or lease of a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by the dealer or one of the dealer's salespersons acting within the scope of his employment, (ii) any loss or damage by reason of the violation by the dealer or salesperson of any provision of this chapter in connection with the purchase or lease of a motor vehicle, or (iii) any loss or damage resulting from a breach of an extended service contract, as defined in § 59.1-435, entered into on or after July 1, 2003, the ~~judgement~~ *judgment* creditor shall have a claim against the dealer bond for such damages as may be awarded such person in final ~~judgement~~ *judgment* and unpaid by the dealer, and may recover such unpaid damages up to but not exceeding the maximum liability of the surety as set forth in § 46.2-1527.9 from the surety who shall be subrogated to the rights of such person against the dealer or salesperson. The liability of such surety shall be limited to actual damages and ~~attorneys'~~ *attorney* fees assessed against the dealer or salesperson as part of the underlying ~~judgement~~ *judgment* but this section does not authorize the award of ~~attorneys'~~ *attorney* fees in the underlying ~~judgement~~ *judgment*. The liability of such surety shall not include any sums representing interest or punitive or exemplary damages assessed against the dealer or salesperson.

The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a claim is paid, and when the bond is cancelled. Such notification shall include the amount of claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30 days' notice to the Board.

**§ 46.2-1529. Dealer records.**

All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured motor vehicle, and registration fees; odometer disclosure statements; records of permanent dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates of ~~ownership~~ *registration*; proof of safety inspections performed on vehicles sold at retail; and other records required by the Department or the Board shall be maintained on the premises of the licensed location. The Board may, on written request by a dealer, permit his records to be maintained at a location other than the premises of the licensed location for good cause shown. All dealer records shall be preserved in original form or in film, magnetic, or optical media (, including ~~but not limited to~~ microfilm, microfiche, or other electronic media), for a period of five years in a manner that permits systematic retrieval. Certain records may be maintained on a computerized record-keeping system with the prior approval of the Board.

**§ 46.2-1529.1. Sales of used motor vehicles by dealers; disclosures; penalty.**

A. If, in any retail sale by a dealer of a used motor vehicle of under 6,000 pounds gross vehicle weight for use on the public highways, and normally used for personal, family or household use, the dealer offers an express warranty, the dealer shall provide the buyer a written disclosure of this warranty. The written disclosure shall be the Buyer's Guide required by federal law, shall be completely filled out and, in addition, signed and dated by the buyer and incorporated as part of the buyer's order.

B. A dealer may sell a used motor vehicle at retail "AS IS" and exclude all warranties only if the dealer provides the buyer, prior to sale, a separate written disclosure as to the effect of an "AS IS" sale. The written disclosure shall be conspicuous and contained on the front of the buyer's order and printed in not less than bold, ~~ten-point~~ *10-point* type and signed by the buyer: "I understand that this vehicle is being sold "AS IS" with all faults and is not covered by any dealer warranty. I understand that the dealer is not required to make any repairs after I buy this vehicle. I will have to pay for any repairs this vehicle will need." A fully completed Buyer's Guide, as required by federal law, shall be signed and dated by the buyer and incorporated as part of the buyer's order.

C. Failure to provide the applicable disclosure required by subsection A or B ~~of this section~~ shall be punishable by a civil penalty of no more than \$1,000. Any such civil penalty shall be paid into the general fund of the state treasury. Furthermore, if the applicable disclosure required by subsection A or B ~~of this section~~ is not provided as required in this section, the buyer may cancel the sale within ~~thirty~~ 30 days. In this case, the buyer shall have the right to return the vehicle to the dealer and obtain a full refund of all payments made toward the purchase of the vehicle, less any damage to the vehicle incurred while ownership was vested in the purchaser, and less a reasonable amount for the use not to exceed one-half the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to § 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes. Notice of the provisions of this subsection shall be included as part of every disclosure made under subsection A or B ~~of this section~~.

*D. The provisions of this section shall not apply to motorcycles, trailers, or travel trailers.*

**§ 46.2-1530. Buyer's order.**

A. Every motor vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a motor vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of five years in accordance with § 46.2-1529, and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

1. The name and address of the person to whom the vehicle was sold or traded.
2. The date of the sale or trade.

3. The name and address of the motor vehicle dealer selling or trading the vehicle.
4. The make, model year, vehicle identification number and body style of the vehicle.
5. The sale price of the vehicle.
6. The amount of any cash deposit made by the buyer.
7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. The description of the trade-in shall be the same as outlined in subdivision 4.
8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, purchaser's ~~on-line~~ *online* systems filing fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.
9. The net balance due at settlement.
10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section, processing includes obtaining title and license plates for the purchaser, but ~~shall~~ *does* not include any "purchaser's ~~on-line~~ *online* systems filing fee," as defined in § 46.2-1530.1, or any "dealer's manual transaction fee," as defined in § 46.2-1530.2.
11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.
12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE: YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."
13. For sales of used motor vehicles, the disclosure required by § 46.2-1529.1.
  - ~~If~~ *Except for trailers and travel trailers*, if the transaction does not include a policy of motor vehicle liability insurance, the seller shall stamp or mark on the face of the bill of sale in boldface letters no smaller than ~~18 point~~ *18-point* type the following words: "No Liability Insurance Included."
  - A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.
  - B. The Board shall approve a buyer's order form and each dealer shall file with each original license application its buyer's order form, on which the processing fee amount is stated.
  - C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the dealership. The sign shall be no smaller than eight and one-half inches by 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Board.
  - D. ~~If~~ *Except for trailers*, if the buyer's order is for a new motor vehicle ~~having a gross vehicle weight rating of less than 16,000 pounds~~ that had accumulated, at the time of the sale, mileage in excess of 750 miles as a demonstrator or as a result of delivery to a prospective purchaser who never took title to the new motor vehicle and returned it, the vehicle may be sold as new, provided the dealer delivers this disclosure in writing on the buyer's order containing type of no smaller than 10 point or in a separate document containing only the disclosure in type of no smaller than 14 point: "Notice: This new motor vehicle has accumulated mileage in excess of 750 miles as the result of use as a demonstrator and/or as the result of delivery to a prior prospective purchaser who never took title to it and who returned it." When delivered as a separate document, this disclosure shall also contain the actual odometer reading for the vehicle and shall be signed by the purchaser.
  - E. *The provisions of this section shall not apply to the sale or exchange of (i) a tractor truck, (ii) a truck having a gross vehicle weight rating of more than 16,000 pounds, or (iii) a semitrailer.*

**§ 46.2-1531. Consignment vehicles; contract.**

Any motor vehicle dealer offering a vehicle for sale on consignment shall have in his possession a consignment contract for the vehicle, executed and signed by the dealer and the consignor. The consignment contract shall include:

1. The complete name, address, and the telephone number of the owners.
2. The name, address, and dealer certificate number of the selling dealer.
3. A complete description of the vehicle on consignment, including the make, model year, vehicle identification number, and body style, *except that trailers shall not be subject to the requirement for vehicle identification number or body style.*
4. The beginning and termination dates of the contract.
5. The percentage of commission, the amount of the commission, or the net amount the owner is to receive, if the vehicle is sold.
6. Any fees for which the owner is responsible.
7. A disclosure of all unsatisfied liens on the vehicle and the location of the certificate of title to the vehicle.
8. A requirement that the motor vehicle pass a safety inspection prior to sale or, if the motor vehicle is found not to be in compliance with any safety inspection requirement after having been inspected, the dealer shall either take steps to bring it into compliance or furnish any buyer intending to use that vehicle on the public highways a written disclosure, prior to sale, that the vehicle did not pass a safety inspection.

Any dealer offering a vehicle for sale on consignment shall inform any prospective customer that the vehicle is on consignment.

Dealer license plates shall not be used to demonstrate a vehicle on consignment except on (i) motor vehicles with gross vehicle weight of 15,000 pounds or more, *excluding RVs*, (ii) vehicles on consignment from another licensed motor vehicle dealer, and (iii) vehicles on consignment from a nonprofit organization certified pursuant to subsection B of § 46.2-1508.1. The owner's license plates may be used if liability insurance coverage is in effect in the amounts prescribed by § 46.2-472.

*No vehicles except motorcycles shall be sold on consignment by motorcycle dealers.*

*No vehicles except recreational vehicles shall be sold on consignment by recreational vehicle dealers.*

*No vehicles other than trailers shall be sold on consignment by trailer dealers.*

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.*

**§ 46.2-1532. Odometer disclosure; penalty.**

Every motor vehicle dealer shall comply with all requirements of the Federal Odometer Act and § 46.2-629 by completing the appropriate odometer mileage statement form for each vehicle purchased, sold or transferred, or in any other way acquired or disposed of. Odometer disclosure statements shall be maintained by the dealer in a manner that permits systematic retrieval. Any person found guilty of violating any of the provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

*The provisions of this section shall not apply to trailers, travel trailers, all-terrain vehicles, or off-road motorcycles.*

**§ 46.2-1533. Business hours.**

Each motor vehicle dealer shall be open for business a minimum of ~~twenty~~ 20 hours per week, at least ~~ten~~ 10 of which shall be between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, except that the Board, on written request by a dealer, may modify these requirements for good cause. ~~Each licensee engaged in business exclusively as a dealer in used mobile homes without inventory shall be open for business a minimum of two consecutive hours per week between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.~~ The dealer's hours shall be posted and maintained conspicuously on or near the main entrance of each place of business.

Each dealer shall include his business hours on the original and every renewal application for a license, and changes to these hours shall be immediately filed with the Department.

**§ 46.2-1534. Signs.**

Each retail motor vehicle dealer's place of business shall be identified by a permanent sign visible from the front of the business office so that the public may quickly and easily identify the dealership. The sign shall contain the dealer's trade name in letters no less than six inches in height unless otherwise restricted by law or contract.

~~Each licensee engaged in business exclusively as a dealer in used mobile homes without inventory shall be identified by a permanent sign visible from the front of the business office so that the public may quickly and easily identify the dealership. The sign shall contain the dealer's trade name in letters no less than two inches in height unless otherwise restricted by law or contract.~~

**§ 46.2-1536. Coercing purchaser to provide insurance coverage on motor vehicle; penalty.**

It shall be unlawful for any dealer or salesperson or any employee of a dealer or representative of either to coerce or offer anything of value to any purchaser of a motor vehicle to provide any type of insurance coverage on the motor vehicle.

Nothing in this section shall prohibit a dealer from requiring that a retail customer obtain automobile physical damage insurance to protect collateral secured by an installment sales contract. Any person found guilty of violating any of the provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

*Nothing in this section shall prohibit a dealer from informing the retail customer of the Commonwealth's insurance requirements.*

**§ 46.2-1539. Inspection of vehicles required; penalty.**

No person required to be licensed as a dealer under this chapter shall sell at retail any motor vehicle which is intended by the buyer for use on the public highways, and which is required to comply with the safety inspection requirements provided in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 ~~of this title~~ unless between the time the vehicle comes into the possession of the dealer and the time it is sold at retail it is inspected by an official safety inspection station. In the event the vehicle is found not to be in compliance with all safety inspection requirements, the dealer shall either take steps to bring it

into compliance or shall furnish any buyer intending it for use on the public highway a written disclosure, prior to sale, that the vehicle did not pass a safety inspection. Any person found guilty of violating any of the provisions of this section ~~shall~~ *be is* guilty of a Class 1 misdemeanor.

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.*

**§ 46.2-1539.1. Safety inspections or disclosure required before sale of certain trailers; penalty.**

*Any trailer required by any provision of this title to undergo periodic safety inspections shall be inspected by an official inspection station between the time it comes into the possession of a retail dealer and the time the trailer is sold by the dealer or, in lieu of an inspection, the dealer shall present to the purchaser, prior to purchase of the trailer, a written itemization of all the trailer's deficiencies relative to applicable safety inspection requirements. The provisions of this section shall not apply to (i) sales of trailers or watercraft trailers by individuals not ordinarily engaged in the business of selling trailers or watercraft trailers or (ii) the retail sale of five or more trailers to the same buyer. Any person found guilty of violating any provision of this section is guilty of a Class 1 misdemeanor.*

**§ 46.2-1540. Inspections prior to sale not required of certain sellers.**

The provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail shall not apply to any person conducting a public auction for the sale of motor vehicles at retail, provided that the individual, firm, or business conducting the auction shall not have taken title to the vehicle, but is acting as an agent for the sale of the vehicle. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail apply to any new motor vehicle or vehicles sold on the basis of a special order placed by a dealer with a manufacturer outside ~~Virginia~~ *the Commonwealth* on behalf of a customer who is a nonresident of ~~Virginia~~ *the Commonwealth* and takes delivery outside ~~Virginia~~ *the Commonwealth*. *Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any trailer prior to sale at retail apply to the sale of five or more used trailers with a gross weight of more than 10,000 pounds to the same buyer, provided that the trailers have a valid safety inspection.*

*The provisions of this section shall also apply to watercraft trailers.*

**§ 46.2-1542. Temporary registration.**

A. Notwithstanding §§ 46.2-617 and 46.2-628, whenever a dealer licensed by the Board sells or conditionally sells and delivers to a purchaser a motor vehicle, the dealer may issue temporary license plates and a certificate of temporary registration. The temporary license plates and the certificates for temporary registration shall be obtained from the Commissioner or may be printed according to terms set by the Commissioner and may be issued if (i) the dealer has the title or the certificate of origin for the vehicle or (ii) is unable at the time of the sale to deliver to the purchaser the certificate of title or certificate of origin for the vehicle because the certificate of title or certificate of origin is lost or is being detained by another in possession or for any other reason beyond the dealer's control. The temporary registration certificate shall bear its date of issuance, the name and address of the purchaser, the identification number of the vehicle, the registration number to be used temporarily on the vehicle, the name of the state in which the vehicle is to be registered, the name and address of the person from whom the dealer acquired the vehicle, and whatever other information may be required by the Commissioner. A copy of the temporary registration certificate and a bona fide buyer's order shall be delivered to the purchaser and shall be in the possession of the purchaser at all times when operating the vehicle. One copy of the certificate shall be retained by the dealer, which copy may be retained in electronic format under terms set by the Commissioner, and shall be subject to inspection at any time by the Department's agents. The original of the certificate shall be forwarded by the dealer to the Department directly on issuance to the purchaser if the vehicle is to be titled outside the Commonwealth, along with the physical or electronic application for title. The issuance of a temporary certificate of registration to a purchaser pursuant to this section shall have the effect of vesting sufficient interest in the vehicle in the purchaser for the period that the certificate remains effective for purposes of allowing the purchaser (a) to obtain and provide insurance coverage for the vehicle, including ~~but not limited to~~ insurance indemnifying the purchaser against liability or providing for recovery for damage to or loss of the vehicle and (b) to operate the vehicle as if the purchaser had full rights of ownership, all subject to cancellation by applicable law or agreement between the dealer and the purchaser prior to the time the dealer submits an application for title along with all required fees. If the dealer or purchaser exercises the statutory or contractual rights to cancel a purchaser's contract to buy a vehicle before application for title to the vehicle has been submitted to the Department in the name of the purchaser, the dealer shall have the right to possession of the vehicle without claim of possession by the purchaser within 24 hours of written or oral notice to the purchaser and without regard to the provision of Title 8.9A, provided the dealer's right to possession is enforced otherwise in accordance with law and without breach of the peace. In the event the dealer regains possession of the vehicle, in the same condition, normal wear and tear excepted, as delivered to the purchaser, the purchaser shall have the right to possession of any trade-in and return of any down payment, and if the dealer fails to return the trade-in and/or down payment the dealer may be held liable under § 59.1-200 of the Virginia Consumer Protection Act (§ 59.1-196), in addition to any other rights and remedies available by statute or contract.

B. A temporary certificate of registration issued by a dealer to a purchaser pursuant to this section shall expire when the certificate of title to the vehicle is issued by the Department in the name of the purchaser or vehicle ownership is transferred in accordance with § 46.2-603.1 and the permanent license plates have been affixed to the vehicle, but in no event shall any temporary certificate of registration issued under this section be effective for more than 30 days from the date of its issuance. In the event that the dealer fails to produce the old certificate of title or certificate of origin to the vehicle, fails to transfer vehicle ownership in accordance with § 46.2-603.1, or fails to apply for a replacement certificate of title pursuant to § 46.2-632, thereby preventing delivery to the Department or purchaser before the expiration of the

temporary certificate of registration, the purchaser's temporary rights may terminate and the purchaser shall have the right to return the vehicle to the dealer and obtain a full refund of all payments made toward the purchase of the vehicle, provided the purchaser provides notice to the dealer of a decision to return the vehicle before issuance of a title for the vehicle by the Department, less any damage to the vehicle incurred while ownership was vested in the purchaser, and less a reasonable amount for use not to exceed one-half the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to § 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes.

C. Notwithstanding subsection B, if the dealer fails to deliver the certificate of title or certificate of origin to the purchaser or fails to transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days, a second temporary certificate of registration may be issued. However, the dealer shall, not later than the expiration of the first temporary certificate, deliver to the Department an application for title, copy of the bill of sale, all required fees and a written statement of facts describing the dealer's efforts to secure the certificate of title or certificate of origin to the vehicle. On receipt of the title application with attachments as described herein, the Department shall record the purchaser's rights hereunder to the vehicle and may authorize the dealer to issue a second 30-day temporary certificate of registration. If the dealer does not produce the certificate of title or certificate of origin to the vehicle before the expiration of the second temporary certificate, the purchaser's rights to the vehicle under this section may terminate and he shall have the right to return the vehicle as provided in subsection B.

D. If the dealer is unable to produce the certificate of title or certificate of origin to the vehicle or transfer vehicle ownership in accordance with § 46.2-603.1 within the 60-day period from the date of issuance of the first temporary certificate, the Department may extend temporary registration for an additional period of up to 90 days, provided the dealer makes application in the format required by the Department. If the dealer does not produce the certificate of title or certificate of origin to the vehicle or transfer vehicle ownership in accordance with § 46.2-603.1 before the expiration of the additional 90-day period, the purchaser's rights hereunder to the vehicle may terminate and he shall have the right to return the vehicle as provided in subsection B.

E. The Commissioner, on determining that the provisions of this section or the directions of the Department are not being complied with by a dealer, may suspend, after a hearing, the right of the dealer to issue temporary certificates of registration.

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers but shall not apply to all-terrain vehicles and off-road motorcycles.*

**§ 46.2-1543. Use of old license plates and registration number on another vehicle.**

An owner who sells or transfers a registered motor vehicle may have the license plates and the registration number transferred to another vehicle titled in the owner's name according to the provisions of Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~, which is in a like vehicle category as specified in § 46.2-694 and ~~which~~ requires an identical registration fee, on application to the Department accompanied by a fee of ~~two dollars~~ \$2 or, if the other vehicle requires a greater registration fee than that for which the license plates were assigned, on the payment of a fee of ~~two dollars~~ \$2 and the amount of the difference in registration fees between the two vehicles, all such transfers to be in accordance with the regulations of the Department. All fees collected under this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department. For purposes of this section, a motor vehicle dealer licensed by the Board may be authorized to act as an agent of the Department for the purpose of receiving, processing, and approving applications from its customers for assignment of license plates and registration numbers pursuant to this section, using the forms and following the procedures prescribed by the Department. The Commissioner, on determining that the provisions of this section or the directions of the Department are not being complied with by a dealer, may suspend, after a hearing, the authority of the dealer to receive, process, and approve the assignment of license plates and registration numbers pursuant to this section.

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.*

**§ 46.2-1544. Certificate of title for dealers; penalty.**

Except as otherwise provided in this chapter, every dealer shall obtain, on the purchase of each vehicle, a certificate of title issued to the dealer or shall obtain an assignment or reassignment of a certificate of title for each vehicle purchased, except that a certificate of title shall not be required for any new vehicle to be sold as such. Any person found guilty of violating any of the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.*

**§ 46.2-1545. Termination of business.**

No dealer, unless his license has been suspended, revoked, or canceled, shall cease business without a ~~thirty-day~~ 30-day prior notification to the Department and the Board. On cessation of the business, the dealer shall immediately surrender to the Board the dealer's certificate of license, all salespersons' licenses, and any other materials furnished by the Board. The dealer shall also immediately surrender to the Department all dealer and temporary license plates, all fees and taxes collected, and any other materials furnished by the Department. After cessation of business, the former licensee shall continue to maintain and make available to the Department and the Board dealer records as set forth in this chapter.

*The provisions of this section shall also apply to watercraft trailers and watercraft trailer dealers.*

**§ 46.2-1545.1. Watercraft trailer dealers and watercraft trailers.**

*For the purposes of this article:*

*"Dealer" and "trailer dealer" includes watercraft trailer dealers.*

*"Trailer" includes watercraft trailers.*

**§ 46.2-1545.2. Exclusion of all-terrain vehicles and off-road motorcycles.**

*Nothing in this article shall apply to all-terrain vehicles or off-road motorcycles.*

**§ 46.2-1547. License under this chapter prerequisite to receiving dealer's license plates; insurance required; Commissioner may revoke plates.**

No motor vehicle ~~manufacturer, distributor, or dealer~~, unless licensed under this chapter, ~~nor any manufacturer or distributor, unless licensed under Chapter 19 (§ 46.2-1900 et seq.) of this title~~, shall be entitled to receive or maintain any dealer's license plates. It shall be unlawful to use or permit the use of any dealer's license plates for which there is no automobile liability insurance coverage or a certificate of self-insurance as defined in § 46.2-368 on any motor vehicle. No dealer's license plates shall be issued unless the dealer certifies to the Department that there is automobile liability insurance coverage or a certificate of self-insurance with respect to each dealer's license plate to be issued. Such automobile liability insurance or a certificate of self-insurance shall be maintained as to each dealer's license plate for so long as the registration for the dealer's license plate remains valid without regard to whether the plate is actually being used on a vehicle. If insurance or a certificate of self-insurance is not so maintained, the dealer's license plate shall be surrendered to the Department. The Commissioner shall revoke any dealer's license plate as to which there is no insurance or a certificate of self-insurance. The Commissioner may also revoke any dealer's license plate that has been used in any way not authorized by the provisions of this title.

*The requirements relating to insurance in this article shall not apply to trailers or watercraft trailers.*

**§ 46.2-1557.3. Exclusion of all-terrain vehicles and off-road motorcycles.**

*Nothing in this article shall apply to all-terrain vehicles or off-road motorcycles.*

**§ 46.2-1557.4. Watercraft trailer dealers and watercraft trailers.**

*For the purposes of this article:*

*"Dealer" and "trailer dealer" includes watercraft trailer dealers.*

*"Trailer" includes watercraft trailers.*

**§ 46.2-1558. Issuance of temporary license plates to dealers and vehicle owners.**

The Department may, subject to the limitations and conditions set forth in this article, deliver temporary license plates designed by the Department to any dealer licensed under this chapter who applies for at least 10 sets of plates and who encloses with his application a fee of \$3 for each set applied for. The application shall be made on a form prescribed and furnished by the Department. Dealers, subject to the limitations and conditions set forth in this article, may issue temporary license plates to owners of vehicles. The owners shall comply with the provisions of this article and §§ 46.2-705, 46.2-706 and 46.2-707. Dealers issuing temporary license plates may do so free of charge, but if they charge a fee for issuing temporary plates, the fee shall be no more than the fee charged the dealer by the Department under this section.

Display of a temporary license plate or plates on a motor vehicle, ~~trailer, or semitrailer~~ shall subject the vehicle to the requirements of §§ 46.2-1038 and 46.2-1056.

**§ 46.2-1561. To whom temporary plates shall not be issued; dealer to forward application for current titling and registration; misstatements and false information.**

No dealer shall issue, assign, transfer, or deliver temporary license plates to other than the bona fide purchaser or owner of a vehicle, whether or not the vehicle is to be registered in ~~Virginia~~ *the Commonwealth*. If the vehicle is to be registered in ~~Virginia~~ *the Commonwealth*, the dealer shall submit to the Department a written application for the current titling and registration of the purchased vehicle, accompanied by the prescribed fees. Any dealer who issues temporary license plates to a purchaser who fails or declines to request that his application be forwarded promptly to the Department forthwith shall notify the Department of the issuance in the manner provided in this article. No dealer shall lend temporary license plates to any person for use on any vehicle. If the dealer does not have in his possession the certificate of title or certificate of origin he may issue temporary license plates even though the purchaser has current license plates to be transferred. The dealer shall present the title or certificate of origin to the customer or transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days of purchase and after this transaction is completed the customer shall transfer his current license plates to the vehicle. If the title or certificate of origin cannot be produced for a vehicle or the dealer fails to transfer vehicle ownership in accordance with § 46.2-603.1 within 30 days, a second set of temporary license plates may be issued provided that a temporary certificate of ~~ownership~~ *registration* is issued as provided in § 46.2-1542. It shall be unlawful for any person to issue any temporary license plates containing any misstatement of fact, or for any person issuing or using temporary license plates knowingly to insert any false information on their face.

**§ 46.2-1565.1. Penalties.**

Any person violating any of the provisions of this article ~~shall be~~ *is* guilty of a Class ~~3~~ *1* misdemeanor. Any summons issued for any violation of any provision of this article relating to use or misuse of temporary license plates shall be served upon the dealership to whom the plates were issued or to the person expressly permitting the unlawful use, or upon the operator of the motor vehicle if the plates are used contrary to the use authorized pursuant to § 46.2-1561.

*Article 7.2.*

*Recreational Vehicle Franchises.*

**§ 46.2-1573.2. Filing of franchises.**

Each recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a recreational vehicle dealer or prospective recreational vehicle dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered to a recreational vehicle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

**§ 46.2-1573.3. Exemption of franchises from Retail Franchising Act.**

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

**§ 46.2-1573.4. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts prohibited; penalty.**

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail recreational vehicle dealer or prospective retail recreational vehicle dealer in the Commonwealth to sell, assign, or transfer any retail installment sales contract, obtained by the dealer in connection with the sale by him in the Commonwealth of recreational vehicles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the recreational vehicle on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the recreational vehicle, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on recreational vehicles manufactured or sold by the manufacturer or distributor to a finance company, class of finance companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

**§ 46.2-1573.5. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of recreational vehicles, parts, and accessories.**

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any recreational vehicle or recreational vehicles, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of recreational vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers

*in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new recreational vehicle dealer within two miles of the existing site of the relocating dealer.*

6. *Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period and, after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:*

*a. Insolvency of the franchised recreational vehicle dealer or filing of any petition by or against the franchised recreational vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;*

*b. Failure of the franchised recreational vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised recreational vehicle dealer;*

*c. Revocation of any license that the franchised recreational vehicle dealer is required to have to operate a dealership; or*

*d. Conviction of the dealer or any principal of the dealer of a felony.*

*The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal.*

7. *To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance.*

8. *To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.*

9. *To fail to ship monthly to any dealer, if ordered by the dealer, the number of new recreational vehicles of each make, series, and model needed by the dealer to receive a percentage of total new recreational vehicle sales of each make, series, and model equitably related to the total new recreational vehicle production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new recreational vehicles are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all recreational vehicles to the same line-make dealers who compete with the dealer requesting the hearing.*

10. *To require or otherwise coerce a dealer to underutilize the dealer's facilities.*

11. To include in any franchise with a recreational vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

12. To require under any franchise agreement a recreational vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

13. To fail to include in any franchise with a recreational vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

**§ 46.2-1573.6. Manufacturer or distributor right of first refusal.**

Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new recreational vehicle dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

**§ 46.2-1573.7. Discontinuation of distributors.**

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to recreational vehicle dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute recreational vehicles of the same line-make or the same recreational vehicles of a renamed line-make shall be substituted for the discontinued distributor under the existing recreational vehicle dealer franchises, and those franchises shall be modified accordingly.

**§ 46.2-1573.8. Warranty obligations.**

A. Each recreational vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its recreational vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production recreational vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special

high-performance complete engine assemblies in determining whether the amounts requested by the dealer for warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a recreational vehicle;
2. Fail to assume all responsibility for any liability resulting from structural or production defects;
3. Fail to include in written notices of factory recalls to recreational vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the recreational vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its recreational vehicle dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance, or design of the recreational vehicle are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the recreational vehicle; or

8. Shift or attempt to shift to the recreational vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its recreational vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of recreational vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the recreational vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every recreational vehicle dealer franchise issued to, amended, or renewed for recreational vehicle dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new recreational vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new recreational vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a recreational vehicle is otherwise damaged prior to delivery to the new recreational vehicle dealer, the new recreational vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new recreational vehicle to the new recreational vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the recreational vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

*E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the recreational vehicle because damage exceeds the three percent rule, ownership of the new recreational vehicle shall revert to the manufacturer or distributor, and the new recreational vehicle dealer shall have no obligation, financial or otherwise, with respect to such recreational vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided that the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new recreational vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the recreational vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the recreational vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11.*

*F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.*

**§ 46.2-1573.9. Operation of dealership by manufacturer.**

*It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any recreational vehicle dealership in the Commonwealth. However, this section shall not prohibit:*

*1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;*

*2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership;*

*3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest;*

*4. The ownership, operation, or control of a dealership dealing exclusively with school buses by a school bus manufacturer or school bus parts manufacturer or a person who assembles school buses; or*

*5. The ownership, operation, or control of a dealership dealing exclusively with refined fuels truck tanks by a manufacturer of refined fuels truck tanks or by a person who assembles refined fuels truck tanks.*

**§ 46.2-1573.10. Ownership of service facilities.**

*It shall be unlawful for any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any recreational vehicle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any recreational vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or service of recreational vehicles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a recreational vehicle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.*

*The preceding provisions of this section shall not apply to manufacturers of refined fuels truck tanks or to persons who assemble refined fuels truck tanks or to persons who exclusively manufacture or assemble school buses or school bus parts.*

**§ 46.2-1573.11. Hearings and other remedies; civil penalties.**

*A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).*

*B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.*

*C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.*

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.5 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under recreational vehicle warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

**§ 46.2-1573.12. Late model and factory repurchase franchises.**

Franchised late model or factory repurchase recreational vehicle dealers shall have the same rights and obligations as provided for franchised new recreational vehicle dealers in this article, *mutatis mutandis*.

Article 7.3.

Trailer Franchises.

**§ 46.2-1573.13. Watercraft trailer dealers and watercraft trailers.**

For the purposes of this article:

"Dealer" and "trailer dealer" includes watercraft trailer dealers.

"Trailer" includes watercraft trailers.

**§ 46.2-1573.14. Trailer dealers filing of franchises.**

Each trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a trailer dealer or prospective trailer dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered a trailer dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

**§ 46.2-1573.15. Exemption of franchises from Retail Franchising Act.**

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

**§ 46.2-1573.16. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts prohibited; penalty.**

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail trailer dealer or prospective retail trailer dealer in the Commonwealth to sell, assign, or transfer any retail installment sales contract obtained by the dealer in connection with the sale by him in the Commonwealth of trailers manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the trailer on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the trailer, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on trailers manufactured or sold by the manufacturer or distributor to a finance company, or class of finance companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

**§ 46.2-1573.17. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of trailers, parts, and accessories.**

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any trailer or trailers, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of trailer in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new trailer dealer within two miles of the existing site of the relocating dealer.

6. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period, and after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. *Insolvency of the franchised trailer dealer or filing of any petition by or against the franchised trailer dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;*

b. *Failure of the franchised trailer dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised trailer dealer;*

c. *Revocation of any license that the franchised trailer dealer is required to have to operate a dealership; or*

d. *Conviction of the dealer or any principal of the dealer of a felony.*

*The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal.*

7. *To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance.*

8. *To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.*

9. *To fail to ship monthly to any dealer, if ordered by the dealer, the number of new trailers of each make, series, and model needed by the dealer to receive a percentage of total new trailer sales of each make, series, and model equitably related to the total new trailer production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new trailers are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all trailers to the same line-make dealers who compete with the dealer requesting the hearing.*

10. *To require or otherwise coerce a dealer to underutilize the dealer's facilities.*

11. *To include in any franchise with a trailer dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.*

12. *To require under any franchise agreement a trailer dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.*

13. *To fail to include in any franchise with a trailer dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.*

#### **§ 46.2-1573.18. Manufacturer or distributor right of first refusal.**

*Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new trailer dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:*

1. *To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;*

2. *The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;*

3. *The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and*

4. *The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's*

written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

**§ 46.2-1573.19. Discontinuation of distributors.**

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to trailer dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person who undertakes to distribute trailers of the same line-make or the same trailers of a renamed line-make shall be substituted for the discontinued distributor under the existing trailer dealer franchises, and those franchises shall be modified accordingly.

**§ 46.2-1573.20. Warranty obligations.**

A. Each trailer manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its trailer dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any trailer manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a trailer;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to trailer owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the trailer dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its trailer dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of trailers that warranties with respect to the manufacture, performance, or design of the trailer are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the trailer; or

8. Shift or attempt to shift to the trailer dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any trailer manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its trailer dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of trailers, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the trailer or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every trailer dealer franchise issued to, amended, or renewed for trailer dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new trailer, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new trailer is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a trailer is otherwise damaged prior to delivery to the new trailer dealer, the new trailer dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new trailer to the new trailer dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the trailer exceeds the three percent rule, in which case the dealer may reject the trailer within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the trailer because damage exceeds the three percent rule, ownership of the new trailer shall revert to the manufacturer or distributor, and the new trailer dealer shall have no obligation, financial or otherwise, with respect to such trailer. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided that the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new trailer in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the trailer is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the trailer and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the trailer as defined in § 59.1-207.11.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

**§ 46.2-1573.21. Operation of dealership by manufacturer.**

It shall be unlawful for any trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any trailer dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership; or

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest.

**§ 46.2-1573.22. Ownership of service facilities.**

It shall be unlawful for any trailer manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any trailer warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any trailer manufacturer, factory branch, distributor, distributor

branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or service of trailers owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a trailer manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

**§ 46.2-1573.23. Hearings and other remedies; civil penalties.**

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.16 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under trailer warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

**§ 46.2-1573.24. Late model and factory repurchase franchises.**

Franchised late model or factory repurchase trailer dealers shall have the same rights and obligations as provided for franchised new trailer dealers in this article, mutatis mutandis.

Article 7.4.

Motorcycle Franchises.

**§ 46.2-1573.25. Motorcycle dealers filing of franchises.**

Except as otherwise provided in this section, each motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof shall file with the Commissioner a true copy of each new, amended, modified, or different form or addendum offered to more than one dealer that affects the rights, responsibilities, or obligations of the parties of a franchise or sales, service, or sales and service agreement to be offered to a motorcycle dealer or prospective motorcycle dealer in the Commonwealth no later than 60 days prior to the date the franchise or sales agreement is offered. In no event shall a new, amended, modified, or different form of franchise or sales, service, or sales and service agreement be offered to a motorcycle dealer in the Commonwealth until the form has been determined by the Commissioner as not containing terms inconsistent with the provisions of this chapter. At the time a filing is made with the Commissioner pursuant to this section, the manufacturer, factory branch, distributor, distributor branch, or subsidiary shall also give written notice together with a copy of the papers so filed to the affected dealer or dealers.

The provisions of this article shall not apply to a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road

motorcycles that does not also manufacture or does not also distribute in the Commonwealth any motorcycle designed for lawful use on the public highways.

**§ 46.2-1573.26. Exemption of franchises from Retail Franchising Act.**

Franchises subject to the provisions of this chapter shall not be subject to any requirement contained in Chapter 8 (§ 13.1-557 et seq.) of Title 13.1.

**§ 46.2-1573.27. Coercion of retail dealer by manufacturer or distributor with respect to retail installment sales contracts and extended warranties prohibited; penalty.**

A. It shall be unlawful for any manufacturer or distributor, or any officer, agent, or representative of either, to coerce or attempt to coerce any retail motorcycle dealer or prospective retail motorcycle dealer in the Commonwealth to sell or offer to sell extended warranties or to sell, assign, or transfer any retail installment sales contract obtained by the dealer in connection with the sale by him in the Commonwealth of motorcycles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. Any statement, suggestion, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is expressed or implied or made directly or indirectly.

2. Any act that will benefit or injure the dealer.

3. Any contract, or any expressed or implied offer of contract, made directly or indirectly to the dealer, for handling the motorcycle on the condition that the dealer sell, assign, or transfer his retail installment sales contract on the motorcycle, in the Commonwealth, to a specified finance company or class of finance companies or to any other specified person.

4. Any expressed or implied statement or representation made directly or indirectly that the dealer is under any obligation whatsoever to sell, assign, or transfer any of his retail sales contracts in the Commonwealth on motorcycles manufactured or sold by the manufacturer or distributor to a finance company, or class of finance companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies or the specified person.

B. Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

C. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

**§ 46.2-1573.28. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of motorcycles, parts, and accessories.**

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or their representatives:

1. To coerce or attempt to coerce any dealer to accept delivery of any motorcycle or motorcycles, parts or accessories therefor, or any other commodities that have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to the dealer, by threatening to cancel any franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative thereof and the dealer.

3. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

4. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (i) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee and (ii) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

5. To grant an additional franchise for a particular line-make of motorcycle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing, by certified mail, return receipt requested, all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that there is reasonable evidence that after the grant of the new franchise, the market will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated or, if a termination hearing was held, on the day the franchisor

was legally permitted finally to terminate the franchise. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motorcycle dealer within two miles of the existing site of the relocating dealer.

6. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period, and after a hearing on the matter, that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision, notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motorcycle dealer or filing of any petition by or against the franchised motorcycle dealer, under any bankruptcy or receivership law, leading to liquidation or that is intended to lead to liquidation of the franchisee's business;

b. Failure of the franchised motorcycle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motorcycle dealer;

c. Revocation of any license that the franchised motorcycle dealer is required to have to operate a dealership; or

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation, or nonrenewal.

7. To fail to provide continued parts and service support to a dealer that holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make that was discontinued prior to January 1, 1989.

8. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family previously designated by the dealer as his successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

9. To fail to ship monthly to any dealer, if ordered by the dealer, the number of new motorcycles of each make, series, and model needed by the dealer to receive a percentage of total new motorcycle sales of each make, series, and model equitably related to the total new motorcycle production or importation currently being achieved nationally by each make, series, and model covered under the franchise. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motorcycles are allocated, scheduled, and delivered to the dealers of the same line-make. If allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motorcycles to the same line-make dealers who compete with the dealer requesting the hearing.

10. To require or otherwise coerce a dealer to underutilize the dealer's facilities.

11. To include in any franchise with a motorcycle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

12. To require under any franchise agreement a motorcycle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

13. To fail to include in any franchise with a motorcycle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

14. To include in any franchise agreement with a motorcycle dealer terms that prohibit a motorcycle dealer from exercising his right to a trial by jury in any action where such right otherwise exists.

**§ 46.2-1573.29. When discontinuation, cancellation, or nonrenewal of franchise unfair.**

A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement, is not undertaken in good faith, is not undertaken for good cause, or is based on an alleged breach of the franchise agreement that is not in fact a material and substantial breach.

**§ 46.2-1573.30. Repurchase of vehicles, parts, and equipment in the event of involuntary discontinuation, cancellation, or nonrenewal of franchise agreement.**

A. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, within 60 days from the effective date of the discontinuation, cancellation, or nonrenewal of a franchise agreement, repurchase at the price equal to the amount paid therefor by the motorcycle dealer, less all incentives and allowances received by the dealer, (i) all new, unused, undamaged, and unaltered motorcycles, all-terrain vehicles, or off-road motorcycles of the current or previous model year that the manufacturer or distributor sold to the dealer and (ii) any other such motorcycle, all-terrain vehicle, or off-road motorcycle that it sold to the dealer not more than 180 days prior to the notice of termination. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the motorcycles, all-terrain vehicles, and off-road motorcycles prior to their repurchase.

B. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, if so requested by the dealer within the same 60-day period, also repurchase all genuine new and unused motorcycle, all-terrain vehicle, and off-road motorcycle parts and accessories that the manufacturer or distributor sold to the dealer so long as such parts and accessories are undamaged, in their original packaging, and listed in the current parts and accessories price list of the manufacturer or distributor. Such parts and accessories shall be repurchased at a price equal to the wholesale price stated in the current parts and accessories price list of the manufacturer or distributor, less all incentives and allowances received by the dealer and without reduction for such repurchase or for processing or handling the repurchase. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the parts and accessories prior to their repurchase.

C. In the event of any involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, the manufacturer or distributor shall, if so requested by the dealer within the same 60-day period, repurchase the new and used equipment that the manufacturer or distributor sold to the dealer at its then fair market value, including signs, special tools, and manuals that the manufacturer or distributor required the dealer to purchase. The foregoing provisions of this subsection shall apply only if the dealer transfers to the manufacturer or distributor full right and legal title to the equipment prior to its repurchase.

**§ 46.2-1573.31. Manufacturer or distributor right of first refusal.**

Notwithstanding the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the new motorcycle dealer's assets or ownership, if such sale or transfer is conditioned upon the manufacturer's or dealer's entering into a dealer agreement with the proposed new owner or transferee, only if all the following requirements are met:

1. To exercise its right of first refusal, the manufacturer or distributor must notify the dealer in writing within 45 days of its receipt of the completed proposal for the proposed sale or transfer;

2. The exercise of the right of first refusal will result in the dealer's and dealer owner's receiving the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

3. The proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners, or to a qualified manager or a partnership or corporation controlled by such persons; and

4. The manufacturer or distributor agrees to pay the reasonable expenses, including attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee prior to the manufacturer's or distributor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the dealership or dealership assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 30 days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such accounting may be requested by a manufacturer or distributor before exercising its right of first refusal.

**§ 46.2-1573.32. Discontinuation of distributors.**

If the contract between a distributor and a manufacturer or importer is terminated or otherwise discontinued, all franchises granted to motorcycle dealers in the Commonwealth by that distributor shall continue in full force and shall not be affected by the discontinuance, except that the manufacturer, factory branch, distributor, representative, or other person

who undertakes to distribute motorcycles of the same line-make or the same motorcycles of a renamed line-make shall be substituted for the discontinued distributor under the existing motorcycle dealer franchises, and those franchises shall be modified accordingly.

**§ 46.2-1573.33. Warranty obligations.**

A. Each motorcycle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motorcycle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, and warranty service on its products and (ii) compensate the dealer for warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable;

2. For purposes of determining warranty parts and service compensation, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers;

3. Increases in dealer warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts;

4. In the case of warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years;

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motorcycles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work; or

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for warranty service or parts.

Warranty audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for warranty compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for warranty parts or service compensation and service incentives shall only be for the 12-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the 18-month period immediately following the date of claim. However, such limitations shall not be effective in the case of intentionally false or fraudulent claims.

B. It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its warranty obligations, including tires, with respect to a motorcycle;

2. Fail to assume all responsibility for any liability resulting from structural or production defects;

3. Fail to include in written notices of factory recalls to motorcycle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;

4. Fail to compensate any of the motorcycle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;

5. Fail to compensate its motorcycle dealers licensed in the Commonwealth for warranty parts, work, and service pursuant to subsection A or for legal costs and expenses incurred by such dealers in connection with warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or that the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;

6. Misrepresent in any way to purchasers of motorcycles that warranties with respect to the manufacture, performance, or design of the motorcycle are made by the dealer, either as warrantor or co-warrantor;

7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the motorcycle; or

8. Shift or attempt to shift to the motorcycle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor, or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motorcycle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motorcycle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motorcycles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the motorcycle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every motorcycle dealer franchise issued to, amended, or renewed for motorcycle dealers in the Commonwealth shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motorcycle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231-1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to tires are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motorcycle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motorcycle is otherwise damaged prior to delivery to the new motorcycle dealer, the new motorcycle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motorcycle to the new motorcycle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the motorcycle exceeds the three percent rule, in which case the dealer may reject the motorcycle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the motorcycle because damage exceeds the three percent rule, ownership of the new motorcycle shall revert to the manufacturer or distributor, and the new motorcycle dealer shall have no obligation, financial or otherwise, with respect to such motorcycle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgment by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motorcycle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motorcycle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the motorcycle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the motorcycle as defined in § 59.1-207.11.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty.

#### **§ 46.2-1573.34. Operation of dealership by manufacturer.**

It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control any motorcycle dealership in the Commonwealth. However, this section shall not prohibit:

1. The operation by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof of a dealership for a temporary period, not to exceed one year, during the transition from one owner or operator to another;

2. The ownership or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, while the dealership is being sold under a bona fide contract or purchase option to the operator of the dealership; or

3. The ownership, operation, or control of a dealership by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof if the Commissioner determines, after a hearing at the request of any party, that there is no dealer independent of the manufacturer or distributor, factory branch or distributor branch, or subsidiary thereof available in the community or trade area to own and operate the franchise in a manner consistent with the public interest.

#### **§ 46.2-1573.35. Ownership of service facilities.**

It shall be unlawful for any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control, either directly or indirectly, any motorcycle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any motorcycle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof from owning, operating, or controlling any warranty or service facility for warranty or

*service of motorcycles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a motorcycle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.*

**§ 46.2-1573.36. Hearings and other remedies; civil penalties.**

*A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).*

*B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.*

*C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.*

*D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.28 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:*

- 1. The volume of the affected dealer's business in the relevant market area;*
- 2. The nature and extent of the dealer's investment in its business;*
- 3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;*
- 4. The effect of the proposed action on the community;*
- 5. The extent and quality of the dealer's service under motorcycle warranties;*
- 6. The dealer's performance under the terms of its franchise; and*
- 7. Other economic and geographical factors reasonably associated with the proposed action.*

*With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.*

*E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.*

**§ 46.2-1573.37. Late model and factory repurchase franchises.**

*Franchised late model or factory repurchase motorcycle dealers shall have the same rights and obligations as provided for franchised new motorcycle dealers in this article, mutatis mutandis.*

**§ 58.1-2405. Basis of tax.**

*A. In the case of the sale or use of a motor vehicle upon which the pricing information is required by federal law to be posted, the Commissioner may collect the tax upon the basis of the total sale price shown on such document; however, if the Commissioner is satisfied that the purchaser has paid less than such price, by such evidence as the Commissioner may require, he may assess and collect the tax upon the basis of the sale price so found by him. In no case shall such lesser price include credits for trade-in or any other transaction of such nature.*

*B. In the case of the sale or use of a motor vehicle which is not a new motor vehicle, the Commissioner may employ such publications, sources of information, and other data as are customarily employed in ascertaining the maximum sale price of such used motor vehicles but in no case shall any credit be allowed for trade-in, prior rental or any other transaction of like nature.*

*C. In the case of the sale or use of a motor vehicle, which is not a new motor vehicle, between individuals who are not required to be licensed as dealers or salespersons under the provisions of §§ § 46.2-1508 and ~~46.2-1908~~, the Commissioner may collect the tax upon the basis of the total sale price as established by such evidence as the Commissioner may require; provided that if such motor vehicle is no more than five years old and is listed in a recognized pricing guide, the total sale price shall not be less than the value listed in such pricing guide for such vehicle, less an allowance of \$1,500, unless the purchaser shall execute an affidavit under penalty of perjury stating a lesser total sale price and declaring such sale or use to be a bona fide transaction for full value. In using a recognized pricing guide, the Commissioner shall use the trade-in value*

specified in such guide, with no additions for optional equipment or subtractions for mileage, so long as uniformly applied for all types of motor vehicles. In no case shall any credit be allowed for trade-in, prior rental, or any other transaction of like nature.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including ~~but not limited to~~ land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer rescue squad or volunteer fire department or (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer rescue squad member or volunteer fire department member, or leased by each volunteer rescue squad member or volunteer fire department member if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer rescue squad member or volunteer fire department member regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle owned or leased by the volunteer rescue squad member or volunteer fire department member is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;
16. Motor vehicles (i) owned by auxiliary members of a volunteer rescue squad or volunteer fire department or (ii) leased by auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or rescue squad member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief or head of the volunteer organization, that the volunteer is an auxiliary member of the volunteer rescue squad or fire department who regularly performs duties for the rescue squad or fire department, and the motor vehicle is identified as

regularly used for such purpose; however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § ~~46.2-1900~~ 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this

section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including, ~~but not limited to~~, medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, ~~A~~ 9, ~~A~~ 21, and ~~A~~ 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real

property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

2. That whenever any of the conditions, requirements, provisions, or contents of any section of Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia are transferred in the same or modified form to a new section or chapter of Title 46.2 or any other title of the Code of Virginia, all references to any such former section of Chapters 19, 19.1, and 19.2 of Title 46.2 of the Code of Virginia or any other title of the Code of Virginia shall be construed to apply to the new or renumbered section, article, or chapter containing such conditions, requirements, provisions, contents, or portions thereof.

3. That the regulations of any department or agency affected by the repeal of Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.

4. That the provisions of § 30-152 of the Code of Virginia shall apply to this act so as to give effect to other laws enacted by the 2015 Session of the General Assembly amending Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia.

5. That the repeal of Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia effective as of July 1, 2015, shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that date. Except as otherwise provided in this act, the repeal of Chapters 19, 19.1, and 19.2 of Title 46.2 of the Code of Virginia shall apply to offenses committed prior to July 1, 2015, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this enactment, an offense was committed prior to July 1, 2015, if any of the essential elements of the offense occurred prior thereto.

6. That any notice given, recognizance taken, or process or writ issued before July 1, 2015, shall be valid although given, taken, or to be returned to a day after such date, in like manner as if Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia had been effective before the same was given, taken, or issued.

7. That the repeal of Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia shall not affect the validity, enforceability, or legality of any loan agreement or other contract, or any right established or accrued under such loan agreement or contract, that existed prior to such repeal.

8. That the repeal of Chapters 19, 19.1, and 19.2 (§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia shall not affect the validity, enforceability, or legality of any bond or other debt obligation authorized, issued, or outstanding prior to such repeal.

9. That Chapters 19, 19.1, and 19.2 (§§ 46.2-1900 through 46.2-1993.82) of Title 46.2 of the Code of Virginia are repealed.

10. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after July 1, 2015, shall be made in accordance with the provisions of this act.

## CHAPTER 616

*An Act to amend and reenact § 50-73.88 of the Code of Virginia, relating to the formation of general partnerships.*

[H 2209]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 50-73.88 of the Code of Virginia is amended and reenacted as follows:**

**§ 50-73.88. Formation of partnership.**

A. Except as otherwise provided in subsection B, the association of two or more persons to carry on as co-owners a business for profit forms a partnership, whether or not the persons intend to form a partnership.

B. An association formed under a statute other than this chapter, a predecessor statute, or a comparable statute of another jurisdiction is not a partnership under this chapter.

C. In determining whether a partnership is formed, the following rules apply:

1. Joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or part ownership does not by itself establish a partnership, even if the co-owners share profits made by the use of the property.

2. The sharing of gross returns does not by itself establish a partnership, even if the persons sharing them have a joint or common right or interest in property from which the returns are derived.

3. A person who receives a share of the profits of a business is presumed to be a partner in the business, unless the profits were received in payment:

- a. Of a debt by installments or otherwise;
- b. For services as an independent contractor or of wages or other compensation to an employee;
- c. Of rent;
- d. Of an annuity or other retirement benefit to a beneficiary, representative, or designee of a deceased or retired partner;
- e. Of interest or other charge on a loan, even if the amount of payment varies with the profits of the business, including a direct or indirect present or future ownership of the collateral, or rights to income, proceeds, or increase in value derived from the collateral; or
- f. For the sale of the goodwill of a business or other property by installments or otherwise.

*D. Each person to be admitted as a partner to a partnership formed under subsection A may be admitted as a partner and may receive a partnership interest in the partnership without making a contribution or being obligated to make a contribution to the partnership. Each person to be admitted as a partner to a partnership formed under subsection A may be admitted as a partner without acquiring a transferable interest in the partnership. Nothing contained in this subsection shall affect a partner's liability under § 50-73.96.*

## CHAPTER 617

*An Act to amend and reenact § 64.2-601 of the Code of Virginia, relating to small estates; checks and negotiable instruments.*

[H 2229]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 64.2-601 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 64.2-601. Payment or delivery of small asset by affidavit.**

A. Any person having possession of a small asset shall pay or deliver the small asset to the designated successor of the decedent upon being presented an affidavit made by all of the known successors stating:

1. That the value of the decedent's entire personal probate estate as of the date of the decedent's death, wherever located, does not exceed \$50,000;
2. That at least 60 days have elapsed since the decedent's death;
3. That no application for the appointment of a personal representative is pending or has been granted in any jurisdiction;
4. That the decedent's will, if any, was duly probated;
5. That the claiming successor is entitled to payment or delivery of the small asset, and the basis upon which such entitlement is claimed;
6. The names and addresses of all successors, to the extent known;
7. The name of each successor designated to receive payment or delivery of the small asset on behalf of all successors; and
8. That the designated successor shall have a fiduciary duty to safeguard and promptly pay or deliver the small asset as required by the laws of the Commonwealth.

B. The designated successor may discharge his fiduciary duty to promptly pay or deliver the small asset to a successor who is, or is reasonably believed to be, incapacitated or under a legal disability, by paying or delivering the asset directly to the incapacitated or disabled successor or applying it for such successor's benefit, or by:

1. Paying it to such successor's conservator or, if no conservator exists, guardian;
2. Paying it to such successor's custodian under the Virginia Uniform Transfers to Minors Act (§ 64.2-1900 et seq.) or custodial trustee under the Uniform Custodial Trust Act (§ 64.2-900 et seq.), and, for that purpose, creating a custodianship or custodial trust;
3. If the designated successor does not know of a conservator, guardian, custodian, or custodial trustee, paying it to an adult relative or other person having legal or physical care or custody of such successor to be expended on such successor's behalf; or
4. Managing it as a separate fund on such successor's behalf, subject to such successor's continuing right to withdraw the asset.

C. Any successor may be represented and bound under virtual representation provisions of §§ 64.2-714, 64.2-716, and 64.2-717 with respect to affidavits required and designations of persons to receive payment or delivery of a small asset under this article.

D. A transfer agent of any security, upon the surrender of the certificates, if any, evidencing the security, shall change the registered ownership on the books of a corporation from the decedent to the designated successor upon the presentation of an affidavit as provided in subsection A.

E. Upon the presentation of an affidavit as provided in subsection A, the designated successor may endorse or negotiate any small asset that is a check, draft, or other negotiable instrument that is payable to the decedent *or the decedent's estate*.

## CHAPTER 618

*An Act to amend and reenact § 29.1-100 of the Code of Virginia, relating to defining fisher as a fur-bearing animal.*

[H 2331]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 29.1-100 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 29.1-100. Definitions.**

As used in and for the purposes of this title only, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

"Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken, caught, or possessed during a period fixed by the Board.

"Board" means the Board of Game and Inland Fisheries.

"Closed season" means that period of time fixed by the Board during which wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

"Conservation police officers" means supervising officers, and regular and special conservation police officers.

"Department" means the Department of Game and Inland Fisheries.

"Director" means the Director of the Department of Game and Inland Fisheries.

"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon the inland waters of this Commonwealth.

"Fur-bearing animals" includes beaver, bobcat, *fisher*, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

"Game" means wild animals and wild birds that are commonly hunted for sport or food.

"Game animals" means deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.

"Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of Game and Inland Fisheries may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Muzzleloading pistol" means a firearm originally designed, made or intended to fire a projectile (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward end of the cylinder.

"Muzzleloading rifle" means a firearm firing a single projectile that is loaded along with the propellant from the muzzle of the gun.

"Muzzleloading shotgun" means a firearm with a smooth bore firing multiple projectiles that are loaded along with the propellant from the muzzle of the gun.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, or those species designated as such by regulations of the Board, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or fur-bearing animals, and (iii) those species protected by state or federal law.

"Open season" means that period of time fixed by the Board during which wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

"Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having one or more chambers as an integral part of or permanently aligned with the bore and a short stock at an angle to and extending below the line of the bore that is designed to be gripped by one hand.

"Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal, or any part of the carcass thereof.

"Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in any other activity permitted under this title, in and upon the lands and inland waters of this Commonwealth, has upon his person all the licenses, permits and stamps required by law.

"Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the provisions of this title.

"Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

"Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or a single projectile for each single pull of the trigger.

"Transportation" means the transportation, either upon the person or by any other means, of any wild animal or wild bird or fish.

"Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of this Commonwealth.

## CHAPTER 619

*An Act to amend and reenact § 38.2-1906 of the Code of Virginia, relating to insurance rates; limitation for renewal policies.*

[H 2357]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 38.2-1906 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 38.2-1906. Filing and use of rates.**

A. Each authorized insurer subject to the provisions of this chapter shall file with the Commission all rates and supplementary rate information and all changes and amendments to the rates and supplementary rate information made by it for use in the Commonwealth on or before the date they become effective.

In cases where the Commission has made a determination pursuant to § 38.2-1912 that competition is not an effective regulator of rates for a line or subclassification of insurance, such rates, supplementary rate information, changes and amendments to rates and supplementary rate information for that line or subclassification shall be filed in accordance with and shall be subject to the provisions of § 38.2-1912.

B. Each rate service organization licensed under § 38.2-1914 that has been designated by an insurer for the filing of prospective loss costs or supplementary rate information under § 38.2-1908 shall file with the Commission all prospective loss costs or supplementary rate information and all changes and amendments to the prospective loss costs or supplementary rate information made by it for use in the Commonwealth on or before the date they become effective. Prospective loss costs and supplementary rate information for insurance defined in § 38.2-119 must comply with the provisions of § 38.2-1912.1 prior to being used by an insurer in a filing establishing or changing its rate.

C. Prospective loss costs filings and supplementary rate information filed by rate service organizations shall not contain final rates, minimum premiums, or minimum premium rules.

D. No insurer shall make or issue an insurance contract or policy of a class to which this chapter applies, except in accordance with the rate and supplementary rate information filings that are in effect for the insurer.

E. For insurance as defined in § 38.2-119 any authorized insurer that does not rely on prospective loss costs or supplementary rate information filed by a rate service organization shall comply with the filing provisions of § 38.2-1912 as if competition was not an effective regulator of rates.

F. Except with respect to workers' compensation and employers' liability insurance as defined in § 38.2-119, and notwithstanding the provisions of subdivision A 3 of § 38.2-1904, nothing shall prohibit an insurer from filing with the Commission any rate or supplementary rate information that allows the insurer to limit for its renewal policies any rate increase that would otherwise be applicable to such policies. Such limitation shall apply for the period of time specified in the insurer's filing. Nothing shall prohibit such limitation from applying to policies (i) acquired by an insurer from another insurer pursuant to a written agreement of acquisition, merger, or sale that transfers all or part of the other insurer's book of business or (ii) transferred by an agent from one insurer to another insurer pursuant to an agent book of transfer.

## CHAPTER 620

*An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales and use tax; exemptions.*

[H 1648]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-609.1. Governmental and commodities exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the four-day period that begins each year on the Friday before the second Monday in October and ends at midnight on the second Monday in October.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this

exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. *On or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Gold, silver, or platinum bullion" does not include jewelry or works of art.*

## CHAPTER 621

*An Act to amend and reenact § 65.2-605.1 of the Code of Virginia, relating to workers' compensation; electronic billing and payment.*

[H 2384]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-605.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-605.1. Prompt payment; limitation on claims.**

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;
2. If the itemization is considered incomplete, all additional information required to make a decision; and
3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant after July 1, 2014, unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. Any health care provider located outside of the Commonwealth who provides health care services under the Act to a claimant shall be reimbursed as provided in this section, and the "same community," as used in subsection A of § 65.2-605, shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, then the location where the Commission hearing regarding the dispute is conducted.

H. *The Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, employers' workers' compensation insurance carriers, and providers of workers' compensation medical services shall be required, by a date determined by the Commission that is no earlier than July 1, 2016, and no later than December 31, 2018, to adopt and implement infrastructure under which (i) providers of workers' compensation medical services (providers) shall submit their billing, claims, case management, health records, and all supporting documentation electronically to employers or employers' workers' compensation insurance carriers, as applicable (payers) and (ii) payers shall return actual payment, claim status, and remittance information electronically to providers that submit their billing and required supporting documentation electronically. The Commission shall establish standards and methods for such electronic submissions and transactions that are consistent with International Association of Industrial Accident Boards and Commission Medical Billing and Payment guidelines. The Commission shall determine the date by which payers and providers shall be required to adopt and implement the infrastructure, which determinations shall be based on the volume and complexity of workers' compensation cases in which the payer or provider is involved, the resources of the payer or provider, and such other criteria as the Commission determines to be appropriate.*

## CHAPTER 622

*An Act to amend and reenact § 19.2-149 of the Code of Virginia, relating to surety on a bond; discharge from liability; magistrates.*

[H 2396]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-149 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged from liability.**

A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, or any magistrate shall issue a capias for the arrest of such principal, and such capias may be executed by such bail bondsman or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person executing such capias shall deliver such principal and such capias to the sheriff or jailer of the county or the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the principal subsequent thereto. Such sheriff, sergeant or jailer shall thereafter deliver such capias to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody. *If a magistrate issues a capias pursuant to this section, the magistrate shall transmit a copy of the capias to the court before which such principal's appearance is required by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.*

## CHAPTER 623

*An Act to amend and reenact §§ 13.1-604, 13.1-614, 13.1-615, 13.1-615.1, 13.1-618, 13.1-706, 13.1-710, 13.1-722.5, 13.1-722.7, 13.1-722.12, 13.1-722.13, 13.1-722.14, 13.1-754, 13.1-759, 13.1-760, 13.1-762, 13.1-766.1, 13.1-767, 13.1-769, 13.1-769.1, 13.1-804, 13.1-810.1, 13.1-813, 13.1-815, 13.1-818, 13.1-885, 13.1-898.5, 13.1-898.7, 13.1-916, 13.1-921, 13.1-922, 13.1-928.1, 13.1-929, 13.1-931, 13.1-931.1, 13.1-941.01 through 13.1-944, 13.1-944.5, 13.1-944.6, and 13.1-944.7 of the Code of Virginia, relating to the Virginia Stock and Nonstock Corporation Acts.*

[H 2176]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 13.1-604, 13.1-614, 13.1-615, 13.1-615.1, 13.1-618, 13.1-706, 13.1-710, 13.1-722.5, 13.1-722.7, 13.1-722.12, 13.1-722.13, 13.1-722.14, 13.1-754, 13.1-759, 13.1-760, 13.1-762, 13.1-766.1, 13.1-767, 13.1-769, 13.1-769.1, 13.1-804, 13.1-810.1, 13.1-813, 13.1-815, 13.1-818, 13.1-885, 13.1-898.5, 13.1-898.7, 13.1-916, 13.1-921, 13.1-922, 13.1-928.1, 13.1-929, 13.1-931, 13.1-931.1, 13.1-941.01 through 13.1-944, 13.1-944.5, 13.1-944.6, and 13.1-944.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 13.1-604. Filing requirements.**

A. A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to be filed with the Commission.

B. The document shall be one that this chapter requires or permits to be filed with the Commission.

C. The document shall contain the information required by this chapter. It may contain other information as well.

D. The document shall be typewritten or printed or, if electronically transmitted, shall be in a format that can be retrieved or reproduced in typewritten or printed form. The typewritten or printed portion shall be in black. Photocopies, or other reproduced copies, of typewritten or printed documents may be filed. In every case, information in the document shall be legible and the document shall be capable of being reformatted and reproduced in copies of archival quality.

E. The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals. The articles of incorporation, duly authenticated by the official having custody of corporate records in the state or country under whose law the corporation is incorporated, which are required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

F. The document shall be signed in the name of the domestic or foreign corporation:

1. By the chairman or any vice-chairman of the board of directors, the president, or any other of its officers authorized to act on behalf of the corporation;

2. If directors have not been selected or the corporation has not been formed, by an incorporator; or

3. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

G. Any annual report required to be filed by § 13.1-775 shall be signed in the name of the corporation by an officer or director listed in the report *or, if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.*

H. The person signing the document shall state beneath or opposite his signature his name and the capacity in which he signs. Any signature may be a facsimile. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

I. If, pursuant to any provision of this chapter, the Commission has prescribed a mandatory form for the document, the document shall be in or on the prescribed form.

J. The document shall be delivered to the Commission for filing and shall be accompanied by the required filing fee, and any franchise tax, charter or entrance fee or registration fee required by this chapter.

K. The Commission may accept the electronic filing of any information required or permitted to be filed by this chapter and may prescribe the methods of execution, recording, reproduction and certification of electronically filed information pursuant to § 59.1-496.

L. Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following provisions apply:

1. The plan or filed document shall specify the nationally recognized news or information medium in which the facts can be found or otherwise state the manner in which the facts can be objectively ascertained. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

2. The facts may include:

a. Any of the following that are available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates or similar economic or financial data;

b. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

c. The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

3. As used in this subsection:

a. "Filed document" means a document filed with the Commission under § 13.1-619 or Article 11 (§ 13.1-705 et seq.) or 12 (§ 13.1-715.1 et seq.) of this chapter; and

b. "Plan" means a plan of merger or share exchange.

4. The following terms of a plan or filed document may not be made dependent on facts outside the plan or filed document:

a. The name and address of any person required in a filed document;

b. The registered office of any entity required in a filed document;

c. The registered agent of any entity required in a filed document;

d. The number of authorized shares and designation of each class or series of shares;

e. The effective date of a filed document; and

f. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

5. If a term of a filed document is made dependent on a fact objectively ascertainable outside of the filed document, and that fact is not objectively ascertainable by reference to a source described in subdivision 2 a of this subsection or a document that is a matter of public record, or the affected shareholders have not received notice of the fact from the corporation, then the corporation shall file with the Commission articles of amendment setting forth the fact promptly after the time when the fact referred to is first objectively ascertainable or thereafter changes. Articles of amendment under this subdivision are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

6. The provisions of subdivisions 1, 2, and 5 of this subsection shall not be considered by the Commission in deciding whether the terms of a plan or filed document comply with the requirements of law.

#### **§ 13.1-614. Hearing and finality of Commission action; injunctions.**

A. The Commission shall have no power to grant a hearing with respect to any certificate issued by the Commission with respect to any articles filed with the Commission except on a petition by a shareholder filed with the Commission and the corporation within 30 days after the effective date of the certificate, in which the shareholder asserts that the certification of corporate action contained in the articles contains a misstatement of a material fact as to compliance with statutory requirements, specifying the particulars thereof. After hearing, on notice in writing to the corporation and the shareholder, the Commission shall determine the issues and revoke or refuse to revoke its order accordingly.

B. No court within or without the Commonwealth shall have jurisdiction to enjoin or delay the holding of any meeting of directors or shareholders for the purpose of authorizing or consummating any amendment, merger, share exchange, domestication, conversion or termination of corporate existence or the execution or filing with the Commission of any articles or other documents for such purpose, except pursuant to subsection D of § 13.1-661 or for fraud. No court within or without the Commonwealth, except the Supreme Court by way of appeal as authorized by law, shall have jurisdiction to review, reverse, correct or annul any action of the Commission, within the scope of its authority, with regard to any articles,

certificate, order, objection or petition, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the Commission in the performance of its official duties.

C. Notwithstanding any provision of subsection A to the contrary, the Commission shall have the power to act upon a petition filed by a corporation at any time to correct Commission records so as to eliminate the effects of clerical errors and of filings made by a person or persons without authority to act for the corporation, *or of its own motion to correct Commission records so as to eliminate the effects of clerical errors committed by its staff.*

**§ 13.1-615. Fees to be collected by Commission; application of payment; payment of fees prerequisite to Commission action; exceptions.**

A. The Commission shall assess the registration fees and shall charge and collect the filing fees, charter fees, and entrance fees imposed by law. The Commission shall have authority to certify to the Comptroller directing refund of any overpayment of a fee, or of any fee collected for a document that is not accepted for filing, at any time within one year from the date of its payment. When the Commission receives payment of an annual registration fee assessed against a domestic or foreign corporation, such payment shall be applied against any unpaid annual registration fees previously assessed against such corporation, including any penalties incurred thereon, beginning with the assessment or penalty that has remained unpaid for the longest period of time.

B. The Commission shall not file or issue with respect to any domestic or foreign corporation any document or certificate specified in this chapter, except the *annual* report required by § 13.1-775, a statement of change pursuant to § 13.1-635 or 13.1-764, and a statement of resignation pursuant to § 13.1-636 or 13.1-765, until all fees, fines, penalties, and interest assessed, imposed, charged, or to be collected by the Commission pursuant to this chapter or Title 12.1 have been paid by or on behalf of such corporation. Notwithstanding the foregoing, the Commission may file or issue any document or certificate with respect to a domestic or foreign corporation that has been assessed an annual registration fee if the document or certificate is filed or issued with an effective date that is on or before the due date of the corporation's annual registration fee payment in any year, provided that the Commission shall not issue a certificate of domestication with respect to a foreign corporation until the annual registration fee has been paid by or on behalf of that corporation.

C. ~~Any A domestic or foreign corporation that has ceased to exist in the Commonwealth because of the issuance of a certificate of termination of corporate existence, certificate of incorporation surrender or certificate of entity conversion or any foreign corporation that has obtained a certificate of withdrawal, effective on or before its annual report due date pursuant to subsection C of § 13.1-775 in any year, shall not be required to pay the registration fee for that year. Any domestic or foreign corporation that has merged, effective on or before its annual report due date pursuant to subsection C of § 13.1-775 in any year, into a surviving domestic corporation or into a surviving foreign corporation that files with the Commission an authenticated copy of the instrument of merger on or before such date, shall not be required to pay the registration fee for that year. Any foreign corporation that has converted, effective on or before its annual report due date pursuant to subsection C of § 13.1-775 in any year, to a different entity type that files with the Commission an authenticated copy of the instrument of entity conversion on or before such date, shall not be required to pay the annual registration fee for that assessed against it pursuant to subsection B of § 13.1-775.1 in any year if (i) the Commission issues or files any of the following types of certificate or instrument and (ii) the certificate or instrument is effective on or before the annual registration fee due date:~~

1. ~~A certificate of termination of corporate existence, a certificate of incorporation surrender, or a certificate of entity conversion for a domestic corporation;~~

2. ~~A certificate of withdrawal for a foreign corporation;~~

3. ~~A certificate of merger or an authenticated copy of an instrument of merger for a domestic or foreign corporation that has merged into a surviving domestic corporation or eligible entity or into a surviving foreign corporation or eligible entity; or~~

4. ~~An authenticated copy of an instrument of entity conversion for a foreign corporation that has converted to a different entity type.~~

The Commission shall cancel the *annual* registration fee assessments specified in this subsection that remain unpaid.

D. ~~Any A foreign corporation that has amended its articles of incorporation to reduce the number of shares it is authorized to issue, effective prior to its annual registration fee assessment date pursuant to subsection B of § 13.1-775.1 of a given year, and has timely filed an authenticated copy of the amendment with the Commission pursuant to § 13.1-760 after its annual registration fee assessment date pursuant to subsection B of § 13.1-775.1; shall have its annual registration fee reassessed to reflect the new number of authorized shares.~~

E. ~~Registration Annual registration fee assessments that have been paid shall not be refunded.~~

**§ 13.1-615.1. Charter and entrance fees for corporations.**

A. Every domestic corporation, upon the granting of its charter or upon domestication, shall pay a charter fee into the state treasury, and every foreign corporation, when it obtains from the State Corporation Commission a certificate of authority to transact business in the Commonwealth, shall pay an entrance fee into the state treasury. The fee in each case is to be ascertained and fixed as follows:

For any domestic or foreign corporation whose number of authorized shares is 1,000,000 or fewer shares - \$50 for each 25,000 shares or fraction thereof;

For any domestic or foreign corporation whose number of authorized shares is more than 1,000,000 shares - \$2,500.

B. For any foreign corporation that files articles of domestication and that had authority to transact business in the Commonwealth at the time of such filing, the charter fee to be charged upon domestication shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as an entrance fee by such corporation.

C. For any foreign corporation that files an application for a certificate of authority to transact business in the Commonwealth and that had previously surrendered its articles of incorporation as a domestic corporation, the entrance fee to be charged upon obtaining a certificate of authority to transact business in the Commonwealth shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as a charter fee by such corporation.

D. Whenever by articles of amendment or articles of merger, the number of authorized shares of any domestic or foreign corporation or of the surviving corporation is increased, the charter or entrance fee to be charged shall be an amount equal to the difference between the amount already paid as a charter or entrance fee by such corporation and the amount that would be required by this section to be paid if the increased number of authorized shares were being stated at that time in the original articles of incorporation.

E. *For any domestic limited liability company that files articles of entity conversion to become a domestic corporation and that had previously converted from a domestic corporation, the charter fee to be charged upon entity conversion shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as a charter fee by the domestic limited liability company when it was a domestic corporation.*

F. If no charter or entrance fee has been heretofore paid to the Commonwealth, the amount to be paid shall be the same as would have to be paid on original incorporation or application for authority to transact business.

**§ 13.1-618. Incorporators.**

One or more persons may act as *the incorporator or* incorporators of a corporation by signing and ~~file~~ *delivering* articles of incorporation ~~with to~~ the Commission *for filing*.

**§ 13.1-706. Amendment of articles of incorporation by directors.**

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder action:

1. To delete the names and addresses of the initial directors;
2. To delete the name ~~and address~~ of the initial registered agent or *the address of the initial* registered office, if a statement of change *described in § 13.1-635* is on file with the Commission;
3. If the corporation has only one class of shares outstanding:
  - a. To change each issued and unissued authorized share of the class into a greater number of whole shares of that class; or
  - b. To increase the number of authorized shares of the class to the extent necessary to permit the issuance of shares as a share dividend;
4. To eliminate or change the par value of the shares of any class or series;
5. To change the corporate name by substituting the word "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co." or "Ltd.," or a similar word or abbreviation in the name, or by adding, deleting, or changing a geographic attribution for the name;
6. ~~To make any other~~ *If the corporation has or will become a holding company under § 13.1-719.1, to change expressly permitted by this chapter to be made without shareholder action the corporate name to the former name of the constituent corporation; or*
7. If the corporation is registered as an open-end management investment company under the Investment Company Act of 1940, to increase or decrease the aggregate number of shares or ~~classes the number of shares of any class or series of~~ shares within any class that the corporation is authorized to issue; or
8. *To make any other change expressly permitted by this chapter to be made without shareholder action.*

**§ 13.1-710. Articles of amendment.**

A. A corporation amending its articles of incorporation shall file with the Commission articles of amendment setting forth:

1. The name of the corporation;
2. The text of each amendment adopted or the information required by subdivision L 5 of § 13.1-604;
3. If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself, which may be made dependent upon facts objectively ascertainable outside the articles of amendment in accordance with subsection L of § 13.1-604;
4. The date of each amendment's adoption;
5. If an amendment was adopted by ~~the incorporators or~~ the board of directors *or the incorporators* without shareholder approval, a statement that the amendment was duly approved by ~~the incorporators or~~ the board of directors *or by a majority of the incorporators*, as the case may be, including the reason shareholder *and, if applicable, director* approval was not required; *and*
6. If an amendment was approved by the shareholders, either:
  - a. A statement that the amendment was adopted by unanimous consent of the shareholders, or
  - b. A statement that the amendment was proposed by the board of directors and submitted to the shareholders in accordance with this chapter and a statement of:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the amendment;

(2) Either the total number of votes cast for and against the amendment by each voting group entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each voting group and a statement that the number cast for the amendment by each voting group was sufficient for approval by that voting group.

B. If the Commission finds that the articles of amendment comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of amendment.

**§ 13.1-722.5. Surrender of articles of incorporation upon domestication.**

A. Whenever a domestic corporation has adopted and approved, in the manner required by this article, a plan of domestication providing for the corporation to be domesticated under the laws of another jurisdiction, the corporation shall file with the Commission articles of incorporation surrender setting forth:

1. The name of the corporation;

2. ~~The corporation's new jurisdiction of incorporation in which the corporation is to be domesticated and the name of the corporation upon its domestication under the laws of that jurisdiction;~~

3. The plan of domestication;

4. A statement that the articles of incorporation surrender are being filed in connection with the domestication of the corporation as a foreign corporation to be incorporated under the laws of another jurisdiction and that the corporation is surrendering its charter under the laws of this Commonwealth;

5. A statement:

a. That the plan was adopted by the unanimous consent of the shareholders; or

b. That the plan was submitted to the shareholders by the board of directors in accordance with this chapter, and a statement of:

(1) The designation, number of outstanding shares and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group;

6. A statement that the ~~domestic~~ corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was incorporated in ~~this~~ the Commonwealth;

7. A mailing address to which the clerk may mail a copy of any process served on ~~him~~ the clerk under subdivision 6; and

8. A commitment *by the corporation* to notify the clerk of the Commission in the future of any change in the mailing address of the corporation.

B. If the Commission finds that the articles of incorporation surrender comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of incorporation surrender.

C. The corporation shall automatically cease to be a domestic corporation when the certificate of incorporation surrender becomes effective.

D. If the former domestic corporation intends to continue to transact business in the Commonwealth, then, within ~~thirty~~ 30 days after the effective date of the certificate of incorporation surrender, it shall deliver to the Commission an application for a certificate of authority to transact business in the Commonwealth pursuant to § 13.1-759 together with a copy of its instrument of domestication and articles of incorporation and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of corporate records in the state or country under whose laws it is incorporated or domesticated.

*E. Service of process on the clerk of the Commission is service of process on a former domestic corporation that has surrendered its charter pursuant to this section. Service on the clerk shall be made in accordance with § 12.1-19.1 and service on the former domestic corporation may be made in any other manner permitted by law.*

**§ 13.1-722.7. Abandonment of domestication.**

A. Unless *otherwise provided* in a plan of domestication of a domestic corporation ~~prohibits abandonment of the domestication without shareholder approval to become a foreign corporation~~, after the ~~domestication plan~~ has been ~~authorized approved and adopted as required by this article~~, and at any time before the certificate of ~~domestication~~ *domestication* filed in the ~~other jurisdiction~~ *other jurisdiction* incorporation surrender has become effective, the domestication may be abandoned *by the domestic corporation without further shareholder action by the shareholders in accordance with the procedure* any procedures set forth in the plan of domestication or, if ~~none~~ *is no such procedures* are set forth in the plan of domestication, in the manner determined by the board of directors.

B. If a domestication is abandoned under subsection A after articles of incorporation surrender have been filed with the Commission but before the certificate of incorporation surrender has become effective, written notice that the domestication has been abandoned in accordance with this section shall be filed with the Commission prior to the effective *time and* date of the certificate of incorporation surrender. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

C. If the domestication of a foreign corporation into ~~this~~ the Commonwealth is abandoned in accordance with the laws of the ~~foreign~~ *foreign* jurisdiction *in which the foreign corporation is incorporated* after articles of domestication have been filed

with the Commission but before the certificate of domestication has become effective ~~in this Commonwealth~~, written notice that the domestication has been abandoned shall be filed with the Commission prior to the effective *time and* date of the certificate of domestication. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

**§ 13.1-722.12. Articles of entity conversion.**

A. After the conversion of a corporation into a limited liability company has been adopted and approved as required by this article, the converting entity shall file with the Commission articles of entity conversion setting forth:

1. The name of the corporation immediately prior to the filing of the articles of entity conversion and the name to which the name of the corporation is to be changed, which name shall satisfy the requirements of the laws of this Commonwealth;

2. The plan of entity conversion, including the full text of the articles of organization of the surviving entity that comply with the requirements of Chapter 12 (§ 13.1-1000 et seq.) ~~of this title~~, as they will be in effect immediately after consummation of the conversion;

3. ~~A statement~~ *If the plan of entity conversion was adopted by the board of directors or the incorporators without shareholder approval, a statement that the plan was duly approved by the board of directors or by a majority of the incorporators, as the case may be, including the reason shareholder and, if applicable, director approval was not required; and*

4. *If the plan of entity conversion was approved by the shareholders, either:*

a. ~~That~~ *A statement that the plan was adopted by the unanimous consent of the shareholders; or*

b. ~~That~~ *A statement that the plan was submitted to the shareholders by the board of directors in accordance with this chapter, and a statement of:*

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

B. After the conversion of a limited liability company into a corporation has been adopted and approved as required by this article, the converting entity shall file with the Commission articles of entity conversion setting forth:

1. The name of the limited liability company immediately prior to the filing of the articles of entity conversion and the name to which the name of the limited liability company is to be changed, which name shall satisfy the requirements of § 13.1-630;

2. The plan of entity conversion, including the full text of the articles of incorporation of the surviving entity that comply with the requirements of this chapter, as they will be in effect immediately after the consummation of the conversion; and

3. A statement that the plan was adopted by the members of the limited liability company in the manner provided in the limited liability company's operating agreement or articles of organization for amendments, or, if no such provision is made in an operating agreement or articles of organization, by the unanimous vote of the members of the limited liability company.

C. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.

**§ 13.1-722.13. Effect of entity conversion.**

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the surviving entity without reversion or impairment;

2. The liabilities remain the liabilities of the surviving entity;

3. A ~~proceeding~~ pending *proceeding* may be continued by or against the surviving entity as if the conversion did not occur;

4. The articles of incorporation or articles of organization attached to the articles of conversion constitute the articles of incorporation or articles of organization of the surviving entity;

5. The shares or interests of the converting entity are reclassified into shares or interests in accordance with the plan of entity conversion; and the shareholders or members of the converting entity are entitled only to the rights provided in the plan of entity conversion or, in the case of a converting entity that is a corporation, to the rights, if any, they may have under subdivision A 5 of § 13.1-730; ~~and~~

6. The surviving entity is deemed to:

a. Be a corporation or limited liability company for all purposes;

b. Be the same corporation or limited liability company without interruption as the converting entity that existed prior to the conversion; ~~and~~

c. Have been incorporated or otherwise organized on the date that the converting entity was originally incorporated or organized; and

7. The converting entity shall cease to be a corporation or a limited liability company, as the case may be, when the certificate of entity conversion becomes effective.

*B. Any shareholder or member of a converting entity who, prior to the entity conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the entity conversion.*

**§ 13.1-722.14. Abandonment of entity conversion.**

A. Unless ~~otherwise provided in a plan of entity conversion of a corporation prohibits abandonment of the conversion without shareholder approval to become a limited liability company, after the conversion plan has been authorized approved and adopted as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the corporation without further shareholder action by the shareholders in accordance with the procedure any procedures set forth in the plan of entity conversion or, if none is no such procedures are set forth in the plan of entity conversion, in the manner determined by the board of directors.~~

B. Unless ~~the limited liability company's articles of organization, operating agreement or otherwise provided in a plan of entity conversion prohibits abandonment of the conversion of a limited liability company to become a corporation, after the conversion plan has been authorized approved and adopted as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned in the manner set forth in the plan of entity conversion or, if none is no such procedures are set forth in the plan of entity conversion, by majority a vote of the members, managers, or organizers of the limited liability company that is equal to or greater than the vote cast for entity conversion pursuant to subsection B of § 13.1-722.11.~~

C. If an entity conversion is abandoned under subsection A or B after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, written notice that the entity conversion has been abandoned in accordance with this section shall be filed with the Commission prior to the effective time and date of the certificate of entity conversion. The notice shall take effect upon filing and the entity conversion shall be deemed abandoned and shall not become effective.

**§ 13.1-754. Reinstatement of a corporation that has ceased to exist.**

A. A corporation that has ceased to exist *pursuant to this article* may apply to the Commission for reinstatement within five years thereafter unless the corporate existence was terminated by order of the Commission (i) upon a finding that the corporation has continued to exceed or abuse the authority conferred upon it by law or (ii) entered pursuant to § 13.1-749 and the circuit court's decree directing dissolution contains no provision for reinstatement of corporate existence. ~~The Commission shall enter an order reinstating the~~

*B. To have its corporate existence upon receiving an annual report together with payment of a reinstated, the corporation shall provide the Commission with the following:*

1. *An application for reinstatement, which shall include the identification number issued by the Commission to the corporation, and which may be in the form of a letter signed by an officer or director of the corporation, or which may be by affidavit signed by an agent of any shareholder's interests stating that after diligent search by such agent, no officer or director can be found;*

2. *A reinstatement fee of \$100 plus all;*

3. *All annual registration fees and penalties that were due before the corporation ceased to exist and that would have become due thereafter been assessed or imposed to the date of reinstatement if the corporation's existence had not ceased to exist been terminated;*

4. *An annual report need not be submitted if such a report previously was filed during for the calendar year in which reinstatement is sought. The application for reinstatement may be by letter signed by an officer or director of the corporation, or may be by affidavit signed by an agent of any shareholder's interests stating that after diligent search by such agent no officer or director can be found. The Commission shall assess the amounts that would have become due that corresponds to the calendar year of the latest annual registration fee that was assessed or that would have been assessed to the date of reinstatement;*

5. *If the name of the corporation does not comply with the provisions of § 13.1-630 at the time of reinstatement, articles of amendment to the articles of incorporation to change the corporation's name to a name that satisfies the provisions of § 13.1-630, with the fee required by this chapter for the filing of articles of amendment; and*

6. *If the corporation's registered agent has filed a statement of resignation and a new registered agent has not been appointed, a statement of change pursuant to § 13.1-635.*

C. *If the corporation complies with the provisions of this section, the Commission shall enter an order of reinstatement of corporate existence. Upon the entry by the Commission of an the order of reinstatement, the corporate existence shall be deemed to have continued from the date of termination of corporate existence as if the termination had never occurred, and any liability incurred by the corporation or a director, officer, or other agent after the termination of corporate existence and before the reinstatement shall be is determined as if the termination of corporate the corporation's existence had never occurred. If the name of a corporation that has ceased to exist is not distinguishable upon the records of the Commission, the reinstated corporation shall not engage in business until it has amended its articles of incorporation to change its name to a name that is distinguishable upon the records of the Commission.*

**§ 13.1-759. Application for certificate of authority.**

A. A foreign corporation may apply to the Commission for a certificate of authority to transact business in the Commonwealth. The application shall be made on forms prescribed and furnished by the Commission. The application shall set forth:

1. The name of the corporation, and if the corporation is prevented by § 13.1-762 from using its ~~own~~ name in the Commonwealth, a designated name that satisfies the requirements of subsection B of § 13.1-762;

2. The name of the state or other jurisdiction under whose law it is incorporated, and if the corporation was previously authorized or registered to transact business in the Commonwealth as a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership, with respect to every such prior authorization or registration, (i) the name of the entity; (ii) the entity type; (iii) the state or other jurisdiction of incorporation, organization, or formation; and (iv) the entity identification number issued to it by the Commission;

3. The date of incorporation and period of duration;

4. The street address of the foreign corporation's principal office;

5. The address of the proposed registered office of the foreign corporation in the Commonwealth (including both (i) the post office address with street and number, if any, and (ii) the name of the county or city in which it is located) and the name of its proposed registered agent in the Commonwealth at such address and that the registered agent is either (a) an individual who is a resident of Virginia and either an officer or director of the corporation or a member of the Virginia State Bar or (b) a domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, the business office of which is identical with the registered office;

6. The names and usual business addresses of the current directors and *principal* officers of the foreign corporation; and

7. The number of shares the corporation is authorized to issue, itemized by ~~classes and series, if any, within~~ a class.

B. The foreign corporation shall deliver with the completed application a copy of its articles of incorporation and all amendments thereto duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose law it is incorporated.

C. If the Commission finds that the application complies with the requirements of law and that all required fees have been paid, it shall issue a certificate of authority to transact business in the Commonwealth.

**§ 13.1-760. Amended certificate of authority.**

A. A foreign corporation authorized to transact business in this Commonwealth shall obtain an amended certificate of authority from the Commission ~~if~~:

1. *If it changes its corporate name or the state or ~~country~~ other jurisdiction of its incorporation; or*

2. *To abandon or change the designated name adopted by the corporation for use in the Commonwealth pursuant to subsection B of § 13.1-762.*

B. The requirements of § 13.1-759 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

C. Whenever the articles of incorporation of a foreign corporation that is authorized to ~~do~~ transact business in ~~Virginia~~ the Commonwealth are amended, within ~~thirty~~ 30 days after the amendment becomes effective, the foreign corporation shall file with the Commission a copy of such amendment duly authenticated by the Secretary of State or other official having custody of corporate records in the state or ~~country~~ other jurisdiction under whose law it is incorporated.

**§ 13.1-762. Corporate name of foreign corporation.**

A. No certificate of authority shall be issued to a foreign corporation unless the corporate name of such foreign corporation satisfies the requirements of § 13.1-630.

B. If the corporate name of a foreign corporation does not satisfy the requirements of § 13.1-630, to obtain or maintain a certificate of authority to transact business in the Commonwealth:

1. The foreign corporation may ~~add~~ use a designated name that adds the word "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "Ltd.," to its corporate name ~~for use in the Commonwealth or, if it is a professional corporation, the words "professional corporation" or "a professional corporation" or the initials "P.C." or "PC" at the end of its corporate name, if it informs the Commission of the designated name; or~~

2. If its real name is unavailable, the foreign corporation may use a designated name that is available, and that satisfies the requirements of § 13.1-630, if it informs the Commission of the designated name.

**§ 13.1-766.1. Merger of foreign corporation authorized to transact business in Commonwealth.**

A. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under whose laws it is incorporated, and such corporation is the surviving entity of the merger, it shall, within 30 days after such merger becomes effective, file with the Commission a copy of the instrument of merger duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose ~~laws such merger was effected~~ law it is incorporated; however, the filing shall not be required when a foreign corporation merges with a domestic corporation or eligible entity, the foreign corporation's articles of incorporation are not amended by said merger, and the articles or statement of merger filed on behalf of the domestic corporation or eligible entity pursuant to § 13.1-720, 13.1-1072, 13.1-1261, 50-73.48:3, or 50-73.131 contains a statement that the merger is permitted under the laws of the state or other jurisdiction in which the foreign corporation is incorporated and that the foreign corporation has complied with that law in effecting the merger.

B. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under the laws of which it is incorporated, and such corporation is not the surviving entity of the merger or, whenever such a foreign corporation is a party to a consolidation so permitted, the surviving or resulting domestic or foreign corporation, limited liability company, business trust, partnership or limited partnership shall, if not continuing to transact business in the Commonwealth, within 30 days after such merger or

consolidation becomes effective, deliver to the Commission a copy of the instrument of merger or consolidation duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose laws such merger or consolidation was effected ~~law it was incorporated~~, and comply in behalf of the predecessor corporation with the provisions of § 13.1-767. If a surviving or resulting corporation or limited liability company, business trust, registered limited liability partnership or limited partnership is to continue to transact business in the Commonwealth and has not received a certificate of authority to transact business in the Commonwealth or registered as a foreign limited liability company under § 13.1-1052, as a foreign business trust under § 13.1-1242, as a foreign registered limited liability partnership under § 50-73.138, or as a foreign limited partnership under § 50-73.54, then, within such 30 days, it shall deliver to the Commission an application, if a foreign corporation, for a certificate of authority to transact business in the Commonwealth, if a foreign limited liability company, for registration as a foreign limited liability company, if a foreign business trust, for registration as a foreign business trust, if a foreign registered limited liability partnership, for registration as a foreign registered limited liability partnership, or, if a foreign limited partnership, for registration as a foreign limited partnership, together with a duly authenticated copy of the instrument of merger or consolidation and also, in case of a merger, a copy of its articles of incorporation, certificate of limited partnership, partnership certificate, statement of registered limited liability partnership, articles of trust, or articles of organization and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of corporate, limited partnership, registered limited liability partnership, business trust, or limited liability company records in the state or other jurisdiction under whose laws it is incorporated, formed, registered, or organized.

C. Upon the merger or consolidation of a foreign corporation with one or more foreign corporations, partnerships, limited partnerships, business trusts, or limited liability companies, all property in the Commonwealth owned by any of the foreign corporations, partnerships, limited partnerships, business trusts, or limited liability companies shall pass to the surviving or resulting foreign corporation, limited liability company, business trust, or limited partnership except as otherwise provided by the laws of the state or other jurisdiction by which it is governed, but only from and after the time when a duly authenticated copy of the instrument of merger or consolidation is filed with the Commission.

**§ 13.1-767. Withdrawal of foreign corporation.**

A. A foreign corporation authorized to transact business in the Commonwealth may not withdraw from the Commonwealth until it obtains a certificate of withdrawal from the Commission.

B. A foreign corporation authorized to transact business in the Commonwealth may apply to the Commission for a certificate of withdrawal. The application shall be on a form prescribed and furnished by the Commission, which shall set forth:

1. The name of the foreign corporation and the name of the state or ~~country~~ *other jurisdiction* under whose law it is incorporated;

2. ~~That if applicable, a statement that the foreign corporation is in existence and has not been merged into or consolidated with another entity or converted into another type of entity or, if the foreign corporation has been merged into or consolidated with another entity or converted into another type of entity, that the application is signed on behalf of the foreign corporation by the surviving or resulting entity was a party to a merger permitted by the laws of the state or other jurisdiction under whose law it was incorporated and that it was not the surviving entity of the merger, has consolidated with another entity, or has converted to another type of entity under the laws of the state or other jurisdiction under whose law it was incorporated;~~

3. That the foreign corporation is not transacting business in the Commonwealth and that it surrenders its authority to transact business in the Commonwealth;

4. That the foreign corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in the Commonwealth;

5. A mailing address to which the clerk of the Commission may mail a copy of any process served on the clerk under subdivision 4; and

6. A commitment to notify the clerk of the Commission in the future of any change in the mailing address of the corporation.

C. The Commission shall not allow any foreign corporation to withdraw from the Commonwealth unless such corporation files with the Commission a statement certifying that the corporation has filed returns and has paid all state taxes to the time of the certificate *or a statement that no such returns are required to be filed or taxes are required to be paid*. In such case the corporation may file returns and pay taxes before they would otherwise be due. If the Commission finds that the application complies with the requirements of law and that all required fees have been paid, it shall issue a certificate of withdrawal.

D. Before any foreign corporation authorized to transact business in the Commonwealth terminates its corporate existence, it shall file with the Commission an application for withdrawal. Whether or not such application is filed, the termination of the corporate existence of such foreign corporation shall not take away or impair any remedy available against such corporation for any right or claim existing or any liability incurred prior to such termination. Any such action or proceeding against such foreign corporation may be defended by such corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. The right of a foreign corporation that has terminated its corporate existence to institute and

maintain in its corporate name actions, suits or proceedings in the courts of the Commonwealth shall be governed by the law of the state of its incorporation.

E. Service of process on the clerk of the Commission is service of process on a foreign corporation that has withdrawn pursuant to this section. Service upon the clerk shall be made in accordance with § 12.1-19.1 and service upon the foreign corporation may be made in any other manner permitted by law.

**§ 13.1-769. Involuntary revocation of certificate of authority.**

A. The certificate of authority to do business in the Commonwealth of any foreign corporation may be revoked by order of the Commission when it finds that the corporation:

1. Has continued to exceed the authority conferred upon it by law;
2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required by law;
3. Has failed to file any document required by this chapter to be filed with the Commission;
4. No longer exists under the laws of the state or country of its incorporation; or
5. Has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its officers and directors constituting a pattern or practice of employing unauthorized aliens in the Commonwealth.

A certificate revoked pursuant to subdivision A 5 shall not be eligible for ~~reentry~~ *reinstatement* for a period of not less than one year.

B. Any foreign corporation convicted of the offense listed in subdivision A 5 shall immediately report such conviction to the Commission and file with the Commission an authenticated copy of the judgment or record of conviction.

C. Before entering any such order the Commission shall issue a rule against the corporation giving it an opportunity to be heard and show cause why such an order should not be entered. The Commission may issue the rule on its own motion or on motion of the Attorney General.

D. The authority of a foreign corporation to transact business in the Commonwealth ceases on the date shown on the order revoking its certificate of authority.

E. The Commission's revocation of a foreign corporation's certificate of authority appoints the clerk of the Commission the foreign corporation's agent for service of process in any proceeding based on a cause of action arising during the time the foreign corporation was authorized to transact business in the Commonwealth. Service of process on the clerk of the Commission under this subsection is service on the foreign corporation and shall be made on the clerk in accordance with § 12.1-19.1.

F. Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

**§ 13.1-769.1. Reinstatement of a foreign corporation whose certificate of authority has been withdrawn or revoked.**

A. A foreign corporation whose certificate of authority ~~issued by the Commission to transact business in the Commonwealth~~ has been ~~surrendered~~ *withdrawn* or revoked may ~~apply to be relieved of the withdrawal or revocation and have its certificate of authority reinstated by the Commission for reentry~~ *within five years thereafter after the date of withdrawal or revocation unless the certificate of authority was revoked by order of the Commission upon a finding that the corporation has continued to exceed or abuse the authority conferred upon it by law pursuant to subdivision A 1 of § 13.1-769. The*

B. *To have its certificate of authority reinstated, a foreign corporation shall provide the Commission shall enter an order reentering the certificate of authority upon receiving an annual report, together with payment of a reentry with the following:*

1. *An application for reinstatement, which shall include the identification number issued by the Commission to the corporation, and which may be in the form of a letter signed by an officer or director of the corporation, or which may be by affidavit signed by an agent of any shareholder's interests stating that after diligent search by such agent, no officer or director can be found;*

2. *A reinstatement fee of \$100 plus all;*

3. *All annual registration fees and penalties that were due before the certificate of withdrawal was issued or the certificate of authority was surrendered or revoked and that would have become due thereafter been assessed or imposed to the date of reinstatement if the corporation had not withdrawn or had its certificate of authority surrendered or revoked. The application for reentry may be by letter signed by an officer or director of the corporation. A corporation need not refile a copy of its charter or any amendment thereof that is then on file in the office of the clerk of the Commission. After the authority of a foreign corporation to transact business in the Commonwealth has been surrendered or revoked, the clerk shall retain in the files of the clerk's office the charter and amendments thereto filed by the corporation and its original application for authority to transact business for a period of five years.;*

4. *An annual report for the calendar year that corresponds to the calendar year of the latest annual registration fee that was assessed or that would have been assessed to the date of reinstatement;*

5. *A duly authenticated copy of any amendments or corrections made to the articles of incorporation by a or other constituent documents of the foreign corporation and any mergers entered into by a the foreign corporation from the date of surrender withdrawal or revocation of its certificate of authority to the date of its application for reentry shall be filed with the application for reentry. reinstatement, along with an application for an amended certificate of authority if required as a result of an amendment or a correction, and all fees required by this chapter for the filing of such instruments;*

6. If the name of ~~a~~ the foreign corporation; ~~whose certificate of authority issued by the Commission has been surrendered or revoked, is not distinguishable upon the records of the Commission~~ *does not comply with the provisions of § 13.1-762 at the time application is made for reentry of reinstatement, such foreign corporation shall an application for an amended certificate of authority to adopt a designated name for use in the Commonwealth that is distinguishable upon the records of the Commission. Upon compliance satisfies the requirements of § 13.1-762, with the fee required by this chapter for the filing of an application for an amended certificate of authority; and*

7. *If the foreign corporation's registered agent has filed a statement of resignation and a new registered agent has not been appointed, a statement of change pursuant to § 13.1-764.*

*C. If the foreign corporation complies with the provisions of this section, the Commission shall enter an order ~~reentering~~ of reinstatement, reinstating the foreign corporation's certificate of authority to ~~do~~ transact business in the Commonwealth.*

**§ 13.1-804. Filing requirements.**

A. A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to be filed with the Commission.

B. The document shall be one that this Act requires or permits to be filed with the Commission.

C. The document shall contain the information required by this Act. It may contain other information as well.

D. The document shall be typewritten or printed or, if electronically transmitted, shall be in a format that can be retrieved or reproduced in typewritten or printed form. The typewritten or printed portion shall be in black. Photocopies, or other reproduced copies, of typewritten or printed documents may be filed. In every case, information in the document shall be legible and the document shall be capable of being reformatted and reproduced in copies of archival quality.

E. The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals. The articles of incorporation, duly authenticated by the official having custody of corporate records in the state or country under whose law the corporation is incorporated, which are required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

F. The document shall be signed in the name of the domestic or foreign corporation:

1. By the chairman or any vice-chairman of the board of directors, the president, or any other of its officers authorized to act on behalf of the corporation;

2. If directors have not been selected or the corporation has not been formed, by an incorporator; or

3. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

G. Any annual report required to be filed by § 13.1-936 shall be signed in the name of the corporation by an officer or director listed in the report *or, if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.*

H. The person signing the document shall state beneath or opposite his signature his name and the capacity in which he signs. Any signature may be a facsimile. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

I. If, pursuant to any provision of this Act, the Commission has prescribed a mandatory form for the document, the document shall be in or on the prescribed form.

J. The document shall be delivered to the Commission for filing and shall be accompanied by the required filing fee, and any charter or entrance fee or registration fee required by this Act.

K. The Commission may accept the electronic filing of any information required or permitted to be filed by this Act and may prescribe the methods of execution, recording, reproduction and certification of electronically filed information pursuant to § 59.1-496.

L. Whenever a provision of this Act permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following provisions apply:

1. The plan or filed document shall specify the nationally recognized news or information medium in which the facts may be found or otherwise state the manner in which the facts can be objectively ascertained. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

2. The facts may include:

a. Any of the following that are available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

b. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

c. The terms of or actions taken under an agreement to which the corporation is a party, or any other agreement or document.

3. As used in this subsection:

a. "Filed document" means a document filed with the Commission under § 13.1-819 or Article 10 (§ 13.1-884 et seq.) or 11 (§ 13.1-894 et seq.) of this Act; and

b. "Plan" means a plan of merger.

4. The following terms of a plan or filed document may not be made dependent on facts outside the plan or filed document:

- a. The name and address of any person required in a filed document;
- b. The registered office of any entity required in a filed document;
- c. The registered agent of any entity required in a filed document;
- d. The number of members and designation of each class of members;
- e. The effective date of a filed document; and
- f. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

5. If a term of a filed document is made dependent on a fact objectively ascertainable outside of the filed document and that fact is not objectively ascertainable by reference to a source described in subdivision 2a or to a document that is a matter of public record, or if the affected members have not received notice of the fact from the corporation, then the corporation shall file with the Commission articles of amendment setting forth the fact promptly after the time when the fact referred to is first objectively ascertainable or thereafter changes. Articles of amendment under this subdivision are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the members.

6. The provisions of subdivisions 1, 2, and 5 of this subsection shall not be considered by the Commission in deciding whether the terms of a plan or filed document comply with the requirements of law.

**§ 13.1-810.1. Number of members.**

A. For purposes of this Act, the following identified as a member in a corporation's current record of members constitutes one member:

1. Two or more ~~co-owners~~ *persons who together have a single membership interest in the corporation;*
2. A corporation, limited liability company, partnership, limited partnership, business trust, trust, estate, or other entity; or
3. The trustees, guardians, custodians, or other fiduciaries of a single trust, estate, or account.

B. For purposes of this Act, membership interests registered in substantially similar names constitute one member if it is reasonable to believe that the names represent the same person.

**§ 13.1-813. Hearing and finality of Commission action; injunctions.**

A. The Commission shall have no power to grant a hearing with respect to any certificate issued by the Commission with respect to any articles filed with the Commission except on a petition by a member or director, filed with the Commission and the corporation within 30 days after the effective date of the certificate, in which the member or director asserts that the certification of corporate action contained in the articles contains a misstatement of a material fact as to compliance with statutory requirements, specifying the particulars thereof. After hearing, on notice in writing to the corporation and the member or director, the Commission shall determine the issues and revoke or refuse to revoke its order accordingly.

B. No court within or without the Commonwealth shall have jurisdiction to enjoin or delay the holding of any meeting of directors or members for the purpose of authorizing or consummating any amendment, merger, domestication, or termination of corporate existence, or the execution or filing with the Commission of any articles or other documents for such purpose, except pursuant to subsection D of § 13.1-845 or for fraud. No court within or without the Commonwealth, except the Supreme Court by way of appeal as authorized by law, shall have jurisdiction to review, reverse, correct or annul any action of the Commission, within the scope of its authority, with regard to any articles, certificate, order, objection or petition, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the Commission in the performance of its official duties.

C. Notwithstanding any provision of subsection A to the contrary, the Commission shall have the power to act upon a petition filed by a corporation at any time to correct Commission records so as to eliminate the effects of clerical errors and of filings made by a person or persons without authority to act for the corporation, *or of its own motion to correct Commission records so as to eliminate the effects of clerical errors committed by its staff.*

**§ 13.1-815. Fees to be collected by Commission; payment of fees prerequisite to Commission action; exceptions.**

A. The Commission shall assess the registration fees and shall charge and collect the filing fees, charter fees and entrance fees imposed by law. The Commission shall have authority to certify to the Comptroller directing refund of any overpayment of a fee, or of any fee collected for a document that is not accepted for filing, at any time within one year from the date of its payment. When the Commission receives payment of an annual registration fee assessed against a domestic or foreign corporation, such payment shall be applied against any unpaid annual registration fees previously assessed against such corporation, including any penalties incurred thereon, beginning with the assessment or penalty that has remained unpaid for the longest period of time.

B. The Commission shall not file or issue with respect to any domestic or foreign corporation any document or certificate specified in this Act, except the *annual* report required by § 13.1-936, a statement of change pursuant to § 13.1-834 or 13.1-926, and a statement of resignation pursuant to § 13.1-835 or 13.1-927, until all fees, charges, fines, penalties, and interest assessed, imposed, charged, or to be collected by the Commission pursuant to this Act or Title 12.1 have been paid by or on behalf of such corporation. Notwithstanding the foregoing, the Commission may file or issue any document or certificate with respect to a domestic or foreign corporation that has been assessed an annual registration fee if the document or certificate is filed or issued with an effective date that is on or before the due date of the corporation's

annual registration payment in any year, provided that the Commission shall not issue a certificate of domestication with respect to a foreign corporation until the annual registration fee has been paid by or on behalf of that corporation.

C. ~~Any A domestic or foreign corporation that has ceased to exist in the Commonwealth because of the issuance of a certificate of termination of corporate existence or certificate of incorporation surrender or any foreign corporation that has obtained a certificate of withdrawal, effective on or before its annual report due date pursuant to subsection C of § 13.1-936 in any year, shall not be required to pay the registration fee for that year. Any domestic or foreign corporation that has merged, effective on or before its annual report due date pursuant to subsection C of § 13.1-936 in any year, into a surviving domestic corporation or into a surviving foreign corporation that files with the Commission an authenticated copy of the instrument of merger on or before such date, shall not be required to pay the annual registration fee for that assessed against it pursuant to subsection B of § 13.1-936.1 in any year if (i) the Commission issues or files any of the following types of certificate or instrument and (ii) the certificate or instrument is effective on or before the annual registration fee due date:~~

1. ~~A certificate of termination of corporate existence, a certificate of incorporation surrender, or a certificate of entity conversion for a domestic corporation;~~

2. ~~A certificate of withdrawal for a foreign corporation;~~

3. ~~A certificate of merger or an authenticated copy of an instrument of merger for a domestic or foreign corporation that has merged into a surviving domestic corporation or eligible entity, or into a surviving foreign corporation or eligible entity; or~~

4. ~~An authenticated copy of an instrument of entity conversion for a foreign corporation that has converted to a different entity type.~~

The Commission shall cancel the annual registration fee assessments specified in this subsection that remain unpaid.

D. ~~Registration~~ Annual registration fee assessments that have been paid shall not be refunded.

#### **§ 13.1-818. Incorporators.**

One or more persons may act as *the incorporator* or incorporators of a corporation by signing and ~~filing~~ *delivering* articles of incorporation ~~with~~ to the Commission for filing.

#### **§ 13.1-885. Amendment of articles of incorporation by directors.**

A. Where there are no members, or no members having voting rights, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of at least two-thirds of the directors in office. The board may adopt one or more amendments at any one meeting.

B. Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without member action:

1. To delete the names and addresses of the initial directors;

2. To delete the name ~~and address~~ of the initial registered agent or *the address of the initial* registered office, if a statement of change *described in § 13.1-834* is on file with the Commission;

3. To add, delete, or change a geographic attribution for the name; or

4. To make any other change expressly permitted by this Act to be made without member action.

#### **§ 13.1-898.5. Surrender of articles of incorporation upon domestication.**

A. Whenever a domestic corporation has adopted and approved, in the manner required by this article, a plan of domestication providing for the corporation to be domesticated under the laws of another jurisdiction, the corporation shall file with the Commission articles of incorporation surrender setting forth:

1. The name of the corporation;

2. ~~The corporation's new jurisdiction of incorporation in which the corporation is to be domesticated and the name of the corporation upon its domestication under the laws of that jurisdiction;~~

3. The plan of domestication;

4. A statement that the articles of incorporation surrender are being filed in connection with the domestication of the corporation as a foreign corporation to be incorporated under the laws of another jurisdiction and that the corporation is surrendering its charter under the laws of the Commonwealth;

5. Where the members of the corporation have voting rights, a statement:

a. That the plan was adopted by the unanimous consent of the members; or

b. That the plan was submitted to the members by the board of directors in accordance with this Act, and a statement of:

(1) The existence of a quorum of each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group;

6. Where the corporation has no members, or no members having voting rights, then a statement of that fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office;

7. A statement that the ~~domestic~~ corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was incorporated in the Commonwealth;

8. A mailing address to which the clerk may mail a copy of any process served on ~~him~~ *the clerk* under subdivision 7; and

9. A commitment *by the corporation* to notify the clerk of the Commission in the future of any change in the mailing address of the corporation.

B. If the Commission finds that the articles of incorporation surrender comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of incorporation surrender.

C. The corporation shall automatically cease to be a domestic corporation when the certificate of incorporation surrender becomes effective.

D. If the former domestic corporation intends to continue to transact business in the Commonwealth, then, within 30 days after the effective date of the certificate of incorporation surrender, it shall deliver to the Commission an application for a certificate of authority to transact business in the Commonwealth pursuant to § 13.1-921 together with a copy of its instrument of domestication and articles of incorporation and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of corporate records in the state or country under whose laws it is incorporated or domesticated.

E. *Service of process on the clerk of the Commission is service of process on a former domestic corporation that has surrendered its charter pursuant to this section. Service on the clerk shall be made in accordance with § 12.1-19.1 and service on the former domestic corporation may be made in any other manner permitted by law.*

**§ 13.1-898.7. Abandonment of domestication.**

A. Unless *otherwise provided in a plan of domestication of a domestic corporation* ~~prohibits abandonment of the domestication without member approval to become a foreign corporation~~, after the ~~domestication plan~~ *has been authorized approved and adopted as required by this article*, and at any time before the certificate of ~~domestication filed in the other jurisdiction~~ *incorporation surrender* has become effective, the domestication may be abandoned ~~by the domestic corporation without further member action by its members in accordance with the procedure~~ *any procedures set forth in the plan of domestication or, if none is no such procedures are set forth in the plan of domestication*, in the manner determined by the board of directors.

B. If a domestication is abandoned as provided under subsection A after articles of incorporation surrender have been filed with the Commission but before the certificate of incorporation surrender has become effective, written notice that the domestication has been abandoned in accordance with this section shall be filed with the Commission prior to the effective date of the certificate of incorporation surrender. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

C. If the domestication of a foreign corporation into the Commonwealth is abandoned in accordance with the laws of the ~~foreign jurisdiction in which the foreign corporation is incorporated~~ after articles of domestication have been filed with the Commission but before the certificate of domestication has become effective ~~in the Commonwealth~~, written notice that the domestication has been abandoned shall be filed with the Commission prior to the effective *time and* date of the certificate of domestication. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

**§ 13.1-916. Reinstatement of a corporation that has ceased to exist.**

A. A corporation that has ceased to exist *pursuant to this article* may apply to the Commission for reinstatement within five years thereafter unless the corporate existence was terminated by order of the Commission (i) upon a finding that the corporation has continued to exceed or abuse the authority conferred upon it by law or (ii) entered pursuant to § 13.1-911 and the circuit court's decree directing dissolution contains no provision of reinstatement of corporate existence. ~~The Commission shall enter an order reinstating the~~

B. ~~To have its corporate existence upon receiving an annual report together with payment of a reinstated, the corporation shall provide the Commission with the following:~~

1. ~~An application for reinstatement, which shall include the identification number issued by the Commission to the corporation, and which may be in the form of a letter signed by an officer or director of the corporation, or which may be by affidavit signed by an agent of any member's interests stating that after diligent search by such agent, no officer or director can be found;~~

2. A reinstatement fee of \$10 ~~plus all~~;

3. ~~All annual registration fees and penalties that were due before the corporation ceased to exist and that would have become due thereafter been assessed or imposed to the date of reinstatement if the corporation's existence had not ceased to exist been terminated;~~

4. ~~An annual report need not be submitted if such a report previously was filed during for the calendar year in which reinstatement is sought. The application for reinstatement may be by letter signed by an officer or director of the corporation or may be by affidavit signed by any member stating that after diligent search by such member no officer or director could be found. The Commission shall assess the amounts that would have become due. that corresponds to the calendar year of the latest annual registration fee that was assessed or that would have been assessed to the date of reinstatement;~~

5. ~~If the name of the corporation does not comply with the provisions of § 13.1-829 at the time of reinstatement, articles of amendment to the articles of incorporation to change the corporation's name to a name that satisfies the provisions of § 13.1-829, with the fee required by this chapter for the filing of articles of amendment; and~~

6. ~~If the corporation's registered agent has filed a statement of resignation and a new registered agent has not been appointed, a statement of change pursuant to § 13.1-834.~~

*C. If the corporation complies with the provisions of this section, the Commission shall enter an order of reinstatement of corporate existence. Upon the entry by the Commission of an order of reinstatement, the corporate existence shall be deemed to have continued from the date of termination of corporate existence as if termination had never occurred, and any liability incurred by the corporation or a director, officer, or other agent after the termination of corporate existence and before the reinstatement shall be determined as if the termination of corporate existence had never occurred. If the name of a corporation that has ceased to exist is not distinguishable upon the records of the Commission, the reinstated corporation shall not engage in business until it has amended its articles of incorporation to change its name to a name that is distinguishable upon the records of the Commission.*

**§ 13.1-921. Application for certificate of authority.**

A. A foreign corporation may apply to the Commission for a certificate of authority to transact business in the Commonwealth. The application shall be made on forms prescribed and furnished by the Commission. The application shall set forth:

1. The name of the corporation, and if the corporation is prevented by § 13.1-924 from using its own name in the Commonwealth, a designated name that satisfies the requirements of subsection B of § 13.1-924;

2. The name of the state or other jurisdiction under whose laws it is incorporated, and if the corporation was previously authorized or registered to transact business in the Commonwealth as a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership, with respect to every such prior authorization or registration, (i) the name of the entity; (ii) the entity type; (iii) the state or other jurisdiction of incorporation, organization, or formation; and (iv) the entity identification number issued to it by the Commission;

3. The date of incorporation and period of duration;

4. The street address of the foreign corporation's principal office;

5. The address of the proposed registered office of the foreign corporation in the Commonwealth, including both (i) the post office address with street and number, if any, and (ii) the name of the county or city in which it is located, and the name of its proposed registered agent in the Commonwealth at such address and that the registered agent is either (a) an individual who is a resident of Virginia and either an officer or director of the corporation or a member of the Virginia State Bar or (b) a domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, the business office of which is identical with the registered office; and

6. The names and usual business addresses of the current directors and principal officers of the foreign corporation.

B. The foreign corporation shall deliver with the completed application a copy of its articles of incorporation and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose laws it is incorporated.

C. If the Commission finds that the application complies with the requirements of law, and that all required fees have been paid, it shall issue a certificate of authority to transact business in the Commonwealth.

**§ 13.1-922. Amended certificate of authority.**

A. A foreign corporation authorized to transact business in the Commonwealth shall obtain an amended certificate of authority from the Commission if:

1. If it changes its corporate name or the state or ~~country~~ other jurisdiction of its incorporation; or

2. To abandon or change the designated name adopted by the corporation for use in the Commonwealth pursuant to subsection B of § 13.1-924.

B. The requirements of § 13.1-921 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

C. Whenever the articles of incorporation of a foreign corporation that is authorized to transact business in ~~Virginia~~ the Commonwealth are amended, within 30 days after the amendment becomes effective, the foreign corporation shall file with the Commission a copy of such amendment duly authenticated by the Secretary of State or other official having custody of corporate records in the state or ~~country~~ other jurisdiction under whose law it is incorporated.

**§ 13.1-928.1. Merger of foreign corporation authorized to transact business in Commonwealth.**

A. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under whose laws it is incorporated, and such corporation is the surviving entity of the merger, it shall, within 30 days after such merger becomes effective, file with the Commission a copy of the instrument of merger duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose ~~laws such merger was effected~~ law it is incorporated; however, the filing shall not be required when a foreign corporation merges with a domestic corporation, the foreign corporation's articles of incorporation are not amended by said merger, and the articles of merger filed on behalf of the domestic corporation pursuant to § 13.1-896 contain a statement that the merger is permitted under the laws of the state or other jurisdiction in which the foreign corporation is incorporated and that the foreign corporation has complied with that law in effecting the merger.

B. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under the laws of which it is incorporated, and such corporation is not the surviving entity of the merger or, whenever such a foreign corporation is a party to a consolidation so permitted, the surviving or resulting domestic or foreign corporation, limited liability company, business trust, partnership, or limited partnership shall, if not continuing to transact business in the Commonwealth, within 30 days after such merger or

consolidation becomes effective, deliver to the Commission a copy of the instrument of merger or consolidation duly authenticated by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose ~~laws such merger or consolidation was effected~~ *law it was incorporated* and comply in behalf of the predecessor corporation with the provisions of § 13.1-929. If a surviving or resulting corporation or limited liability company, business trust, partnership, or limited partnership is to continue to transact business in the Commonwealth and has not received a certificate of authority to transact business in the Commonwealth, within such 30 days, deliver to the Commission an application for a certificate of authority to transact business in the Commonwealth, together with a duly authenticated copy of the instrument of merger or consolidation and also, in case of a merger, a copy of its articles of incorporation and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of corporate records in the state or country under whose laws it is incorporated.

C. Upon the merger or consolidation of two or more foreign corporations any one of which owns property in the Commonwealth, all such property shall pass to the surviving or resulting corporation except as otherwise provided by the laws of the state by which it is governed, but only from the time when a duly authenticated copy of the instrument of merger or consolidation is filed with the Commission.

**§ 13.1-929. Withdrawal of foreign corporation.**

A. A foreign corporation authorized to transact business in the Commonwealth may not withdraw from the Commonwealth until it obtains a certificate of withdrawal from the Commission.

B. A foreign corporation authorized to transact business in the Commonwealth may apply to the Commission for a certificate of withdrawal. The application shall be on a form prescribed and furnished by the Commission and shall set forth:

1. The name of the foreign corporation and the name of the state or ~~country~~ *other jurisdiction* under whose laws it is incorporated;

2. ~~That If applicable, a statement that the foreign corporation is in existence and has not been merged into or consolidated with another entity or converted into another type of entity or, if the foreign corporation has been merged into or consolidated with another entity or converted into another type of entity, that the application is signed on behalf of the foreign corporation by the surviving or resulting entity was a party to a merger permitted by the laws of the state or other jurisdiction under whose law it was incorporated and that it was not the surviving entity of the merger, has consolidated with another entity, or has converted to another type of entity under the laws of the state or other jurisdiction under whose law it was incorporated;~~

3. That the foreign corporation is not transacting business in the Commonwealth and that it surrenders its authority to transact business in the Commonwealth;

4. That the foreign corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in the Commonwealth;

5. A mailing address to which the clerk of the Commission may mail a copy of any process served on him under subdivision 4; and

6. A commitment to notify the clerk of the Commission in the future of any change in the mailing address of the corporation.

C. The Commission shall not allow any foreign corporation to withdraw from the Commonwealth unless such corporation files with the Commission a statement certifying that the corporation has filed returns and has paid all state taxes to the time of the certificate or a statement that no such returns are required to be filed or taxes are required to be paid. In such case the corporation may file returns and pay taxes before they would otherwise be due. If the Commission finds that the application complies with the requirements of law and that all required fees have been paid, it shall issue a certificate of withdrawal.

D. Before any foreign corporation authorized to transact business in the Commonwealth terminates its corporate existence, it shall file with the Commission an application for withdrawal. Whether or not such application is filed, the termination of the corporate existence of such foreign corporation shall not take away or impair any remedy available against such corporation for any right or claim existing or any liability incurred prior to such termination. Any such action or proceeding against such foreign corporation may be defended by such corporation in its corporate name. The members, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. The right of a foreign corporation that has terminated its corporate existence to institute and maintain in its corporate name actions, suits or proceedings in the courts of the Commonwealth shall be governed by the law of the state of its incorporation.

E. Service of process on the clerk of the Commission is service of process on a foreign corporation that has withdrawn pursuant to this section. Service upon the clerk shall be made in accordance with § 12.1-19.1, and service upon the foreign corporation may be made in any other manner permitted by law.

**§ 13.1-931. Involuntary revocation of certificate of authority.**

A. The certificate of authority to transact business in the Commonwealth of any foreign corporation may be revoked by order of the Commission when it finds that the corporation:

1. Has continued to exceed the authority conferred upon it by law;

2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required by law;

3. Has failed to file any document required by this Act to be filed with the Commission;
4. No longer exists under the laws of the state or country of its incorporation; or
5. Has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its officers and directors constituting a pattern or practice of employing unauthorized aliens in the Commonwealth.

A certificate revoked pursuant to subdivision A 5 shall not be eligible for ~~reentry~~ *reinstatement* for a period of not less than one year.

B. Any foreign corporation convicted of the offense listed in subdivision A 5 shall immediately report such conviction to the Commission and file with the Commission an authenticated copy of the judgment or record of conviction.

C. Before entering any such order the Commission shall issue a rule against the corporation giving it an opportunity to be heard and show cause why such an order should not be entered. The Commission may issue the rule on its own motion or on motion of the Attorney General.

D. The authority of a foreign corporation to transact business in the Commonwealth ceases on the date shown on the order revoking its certificate of authority.

E. The Commission's revocation of a foreign corporation's certificate of authority appoints the clerk of the Commission the foreign corporation's agent for service of process in any proceeding based on a cause of action arising during the time the foreign corporation was authorized to transact business in the Commonwealth. Service of process on the clerk of the Commission under this subsection is service on the foreign corporation and shall be made on the clerk in accordance with § 12.1-19.1.

F. Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

**§ 13.1-931.1. Reinstatement of foreign corporation whose certificate of authority has been withdrawn or revoked.**

A. A foreign corporation whose certificate of authority ~~issued by the Commission to transact business in the Commonwealth has been surrendered~~ *withdrawn* or revoked may ~~apply to be relieved of the withdrawal or revocation and have its certificate of authority reinstated by the Commission for reentry~~ *within five years thereafter after the date of withdrawal or revocation unless the certificate of authority was revoked by order of the Commission upon a finding that the corporation has continued to exceed or abuse the authority conferred upon it by law pursuant to subdivision A 1 of § 13.1-931.*

~~The B. To have its certificate of authority reinstated, a foreign corporation shall provide the Commission shall enter an order reentering the certificate of authority upon receiving an annual report, together with payment of a reentry with the following:~~

1. *An application for reinstatement, which shall include the identification number issued by the Commission to the corporation, and which may be in the form of a letter signed by an officer or director of the corporation, or which may be by affidavit signed by an agent of any member's interests stating that after diligent search by such agent, no officer or director can be found;*

2. *A reinstatement fee of \$10 plus att;*

3. *All annual registration fees and penalties that were due before the certificate of withdrawal was issued or the certificate of authority was surrendered or revoked and that would have become due thereafter been assessed or imposed to the date of reinstatement if the corporation had not withdrawn or had its certificate of authority surrendered or revoked: The application for reentry may be by letter signed by an officer or director of the corporation. A corporation need not refile a copy of its charter or any amendment thereof that is then on file in the office of the clerk of the Commission. After the authority of a foreign corporation to transact business in the Commonwealth has been surrendered or revoked, the clerk shall retain in the files of his office the charter and amendments thereto filed by the corporation and its original application for authority to transact business for a period of five years.;*

4. *An annual report for the calendar year that corresponds to the calendar year of the latest annual registration fee that was assessed or that would have been assessed to the date of reinstatement;*

5. *A duly authenticated copy of any amendments or corrections made to the articles of incorporation by a or other constituent documents of the foreign corporation and any mergers entered into by a the foreign corporation from the date of surrender withdrawal or revocation of its certificate of authority to the date of its application for reentry shall be filed with the application for reentry; reinstatement, along with an application for an amended certificate of authority if required as a result of an amendment or a correction, and all fees required by this chapter for the filing of such instruments;*

6. *If the name of a the foreign corporation, whose certificate of authority issued by the Commission has been surrendered or revoked, is not distinguishable upon the records of the Commission does not comply with the provisions of § 13.1-924 at the time application is made for reentry, such foreign corporation shall of reinstatement, an application for an amended certificate of authority to adopt a designated name for use in the Commonwealth that is distinguishable upon the records of the Commission satisfies the requirements of § 13.1-924, with the fee required by this chapter for the filing of an application for an amended certificate of authority; and*

7. *If the foreign corporation's registered agent has filed a statement of resignation and a new registered agent has not been appointed, a statement of change pursuant to § 13.1-926.*

~~Upon compliance~~ *C. If the foreign corporation complies with the provisions of this section, the Commission shall enter an order reentering of reinstatement, reinstating the foreign corporation's certificate of authority to do transact business in the Commonwealth.*

**§ 13.1-941.01. Conversion to a domestic stock corporation.**

~~A domestic nonstock corporation may convert to a domestic stock corporation by filing with the Commission articles of amendment to its articles of incorporation, approved organized under Chapter 9 (§ 13.1-601 et seq.) in accordance with § 13.1-885 or § 13.1-886 the provisions of this article.~~

**§ 13.1-942. Articles of restatement.**

~~A. A corporation converting to a domestic stock corporation shall file with the Commission articles of amendment restatement in accordance with § 13.1-888 13.1-889.~~

~~B. The In addition to the information required by subsection D of § 13.1-889, if the corporation has one or more classes of members, the articles of amendment restatement shall set forth:~~

- ~~1. The name of the corporation, which satisfies the requirements of § 13.1-630;~~
- ~~2. The number of shares the corporation will be authorized to issue;~~
- ~~3. If more than one class of shares is to be authorized, the number of authorized shares of each class and a distinguishing designation for each class;~~
- ~~4. A provision or provisions, if any, defining or denying the preemptive right of shareholders to acquire unissued shares of the corporation;~~
- ~~5. A provision substituting the word "shareholders" or other appropriate language for "members" wherever "members" appears in the articles of incorporation;~~
- ~~6. Provisions not inconsistent with law which may be necessary to bring the corporation into compliance with (i) the manner and basis of converting the membership interests of each class of members of the corporation into shares or other securities, obligations, rights to acquire shares, or other securities, cash, other property, or any combination of the foregoing or (ii) a statement that the membership interests of the members will be canceled without consideration as a result of the corporation's conversion to a domestic stock corporation.~~

~~C. The articles of restatement shall set forth the text of the amended and restated articles of incorporation that comply with the requirements of Chapter 9 (§ 13.1-601 et seq.) of this title or which may be required for the regulation and governance of the corporation as a stock corporation; and~~

~~7. Such provisions, if any, which are permitted by § 13.1-619 to be included in articles of incorporation of a Virginia stock corporation as they will be in effect immediately upon the consummation of the conversion.~~

~~E. D. If the Commission finds that the articles of amendment restatement comply with the requirements of law and bring the articles of incorporation into compliance with the requirements for a Virginia stock corporation, and that all required fees have been paid, it shall issue a certificate of amendment restatement in accordance with § 13.1-889.~~

**§ 13.1-943. Fees.**

~~Upon the filing of the articles of amendment restatement to convert to a domestic stock corporation, in addition to the fees required by § 13.1-816 for filing articles of amendment restatement, a corporation shall also pay a fee equal to that required for a newly chartered stock corporation authorized to issue the same number of shares, as set forth in subsection A of § 13.1-615.1.~~

**§ 13.1-944. Effect of conversion.**

~~Upon the effective date of the certificate of amendment, the~~ *When a conversion under this article becomes effective:*

~~1. The corporation shall be converted to continues its existence as a domestic stock corporation; and thereafter be subject to the provisions of Chapter 9 (§ 13.1-601 et seq.) of this title;~~

~~B. 2. The directors of the corporation at the time of conversion shall continue in office until their terms expire and new directors are elected by the shareholders;~~

~~3. The title to all real estate and other property remains in the domestic stock corporation without reversion or impairment;~~

~~4. The liabilities remain the liabilities of the domestic stock corporation;~~

~~5. A pending proceeding may be continued by or against the domestic stock corporation as if the conversion did not occur;~~

~~6. The amended and restated articles of incorporation set forth in the articles of restatement shall constitute the articles of incorporation of the domestic stock corporation;~~

~~7. The membership interests, if any, of the corporation are reclassified into shares or other property, or canceled, in accordance with the articles of restatement, and the members of the corporation are entitled only to the rights provided in the articles of restatement;~~

~~8. The domestic stock corporation is deemed to:~~

~~a. Be a domestic stock corporation for all purposes;~~

~~b. Be the same corporation without interruption as the converting corporation that existed prior to the conversion; and~~

~~c. Have been incorporated on the date that the converting corporation was originally incorporated; and~~

~~9. The corporation shall cease to be a corporation organized under the provisions of this chapter.~~

*B. Any member of a corporation that converts to a domestic stock corporation who, prior to the conversion, was liable for the liabilities or obligations of the corporation is not released from those liabilities or obligations by reason of the conversion.*

**§ 13.1-944.5. Articles of entity conversion.**

A. After the conversion of a corporation into a limited liability company has been adopted and approved as required by this article, the converting entity shall file with the Commission articles of entity conversion setting forth:

1. The name of the corporation immediately prior to the filing of the articles of entity conversion and the name to which the name of the converting entity is to be changed, which name shall satisfy the requirements of the laws of the Commonwealth;

2. The plan of entity conversion, including the full text of the articles of organization of the resulting entity that comply with the requirements of Chapter 12 (§ 13.1-1000 et seq.), as they will be in effect immediately after consummation of the conversion;

3. A statement:

a. That the plan was adopted by the vote of at least two-thirds of the directors *in office*, including the reason member approval was not required;

b. That the plan was adopted by the unanimous consent of the members having voting rights; or

c. That the plan was proposed by the board of directors and submitted to the members in accordance with this chapter, and a statement of:

(1) The existence of a quorum of each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

B. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.

**§ 13.1-944.6. Effect of entity conversion.**

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the resulting entity without reversion or impairment;

2. The liabilities remain the liabilities of the resulting entity;

3. A ~~proceeding~~ pending *proceeding* may be continued by or against the resulting entity as if the conversion did not occur;

4. The articles of organization attached to the articles of entity conversion constitute the articles of organization of the resulting entity;

5. The membership interests, if any, of the corporation are reclassified into LLC membership interests in accordance with the plan of entity conversion, and the members of the corporation are entitled only to the rights provided in the plan of entity conversion;

6. The resulting entity is deemed to:

a. Be a limited liability company for all purposes;

b. Be the same entity without interruption as the converting entity that existed prior to the conversion; and

c. Have been organized on the date that the converting entity was originally incorporated; and

7. The corporation shall cease to be a corporation when the certificate of entity conversion becomes effective.

*B. Any member of a corporation that converts to a limited liability company who, prior to the conversion, was liable for the liabilities or obligations of the limited liability company is not released from those liabilities or obligations by reason of the entity conversion.*

**§ 13.1-944.7. Abandonment of entity conversion.**

A. Unless *otherwise provided* in a plan of entity conversion of a *domestic* corporation ~~prohibits abandonment of the conversion without member approval~~ to become a limited liability company, after the ~~conversion plan~~ *conversion plan* has been ~~authorized approved and adopted as required by this article~~, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by *the corporation* without ~~further member~~ *further member* action by the members in accordance with ~~the procedure~~ *any procedures* set forth in the plan of entity conversion or, if ~~none~~ *none* is no such procedures are set forth in the plan of entity conversion, in the manner determined by the board of directors.

B. If an entity conversion is abandoned under subsection A after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, written notice that the entity conversion has been abandoned in accordance with this section shall be filed with the Commission prior to the effective *time and* date of the certificate of entity conversion. The notice shall take effect upon filing and the entity conversion shall be deemed abandoned and shall not become effective.

## CHAPTER 624

*An Act to amend and reenact § 65.2-307 of the Code of Virginia, relating to the Virginia Workers' Compensation Act; exclusivity of remedies.*

[S 770]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-307 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-307. Employee's rights under Act exclude all others; exception.**

A. The rights and remedies herein granted to an employee when his employer and he have accepted the provisions of this title respectively to pay and accept compensation on account of injury or death by accident shall exclude all other rights and remedies of such employee, his personal representative, parents, dependents, or next of kin, at common law or otherwise, on account of such injury, loss of service, or death.

B. *If a court of the Commonwealth makes a finding in a final unappealed order based on an evidentiary hearing or a factual stipulation of the parties and participants thereto that the cause of action relating to an accident, injury, disease, or death is barred by this section, that finding shall be res judicata between those same parties and estop them and any employer, uninsured employer's fund, guarantee fund, responsible entities, or statutory employer from arguing before the Commission that the accident, injury, disease, or death did not arise out of and in the course of such employee's employment. If the Commission or a court on appeal from the Commission makes a finding in a final unappealed order based on an evidentiary hearing, hearing on the record, or a factual stipulation of the parties that the claims relating to an accident, injury, disease, or death did not arise out of or in the course of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court of the Commonwealth that the accident is barred by the exclusivity provisions of the Act. However, except in the case of a self-insured employer or business entity closely related to a party to the court proceeding, in order for the court finding to be res judicata as to a non-party, notice shall be provided in the same manner as allowed in subsection F of § 38.2-2206 or § 8.01-288 to any employer, uninsured employer's fund, guarantee fund, responsible entities, or statutory employer sought to be bound. In addition, any such entities so notified shall be given the same opportunity to be heard in that court proceeding as a party to the same, but limited to the issue of whether the accident, injury, disease, or death arose out of and in the course of the employee's employment. Failure to provide notice to any party to the court proceeding shall not affect the rights, privileges, or obligations of said parties thereto but shall affect only the applicability of this subsection and only as stated herein. Furthermore, the findings by either the Commission or the court under this subsection shall not prevent the parties and participants to those proceedings from raising or relying upon any and all other available defenses.*

C. Notwithstanding this exclusion, nothing in the Act shall bar an employer from voluntarily agreeing to pay an employee compensation above and beyond those benefits provided for in the Act. Nothing herein, however, shall be deemed to affect or alter any existing right or remedy of the employer or employee under the Act.

## CHAPTER 625

*An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoenas; electronic communication service or remote computing service; sealing.*

[S 919]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-10.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-10.2. Administrative subpoena issued for record from provider of electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications as required by § 19.2-70.3, to an attorney for the Commonwealth or the Attorney General pursuant to an administrative subpoena issued under this section.

1. In order to obtain such records or other information, the attorney for the Commonwealth or the Attorney General shall certify on the face of the subpoena that there is reason to believe that the records or other information being sought are relevant to a legitimate law-enforcement investigation concerning violations of §§ 18.2-47, 18.2-48, 18.2-49, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-374.1, and 18.2-374.1:1, former § 18.2-374.1:2, and § 18.2-374.3.

2. *Upon written certification by the attorney for the Commonwealth or the Attorney General that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the subpoena shall*

include a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person, other than an attorney to obtain legal advice, for a period of 30 days after the date on which the service provider responds to the subpoena.

3. On a motion made promptly by the electronic communication service or remote computing service provider, a court of competent jurisdiction may quash or modify the administrative subpoena if the records or other information requested are unusually voluminous in nature or if compliance with the subpoena would otherwise cause an undue burden on the service provider.

B. All records or other information received by an attorney for the Commonwealth *or the Attorney General* pursuant to an administrative subpoena issued under this section shall be used only for a reasonable length of time not to exceed 30 days and only for a legitimate law-enforcement purpose. Upon completion of the investigation, the records or other information held by the attorney for the Commonwealth *or the Attorney General* shall be destroyed if no prosecution is initiated. *The existence of such a subpoena shall be disclosed upon motion of an accused.*

C. No cause of action shall lie in any court against an electronic communication service or remote computing service provider, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of an administrative subpoena issued under this section.

D. Records or other information pertaining to a subscriber to or customer of such service means name, address, local and long distance telephone connection records, or records of session times and durations, length of service, including start date, and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service.

E. Nothing in this section shall require the disclosure of information in violation of any federal law.

## CHAPTER 626

*An Act to amend and reenact § 59.1-123 of the Code of Virginia, relating to the requirements for dealing in secondhand building materials; exemptions.*

[S 1204]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-123 of the Code of Virginia is amended and reenacted as follows:**

**§ 59.1-123. Exemptions from article.**

The provisions of this article shall not apply to:

1. The sale of secondhand material mentioned in § 59.1-117 taken from premises occupied by the owner, when sold by such owner on the premises, or the sale of such articles when purchased from a public utility corporation at its place of business or a governmental agency;

2. Scrap metal purchasers as provided in Article 4 (§ 59.1-136.1 et seq.);

3. Authorized scrap sellers;

4. Public utilities;

5. Public transportation companies;

6. Peddlers permitted under § 59.1-118;

7. Industrial and manufacturing companies;

8. Marine, automobile, and aircraft salvage and wrecking companies; ~~or~~

9. Governmental entities; *or*

10. *The donation of secondhand material mentioned in § 59.1-117 by the material's owner or the owner's contractor or subcontractor to a nonprofit corporation as defined in § 501(c)(3) of the U.S. Internal Revenue Code or the sale of such donated material by such a nonprofit corporation.*

## CHAPTER 627

*An Act to amend and reenact § 13.1-1019 of the Code of Virginia, relating to limited liability companies; liability of members.*

[S 1368]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 13.1-1019 of the Code of Virginia is amended and reenacted as follows:**

**§ 13.1-1019. Liability to third parties.**

Except as otherwise provided by this Code or as expressly provided in the articles of organization, no member, manager, organizer or other agent of a limited liability company, *regardless of whether the limited liability company has a single member or multiple members*, shall have any personal obligation for any liabilities of a limited liability company, whether such liabilities arise in contract, tort or otherwise, solely by reason of being a member, manager, organizer or agent

of a limited liability company. For the purposes of this section, a person to whom the rights of a member or manager are delegated as provided in § 13.1-1022 or § 13.1-1024 shall be deemed an agent of a limited liability company.

## CHAPTER 628

*An Act to amend and reenact § 30-209 of the Code of Virginia, relating to the scheduled expiration of the Commission on Electric Utility Regulation.*

[S 1466]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-209 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-209. Sunset.**

This chapter shall expire on July 1, ~~2015~~ 2018.

## CHAPTER 629

*An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales and use tax; exemptions.*

[S 1336]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-609.1. Governmental and commodities exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the four-day period that begins each year on the Friday before the second Monday in October and ends at midnight on the second Monday in October.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. *On or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Gold, silver, or platinum bullion" does not include jewelry or works of art.*

### CHAPTER 630

*An Act to authorize the issuance of special license plates for supporters of curing childhood cancer bearing the legend CURE CHILDHOOD CANCER.*

[H 1319]

Approved March 26, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. § 1. Special license plates for supporters of curing childhood cancer bearing the legend CURE CHILDHOOD CANCER.**

*On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of curing childhood cancer bearing the legend CURE CHILDHOOD CANCER.*

**2. That an emergency exists and this act is in force from its passage.**

### CHAPTER 631

*An Act to amend and reenact §§ 1-211.1, 8.01-217, 8.01-453, 8.01-454, 64.2-449, and 64.2-505 of the Code of Virginia, relating to circuit court clerk responsibilities.*

[H 1780]

Approved March 26, 2015

#### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 1-211.1, 8.01-217, 8.01-453, 8.01-454, 64.2-449, and 64.2-505 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 1-211.1. Courthouse; posting of notices.**

If any notice, summons, order, or other official document of any type is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is posted with other such documents ~~either on the public government website of the locality served by the court~~ where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both. *The requirement to post any notice, summons, order, or other official document of any type is satisfied if such notice, summons, order, or other official document is posted on the public government website of the locality served by the court or the website of the circuit court clerk.*

##### **§ 8.01-217. How name of person may be changed.**

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names.

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written findings stating the court's basis for granting the order.

E. The provisions of subsection D are jurisdictional and any order granting a change of name pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority to bring an independent action at any time to have such order declared void. If the attorney for the Commonwealth brings an independent action to have the order declared void, notice of the action shall be served upon the person who was granted a change of name who shall have 30 days after service to respond. If the person whose name was changed files a response objecting to having the order declared void, the court shall hold a hearing. If an order granting a change of name is declared void pursuant to this subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his name pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering the order or the order of conviction shall transmit a certified copy of the order to (i) the State Registrar of Vital Records, (ii) the Department of Motor Vehicles, (iii) the State Board of Elections, (iv) the Central Criminal Records Exchange, and (v) any agency or department of the Commonwealth that has issued a license to the person where such license utilizes the person's changed name, *if known to the court and identified in the court order*.

F. The order shall contain no identifying information other than the applicant's former name or names, new name, and current address. The clerk of the court shall spread the order upon the current deed book in his office, index it in both the old and new names, and transmit a certified copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange shall not be required of a person who changed his or her former name by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.

G. If the applicant shall show cause to believe that in the event his change of name should become a public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the chief judge of the circuit court may waive the requirement that the application be under oath or the court may order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and ~~shall not transmit~~ a certified copy ~~shall not be transmitted~~ to the State Registrar of Vital Records or the Central Criminal Records Exchange. ~~Upon receipt of~~ *At such time as a name change order is received* by the State Registrar of Vital Records, for a person born in ~~this~~ *the* Commonwealth, together with a proper request and payment of required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and

place of birth of the person whose name is changed, the full names of his parents, including the maiden name of the mother and, if such person has previously changed his name, his former name or names.

**§ 8.01-453. When and how payment or discharge entered on judgment docket.**

The fact of ~~payment or discharge, either in whole or in part,~~ *satisfaction* of any judgment so docketed, and if there is more than one defendant, by which defendant it was ~~paid or discharged~~ *satisfied*, shall be entered by the clerk in whose office the judgment is docketed whenever it appears from a certificate of the clerk of the court in which the judgment was rendered; that the judgment has been satisfied; ~~in whole or in part,~~ or upon the direction, in writing, of the judgment creditor or his duly authorized attorney or other agent.

**§ 8.01-454. Judgment, when paid, to be so noted by creditor.**

In all cases in which ~~payment or~~ *satisfaction* of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such ~~payment or~~ *satisfaction* by the defendant, ~~whether in whole or in part,~~ and if there is more than one defendant, by which defendant it was ~~paid or discharged~~ *satisfied*, to be entered within 30 days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. For any failure to do so within 90 days, or after 10 days' notice to do so by the judgment debtor or his agent or attorney, the judgment creditor shall be liable to a fine of \$100 and shall pay the filing cost of the release. The entry of ~~payment or~~ *satisfaction* shall be signed by the creditor or his duly authorized attorney or other agent and be attested by the clerk in whose office the judgment is docketed, or when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor.

**§ 64.2-449. Procedure in probate proceedings.**

A. In every probate proceeding, the court *or clerk* may require all testamentary papers of the testator be produced and may compel the production of the will of a testator that is in the custody of any person.

B. A summons may be served by an order of publication on any person interested in the probate of the will in accordance with § 8.01-316.

C. The court may appoint a guardian ad litem for any person interested in the probate of the will in accordance with § 8.01-9.

D. The record of the testimony given by witnesses in court on the motion to admit a will to probate and any out of court depositions of witnesses who cannot be produced at a jury trial may be admitted as evidence and given such weight as the jury deems proper.

**§ 64.2-505. When security not required.**

A. The court or clerk shall require a personal representative to furnish security. However, the court or clerk shall not require a personal representative to furnish security if:

1. All distributees of a decedent's estate or all beneficiaries under the decedent's will are personal representatives of that decedent's estate, whether serving alone or with others who are not distributees or beneficiaries; however, if all personal representatives of a testate decedent are entitled to file a statement in lieu of an accounting under § 64.2-1314, the security shall be required only upon the portion of their bond given in connection with the property passing to beneficiaries who are not personal representatives; or

2. The will waives security of an executor nominated therein.

B. Notwithstanding subsection A, upon the motion of a legatee, devisee, or distributee of an estate, or any person who has a pecuniary interest in an estate, ~~or upon motion of the court or clerk,~~ *may require* the personal representative ~~may be required~~ to furnish security. A copy of such motion shall be served upon the personal representative. The court shall conduct a hearing on the motion and may require the personal representative to furnish security in an amount it deems sufficient and may award the movant reasonable attorney fees and costs which shall be paid out of the estate.

C. This section shall be deemed to permit qualification without security where the personal representative is the only distributee or only beneficiary by virtue of one or more instruments of disclaimer filed prior to, or at the time of, such personal representative's qualification.

## CHAPTER 632

*An Act to amend and reenact §§ 19.2-244 and 19.2-247 of the Code of Virginia, relating to venue in criminal cases.*

[H 1927]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-244 and 19.2-247 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-244. Venue in general.**

A. Except as otherwise provided by law, the prosecution of a criminal case shall be had in the county or city in which the offense was committed. Except as to motions for a change of venue, all other questions of venue must be raised before verdict in cases tried by a jury and before the finding of guilty in cases tried by the court without a jury.

*B. If an offense has been committed within the Commonwealth and it cannot readily be determined within which county or city the offense was committed, venue for the prosecution of the offense may be had in the county or city (i) in which the defendant resides or (ii) if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended.*

**§ 19.2-247. Venue in certain homicide cases.**

Where evidence exists that a homicide has been committed either within or without ~~this~~ the Commonwealth, under circumstances ~~which~~ that make it unknown where such crime was committed, the ~~offense~~ homicide and any related offenses shall be amenable to prosecution in the courts of the county or city where the body or any part thereof of the victim may be found or, if the victim was removed from the Commonwealth for medical treatment prior to death and died outside the Commonwealth, in the courts of the county or city from which the victim was removed for medical treatment prior to death, as if the offense has been committed in such county or city. In a prosecution for capital murder pursuant to subdivision 8 of § 18.2-31, the offense may be prosecuted in any jurisdiction in the Commonwealth in which any one of the killings may be prosecuted.

**CHAPTER 633**

*An Act to amend and reenact §§ 8.01-600 and 8.01-606 of the Code of Virginia, relating to payment of funds into general district court or circuit court.*

[H 2048]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-600 and 8.01-606 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-600. How money under control of court deposited; record kept; liability of clerk.**

A. This section pertains only to money held by the clerk of the circuit court, when the court orders moneys to be held by the clerk pursuant to this section. *Where judgment is taken in the circuit court, upon motion of a party for good cause shown, the court may enter an order directing the clerk to hold moneys pursuant to this section.* The clerk shall have the duty, unless it is otherwise specially ordered, to receive, take charge of, hold or invest in such manner as the court orders and also to pay out or dispose of these moneys as the court orders or decrees. To this end, the clerk is authorized to verify, receive, and give acquittances for all such moneys as the court may direct.

B. Orders creating funds pursuant to this section or § 8.01-582 shall include information necessary to make prudent investment and disbursement decisions. The orders shall include, except when it is unreasonable, the proposed dates of periodic and final disbursements. Prior to the entry of the order, the beneficiary or his representative shall file an affidavit with the court providing the beneficiary's name, date of birth, address and social security number. The affidavit shall be maintained under seal by the clerk unless otherwise ordered by the court, and the information therein shall be used solely for the purposes of financial management and reporting.

Unless otherwise ordered by the court, the provisions of this section shall not apply to:

1. Cash or other money received in lieu of surety on any bond posted in any civil or criminal case, including but not limited to bail bonds, appeal bonds in appeals from a district court or circuit court, bonds posted in connection with the filing of an attachment, detinue seizure or distress, suspending bonds, and performance bonds;

2. Cash or other money paid or deposited in the clerk's office prior to final disposition of the case, including but not limited to interpleaders or eminent domain; or

3. Cash or other money deposited in lieu of surety on any bond posted in the clerk's office which is not posted in connection with any civil or criminal case, including bonds posted by executors or administrators.

C. All deposits under this section shall be secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

D. Moneys held pursuant to this section shall be invested in certificates of deposit and time deposits, and in accordance with the provisions of Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2 as ordered by the court.

E. Any interest which accrues on the funds, minus allowable fees and bond costs, shall be credited and payable to the person or persons entitled to receive such funds. The court may order the clerk to consolidate for investment purposes money received under this section, with income received hereunder to be apportioned among the several accounts.

F. Except as otherwise ordered by the court, for good cause shown, the clerk shall be liable for any loss of income which results from his (i) failure to invest the money within sixty days of the court order creating the fund or (ii) failure to pay out any money so ordered by the court within sixty days of the court order. He shall be charged with interest from the date of the court order until such investment or payment is made.

G. The clerk shall keep an accurate and particular account of all moneys received, invested, and paid out by him, showing the respective amounts to the credit of each case in the court and designating in the items the judgments, orders or decrees of court under which the respective sums have been received, invested or paid out. At least annually and no later than October 1 of each year, the clerk shall make a report to the court showing the balance to the credit of each case in the court in which money has been received by him, the manner in which money has been received by him, the manner in which it is invested, the amounts received, invested or paid out during the year ending June 30 of the current year, the approximate date on which the moneys held for the beneficiaries will become payable, and the whole amount then invested and subject

to the future order of the court. A copy of this report shall be recorded in the trust fund order book. The clerk shall, at any time when required by the court or the Auditor of Public Accounts to do so, furnish a statement of the amount subject to the order of the court in any case pending therein and any other information required by the court or the Auditor of Public Accounts as to any money or other property under his control before the court. When the clerk receives funds under this section, he shall be entitled to receive fees in accordance with § 17.1-287 in the amounts as specified for general receivers in § 8.01-589.

H. All moneys received under this section are subject to audit by the Auditor of Public Accounts.

**§ 8.01-606. Payment of small amounts to certain persons through court without intervention of fiduciary; authority of commissioners of accounts; certain fiduciaries exempt from accountings.**

A. Whenever there is due to any person, any sum of money from any source, not exceeding \$25,000, the fund may be paid into the circuit court of the county or city in which the fund became due or such person resides. The court may, by an order entered of record, (i) pay the fund to the person to whom it is due, if the person is considered by the court competent to expend and use the same in his behalf, or (ii) pay the fund to some other person who is considered competent to administer it, for the benefit of the person entitled to the fund, without the intervention of a fiduciary, whether the other person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the person to whom the money is paid, which shall show the source from which it was derived, the amount, to whom it belongs, and when and to whom it was paid. The receipt shall be signed and acknowledged by the person receiving the money, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. Upon the payment into court the person owing the money shall be discharged of such obligation. No bond shall be required of the party to whom the money is paid by the court.

B. Whenever (i) it appears to the court having control of a fund, tangible personal property or intangible personal property or supervision of its administration, whether a suit is pending therefor or not, that a person under a disability who has no fiduciary, is entitled to a fund arising from the sale of lands for a division or otherwise, or a fund, tangible personal property or intangible personal property as distributee of any estate, or from any other source, (ii) a judgment, decree, or order for the payment of a sum of money or for delivery of tangible personal property or intangible personal property to a person under a disability who has no fiduciary is rendered by any court, and the amount to which such person is entitled or the value of the tangible personal property or intangible personal property is not more than \$25,000, or (iii) a person under a disability is entitled to receive payments of income, tangible personal property or intangible personal property and the amount of the income payments is not more than \$25,000 in any one year, or the value of the tangible personal property is not more than \$25,000, or the current market value of the intangible personal property is not more than \$25,000, the court may, without the intervention of a fiduciary, cause such fund, property or income to be paid or delivered to any person deemed by the court capable of properly handling it, to be used solely for the education, maintenance and support of the person under a disability. In any case in which an infant is entitled to such fund, property or income, the court may, upon its being made to appear that the infant is of sufficient age and discretion to use the fund, property or income judiciously, cause the fund to be paid or delivered directly to the infant.

C. *Where judgment is taken in the general district court, upon motion of a party for good cause shown, the general district court judge may enter an order directing the clerk of the general district court to hold such funds in escrow for a period not to exceed 180 days to enable such party to file a petition pursuant to § 8.01-600 requesting that such funds be received and held by the clerk of the circuit court upon payment of fees in accordance with § 17.1-275. The party petitioning the circuit court shall provide the clerk of the general district court a certified copy of any order entered by the circuit court directing that such funds held by the clerk of the general district court be transferred to the clerk of the circuit court. If no such order is received by the clerk of the general district court within the 180-day period, the clerk of the general district court shall give notice to the parties that such funds shall be disbursed to the plaintiff for which judgment was entered in the general district court within 30 days after such notice.*

D. Whenever a person is entitled to a fund or such property distributable by a fiduciary settling his accounts before the commissioner of accounts of the court in which the fiduciary qualified, and the amount or value of the fund or property, or the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority herein conferred upon a court including exemption from filing further accounts where the value of the fund being administered is less than \$25,000.

~~D. E.~~ Whenever an incapacitated person or infant is entitled to a fund or such property distributable by a fiduciary settling accounts before the commissioner of accounts of the court in which the fiduciary qualified and the will or trust instrument under which the fiduciary serves, authorizes the fiduciary to distribute the property or fund to the incapacitated person or infant without the intervention of a guardian, conservator or committee, and the amount or value of such fund or property, or the value of any combination thereof, is not more than \$25,000, the commissioner of accounts may approve distribution thereof in the same manner and to the extent of the authority hereinabove conferred upon a court or judge thereof.

~~E. F.~~ Whenever a fiduciary is administering funds not exceeding \$25,000, the circuit court of the county or city in which the fund is being administered by order entered of record may authorize the fiduciary, when considered competent to administer the funds, to continue to administer the funds for the benefit of the person entitled to the fund without the necessity of filing any further accounts, whether such person resides within or without this Commonwealth. The clerk of the court shall take a receipt from the fiduciary, which shall show the amount of the fund remaining, to whom it belongs, and

the date the court entered the order exempting the filing of further accounts. The receipt shall be signed and acknowledged by the fiduciary, and entered of record in the book in the clerk's office in which the current fiduciary accounts are entered and indexed. No surety shall be required on the bond of a fiduciary granted an exemption from filing any further accounts.

## CHAPTER 634

*An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to obtaining records concerning electronic communication service or remote computing service; real-time location data.*

[H 2355]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2 through 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. *A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.*

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the

owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;

3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or

4. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. When so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

## CHAPTER 635

*An Act to amend and reenact § 19.2-271 of the Code of Virginia, relating to testimony of certain judicial personnel.*

[S 794]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-271 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-271. Certain judicial officers incompetent to testify under certain circumstances; exceptions (Supreme Court Rule 2:605 derived from this section).**

No judge shall be competent to testify in any criminal or civil proceeding as to any matter which came before him in the course of his official duties.

~~No~~ Except as otherwise provided in this section, no clerk of any court, magistrate, or other person having the power to issue warrants, shall be competent to testify in any criminal or civil proceeding; ~~except proceedings wherein the defendant is charged with perjury~~, as to any matter which came before him in the course of his official duties. Such person shall be competent to testify in any criminal proceeding wherein the defendant is charged *with perjury* or pursuant to the provisions of § 18.2-460 or in any proceeding authorized pursuant to § 19.2-353.3. Notwithstanding any other provision of this section, any judge, clerk of any court, magistrate, or other person having the power to issue warrants, who is the victim of a crime, shall not be incompetent solely because of his office to testify in any criminal or civil proceeding arising out of the crime.

## CHAPTER 636

*An Act to amend and reenact § 2.2-4024 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 40 of Title 2.2 a section numbered 2.2-4024.1, relating to the Administrative Process Act; disqualification of a hearing officer.*

[S 927]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4024 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 40 of Title 2.2 a section numbered 2.2-4024.1 as follows:**

**§ 2.2-4024. Hearing officers.**

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and

3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer ~~shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing~~ *appointed in accordance with this section shall be subject to disqualification as provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1, the petitioning party may request reconsideration of the denial by filing a written request with the Executive Secretary along with an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.*

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary ~~of the Supreme Court.~~

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within 90 days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection

D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Alcoholic Beverage Control Board, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

**§ 2.2-4024.1. Disqualification.**

A. *An individual who has served as investigator, prosecutor, or advocate at any stage in a contested case or who is subject to the authority, direction, or discretion of an individual who has served as investigator, prosecutor, or advocate at any stage in a contested case may not serve as the presiding officer or hearing officer in the same case. An agency head who has participated in a determination of probable cause or other preliminary determination in an adjudication may serve as the presiding officer in the adjudication unless a party demonstrates grounds for disqualification under subsection B.*

B. *A presiding officer or hearing officer is subject to disqualification for any factor that would cause a reasonable person to question the impartiality of the presiding officer or hearing officer, which may include bias, prejudice, financial interest, or ex parte communications; however, the fact that a hearing officer is employed by an agency as a hearing officer, without more, is not grounds for disqualification. The presiding officer or hearing officer, after making a reasonable inquiry, shall disclose to the parties all known facts related to grounds for disqualification that are material to the impartiality of the presiding officer or hearing officer in the proceeding. The presiding officer or hearing officer may self-disqualify and withdraw from any case for reasons listed in this subsection.*

C. *A party may petition for the disqualification of the presiding officer or hearing officer promptly after notice that the person will preside or, if later, promptly on discovering facts establishing a ground for disqualification. The petition must state with particularity the ground on which it is claimed that a fair and impartial hearing cannot be accorded or the applicable rules of ethics that require disqualification. The petition may be denied if the party fails to promptly request disqualification after discovering a ground for disqualification.*

D. *A presiding officer not appointed pursuant to the provisions of § 2.2-4024, whose disqualification is requested shall decide whether to grant the petition and state in a record the facts and reasons for the decision. The decision to deny disqualification by a hearing officer appointed pursuant to § 2.2-4024 shall be reviewable according to the procedure set forth in subsection C of § 2.2-4024. In all other circumstances, the presiding officer's or hearing officer's decision to deny disqualification is subject to judicial review in accordance with this chapter, but is not otherwise subject to interlocutory review.*

## CHAPTER 637

*An Act to amend and reenact §§ 19.2-244 and 19.2-247 of the Code of Virginia, relating to venue in criminal cases.*

[S 1290]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-244 and 19.2-247 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-244. Venue in general.**

A. Except as otherwise provided by law, the prosecution of a criminal case shall be had in the county or city in which the offense was committed. Except as to motions for a change of venue, all other questions of venue must be raised before verdict in cases tried by a jury and before the finding of guilty in cases tried by the court without a jury.

B. *If an offense has been committed within the Commonwealth and it cannot readily be determined within which county or city the offense was committed, venue for the prosecution of the offense may be had in the county or city (i) in which the defendant resides; (ii) if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended; or (iii) if the defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, in which any related offense was committed.*

**§ 19.2-247. Venue in certain homicide cases.**

Where evidence exists that a homicide has been committed either within or without ~~this~~ the Commonwealth, under circumstances ~~which~~ that make it unknown where such crime was committed, the ~~offense~~ *homicide and any related offenses*

shall be amenable to prosecution in the courts of the county or city where the body *or any part thereof* of the victim may be found or, if the victim was removed from the Commonwealth for medical treatment prior to death and died outside the Commonwealth, in the courts of the county or city from which the victim was removed for medical treatment prior to death, as if the offense has been committed in such county or city. In a prosecution for capital murder pursuant to subdivision 8 of § 18.2-31, the offense may be prosecuted in any jurisdiction in the Commonwealth in which any one of the killings may be prosecuted.

### CHAPTER 638

*An Act to amend the Code of Virginia by adding a section numbered 2.2-4020.2, relating to the Virginia Administrative Process Act; default by nonappearing party.*

[S 928]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-4020.2 as follows:**

**§ 2.2-4020.2. Default.**

A. *Unless otherwise provided by law, if a party without good cause fails to attend or appear at a formal hearing conducted in accordance with § 2.2-4020, or at an informal fact-finding proceeding conducted pursuant to § 2.2-4019, the presiding officer may issue a default order.*

B. *A default order shall not be issued by the presiding officer unless the party against whom the default order is entered has been sent the notice that contains a notification that a default order may be issued against that party if that party fails without good cause to attend or appear at the hearing or informal fact-finding proceeding that is the subject of the notice.*

C. *If a default order is issued, the presiding officer may conduct all further proceedings necessary to complete the adjudication without the defaulting party and shall determine all issues in the adjudication, including those affecting the defaulting party.*

D. *A recommended, initial, or final order issued against a defaulting party may be based on the defaulting party's admissions or other evidence that may be used without notice to the defaulting party. If the burden of proof is on the defaulting party to establish that the party is entitled to the agency action sought, the presiding officer may issue a recommended, initial, or final order without taking evidence.*

E. *Not later than 15 days after notice to a party subject to a default order that a recommended, initial, or final order has been rendered against the party, the party may petition the presiding officer to vacate the recommended, initial, or final order. If good cause is shown for the party's failure to appear, the presiding officer shall vacate the decision and, after proper service of notice, conduct another evidentiary hearing. If good cause is not shown for the party's failure to appear, the presiding officer shall deny the motion to vacate.*

F. *The provisions of this section shall not apply to any administrative hearings process that is governed by § 32.1-325.1 relating to provider appeals.*

### CHAPTER 639

*An Act to amend and reenact § 8.01-537 of the Code of Virginia, relating to petition for attachment.*

[S 1067]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-537 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-537. Petition for attachment; costs, fees and taxes.**

A. Every attachment shall be commenced by a petition filed before a judge or clerk of a circuit or general district court of, or magistrate serving, the county or city in which venue is given by subdivision 11 of § 8.01-261. If it is sought to recover specific personal property, the petition shall state (i) the kind, quantity, and estimated fair market value thereof, (ii) the character of estate therein claimed by the plaintiff, (iii) the plaintiff's claim with such certainty as will give the adverse party reasonable notice of the true nature of the claim and the particulars thereof and (iv) what sum, if any, the plaintiff claims ~~he is entitled~~ *an entitlement* to recover for its detention. If it is sought to recover a debt or damages for a breach of contract, express or implied, or damages for a wrong, the petition shall set forth (i) the plaintiff's claim with such certainty as will give the adverse party reasonable notice of the true nature of the claim and the particulars thereof, (ii) a sum certain which, at the least, the plaintiff is entitled to, or ought to recover, and (iii) if based on a contract and if the claim is for a debt not then due and payable, at what time or times the same will become due and payable. The petition shall also allege the existence of one or more of the grounds mentioned in § 8.01-534, and shall set forth specific facts in support of the allegation. The petition shall ask for an attachment against the specific personal property mentioned in the petition, or against the estate, real and personal, of one or more of the principal defendants, or against the estate, real and personal, of one or more of the principal defendants, or against both the specific personal property and the estate of such defendants, real

or personal. The petition shall state whether the officer is requested to take possession of the attached tangible personal property. The petition shall be sworn to by the plaintiff or ~~his~~ *the plaintiff's* agent, or some other person cognizant of the facts therein stated.

B. The plaintiff praying for an attachment shall, at the time ~~that he files his~~ *the petition is filed*, pay to the magistrate or clerk of the court to which the return is made the proper costs, fees and taxes, and in the event ~~of his failure~~ *the plaintiff fails* to do so, the attachment shall not be issued.

## CHAPTER 640

*An Act to amend and reenact § 46.2-644.03 of the Code of Virginia, relating to enforcement of liens; property value.*

[S 1085]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 46.2-644.03 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02 and of liens of bailees.**

Any person having a lien under §§ 46.2-644.01 and 46.2-644.02 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession which he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed ~~\$10,000~~ *\$12,500*, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided. If the property is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the person having the lien shall ascertain from the Commissioner of the Department of Motor Vehicles whether the certificate of title of the motor vehicle shows a lien thereon. *At that time, the Commissioner shall also determine the value of the property and shall communicate it to the bailee.* If the certificate of title shows a lien, the bailee proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto. If the name of the owner cannot be ascertained, the name of "John Doe" shall be substituted in any proceedings hereunder and no written notice as to him shall be required to be mailed. Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person who has indicated that he is on active military duty or service, the Department shall include such information in response to requests for vehicle information pursuant to the requirements of this chapter.

If the value of the property is more than ~~\$10,000~~ *\$12,500* but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

*In determining the value of the property as required by this section, the Commissioner shall use a recognized pricing guide and, in using such guide, shall use the trade-in value specified in such guide.*

If the owner of the property is a resident of the Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his address is unknown, notice may be served by posting a copy thereof in three public places in the county or city wherein the property is located. For purposes of this section, a public place means a premises owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the general public.

If the property is a motor vehicle (i) for which neither the owner nor any other lienholder or secured party can be determined by the Department of Motor Vehicles through a diligent search of its records, (ii) manufactured for a model year at least six years prior to the current model year, and (iii) having a value of no more than \$3,000 as determined by the provisions of § 8.01-419.1, a person having a lien on such vehicle may, after showing proof that the vehicle has been in his continuous custody for at least 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise dispose of the vehicle.

Whenever a motor vehicle is sold hereunder, the Department of Motor Vehicles shall issue a certificate of title and registration or a nonrepairable certificate to the purchaser thereof upon his application containing the serial or motor number of the vehicle purchased together with an affidavit of the lienholder that he has complied with the provisions hereof, or by the sheriff conducting a sale that he has complied with said order.

Any garage keeper to whom a motor vehicle has been delivered pursuant to § 46.2-1209, 46.2-1213, or 46.2-1215 may after 30 days from the date of delivery proceed under this section, provided that action has not been taken pursuant to such sections for the sale of such motor vehicle.

Notwithstanding any provisions to the contrary, any person having a lien under § 46.2-644.01 or 46.2-644.02 shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) when disposing of a vehicle owned by a member of the military duty or service.

## CHAPTER 641

*An Act to amend and reenact §§ 8.01-446, 17.1-208, 17.1-238, 17.1-275, and 17.1-275.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-258.3:3, relating to circuit court clerks; electronic records; fees.*

[S 1316]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-446, 17.1-208, 17.1-238, 17.1-275, and 17.1-275.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-258.3:3 as follows:**

#### **§ 8.01-446. Clerks to keep judgment dockets; what judgments to be docketed therein.**

The clerk of each court of every circuit shall keep in his office, in a well-bound book, or by microphotographic or electronic process allowed by § 17.1-240, a judgment docket, in which he shall docket, without delay, any judgment for a specific amount of money rendered in his court, and shall likewise docket without delay any judgment for a specific amount of money rendered in this Commonwealth by any other court of this Commonwealth or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated legible abstract of it and also upon the request of any person interested therein, any such judgment rendered by a district court judge whose book has been filed in his office under the provisions of Title 16.1 or of which a legible abstract is delivered to him certified by the district court judge who rendered it; provided, that judgments docketed in the clerk's office of the Circuit Court of the City of Williamsburg and the County of James City shall be docketed and indexed in one book. A specific judgment for money shall state that it is a judgment for money in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. An order of restitution docketed pursuant to § 19.2-305.2 shall have the same force and effect as a specific judgment for money and shall state that it is an order of restitution in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. If the clerk determines that an abstract is not legible, the clerk shall refuse to record it and shall return it to the person who tendered the abstract for recording. No judgment for assessments described in subsection A of § 17.1-275.5 or for the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12 or for all other fines and costs shall be recorded as a judgment in favor of the Commonwealth if such fees or assessments, fines, or costs have been fully paid by the defendant by the date of sentencing by the court.

#### **§ 17.1-208. Records, etc., open to inspection; copies; exception.**

Except as otherwise provided by law, any records that are maintained by the clerk of the circuit court shall be open to inspection by any person and the clerk shall, when requested, furnish copies thereof subject to any fee charged by the clerk pursuant to § 17.1-275, except in cases in which it is otherwise specially provided by statute. *No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will, in the determination of the clerk, interfere with the business of the office or with its reasonable use by the general public.* The certificate of the clerk to such copies furnished by the clerk shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recodation of the paper begins, or the instrument number as applicable, and the clerk may charge a fee therefor pursuant to § 17.1-275. The certificate of the clerk to such copies may be provided electronically subject to the provisions of § 17.1-258.3:2. Such electronic certificate may reference an instrument number, bound volume, or other case number, but is not required to do so. ~~No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will, in the determination of the clerk, interfere with the business of the office or with its reasonable use by the general public.~~

#### **§ 17.1-238. State highway plat book.**

~~A loose-leaf book known as "The state highway plat book,"~~ which shall be provided by the Department of Transportation, shall be installed in the circuit court clerk's office of each county of ~~this~~ the Commonwealth and in the clerk's office of the circuit court of any city wherein the Department of Transportation has acquired any interest in land, and all highway plats pertaining to the primary and secondary highway systems, and all plats in connection therewith, shall be filed therein by the clerk. *The state highway plat book may be produced in one of the following forms: (i) paper;*

(ii) microfilm, microfiche, or any other microphotographic process, that meets state archival microfilm standards and state electronic records guidelines pursuant to § 42.1-82; or (iii) electronic process. The clerk shall note on each recorded deed relating to such plats and in the deed book, wherein such deed is recorded, or through recordation of a separate instrument referencing the page where such deed is recorded, the numbers of the state highway plat book and page wherein such plats are filed. The clerk so filing the plats and so noting the same shall receive a fee of ~~five dollars~~ \$5. All plats filed prior to July 1, 1950, in such state highway plat book ~~be and the same~~ are hereby validated.

**§ 17.1-258.3:3. Submission of records as electronic documents.**

*Upon written agreement with the clerk, any agency or instrumentality of the Commonwealth may submit any record to the clerk as an electronic document. The form of electronic submission shall comply with the security and data standards established by the Virginia Information Technologies Agency for any such electronic submission. Any record so submitted shall satisfy any law requiring that a document be an original, be on paper or another tangible medium, or be in writing.*

**§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. *The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3.* Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. *Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.*

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk ~~shall~~ *may* collect; ~~if allowed by the court,~~ a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

**§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.**

A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;

2. Any amount paid for trial transcripts;

3. Extradition costs;

4. Costs of psychiatric evaluation;

5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;

6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § 17.1-275;

7. Any jury costs;

8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;

9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;

10. Any court costs related to an ignition interlock device;

11. Any fee for testing for HIV;

12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;

13. Any fee for courthouse security personnel as prescribed in § 53.1-120;

14. Any fee for a DNA sample as prescribed in § 19.2-310.2;

15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;

16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;

17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11;

18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1; and

19. Any fee for an electronic summons system as prescribed in § 17.1-279.1.

B. The total amount of assessments described in subsection A, including (i) the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12 and (ii) all other fines and costs, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

## CHAPTER 642

*An Act to amend and reenact §§ 25.1-100 and 25.1-230.1 of the Code of Virginia, relating to eminent domain; lost profits and just compensation.*

[S 1435]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 25.1-100 and 25.1-230.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 25.1-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

"Body determining just compensation" means a panel of commissioners empanelled pursuant to § 25.1-227.2, jury selected pursuant to § 25.1-229, or the court if neither a panel of commissioners nor a jury is appointed or empanelled.

"Court" means the court having jurisdiction as provided in § 25.1-201.

"Date of valuation" means the time of the lawful taking by the petitioner, or the date of the filing of the petition pursuant to § 25.1-205, whichever occurs first.

"Freeholder" means any person owning an interest in land in fee, including a person owning a condominium unit.

"Land" means real estate and all rights and appurtenances thereto, together with the structures and other improvements thereon, and any right, title, interest, estate or claim in or to real estate.

"Locality" or "local government" means a county, city, or town, as the context may require.

"Lost access" means a material impairment of direct access to property, a portion of which has been taken or damaged as set out in subsection B of § 25.1-230.1. This definition of the term "lost access" shall not diminish any existing right or remedy, and shall not create any new right or remedy other than to allow the body determining just compensation to consider a change in access in awarding just compensation.

"Lost profits" means a loss of business profits, *as defined in § 25.1-230.1*, subject to adjustment using generally accepted accounting principles consistently applied, from a business or farm operation for a period not to exceed (i) three years from the date of valuation *if less than the entire parcel of property is taken* or (ii) *one year from the date of valuation if the entire parcel of property is taken* that is suffered as a result of a taking of the property on which the business or farm operation is located, provided (⊕) (a) the business is owned by the owner of the property taken, or by a tenant whose leasehold interest grants the tenant exclusive possession of substantially all the property taken, or (⊕) (b) the farm operation is operated by the owner of the property taken, or by a tenant using for a farm operation the property taken, to the extent that the loss is determined and proven pursuant to subsection C of § 25.1-230.1. This definition of the term "lost profits" shall not create any new right or remedy or diminish any existing right or remedy other than to allow the body determining just compensation to consider lost profits in awarding just compensation if a person asserts a right to lost profits ~~as an element of damage~~ in a claim for compensation.

"Owner" means any person who owns property, provided that the person's ownership of the property is of record in the land records of the clerk's office of the circuit court of the county or city where the property is located. The term "owner" shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. This definition of the term "owner" shall not affect in any way the valuation of property.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; club, society or other group or combination acting as a unit; the Commonwealth or any department, agency or instrumentality thereof; any city, county, town, or other political subdivision or any department, agency or instrumentality thereof; or any interstate body to which the Commonwealth is a party.

"Petitioner" or "condemnor" means any person who possesses the power to exercise the right of eminent domain and who seeks to exercise such power. The term "petitioner" or "condemnor" includes a state agency.

"Property" means land and personal property, and any right, title, interest, estate or claim in or to such property.

"State agency" means any (i) department, agency or instrumentality of the Commonwealth; (ii) public authority, municipal corporation, local governmental unit or political subdivision of the Commonwealth or any department, agency or

instrumentality thereof; (iii) person who has the authority to acquire property by eminent domain under state law; or (iv) two or more of the aforementioned that carry out projects that cause persons to be displaced.

"State institution" means any (i) educational institution enumerated in § 23-14 or (ii) state hospital or state training center operated by the Department of Behavioral Health and Developmental Services.

**§ 25.1-230.1. Lost access and lost profits.**

A. For purposes of this section:

"Business" shall have the same meaning as set forth in § 25.1-400.

"Business profit" means the average net income for federal income tax purposes for the three years immediately prior to the valuation date of a business or farm operation located on the property taken.

"Direct access" means ingress or egress on or off a public road, street, or highway at a location where the property adjoins that road, street, or highway.

"Farm operation" shall have the same meaning as set forth in § 25.1-400.

B. The body determining just compensation shall include in its determination of damage to the residue any loss in market value of the remaining property from lost access caused by the taking or damaging of the property. The body determining just compensation shall ascertain any reduction in value for lost access, if any, that may accrue to the residue (i) beyond the enhancement in value, if any, to such residue as provided in subdivision A 1 of § 25.1-230, or (ii) beyond the peculiar benefits, if any, to such other property as provided in subdivision A 2 of § 25.1-230, by reason of the taking and use by the petitioner. If such peculiar benefit or enhancement in value shall exceed the reduction in value, there shall be no recovery against the landowner for such excess. The body determining just compensation may not consider an injury or benefit that the property owner experiences in common with the general community, including off-site circuitry of travel and diversion of traffic, arising from an exercise of the police power. The body determining just compensation shall ensure that any compensation awarded for lost access shall not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged.

C. The body determining just compensation shall include in its determination of ~~damage to the residue~~ *just compensation* lost profits to the owner of a business or farm operation conducted on the property taken only if the owner proves with reasonable certainty the amount of the loss and that the loss is directly and proximately caused by the taking of the property through the exercise of eminent domain and the following conditions are met:

1. The loss cannot be reasonably prevented by a relocation of the business or farm operation, or by taking steps and adopting procedures that a reasonably prudent person would take and adopt;

2. The loss will not be included in relocation assistance provided pursuant to Chapter 4 (§ 25.1-400 et seq.);

3. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged; and

4. The loss shall be determined in accordance with generally accepted accounting principles applied on a consistent basis.

D. Any and all liability for lost access ~~and lost profits~~ shall be established and made a part of the award of just compensation for damage to the residue of the property taken or damaged, *and any and all liability for lost profits shall be set forth specifically in the award. In a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement or peculiar benefit shall be offset against both damage to the residue and lost profits.*

E. It shall not be a requirement of any bona fide effort to purchase the property pursuant to § 25.1-204 or 33.2-1001 that the petitioner include any liability for lost profits in a written offer to purchase the property.

F. In any proceeding in which the owner of a business or farm operation seeks to recover lost profits, the owner shall provide the condemning authority with all federal income tax returns, if any, relating to the business or farm operation for which the owner seeks lost profits for a period of three years prior to the valuation date and for each year thereafter during the pendency of the condemnation proceeding. The condemning authority shall not divulge the information provided pursuant to this subsection except in connection with the condemnation proceeding.

G. Nothing in this section is intended to provide for compensation for inverse condemnation claims for temporary interference with or interruption of a business or farm operation other than that which is directly and proximately caused by a taking or damaging of property through the exercise of eminent domain.

## CHAPTER 643

*An Act to amend and reenact § 17.1-279.1 of the Code of Virginia, relating to additional assessment for electronic summons systems; towns.*

[S 888]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-279.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-279.1. Additional assessment for electronic summons system.**

Any county ~~or~~ city, *or town*, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located ~~within its boundaries~~ *where such cases are brought* in which the defendant is charged with a violation of any statute or ordinance, *which violation in the case of towns arose within the town*. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county ~~or~~ city, *or town*, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. *The imposition of a town assessment shall replace any county fee that would otherwise apply.*

## CHAPTER 644

*An Act to amend and reenact §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia, relating to general registrars; reassigning duties of the electoral board related to absentee voting and campaign finance.*

[H 1433]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706, 24.2-707, 24.2-708, 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 24.2-114. Duties and powers of general registrar.**

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board *in his capacity as the director of elections for the locality in which he serves*.

19. Attend, or designate one member of his staff to attend, an annual training program provided by the State Board.

**§ 24.2-701. Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar ~~or a member of the electoral board~~. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the ~~electoral boards~~ *general registrar* for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, the nature of the obligation; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

**§ 24.2-702. Application for early absentee ballot; procedures.**

Notwithstanding any other provisions of this title, a person, who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 and qualified under this section, may apply, not later than ninety days before that election, for an absentee ballot only for elections for Governor, Lieutenant Governor, or Attorney General.

The application may be made on the Federal Post Card Application.

In order to qualify for the absentee ballot, the voter shall state that he is unable to vote in any other manner due to overseas military service or due to living in an isolated or extremely remote overseas area. This statement may be made on the Federal Post Card Application.

On receipt of the application, the ~~electoral board~~ *general registrar* shall issue, at least ninety days before an election, the printed ballot only for elections for Governor, Lieutenant Governor, or Attorney General. No additional ballot or ballots shall be provided to such applicants for that election date.

**§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness; (ii) the

application was approved and an absentee ballot mailed to the voter; and (iii) the voter did not receive or has lost the absentee ballot on or before the Saturday before the election. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the ~~electoral board~~ or general registrar and to return the properly completed ballot as directed by the ~~electoral board~~ or general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

**§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**

The application for an absentee ballot shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or write. On receipt of an application from an applicant marked to indicate he will require assistance, the ~~electoral board~~ *general registrar* shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

**§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.**

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the ~~electoral board~~ *general registrar* to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the ~~electoral board~~ *general registrar* shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the ~~electoral board~~ *general registrar*, the ~~secretary of the electoral board~~ *general registrar* shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar or ~~secretary of the electoral board~~ shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the ~~electoral board~~ *general registrar* at the registrar's office.

The ballot shall be counted only if the ballot is received by the ~~electoral board~~ *general registrar* prior to the close of polls, and the ~~electoral board~~ *general registrar* shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

**§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for ~~local electoral boards and~~ general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter ~~and notify the secretary of the electoral board~~. In reviewing the application for an absentee ballot, the general registrar ~~and electoral board~~ shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the ~~electoral board~~ *general registrar* shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the ~~secretary or~~ registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the ~~electoral board~~ *general registrar* by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government

document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar ~~or the secretary of the electoral board~~, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar ~~or the secretary of the electoral board~~. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the ~~electoral board~~ *general registrar*, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the ~~secretary or~~ general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The ~~electoral board~~ *general registrar*, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the ~~electoral board~~ *general registrar* as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

**§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.**

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the ~~electoral board~~ *general registrar*, and (e) seal that envelope and mail it to the office of the ~~electoral board~~ *general registrar* or deliver it personally to the ~~electoral board or the~~ general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar ~~or secretary of the electoral board~~, or at another location or locations in the county or city approved by the electoral board, before a registrar ~~or a member of the electoral board~~, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar ~~or secretary of the electoral board~~ for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The ~~electoral board~~ *general registrar* of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the ~~general registrar or secretary of the electoral board~~ and the ~~general registrar, or an assistant registrar, or the secretary of the electoral board~~ is present.

**§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots.**

A. If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the ~~electoral board or the~~ general registrar, before the day of the election in which the ballot was intended to be used.

The ~~electoral board~~ *general registrar* shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The ~~electoral board~~ *general registrar* shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, upon confirmation by the ~~electoral board, the~~ general registrar, or an officer of election of the return of the unused ballot. If the ~~electoral board, the~~ general registrar, or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the ~~electoral board, general registrar or officer of election~~ a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the ~~electoral board, the~~ general registrar, or an officer of election. The returned ballot shall be marked spoiled by the ~~electoral board, the~~ general registrar, or an officer of election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, upon confirmation by the ~~electoral board, the~~ general registrar, or an officer of election of the return of the defaced ballot. If the ~~electoral board, the~~ general registrar, or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.

**§ 24.2-709. Ballot to be returned in manner prescribed by law.**

A. Any ballot returned to the office of the ~~electoral board or~~ general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the ~~electoral board or~~ general registrar before the closing of the polls. The ~~board member or~~ registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. ~~For all ballots returned by the general registrar to the electoral board, the board shall give to the general registrar a receipt showing the time and date of the return.~~ No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to

this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

**§ 24.2-712. Central absentee voter precincts; counting ballots.**

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the ~~electoral board~~ *general registrar* on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The ~~electoral board, with the written agreement of the~~ *general registrar*; may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

**§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.**

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or \$200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the ~~local electoral board~~ *general registrar* of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or clauses 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, within 24 hours of the time when the funds were

expended or (ii) transmitted to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

**§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.**

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the ~~electoral board~~ *general registrar* of the locality in which a candidate resides and make the information contained in the report available to the ~~electoral board~~ *general registrar*.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a ~~local electoral board~~ *general registrar*, or both, may be filed electronically on terms agreed to by the committee and the Board.

**§ 24.2-946.2. Custody of reports; inspection and copying; exception for certain information.**

A. All campaign finance reports required to be filed under this chapter shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies. Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, the State Board shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.

Nothing in this chapter shall be construed to grant public access to information not required to be entered into the campaign finance database under this chapter that candidates or committees may include in campaign finance report-creation software managed by or for the State Board.

B. The following applies to campaign finance reports filed by candidate campaign committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

C. The following applies to campaign finance reports filed by political committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, shall file and preserve such reports as part of the office's records for at least four years after the reporting deadline or one year after the final report is filed.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

**§ 24.2-946.3. Reporting of certain violations; penalties.**

A. It shall be the duty of the State Board to report any violation of the provisions of this chapter to the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the

State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.

B. It shall be the duty of the ~~electoral board~~ *general registrar* of a county or city to report any violation of the provisions of this chapter relating to the filing of campaign finance reports required to be filed with the ~~electoral board~~ *general registrar* to the attorney for the Commonwealth for the county or city in which the ~~electoral board~~ *general registrar* has jurisdiction.

C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, the general registrar for each county and city; ~~or the secretary of the electoral board in any county or city in which the electoral board chooses to perform the duties stated in this subsection;~~ shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the ~~local electoral board~~ *general registrar* and to verify that the reports are complete and submitted on time.

D. The State Board, and the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 *et seq.*) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.

E. The State Board, or the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. The State Board, or the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.

F. Upon notice of a violation of this chapter, the State Board or the general registrar ~~or local electoral board, as appropriate,~~ shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the ~~local electoral board~~ *general registrar* as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar ~~or local electoral board~~ shall be payable to the treasurer of the locality for deposit to its general fund.

G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.

H. The State Board shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.

I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and ~~local electoral boards~~ *general registrars* in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in § 24.2-946.4.

#### **§ 24.2-946.4. Right to grant extensions in special circumstances.**

A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. The State Board or the ~~local electoral board~~ *general registrar* shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or ~~board~~ *registrar* sufficient to justify the granting of the extension.

C. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports in emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 *et seq.*) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.

D. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.

E. The State Board shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.

F. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.

#### **§ 24.2-946.5. Dormant committees.**

A. The State Board or the ~~electoral board~~ *general registrar* of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee has not filed a final report and the Board or ~~board~~ *registrar* cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or ~~board~~ *registrar* cannot locate the treasurer or custodian of the books of the committee. A candidate

campaign committee file shall not be closed if the candidate has filed a report with the Board or ~~board~~ registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.

B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to the Board or ~~board~~ registrar, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.

**§ 24.2-947.1. Statement of organization.**

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or
5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the ~~local electoral board~~ general registrar of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the ~~local electoral board~~ general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;
5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;
6. The name of the financial institution for his campaign depository; and
7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board, ~~local electoral board~~ general registrar, or both, as appropriate.

**§ 24.2-947.3. Campaign committee treasurer requirements and responsibilities.**

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall appoint a single campaign treasurer who shall be a registered voter in Virginia. Every treasurer so appointed shall accept the appointment, in writing on the statement of organization, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment has been filed. The same person may serve as campaign treasurer for more than one candidate.

B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board, ~~local electoral board~~ general registrar, or both, as provided in subsection B of § 24.2-947.1.

C. Any candidate who fails to appoint a treasurer or successor treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the provisions of this chapter.

D. All contributions and expenditures received or made by any candidate, or received or made on his behalf or in relation to his candidacy by any person, except independent expenditures, shall be paid over or delivered to the candidate's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this chapter. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the candidate's treasurer.

E. The candidate or his treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the candidate or his treasurer on behalf of the candidate or his campaign committee, or reported to any candidate or his treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure. Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-948.4 or (ii) three years after the December 31 immediately following the election, whichever last occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

F. It shall be unlawful for any candidate, his treasurer, or any person receiving contributions or making expenditures on a candidate's behalf or in relation to his candidacy, to fail to report every contribution and expenditure as required by this article.

**§ 24.2-947.4. Information to be included on campaign finance reports for campaign committees.**

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of \$100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than \$100, including cash and in-kind contributions, as of the ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

- a. the name of the contributor, listed alphabetically,
- b. the mailing address of the contributor,
- c. the amount of the contribution,
- d. the aggregate amount of contributions from the contributor to date,
- e. the date of the contribution,
- f. the occupation of the contributor,
- g. the name of his employer or principal business, and
- h. the city and state where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

3. For each designated contribution received by the campaign committee from a political committee, out-of-state political committee, or federal political action committee, the campaign committee shall list the name of the person who designated the contribution and provide the information required by this subsection.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;
2. A brief description of the purpose of the expenditure;
3. The name of the person contracting for or arranging the expenditure;
4. The amount of the expenditure; and
5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for a candidate shall list separately those receipts and expenditures reported to the candidate or his treasurer by any person, campaign committee, or political committee pursuant to subsection D of § 24.2-947.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans and, for each loan, shall give:

1. The date the loan was made;
2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;
3. The amount of the loan;
4. The date and amount of any repayment of the loan; and
5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

F. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

G. It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed, that the report be in full and accurate detail, and that the report be received by the State Board, ~~local electoral board~~ *general registrar*, or both, by the deadline for filing the report.

**§ 24.2-947.5. With whom candidates file reports.**

A. Candidates for statewide office shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for the General Assembly may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the ~~electoral board~~ *general registrar* of the locality where the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in nonelectronic format shall file with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides. Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic

means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides.

D. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

**§ 24.2-947.9. Special report required of certain large pre-election contributions.**

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy (i) on and after the twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding a general election and before the general election date, or (iii) on and after the eleventh day preceding any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or ~~local electoral board~~ *general registrar*, as appropriate, by 5:00 p.m. on the following day or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 12-day or 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

**§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office.**

A. This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, large contributions, and the filing of a final report. The request for an exemption shall be filed with the ~~electoral board~~ *general registrar* of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the ~~electoral board~~ *general registrar*.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than \$1,000, (iii) he has not and will not expend more than \$1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

**§ 24.2-948.3. Compliance with reporting requirements of campaign finance disclosure act as requirement of candidacy for certain offices.**

A. It shall be a requirement of candidacy in any election for statewide office or the General Assembly that the candidate shall have filed the disclosure reports required by this chapter for any election in which he participated as a

candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board or ~~local electoral board~~ *general registrar*, whichever is appropriate, has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.

B. The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.

**§ 24.2-950.8. With whom political party committees file reports.**

A. Except as provided in subsection B, a political party committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political party committee files a final report. Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

B. A county, city, or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the ~~electoral board~~ *general registrar* of that county or city.

C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the ~~local electoral board~~ *general registrar* for its jurisdiction if filing campaign finance reports by nonelectronic means.

**§ 24.2-953. General provisions.**

A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.

B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.

C. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed \$100, unless a greater penalty is imposed by this article.

D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or ~~an electoral board~~ *a general registrar*. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.

E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.

F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.

G. The requirements of this chapter for the filing of timely and complete statements and reports by any candidate campaign committee or political committee shall at all times remain in full force and effect and shall not be vacated, suspended, or modified as the result of any pending or completed criminal or civil investigation of the candidate campaign committee, the political committee, or any individual participant in the committee.

**§ 24.2-953.3. Incomplete reports.**

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed \$500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed \$500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is \$10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Commissioner of Elections or the general registrar or ~~secretary of the local electoral board~~, as appropriate, shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the 10-day period, the Commissioner of Elections or the general registrar or ~~secretary of the local electoral board~~, as appropriate, shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$500. The Commissioner of Elections or the general registrar or ~~secretary of the local electoral board~~, as appropriate, shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The Commissioner of Elections or the general registrar or ~~secretary of the local electoral board~~ may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

E. The civil penalty assessed for filing an incomplete report shall be increased by \$500 every 60 days following the date for compliance established pursuant to this section and until compliance is complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be \$1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

## CHAPTER 645

*An Act to amend and reenact §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706 through 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia, relating to general registrars; reassigning duties of the electoral board related to absentee voting and campaign finance.*

[S 1092]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-114, 24.2-701, 24.2-702, 24.2-703.2, 24.2-704, 24.2-705, 24.2-706 through 24.2-709, 24.2-712, 24.2-945.2, 24.2-946.1 through 24.2-946.5, 24.2-947.1, 24.2-947.3, 24.2-947.4, 24.2-947.5, 24.2-947.9, 24.2-948.1, 24.2-948.3, 24.2-950.8, 24.2-953, and 24.2-953.3 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 24.2-114. Duties and powers of general registrar.**

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is

necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board *in his capacity as the director of elections for the locality in which he serves*.

19. Attend, or designate one member of his staff to attend, an annual training program provided by the State Board.

**§ 24.2-701. Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar ~~or a member of the electoral board~~. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of

Elections shall provide instructions to the ~~electoral boards~~ *general registrar* for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name of the school or institution of learning; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, the nature of the obligation; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated.

**§ 24.2-702. Application for early absentee ballot; procedures.**

Notwithstanding any other provisions of this title, a person, who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 and qualified under this section, may apply, not later than ninety days before that election, for an absentee ballot only for elections for Governor, Lieutenant Governor, or Attorney General.

The application may be made on the Federal Post Card Application.

In order to qualify for the absentee ballot, the voter shall state that he is unable to vote in any other manner due to overseas military service or due to living in an isolated or extremely remote overseas area. This statement may be made on the Federal Post Card Application.

On receipt of the application, the ~~electoral board~~ *general registrar* shall issue, at least ninety days before an election, the printed ballot only for elections for Governor, Lieutenant Governor, or Attorney General. No additional ballot or ballots shall be provided to such applicants for that election date.

**§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter did not receive or has lost the absentee ballot on or before the Saturday before the election. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the ~~electoral board~~ or general registrar and to return the properly completed ballot as directed by the ~~electoral board~~ or general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

**§ 24.2-704. Applications and ballots for persons requiring assistance in voting; penalty.**

The application for an absentee ballot shall provide space for the applicant to indicate that he will require assistance to vote his absentee ballot by reason of blindness, disability, or inability to read or write. On receipt of an application from an applicant marked to indicate he will require assistance, the ~~electoral board~~ general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649. The voter and any person assisting him shall complete the form by signing the request for assistance and statement required of the assistant. If the voter is unable to sign the request, the witness will note this fact on the line for signature of voter. The provisions of § 24.2-649 shall apply to absentee voting and assistance for absentee voters. Any person who willfully violates the provisions of this section or § 24.2-649 in providing assistance to a person who is voting absentee shall be guilty of a Class 5 felony.

**§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.**

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the ~~electoral board~~ general registrar to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the ~~electoral board~~ general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the ~~electoral board~~ general registrar, the ~~secretary of the electoral board~~ general registrar shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar ~~or secretary of the electoral board~~ shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the ~~electoral board~~ *general registrar* at the registrar's office.

The ballot shall be counted only if the ballot is received by the ~~electoral board~~ *general registrar* prior to the close of polls, and the ~~electoral board~~ *general registrar* shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

**§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for ~~local electoral boards and~~ general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter ~~and notify the secretary of the electoral board~~. In reviewing the application for an absentee ballot, the general registrar ~~and electoral board~~ shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the ~~electoral board~~ *general registrar* shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the ~~secretary or~~ registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the ~~electoral board~~ *general registrar* by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar ~~or the secretary of the electoral board~~, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar ~~or the secretary of the electoral board~~. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the ~~electoral board~~ general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the ~~secretary or~~ general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The ~~electoral board~~ general registrar, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the ~~electoral board~~ general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

**§ 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.**

On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644 and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the ~~electoral board~~ general registrar, and (e) seal that envelope and mail it to the office of the ~~electoral board~~ general registrar or deliver it personally to the ~~electoral board~~ or the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he may complete the procedure in person in the office of the general registrar ~~or secretary of the electoral board~~, or at another location or locations in the county or city approved by the electoral board, before a registrar ~~or a member of the electoral board~~, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar ~~or~~

~~secretary of the electoral board~~ for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar ~~or the secretary~~ may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate of mailing.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The ~~electoral board~~ *general registrar* of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar ~~or secretary of the electoral board~~ and the general registrar; ~~or an assistant registrar; or the secretary of the electoral board~~ is present.

**§ 24.2-708. Return of unused ballots; voting by applicant who did not receive or lost ballot; defaced ballots.**

A. If for any reason a person, who has applied for and received a ballot, decides not to vote absentee, he shall return the ballot unopened, in the sealed envelope in which it was sent to him, to the ~~electoral board or the~~ general registrar, before the day of the election in which the ballot was intended to be used.

The ~~electoral board~~ *general registrar* shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The ~~electoral board~~ *general registrar* shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day. A voter who has returned his unused ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where the person is registered to vote, upon confirmation by the ~~electoral board, the~~ general registrar; or an officer of election of the return of the unused ballot. If the ~~electoral board, the~~ general registrar; or an officer of election is unable to confirm the return of the unused ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. Notwithstanding the provisions of this subsection, a voter may return his unused ballot to his proper polling place or central absentee voter precinct on election day and shall be entitled to vote a regular ballot, and his unused ballot shall be preserved with other unused ballots.

B. If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he shall be entitled to cast another ballot after presenting to the ~~electoral board, general~~ registrar or officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016. If such person offers to vote at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote on the day of the elections, he shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1.

C. If a person who has applied for and has been sent an absentee ballot has unintentionally or accidentally defaced and rendered the ballot unfit for voting, he shall be entitled to cast a ballot after presenting the defaced ballot to the ~~electoral board, the~~ general registrar; or an officer of election. The returned ballot shall be marked spoiled by the ~~electoral board, the~~ general registrar; or an officer of election and placed in a spoiled-ballot envelope to be retained with the ballots for the election. A voter who has returned his defaced ballot before the day of the election as provided herein shall be entitled to vote a regular ballot in person on election day at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, upon confirmation by the ~~electoral board, the~~ general registrar; or an officer of election of the return of the defaced ballot. If the ~~electoral board, the~~ general registrar; or an officer of election is unable to confirm the return of the defaced ballot, the voter shall be entitled to cast a provisional ballot pursuant to § 24.2-653.1. A voter who returns his defaced or unfit ballot to his proper polling place or central absentee voter precinct on election day shall be entitled to vote a regular ballot, and his defaced or unfit ballot shall be preserved with other spoiled ballots.

**§ 24.2-709. Ballot to be returned in manner prescribed by law.**

A. Any ballot returned to the office of the ~~electoral board or~~ general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the ~~electoral board or~~ general registrar before the closing of the polls. The ~~board member or~~ registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. ~~For all ballots returned by the general registrar to the electoral board, the board shall give to the general registrar a receipt showing the time and date of the return.~~ No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of

§ 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

**§ 24.2-712. Central absentee voter precincts; counting ballots.**

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the State Board and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the ~~electoral board~~ *general registrar* on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The ~~electoral board, with the written agreement of the~~ *general registrar*; may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

**§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.**

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of \$1,000 or more for a statewide election or \$200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the ~~local electoral board~~ *general registrar* of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or clauses 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the ~~local electoral board~~ *general registrar*, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

**§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.**

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. By July 1, 2007, the State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the ~~electoral board~~ *general registrar* of the locality in which a candidate resides and make the information contained in the report available to the ~~electoral board~~ *general registrar*.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a ~~local electoral board~~ *general registrar*, or both, may be filed electronically on terms agreed to by the committee and the Board.

**§ 24.2-946.2. Custody of reports; inspection and copying; exception for certain information.**

A. All campaign finance reports required to be filed under this chapter shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies. Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, the State Board shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.

Nothing in this chapter shall be construed to grant public access to information not required to be entered into the campaign finance database under this chapter that candidates or committees may include in campaign finance report-creation software managed by or for the State Board.

B. The following applies to campaign finance reports filed by candidate campaign committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

C. The following applies to campaign finance reports filed by political committees:

1. Every officer or ~~local electoral board~~ *general registrar*, with whom reports are required to be filed by this chapter, shall file and preserve such reports as part of the office's records for at least four years after the reporting deadline or one year after the final report is filed.

2. The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

**§ 24.2-946.3. Reporting of certain violations; penalties.**

A. It shall be the duty of the State Board to report any violation of the provisions of this chapter to the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.

B. It shall be the duty of the ~~electoral board~~ *general registrar* of a county or city to report any violation of the provisions of this chapter relating to the filing of campaign finance reports required to be filed with the ~~electoral board~~ *general registrar* to the attorney for the Commonwealth for the county or city in which the ~~electoral board~~ *general registrar* has jurisdiction.

C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, the general registrar for each county and city; ~~or the secretary of the electoral board in any county or city in which the electoral board chooses to perform the duties stated in this subsection;~~ shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the ~~local electoral board~~ *general registrar* and to verify that the reports are complete and submitted on time.

D. The State Board, and the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 *et seq.*) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.

E. The State Board, or the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. The State Board, or the general registrar ~~or secretary of the electoral board~~ in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.

F. Upon notice of a violation of this chapter, the State Board or the general registrar ~~or local electoral board, as appropriate,~~ shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the ~~local electoral board~~ *general registrar* as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar ~~or local electoral board~~ shall be payable to the treasurer of the locality for deposit to its general fund.

G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.

H. The State Board shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.

I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and ~~local electoral boards~~ *general registrars* in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in § 24.2-946.4.

#### **§ 24.2-946.4. Right to grant extensions in special circumstances.**

A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.

B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. The State Board or the ~~local electoral board~~ *general registrar* shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or ~~board~~ *registrar* sufficient to justify the granting of the extension.

C. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports in emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 *et seq.*) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.

D. The Commissioner of Elections shall have additional authority to extend a deadline established in this chapter for filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.

E. The State Board shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.

F. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.

#### **§ 24.2-946.5. Dormant committees.**

A. The State Board or the ~~electoral board~~ *general registrar* of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee has not filed a final report and the Board or ~~board~~ *registrar* cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or ~~board~~ *registrar* cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or ~~board~~ *registrar* for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.

B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to the Board or ~~board~~ *registrar*, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.

**§ 24.2-947.1. Statement of organization.**

A. Any individual seeking or campaigning for an office of the Commonwealth or one of its governmental units in a party nomination process or general, primary, or special election, shall file a statement of organization within 10 days of meeting any one of the following conditions:

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or
5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

B. Candidates for statewide office shall file the statement with the State Board. Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the ~~local electoral board~~ *general registrar* of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the ~~local electoral board~~ *general registrar* and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.

C. The statement of organization shall include the following information:

1. The full name and residence address of the candidate;
2. The full name and mailing address for the campaign committee;
3. The full name, residence address, and daytime phone number of the treasurer;
4. The office being sought and district, if any, for the office;
5. The recognized political party affiliation of the candidate for statewide office or the General Assembly. In the absence of any political party affiliation, independent shall be used;
6. The name of the financial institution for his campaign depository; and
7. Such other information as shall be required by the State Board except that the account number for a designated depository account shall not be required.

D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board, ~~local electoral board~~ *general registrar*, or both, as appropriate.

**§ 24.2-947.3. Campaign committee treasurer requirements and responsibilities.**

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall appoint a single campaign treasurer who shall be a registered voter in Virginia. Every treasurer so appointed shall accept the appointment, in writing on the statement of organization, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment has been filed. The same person may serve as campaign treasurer for more than one candidate.

B. In the event of the death, resignation, removal, or change of the treasurer, the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board, ~~local electoral board~~ *general registrar*, or both, as provided in subsection B of § 24.2-947.1.

C. Any candidate who fails to appoint a treasurer or successor treasurer shall be deemed to have appointed himself treasurer and shall comply as such with the provisions of this chapter.

D. All contributions and expenditures received or made by any candidate, or received or made on his behalf or in relation to his candidacy by any person, except independent expenditures, shall be paid over or delivered to the candidate's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this chapter. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the candidate's treasurer.

E. The candidate or his treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the candidate or his treasurer on behalf of the candidate or his campaign committee, or reported to any candidate or his treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure. Such books and records may be destroyed or

discarded at any time after (i) one year from the date of filing the final report required by § 24.2-948.4 or (ii) three years after the December 31 immediately following the election, whichever last occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

F. It shall be unlawful for any candidate, his treasurer, or any person receiving contributions or making expenditures on a candidate's behalf or in relation to his candidacy, to fail to report every contribution and expenditure as required by this article.

**§ 24.2-947.4. Information to be included on campaign finance reports for campaign committees.**

A. The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.

B. The report of receipts shall include:

1. The total number of contributors, each of whom has contributed an aggregate of \$100 or less, including cash and in-kind contributions, as of the date of the report, and the total amount of contributions from all such contributors;

2. For each contributor who has contributed an aggregate of more than \$100, including cash and in-kind contributions, as of the ending date of the report, the campaign committee shall itemize each contributor on the report and list the following information:

- a. the name of the contributor, listed alphabetically,
- b. the mailing address of the contributor,
- c. the amount of the contribution,
- d. the aggregate amount of contributions from the contributor to date,
- e. the date of the contribution,
- f. the occupation of the contributor,
- g. the name of his employer or principal business, and
- h. the city and state where employed or where his business is located.

For each such contributor, other than an individual, the principal type of business and place of business of the contributor shall be substituted for subdivisions f and g, respectively. For each such contributor other than an individual, it shall be sufficient to list the address of the contributor one time on the report of receipts.

3. For each designated contribution received by the campaign committee from a political committee, out-of-state political committee, or federal political action committee, the campaign committee shall list the name of the person who designated the contribution and provide the information required by this subsection.

C. The report of disbursements shall include all expenditures and give:

1. The name and address of the person paid;
2. A brief description of the purpose of the expenditure;
3. The name of the person contracting for or arranging the expenditure;
4. The amount of the expenditure; and
5. The date of the expenditure.

The report of disbursements shall itemize any expenditure made by credit card payment.

D. Each report for a candidate shall list separately those receipts and expenditures reported to the candidate or his treasurer by any person, campaign committee, or political committee pursuant to subsection D of § 24.2-947.3, and in the case of in-kind contributions, shall set forth in each instance the source of the information reported.

E. The report shall list separately all loans and, for each loan, shall give:

1. The date the loan was made;
2. The name and address of the person making the loan and any person who is a co-borrower, guarantor, or endorser of the loan;
3. The amount of the loan;
4. The date and amount of any repayment of the loan; and
5. For any loan or part of a loan that is forgiven by the lender, the amount forgiven listed as both a contribution and loan repayment.

F. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.

G. It is the joint responsibility of the candidate and his treasurer that the report of a candidate be filed, that the report be in full and accurate detail, and that the report be received by the State Board, ~~local electoral board~~ *general registrar*, or both, by the deadline for filing the report.

**§ 24.2-947.5. With whom candidates file reports.**

A. Candidates for statewide office shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for the General Assembly may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the ~~electoral board~~ *general registrar* of the locality where the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in nonelectronic format shall file with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides. Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the ~~electoral board~~ *general registrar* of the locality in which the candidate resides.

D. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

**§ 24.2-947.9. Special report required of certain large pre-election contributions.**

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy (i) on and after the twelfth day preceding a primary and before the primary date, (ii) on and after the twelfth day preceding a general election and before the general election date, or (iii) on and after the eleventh day preceding any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or ~~local electoral board~~ *general registrar*, as appropriate, by 5:00 p.m. on the following day or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 12-day or 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

**§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office.**

A. This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, large contributions, and the filing of a final report. The request for an exemption shall be filed with the ~~electoral board~~ *general registrar* of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the ~~electoral board~~ *general registrar*.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than \$1,000, (iii) he has not and will not expend more than \$1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

**§ 24.2-948.3. Compliance with reporting requirements of campaign finance disclosure act as requirement of candidacy for certain offices.**

A. It shall be a requirement of candidacy in any election for statewide office or the General Assembly that the candidate shall have filed the disclosure reports required by this chapter for any election in which he participated as a candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board or ~~local electoral board~~ *general registrar*, whichever is appropriate, has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.

B. The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.

**§ 24.2-950.8. With whom political party committees file reports.**

A. Except as provided in subsection B, a political party committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political party committee files a final report. Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

B. A county, city, or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the ~~electoral board~~ *general registrar* of that county or city.

C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the ~~local electoral board~~ *general registrar* for its jurisdiction if filing campaign finance reports by nonelectronic means.

**§ 24.2-953. General provisions.**

A. The procedures to enforce the provisions of this article are found in § 24.2-946.3.

B. Either the failure to file any statement or report or the late filing of any statement or report required by this chapter shall constitute a violation of this chapter subject to the penalties provided in this article.

C. Any person who violates, or aids, abets, or participates in the violation of, this chapter shall be subject to a civil penalty not to exceed \$100, unless a greater penalty is imposed by this article.

D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or ~~an electoral board~~ *a general registrar*. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.

E. In the case of a failure to file a required statement or report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed.

F. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8.

G. The requirements of this chapter for the filing of timely and complete statements and reports by any candidate campaign committee or political committee shall at all times remain in full force and effect and shall not be vacated, suspended, or modified as the result of any pending or completed criminal or civil investigation of the candidate campaign committee, the political committee, or any individual participant in the committee.

**§ 24.2-953.3. Incomplete reports.**

A. In the case of a violation of this chapter that relates to the filing of an incomplete report, the violator shall be subject to a civil penalty not to exceed \$500 unless a greater penalty is imposed pursuant to this section. However the civil penalty shall in no case exceed \$500 unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is \$10,000 or more.

B. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Commissioner of Elections or the general registrar ~~or secretary of the local electoral board, as appropriate~~, shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.

C. If the information required to complete the report is not filed within the 10-day period, the Commissioner of Elections or the general registrar ~~or secretary of the local electoral board, as appropriate~~, shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$500. The Commissioner of Elections or the general registrar ~~or secretary of the local electoral board, as appropriate~~, shall consider the following factors in determining the civil penalty assessed: the number of omissions, the amount of money involved, and the proportion of contributions or expenditures containing omissions.

D. The Commissioner of Elections or the general registrar or ~~secretary of the local electoral board~~ may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

E. The civil penalty assessed for filing an incomplete report shall be increased by \$500 every 60 days following the date for compliance established pursuant to this section and until compliance is complete. If the failure to comply continues for more than 120 days following the date for compliances established pursuant to this section, there shall be a rebuttable presumption that the violation was willful, and the matter shall be forwarded to the appropriate attorney for the Commonwealth.

F. The civil penalty assessed for filing any subsequent incomplete report (i) that is filed more than 20 days after notice has been given of a violation or (ii) that is filed during the 60 days prior to the elections for which the person is a candidate shall be \$1,000.

G. The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.

## CHAPTER 646

*An Act to amend and reenact §§ 24.2-947.6 through 24.2-947.9 of the Code of Virginia, relating to campaign finance reports; filing schedule.*

[H 1460]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 24.2-947.6 through 24.2-947.9 of the Code of Virginia are amended and reenacted as follows: § 24.2-947.6. Filing schedule for candidates for office; November elections.**

A. Any candidate for any office to be filed at a November general election shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;
2. Not later than January 15 following a nonelection year for the period July 1 through December 31;
3. In an election year, not later than April 15 for the period January 1 through March 31 and pursuant to subdivisions 4 through 9 of this section;
4. Not later than the eighth day before the primary date complete through the ~~thirteenth~~ *twelfth* day before the primary date;
5. Not later than July 15 complete through June 30;
6. Not later than September 15 complete through August 31;
7. Not later than October 15 complete through September 30;
8. Not later than the eighth day before the November election date complete through the ~~thirteenth~~ *twelfth* day before the election date;
9. Not later than the thirtieth day after the November election date complete through the twenty-third day after the election date; and
10. Not later than January 15 following an election year complete through December 31, and then in accordance with subdivisions A 1 and A 2 or subdivisions A 3 through A 9, as appropriate, of this subsection until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through A 9 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 3 through A 9.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

#### **§ 24.2-947.7. Filing schedule for candidates for office; May elections.**

A. Any candidate for election to a local office to be filled at a May general election shall file the prescribed campaign finance reports as follows:

1. Not later than July 15 in a nonelection year for the period January 1 through June 30;
2. Not later than January 15 following a nonelection year for the period July 1 through December 31;
3. For municipal primary candidates only, not later than the eighth day before the primary date complete through the ~~eleventh~~ *twelfth* day before the primary;
4. Not later than April 15 of the election year complete through March 31;
5. Not later than the eighth day before the election date complete through the ~~eleventh~~ *twelfth* day before the election date;
6. Not later than June 15 of the election year complete through June 10;
7. Not later than July 15 of the election year complete through June 30; and
8. Not later than the following January 15 complete through December 31, and then in accordance with subdivisions A 1 and A 2 or subdivisions A 3 through A 7, as appropriate, of this subsection until a final report is filed.

B. Any candidate, who was subject to the election year filing schedule set out in subdivisions A 3 through A 8 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in subdivisions A 3 through A 8.

C. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

**§ 24.2-947.8. Filing requirements for special elections.**

A. Candidates for nomination or election to an office to be filled by a special election held on a regular election date shall file the prescribed reports of contributions and expenditures which apply to regularly scheduled elections for that office.

B. In the case of a special election held on a date other than a regularly scheduled general election, the candidate shall file as follows:

1. A report not later than the eighth day before the special election date complete through the ~~eleventh~~ *twelfth* day before that date;

2. A postelection report no later than the thirtieth day after the election and prior to taking office; and

3. A postelection report not later than January 15 and July 15 each year until a final report is filed.

C. Any candidate, who has been subject to the election year filing schedule set out in subdivisions B 1 through B 3 and who has not filed a final report, shall file reports in any subsequent election year for the same office in accordance with the election year filing schedule set out in § 24.2-947.6 or 24.2-947.7 as appropriate for that office.

D. Any candidate shall also file any report of certain large contributions required by § 24.2-947.9, if applicable.

**§ 24.2-947.9. Special report required of certain large pre-election contributions.**

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy ~~(i)~~ on and after the ~~twelfth~~ *eleventh* day preceding ~~(i)~~ a primary and before the primary date, ~~(ii) on and after the twelfth day preceding~~ a general election and before the general election date, or ~~(iii) on and after the eleventh day preceding~~ any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or local electoral board, as appropriate, by 5:00 p.m. on the following day or for a contribution received on a Saturday by 5:00 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the ~~12-day or~~ 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

## CHAPTER 647

*An Act to amend and reenact §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, and 9.1-407 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37, and to repeal § 9.1-406 of the Code of Virginia, relating to benefits for certain public employees disabled in the line of duty and their families, and for the families and beneficiaries of such employees who die in the line of duty.*

[H 2204]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, and 9.1-407 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.37 as follows:**

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, *in the line of duty* as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of such county, city or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who ~~becomes mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, in any position listed in the definition of deceased person in this section; has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent.~~ The term shall also include "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected on or before July 1, 2012, to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"VRS" means the Virginia Retirement System.

#### **§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.**

A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty Death and Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the General Assembly or by participating employers, gifts, bequests, endowments or grants from the United States government, its agencies and instrumentalities, all income from the investment of moneys held in the Fund, and any other available sources of funds, public and private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it. The moneys in the Fund shall be (i) deemed separate and independent trust funds, (ii) segregated and accounted for separately from all other funds of the Commonwealth, and (iii) invested and administered solely in the interests of the persons who are covered under the benefits provided pursuant to this chapter. Deposits to the fund are irrevocable and are not subject to the claims of creditors.

B. The Virginia Retirement System shall administer, manage, and handle investments of the Fund as provided in § 51.1-124.37.

C. *The Fund shall be used to provide the benefits under this chapter; to reimburse VRS for all reasonable costs incurred and associated, directly and indirectly, with the administration, management, and investment of the Fund; and to reimburse the Department of Human Resource Management for all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to § 9.1-401 for participating employers.*

D. *Each participating employer shall make annual contributions to the Fund and provide information as determined by VRS. The amount of contribution for each participating employer shall be determined on a current disbursement basis in accordance with the provisions of this section.*

**§ 9.1-401. Continued health insurance coverage for disabled persons, their spouses and dependents, and for the surviving spouse and dependents of certain deceased law-enforcement officers, firefighters, etc.**

A. 1. *The surviving spouse and any dependents of a deceased person and any disabled person and his spouse and dependents shall be afforded continued health insurance coverage as provided in this section, the cost of which shall be paid in full out of the general fund of the state treasury by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable. For any disabled person and any surviving spouse or dependent of a deceased person or disabled person who is receiving the benefits described in this section and who would otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et seq.) of Title 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health Benefits Trust Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit trust fund, in a manner prescribed by the Virginia Retirement System.*

B. *If the disabled person's disability (i) occurred while in the line of duty as the direct or proximate result of the performance of his duty or (ii) was subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813 or § 65.2-402, and arose out of and in the course of his employment, the disabled person, his surviving spouse and any dependents shall be afforded continued health insurance coverage. The cost of such health insurance coverage shall be paid in full out of the general fund of the state treasury.*

C. *The continued health insurance coverage provided by this section shall be the same plan of benefits which the deceased or disabled person was entitled to on the last day of his active duty or comparable benefits established as a result of a replacement plan.*

D. ~~For any spouse, continued health insurance provided by under this section for a spouse shall terminate upon such spouse's death or coverage by alternate health insurance.~~

E. ~~For dependents, C. Unless otherwise provided by law, continued health insurance provided by under this section for dependents shall terminate upon such dependent's death, marriage, coverage by alternate health insurance or twenty-first birthday be subject to the same continued eligibility and termination rules applicable to dependents for the plan in which they are enrolled. Continued health care insurance shall be provided beyond the dependent's twenty-first birthday if the dependent is a full-time college student and shall continue until such time as the dependent ceases to be a full-time student or reaches his twenty-fifth birthday, whichever occurs first. Continued health care insurance shall also be provided beyond the dependent's twenty-first birthday if the dependent is mentally or physically disabled, and such coverage shall continue until three months following the cessation of the disability.~~

F. ~~For D. Unless otherwise provided by law, continued health insurance provided under this section for any disabled person; continued health insurance provided by this section shall automatically terminate upon the disabled person's death, recovery or return. Continued health insurance for any disabled person, his spouse, and dependents shall terminate when he returns to full duty in any position listed in the definition of deceased person in § 9.1-400.~~

E. *The Department of Human Resource Management shall administer the provisions of this section, including making determinations of comparability under subsection B, and be reimbursed for all reasonable costs incurred and associated, directly and indirectly, in performing the duties by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable.*

**§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.**

A. *The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$75,000, which shall be payable out of the general fund of the state treasury paid by the nonparticipating employer or from the Fund on behalf of participating employers, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.*

B. *The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$100,000, which shall be payable out of the general fund of the state treasury paid by the nonparticipating employer or from the Fund on behalf of participating employers, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.*

C. *Subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813, or § 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be payable out of the general fund of the state treasury paid by the nonparticipating employer or from the Fund on behalf of participating employers, as applicable.*

**§ 9.1-402.1. Payments for burial expenses.**

*It is the intent of the General Assembly that expeditious payments for burial expenses be made for persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act.*

The State Comptroller is hereby authorized to release *Upon the approval of VRS*, at the request of the family of a person who may be subject to the line of duty death benefits, payments shall be made to a funeral service provider for burial and transportation costs by the nonparticipating employer or from the Fund on behalf of participating employers, as applicable. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event a determination is made that the death is not subject to the line of duty benefits, the Virginia Retirement System VRS or other retirement fund to of which the deceased is a member will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased payments previously paid by the State Comptroller for burial and related transportation expenses and return such funds to the State Comptroller nonparticipating employer or to the Fund on behalf of participating employers, as applicable. The State Comptroller Virginia Retirement System shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.

**§ 9.1-403. Claim for payment; costs.**

A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall present his claim to the chief officer, or his designee, of the appropriate division or department that last employed the deceased or disabled person employer for which the disabled or deceased person last worked, on forms to be provided by the State Comptroller's office VRS. Upon receipt of a claim, the chief officer or his designee shall forward the claim to VRS within seven days. The Virginia Retirement System shall determine eligibility for benefits under this chapter. The Virginia Retirement System may request assistance in obtaining information necessary to make an eligibility determination from the Department of State Police. The Department of State Police shall be reimbursed from the Fund or the nonparticipating employer, as applicable, for the cost of searching for and obtaining information requested by VRS. The Virginia Retirement System shall be reimbursed for the reasonable costs incurred for making eligibility determinations by nonparticipating employers or from the Fund on behalf of participating employers, as applicable.

B. In the case of a police department or a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, the chief officer, or his designee, of such department or office shall investigate and report upon the circumstances surrounding the deceased or disabled person and report his findings to the Comptroller within 10 business days after completion of the investigation. The Comptroller, the Attorney General, or any such chief officer, in his discretion, may submit a request to the Superintendent of the Department of State Police to perform the investigation pursuant to subsection C.

C. In all other cases, upon receipt of the claim the chief officer, or his designee, of the appropriate division or department shall submit a request to the Superintendent of the Department of the State Police, who shall investigate and report upon the circumstances surrounding the deceased or disabled person, calling upon the additional information and services of any other appropriate agents or agencies of the Commonwealth. The Superintendent, or his designee, shall report his findings to the Comptroller within 10 business days after completion of the investigation. The Department of State Police shall take action to conduct the investigation as expeditiously as possible. The Department shall be reimbursed for the cost of investigations conducted pursuant to this section from the appropriate employer that last employed the deceased or disabled employee.

D. B. 1. Within 10 business days of being notified by an employee, or an employee's representative, that such employee is permanently and totally disabled due to a work-related injury suffered in the line of duty, the agency or department employing the disabled person shall provide him with information about the continued health insurance coverage provided under this act chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the employee or the employee's representative.

2. Within 10 business days of having knowledge that a deceased person's surviving spouse, dependents, or beneficiaries may be entitled to benefits under this chapter, the agency or department for which the deceased person last worked shall provide the surviving spouse, dependents, or beneficiaries, as applicable, with information about the benefits provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the surviving spouse, dependents, or beneficiaries.

**§ 9.1-404. Order of the Virginia Retirement System.**

A. The Virginia Retirement System shall make an eligibility determination within 45 days of receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. If it appears to the Comptroller Virginia Retirement System determines that the requirements of either subsection A or B of § 9.1-402 have been satisfied, he shall issue his warrant in the appropriate amount for payment out of the general fund of the state treasury to the surviving spouse or to such persons and subject to such conditions as may be proper in his administrative discretion, and in the event there is no beneficiary, the Comptroller shall issue the payment to the estate of the deceased person. The Comptroller shall issue a decision, and payment, if appropriate, shall be made no later than forty-five days following receipt of the report required under § 9.1-403 benefits under this chapter are due, it shall notify the nonparticipating employer, which shall provide the benefits within 15 days of such notice, or pay the benefits from the Fund on behalf of the participating employer within 15 days of the determination, as applicable.

B. If it appears to the Comptroller that the requirements of either subsection A or B of § 9.1-401 have been satisfied, he shall issue his warrants in the appropriate amounts for payment from the general fund of the state treasury to ensure continued health care coverage for the persons designated under § 9.1-401. The Comptroller shall issue a decision, and

payments, if appropriate, shall commence no later than forty-five days following receipt of the report required under § 9.1-403. The payments shall be retroactive to the first date that the disability existed.

**§ 9.1-405. Appeal from decision of the Virginia Retirement System.**

Any beneficiary, *employer*, disabled person or his spouse, or dependent of a deceased or disabled person aggrieved by the decision of the Comptroller shall present a petition to the court in which the will of the deceased person is probated or in which the personal representative of the deceased person is qualified or might qualify or in the jurisdiction in which the disabled person resides *Virginia Retirement System may appeal the decision through a process established by VRS.*

The Commonwealth shall be represented in such proceeding by the Attorney General or his designee. The court shall proceed as chancellor without a jury. If it appears to the court that the requirements of this chapter have been satisfied, the judge shall enter an order to that effect. The order shall also direct the Comptroller to issue his warrant in the appropriate amount for the payment out of the general fund of the state treasury to such persons and subject to such conditions as may be proper. If, in the case of a deceased person, there is no beneficiary, the judge shall direct such payment as is due under § 9.1-402 to the estate of the deceased person.

**§ 9.1-407. Employer to provide training; and maintain certain records.**

A. Any law-enforcement or public safety officer entitled to benefits under this ~~Chapter~~ *chapter* shall receive training concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Secretary of Public Safety and Homeland Security shall develop training information to be distributed to agencies and localities with employees subject to this chapter. The agency or locality shall be responsible for providing the training. Such training shall not count towards in-service training requirements for law-enforcement officers pursuant to § 9.1-102.

B. *Each agency or locality shall require each employee covered under this chapter to provide to the agency or locality the names and addresses of the beneficiaries who would receive the benefit under § 9.1-402 if the employee becomes a deceased person. Such information shall be recertified by the covered employee at least every three years.*

**§ 51.1-124.37. Investment of assets of the Line of Duty Death and Health Benefits Trust Fund.**

A. *In addition to such other powers as shall be vested in the Board, the Board shall have the full power to invest, reinvest, and manage the assets of the Line of Duty Death and Health Benefits Trust Fund (the Fund) established pursuant to § 9.1-400.1. The Board shall maintain a separate accounting for the assets of the Fund.*

B. *The Board shall invest the assets of the Fund with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.*

C. *No officer, director, or member of the Board or of any advisory committee of the Retirement System or any of its tax-exempt subsidiary corporations whose actions are within the standard of care in subsection B shall be held personally liable for losses suffered by the Retirement System on investments made under the authority of this section.*

D. *The provisions of §§ 51.1-124.32 through 51.1-124.35 shall apply to the Board's activities with respect to funds in the Fund.*

E. *The Board may assess the Fund a reasonable administrative fee for its services.*

2. That § 9.1-406 of the Code of Virginia is repealed.

3. That the Virginia Retirement System shall develop appropriate guidelines or regulations regarding its administration of the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia).

4. That the Department of Human Resource Management shall develop appropriate guidelines or regulations regarding its administration of the health benefits plans under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia).

5. That the Virginia Retirement System and the Department of Human Resource Management shall examine the recommendations in the report of the Joint Legislative Audit and Review Commission regarding the Line of Duty Act mandated by House Joint Resolution 103 (2014), and any other issues that may be of concern, and, with the input of all stakeholders, develop proposals, and where warranted alternative proposals, to clarify all ambiguous provisions of the Act and to make the Act administratively more simple, ensure its long-term fiscal viability, and to improve the way in which it serves line of duty personnel while also considering the interests of the Commonwealth's taxpayers. The proposals shall be provided to the Chairmen of the House Appropriations Committee and the Senate Finance Committee no later than October 1, 2015.

6. That the provisions of the fifth and sixth enactments of this act shall become effective on July 1, 2015. The provisions of all other enactments of this act shall become effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly.

## CHAPTER 648

*An Act to amend and reenact § 24.2-228.1 of the Code of Virginia, relating to filling a vacancy in constitutional office.*

[S 1089]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That § 24.2-228.1 of the Code of Virginia is amended and reenacted as follows:

**§ 24.2-228.1. Election to fill vacancy in constitutional office.**

A. Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election. The governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election. Notwithstanding the foregoing provisions, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be ~~held~~ *filled* by a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.

B. ~~The~~ *Notwithstanding any provision of a charter to the contrary, the* highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

C. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

D. The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § 19.2-156, the power to relieve a constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

**CHAPTER 649**

*An Act to amend and reenact §§ 38.2-3412.1, 38.2-3418.17, 38.2-4300, 38.2-4319, and 38.2-5800 of the Code of Virginia and to repeal § 38.2-3412.1:01 of the Code of Virginia, relating to health insurance; mental health parity; transparency of claims denial information.*

[H 1747]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-3412.1, 38.2-3418.17, 38.2-4300, 38.2-4319, and 38.2-5800 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-3412.1. Coverage for mental health and substance use disorders.**

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means ~~treatment for mental, emotional or nervous disorders~~ *benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.*

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Substance abuse services" or "substance use disorder benefits" means ~~treatment for alcohol or other drug dependence~~ *benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.*

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist who renders mental health services. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

~~B. Except for group health insurance coverage issued to a large employer as defined in § 38.2-3431, each individual and group accident and sickness insurance policy or individual and group subscription contract providing coverage on an expense incurred basis for a family member of the insured or the subscriber as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343, even where those requirements would not otherwise apply directly.~~

~~C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:~~

~~1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.~~

~~2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.~~

~~3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.~~

~~4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.~~

~~5. This subsection shall not apply to short-term travel, accident only, limited or specified disease policies or contracts any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.~~

~~C. Except for group health insurance coverage issued to a large employer as defined in § 38.2-3431, each individual and group accident and sickness insurance policy or individual and group subscription contract providing coverage on an~~

expense incurred basis for a family member of the insured or the subscriber D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to ~~short-term travel, accident only, or limited or specified disease policies or contracts~~ any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

~~D: The provisions of this section shall not be applicable to "biologically based mental illnesses," as defined in § 38.2-3412.1-01, unless coverage for any such mental illness is not otherwise available pursuant to the provisions § 38.2-3412.1-01.~~

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, *renewed*, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

~~F. Group health insurance coverage issued to a large employer as defined in § 38.2-3431 shall provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage in accordance with the Mental Health Parity and Addiction Equity Act of 2008 (PL: 110-343).~~

~~G: The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.~~

#### **§ 38.2-3418.17. Coverage for autism spectrum disorder.**

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder in individuals from age two through age six, subject to the annual maximum benefit limitation set forth in subsection K. If an individual who is being treated for autism spectrum disorder becomes seven years of age or older and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder - Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; (iii) policies, contracts, or plans issued in the individual market or small group markets to employers with 50 or fewer employees; or (iv) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

G. The requirements of this section shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § ~~38.2-3412.1-01~~ 38.2-3412.1. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

### § 38.2-4300. Definitions.

As used in this chapter:

"Acceptable securities" means securities that (i) are legal investments under the laws of the Commonwealth for public sinking funds or for other public funds, (ii) are not in default as to principal or interest, (iii) have a current market value of not less than \$50,000 nor more than \$500,000, and (iv) are issued pursuant to a system of book-entry evidencing ownership interests of the securities with transfers of ownership effected on the records of the depository and its participants pursuant to rules and procedures established by the depository.

"Basic health care services" means in and out-of-area emergency services, inpatient hospital and physician care, outpatient medical services, laboratory and radiologic services, *mental health and substance use disorder benefits*, and preventive health services. ~~"Basic health care services" shall also mean limited treatment of mental illness and substance abuse in accordance with such minimum standards as may be prescribed by the Commission which shall not exceed the level of services mandated for insurance carriers pursuant to Chapter 34 (§ 38.2-3400 et seq.) of this title.~~ In the case of a health maintenance organization that has contracted with the Commonwealth to furnish basic health services to recipients of medical assistance under Title XIX of the United States Social Security Act pursuant to § 38.2-4320, the basic health services to be provided by the health maintenance organization to program recipients may differ from the basic health services required by this section to the extent necessary to meet the benefit standards prescribed by the state plan for medical assistance services authorized pursuant to § 32.1-325.

"Copayment" means an amount an enrollee is required to pay in order to receive a specific health care service.

"Deductible" means an amount an enrollee is required to pay out-of-pocket before the health care plan begins to pay the costs associated with health care services.

"Emergency services" means those health care services that are rendered by affiliated or nonaffiliated providers after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment of the individual's bodily functions, (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus. Emergency services provided within the plan's service area shall include covered health care services from nonaffiliated providers only when delay in receiving care from a provider affiliated with the health maintenance organization could reasonably be expected to cause the enrollee's condition to worsen if left unattended.

"Enrollee" or "member" means an individual who is enrolled in a health care plan.

"Evidence of coverage" means any certificate or individual or group agreement or contract issued in conjunction with the certificate, agreement or contract, issued to a subscriber setting out the coverage and other rights to which an enrollee is entitled.

"Excess insurance" or "stop loss insurance" means insurance issued to a health maintenance organization by an insurer licensed in the Commonwealth, on a form approved by the Commission, or a risk assumption transaction acceptable to the Commission, providing indemnity or reimbursement against the cost of health care services provided by the health maintenance organization.

"Health care plan" means any arrangement in which any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services. A significant part of the arrangement shall consist of arranging for or providing health care services, including emergency services and services rendered by nonparticipating referral providers, as distinguished from mere indemnification against the cost of the services, on a prepaid basis. For purposes of this section, a significant part shall mean at least 90 percent of total costs of health care services.

"Health care services" means the furnishing of services to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health maintenance organization" means any person who undertakes to provide or arrange for one or more health care plans.

"Limited health care services" means dental care services, vision care services, ~~mental health services, substance abuse services, pharmaceutical services,~~ and such other services as may be determined by the Commission to be limited health care services. Limited health care services shall not include hospital, medical, surgical, or emergency services except as such services are provided incident to the limited health care services set forth in the preceding sentence.

"Net worth" or "capital and surplus" means the excess of total admitted assets over the total liabilities of the health maintenance organization, provided that surplus notes shall be reported and accounted for in accordance with guidance set forth in the National Association of Insurance Commissioners (NAIC) accounting practice and procedures manuals.

"Nonparticipating referral provider" means a provider who is not a participating provider but with whom a health maintenance organization has arranged, through referral by its participating providers, to provide health care services to enrollees. Payment or reimbursement by a health maintenance organization for health care services provided by nonparticipating referral providers may exceed five percent of total costs of health care services, only to the extent that any such excess payment or reimbursement over five percent shall be combined with the costs for services which represent mere indemnification, with the combined amount subject to the combination of limitations set forth in this definition and in this section's definition of health care plan.

"Participating provider" means a provider who has agreed to provide health care services to enrollees and to hold those enrollees harmless from payment with an expectation of receiving payment, other than copayments or deductibles, directly or indirectly from the health maintenance organization.

"Provider" or "health care provider" means any physician, hospital, or other person that is licensed or otherwise authorized in the Commonwealth to furnish health care services.

"Subscriber" means a contract holder, an individual enrollee, or the enrollee in an enrolled family who is responsible for payment to the health maintenance organization or on whose behalf such payment is made.

**§ 38.2-4319. Statutory construction and relationship to other laws.**

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, ~~38.2-3412.1-01~~ 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

**§ 38.2-5800. Definitions.**

As used in this chapter:

"Accident and sickness insurance company" means a person subject to licensing in accordance with provisions in Chapter 10 (§ 38.2-1000 et seq.) or Chapter 41 (§ 38.2-4100 et seq.) ~~of this title~~ seeking or having authorization (i) to issue accident and sickness insurance as defined in § 38.2-109, (ii) to issue the benefit certificates or policies of accident and sickness insurance described in § 38.2-3801, or (iii) to provide hospital, medical and nursing benefits pursuant to §§ 38.2-4116 and 38.2-4123.

"Affiliated provider" means any provider that is employed by or has entered into a contractual agreement either directly or indirectly with a health carrier to provide health care services to members of a managed care health insurance plan for which the health carrier is responsible under this chapter.

"Basic health care services" means emergency services, inpatient hospital and physician care, outpatient medical services, laboratory and radiological services, *mental health and substance use disorder benefits*, and preventive health services. ~~"Basic health care services" shall also mean limited treatment of mental illness and substance abuse as set forth in § 38.2-3412.1 or in the case of a health maintenance organization shall be in accordance with such minimum standards set by the Commission which shall not exceed the level of services mandated for insurance carriers pursuant to Chapter 34 (§ 38.2-3400 et seq.) of this title.~~

"Copayment" means a payment required of covered persons as a condition of the receipt of specific health services.

"Covered person" means an individual, whether a policyholder, subscriber, enrollee, or member of a managed care health insurance plan (MCHIP) who is entitled to health care services or benefits provided, arranged for, paid for or reimbursed pursuant to an MCHIP.

"Evidence of coverage" includes any certificate, individual or group agreement or contract or related documents issued in conjunction with the certificate, agreement or contract, issued to a subscriber setting out the coverage and other rights to which a covered person is entitled.

"Health care services" means the furnishing of services to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health carrier" means an entity subject to Title 38.2 that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including an entity providing a plan of health insurance, health benefits or health services, an accident and sickness insurance company, a health maintenance organization, or a nonstock corporation offering or administering a health services plan, a hospital services plan, or a medical or surgical services plan, or operating a plan subject to regulation under Chapter 45 (§ 38.2-4500 et seq.) ~~of this title~~.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) ~~of this title~~.

"Limited health care services" means dental care services, vision care services; ~~mental health services; substance abuse services; pharmaceutical services~~, and such other services as may be determined by the Commission to be limited health care services. Limited health care services shall not include hospital, medical, surgical or emergency services except as such services are provided incident to the limited health care services set forth in the preceding sentence.

"Managed care health insurance plan" or "MCHIP" means an arrangement for the delivery of health care in which a health carrier undertakes to provide, arrange for, pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis which (i) contains one or more incentive arrangements, including any credentialing requirements intended to influence the cost or level of health care services between the health carrier and one or more providers with respect to the delivery of health care services and (ii) requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with or employed by the health carrier. Any health maintenance organization as defined in § 38.2-4300 or health carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or preferred provider subscription contracts as defined in § 38.2-4209 shall be deemed to be offering one or more MCHIPs. For the purposes of this definition, the prohibition of balance billing by a provider shall not be deemed a benefit payment differential incentive for covered persons to use providers who are directly or indirectly managed, owned, under contract with or employed by the health carrier. A single managed care health insurance plan may encompass multiple products and multiple types of benefit payment differentials; however, a single managed care health insurance plan shall encompass only one provider network or set of provider networks.

"Medical necessity" or "medically necessary" means appropriate and necessary health care services which are rendered for any condition which, according to generally accepted principles of good medical practice, requires the diagnosis or direct care and treatment of an illness, injury, or pregnancy-related condition, and are not provided only as a convenience.

"Network" means the set of providers directly or indirectly managed, owned, under contract with or employed directly or indirectly by a health carrier for the purpose of delivering health care services to the covered persons of an MCHIP.

"Provider" or "health care provider" means any hospital, physician, or other person authorized by statute, licensed or certified to furnish health care services.

"Service area" means a clearly defined geographic area in which a health carrier has directly or indirectly arranged for the provision of health care services to be generally available and readily accessible to covered persons of an MCHIP.

**2. That § 38.2-3412.1:01 of the Code of Virginia is repealed.**

**3. That the State Corporation Commission's Bureau of Insurance, in consultation with health carriers providing coverage for mental health and substance use disorder benefits pursuant to § 38.2-3412.1 of the Code of Virginia, shall develop reporting requirements regarding denied claims, complaints, and appeals involving such coverage set forth in § 38.2-3412.1 of the Code of Virginia. Beginning in 2017 for the year preceding, the Bureau shall compile the information into an annual report that: (i) ensures the confidentiality of individuals whose information has been reported; (ii) is made available to the public by, among such other means as the Bureau finds appropriate, posting the reports on the Bureau's Internet website; and (iii) is written in nontechnical, readily understandable language.**

## CHAPTER 650

*An Act to amend and reenact § 38.2-3418.17 of the Code of Virginia, relating to health insurance; coverage for autism spectrum disorder.*

[H 1940]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-3418.17 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-3418.17. Coverage for autism spectrum disorder.**

A. Notwithstanding the provisions of § 38.2-3419 *and any other provision of law*, each insurer proposing to issue group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder, in individuals (i) *from January 1, 2012, until January 1, 2016*, from age two years through age six years and (ii) *from and after January 1, 2016, from age two years through age 10 years*, subject to the annual maximum benefit limitation set forth in subsection K *and to provisions of subsection G*. If an individual who is being treated for autism spectrum disorder becomes ~~seven years of age or older than the applicable maximum age set forth in the preceding sentence~~ and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder - Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; (iii) policies, contracts, or plans issued in the individual market or small group markets to employers with 50 or fewer employees; or (iv) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

G. The requirements of this section *requiring that coverage be provided with regard to individuals from age two years through age six years* shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, *but prior to January 1, 2016, and the requirements of this section requiring that coverage be provided with regard to individuals from age two years through age 10 years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016,* and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § 38.2-3412.1:01. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

## CHAPTER 651

*An Act to amend and reenact § 32.1-102.1 of the Code of Virginia, relating to certificate of public need; definition of project.*

[H 2177]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-102.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-102.1. Definitions.**

As used in this article, unless the context indicates otherwise:

"Certificate" means a certificate of public need for a project required by this article.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons which is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated persons who are injured or physically sick or have mental illness, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.
2. Sanitariums.
3. Nursing homes.
4. Intermediate care facilities, except those intermediate care facilities established for individuals with intellectual disability (ICF/MR) that have no more than 12 beds and are in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services.
5. Extended care facilities.
6. Mental hospitals.
7. Facilities for individuals with intellectual disability.
8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of individuals with substance abuse.
9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.
10. Rehabilitation hospitals.

11. Any facility licensed as a hospital.

The term "medical care facility" ~~shall~~ *does* not include any facility of (i) the Department of Behavioral Health and Developmental Services; (ii) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Behavioral Health and Developmental Services' Comprehensive State Plan; (iii) an intermediate care facility for individuals with intellectual disability (ICF/MR) that has no more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; (iv) a physician's office, except that portion of a physician's office described in subdivision 9 of the definition of "medical care facility"; (v) the Woodrow Wilson Rehabilitation Center of the Department for Aging and Rehabilitative Services; (vi) the Department of Corrections; or (vii) the Department of Veterans Services. "Medical care facility" shall also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

"Project" means:

1. Establishment of a medical care facility;

2. An increase in the total number of beds or operating rooms in an existing medical care facility;

3. Relocation of beds from one existing facility to another, provided that "project" ~~shall~~ *does* not include the relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period, or (ii) in any three-year period, from one existing nursing home facility to any other existing nursing home facility owned or controlled by the same person that is located either within the same planning district, or within another planning district out of which, during or prior to that three-year period, at least 10 times that number of beds have been authorized by statute to be relocated from one or more facilities located in that other planning district and at least half of those beds have not been replaced, provided further that, however, a hospital shall not be required to obtain a certificate for the use of 10 percent of its beds as nursing home beds as provided in § 32.1-132;

4. Introduction into an existing medical care facility of any new nursing home service, such as intermediate care facility services, extended care facility services, or skilled nursing facility services, regardless of the type of medical care facility in which those services are provided;

5. Introduction into an existing medical care facility of any new cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, substance abuse treatment, or such other specialty clinical services as may be designated by the Board by regulation, which the facility has never provided or has not provided in the previous 12 months;

6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or psychiatric beds;

7. The addition by an existing medical care facility of any medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, or other specialized service designated by the Board by regulation. Replacement of existing equipment shall not require a certificate of public need;

8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1 through 7 of this definition, by or ~~in~~ *on* behalf of a medical care facility *other than a general hospital*. ~~However, Capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$15 million by a medical care facility other than a general hospital shall be registered with the Commissioner pursuant to regulations developed by the Board. The amounts specified in this subdivision shall be revised effective July 1, 2008, and annually thereafter to reflect inflation using appropriate measures incorporating construction costs and medical inflation. Nothing in this subdivision shall be construed to modify or eliminate the reviewability of any project described in subdivisions 1 through 7 of this definition when undertaken by or on behalf of a general hospital; or~~

9. Conversion in an existing medical care facility of psychiatric inpatient beds approved pursuant to a Request for Applications (RFA) to nonpsychiatric inpatient beds.

"Regional health planning agency" means the regional agency, including the regional health planning board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform the health planning activities set forth in this chapter within a health planning region.

"State Medical Facilities Plan" means the planning document adopted by the Board of Health which shall include, but not be limited to, (i) methodologies for projecting need for medical care facility beds and services; (ii) statistical information on the availability of medical care facilities and services; and (iii) procedures, criteria and standards for review of applications for projects for medical care facilities and services.

## CHAPTER 652

An Act to amend the Code of Virginia by adding a section numbered 32.1-325.001, relating to medical assistance; asset verification; financial institutions to provide certain records.

[H 2372]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 32.1-325.001 as follows:**

**§ 32.1-325.001. Asset verification for applicants and recipients of medical assistance; financial institutions to disclose certain records.**

A. As used in this section:

"Act" means the federal Right to Financial Privacy Act (12 U.S.C. § 3401 et seq.).

"Electronic financial record matching program" means a financial record matching program to be operated by the Department, or its agent, for the purpose of verifying assets of applicants, recipients, and other individuals with respect to eligibility for medical assistance services.

"Financial institution" shall have the same meaning as set forth in § 6.2-100.

"Financial record" means an original or copy of a record held by a financial institution pertaining to a customer's relationship with the financial institution or information known to have been derived from such record.

"Individual for whom a resource test is required" means an individual who is age 65 or older, or who has been determined to be blind or disabled by the Social Security Administration, or who meets the level of care for receipt of long-term care services or supports, or a spouse of any such individual, whose resources must be considered in determining eligibility for medical assistance.

B. The Department shall establish an electronic asset verification program for the purpose of verifying the assets of applicants for and recipients of medical assistance for whom a resource test is required to determine eligibility for medical assistance, in accordance with the requirements of 42 U.S.C. § 1396w. Such asset verification program shall consist of electronic financial record matching with financial institutions in the Commonwealth. The Department shall have in place a process for the acceptance of nonelectronic information transfer in cases in which the Department determines such accommodation is justified.

C. When the Department determines that financial records of an individual for whom a resource test is required are required in connection with a determination or redetermination of eligibility for medical assistance or the amount of medical assistance, the Department or its agent may request financial records of the individual from a financial institution. A financial institution doing business in the Commonwealth may provide financial records of an individual for whom a resource test is required to the Department, or its agent, upon receipt of such request.

D. An individual for whom a resource test is required shall provide the Department with authorization to verify assets in accordance with this section as part of the application process. The Department shall inform any person who provides authorization of the duration and scope of the authorization. Such authorization shall be deemed to meet the requirements of the federal Right to Financial Privacy Act for purposes of § 1103(a) (12 U.S.C. § 3403(a) of the Act), and notwithstanding the requirements of § 1104(a) (12 U.S.C. § 3404(a) of the Act), the Department shall not be required to furnish a copy of such authorization to a financial institution from which the Department or its agent is seeking financial records pursuant to this section. Certification requirements set forth in § 1103(a) (12 U.S.C. § 3413(a) of the Act) shall not apply to requests for financial records made by the Department for which the Department has obtained an authorization pursuant to this subsection. A request for financial records made by the Department, or its agent, in accordance with an authorization obtained in accordance with this subsection shall be deemed to meet the requirements of §§ 1102 and 1104(a)(3) (12 U.S.C. §§ 3402 and 3404(a)(3) of the Act), relating to a reasonable description of financial records.

Notwithstanding the requirements of § 1104(a)(1) (12 U.S.C. § 3404(a)(1) of the Act), such authorization shall remain effective until the earliest of:

1. The rendering of a final adverse decision regarding the applicant's eligibility for medical assistance under the state plan;

2. Such time as the recipient becomes ineligible for medical assistance under the state plan; or

3. The express revocation of the authorization by such individual made in writing and submitted to the Department.

E. Failure or refusal of an individual to provide an authorization pursuant to subsection D, or revocation of an authorization provided pursuant to subsection D by an individual for whom a resource test is required, may constitute grounds for denial or revocation of eligibility for medical assistance under the state plan.

F. The electronic financial records matching program established by the Department or its agent pursuant to this section shall:

1. Use electronic data exchanges, not to include facsimile transmissions;

2. Enable the Department to receive historical account information up to 60 months retrospectively from the date of the application for, or redetermination of eligibility for, medical assistance; and

3. Require financial institutions that choose to participate to respond to requests for information within a reasonable time, not to exceed 10 business days for requests for current account information and 30 calendar days for requests for historical account information.

G. Electronic asset verification pursuant to this section shall be subject to the cost reimbursement requirements of § 1115 (12 U.S.C. § 3415) of the Act and shall be performed at no cost to the applicant for or recipient of medical assistance. The Department, or its agent, shall reimburse financial institutions in an amount not to exceed reasonable costs incurred by the financial institution when complying with the requirements of this section.

H. Any data provided by a financial institution pursuant to this section shall be considered to be protected health information, as that term is defined in the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended. The Department shall not use such data for any purpose not related to the verification of assets for the purpose of determining eligibility for medical assistance. Subject to federal law, a financial institution shall be immune from civil or criminal liability for (i) any failure to disclose to any account holder or depositor that the name of the person has been received from the Department or that the financial institution has furnished financial records or information pertaining to the account holder or depositor to the Department pursuant to this section; (ii) any delays, errors, or omissions in conducting the data matches or in responding to other requests for records or information made pursuant to this section, when such delays, errors, or omissions result from circumstances beyond the control of the institution or from any unintentional, bona fide error, including but not limited to clerical or computer malfunction or programming; (iii) any disclosure to the Department, or to any authorized contractor or agents thereof, of any information, accounts, assets, financial records, or other information pursuant to this section; or (iv) any action or omission taken or omitted to be taken in good faith to comply with the requirements of this section.

**2. That the provisions of this act shall expire on July 1, 2017.**

## CHAPTER 653

*An Act to amend and reenact §§ 16.1-278.15, 20-60.3, 20-103, 20-107.2, and 20-124.2 of the Code of Virginia, relating to child support for a disabled child.*

[H 2383]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-278.15, 20-60.3, 20-103, 20-107.2, and 20-124.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court. The court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order ~~the continuation of that support be paid or continue to be paid~~ for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) ~~resides~~ residing in the home of the parent seeking or receiving child support.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child.

The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

H. In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or visitation matter, the court may order drug testing of any parent, guardian, legal custodian or person standing in loco parentis to the child. The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties.

### **§ 20-60.3. Contents of support orders.**

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his or her employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order ~~the continuation of that support be paid or continue to be paid~~ for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, *and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii);* (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

**§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.**

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to ~~continue to pay or~~ *continue to pay* support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or (ix) (a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any

petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

#### **§ 20-107.2. Court may decree as to custody and support of children.**

Upon entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the (a) custody or visitation and support of the minor children of the parties as provided in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20 or (b) support of a child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, including an order that either party or both parties provide health care coverage or cash medical support, or both.

#### **§ 20-124.2. Court-ordered custody and visitation arrangements.**

A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and visitation arrangements, including support and maintenance for the children, prior to other considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures for determining custody and visitation arrangements shall insofar as practical, and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to litigation where appropriate. When mediation is used in custody and visitation matters, the goals may include development of a proposal addressing the child's residential schedule and care arrangements, and how disputes between the parents will be handled in the future.

B. In determining custody, the court shall give primary consideration to the best interests of the child. The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing by clear and convincing evidence that the best interest of the child would be served thereby award custody or visitation to any other person with a legitimate interest. The court may award joint custody or sole custody.

C. The court may order that support be paid for any child of the parties. The court shall also order that support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever first occurs. The court may also order ~~the continuation of that support be paid or continue to be paid~~ for any child over the age of 18 who is ~~(i)~~ ~~(a)~~ severely and permanently mentally or physically disabled, ~~(ii)~~ ~~and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii);~~ (b) unable to live independently and support himself; and ~~(iii) resides~~ (c) residing in the home of the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of the parties which extends a support obligation beyond when it would otherwise terminate as provided by law. The court shall have no authority to decree support of children payable by the estate of a deceased party. The court may make such further decree as it shall deem expedient concerning support of the minor children, including an order that either party or both parties provide health care coverage or cash medical support, or both.

D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court may order an independent mental health or psychological evaluation to assist the court in its determination of the best interests of the child. The court may enter such order as it deems appropriate for the payment of the costs of the evaluation by the parties.

E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent or other person having legal custody of a child may petition the court to enjoin and the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child for any period of time up to 10 years if doing so is in the best interests of the child and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for custody and visitation is filed, the court shall appoint a guardian ad litem for the child pursuant to § 16.1-266.

**2. That an individual denied support under § 16.1-278.15, 20-60.3, or 20-124.2 prior to July 1, 2015, who otherwise meets the requirements for support under this act, shall be eligible to petition the court for support under the provisions of this act. In such cases, liability shall be determined according to subsection B of § 20-108.1, and the date of the new petition shall be the date that the proceeding was commenced for purposes of subsection B of § 20-108.1.**

## CHAPTER 654

*An Act to amend and reenact §§ 16.1-278.15, 20-60.3, 20-103, 20-107.2, and 20-124.2 of the Code of Virginia, relating to child support for a disabled child.*

[S 923]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-278.15, 20-60.3, 20-103, 20-107.2, and 20-124.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-278.15. Custody or visitation, child or spousal support generally.**

A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court. The court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be

admissible into evidence in any subsequent proceeding. If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of 19 or graduates from high school, whichever occurs first. The court may also order ~~the continuation of that support be paid or continue to be paid~~ for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, *and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii)*; (b) unable to live independently and support himself; and (c) ~~resides~~ residing in the home of the parent seeking or receiving child support.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. Orders entered prior to July 1, 2008, shall not be deemed void or voidable solely because the petition or motion that resulted in the order was completed, signed and filed by a nonattorney employee of the Department of Social Services.

E. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

G. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

H. In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian or person standing in loco parentis to the child, if the court finds such evaluation would assist it in its determination. The court may enter such orders as it deems appropriate for the payment of the costs of the evaluation by the parties.

I. When deemed appropriate by the court in any custody or visitation matter, the court may order drug testing of any parent, guardian, legal custodian or person standing in loco parentis to the child. The court may enter such orders as it deems appropriate for the payment of the costs of the testing by the parties.

### **§ 20-60.3. Contents of support orders.**

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his or her employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order ~~the continuation of that support be paid or continue to be paid~~ for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, *and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii)*; (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

**§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.**

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care

coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to ~~continue to pay~~ *continue to pay* support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or (ix) (a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

**§ 20-107.2. Court may decree as to custody and support of children.**

Upon entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the (a) custody or visitation and support of the minor children of the parties as provided in Chapter 6.1 (§ 20-124.1 et seq.) of ~~Title 20~~ or (b) support of a child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, including an order that either party or both parties provide health care coverage or cash medical support, or both.

**§ 20-124.2. Court-ordered custody and visitation arrangements.**

A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and visitation arrangements, including support and maintenance for the children, prior to other considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures for determining custody and visitation arrangements shall insofar

as practical, and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to litigation where appropriate. When mediation is used in custody and visitation matters, the goals may include development of a proposal addressing the child's residential schedule and care arrangements, and how disputes between the parents will be handled in the future.

B. In determining custody, the court shall give primary consideration to the best interests of the child. The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing by clear and convincing evidence that the best interest of the child would be served thereby award custody or visitation to any other person with a legitimate interest. The court may award joint custody or sole custody.

C. The court may order that support be paid for any child of the parties. The court shall also order that support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever first occurs. The court may also order ~~the continuation of that support be paid or continue to be paid for any child over the age of 18 who is~~ ~~(i)~~ (a) severely and permanently mentally or physically disabled, ~~(ii)~~ and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and ~~(iii)~~ (c) residing in the home of the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of the parties which extends a support obligation beyond when it would otherwise terminate as provided by law. The court shall have no authority to decree support of children payable by the estate of a deceased party. The court may make such further decree as it shall deem expedient concerning support of the minor children, including an order that either party or both parties provide health care coverage or cash medical support, or both.

D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court may order an independent mental health or psychological evaluation to assist the court in its determination of the best interests of the child. The court may enter such order as it deems appropriate for the payment of the costs of the evaluation by the parties.

E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent or other person having legal custody of a child may petition the court to enjoin and the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child for any period of time up to 10 years if doing so is in the best interests of the child and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for custody and visitation is filed, the court shall appoint a guardian ad litem for the child pursuant to § 16.1-266.

**2. That an individual denied support under § 16.1-278.15, 20-60.3, or 20-124.2 prior to July 1, 2015, who otherwise meets the requirements for support under this act, shall be eligible to petition the court for support under the provisions of this act. In such cases, liability shall be determined according to subsection B of § 20-108.1, and the date of the new petition shall be the date that the proceeding was commenced for purposes of subsection B of § 20-108.1.**

## CHAPTER 655

*An Act to amend the Code of Virginia by adding in Chapter 34 of Title 54.1 an article numbered 4.1, consisting of sections numbered 54.1-3442.1 through 54.1-3442.4, relating to expanded access to investigational drugs.*

[S 732]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 34 of Title 54.1 an article numbered 4.1, consisting of sections numbered 54.1-3442.1 through 54.1-3442.4, as follows:**

*Article 4.1.*

*Expanded Access to Investigational Drugs, Biological Products, and Devices.*

**§ 54.1-3442.1. Definitions.**

*As used in this article, unless the context requires a different meaning:*

*"Investigational drug, biological product, or device"* means a drug, biological product, or device that has successfully completed Phase I of a clinical trial but has not been approved for general use by the U.S. Food and Drug Administration and remains under investigation in a clinical trial.

*"Terminal condition"* means a condition caused by injury, disease, or illness from which, to a reasonable degree of medical probability, a patient cannot recover and (i) the patient's death is imminent or (ii) the patient is in a persistent vegetative state.

*"Treating physician"* means a physician who is providing or has previously provided medical treatment or evaluation to and has or previously had an ongoing treatment relationship with the person.

**§ 54.1-3442.2. Eligibility for expanded access to investigational drugs, biological products, and devices; written, informed consent to treatment.**

A. A person shall be eligible for expanded access to investigational drugs, biological products, or devices if:

1. He has a terminal condition, attested to by his treating physician and confirmed by a second physician not previously involved in the treatment of the person who has conducted an independent examination of the person;

2. He has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for him to participate in an ongoing clinical trial for his terminal condition;

3. The potential benefits of use of the investigational drug, biological product, or device to treat his terminal condition are greater than the potential risks of the use of the investigational drug, biological product, or device to treat his terminal condition;

4. He has received a recommendation from his treating physician for use of an investigational drug, biological product, or device for treatment of his terminal condition; and

5. He or, if he is incapable of making an informed decision, his legally authorized representative has given written informed consent to use of the investigational drug, biological product, or device for treatment of his terminal condition or, if the person is a minor or lacks capacity to provide informed consent, his parent or legal guardian has given written informed consent to the use of the investigational drug, biological product, or device for treatment of his terminal condition.

Documentation indicating that the person meets the criteria for eligibility for expanded access to investigational drugs, biological products, or devices shall be provided by the person's treating physician and shall be included in the person's medical record.

B. Written informed consent to use of an investigational drug, biological product, or device shall include:

1. An explanation of the currently approved products and treatments for the person's terminal condition;

2. A statement that the person has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for the person to participate in an ongoing clinical trial for his terminal condition;

3. An explanation of the specific investigational drug, biological product, or device proposed for treatment of the person's terminal condition;

4. A description of possible outcomes resulting from use of the investigational drug, biological product, or device to treat the person's terminal condition, including a statement that new, unanticipated, different, or worse symptoms might result from and death could be hastened by the proposed treatment, based on the treating physician's knowledge of the proposed treatment in conjunction with an awareness of the person's terminal condition;

5. A statement that the person may be required to pay any costs associated with use of the investigational drug, biological product, or device; and

6. A statement that the person or, if the person is a minor or lacks capacity to provide informed consent, his parent or legal guardian consents to the use of the investigational drug, biological product, or device for treatment of his terminal condition.

**§ 54.1-3442.3. Expanded access to investigational drugs, biological products, or devices; cost; insurance coverage.**

A. A manufacturer of an investigational drug, biological product, or device may make such investigational drug, biological product, or device available to a person who meets the criteria set forth in subsection A of § 54.1-3442.2; however, nothing in this article shall require a manufacturer of an investigational drug, biological product, or device to make such investigational drug, biological product, or device available to such person.

B. A manufacturer that makes an investigational drug, biological product, or device available to a person who meets the criteria set forth in subsection A of § 54.1-3442.2 may provide the investigational drug, biological product, or device to the person free of charge or may require the person to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, or device.

C. An insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services may provide coverage for costs related to treatment of a person's terminal condition with an investigational drug, biological product, or device; however, nothing in this article shall require an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services to

provide coverage for costs related to treatment of a person's terminal condition with an investigational drug, biological product, or device.

**§ 54.1-3442.4. Limitation of liability.**

A. Notwithstanding any other provision of law to the contrary, a health care provider as defined in § 8.01-581.1 who recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in subsection A of § 54.1-3442.2 shall be immune from civil liability for any adverse action, condition, or other outcome resulting from the person's use of the investigational drug, biological product, or device.

B. Notwithstanding any other provision of law to the contrary, a manufacturer, distributor, administrator, health care provider as defined in § 8.01-581.1, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall be immune from suit and liability caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescription, recommendation, administration, efficacy, or use of such investigational drug, biological product, or device made available to such person.

C. No claim or cause of action against a manufacturer, distributor, administrator, health care provider as defined in § 8.01-581.1, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall exist in any state court for claims of property, personal injury, or death caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescription, recommendation, administration, efficacy, or use of such investigational drug, biological product, or device made available to such person.

D. No health care provider as defined in § 8.01-581.1 who recommends, prescribes, administers, distributes, or supplies an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall be deemed to have engaged in unprofessional conduct, or shall be adversely affected in any decision relating to licensure, on such grounds.

E. Nothing in this article shall require a person to violate or act in contravention of any federal or state law as such law relates to the prescribing, dispensing, administration, or use of an investigational drug, biological product, or device.

## CHAPTER 656

An Act to amend the Code of Virginia by adding in Chapter 34 of Title 54.1 an article numbered 4.1, consisting of sections numbered 54.1-3442.1 through 54.1-3442.4, relating to expanded access to investigational drugs.

[H 1750]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 34 of Title 54.1 an article numbered 4.1, consisting of sections numbered 54.1-3442.1 through 54.1-3442.4, as follows:**

*Article 4.1.*

*Expanded Access to Investigational Drugs, Biological Products, and Devices.*

**§ 54.1-3442.1. Definitions.**

As used in this article, unless the context requires a different meaning:

"Investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed Phase I of a clinical trial but has not been approved for general use by the U.S. Food and Drug Administration and remains under investigation in a clinical trial.

"Terminal condition" means a condition caused by injury, disease, or illness from which, to a reasonable degree of medical probability, a patient cannot recover and (i) the patient's death is imminent or (ii) the patient is in a persistent vegetative state.

"Treating physician" means a physician who is providing or has previously provided medical treatment or evaluation to and has or previously had an ongoing treatment relationship with the person.

**§ 54.1-3442.2. Eligibility for expanded access to investigational drugs, biological products, and devices; written, informed consent to treatment.**

A. A person shall be eligible for expanded access to investigational drugs, biological products, or devices if:

1. He has a terminal condition, attested to by his treating physician and confirmed by a second physician not previously involved in the treatment of the person who has conducted an independent examination of the person;

2. He has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for him to participate in an ongoing clinical trial for his terminal condition;

3. The potential benefits of use of the investigational drug, biological product, or device to treat his terminal condition are greater than the potential risks of the use of the investigational drug, biological product, or device to treat his terminal condition;

4. He has received a recommendation from his treating physician for use of an investigational drug, biological product, or device for treatment of his terminal condition; and

5. He or, if he is incapable of making an informed decision, his legally authorized representative has given written informed consent to use of the investigational drug, biological product, or device for treatment of his terminal condition or, if the person is a minor or lacks capacity to provide informed consent, his parent or legal guardian has given written informed consent to the use of the investigational drug, biological product, or device for treatment of his terminal condition.

Documentation indicating that the person meets the criteria for eligibility for expanded access to investigational drugs, biological products, or devices shall be provided by the person's treating physician and shall be included in the person's medical record.

B. Written informed consent to use of an investigational drug, biological product, or device shall include:

1. An explanation of the currently approved products and treatments for the person's terminal condition;

2. A statement that the person has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for the person to participate in an ongoing clinical trial for his terminal condition;

3. An explanation of the specific investigational drug, biological product, or device proposed for treatment of the person's terminal condition;

4. A description of possible outcomes resulting from use of the investigational drug, biological product, or device to treat the person's terminal condition, including a statement that new, unanticipated, different, or worse symptoms might result from and death could be hastened by the proposed treatment, based on the treating physician's knowledge of the proposed treatment in conjunction with an awareness of the person's terminal condition;

5. A statement that the person may be required to pay any costs associated with use of the investigational drug, biological product, or device; and

6. A statement that the person or, if the person is a minor or lacks capacity to provide informed consent, his parent or legal guardian consents to the use of the investigational drug, biological product, or device for treatment of his terminal condition.

**§ 54.1-3442.3. Expanded access to investigational drugs, biological products, or devices; cost; insurance coverage.**

A. A manufacturer of an investigational drug, biological product, or device may make such investigational drug, biological product, or device available to a person who meets the criteria set forth in subsection A of § 54.1-3442.2; however, nothing in this article shall require a manufacturer of an investigational drug, biological product, or device to make such investigational drug, biological product, or device available to such person.

B. A manufacturer that makes an investigational drug, biological product, or device available to a person who meets the criteria set forth in subsection A of § 54.1-3442.2 may provide the investigational drug, biological product, or device to the person free of charge or may require the person to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, or device.

C. An insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services may provide coverage for costs related to treatment of a person's terminal condition with an investigational drug, biological product, or device; however, nothing in this article shall require an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services to provide coverage for costs related to treatment of a person's terminal condition with an investigational drug, biological product, or device.

**§ 54.1-3442.4. Limitation of liability.**

A. Notwithstanding any other provision of law to the contrary, a health care provider as defined in § 8.01-581.1 who recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in subsection A of § 54.1-3442.2 shall be immune from civil liability for any adverse action, condition, or other outcome resulting from the person's use of the investigational drug, biological product, or device.

B. Notwithstanding any other provision of law to the contrary, a manufacturer, distributor, administrator, health care provider as defined in § 8.01-581.1, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall be immune from suit and liability caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescription, recommendation, administration, efficacy, or use of such investigational drug, biological product, or device made available to such person.

C. No claim or cause of action against a manufacturer, distributor, administrator, health care provider as defined in § 8.01-581.1, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall exist in any state court for claims of property, personal injury, or death caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing,

prescription, recommendation, administration, efficacy, or use of such investigational drug, biological product, or device made available to such person.

D. No health care provider as defined in § 8.01-581.1 who recommends, prescribes, administers, distributes, or supplies an investigational drug, biological product, or device to a person who meets the criteria set forth in § 54.1-3442.2 shall be deemed to have engaged in unprofessional conduct, or shall be adversely affected in any decision relating to licensure, on such grounds.

E. Nothing in this article shall require a person to violate or act in contravention of any federal or state law as such law relates to the prescribing, dispensing, administration, or use of an investigational drug, biological product, or device.

## CHAPTER 657

An Act to amend and reenact §§ 64.2-109 and 64.2-110 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 64.2 sections numbered 64.2-111 through 64.2-115, relating to creation of the Privacy Expectation Afterlife and Choices Act.

[S 1450]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 64.2-109 and 64.2-110 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 64.2 sections numbered 64.2-111 through 64.2-115 as follows:**

Article 3.

~~Personal Representative Access to Digital Accounts~~ Privacy Expectation Afterlife and Choices Act.

### § 64.2-109. Definitions.

As used in this article, unless the context requires otherwise:

"Contents," when used with respect to any wire, oral, or electronic communication, means any information concerning the substance, purport, or meaning of that communication and includes the subject line of a communication.

"Digital account" means an electronic account maintained, managed, controlled, or operated by a ~~minor~~ an individual in accordance with a terms of service agreement legally executed by such ~~minor~~ individual and includes blogging, email, multimedia, personal, social networking, and other online accounts or comparable items as technology develops. "Digital account" excludes accounts as such term is defined in § 6.2-604 to which a financial institution, financial institution holding company, or affiliate or subsidiary of a financial institution is a party.

"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects interstate or foreign commerce. "Electronic communication" does not mean (i) any wire or oral communication, (ii) any communication made through a tone-only paging device, (iii) any communication from a tracking device, or (iv) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

"Electronic communications service" means any service that provides users the ability to send or receive wire or electronic communications.

"Electronic communications system" means any wire, radio, electromagnetic, photoelectronic, or photooptical facilities for the transmission of wire or electronic communications and any computer facilities or related electronic equipment for the electronic storage of such communications.

"Personal representative" has the same meaning as provided in § 64.2-100.

"Provider" means an entity that provides an electronic communications service or remote computing service.

"Records" means information pertaining to a user or a minor who is a user of an electronic communications service or remote computing service including, if available, information that identifies the person with whom an account holder has engaged in an electronic communication, the time and date of the communication, and the electronic address of the person. "Records" does not include the contents of an electronic communication.

"Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

"Terms of service agreement" means any legally executed agreement that controls a relationship between a minor or user and any ~~person or entity~~ provider that maintains, manages, or supervises a digital account of a minor or user.

"Unique identifier" means an email address, unique screen name or user name, user identification, or other identifier assigned by a service provider for the purpose of identifying the individual account.

"User" means any person, other than a minor, or entity that uses an electronic communications service and is duly authorized by the provider of such service to engage in such use.

### § 64.2-110. Power granted to personal representative of a deceased minor.

A. A personal representative of a deceased minor who was domiciled in the Commonwealth at the time of his death may assume the deceased minor's terms of service agreement for a digital account with ~~an Internet service provider, communications service provider, or other online account service~~ a provider for purposes of consenting to and obtaining the disclosure of the contents of the deceased minor's *electronic* communications and ~~subscriber~~ records pursuant to 18 U.S.C.

§ 2702 unless such access is contrary to the express provisions of a will, trust instrument, power of attorney, or court order. Such access shall be subject to the same license, restrictions, or legal obligations of the deceased minor.

~~B. An Internet service provider, communications service provider, or other online account service~~ A provider shall provide to the personal representative access to the deceased minor's *electronic* communications and ~~subscriber~~ records pursuant to subsection A within 60 days from the receipt of (i) a written request for such access by the personal representative and (ii) a copy of the death certificate of the deceased minor. However, if the ~~Internet service provider, communications service provider, or other online account service~~ provider receives notice of a claim or dispute regarding providing access to the deceased minor's *electronic* communications and ~~subscriber~~ records pursuant to this subsection, such provider is not required to comply with any written request received pursuant to this subsection until a final nonappealable judgment is rendered by a court of competent jurisdiction determining the rights in or entitlement to any content in the deceased minor's digital account.

C. Nothing in this section shall be construed to require ~~an Internet service provider, communications service provider, or other online account service~~ a provider to disclose any information in violation of any applicable state or federal law.

~~D. No person may maintain a cause of action against an Internet service provider, communications service provider, or other online account service provider for acting in compliance with this section.~~

**§ 64.2-111. Power granted to personal representative.**

A. A court that has jurisdiction of the estate of the deceased user shall order a provider to disclose to the personal representative of such estate a user's records for the 18-month period prior to the date of death, but not the contents of the user's *electronic* communications or stored contents, upon the filing of a motion accompanied by an affidavit by a personal representative attesting, upon information and belief, to the following facts:

1. The user is deceased;
2. The deceased user was a subscriber of or customer of the provider;
3. The account belonging to the deceased user has been reasonably identified, including through a unique identifier assigned by the provider or other identifying information sufficient to enable the service provider to definitively identify the user;

4. There are no other authorized users or owners of the deceased user's account, or if there are other authorized users, that all such users expressly consented in written or electronic form to disclosure of the records to the personal representative;

5. The request for disclosure is tailored to effectuate the purpose of the administration of the estate; and

6. If the user has a will, that the request is not in conflict with the will.

The order shall be sent to the provider accompanied by a copy of evidence of consent from joint users, if applicable, and a copy of the death certificate. The personal representative may redact the social security number and cause of death information contained in the death certificate.

B. A court that has jurisdiction of the estate of a deceased user shall order a provider to disclose to the user's personal representative the contents of the deceased user's account, upon the filing of a motion accompanied by a copy of an excerpt of the will of the decedent providing consent for such disclosure, if applicable, and an affidavit by the personal representative attesting, upon information and belief, to the following facts:

1. The user is deceased;
2. The deceased user was a subscriber of or customer of the provider;
3. The account belonging to the deceased user has been reasonably identified, including through a unique identifier assigned by the provider or other identifying information sufficient to enable the service provider to definitively identify the user;

4. There are no other authorized users or owners of the deceased user's account or, if there are other authorized users, that all such users expressly consented in written or electronic form to disclosure of the contents of the account;

5. The user consented, through a will provision or by providing affirmative consent in an account setting within the product or service or an affirmative election with a provider, to disclosure of the contents of the user's account. Provisions within a terms of service agreement shall not constitute user consent to disclosure of the contents of the user's account; and

6. The request for disclosure is tailored to effectuate the purpose of the administration of the estate.

The order shall be sent to the provider accompanied by a copy of evidence of consent from joint users, if applicable, a copy of the death certificate, and an excerpt of the will containing the provision consenting to the disclosure, if applicable. The personal representative may redact the social security number and cause of death information contained in the death certificate.

A provider shall be required to disclose to the personal representative the contents specified in the order to the extent reasonably available.

C. The court may, upon a motion by the personal representative, order a provider to disclose records beyond the 18-month period if the court concludes that such records are necessary to administer the user's estate. Such an order may provide for the payment by the estate of reasonable costs incurred by the provider producing the records for such additional time period beyond the 18 months.

D. A motion filed pursuant to this section shall not require notice to the heirs or beneficiaries of the estate nor to the provider.

*E. Nothing in this section shall be construed to require a provider to disclose any information in violation of any applicable state or federal law.*

**§ 64.2-112. Respecting user choices and applicable laws.**

*A. Notwithstanding § 64.2-111, a provider cannot be compelled to disclose any record or any contents of communications and shall be entitled to file a motion to quash within 60 days after receiving the order if:*

*1. The deceased user affirmatively (i) expressed an intent not to disclose the records or content of the account through an account setting within the product or service, (ii) made an election with a service provider not to disclose the contents of the user's account, or (iii) deleted the records or contents during the user's lifetime. Provisions within a terms of service agreement shall not constitute intent not to disclose the user's records or content;*

*2. The user is not deceased;*

*3. The decedent was not a subscriber or customer of the provider;*

*4. The account did not belong to the decedent;*

*5. Other authorized users of the account object to the disclosure unless otherwise ordered pursuant to § 64.2-113;*

*6. The disclosure would violate state or federal law; or*

*7. The provider can demonstrate to the court upon clear and convincing evidence that compliance with the order would create an undue burden upon the provider.*

*B. Nothing in this article shall be interpreted to confer upon any recipient any greater rights under copyright or other applicable law in the contents than those enjoyed by the deceased user.*

*C. Nothing in this article shall impair any contractual right that a decedent has in the records or contents of a digital account.*

**§ 64.2-113. Right to notify of a request; objections of joint users.**

*A provider may send a notice to the account that a request for records or content was made pursuant to § 64.2-111 and afford reasonable time for any authorized user of the account to object to the disclosure. If the provider receives an objection to disclosure from a person or entity claiming to be an authorized joint user of the account, the provider may file a motion to quash the order under § 64.2-112. If the person or entity objecting to disclosure is an authorized joint user of the account and the personal representative is unable to obtain such user's consent to disclose the records or content necessary to settle the user's estate, the personal representative may file a motion seeking appropriate relief.*

**§ 64.2-114. Use of the decedent's account prohibited.**

*A provider shall not be required to allow any personal representative to transmit electronic communications from, post content to, access, or make other use of the deceased user's account under § 64.2-111.*

**§ 64.2-115. Immunity for compliance in good faith.**

*A provider shall not be held liable in any civil or criminal action for compliance in good faith with a court order issued pursuant to this article.*

**2. That the Joint Commission on Technology and Science shall study the implementation of this act and develop legislative recommendations to address access to electronic communication records and digital account content by guardians ad litem, conservators, and other fiduciaries.**

## CHAPTER 658

*An Act to amend and reenact §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia, relating to disposition of dead bodies.*

[S 1434]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.**

*A. As used in this chapter, "next of kin" has the same meaning assigned to it in § 54.1-2800. In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.*

*B. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of*

kin of the decedent is willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

C. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality *in which the person or institution is located*, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent. *However, in cases in which the identity of the decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided regarding the decedent's death, and the law-enforcement agency for the county or city in which the decedent resided shall make good faith efforts to identify and notify the next of kin of the decedent.*

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent, and the next of kin of the decedent is willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin but the next of kin fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

D. In cases in which a dead body is claimed by the decedent's next of kin but the next of kin is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

E. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

F. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

G. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

#### **§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.**

A. In any case in which (i) the primary law-enforcement agency *of the county or city in which the person or institution having initial custody of the dead body of the decedent is located or the county or city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1*, is unable to identify and notify the next of kin of the decedent within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city in which the *decedent resided at the time of death, if known, or (b) if the decedent's county or city of residence at the time of death is not known, the attorney for the county or city in which the person or institution having initial custody of the dead body is located or, if there is no county or city attorney, the attorney for the Commonwealth in such county or city*, and such attorney shall without delay request an order authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne ~~(a)~~ (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or ~~(b)~~ (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

## CHAPTER 659

*An Act to amend and reenact §§ 37.2-808 and 37.2-1104 of the Code of Virginia, relating to temporary detention for testing, observation, and treatment of a person who is the subject of an emergency custody order.*

[S 1114]

Approved March 26, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 37.2-808 and 37.2-1104 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 37.2-808. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, in cases in which the emergency custody order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his

lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. *Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection A of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.*

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

~~M. N.~~ If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

~~N. O.~~ (Expires June 30, 2018) In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

~~O. P.~~ Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

#### **§ 37.2-1104. Temporary detention in hospital for testing, observation or treatment.**

A. Upon the advice of a licensed physician who has attempted to obtain consent and upon a finding of probable cause to believe that an adult person within the court's jurisdiction is incapable of making an informed decision regarding treatment of a physical or mental ~~disorder condition~~ or is incapable of communicating such a decision due to a physical or mental ~~disorder condition~~ and that the medical standard of care calls for testing, observation, or treatment ~~of the disorder~~ within the next 24 hours to prevent death, or disability, or a ~~serious irreversible~~ *to treat an emergency medical condition that requires immediate action to avoid harm, injury, or death*, the court or, if the court is unavailable, a magistrate serving the jurisdiction may issue an order authorizing temporary detention of the person by a hospital emergency room or other appropriate facility and authorizing such testing, observation, or treatment. The detention may not be for a period exceeding 24 hours, unless extended by the court as part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing, observation, or treatment, the physician determines that a person subject to an order under this subsection has become capable of making and communicating an informed decision, the physician shall rely on the person's decision on whether to consent to further testing, observation, or treatment. If, before issuance of an order under this subsection or during its period of effectiveness, the physician learns of an objection by a member of the person's immediate family to the testing, observation, or treatment, he shall so notify the court or magistrate, who shall consider the objection in determining whether to issue, modify, or terminate the order.

B. *A court or, if the court is unavailable, a magistrate serving the jurisdiction may issue an order authorizing temporary detention for testing, observation, or treatment for a person who is also the subject of an emergency custody order issued pursuant to § 37.2-808, if such person meets the criteria set forth in subsection A. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order pursuant to § 37.2-808, the hospital emergency room or other appropriate facility in which the person is detained for testing, observation, or treatment shall notify the nearest community services board when such testing, observation, or treatment is complete, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to subsection A, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.*

## CHAPTER 660

*An Act to amend and reenact §§ 51.1-124.4, 51.1-126.4, 51.1-145, 51.1-162, 51.1-168, 51.1-169, 51.1-207, 51.1-218, 51.1-308, 51.1-1100, and 51.1-1153 of the Code of Virginia, relating to the Virginia Retirement System.*

[S 813]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-124.4, 51.1-126.4, 51.1-145, 51.1-162, 51.1-168, 51.1-169, 51.1-207, 51.1-218, 51.1-308, 51.1-1100, and 51.1-1153 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-124.4. Exemption of assets from taxation; exemption of benefits and assets from execution and assignment; trust funds; unclaimed property; eligible rollover distribution.**

A. The assets of the retirement systems created under this title are hereby exempted from any state, county, or municipal tax. Retirement allowances and other benefits accrued or accruing to any person under this title and the assets of the retirement systems created under this title shall not be subject to execution, attachment, garnishment, or any other process whatsoever, except any process for a debt to any employer who has employed such person, and except for administrative actions pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 or any court process to enforce a child or child and spousal support obligation, nor shall any assignment thereof, other than a voluntary, irrevocable assignment of group life insurance pursuant to § 51.1-510, be enforceable in any court. However, retirement benefits and assets created under this title which are deemed to be marital property pursuant to Chapter 6 (§ 20-89.1 et seq.) of Title 20 may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to § 20-107.3. The assets of the retirement systems administered by the Board are trust funds and shall be used solely for the benefit of members and beneficiaries and to administer the retirement systems. The Board shall establish procedures whereby persons entitled to property held by the Board, which would be presumed abandoned under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.), may recover it.

B. Notwithstanding any provision of this chapter to the contrary that would otherwise limit a distributee's election, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. The terms "eligible rollover distribution," "eligible retirement plan" and "distributee" have the meanings prescribed by § 401(a)(31) of the Internal Revenue Code (including as such section is amended or renumbered, or any successor provision thereto) and the regulations thereunder, as may be amended. *Such terms shall include non-spouse designated beneficiaries and inherited individual retirement accounts in accordance with § 402(c)(11) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans.* In the event of a mandatory cash-out, as that term is defined under the Internal Revenue Code and the regulations thereunder applicable to governmental plans, greater than \$1,000, if the member does not elect to have such distribution paid directly to an eligible retirement plan specified by the member in a direct rollover or to receive the distribution directly in accordance with this section, then the Board shall pay the distribution in a direct rollover to an individual retirement plan designated by the Board in accordance with subsection F of § 51.1-124.30.

*C. The provisions of this chapter and Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.) and 3 (§ 51.1-300 et seq.) are intended to meet the requirements of § 401(a) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans.*

**§ 51.1-126.4. Employees of the Virginia Port Authority.**

A. The Virginia Port Authority, hereinafter referred to as the Authority, may establish one or more retirement plans covering in whole or in part its employees. The Authority is authorized to make contributions for the benefit of its employees who elect to participate in such plan or arrangement rather than in any other retirement system established by this chapter. Any such alternative retirement plan shall become effective at such time as determined by the Authority. The Authority shall notify the Virginia Retirement System of the establishment of such plan no later than ninety days prior to the effective date. Any present employee of the Authority may make an irrevocable election to participate in the retirement plan established by this chapter or any plan provided by the Authority. Such election shall be made no later than 180 days after the effective date of the plan provided for in this section on forms supplied by the Virginia Retirement System. Any employee hired on or after the effective date of the plan provided for in this section shall become a participant in that plan, subject to the eligibility criteria of that plan.

B. No employee of the Authority who is an active member of a plan established under this section shall also be an active member of the retirement system established by this chapter or a beneficiary of such other plan other than as a contingent annuitant.

~~C. The contribution by the Authority to any other retirement plan established on behalf of its employees as provided in subsection A shall be the contribution by the Commonwealth which would be required if the employee were a member of the retirement system established by this chapter or eight percent of creditable compensation, whichever is less.~~

~~D.~~ The Authority shall develop policies and procedures for the administration of any retirement plan it establishes under this section. A copy of such policies and procedures shall be filed with the Board of Trustees of the Virginia Retirement System.

E. *D.* Pursuant to § 62.1-129.1, employees of the Authority shall be eligible to continue their participation in the Virginia Retirement System or may participate in an alternative retirement plan offered pursuant to this section.

**§ 51.1-145. Employer contributions.**

A. The total annual employer contribution for each employer, expressed as a percentage of the annual membership payroll, shall be determined in a manner so as to remain relatively level from year to year. Each employer shall contribute an amount equal to the sum of the normal contribution, any accrued liability contribution, and any supplementary contribution. The contribution rates for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made. All contribution rates shall be computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board.

B. The normal employer contribution for any period shall be determined as a percentage, equal to the normal contribution rate, of the total covered compensation of the members employed during the period.

C. The normal contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits of the retirement system with respect to members employed by the employer in excess of the members' contributions to (ii) the total annual compensation of the members.

D. The accrued liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation of the members during the period.

E. The accrued liability contribution rate for any employer shall be a percentage of the total annual compensation of the members, determined so that a continuation of annual contributions by the employer at the same percentage of total annual compensation over a period of 40 years will be sufficient to amortize the unfunded accrued liability with respect to the employer.

F. The unfunded accrued liability with respect to any employer as of any valuation date shall be determined as the excess of (i) the then present value of the benefits to be provided under the retirement system in the future to members and former members over (ii) the sum of the assets of the retirement system then currently in the members' contribution account and in the employer's retirement allowance account, plus the then present value of the stipulated contributions to be made in the future by the members, plus the then present value of the normal contributions expected to be made in the future by the employer.

G. The supplementary contribution for any employer for any period shall be determined as a percentage, equal to the supplementary contribution rate, of the total compensation of the members employed during the period.

H. Until July 1, 1997, the supplementary contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements, as provided for in this chapter, which is anticipated to become payable during the period to which the rate will be applicable with respect to former members to (ii) the total annual compensation of the members.

I. The Board shall certify to each employer the applicable contribution rate and any changes in the rate.

J. The employer contribution for the year shall be increased to the extent necessary to overcome any insufficiency if the contributions for any employer, when combined with the amount of the retirement allowance account of the employer, are insufficient to provide the benefits payable during the year.

K. The appropriation bill which is submitted to the General Assembly by the Governor prior to each regular session that begins in an even-numbered year shall include the contributions which will become due and payable to the retirement allowance account from the state treasury during the following biennium. The amount of the contributions shall be based on the contribution rates certified by the Board pursuant to subsection I of this section that are applicable to the Commonwealth as an employer and the anticipated compensation during the biennium of the members of the retirement system on behalf of whom the Commonwealth is the employer.

K1. The General Assembly shall set contribution rates that are at least equal to the following percentage of the contribution rates certified by the Board pursuant to subsection I:

1. For members who are state employees as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 67.02 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 78.02 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.01 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

2. For members who are teachers as defined in § 51.1-124.3 and who are participating in a retirement plan established pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (i) 69.53 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 79.69 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 89.84 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

3. For members participating in a retirement plan established pursuant to Chapter 2 (§ 51.1-200 et seq.), (i) 75.84 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.90 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.95 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018;

4. For members participating in a retirement plan established pursuant to Chapter 2.1 (§ 51.1-211 et seq.), (i) 75.82 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 83.88 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 91.94 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018; and

5. For members participating in a retirement plan established pursuant to Chapter 3 (§ 51.1-300 et seq.), (i) 83.98 percent for fiscal years beginning July 1, 2012, and July 1, 2013, (ii) 89.32 percent for fiscal years beginning July 1, 2014, and July 1, 2015, (iii) 94.66 percent for fiscal years beginning July 1, 2016, and July 1, 2017, and (iv) 100 percent for fiscal years beginning on or after July 1, 2018.

L. In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the state treasury, the Commonwealth shall contribute to the extent specified in the appropriations act. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund or from a contributor other than the Commonwealth or a political subdivision thereof, contributions shall be paid out of the special fund or by the other contributor in proportion to that part of the compensation derived therefrom. In the case of all state employees whose compensation is paid exclusively by the Commonwealth out of the general fund of the state treasury, the Commonwealth shall be the sole contributor, and all contributions shall be paid out of the general fund. In the case of a state employee whose compensation is paid in whole or in part out of any special fund or by any contributor other than the Commonwealth, contributions on behalf of the employee shall be paid out of the special fund or by the other contributor in proportion to that part of the employee's compensation derived therefrom. The governing body of each political subdivision is hereby authorized to make appropriations from the funds of the political subdivision necessary to pay its proportionate share of contributions on behalf of every state employee whose compensation is paid in part by the political subdivision. In the case of each person who has elected to remain a member of a local retirement system, the Commonwealth shall reimburse the local employer an amount equal to the product of the compensation of the person and the employer contribution rate as used to determine the employer contribution for state employees under this section. Each employer shall keep such records and periodically furnish such information as the Board may require and shall inform new employees of their duties and obligations in connection with the retirement system.

M. The employer contribution rate established for each employer may include the cost to administer any defined contribution plan administered by the Virginia Retirement System and available to the employer. The portion of such contribution designated to cover administrative costs of the defined contribution plans shall not be deposited into the trust fund established for the defined benefit plans but shall be separately accounted for and used solely to defray the administrative costs associated with the various defined contributions plans. This provision shall supplement the authority of the Board under §§ 51.1-124.22 and 51.1-602 to charge and collect administrative fees to employers whose employees have available the various defined contribution plans administered by the Virginia Retirement System.

N. Notwithstanding the foregoing, the total employer contribution for each employer authorized to participate in the hybrid retirement program described in § 51.1-169 for any period, expressed as a percentage of the employer's payroll for such period, shall be established as the contribution rate payable by such employer with respect to its employees enrolled in the defined benefit plan established under this chapter. The employer's contribution shall be first applied to the defined contribution component of the hybrid retirement program described in § 51.1-169, and the remainder shall be deposited in the employer's retirement allowance account. Institutions of higher education shall also pay contributions to the employer's retirement allowance account in amounts representing the difference between the contribution rate payable with respect to employees enrolled in the defined benefit plan under this chapter and the employer contributions paid to any optional retirement plan it offers on behalf of any of its nonfaculty Covered Employees, as described in Article 6 (§ 23-38.114 et seq.) of Chapter 4.10 of Title 23. The employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in the optional defined contribution retirement plans established under §§ 51.1-126, 51.1-126.1, 51.1-126.3, and 51.1-126.4.

*O. Employer contributions may be returned to the employer only as determined in accordance with § 401(a) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans.*

**§ 51.1-162. Death before retirement.**

A. If a member dies before retirement, and if no benefits are payable under subsection B, the amount of his accumulated contributions shall be paid to the designated beneficiary or to a surviving relative according to the order of precedence set forth in this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter or the abolished system. Each member shall designate who is to receive a refund of accumulated contributions credited to his account in the event of the death of the member prior to retirement. The designation must be made in a manner prescribed by the Board.

If no designation has been made, or the death of the designated person occurs prior to the death of the member and another designation has not been made, the proceeds shall be paid to the persons surviving at the death of the member in the following order of precedence:

- First, to the spouse of the member;
- Second, if no surviving spouse, to the children of the member and descendants of deceased children, per stirpes;
- Third, if none of the above, to the parents of the member;
- Fourth, if none of the above, to the duly appointed executor or administrator of the estate of the member;
- Fifth, if none of the above, to other next of kin of the member entitled under the laws of the domicile of the member at the time of his death.

B. ~~If~~ *To the extent required by § 401(a)(37) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans, if a member dies in service, including a member who is on leave without pay while performing active duty military service in the armed forces of the United States, and if no benefits are*

payable under subsection C of this section, a retirement allowance shall be paid to the person or persons designated as provided in subsection A of this section if the person is the member's (i) surviving spouse, (ii) minor child, or (iii) parent(s). If no designation has been made, or if the death of the designated person occurs prior to the death of the member and another designation has not been made, a retirement allowance shall be paid in the following order of precedence to the member's (a) surviving spouse, (b) minor children, or (c) parent(s). The retirement allowance shall be paid to the first person qualifying in the orders of precedence set out in this subsection. If more than one minor child survives the deceased member, the allowance shall be divided among them in a manner determined by the Board. If more than one parent survives the deceased member, the allowance shall be divided among them in a manner determined by the Board. The retirement allowance shall be continued during the lifetime of the person or in the case of a minor child until the child dies or attains the age of majority, whichever occurs first. The retirement allowance shall equal the decreased retirement allowance that would have been payable under the joint and survivor option so that the same amount would be continued to such person after the member's death. If the member dies prior to his fifty-fifth birthday, then, for purposes of this subsection, the member shall be presumed to be age 55 on his date of death. However, if the member dies in service prior to his sixtieth birthday and is (1) a person who becomes a member on or after July 1, 2010, (2) a member who does not have at least 60 months of creditable service as of January 1, 2013, or (3) a member of the hybrid retirement program described in § 51.1-169, then, for purposes of this subsection, the member shall be presumed to be age 60 on his date of death. When determining the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subdivision A 4 of § 51.1-155 shall not apply. If the person elects in writing, the amount of the member's accumulated contributions or lump sum payment shall be paid to him exclusively, in lieu of any other benefits under this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter.

C. If a member dies in service from a cause compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), a retirement allowance shall be paid to the member's surviving spouse. If no compensation is finally awarded under the Virginia Workers' Compensation Act due to legal proceedings or otherwise resulting in settlement from the persons causing such death, the Virginia Workers' Compensation Commission shall determine whether the member's death was from a cause compensable under the Virginia Workers' Compensation Act. If the member leaves no surviving spouse or the surviving spouse dies, any minor children of the deceased member shall be paid an allowance until the children die or attain the age of majority, whichever occurs first. If more than one minor child survives the deceased member, the allowance shall be divided in a manner determined by the Board. If the deceased member leaves neither surviving spouse nor minor child, the allowance, divided in a manner determined by the Board, shall be paid to the member's parents during their lives.

The retirement allowance payable hereunder to a qualifying survivor shall be the annual amount which when added to the compensation payable under the Virginia Workers' Compensation Act for the death of the member equals 50 percent of the member's average final compensation if the survivor does not qualify for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member. If the survivor qualifies for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member, the allowance payable from the retirement system when added to the compensation payable under the Virginia Workers' Compensation Act shall equal thirty-three and one-third percent of the member's average final compensation.

Any beneficiary entitled to the entire amount of a retirement allowance under the provisions of this subsection as a result of the death of a member shall be entitled to waive his rights to the allowance by written notification to the Board within ninety days after the death of the member in order to make available a retirement allowance under the provisions of subsection B of this section.

**§ 51.1-168. Limits on creditable compensation; maximum benefits; mandatory payment of allowance.**

A. Notwithstanding any other provision of law, creditable compensation used for computing any benefit or employee contribution under or to the Retirement System shall not exceed \$200,000 (as adjusted in \$5,000 increments from time to time by the adjustment factor described in I.R.C. § 415 (d) on the basis of a base period of the calendar quarter beginning July 1, 2001). In determining average final compensation for periods beginning on or after July 1, 2001, the limit on creditable compensation applied to compensation attributable to periods prior to July 1, 2001, shall be \$200,000. Notwithstanding the foregoing, compensation for any employee who became a member of the Retirement System (i) prior to the ninetieth day after the opening date of the 1996 Session of the General Assembly, on whose behalf employee or employer contributions are made into the Retirement System, and for whom annual compensation is used for computing any benefit, shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under I.R.C. § 401 (a) (17) as amended in 1993 and as contained in § 13212 (d) (3) of the Omnibus Budget Reconciliation Act of 1993 (P. L. 103-66).

B. Notwithstanding any other provision of law, the annual benefit under the Retirement System of a member and any related death or other benefit shall, if necessary, be reduced to the extent required by § 415 (b) of the Internal Revenue Code, as adjusted by the Secretary of the Treasury pursuant to § 415 (d) of the Internal Revenue Code. Any adjustment pursuant to § 415 (d) of the Internal Revenue Code shall apply to all members including those who have died, retired, or otherwise terminated service with a nonforfeitable right to a retirement allowance before the effective date of such adjustment. If an employee participating in the Retirement System is also a participant in another defined benefit plan sponsored or maintained by an employer participating in the Retirement System and subject to the limitations under § 415

of the Internal Revenue Code, such employer shall apply the combined limit test required by § 415 (b) of the Internal Revenue Code to all such plans, to the extent required by § 415 of the Internal Revenue Code. Whenever a reduction in annual benefits is required to meet the annual benefit limit required by § 415 (b) of the Internal Revenue Code, the annual benefits under such employer's other plan or plans will be reduced before benefits under the Retirement System.

C. Any vendor for a defined benefit plan sponsored or maintained by an employer that participates in the Retirement System shall (i) request and maintain the records needed, (ii) perform the testing services required to assure compliance with the limitations described in § 415 (b) of the Internal Revenue Code, including testing required where the employer maintains or sponsors another plan that must be tested together with the Retirement System, and (iii) advise the employer of any annual benefit that exceeds the applicable limitation. If there is no vendor for these services, the employer shall (a) request and maintain the records needed, (b) perform the testing services required to assure compliance with the limitations described in § 415 (b) of the Internal Revenue Code, including testing required where the employer maintains or sponsors another plan that must be tested together with the Retirement System, and (c) reduce any annual benefit that exceeds the applicable limitation.

D. On and after January 1, 1989, the retirement allowance of a member who has terminated employment shall begin no later than the later of (i) April 1 of the calendar year following the calendar year that the member attains seventy and one-half years of age or (ii) April 1 of the calendar year following the calendar year in which the member terminates employment. If the member fails, following reasonable notification, to elect a form of payment by such required beginning date, the retirement allowance shall be paid as a single life annuity and the spousal acknowledgement otherwise required by § 51.1-165.1 shall not be required. *Notwithstanding any other provisions of law, § 401(a)(9) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans are incorporated by reference.*

**§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired or rehired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. 1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. 1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program, *provided, however, that judges who are participating in the hybrid retirement program may retire for disability under §§ 51.1-307 and 51.1-308.*

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to,

providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

**§ 51.1-207. Death before retirement.**

A. If a member dies before retirement, and if no benefits are payable under subsection B, the amount of his accumulated contributions shall be paid to the designated beneficiary or to a surviving relative according to the same order of precedence as set forth in subsection A of § 51.1-162. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter or the abolished system. Each member shall designate who is to receive a refund of accumulated contributions credited to his account in the event of the death of the member prior to retirement. The designation must be made on a form prepared by the Board, signed and filed in a manner prescribed by the Board. The designation may be changed by the member by the written designation of some other person, signed and filed in a manner prescribed by the Board.

If no designation has been made, or the death of the designated person occurs prior to the death of the member and another designation has not been made, the proceeds shall be paid to the persons surviving at the death of the member in the same order of precedence as set forth in subsection A of § 51.1-162.

~~B. If a member dies in service, including a member who is on leave without pay while~~ *To the extent required by § 401(a)(37) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans, if a member dies in service, including a member performing active duty military service in the armed forces of the United States, and if no benefits are payable under subsection C, a retirement allowance shall be paid to the person designated as provided in subsection A of this section if the person is the member's (i) surviving spouse, (ii) minor child, or (iii) parent(s). If no designation has been made, or if the death of the designated person occurs prior to the death of the member and another designation has not been made, a retirement allowance shall be paid in the same order of precedence as set forth in subsection B of § 51.1-162. The retirement allowance shall be continued during the lifetime of the person or in the case of a minor child until the child dies or attains the age of majority, whichever occurs first. The retirement allowance shall equal the decreased retirement allowance that would have been payable under the joint and survivor option so that the same amount would be continued to such person after the member's death. If the member dies prior to his fiftieth birthday, then, for purposes of this subsection, the member shall be presumed to be age 50 on his date of death. When determining the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subsection B of § 51.1-206 shall not apply. If the person elects in writing, the amount of the member's accumulated contributions shall be paid to the person exclusively, in lieu of any other benefits under this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member.*

C. If a member dies in service from a cause compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), a retirement allowance shall be paid to the member's surviving spouse. If no compensation is finally awarded under the Virginia Workers' Compensation Act due to legal proceedings or otherwise resulting in settlement from the persons causing such death, the Virginia Workers' Compensation Commission shall determine whether the member's death was from a cause compensable under the Virginia Workers' Compensation Act. If the member leaves no surviving spouse or the surviving spouse dies, any minor children of the deceased member shall be paid an allowance until the children die or attain the age of majority, whichever occurs first. If more than one minor child survives the deceased member, the allowance shall be divided in a manner determined by the Board. If the deceased member leaves neither surviving spouse nor minor child, the allowance, divided in a manner determined by the Board, shall be paid to the member's parents during their lives.

The retirement allowance, payable hereunder to a qualifying survivor, shall be the annual amount which when added to the compensation payable under the Virginia Workers' Compensation Act for the death of the member, shall equal 50 percent of the member's average final compensation if the survivor does not qualify for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member. If the survivor qualifies for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member, the allowance payable from the retirement system when added to the compensation payable under the Virginia Workers' Compensation Act shall equal thirty-three and one-third percent of the member's average final compensation.

Any beneficiary entitled to the entire amount of a retirement allowance under the provisions of this subsection as a result of the death of a member shall be entitled to waive his rights to the allowance by written notification to the Board within 90 days after the death of the member in order to make available a retirement allowance under the provisions of subsection B.

**§ 51.1-218. Death before retirement.**

A. If a member dies before retirement, and if no benefits are payable under subsection B, the amount of his accumulated contributions shall be paid to the designated beneficiary or to a surviving relative according to the same order of precedence as set forth in subsection A of § 51.1-162. This amount shall be reduced by the amount of any retirement allowance previously received by the member under this chapter or the abolished system. Each member shall designate who is to receive a refund of accumulated contributions credited to his account in the event of the death of the member prior to retirement. The designation must be made on a form prepared by the Board, signed by the member, and filed with the Board. The designation may be changed by the member by the written designation of some other person, signed and filed with the Board.

If no designation has been made, or the death of the designated person occurs prior to the death of the member and another designation has not been made, the proceeds shall be paid to the persons surviving at the death of the member in the same order of precedence as set forth in subsection A of § 51.1-162.

~~B. If a member dies in service, including a member who is on leave without pay while~~ *To the extent required by § 401(a)(37) of the Internal Revenue Code, as amended or renumbered, and the regulations thereunder applicable to governmental plans, if a member dies in service, including a member performing active duty military service in the armed forces of the United States, and if no benefits are payable under subsection C, a retirement allowance shall be paid to the person designated as provided in subsection A of this section if the person is the member's (i) surviving spouse, (ii) minor child, or (iii) parent(s). If no designation has been made, or if the death of the designated person occurs prior to the death of the member and another designation has not been made, a retirement allowance shall be paid in the same order of precedence as set forth in subsection B of § 51.1-162. The retirement allowance shall be continued during the lifetime of the person or in the case of a minor child until the child dies or attains the age of majority, whichever occurs first. The retirement allowance shall equal the decreased retirement allowance that would have been payable under the joint and survivor option so that the same amount would be continued to such person after the member's death. If the member dies prior to his fiftieth birthday, then, for purposes of this subsection, the member shall be presumed to be age 50 on his date of death. When determining the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subsection B of § 51.1-217 shall not apply. If the person elects in writing, the amount of the member's accumulated contributions shall be paid to the person exclusively, in lieu of any other benefits under this section. This amount shall be reduced by the amount of any retirement allowance previously received by the member.*

C. If a member dies in service from a cause compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), a retirement allowance shall be paid to the member's surviving spouse. If no compensation is finally awarded under the Virginia Workers' Compensation Act due to legal proceedings or otherwise resulting in settlement from the persons causing such death, the Virginia Workers' Compensation Commission shall determine whether the member's death was from a cause compensable under the Virginia Workers' Compensation Act. If the member leaves no surviving spouse or the surviving spouse dies, any minor children of the deceased member shall be paid an allowance until the children die or attain the age of majority, whichever occurs first. If more than one minor child survives the deceased member, the allowance shall be divided in a manner determined by the Board. If the deceased member leaves neither surviving spouse nor minor child, the allowance shall be paid to the member's parents, divided in a manner determined by the Board, during the lives of the parents.

The retirement allowance, payable hereunder to a qualifying survivor, shall be the annual amount which, when added to the compensation payable under the Virginia Workers' Compensation Act for the death of the member, shall equal 50 percent of the member's average final compensation if the survivor does not qualify for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member. If the survivor qualifies for death benefits under the provisions of the Social Security Act in effect on the date of the death of the member, the allowance payable from the Retirement System when added to the compensation payable under the Virginia Workers' Compensation Act shall equal thirty-three and one-third percent of the member's average final compensation.

Any beneficiary entitled to the entire amount of a retirement allowance under the provisions of this subsection as a result of the death of a member shall be entitled to waive his rights to the allowance by written notification to the Board within 90 days after the death of the member in order to make available a retirement allowance under the provisions of subsection B.

#### **§ 51.1-308. Disability retirement allowance.**

A. Allowance payable on retirement. - Upon retirement for disability, a member who has five or more years of creditable service shall receive an annual retirement allowance payable during his lifetime and continued disability equal to 1.70 percent of average final compensation when multiplied by the smaller of (i) twice the amount of creditable service or (ii) the amount of creditable service he would have completed at age 60 if he had remained in service to that age. ~~Notwithstanding the foregoing~~ *However, for a member appointed or elected to an original term commencing on or after January 1, 2013, the allowance shall equal 1.65 percent of his average final compensation multiplied by the smaller of (a) twice the amount of his creditable service or (b) the amount of creditable service he would have completed at age 60 if he had remained in service to that age applicable percentage shall be 1.65 percent, and for a member participating in the hybrid retirement program described in § 51.1-169, the applicable percentage shall be one percent.* If a member has already attained age 60, the amount of creditable service at his date of retirement shall be used.

In no case shall the annual retirement allowance exceed 78 percent of the average final compensation of the member.

B. Workers' compensation guarantee. - If a member retires for disability from a cause which is compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), the amount of the annual retirement allowance shall, subject to the provisions of subsection D, equal 66 and two-thirds percent of the member's average final compensation if the member does not qualify for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement. If the member qualifies for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement, the allowance payable from the retirement system shall equal 50 percent of his average final compensation. A member shall be entitled to the larger of the retirement allowance as determined under the provisions of subsection A of this section or under the provisions of this subsection.

C. General disability retirement guarantee. - The disability retirement allowance payable to a member who immediately prior to July 1, 1970, was a member of one of the previous systems shall be at least an amount equal to the disability retirement allowance to which he would have been entitled under the provisions of the previous system.

D. Determination of retirement allowance. - For the purposes of this section, the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

E. Reduction of allowance. - Any allowance payable to a member who retires for disability from a cause compensable under the Virginia Workers' Compensation Act shall be reduced by the amount of any payments under the provisions of the Act in effect on the date of retirement of the member and the excess of the allowance shall be paid to such member. When the time for compensation payments under the Act has elapsed, the member shall receive the full amount of the allowance payable during his lifetime and continued disability. If the member's payments under the Virginia Workers' Compensation Act are adjusted or terminated for refusal to work or to comply with the requirements of § 65.2-603, his allowance shall be computed as if he were receiving the compensation to which he would otherwise be entitled.

F. Special retirement allowance guarantee. - Any member retired from a cause which is not compensable under the Virginia Workers' Compensation Act shall be guaranteed an annual retirement allowance during his lifetime and continued disability which equals 50 percent of the member's average final compensation if the member does not qualify for primary social security benefits under the provisions of the Social Security Act in effect on the date of his retirement. If the member qualifies for primary social security benefits under the provisions of the Social Security Act in effect on the date of retirement, the allowance payable from the retirement system shall equal 33 and one-third percent of his average final compensation.

**§ 51.1-1100. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

"Company" means an insurance company issuing a long-term disability insurance policy purchased by the Board pursuant to this chapter.

"Disability" means a partial disability or total disability.

"Disability benefit" means income replacement payments payable to a participating employee under a short-term or long-term disability benefit program pursuant to this chapter. Disability benefits do not include benefits payable under the Act.

"Eligible employee" means (i) a state employee as defined in § 51.1-124.3 who is a member of the retirement system, including the hybrid retirement program described in § 51.1-169; (ii) an employee as defined in § 51.1-201; (iii) an employee as defined in § 51.1-212; *or* (iv) ~~a judge as defined in § 51.1-301 appointed or elected to an original term commencing on or after January 1, 2014; or~~ (v) a qualifying part-time employee. Any person participating in a plan established pursuant to § 51.1-126, 51.1-126.1, 51.1-126.4, 51.1-126.5, 51.1-502.1, or 51.1-502.3 shall not be an eligible employee. Employees of the University of Virginia Medical Center covered under the basic insurance policies purchased by the Medical Center shall not be considered eligible employees under this chapter, unless the University of Virginia Board of Visitors, or a duly authorized agent or representative of the Board of Visitors, purchases such insurance policies from the Virginia Retirement System.

"Existing employee" means an employee who elected to participate in the Virginia Sickness and Disability Program.

"Partial disability" exists during the first 24 months following the occurrence or commencement of an illness or injury when an employee is earning less than 80 percent of his predisability earnings and, as a result of an injury or illness, is (i) able to perform one or more, but not all, of the essential job functions of his own job on an active employment or a part-time basis; or (ii) able to perform all of the essential job functions of his own job only on a part-time basis.

"Participating employee" means any eligible employee required or electing to participate in the program.

"Program" means the program providing sick leave, family and personal leave, short-term disability, and long-term disability benefits for participating employees established pursuant to this chapter.

"Qualifying part-time employee" means any person who would qualify as a state employee as defined in § 51.1-124.3 but, rather than being regularly employed full time on a salaried basis, is regularly employed part time for at least 20 hours but less than 40 hours per week on a salaried basis.

"State service" means the employee's total period of state service as an eligible employee, including all periods of classified full-time and classified part-time service and periods of leave without pay, but not including periods during which the employee did not meet the definition of an eligible employee.

"Total disability" exists (i) during the first 24 months following the occurrence or commencement of an illness or injury if an employee is unable to perform all of his essential job functions or (ii) after 24 months following the occurrence or commencement of an illness or injury if an employee is unable to perform any job for which he is reasonably qualified based on his training or experience and earning less than 80 percent of his predisability earnings.

"Work-related injury" means an injury, as such term is defined in § 65.2-101, to a participating employee for which benefits are payable under the Act and the Commonwealth is the employer for purposes of the Act.

In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this chapter except as otherwise provided.

**§ 51.1-1153. Participation in the program.**

A. All eligible employees shall become participants in this program, provided, however, that the governing body of an employer may adopt a resolution on or before January 1, 2014, which shall be submitted to the Board, requesting that its eligible employees not participate in the program because the employer has or will establish, and continue to maintain,

comparable disability coverage for such eligible employees. The election by the governing body of an employer not to participate in this program shall be irrevocable. The employer need not consider the provisions of § 51.1-1178 when determining the comparability of its disability coverage to this program. *As the context requires, the term "participating employee" includes the employees of an employer electing not to participate in the program under this subdivision.*

B. The effective date of participation in the program for participating employees shall be their first day of employment or the effective date of their participation in the hybrid retirement program described in § 51.1-169, whichever is later.

C. Notwithstanding any provision to the contrary, no participating employee shall receive benefits under Article 2 (§ 51.1-1154 et seq.) until the participating employee completes one year of continuous service.

D. Eligibility for participation in the program shall terminate upon the earliest to occur of an employee's (i) termination of employment or (ii) death. Eligibility for participation in the program shall be suspended during periods that an employee is placed on nonpay status, including leave without pay, if such nonpay status is due to suspension pending investigation or outcome of employment-related court or disciplinary action.

## CHAPTER 661

*An Act to amend and reenact §§ 32.1-69.1, 32.1-69.2, and 32.1-127 of the Code of Virginia, relating to hospitals; establishing policies to follow when a stillbirth occurs; reporting to Virginia Congenital Anomalies Reporting and Education System.*

[S 1197]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-69.1, 32.1-69.2, and 32.1-127 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System.**

A. In order to collect data to evaluate the possible causes of *stillbirths and* birth defects, improve the diagnosis and treatment of birth defects and establish a mechanism for informing the parents of children identified as having birth defects and their physicians about the health resources available to aid such children, the Commissioner shall establish and maintain a Virginia Congenital Anomalies Reporting and Education System using data from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and data obtained from hospital medical records. The chief administrative officer of every hospital, as defined in § 32.1-123, shall make or cause to be made a report to the Commissioner of any *stillbirth and* any person under two years of age diagnosed as having a congenital anomaly. The Commissioner may appoint an advisory committee to assist in the design and implementation of this reporting and education system with representation from relevant groups including, but not limited to, physicians, geneticists, personnel of appropriate state agencies, persons with disabilities and the parents of children with disabilities.

B. The Commissioner shall provide for a secure system, which may include online data entry that protects the confidentiality of data and information for which reporting is required, to implement the Virginia Congenital Anomalies Reporting and Education System.

At a minimum, data collected shall include, but need not be limited to, the following: (i) the infant's first and last name, date of birth, gender, state of residence, birth hospital, physician's name, date of admission, date of discharge or transfer, and diagnosis; (ii) the first and last names of the infant's mother and father; (iii) the first and last name of the primary contact person for the infant; and (iv) data pertaining to *stillbirths and* birth defects reported by hospitals and derived from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and such other sources as may be authorized by the Commissioner.

The Commissioner, as he deems necessary to facilitate the follow-up of infants whose data and health record information have been entered into the system, may authorize the integration or linking of the Virginia Congenital Anomalies Reporting and Education System with other Department of Health population-based surveillance systems.

In addition, to minimize duplication and ensure accuracy during data entry, the Commissioner may authorize hospitals required to report *stillbirth and* birth defect data to the system to view such existing data and information as may be designated by the Commissioner.

With the assistance of the advisory committee, the Board shall promulgate such regulations as may be necessary to implement this reporting and education system.

C. *As used in this section, "stillbirth" means an unintended, intrauterine fetal death occurring after a gestational period of 20 weeks.*

**§ 32.1-69.2. Confidentiality of records; publication; authority of Commissioner to contact parents and physicians.**

The Commissioner and all other persons to whom data is submitted pursuant to § 32.1-69.1 shall keep such information confidential. For the purpose of only complying with the provisions of § 32.1-69.1, hospitals required to report *stillbirths, as defined in § 32.1-69.1, and* birth defects to the Virginia Congenital Anomalies Reporting and Education System and provide patient follow-up may view personally identifiable information in the system as approved by the Commissioner and upon receipt by the Commissioner of sworn affirmation from each such person that the confidentiality of the information will be preserved. No publication of information shall be made except in the form of statistical or other

studies which do not identify individuals. However, the Commissioner may contact the parents of children identified as having birth defects and their physicians to collect relevant data and to provide them with information about available public and private health care resources.

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility; ~~and~~

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license; *and*

18. *Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

## CHAPTER 662

*An Act to amend and reenact §§ 37.2-910, 37.2-911, 37.2-913, and 37.2-914 of the Code of Virginia, relating to sexually violent predators; notice of hearings; conditional release plan.*

[H 2303]

Approved March 26, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-910, 37.2-911, 37.2-913, and 37.2-914 of the Code of Virginia are amended and reenacted as follows:

**§ 37.2-910. Review of continuation of secure inpatient treatment hearing; procedure and reports; disposition.**

A. The committing court shall conduct a hearing 12 months after the date of commitment to assess each respondent's need for secure inpatient treatment. A hearing for assessment shall be conducted at yearly intervals for five years and at biennial intervals thereafter. The court shall schedule the matter for hearing as soon as possible after it becomes due, giving the matter priority over all pending matters before the court. A continuance extending the review may be granted to either the Attorney General or the respondent upon good cause shown or by agreement of the parties. Whenever practicable, the hearing for assessment shall be conducted using a two-way electronic video and audio communication system that meets the standards set forth in subsection B of § 19.2-3.1.

B. Prior to the hearing, the Commissioner shall provide to the court a report reevaluating the respondent's condition and recommending treatment. The report shall be prepared by a licensed psychiatrist or a licensed clinical psychologist skilled in the diagnosis and risk assessment of sex offenders and knowledgeable about the treatment of sex offenders. If the Commissioner's report recommends discharge or the respondent requests discharge, the respondent's condition and need for secure inpatient treatment shall be evaluated by a second person with such credentials who is not currently treating the respondent. Any professional person who conducts a second evaluation of a respondent shall submit a report of his findings to the court and the Commissioner. A copy of any report submitted pursuant to this subsection shall be sent to the Attorney General and to any attorney appointed or retained for the respondent.

C. The burden of proof at the hearing shall be upon the Commonwealth to prove to the court by clear and convincing evidence that the respondent remains a sexually violent predator.

D. If the court finds, based upon the report and other evidence provided at the hearing, that the respondent is no longer a sexually violent predator, the court shall release the respondent from secure inpatient treatment. If the court finds that the respondent remains a sexually violent predator, it shall order that he remain in the custody of the Commissioner for secure inpatient hospitalization and treatment or that he be conditionally released. To determine if the respondent shall be conditionally released, the court shall determine if the respondent meets the criteria for conditional release set forth in § 37.2-912. If the court orders that the respondent be conditionally released, the court shall allow the Department no less than 30 days and no more than 60 days to prepare a conditional release plan. Any such plan must be able to accommodate needed and appropriate supervision and treatment plans for the respondent, including but not limited to, therapy or counseling, access to medications, availability of travel, location of residence, and regular psychological monitoring of the respondent if called for, including polygraph examinations, penile plethysmograph testing, or sexual interest testing, if necessary. Access to anti-androgen medications or other medication prescribed to lower blood serum testosterone shall not be used as a primary reason for determining that less restrictive alternatives are appropriate pursuant to this chapter. *In preparing the conditional release plan, the Department shall notify the attorney for the Commonwealth, the chief law-enforcement officer, and the governing body for the locality that is the proposed location of the respondent's residence upon his conditional release.*

If the court places the respondent on conditional release, the court shall order the respondent to be subject to electronic monitoring of his location by means of a GPS (Global Positioning System) tracking device, or other similar device, at all times while he is on conditional release.

**§ 37.2-911. Petition for release; hearing; procedures.**

A. The Commissioner may petition the committing court for conditional release of the committed respondent at any time he believes the committed respondent's condition has so changed that he is no longer in need of secure inpatient treatment. The Commissioner may petition the committing court for unconditional release of the committed respondent at any time he believes the committed respondent's condition has so changed that he is no longer a sexually violent predator. The petition shall be accompanied by a report of clinical findings supporting the petition and by a conditional release or discharge plan, as applicable, prepared by the Department. The committed respondent may petition the committing court for release only once in each year in which no annual judicial review is required pursuant to § 37.2-910. The party petitioning for release shall transmit a copy of the petition to the Attorney General ~~and~~, the Commissioner, *and the attorney for the Commonwealth for the locality that is the proposed location of the respondent's residence upon his conditional release.*

B. Upon the submission of a petition pursuant to this section, the committing court shall conduct the proceedings according to the procedures set forth in § 37.2-910.

**§ 37.2-913. Emergency custody of conditionally released respondents; revocation of conditional release.**

A. A judicial officer may issue an emergency custody order, upon the sworn petition of any responsible person or upon his own motion, based upon probable cause to believe that a respondent on conditional release within his judicial district has violated the conditions of his release and is no longer a proper subject for conditional release. The judicial officer shall forward a copy of the petition and the emergency custody order to the circuit court that conditionally released the respondent, the Attorney General, ~~and~~ the Department, *and the attorney for the Commonwealth for the locality that is the location of the respondent's residence.* Petitions and orders for emergency custody of conditionally released respondents pursuant to this section may be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication, and returned in the same manner with the same force, effect, and authority as an original document. All signatures thereon shall be treated as original signatures.

B. The emergency custody order shall require a law-enforcement officer to take the respondent into custody immediately. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section. The respondent shall be transported to a secure facility specified by the Department where a person designated by the Department who is skilled in the diagnosis and risk assessment of sex offenders and knowledgeable about the treatment of sex offenders shall, as soon as practicable, perform a mental health examination of the respondent, including a personal interview. The mental health evaluator shall consider the criteria in § 37.2-912 and shall opine whether the respondent remains suitable for conditional release. The evaluator shall report his findings and conclusions in writing to the Department, the Office of the Attorney General, counsel for the respondent, and the court in which the petition was filed. The evaluator's report shall become part of the record in the case.

C. The respondent on conditional release shall remain in custody until a hearing is held in the circuit court that conditionally released the respondent on the motion or petition to determine if he should be returned to the custody of the Commissioner. The hearing shall be given priority on the court's docket.

D. The respondent's failure to comply with the conditions of release, including outpatient treatment, may be admitted into evidence. The evaluator designated in subsection B may be permitted to testify at the hearing as to his diagnosis, his opinion as to whether the respondent remains suitable for conditional release, his recommendation as to treatment and supervision, and the basis for his opinions. If upon hearing the evidence, the court finds that the respondent on conditional release has violated the conditions of his release and that the violation of conditions was sufficient to render him no longer suitable for conditional release, the court shall revoke his conditional release and order him returned to the custody of the Commissioner for secure inpatient treatment. The respondent may petition the court for re-release pursuant to the conditions set forth in § 37.2-911 no sooner than six months from his return to custody. The respondent petitioning for re-release shall transmit a copy of the petition to the Attorney General ~~and~~, the Commissioner, *and the attorney for the Commonwealth for the locality that is the proposed location of the respondent's residence.*

**§ 37.2-914. Modification or removal of conditions; notice; objections; review.**

A. The court that placed the person on conditional release may modify conditions of release or remove conditions placed on release pursuant to § 37.2-912, upon petition of the Department, the supervising parole or probation officer, the Attorney General, or the person on conditional release or upon its own motion based on reports of the Department or the supervising parole or probation officer. However, the person on conditional release may petition only annually commencing six months after the conditional release order is issued. Upon petition, the court shall require the Department or, if the person is on parole or probation, the person's parole or probation officer to provide a report on the person's progress while on conditional release. The party petitioning for release shall transmit a copy of the petition to the Attorney General ~~and~~, the Commissioner, *and the attorney for the Commonwealth for the locality that is the location of the respondent's residence.*

B. As it deems appropriate based on the Department's or parole or probation officer's report and any other evidence provided to it, the court may issue a proposed order for modification or removal of conditions. The court shall provide notice of the order and their right to object to it within 21 days of its issuance to the person, the Department or parole or probation officer, ~~and~~ the Attorney General, *and the attorney for the Commonwealth for the locality that is the location of the respondent's residence.* The proposed order shall become final if no objection is filed within 21 days of its issuance. If an objection is so filed, the court shall conduct a hearing at which the person on conditional release, the Attorney General, ~~and~~ the Department or the parole or probation officer, *and the attorney for the Commonwealth for the locality that is the location of the respondent's residence shall* have an opportunity to present evidence challenging the proposed order. At the conclusion of the hearing, the court shall issue an order specifying conditions of release or removing existing conditions of release.

**CHAPTER 663**

*An Act to amend and reenact § 23-9.2:8 of the Code of Virginia, relating to public institutions of higher education; students exhibiting suicidal tendencies or behavior; institutional policies and procedures for notification of the student mental health or counseling center.*

[H 1715]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-9.2:8 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-9.2:8. Student mental health policies.**

A. The governing board of each public institution of higher education shall develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and provide for training, where appropriate. *Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subsection C of § 23-9.2:3 when a student exhibits suicidal tendencies or behavior.*

B. The governing board of each public four-year institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The

memorandum shall designate a contact person to be notified when a student is involuntarily committed, or when a student is discharged from a facility and consents to such notification. The memorandum shall also provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

#### CHAPTER 664

*An Act to direct the Secretary of Education and the Director of the State Council of Higher Education for Virginia to develop a plan to establish an online cooperative degree program.*

[H 2320]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Secretary of Education (Secretary) and the Director of the State Council of Higher Education for Virginia (Director), in consultation with each two-year or four-year public or private, nonprofit institution of higher education in the Commonwealth and the Virginia Community College System, shall develop a plan to establish and advertise a cooperative degree program whereby any undergraduate student enrolled at any two-year or four-year public or private, nonprofit institution of higher education in the Commonwealth may complete, through the use of online courses at any such institution, the course credit requirements to receive a degree at a tuition cost not to exceed \$4,000, or such cost that is achievable, per academic year.*

*No later than October 1, 2016, the Secretary and the Director shall report to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health on the progress made by the Secretary and Director toward developing a cooperative degree program plan pursuant to this act.*

**VIRGINIA ACTS OF ASSEMBLY - CHAPTER 665**

An Act for all amendments to Chapter 3 of the 2014 Acts of Assembly, Special Session I, which appropriated funds for the 2014-16 Biennium, and to provide a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2015, and the thirtieth day of June, 2016, submitted by the Governor of Virginia to the presiding officer of each house of the General Assembly of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia.

[H 1400]

**Approved March 26, 2015**

Be it enacted by the General Assembly of Virginia:

1. That Items 1, 6, 31, 32, 33, 37, 38, 39, 40, 41, 42, 47, 48, 50, 56, 57, 61, 66, 67, 70, 73, 74, 75, 76, 77, 80, 81, 82, 83, 85, 88, 89, 96, 98, 99.20, 101, 103, 104, 105, 107, 114, 115, 116, 118, 120, 121, 126, 128, 130, 131, 133, 134, 135, 136, 137, 140, 141, 142, 144, 147, 148, 150, 151, 152, 154, 155, 156, 158, 159, 162, 163, 164, 166, 167, 169, 170, 171, 174, 175, 178, 179, 180, 181, 182, 183, 186, 187, 189, 190, 191, 193, 194, 195, 196, 197, 200, 201, 204, 205, 206, 208, 209, 210, 211, 213, 214, 216, 217, 219, 220, 221, 222, 223, 225, 226, 227, 228, 231, 232, 234, 238, 239, 242, 243, 246, 248, 249, 250, 251, 254, 256, 261, 262, 268, 269, 270, 272, 273, 274, 276, 278, 279, 281, 283, 286, 287, 288, 291, 293, 297, 298, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 316, 317, 318, 321, 323, 324, 325, 326, 327, 329, 330, 332, 333, 334, 335, 336, 337, 338, 339, 341, 342, 343, 348, 349, 350, 357, 358, 359, 361, 363, 364, 368, 369, 371, 374, 375, 376, 377, 379, 382, 384, 385, 389, 391, 393, 394, 395, 396, 398, 399, 401, 404, 405, 410, 413, 414, 419, 420, 422, 424, 425, 426, 427, 428, 433, 434, 435, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 451, 452, 456, 457, 458, 459, 461, 462, 465, 467, 468, 469, 471, 471.10, 471.30, 471.40, 475, 476, 477, 479, 480, 481, 484, 486, 487, C-8, C-8.10, C-23, C-41, C-42, C-43, C-44, C-46.10, C-47, C-48, § 3-1.01, § 3-2.03, § 3-3.01, § 3-3.02, § 3-3.03, § 3-5.03, § 3-5.07, § 3-6.05, § 4-4.01, § 4-5.01, § 4-5.03, § 4-5.04, and § 4-6.01, § 4-14, § 4-15, of Chapter 3 of the 2014 Acts of Assembly, Special Session I be hereby amended and reenacted and that the cited chapter be further amended by adding Items 25.20, 25.30, 25.40, 142.10, 376.05, C-1.05, C-4.10, C-6.50, C-7.10, C-7.20, C-8.30, C-8.35, C-8.40, C-8.50, C-13.05, C-13.20, C-13.30, C-14.10, C-19.01, C-19.02, C-19.03, C-19.04, C-19.05, C-19.06, C-20.10, C-20.20, C-21.05, C-25.10, C-25.20, C-25.30, C-25.40, C-25.50, C-26.20, C-30.10, C-30.20, C-32.05, C-34.10, C-40.10, C-40.20, C-46.15, C-46.30, § 3-5.12, § 3-5.13, § 3-5.14, § 3-5.15, § 3-5.16, § 3-5.17, § 3-5.18, § 3-5.19, § 3-5.20, § 3-6.06, § 4-9.04 and that the cited chapter be further amended by striking therefrom Item 471.20.

42. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	<b>First Year</b>	<b>Second Year</b>	<b>Total</b>
Unreserved Balance, June 30, 2014	\$40,843,378	\$0	\$40,843,378
	<i>\$405,810,000</i>		<i>\$405,810,000</i>
Additions to Balance	<del>\$303,725,013</del>	\$800,000	<del>\$304,525,013</del>
	<i>(\$219,394,360)</i>	<i>\$1,900,446</i>	<i>(\$217,493,914)</i>
Official Revenue Estimates	\$16,874,405,909	\$17,317,328,910	\$34,191,734,819
	<i>\$17,186,022,255</i>	<i>\$17,720,628,857</i>	<i>\$34,906,651,112</i>

Revenue Stabilization			
Fund	\$470,000,000	\$235,000,000	\$705,000,000
Transfers	\$588,118,307	\$555,066,980	\$1,143,185,287
	\$644,994,561	\$564,512,975	\$1,209,507,536
Total General Fund			
Resources Available for			
Appropriation	\$18,277,092,607	\$18,108,195,890	\$36,385,288,497
	\$18,487,432,456	\$18,522,042,278	\$37,009,474,734

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	<i>First Year</i>	<i>Second Year</i>	<i>Total</i>
Balance, June 30, 2014	\$4,708,335,881	\$0	\$4,708,335,881
	<i>\$4,945,503,350</i>		<i>\$4,945,503,350</i>
Official Revenue Estimates	\$25,717,780,255	\$26,248,075,807	\$51,965,856,062
	<i>\$25,734,466,497</i>	<i>26,305,964,356</i>	<i>\$52,040,430,853</i>
Lottery Proceeds Fund	\$553,100,000	\$510,000,000	\$1,063,100,000
	<i>\$557,555,450</i>	<i>\$531,667,925</i>	<i>\$1,089,223,375</i>
Internal Service Fund	\$1,595,861,216	\$1,612,651,825	\$3,208,513,041
	<i>\$1,771,892,976</i>	<i>\$1,801,509,481</i>	<i>\$3,573,402,457</i>
Bond Proceeds	\$632,144,586	\$105,000,000	\$737,144,586
	<i>\$792,874,586</i>	<i>\$248,608,000</i>	<i>\$1,041,482,586</i>
Total Nongeneral Fund			
Revenues Available for			
Appropriation	\$33,207,221,938	\$28,475,727,632	\$61,682,949,570
	<i>\$33,802,292,859</i>	<i>\$28,887,749,762</i>	<i>\$62,690,042,621</i>
<b>TOTAL PROJECTED</b>			
<b>REVENUES</b>	<b>\$51,484,314,545</b>	<b>\$46,583,923,522</b>	<b>\$98,068,238,067</b>
	<i>\$52,289,725,315</i>	<i>\$47,409,792,040</i>	<i>\$99,699,517,355</i>

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand fourteen, through the thirtieth day of June two thousand sixteen, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand twelve, through the thirtieth day of June two thousand fourteen, inclusive.

C. "Next biennium" means the period from the first day of July two thousand sixteen, through the thirtieth day of June two thousand eighteen, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

<b>BIENNIUM 2014-16</b>			
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>Total</b>
OPERATING EXPENSES	\$36,382,200,839	\$58,194,846,263	\$94,577,047,102
	\$36,862,786,001	\$58,629,837,945	\$95,492,623,946
LEGISLATIVE DEPARTMENT	\$150,330,101	\$6,515,127	\$156,845,228
	150,877,301	6,779,589	\$157,656,890
JUDICIAL DEPARTMENT	\$871,875,824	\$68,425,968	\$940,301,792
	\$908,038,408		\$976,464,376
EXECUTIVE DEPARTMENT	\$35,457,594,335	\$56,559,050,486	\$91,916,644,821
	\$35,801,469,713	\$57,558,996,772	\$93,360,466,485
INDEPENDENT AGENCIES	\$2,400,579	\$1,560,854,682	\$1,563,255,261
		\$995,635,616	\$998,036,195
STATE GRANTS TO NONSTATE AGENCIES	\$0	\$0	\$0
CAPITAL OUTLAY EXPENSES	\$200,000	\$951,057,664	\$951,257,664
	141,618,476	\$1,329,915,402	\$1,471,533,878
TOTAL	\$36,382,400,839	\$59,145,903,927	\$95,528,304,766
	\$37,004,404,477	\$59,959,753,347	\$96,964,157,824

§ 8. This chapter shall be known and may be cited as the "2015 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**PART 1: OPERATING EXPENSES**

**LEGISLATIVE DEPARTMENT**

**§ 1-1. GENERAL ASSEMBLY OF VIRGINIA (101)**

1.	Enactment of Laws (78200) a sum sufficient, estimated at .....			\$38,421,116	\$38,414,355 \$38,428,555
	Legislative Sessions (78204) .....	\$38,421,116	\$38,414,355 \$38,428,555		
	Fund Sources: General .....	\$38,421,116	\$38,414,355 \$38,428,555		

Authority: Article IV, Constitution of Virginia.

A. Out of this appropriation, the House of Delegates is funded ~~\$24,471,673~~ \$24,532,589 the first year and ~~\$24,472,646~~ \$24,533,562 the second year from the general fund. The Senate is funded ~~\$13,836,883~~ \$13,888,527 the first year and ~~\$13,837,629~~ \$13,894,993 the second year from the general fund.

B. Out of this appropriation shall be paid:

1. The salaries of the Speaker of the House of Delegates and other members, and personnel employed by each House; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; public printing and related expenses required by or for the General Assembly; and the incidental expenses of the General Assembly (§§ 30-19.11 through 30-19.20, inclusive, and § 30-19.4, Code of Virginia). The salary of the Speaker of the House of Delegates shall be \$36,321 per year. The salaries of other members of the House of Delegates shall be \$17,640 per year. The salaries of the members of the Senate shall be \$18,000 per year.

2. The annual salary of the Clerk of the House of Delegates, \$151,375 from July 1, 2014 to June 24, 2015 and \$151,375 from June 25, 2015 to June 30, 2016.

3. The annual salary of the Clerk of the Senate, \$148,184 from July 1, 2014 to June 24, 2015 and \$148,184 from June 25, 2015 to June 30, 2016.

4. Expenses of the Speaker of the House of Delegates not otherwise reimbursed, \$16,200 each year, to be paid in equal monthly installments during the year.

5. In accordance with § 30-19.4, Code of Virginia, and subject to all other conditions of that section except as otherwise provided in the following paragraphs:

a. \$96,856 per calendar year for the compensation of one or more secretaries of the Speaker of the House of Delegates. After June 30, 2014, salary increases shall be governed by the provisions of Item 467 of this act.

b. \$145,283 per calendar year for the compensation of one or more legislative assistants of the Speaker of the House of Delegates. After June 30, 2014, salary increases shall be governed by the provisions of Item 467 of this act.

c.1. \$40,000 per calendar year for the compensation of legislative assistants for each member of the House of Delegates and \$45,000 for the compensation of legislative assistants for each member of the Senate. After June 30, 2014, salary increases granted shall be governed by the provisions of Item 467 of this act.

2. In addition, \$15,000 per calendar year for each member of the House of Delegates and \$10,000 per calendar year for each member of the Senate to provide compensation for additional legislative assistant support costs incurred during the legislative session and in the operation of legislative offices within members' districts. After June 30, 2014, salary increases granted shall be governed by the provisions of Item 467 of this act.

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
d.	The per diem for each legislative assistant of each member of the General Assembly, including the Speaker of the House of Delegates. Such per diem shall equal the amount authorized per session day for General Assembly members in paragraph B 7, if such legislative assistant maintains a temporary residence during the legislative session or an extension thereof and if the establishment of such temporary residence results from the person's employment by the member. The per diem for a legislative assistant who is domiciled in the City of Richmond or whose domicile is within twenty miles of the Capitol shall equal thirty-five percent of the amount paid to a legislative assistant who maintains a temporary residence during such session. For purposes of this paragraph, (i) a session day shall include such days as shall be established by the Rules Committee of each respective House and (ii) a temporary residence is defined as a residence certified by the member served by the legislative assistant as occupied only by reason of employment during the legislative session or extension thereof. Notwithstanding the provisions of (i) of the preceding sentence, if the House from which the legislative assistant is paid is in adjournment during a regular or special session, he must show to the satisfaction of the Clerk that he worked each day during such adjournment for which such per diem is claimed.			
e.	A mileage allowance as provided in § 2.2-2823 A, Code of Virginia, and as certified by the member. Such mileage allowance shall be paid to a legislative assistant for one round trip between the City of Richmond and such person's home each week during the legislative session or an extension thereof when such person is maintaining a temporary residence.			
f.	Per diem and mileage shall be paid only to a person who is paid compensation pursuant to § 30-19.4, Code of Virginia.			
g.	Not more than one person shall be paid per diem or mileage during a single weekly pay period for serving a member as legislative assistant during a legislative session or extension thereof.			
h.	No person, by virtue of concurrently serving more than one member, shall be paid mileage or per diem in excess of the daily rates specified in this Item.			
i.	\$19,879 per calendar year additional allowance for secretaries or legislative assistants to the Majority and Minority Leaders of the House of Delegates and the Senate and for secretaries or legislative assistants to the President Pro Tempore of the Senate and the Chairman Emeritus of the Senate Finance Committee, and to the Chairmen of the House Appropriations and Senate Finance Committees. After June 30, 2014, salary increases shall be governed by the provisions of Item 467 of this act.			
6.a.	All compensation and reimbursement of expenses to members of the General Assembly and non-General Assembly members for attending a meeting described in paragraphs B.6.c., B.6.d., B.7., and B.8. shall be paid solely as provided pursuant to this item.			
b.	The provisions of paragraphs B.6.c. and B.6.d. of this item shall not apply during any regular session of the General Assembly or extension thereof, or during any special session of the General Assembly; provided, however, that the provisions of such paragraphs shall apply during any recess of the same.			
c.	Notwithstanding any other provision of law, each General Assembly member shall receive compensation for each day, or portion thereof, of attendance at an official meeting of any joint subcommittee, board, commission, authority, council, compact, or other body that has been created or established by the General Assembly or by resolution of a house of the General Assembly, provided that the member has been appointed to, or designated an official member of, such joint subcommittee, board, commission, authority, council, compact, or other body pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation.			
	Notwithstanding any other provision of law, each General Assembly member shall also receive compensation for each day, or portion thereof, of attendance at an official meeting of (i) any standing committee or subcommittee thereof of the House of Delegates to which the member has been appointed, (ii) any standing committee or subcommittee thereof or Committee on			

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

Rules of the Senate to which the member has been appointed, or (iii) the Joint Rules Committee of the General Assembly. Any official meeting of a subcommittee of any of the committees described in clauses (i), (ii), or (iii) shall also be an official meeting for which the member shall receive compensation.

Notwithstanding any other provision of law, any General Assembly member whose attendance, in the written opinion of the chairman of (a) any joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly; (b) any such standing committee of the House of Delegates or of the Senate; (c) the Committee on Rules of the Senate; or (d) the Joint Rules Committee of the General Assembly, is required at an official meeting of the body shall also receive compensation for each day, or portion thereof, of attendance at such official meeting.

Any General Assembly member receiving compensation pursuant to this paragraph for attending an official meeting shall be reimbursed for his or her reasonable and necessary expenses incurred in attending such meeting. Notwithstanding any other provision of law, the reimbursement shall be provided by the respective body holding the meeting or by the entity that supports the work of the body.

d. Compensation to General Assembly members for attendance at any official meeting described under B.6.c. of this item shall be at the rate of \$200 for each day, or portion thereof, of attendance. In no case shall a member be paid more than an aggregate of \$200 in compensation for each day, or portion thereof, regardless of whether the member attends more than one official meeting during the day. The payment of such compensation shall be subject to the restrictions and limitations set forth in subsections B., C., and G. of § 30-19.12, Code of Virginia. Notwithstanding any other provision of law, compensation to General Assembly members for attendance at such official meetings shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. The body holding the meeting shall as soon as practicable report the member's attendance at any official meeting of such body to the Clerk of the House of Delegates or the Clerk of the Senate, as applicable, in order to facilitate payment of the compensation. Such body shall report the member's attendance in such manner as prescribed by the respective Clerk.

7. Notwithstanding any other provision of law, whenever any General Assembly member is required to travel for official attendance as a representative of the General Assembly at any meeting, conference, seminar, workshop, or conclave, which is not conducted by the Commonwealth of Virginia or any of its agencies or instrumentalities, such member shall be entitled to (i) compensation in an amount not to exceed the per day rate set forth in paragraph B.6.d., and (ii) reimbursement for reasonable and necessary expenses incurred. Such compensation and reimbursement for expenses shall be set by the Speaker of the House of Delegates for members of the House of Delegates and by the Senate Committee on Rules for members of the Senate.

8. The provisions of this paragraph shall apply only to non-General Assembly members (hereinafter, "citizen members") of any (i) board, commission, authority, council, or other body created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly, or (ii) joint legislative committee or subcommittee.

Notwithstanding any other provision of law, any citizen member of any body described in this paragraph who is appointed at the state level, or designated an official member of such body, pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation, shall receive compensation solely for each day, or portion thereof, of attendance at an official meeting of the same. In no event shall any citizen member be paid compensation for attending a meeting of an advisory committee or other advisory body. Subject to any contrary law that provides for a higher amount of compensation to be paid, compensation shall be paid at the rate of \$50 for each day, or portion thereof, of attendance at an official meeting.

Such citizen members shall also be reimbursed for reasonable and necessary expenses incurred in attending (i) an official meeting of any body described in this paragraph, or (ii) a meeting of an advisory committee or advisory body of any body described in this paragraph.

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Compensation and reimbursement of expenses to such citizen members shall be paid by the body holding the meeting (or for meetings of advisory committees or advisory bodies, the body on whose behalf the meeting is being held) or by the entity that supports the work of the body.

A citizen member, however, who is a full-time employee of the Commonwealth or any of its local political subdivisions, including any full-time faculty member of a public institution of higher education, shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed by his employer.

A citizen member who is also currently a treasurer, sheriff, clerk of court, commissioner of the revenue, or attorney for the Commonwealth by reason of election of the qualified county or city voters shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of his office are reimbursed. Full-time employees of one of the foregoing constitutional offices shall also not be entitled to compensation under this paragraph and shall be limited to reimbursement for their reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of the constitutional office are reimbursed.

9. Pursuant to § 30-19.13, Code of Virginia, allowances for expenses of members of the General Assembly during any regular session of the General Assembly or extension thereof or during any special session of the General Assembly shall be paid in an amount not to exceed the maximum daily amount permitted by the Internal Revenue Service under rates established by the U.S. General Services Administration.

10. Allowance for office expenses and supplies of members of the General Assembly, in the amount of \$1,250 for each month of each calendar year. An additional \$500 for each month of each calendar year shall be paid to the Majority and Minority Leaders of the House of Delegates and the Senate and to the President Pro Tempore of the Senate, the Chairman and Chairman Emeritus of the Senate Finance Committee.

C. A legislative assistant of a member of the General Assembly regularly employed on a twelve (12) consecutive month salary basis receiving 60 percent or more of the salary allotted pursuant to paragraph A.5.c.1, may, for the purposes of §§ 51.1-124.3 and 51.1-152, Code of Virginia, be deemed a "state employee" and as such will be eligible for participation in the Virginia Retirement System, the group life insurance plan, the VRS short and long term disability plans, and the state health insurance plan. Upon approval by the Joint Rules Committee, legislative assistants shall be eligible to participate in the short and long-term disability plans sponsored by the Virginia Retirement System pursuant to Chapter 11 of Title 51.1, Code of Virginia. Such legislative assistants shall not receive sick leave and family and personal leave benefits under this plan. Short-term disability benefits shall be payable from the Legislative Reversion Clearing Account.

D. Out of this appropriation the Clerk of the House of Delegates shall pay the routine maintenance and operating expenses of the General Assembly Building as apportioned to the Senate, House of Delegates, Division of Legislative Services, Joint Legislative Audit and Review Commission, or other legislative agencies. The funds appropriated to each agency in the Legislative Department for routine maintenance and operating expenses during the current biennium shall be transferred to the account established for this purpose.

E. An amount of up to \$10,000 per year shall be transferred from Item 33 of this act, to reflect equivalent compensation allowances for the Lieutenant Governor as were authorized by the 1994 General Assembly. The Lieutenant Governor shall report such increases to the Speaker of the House and the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee.

F.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a joint subcommittee to review public higher education funding policies and to make recommendations to their respective committees. The objective of the review is to develop policies and formulas to provide the public institutions of higher education with an equitable funding methodology that: (a)

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recognizes differences in institutional mission; (b) provides incentives for achievement and productivity; (c) recognizes enrollment growth; and (d) establishes funding objectives in areas such as faculty salaries, financial aid, and the appropriate share of educational and general costs that should be borne by resident students. In addition, the review shall include the development of comparable cost data concerning the delivery of higher education through an analysis of the relationship of each public institution to its national peers. The public institutions of higher education and the staff of the State Council of Higher Education for Virginia are directed to provide technical assistance, as required, to the joint subcommittee.

2. The Joint Subcommittee on Higher Education Funding Policies shall conduct an assessment of the adequacy of the current educational and general funding levels for Virginia's public institutions of higher education. The assessment shall be used to develop guidelines against which to measure funding requests for higher education. The assessment shall include, but not be limited to, the following components:

- a) Updated student-to-faculty ratios based on current practice or industry norms.
- b) Consideration of support staff needs and the changing requirements of support staff due to technology and privatization of services previously performed by the institutions.
- c) Costs of instruction, such as equipment, utilities, facilities maintenance, and other nonpersonal services expenses.
- d) Recognition of the individual mission of the institution, student characteristics, location, or other factors that may influence the costs of instruction.
- e) Benchmarking of the funding guidelines against a group of peer institutions, or other appropriate comparator group, to assess the validity of the guidelines.
- f) Means by which measures of institutional performance can be assessed and incorporated into funding and policy guidelines for higher education.

3. The Joint Subcommittee on Higher Education Funding Policies shall develop a more precise methodology for determining funding needs at Virginia's public institutions of higher education related to enrollment growth. The methodology should take into consideration that support staff and operations may need to be expanded when enrollment growth reaches certain levels.

4. The Joint Subcommittee may seek support from the staff of the Senate Finance and House Appropriations Committees, the public institutions of higher education, or other higher education or state agency representatives, as requested by the Joint Subcommittee. At its discretion, the Joint Subcommittee may contract for consulting services.

5. The Joint Subcommittee is hereby continued to provide direction and oversight of higher education funding policies. The Joint Subcommittee shall review and articulate policies and funding methodologies on: (a) the appropriate share of educational and general costs that should be borne by students; (b) student financial aid; (c) undergraduate medical education funding; (d) the mix of full-time and part-time faculty; (e) the mix of in-state and out-of-state students as it relates to tuition policy; and (f) the viability of statewide articulation agreements between four-year and two-year public institutions.

6. a. It is the objective of the General Assembly that funding for Virginia's public colleges and universities shall be based primarily on the funding guidelines outlined in the November, 2001 report of the Joint Subcommittee on Higher Education Funding Policies.

b. Based on the findings and recommendations of its November, 2001 report, the Joint Subcommittee shall coordinate with the State Council of Higher Education, the Secretary of Education, and the Department of Planning and Budget in incorporating the higher education funding guidelines into the development of budget recommendations.

c. As part of its responsibilities to ensure the fair and equitable distribution and use of public funds among the public institutions of higher education, the State Council of Higher Education shall incorporate the funding guidelines established by the Joint Subcommittee into its budget recommendations to the Governor and the General Assembly.

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G. The Chairmen of the Senate Finance and House Appropriations Committees shall each appoint four members from their respective committees to a joint subcommittee to review compensation of state agency heads and cabinet secretaries. The Department of Human Resource Management, the Virginia Retirement System and all other agencies and institutions of the Commonwealth are directed to provide technical assistance, as required, to the joint subcommittee.				
H. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees.				
2. The Joint Subcommittee on Elementary and Secondary Education Funding shall: a) study the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and b) review the "federal revenue deduct" methodology, including the current use of a cap on the deduction; and c) review the methodology for establishing a consistent funding cap process for all state funded instructional and certain support positions.				
3. The school divisions, the staff of the Virginia Department of Education, and staff of the Joint Legislative Audit and Review Commission, are directed to provide technical assistance, as required, to the joint subcommittee.				
I. Notwithstanding the salaries listed in Item 1, paragraph B.2., of this act, the Speaker of the House may establish a salary range for the Clerk of the House of Delegates.				
J. Notwithstanding the salaries listed in Item 1, paragraph B.3. of this act, the Senate Committee on Rules may establish a salary range for the Clerk of the Senate.				
K. Notwithstanding the salaries set out in Items 2, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in § 4-6.01 of this act.				
L. Included within this appropriation is \$15,400 each year from the general fund for expenses related to the Joint Subcommittee on Tax Preferences, pursuant to House Bill 777 of the 2012 Session. This includes \$6,622 each year to be allocated by the Clerk of the Senate and \$8,778 each year to be allocated by the Clerk of the House of Delegates.				
M. Included in the appropriations for this item is \$25,000 the first year and \$25,000 the second year from the general fund for the operations of the Virginia Indian Commemorative Commission and the development of a monument commemorating the life, achievements, and legacy of Native Americans in the Commonwealth.				
N. The Special Joint Subcommittee to Consult on the Plan to Close State Training Centers shall continue to conduct a review of the assumptions behind the cost and cost savings of implementing the U.S. Department of Justice (DOJ) settlement agreement including but not limited to a review of the cost of providing care in the state intellectual disability (ID) training centers and in the community and an explanation of the difference in costs.				
O. The Joint Commission on Transportation Accountability shall regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313, 2013 Session of the General Assembly. To this end, by November 15 the Secretary of Transportation, the Northern Virginia Transportation Authority and the Hampton Roads Transportation Accountability Commission shall each prepare a report on the uses of the Intercity Passenger Rail Operating and Capital Funds, the Northern Virginia Transportation Authority Fund, and the Hampton Roads Transportation Fund, respectively, each year to be presented to the Joint Commission on Transportation Accountability.				
P.1. There is hereby created in the legislative branch the World War II 75th Anniversary Commemoration Commission. The Commission shall plan, develop, and carry out programs and activities appropriate to commemorate the 75th anniversary of World War II, including a national reunion of living veterans.				

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2. The Commission shall have a total membership of ten members consisting of six legislative members, two nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate of Virginia to be appointed by the Senate Committee on Rules, one nonlegislative citizen member who shall be a World War II historian, to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member who shall be a World War II veteran or a family member of a World War II veteran, to be appointed by the Senate Committee on Rules; and two ex-officio members, to include the Commissioner of the Virginia Department of Veterans Services or his designee and the Executive Director of the Virginia War Memorial. The nonlegislative and ex-officio members shall be non-voting members. The nonlegislative citizen members shall be citizens of the Commonwealth, unless otherwise approved in writing by the chairman of the committee and the respective Clerk, and shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The voting members of the Commission shall elect a Chairman and Vice-Chairman from among its membership, who shall be members of the Virginia General Assembly.

3. The Virginia Department of Veterans Services and the Virginia War Memorial shall provide technical assistance to the Commission. The Division of Legislative Services shall act as the fiscal agent for the Commission. Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the Commission shall be provided by the Division of Legislative Services, and by other state agencies and institutions as may be requested by the Commission.

4. The Director of the Department of Planning and Budget is authorized to transfer \$1,000,000 in the first year from unexpended balances from the Virginia Sesquicentennial of the American Civil War Commission to the Division of Legislative Services to support the activities of the World War II 75th Anniversary Commemoration Commission.

*Q.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a Joint Subcommittee to provide recommendations for reforming the Virginia Preschool Initiative. The goals and objectives of the Joint Subcommittee will be to consider increasing accountability, flexibility, innovation, clarification of the state's role and policy relating to providing a preschool for economically disadvantaged children, and to further develop the facilitation of partnerships between school divisions and private providers for the Virginia Preschool Initiative. The Subcommittee will also review and consider possible recommendations regarding the development of a competency-based professional development framework for early childhood teachers in public schools and early learning practitioners in private early learning settings.*

*2. The staff of the elementary and secondary Education subcommittees for the House Appropriations and Senate Finance Committees and the Department of Education will help with facilitating the scope of work to be completed by the Joint Subcommittee. The Virginia Early Childhood Foundation will provide support and resources to the members and staff of the Joint Subcommittee. Other stakeholders, such as those from the Virginia Department of Social Services, the Virginia Community College System, local school divisions, private and faith-based child day-care providers, accredited organizations, education associations and businesses may provide additional information if requested.*

*3. A report of any preliminary findings and recommendations shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees by November 1, 2015.*

*R. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a Joint Subcommittee on the Future Competitiveness of Virginia Higher Education to (a) review ways to maintain and improve the quality of higher education, while providing for broad access and affordability; (b) examine the impact of financial, demographic, and competitive changes on the sustainability of individual institutions and the system as a whole; (c) identify best practices to make the system more efficient, including shared services, institutional flexibility, and easily accessible academic pathways; (d) evaluate the use of distance education and online instruction across the Commonwealth and appropriate business models for such programs; (e) review current need-based financial aid programs and alternative models to best provide for student affordability and completion; (f) review the recommendations of the Joint Legislative Audit and*

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*Review Commission on the study of the cost efficiency of higher education institutions and make recommendations to their respective committees on the implementation of those recommendations; (g) study the effectiveness and value of transfer students; (h) evaluate the effectiveness of dual enrollment in reducing the cost of higher education; and (i) study the effectiveness of preparing teachers to enter the K-12 system.*

*2. As the Joint Subcommittee conducts its analysis, it shall consider the mission, vision, goals and strategies outlined in the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia, and endorsed by the General Assembly in House Joint Resolution 555 of the 2015 Session of the General Assembly.*

*3. The Joint Subcommittee may seek support and technical assistance from the staff of the House Appropriations and Senate Finance Committees, the public institutions of higher education, the staff of the Joint Legislative Audit and Review Commission, and the staff of the State Council of Higher Education for Virginia. Other state agency or higher education representatives shall provide support upon request. At its discretion, the Joint Subcommittee may contract for consulting services.*

*4. The members of the Joint Subcommittee shall develop a two-year workplan for the review and assessment detailed above, and provide an interim report to their respective committees by November 1, 2016 and a final report by November 1, 2017.*

Total for General Assembly of Virginia.....			<b>\$38,421,116</b>	<b>\$38,414,355</b> <b>\$38,428,555</b>
General Fund Positions.....	221.00	221.00		
Position Level .....	221.00	221.00		
Fund Sources: General.....	\$38,421,116	\$38,414,355		\$38,428,555

**§ 1-2. AUDITOR OF PUBLIC ACCOUNTS (133)**

2.	Legislative Evaluation and Review (78300).....			\$11,940,421	\$11,944,569
	Financial and Compliance Audits (78301) .....	\$11,940,421	\$11,944,569		
	Fund Sources: General.....	\$11,062,281	\$11,066,353		
	Special.....	\$878,140	\$878,216		

Authority: Article IV, Section 18, Constitution of Virginia; Title 30, Chapter 14, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Auditor of Public Accounts, \$173,530 from July 1, 2014 to December 31, 2014 and \$173,530 from January 1, 2015 to June 30, 2016.

B. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year pursuant to § 2.2-1829, Code of Virginia. The Auditor shall, at the same time, provide his report on (i) the 15 percent limitation and the amount that could be paid into the Revenue Stabilization Fund and (ii) any amounts necessary for deposit into the Fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

C. The specifications of the Auditor of Public Accounts for the independent certified public accountants auditing localities shall include requirements for any money received by the sheriff. These requirements shall include that the independent certified public accountant must submit a letter to the Auditor of Public Accounts annually providing assurance as to whether the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia. This letter shall be submitted along with the locality's audit report.

ITEM 2.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Auditor of Public Accounts.....			<b>\$11,940,421</b>	<b>\$11,944,569</b>
General Fund Positions.....	120.00	120.00		
Nongeneral Fund Positions.....	10.00	10.00		
Position Level .....	130.00	130.00		
Fund Sources: General.....	\$11,062,281	\$11,066,353		
Special.....	\$878,140	\$878,216		

**§ 1-3. COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (413)**

3.	Ground Transportation System Safety Services (60500) ..		\$1,453,050	\$1,453,727
	Ground Transportation Safety Promotion (60503) .....	\$1,453,050	\$1,453,727	
	Fund Sources: Special.....	\$1,453,050	\$1,453,727	

Authority: §§ 18.2-271.1 and 18.2-271.2, Code of Virginia.

Out of this appropriation shall be paid the annual salary of the Executive Director, \$117,923 from July 1, 2014 to June 24, 2015 and \$117,923 from June 25, 2015 to June 30, 2016.

Total for Commission on the Virginia Alcohol Safety Action Program.....			<b>\$1,453,050</b>	<b>\$1,453,727</b>
Nongeneral Fund Positions.....	11.50	11.50		
Position Level .....	11.50	11.50		
Fund Sources: Special.....	\$1,453,050	\$1,453,727		

**§ 1-4. DIVISION OF CAPITOL POLICE (961)**

4.	Administrative and Support Services (39900).....		\$7,772,194	\$7,777,100
	Security Services (39923).....	\$7,772,194	\$7,777,100	
	Fund Sources: General.....	\$7,772,194	\$7,777,100	

Authority: Title 30, Chapter 3.1, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Chief, Division of Capitol Police, \$102,408 from July 1, 2014 to June 30, 2015 and \$102,408 from July 1, 2015 to June 30, 2016.

B. Included in this Item is \$160,735 the first year and \$160,735 the second year from the general fund, which shall be unallotted until such time as an additional position class or other career development plan for the Division of Capitol Police shall be approved by the Committee on Joint Rules.

Total for Division of Capitol Police .....			<b>\$7,772,194</b>	<b>\$7,777,100</b>
General Fund Positions.....	108.00	108.00		
Position Level .....	108.00	108.00		
Fund Sources: General.....	\$7,772,194	\$7,777,100		

**§ 1-5. DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS (109)**

5.	Information Technology Development and Operations (82000) .....		\$3,565,984	\$3,566,331
	Computer Operations Services (82001) .....	\$3,565,984	\$3,566,331	
	Fund Sources: General.....	\$3,287,446	\$3,287,772	

ITEM 5.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$278,538	\$278,559		
Authority: Title 30, Chapter 3.2, Code of Virginia.				
Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Automated Systems, \$153,795 from July 1, 2014 to June 24, 2015 and \$153,795 from June 25, 2015 to June 30, 2016.				
Total for Division of Legislative Automated Systems.....			<b>\$3,565,984</b>	<b>\$3,566,331</b>
General Fund Positions.....	16.00	16.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level .....	19.00	19.00		
Fund Sources: General.....	\$3,287,446	\$3,287,772		
Special.....	\$278,538	\$278,559		

**§ 1-6. DIVISION OF LEGISLATIVE SERVICES (107)**

6.	Legislative Research and Analysis (78400).....			<del>\$6,186,998</del>	\$6,187,288
	Bill Drafting and Preparation (78401).....	<del>\$6,186,998</del>	\$6,187,288	<del>\$6,451,460</del>	
		\$6,451,460			
	Fund Sources: General.....	\$6,166,977	\$6,167,260		
	Special.....	<del>\$20,021</del>	\$20,028		
		\$284,483			

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$154,288 from July 1, 2014, to June 24, 2015 and \$154,288 from June 25, 2015, to June 30, 2016.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia State Crime Commission.

D. The Director of the Division of Legislative Services is authorized to expend up to \$25,000 in the first year and \$25,000 the second year of the general fund amounts appropriated for this item to support costs associated with the 2015 national conference of the Uniform Law Commission which will be held in Williamsburg Virginia in July of 2015.

*E. The Division of Legislative Services is hereby directed to lead a technical staff working group, including staff of the Joint Commission on Technology and Science, the Joint Legislative Audit and Review Commission (JLARC), the Office of the Secretary of Technology, the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, and others as may be deemed appropriate to review VITA's existing responsibilities, as set forth in the Code of Virginia, in uncodified Acts of Assembly, and in the Appropriation Act. The working group shall develop legislation that reorganizes, clarifies, and codifies, but does not substantively amend, such responsibilities. The technical working group shall present its proposal to JLARC no later than November 1, 2015, so that it may be considered for introduction at the 2016 Session of the General Assembly.*

*F. Included in this item is \$264,462 the first year from dedicated special revenue to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.*

ITEM 6.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Division of Legislative Services.....			<b>\$6,186,998</b> <b>\$6,451,460</b>	<b>\$6,187,288</b>
General Fund Positions.....	56.00	56.00		
Position Level .....	56.00	56.00		
Fund Sources: General.....	\$6,166,977	\$6,167,260		
Special.....	<del>\$20,024</del> \$284,483	\$20,028		
<b>Capitol Square Preservation Council (820)</b>				
7. Architectural and Antiquity Research Planning and Coordination (74800).....			\$164,002	\$164,636
Architectural Research (74801).....	\$164,002	\$164,636		
Fund Sources: General.....	\$164,002	\$164,636		
Authority: Title 30, Chapter 28, Code of Virginia.				
Total for Capitol Square Preservation Council.....			<b>\$164,002</b>	<b>\$164,636</b>
General Fund Positions.....	1.00	1.00		
Position Level .....	1.00	1.00		
Fund Sources: General.....	\$164,002	\$164,636		
<b>Virginia Disability Commission (837)</b>				
8. Social Services Research, Planning, and Coordination (45000).....			\$25,624	\$25,648
Social Services Coordination (45001).....	\$25,624	\$25,648		
Fund Sources: General.....	\$25,624	\$25,648		
Authority: Title 30, Chapter 35, Code of Virginia.				
Total for Virginia Disability Commission .....			<b>\$25,624</b>	<b>\$25,648</b>
Fund Sources: General.....	\$25,624	\$25,648		
<b>Dr. Martin Luther King, Jr. Memorial Commission (845)</b>				
9. Human Relations Management (14600).....			\$50,470	\$50,511
Human Relations Management (14601).....	\$50,470	\$50,511		
Fund Sources: General.....	\$50,470	\$50,511		
Authority: Title 30, Chapter 27, Code of Virginia.				
Total for Dr. Martin Luther King, Jr. Memorial Commission.....			<b>\$50,470</b>	<b>\$50,511</b>
Fund Sources: General.....	\$50,470	\$50,511		
<b>Joint Commission on Technology and Science (847)</b>				
10. Technology Research, Planning, and Coordination (53700).....			\$210,224	\$210,310
Technology Research (53701).....	\$210,224	\$210,310		

ITEM 10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$210,224	\$210,310		
Authority: Title 30, Chapter 11, Code of Virginia.				
Total for Joint Commission on Technology and Science.....			<b>\$210,224</b>	<b>\$210,310</b>
General Fund Positions.....	2.00	2.00		
Position Level .....	2.00	2.00		
Fund Sources: General.....	\$210,224	\$210,310		
<b>Commissioners for the Promotion of Uniformity of Legislation in the United States (145)</b>				
11. Governmental Affairs Services (70100).....			\$87,522	\$87,528
Interstate Affairs (70103).....	\$87,522	\$87,528		
Fund Sources: General.....	\$87,522	\$87,528		
Authority: Title 30, Chapter 29, Code of Virginia.				
Total for Commissioners for the Promotion of Uniformity of Legislation in the United States.....			<b>\$87,522</b>	<b>\$87,528</b>
Fund Sources: General.....	\$87,522	\$87,528		
<b>State Water Commission (971)</b>				
12. Environmental Policy and Program Development (51600) .....			\$10,175	\$10,180
Environmental Policy and Program Development (51601) .....	\$10,175	\$10,180		
Fund Sources: General.....	\$10,175	\$10,180		
Authority: Title 30, Chapter 24, Code of Virginia.				
Total for State Water Commission .....			<b>\$10,175</b>	<b>\$10,180</b>
Fund Sources: General.....	\$10,175	\$10,180		
<b>Virginia Coal and Energy Commission (118)</b>				
13. Resource Management Research, Planning, and Coordination (50700).....			\$21,650	\$21,661
Energy Conservation Advisory Services (50703).....	\$21,650	\$21,661		
Fund Sources: General.....	\$21,650	\$21,661		
Authority: Title 30, Chapter 25, Code of Virginia.				
Total for Virginia Coal and Energy Commission .....			<b>\$21,650</b>	<b>\$21,661</b>
Fund Sources: General.....	\$21,650	\$21,661		
<b>Virginia Code Commission (108)</b>				
14. Enactment of Laws (78200).....			\$93,418	\$93,455
Code Modernization (78201).....	\$93,418	\$93,455		
Fund Sources: General.....	\$69,391	\$69,417		

ITEM 14.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$24,027	\$24,038		
Authority: Title 30, Chapter 15, Code of Virginia.				
The Code Commission shall not authorize, or undertake, a re-numbering or re-codification of the Code of Virginia, 1950 as amended unless there is a specific appropriation included in a general Appropriation Act addressing the fiscal impact of such an action. The Commission is authorized to develop a proposal, for review by the Committee on Joint Rules, to re-number the Code of Virginia, including the proposed re-numbering structure and a detailed estimate of any potential fiscal impact on state agencies from the restructuring.				
Total for Virginia Code Commission .....			<b>\$93,418</b>	<b>\$93,455</b>
Fund Sources: General.....	\$69,391	\$69,417		
Special.....	\$24,027	\$24,038		
<b>Virginia Freedom of Information Advisory Council (834)</b>				
15. Governmental Affairs Services (70100).....			\$190,256	\$190,356
Public Information Services (70109) .....	\$190,256	\$190,356		
Fund Sources: General.....	\$190,256	\$190,356		
Authority: Title 30, Chapter 21, Code of Virginia.				
Total for Virginia Freedom of Information Advisory Council .....			<b>\$190,256</b>	<b>\$190,356</b>
General Fund Positions.....	1.50	1.50		
Position Level .....	1.50	1.50		
Fund Sources: General.....	\$190,256	\$190,356		
<b>Virginia Housing Commission (840)</b>				
16. Housing Assistance Services (45800).....			\$21,052	\$21,079
Housing Research and Planning (45803).....	\$21,052	\$21,079		
Fund Sources: General.....	\$21,052	\$21,079		
Authority: § 30-257, Code of Virginia.				
Total for Virginia Housing Commission .....			<b>\$21,052</b>	<b>\$21,079</b>
Fund Sources: General.....	\$21,052	\$21,079		
<b>Brown V. Board of Education Scholarship Committee (858)</b>				
17. Human Relations Management (14600).....			\$25,324	\$25,333
Human Relations Management (14601).....	\$25,324	\$25,333		
Fund Sources: General.....	\$25,324	\$25,333		
Authority: Title 30, Chapter 34.1, Code of Virginia.				
Pursuant to § 30-231.5, Code of Virginia, there is provided \$25,000 each year from the general fund to support the operations of the Brown v. Board of Education Scholarship Awards Committee. This operational support shall be used to provide for the expenses incurred by the members of the committee and may be used for such other services as deemed necessary to accomplish the purposes for which it was created.				

ITEM 17.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Brown V. Board of Education Scholarship Committee .....			\$25,324	\$25,333
Fund Sources: General .....	\$25,324	\$25,333		
<b>Virginia Sesquicentennial of the American Civil War Commission (859)</b>				
18. Human Relations Management (14600).....			\$2,607,434	\$200,762
Human Relations Management (14601).....	\$2,607,434	\$200,762		
Fund Sources: General .....	\$2,007,294	\$100,593		
Special .....	\$600,140	\$100,169		
Authority: Title 30, Chapter 40, Code of Virginia.				
A.1. The Virginia Sesquicentennial of the American Civil War Commission is extended through June 30, 2016. Appointments to the Commission shall continue to be made as provided in Chapter 465 of the Acts of Assembly of 2006. The Commission shall retain all of its powers and duties as provided for in Chapter 465 of the Acts of Assembly of 2006, through June 30, 2016, including the authorization of expenditures from this appropriation to complete the ongoing work of the Commission. As of June 30, 2016, any unexpended general fund balances remaining in this appropriation shall be transferred to the general fund.				
2. As of June 30, 2016, any unexpended special fund balances shall be transferred to the Virginia Sesquicentennial of the American Civil War Foundation, conditional upon the approval by the Commission of a bona fide contract and work plan, submitted to the Commission by the Foundation, specifying the educational and other services to be provided by the Foundation in consideration of the funds provided. The Commission shall provide a report on its activities and accomplishments to the 2016 General Assembly and a final report to the 2017 General Assembly.				
B. Pursuant to the provisions of Chapter 465 of the Acts of Assembly of 2006, funding in this Item is appropriated to support the Virginia Sesquicentennial of the American Civil War Commission and Fund. Such funds shall be used for expenses incurred by the members of the commission, to appoint staff as may be deemed necessary to assist the commission in performing its duties, and to pay for the services of professional personnel, consultants, advisors, or other services which the commission may deem necessary to accomplish the purposes for which it was created.				
Total for Virginia Sesquicentennial of the American Civil War Commission .....			\$2,607,434	\$200,762
General Fund Positions.....	1.00	1.00		
Position Level .....	1.00	1.00		
Fund Sources: General .....	\$2,007,294	\$100,593		
Special .....	\$600,140	\$100,169		
<b>Commission on Unemployment Compensation (860)</b>				
19. Consumer Affairs Services (55000).....			\$6,024	\$6,032
Consumer Assistance (55002).....	\$6,024	\$6,032		
Fund Sources: General .....	\$6,024	\$6,032		
Authority: Title 30, Chapter 33, Code of Virginia.				
Total for Commission on Unemployment Compensation .....			\$6,024	\$6,032
Fund Sources: General .....	\$6,024	\$6,032		

ITEM 20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Small Business Commission (862)</b>				
20.	Economic Development Services (53400).....		\$15,038	\$15,051
	Economic Development Research, Planning, and Coordination (53401).....	\$15,038	\$15,051	
	Fund Sources: General.....	\$15,038	\$15,051	
	Authority: Title 30, Chapter 22, Code of Virginia.			
	Total for Small Business Commission.....		<b>\$15,038</b>	<b>\$15,051</b>
	Fund Sources: General.....	\$15,038	\$15,051	
<b>Commission on Electric Utility Regulation (863)</b>				
21.	Resource Management Research, Planning, and Coordination (50700).....		\$10,018	\$10,024
	Resource Management Policy and Program Development (50701).....	\$10,018	\$10,024	
	Fund Sources: General.....	\$10,018	\$10,024	
	Authority: Title 30, Chapter 31, Code of Virginia.			
	Total for Commission on Electric Utility Regulation.....		<b>\$10,018</b>	<b>\$10,024</b>
	Fund Sources: General.....	\$10,018	\$10,024	
<b>Manufacturing Development Commission (864)</b>				
22.	Economic Development Services (53400).....		\$12,018	\$12,025
	Economic Development Research, Planning, and Coordination (53401).....	\$12,018	\$12,025	
	Fund Sources: General.....	\$12,018	\$12,025	
	Authority: Title 30, Chapter 41, Code of Virginia.			
	Total for Manufacturing Development Commission.....		<b>\$12,018</b>	<b>\$12,025</b>
	Fund Sources: General.....	\$12,018	\$12,025	
<b>Joint Commission on Administrative Rules (865)</b>				
23.	Governmental Affairs Services (70100).....		\$10,016	\$10,022
	Intragovernmental Services (70104).....	\$10,016	\$10,022	
	Fund Sources: General.....	\$10,016	\$10,022	
	Authority: Title 30, Chapter 8.1, Code of Virginia.			
	Total for Joint Commission on Administrative Rules.....		<b>\$10,016</b>	<b>\$10,022</b>
	Fund Sources: General.....	\$10,016	\$10,022	
<b>Virginia Bicentennial of the American War of 1812 Commission (867)</b>				
24.	Human Relations Management (14600).....		\$23,380	\$23,394

ITEM 24.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Human Relations Management (14601).....	\$23,380	\$23,394		
Fund Sources: General.....	\$23,380	\$23,394		
Authority: Title 30, Chapter 45, Code of Virginia.				
Total for Virginia Bicentennial of the American War of 1812 Commission .....			<b>\$23,380</b>	<b>\$23,394</b>
Fund Sources: General.....	\$23,380	\$23,394		
<b>Autism Advisory Council (871)</b>				
25. Health Research, Planning, and Coordination (40600).....			\$6,316	\$6,321
Health Policy Research (40606).....	\$6,316	\$6,321		
Fund Sources: General.....	\$6,316	\$6,321		
Authority: Title 30, Chapter 50, Code of Virginia.				
Total for Autism Advisory Council.....			<b>\$6,316</b>	<b>\$6,321</b>
Fund Sources: General.....	\$6,316	\$6,321		
<b>I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)</b>				
<b>Virginia Conflict of Interest and Ethics Advisory Council (873)</b>				
25.10. Governmental Affairs Services (70100).....			\$150,000	\$300,000
Fund Sources: General.....	\$150,000	\$300,000		
Authority: Chapters 792 and 804 of the 2014 Acts of Assembly.				
Total for Virginia Conflict of Interest and Ethics Advisory Council .....			<b>\$150,000</b>	<b>\$300,000</b>
General Fund Positions.....	1.00	3.00		
Position Level .....	1.00	3.00		
Fund Sources: General.....	\$150,000	\$300,000		
<b>Virginia Conflict of Interest and Ethics Advisory Council (876)</b>				
25.20. Personnel Management Services (70400).....			\$0	\$393,000
Fund Sources: General.....	\$0	\$393,000		
Authority: Chapters 792 and 804 of the 2014 Acts of Assembly.				
Total for Virginia Conflict of Interest and Ethics Advisory Council.....			<b>\$0</b>	<b>\$393,000</b>
General Fund Positions.....	0.00	3.00		
Position Level.....	0.00	3.00		
Fund Sources: General.....	\$0	\$393,000		
<b>Commission for the Commemoration of the Centennial of Women's Right to Vote (874)</b>				
25.30. Human Relations Management (14600).....			\$0	\$20,000
Fund Sources: General.....	\$0	\$20,000		

ITEM 25.30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Total for Commission for the Commemoration of the Centennial of Women's Right to Vote .....</i>			\$0	\$20,000
<i>Fund Sources: General.....</i>			\$0	\$20,000
<b>Joint Commission on Transportation Accountability (875)</b>				
25.40.	<i>Ground Transportation Planning and Research (60200) .</i>		\$0	\$28,200
<i>Fund Sources: General.....</i>			\$0	\$28,200
<i>Total for Joint Commission on Transportation Accountability.....</i>			\$0	\$28,200
<i>Fund Sources: General.....</i>			\$0	\$28,200
Grand Total for Division of Legislative Services .....			<b>\$9,926,959</b>	<b>\$7,671,616</b>
			<b>\$10,191,421</b>	<b>\$8,112,816</b>
General Fund Positions.....			62.50	<del>64.50</del> 67.50
Position Level .....			62.50	<del>64.50</del> 67.50
Fund Sources: General.....			\$9,282,771	<del>\$7,527,381</del> \$7,968,581
Special.....			\$644,188	\$144,235
			\$908,650	
<b>§ 1-7. CHESAPEAKE BAY COMMISSION (842)</b>				
26.	Resource Management Research, Planning, and Coordination (50700).....		\$235,675	\$235,715
Resource Management Policy and Program Development (50701).....			\$235,675	\$235,715
Fund Sources: General.....			\$235,675	\$235,715
Authority: Title 30, Chapter 36, Code of Virginia.				
Total for Chesapeake Bay Commission.....			<b>\$235,675</b>	<b>\$235,715</b>
General Fund Positions.....			1.00	1.00
Position Level .....			1.00	1.00
Fund Sources: General.....			\$235,675	\$235,715
<b>§ 1-8. JOINT COMMISSION ON HEALTH CARE (844)</b>				
27.	Health Research, Planning, and Coordination (40600).....		\$716,404	\$717,679
Health Policy Research (40606).....			\$716,404	\$717,679
Fund Sources: General.....			\$716,404	\$717,679
Authority: Title 30, Chapter 18, Code of Virginia.				
Total for Joint Commission on Health Care .....			<b>\$716,404</b>	<b>\$717,679</b>
General Fund Positions.....			6.00	6.00
Position Level .....			6.00	6.00

ITEM 27.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General .....	\$716,404	\$717,679		
<b>§ 1-9. VIRGINIA COMMISSION ON YOUTH (839)</b>				
28. Social Services Research, Planning, and Coordination (45000) .....			\$329,587	\$329,704
Social Services Research and Planning (45003) .....	\$329,587	\$329,704		
Fund Sources: General .....	\$329,587	\$329,704		
Authority: Title 30, Chapter 20, Code of Virginia.				
Total for Virginia Commission on Youth .....			<b>\$329,587</b>	<b>\$329,704</b>
General Fund Positions.....	3.00	3.00		
Position Level .....	3.00	3.00		
Fund Sources: General .....	\$329,587	\$329,704		
<b>§ 1-10. VIRGINIA STATE CRIME COMMISSION (142)</b>				
29. Criminal Justice Research, Planning and Coordination (30500) .....			\$770,772	\$771,518
Criminal Justice Research (30503).....	\$770,772	\$771,518		
Fund Sources: General .....	\$633,259	\$633,982		
Federal Trust.....	\$137,513	\$137,536		
Authority: Title 30, Chapter 16, Code of Virginia.				
Total for Virginia State Crime Commission.....			<b>\$770,772</b>	<b>\$771,518</b>
General Fund Positions.....	5.00	5.00		
Nongeneral Fund Positions.....	4.00	4.00		
Position Level .....	9.00	9.00		
Fund Sources: General .....	\$633,259	\$633,982		
Federal Trust.....	\$137,513	\$137,536		
<b>§ 1-11. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)</b>				
30. Legislative Evaluation and Review (78300).....			\$3,600,359	\$3,600,645
Performance Audits and Evaluation (78303).....	\$3,600,359	\$3,600,645		
Fund Sources: General .....	\$3,484,651	\$3,484,928		
Trust and Agency .....	\$115,708	\$115,717		
Authority: Title 30, Chapters 7 and 8, Code of Virginia.				
A. Out of this appropriation shall be paid the annual salary of the Director, Joint Legislative Audit and Review Commission (JLARC), \$152,337 from July 1, 2014 to June 24, 2015 and \$152,337 from June 25, 2015 to June 30, 2016.				
B. JLARC, upon request of the Department of Planning and Budget and approval of the Chairman, shall review and provide comments to the department on its use of performance measures in the state budget process. JLARC staff shall review the methodology and proposed uses of such performance measures and provide periodic status reports to the Commission.				
C. Expenses associated with the oversight responsibility of the Virginia Retirement System by JLARC and the House Appropriations and Senate Finance Committees shall be reimbursed by the Virginia Retirement System upon documentation by the Director, JLARC of the expenses incurred.				

ITEM 30.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

D. Out of this appropriation, funds are provided to continue the technical support staff of JLARC, in order to assist with legislative fiscal impact analysis when an impact statement is referred from the Chairman of a standing committee of the House or Senate, and to conduct oversight of the expenditure forecasting process. Pursuant to existing statutory authority, all agencies of the Commonwealth shall provide access to information necessary to accomplish these duties.

E.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of State agencies.

3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of VITA.

4. Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private entity shall make a written request to VITA:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision. Once a written determination is made by VITA, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of VITA or JLARC.

Except as specifically provided in this item, nothing in this item shall be construed to authorize the withholding of (a) procurement records as required by § 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of the private entity under the comprehensive infrastructure agreement, or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure.

5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for VITA review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

ITEM 30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.</p> <p>F. 1. JLARC is hereby directed to study options for the restructuring of lowest performing schools or districts. The study shall consider (i) options used in other states and cities and the outcomes of efforts such as mergers, takeovers, charter schools, and other turnaround efforts, including an assessment of Virginia's efforts to date; (ii) other current successful approaches for high poverty urban schools within Virginia and whether they could be replicated in other areas; (iii) an estimate of the resources and expertise that would be required at the state level to effectively implement and oversee any such models; (iv) appropriate criteria for intervention decisions; and (v) analysis of the primary reasons for low school or district performance.</p> <p>2. JLARC shall complete its study and submit a final report by June 30, 2014.</p> <p>3. The Department of Education and local school divisions shall cooperate as requested by JLARC. All agencies of the Commonwealth shall provide assistance for this study, upon request.</p> <p>G. 1. As a component of the review for efficiency and effectiveness of public education spending in Virginia, pursuant to Senate Joint Resolution 328 from the 2013 Session of the General Assembly, JLARC shall examine and include virtual instruction. The review of virtual instruction and spending may include, but not be limited to, (i) virtual options used in Virginia and other states and the rate of growth of the virtual school populations; (ii) the cost of virtual K-12 schooling for part-time and full-time enrollments, particularly in relation to the cost of conventional 'brick-and-mortar' education; and, (iii) the effectiveness of virtual schooling in terms of student academic achievement outcomes on assessment tests and course completion or graduation rates.</p> <p>2. The Department of Education and local school divisions shall cooperate as requested by JLARC. All agencies of the Commonwealth shall provide assistance for this study, upon request.</p> <p>H. 1. As part of its review of the Commonwealth's implementation of the Workforce Investment Act mandated by House Joint Resolution 688, 2013 Session of the General Assembly, JLARC is hereby directed to evaluate the success of the workforce training and education systems in ensuring that Virginians possess the necessary skills and credentials to meet the workforce needs of Virginia's employers. The study shall consider what steps could be taken to produce a more coordinated and effective workforce development system. As part of this effort, JLARC shall review the funding streams, priorities and allocations of these funds and whether the existing governance and accountability structures facilitate such a system.</p> <p>2. JLARC shall complete its study and submit a final report by December 15, 2014.</p> <p>3. All agencies of the Commonwealth shall provide assistance for this study upon request.</p> <p>I. To assist JLARC in conducting its study of the Line of Duty Act pursuant to House Joint Resolution 103 of the 2014 General Assembly, the Virginia State Police and local law enforcement agencies shall, upon request, provide JLARC with any information they possess as a result of carrying out the provisions of the Line of Duty Act (§ 9.1-400 et seq.), including any evidence and documents obtained or reports of investigation or other documents prepared.</p>				
Total for Joint Legislative Audit and Review Commission.....			<b>\$3,600,359</b>	<b>\$3,600,645</b>
General Fund Positions.....		36.00	36.00	
Nongeneral Fund Positions.....		1.00	1.00	
Position Level .....		37.00	37.00	
Fund Sources: General .....		\$3,484,651	\$3,484,928	
Trust and Agency .....		\$115,708	\$115,717	

ITEM 31.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-12. VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION (105)**

31.	Governmental Affairs Services (70100).....			\$649,150	\$649,168
	Interstate Affairs (70103).....	\$649,150	<del>\$649,168</del> \$740,968		\$740,968
	Fund Sources: General.....	\$649,150	<del>\$649,168</del> \$740,968		

Authority: Title 30, Chapter 19, Code of Virginia.

Out of this appropriation may be paid from the general fund the annual assessments:

1. To the National Conference of State Legislatures;
2. To the Council of State Governments; ~~and~~
3. To the Southern Regional Education Board; ~~and-~~
4. *To the Education Commission of the States.*

Included within this appropriation is \$146,035 each year for the annual dues for the Council of State Governments. Of this amount, one-third (\$48,678) shall represent the dues payable on behalf of the Executive Department, one-third (\$48,678) shall represent the dues payable on behalf of the Judicial Department, and the remaining one-third (\$48,679) shall represent the dues payable on behalf of the Legislative Department. Of the amount for annual dues payable on behalf of the Legislative Department, \$13,908 each year shall be allocated at the discretion of the Senate Committee on Rules and \$34,771 each year shall be allocated at the discretion of the Speaker of the House of Delegates.

	Total for Virginia Commission on Intergovernmental Cooperation .....			<b>\$649,150</b>	<b>\$649,168</b> <b>\$740,968</b>
	Fund Sources: General.....	\$649,150	<del>\$649,168</del> \$740,968		

**§ 1-13. LEGISLATIVE DEPARTMENT REVERSION CLEARING ACCOUNT (102)**

32.	Across the Board Reductions (71400).....			(\$194,600)	(\$194,600)
	Across the Board Reduction (71401).....	(\$194,600)	(\$194,600)		
	Fund Sources: General.....	(\$194,600)	(\$194,600)		

Authority: Discretionary Inclusion.

A. On or before June 30, 2015, the Committee on Joint Rules shall authorize the reversion to the general fund of ~~\$562,196~~ \$1,017,084 from the appropriation for the Auditor of Public Accounts (agency 133).

B. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount of \$500,000 from the House of Delegates and \$500,000 from the Senate of Virginia.

C. On or before June 30, 2015, the Committee on Joint Rules shall authorize the reversion to the general fund of \$2,395,112, representing savings generated by legislative agencies in the first year. The total savings amount includes estimated savings within legislative agencies of:

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
			<i>Estimated Savings</i>	
				\$400,000
				\$794,065
				\$18,163
				\$35,000
				\$109,498
				\$1,027,950
				\$10,436
33.	Enactment of Laws (78200).....		\$360,315	\$360,315
	Undesignated Support for Enactment of Laws Services (78205) .....	\$360,315	\$360,315	
	Fund Sources: General.....	\$360,315	\$360,315	
	Authority: Discretionary Inclusion.			
	A. Transfers out of this appropriation may be made to fund unanticipated costs in the budgets of legislative agencies or other such costs approved by the Joint Rules Committee.			
	B. Included in this Item is \$20,000 the first year and \$20,000 the second year from the general fund to support the Commission on Access and Diversity in Higher Education in Virginia as continued by HJR 202 of the 2000 Acts of Assembly.			
	C. Included within this appropriation is <del>\$190,000</del> \$200,000 the first year and <del>\$190,000</del> \$200,000 the second year from the general fund and one position for the operation of the Capitol Guides program. The allocation of these funds shall be subject to the approval of the Committee on Joint Rules. The Capitol Guides program shall be jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate.			
	Total for Legislative Department Reversion Clearing Account.....		\$165,715	\$165,715
	General Fund Positions.....	1.00	1.00	
	Position Level .....	1.00	1.00	
	Fund Sources: General.....	\$165,715	\$165,715	
	TOTAL FOR LEGISLATIVE DEPARTMENT.....		\$79,547,386	\$77,297,842
			\$79,811,848	\$77,845,042
	General Fund Positions.....	579.50	<del>581.50</del> 584.50	
	Nongeneral Fund Positions.....	29.50	29.50	
	Position Level .....	609.00	<del>611.00</del> 614.00	
	Fund Sources: General.....	\$76,040,249	<del>\$74,289,852</del> \$74,837,052	
	Special.....	<del>\$3,253,916</del> \$3,518,378	\$2,754,737	
	Trust and Agency .....	\$115,708	\$115,717	
	Federal Trust.....	\$137,513	\$137,536	

ITEM 34.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**JUDICIAL DEPARTMENT**

**§ 1-14. SUPREME COURT (111)**

34.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$12,490,544	\$12,492,787
	Appellate Review (32101).....	\$8,279,644	\$8,281,887		
	Other Court Costs and Allowances (Criminal Fund) (32104).....	\$4,210,900	\$4,210,900		
	Fund Sources: General.....	\$12,311,264	\$12,313,507		
	Special.....	\$179,280	\$179,280		

Authority: Article VI, Sections 1 through 6, Constitution of Virginia; Title 17.1, Chapter 3 and § 19.2-163, Code of Virginia.

A. Out of the amounts for Appellate Review shall be paid:

1. The annual salary of the Chief Justice, \$187,052 from July 1, 2014, to November 24, 2014, \$187,052 from November 25, 2014, to November 24, 2015, and \$187,052 from November 25, 2015, to June 30, 2016.

2. The annual salaries of the six (6) Associate Justices, each \$175,499 from July 1, 2014, to November 24, 2014, \$175,499 from November 25, 2014, to November 24, 2015, and \$175,499 from November 25, 2015, to June 30, 2016.

3. To each justice, \$13,500 the first year and \$13,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2014, in the appropriation made in Item 35, Chapter 806, Acts of Assembly of 2013, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2015.

C. Out of the amounts appropriated in this Item, \$4,200,000 the first year and \$4,200,000 the second year from the general fund is included for increased reimbursements for court-appointed counsel pursuant to § 19.2-163, Code of Virginia.

D. The Executive Secretary of the Supreme Court of Virginia shall encourage training of Juvenile and Domestic Relations District Court judges regarding the options available for court-ordered services for families in truancy cases prior to the initiation of other remedies.

35.	Law Library Services (32300).....			\$993,184	\$993,184
	Law Library Services (32301).....	\$993,184	\$993,184		
	Fund Sources: General.....	\$993,184	\$993,184		

Authority: §§ 42.1-60 through 42.1-64, Code of Virginia.

36.	Adjudication Training, Education, and Standards (32600).....			\$899,140	\$899,140
	Judicial Training (32603).....	\$899,140	\$899,140		
	Fund Sources: General.....	\$899,140	\$899,140		

Authority: Title 16.1, Chapter 9; Title 17.1, Chapter 7; §§ 2.2-4025, 19.2-38:1 and 19.2-43, Code of Virginia.

37.	Administrative and Support Services (39900).....			\$30,042,691	\$30,054,739
	General Management and Direction (39901).....	\$30,042,691	\$30,054,739		

ITEM 37.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$19,492,392	\$19,499,961		
Special.....	\$124,375	\$124,375		
Dedicated Special Revenue.....	\$9,000,000	\$9,000,000		
Federal Trust.....	\$1,425,924	\$1,430,403		

Authority: §§ 16.1-69.30, 16.1-69.33, 17.1-314 through 17.1-320 and 17.1-502, Code of Virginia.

A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary, on or before September 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees and to the Director, Department of Planning and Budget, which will report the number of individuals for whom legal or medical services were provided and the nature and cost of such services as are authorized for payment from the criminal fund or the involuntary mental commitment fund.

B. Notwithstanding the provisions of § 19.2-326, Code of Virginia, the amount of attorney's fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the discretion of the Supreme Court.

C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court and the Court of Appeals of Virginia, in order to meet changing workload demands.

D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts are requested to submit a fiscal impact assessment of their recommendations for the creation of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House and Senate Committees on Courts of Justice, and the House Appropriations and Senate Finance Committees.

E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the general fund, which may support computer system improvements for the several circuit and district courts. The Executive Secretary of the Supreme Court shall submit an annual report to the Director, Department of Planning and Budget on or before September 1 of each year outlining the improvement projects undertaken and the project status of each project. *Each project in the report should include the life to date cost of the project, the amount spent on the project in the most recently completed fiscal year, the year the project began, the estimated cost to complete the remainder of the project and an estimated project completion date.*

F. Given the continued concern about providing adequate compensation levels for court-appointed attorneys providing criminal indigent defense in the Commonwealth, the Executive Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent Defense Commission, representatives of the Indigent Defense Stakeholders Group and Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and evaluate all available options to enhance Virginia's Indigent Defense System.

G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia. Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the costs of statewide electronic filing systems.

H. 1. No state funds used to support the operation of drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. This restriction shall not apply to juvenile drug court programs.

2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any locality is authorized to establish a drug treatment court supported by existing state resources and by federal or local resources that may be available. This authorization is subject to the requirements and conditions regarding the establishment and operation of a local drug treatment court advisory committee as provided by § 18.2-254.1 and the requirements and conditions established by the state Drug Treatment Court Advisory Committee. Any drug court treatment program established after July 1, 2012, shall limit participation in the program to offenders

ITEM 37.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

who have been determined, through the use of a nationally recognized, validated assessment tool, to be addicted to or dependent on drugs. However, no such drug court treatment program shall limit its participation to first-time substance abuse offenders only; nor shall it exclude probation violators from participation.

3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include the collection of data needed for outcome measures, including recidivism. Drug treatment court programs shall provide to the Office of the Executive Secretary of the Supreme Court the information needed to conduct such an evaluation.

I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive Secretary of the Supreme Court shall ensure the deposit of all *Commonwealth* collections directly into the State Treasury for Item 4340 General District Courts, Item 4441 Juvenile and Domestic Relations District Courts, Item 4542 Combined District Courts, and Item 4643 Magistrate System.

J. Included in this appropriation, \$290,000 the first year and \$240,000 the second year from the general fund is provided to implement the Judicial Performance Evaluation Program established by §17.1-100 of the Code of Virginia.

K. The Executive Secretary of the Supreme Court shall review the impact on the court system, fiscal and operational, of allowing a single petition in juvenile and domestic relations district court case involving two or more children if such children have the same parents or legal guardians. The Executive Secretary shall report his findings to the Chairmen of the House Appropriations, Senate Finance, House Courts of Justice and Senate Courts of Justice Committees by November 1, 2014.

Total for Supreme Court.....			<b>\$44,425,559</b>	<b>\$44,439,850</b>
General Fund Positions.....	150.63	150.63		
Nongeneral Fund Positions.....	6.00	6.00		
Position Level .....	156.63	156.63		
Fund Sources: General.....	\$33,695,980	\$33,705,792		
Special.....	\$303,655	\$303,655		
Dedicated Special Revenue.....	\$9,000,000	\$9,000,000		
Federal Trust.....	\$1,425,924	\$1,430,403		

**Court of Appeals of Virginia (125)**

38.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$8,972,594	\$8,978,522
	Appellate Review (32101).....	\$8,967,594	\$8,973,522		
	Other Court Costs and Allowances (Criminal Fund) (32104).....	\$5,000	\$5,000		
	Fund Sources: General.....	\$8,972,594	\$8,978,522		

Authority: Title 17.1, Chapter 4 and § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Appellate Review shall be paid:

1. 1. The annual salary of the Chief Justice, \$169,677 from July 1, 2014, to November 24, 2014, \$169,677 from November 25, 2014, to November 24, 2015, and \$169,677 from November 25, 2015, to June 30, 2016.

2. The annual salaries of the ten (10) judges, each at \$166,677 from July 1, 2014, to November 24, 2014, \$166,677 from November 25, 2014, to November 24, 2015, and \$166,677 from November 25, 2015, to June 30, 2016.

3. Salaries of the judges are to be 95 percent of the salaries of justices of the Supreme Court except for the Chief Judge, who shall receive an additional \$3,000 annually.

4. To each judge, \$6,500 the first year and \$6,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

ITEM 38.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2014, in the appropriation made in Item 41, Chapter 806, Acts of Assembly of 2013, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2015.</p> <p>C. The amount of attorney's fees allowed counsel to indigent defendants in appeals to the Court of Appeals shall be in the discretion of the court.</p>				
Total for Court of Appeals of Virginia .....			<b>\$8,972,594</b>	<b>\$8,978,522</b>
General Fund Positions.....	69.13	69.13		
Position Level .....	69.13	69.13		
Fund Sources: General.....	\$8,972,594	\$8,978,522		

**Circuit Courts (113)**

39.	Pre-Trial, Trial, and Appellate Processes (32100).....			<del>\$101,104,861</del>	<del>\$100,410,221</del>
				\$111,933,636	\$109,566,242
	Trial Processes (32103) .....	\$41,339,485	\$40,649,845		
		\$44,353,368	\$45,973,886		
	Other Court Costs and Allowances (Criminal Fund) (32104) .....	\$59,765,376	\$59,760,376		
		\$67,580,268	\$63,592,356		
	Fund Sources: General.....	<del>\$101,099,861</del>	<del>\$100,405,221</del>		
		\$111,928,636	\$109,561,242		
	Special.....	\$5,000	\$5,000		

Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at \$162,878 from July 1, 2014, to November 24, 2014, \$162,878 from November 25, 2014, to November 24, 2015, and \$162,878 from November 25, 2015, to June 30, 2016. Such salaries shall represent the total compensation from all sources for Circuit Court judges.

2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.

3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.

4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.

C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2014, in the appropriation made in Item 42, Chapter 806, Acts of Assembly of 2013, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2015.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total ~~\$114,575,103~~ *\$124,143,480* the first year and ~~\$114,570,103~~ *\$121,760,148* the second year in this Item and Items 34, 38, 40, 41 and 42.

2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.

3. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$880,000 the first year and not to exceed \$880,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.

F.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated.

2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review and consider the suitability of the discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection. In hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.

3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.

4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.

G. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise, including any new construction, shall be delayed at the request of the local governing body in which the court is located until June 30, 2016. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.

H. In order to reduce expenditures through the Criminal Fund for court-appointed counsel, effective July 1, 2014, compensation paid to attorneys appointed pursuant to Virginia Code § 53.1-40 shall be limited to \$55 per hour, with a maximum per diem compensation of \$200, plus reasonable expenses, to be paid from the Criminal Fund.

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

I.1. Notwithstanding the provisions of § 19.2-155, Code of Virginia, in cases where an Attorney for the Commonwealth must recuse himself from a case or a special prosecutor must be appointed, the circuit court judge must appoint an Attorney for the Commonwealth or an Assistant Attorney for the Commonwealth from a neighboring another jurisdiction. If the circuit court judge determines that the appointment of such Attorney for the Commonwealth or such Assistant Attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable then the judge must request approval from the Executive Secretary of the Supreme Court for an exception to this requirement.

2. The Executive Secretary of the Supreme Court shall include in the annual report required in paragraph A. of Item 37 information on the number of exceptions granted related to special prosecutors and the related expenditures.

*J. Notwithstanding any other provisions of Chapter 23 of Title 8.1 of the Code of Virginia, a reasonable fee not to exceed \$150 may be charged by Commissioners of Accounts for any foreclosures on a timeshare estate to reimburse them for the reasonable costs associated therewith.*

Total for Circuit Courts .....			<del>\$101,104,861</del>	<del>\$100,410,221</del>
			\$111,933,636	\$109,566,242
General Fund Positions.....	165.00	165.00		
Position Level .....	165.00	165.00		
Fund Sources: General .....	\$101,099,861	\$100,405,221		
	\$111,928,636	\$109,561,242		
Special.....	\$5,000	\$5,000		

**General District Courts (114)**

40.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$100,752,256	\$100,723,103
				\$102,790,634	\$104,197,501
	Trial Processes (32103) .....	\$82,187,071	\$82,157,918		
		\$83,418,729	\$84,355,483		
	Other Court Costs and Allowances (Criminal Fund) (32104) .....	\$13,755,656	\$13,755,656		
		\$14,562,376	\$15,032,489		
	Involuntary Mental Commitments (32105).....	\$4,809,529	\$4,809,529		
	Fund Sources: General .....	\$100,752,256	\$100,723,103		
		\$102,790,634	\$104,197,501		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$146,599 from July 1, 2014, to November 24, 2014, \$146,599 from November 25, 2014, to November 24, 2015, and \$146,599 from November 25, 2015, to June 30, 2016. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 43, Chapter 806, Acts of Assembly of 3 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.

ITEM 40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 39, 40, 41, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$40,000 the first year and not to exceed \$40,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

F. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

G. Upon the retirement or separation from employment of any chief general district court clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.

Total for General District Courts .....			<b>\$100,752,256</b>	<b>\$100,723,103</b>
			<b>\$102,790,634</b>	<b>\$104,197,501</b>
General Fund Positions.....	1,056.10	1,056.10		
Position Level .....	1,056.10	1,056.10		
Fund Sources: General.....	\$100,752,256	\$100,723,103		
	\$102,790,634	\$104,197,501		

**Juvenile and Domestic Relations District Courts (115)**

41.	Pre-Trial, Trial, and Appellate Processes (32100).....			<b>\$86,246,373</b>	<b>\$86,038,147</b>
				<b>\$89,233,072</b>	<b>\$91,092,639</b>
	Trial Processes (32103) .....	\$57,109,371	\$56,901,145		
		\$58,543,470	\$59,498,266		
	Other Court Costs and Allowances (Criminal Fund) (32104) .....	\$28,821,434	\$28,821,434		
		\$30,374,034	\$31,278,805		
	Involuntary Mental Commitments (32105).....	\$315,568	\$315,568		
	Fund Sources: General.....	\$86,246,373	\$86,038,147		
		\$89,233,072	\$91,092,639		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.1-67.1 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$146,599 from July 1, 2014, to November 24, 2014, \$146,599 from November 25, 2014, to November 24, 2015, and \$146,599 from November 25, 2015, to June 30, 2016. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 44, Chapter 806, Acts of Assembly of 2013, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 40, 41, 42, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Notwithstanding any other provision of law, when a Guardian ad Litem is appointed for a child by the Commonwealth, the juvenile and domestic relations district court or the circuit court, as the case may be, shall order the parent, parents, adoptive parent or adoptive parents of the child, or another party with a legitimate interest therein who has filed a petition with the court to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the Guardian ad Litem by the court. If the court determines such party is unable to pay, the required reimbursement may be reduced or eliminated. In addition, it is the intent of the General Assembly that the Supreme Court actively administer the Guardian ad Litem program to ensure that payments made to Guardians ad Litem do not exceed that which is required. The Executive Secretary of the Supreme Court shall report August 1 and January 1 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on the amounts paid for Guardian ad Litem purposes, amounts reimbursed by parents and/or guardians, savings achieved, and management actions taken to further enhance savings under this program.

F. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$870,000 the first year and not to exceed \$870,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission for the administration of the physical evidence recovery kit (PERK) program.

Total for Juvenile and Domestic Relations District Courts .....			<b>\$86,246,373</b>	<b>\$86,038,147</b>
			<b>\$89,233,072</b>	<b>\$91,092,639</b>
General Fund Positions.....	617.10	617.10		
Position Level .....	617.10	617.10		
Fund Sources: General.....	\$86,246,373	\$86,038,147		
	\$89,233,072	\$91,092,639		

**Combined District Courts (116)**

42.	Pre-Trial, Trial, and Appellate Processes (32100).....			<b>\$24,036,900</b>	<b>\$24,078,641</b>
				<b>\$24,431,065</b>	<b>\$24,702,502</b>
	Trial Processes (32103) .....	\$15,639,406	\$15,681,147		
	Other Court Costs and Allowances (Criminal Fund) (32104) .....	\$7,016,737	\$7,016,737		
		\$7,410,902	\$7,640,598		
	Involuntary Mental Commitments (32105).....	\$1,380,757	\$1,380,757		
	Fund Sources: General.....	\$24,036,900	\$24,078,641		
		\$24,431,065	\$24,702,502		

Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137, 16.1-226 through 16.1-334, 19.2-163, and 37.1-67.1 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 45, Chapter 806, Acts of Assembly of 2013, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.

ITEM 42.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 40, 41, 42, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$95,000 the first year and not to exceed \$95,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

Total for Combined District Courts .....			<b>\$24,036,900</b>	<b>\$24,078,641</b>
			<b>\$24,431,065</b>	<b>\$24,702,502</b>
General Fund Positions.....	204.55	204.55		
Position Level .....	204.55	204.55		
Fund Sources: General.....	\$24,036,900	\$24,078,641		
	\$24,431,065	\$24,702,502		

**Magistrate System (103)**

43. Pre-Trial, Trial, and Appellate Processes (32100).....			\$30,327,104	\$30,337,943
Appellate Review (32101).....	\$12,942	\$12,942		
Pre-Trial Assistance (32102).....	\$30,314,162	\$30,325,001		
Fund Sources: General.....	\$30,327,104	\$30,337,943		

Authority: Article VI, Section 8, Constitution of Virginia; Title 19.2, Chapter 3, Code of Virginia.

Total for Magistrate System.....			<b>\$30,327,104</b>	<b>\$30,337,943</b>
General Fund Positions.....	446.20	446.20		
Position Level .....	446.20	446.20		
Fund Sources: General.....	\$30,327,104	\$30,337,943		
Grand Total for Supreme Court.....			<b>\$395,865,647</b>	<b>\$395,006,427</b>
			<b>\$412,113,664</b>	<b>\$413,315,199</b>

General Fund Positions.....	2,708.71	2,708.71		
Nongeneral Fund Positions.....	6.00	6.00		
Position Level .....	2,714.71	2,714.71		

Fund Sources: General.....	\$385,131,068	\$384,267,369		
	\$401,379,085	\$402,576,141		
Special.....	\$308,655	\$308,655		
Dedicated Special Revenue.....	\$9,000,000	\$9,000,000		
Federal Trust.....	\$1,425,924	\$1,430,403		

**§ 1-15. BOARD OF BAR EXAMINERS (233)**

44. Regulation of Professions and Occupations (56000) .....			\$1,500,077	\$1,500,328
Lawyer Regulation (56019).....	\$1,500,077	\$1,500,328		
Fund Sources: Special.....	\$1,500,077	\$1,500,328		

Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia.

ITEM 44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>The State Comptroller shall continue the Board of Bar Examiners Fund on the Commonwealth Accounting and Reporting System. Revenues collected from fees paid by applicants for admission to the bar shall be deposited into the Board of Bar Examiners Fund. The source of nongeneral funds included in this item is the Board of Bar Examiners Fund. Interest generated by the fund shall be retained by the fund.</p>				
			<b>\$1,500,077</b>	<b>\$1,500,328</b>
Total for Board of Bar Examiners .....				
Nongeneral Fund Positions.....	8.00	8.00		
Position Level .....	8.00	8.00		
Fund Sources: Special.....	\$1,500,077	\$1,500,328		
<b>§ 1-16. JUDICIAL INQUIRY AND REVIEW COMMISSION (112)</b>				
45.	Adjudication Training, Education, and Standards (32600) .....		\$600,985	\$602,329
		Judicial Standards (32602) .....	\$600,985	\$602,329
		Fund Sources: General.....	\$600,985	\$602,329
<p>Authority: Article VI, Section 10, Constitution of Virginia; Title 17.1, Chapter 9, Code of Virginia.</p>				
		Total for Judicial Inquiry and Review Commission .....	<b>\$600,985</b>	<b>\$602,329</b>
		General Fund Positions.....	3.00	3.00
		Position Level .....	3.00	3.00
		Fund Sources: General.....	\$600,985	\$602,329
<b>§ 1-17. INDIGENT DEFENSE COMMISSION (848)</b>				
46.	Legal Defense (32700).....		\$45,613,064	\$45,617,269
		Criminal Indigent Defense Services (32701).....	\$39,122,919	\$39,122,919
		Capital Indigent Defense Services (32702) .....	\$3,549,316	\$3,549,316
		Legal Defense Regulatory Services (32703).....	\$197,866	\$197,866
		Administrative Services (32722) .....	\$2,742,963	\$2,747,168
		Fund Sources: General.....	\$45,601,060	\$45,605,264
		Special.....	\$12,004	\$12,005
<p>Authority: §§ 19.2-163.1 through 19.2-163.8, Code of Virginia, as amended by Chapter 884 of the Acts of Assembly 2004.</p>				
<p>A. Pursuant to § 19.2-163.01, Code of Virginia, the Executive Director of the Indigent Defense Commission shall serve at the pleasure of the commission.</p>				
<p>B. Out of the amounts in this Item, \$200,000 the first year and \$200,000 the second year from the general fund is provided to support two positions to enforce and monitor compliance with the new Standards of Practice for court-appointed counsel.</p>				
		Total for Indigent Defense Commission.....	<b>\$45,613,064</b>	<b>\$45,617,269</b>
		General Fund Positions.....	540.00	540.00
		Position Level .....	540.00	540.00
		Fund Sources: General.....	\$45,601,060	\$45,605,264
		Special.....	\$12,004	\$12,005

ITEM 47.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-18. VIRGINIA CRIMINAL SENTENCING COMMISSION (160)**

47.	Adjudicatory Research, Planning, and Coordination (32400) .....			\$1,098,755	\$1,100,273
	Adjudicatory Research and Planning (32403) .....	\$1,098,755	\$1,100,273		
	Fund Sources: General .....	\$1,028,748	\$1,030,242		
	Special .....	\$70,007	\$70,031		

Authority: Title 17.1, Chapter 8, Code of Virginia; § 19.2-303.6, Code of Virginia

A. For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.

~~B.1. Notwithstanding the provisions of § 19.2-303.5, Code of Virginia, the provisions of that section shall not expire on July 1, 2012, but shall continue in effect until July 1, 2015, and may be implemented in up to four sites.~~

2.B. The Virginia Criminal Sentencing Commission, with the concurrence of the chief judge of the circuit court and the Commonwealth's attorney of the locality, shall designate each immediate sanction probation program site. The Virginia Criminal Sentencing Commission shall develop guidelines and procedures for implementing the program, administer the program, and evaluate the results of the program. As part of its administration of the program, the commission shall designate a standard, validated substance abuse assessment instrument to be used by probation and parole districts to assess probationers subject to the immediate sanction probation program. The commission shall also determine outcome measures and collect data for evaluation of the results of the program at the designated sites. The commission shall present a report on the implementation of the immediate sanction probation program, including recidivism results to the Chief Justice, Governor, and the Chairmen of the House and Senate Courts of Justice Committees, the House Appropriations Committee, and the Senate Finance Committee by November 1, 2016.

Total for Virginia Criminal Sentencing Commission.....			<b>\$1,098,755</b>	<b>\$1,100,273</b>
General Fund Positions .....	10.00	10.00		
Position Level .....	10.00	10.00		
Fund Sources: General .....	\$1,028,748	\$1,030,242		
Special .....	\$70,007	\$70,031		

**§ 1-19. VIRGINIA STATE BAR (117)**

48.	Legal Defense (32700).....			\$11,852,896	<del>\$11,855,863</del> \$12,605,863
	Criminal Indigent Defense Services (32701).....	\$352,500	\$352,500		
	Indigent Defense, Civil (32704).....	\$11,500,396	<del>\$11,503,363</del> \$12,253,363		
	Fund Sources: General .....	\$4,002,896	<del>\$4,005,863</del> \$4,755,863		
	Special .....	\$7,850,000	\$7,850,000		

Authority: § 17.1-278, Code of Virginia.

A. The Virginia State Bar and the Legal Services Corporation of Virginia shall not use funds provided for in this act, and those available from financial institutions pursuant to § 54.1-3916, Code of Virginia, to file lawsuits on behalf of aliens present in the United States in violation of law.

ITEM 48.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

B.1. The amounts for Indigent Defense, Civil, include up to \$50,000 the first year and up to \$50,000 the second year from the general fund for the Community Tax Law Project, to provide indigent defense services in matters related to taxation disputes, and educational services involving the rights and responsibilities of taxpayers.

2. The amounts for Indigent Defense, Civil, include up to \$3,600,000 the first year and up to ~~\$3,600,000~~ \$4,350,000 the second year from the general fund to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice.

3. The amounts for Indigent Defense, Criminal, include up to \$352,500 the first year and up to \$352,500 the second year from the general fund to provide grants to the Virginia Capital Representation Resource Center for representation to people sentenced to death in Virginia and to promote equal access to justice.

C. The Virginia State Bar and the Legal Services Corporation of Virginia shall annually, on or about January 1, provide a report to the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the status of legal services assistance programs in the Commonwealth. The report shall include, but not be limited to, efforts to maintain and improve the accuracy of caseload data, case opening and case closure information, and program activity levels as it relates to clients.

49.	Regulation of Professions and Occupations (56000) .....			\$14,001,202	\$14,086,677
	Lawyer Regulation (56019).....	\$14,001,202	\$14,086,677		
	Fund Sources: Dedicated Special Revenue .....	\$14,001,202	\$14,086,677		

Authority: Title 54.1, Chapter 39, Article 2 and §§ 54.1-3935 through 54.1-3938, Code of Virginia.

A. It is the intention of the General Assembly that the Virginia State Bar strictly direct its activities toward the purposes of regulating the legal profession and improving the quality of legal services available to the people of the Commonwealth, and that, insofar as reasonably possible, the Virginia State Bar shall refrain from commercial or other undertakings not necessarily or reasonably related to the above stated purposes.

B. Out of the amounts appropriated for this Item, \$1,000,000 the first year and \$1,000,000 the second year from revenues generated from the assessment of annual fees by the Supreme Court of Virginia upon members of the Virginia State Bar, pursuant to Chapter 847, 2007 Acts of Assembly, is provided for transfer to the Clients' Protection Fund of the Virginia State Bar.

C. The Virginia State Bar shall review its member fee structure and make changes necessary to ensure fees are set at amounts needed only to cover costs and to provide for an appropriate balance.

Total for Virginia State Bar .....			<b>\$25,854,098</b>	<b>\$25,942,540</b>	
				<del>\$25,942,540</del>	<b>\$26,692,540</b>

Nongeneral Fund Positions.....	89.00	89.00		
Position Level .....	89.00	89.00		
Fund Sources: General .....	\$4,002,896	<del>\$4,005,863</del>		
		\$4,755,863		
Special.....	\$7,850,000	\$7,850,000		
Dedicated Special Revenue.....	\$14,001,202	\$14,086,677		

**§ 1-20. JUDICIAL DEPARTMENT REVERSION CLEARING ACCOUNT (104)**

50.	Across the Board Reductions (71400) .....			\$0	\$855,795
	Fund Sources: General.....	\$0	\$855,795		

Authority: Discretionary Inclusion.

ITEM 50.	Item Details(\$)		Appropriations(\$)		
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016	
<p>A. On or before June 30, 2015, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$300,000, representing additional savings generated within the Indigent Defense Commission.</p> <p>B. On or before June 30, 2016, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$300,000, representing additional savings generated within the Indigent Defense Commission.</p> <p>C. <i>On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount estimated at \$700,000 from Judicial agency balances.</i></p> <p>D. <i>Sufficient funding is included within the Judicial Department to support a total of 405 circuit and district court judgeships. The vacant judgeships to be filled as of July 1, 2015, are as follows:</i></p> <p>1. <i>Circuit Court judgeships: one each in the 7th, 9th, 11th, 13th, 14th, 20th, and 27th Circuits; two each in the 19th, 24th, and 26th Circuits; and, three in the 31st Circuit, for a total of 16 Circuit Court judgeships to be filled as of July 1, 2015.</i></p> <p>2. <i>General District Court judgeships: one each in the 1st, 2nd, 4th, 7th, 14th, and 26th Districts; and, two in the 19th District, for a total of eight General District Court judgeships to be filled as of July 1, 2015.</i></p> <p>3. <i>Juvenile and Domestic Relations District Court judgeships: one each in the 4th, 22nd, 24th, 26th, and 28th Districts; two in the 23rd District; and, three in the 15th, for a total of ten Juvenile and Domestic Relations District Court judgeships to be filled as of July 1, 2015.</i></p> <p>4. <i>Included in the appropriation for this item is \$855,795 from the general fund in the second year to support the filling of judgeships. The Executive Secretary of the Supreme Court is authorized to request the transfer of funds between this Item and Items 39, 40, and 41 as needed, to reflect the distribution of the 405 judgeships.</i></p>					
<p><i>Total for Judicial Department Reversion Clearing Account.....</i></p>			\$0	\$855,795	
<p>Fund Sources: <i>General.....</i></p>		\$0	\$855,795		
<p>TOTAL FOR JUDICIAL DEPARTMENT .....</p>			\$470,532,626	\$469,769,166	
			\$486,780,643	\$489,683,733	
<p>General Fund Positions.....</p>		3,261.71	3,261.71		
<p>Nongeneral Fund Positions.....</p>		103.00	103.00		
<p>Position Level .....</p>		3,364.71	3,364.71		
<p>Fund Sources: General.....</p>		\$436,364,757	\$435,511,067		
		\$452,612,774	\$455,425,634		
<p>    Special.....</p>		\$9,740,743	\$9,741,019		
<p>    Dedicated Special Revenue.....</p>		\$23,001,202	\$23,086,677		
<p>    Federal Trust.....</p>		\$1,425,924	\$1,430,403		

ITEM 51.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**EXECUTIVE DEPARTMENT**

**EXECUTIVE OFFICES**

**§ 1-21. OFFICE OF THE GOVERNOR (121)**

51.	Administrative and Support Services (79900).....			\$3,790,542	\$3,800,783
	General Management and Direction (79901).....	\$3,790,542	\$3,800,783		
	Fund Sources: General.....	\$3,790,542	\$3,800,783		

Authority: Article V, Constitution of Virginia; Title 2.2, Chapter 1, Code of Virginia.

Out of this appropriation shall be paid the salary of the Governor, \$175,000 the first year and \$175,000 the second year.

52.	Historic and Commemorative Attraction Management (50200) .....			\$443,979	\$443,979
	Executive Mansion Operations (50207).....	\$443,979	\$443,979		
	Fund Sources: General.....	\$443,979	\$443,979		

Authority: Title 2.2, Chapter 1, Code of Virginia.

53.	Governmental Affairs Services (70100).....			\$463,544	\$463,570
	Intergovernmental Relations (70101).....	\$463,544	\$463,570		
	Fund Sources: General.....	\$320,195	\$320,195		
	Commonwealth Transportation .....	\$143,349	\$143,375		

Authority: Title 2.2, Chapter 3, Code of Virginia.

54.	Disaster Planning and Operations (72200) .....			a sum sufficient	
	Disaster Operations (72202).....	a sum sufficient			
	Disaster Assistance (72203).....	a sum sufficient			

Authority: Title 44, Chapter 3.2, Code of Virginia.

A.1. The amount for Disaster Assistance is from all funds of the state treasury, not constitutionally restricted, and is to be effective only in the event of a declared state of emergency or authorization by the Governor of the sum sufficient, pursuant to § 44-146.28, Code of Virginia. Any appropriation authorized by this Item shall be transferred to state agencies for payment of eligible costs according to written directions of the Governor or by such other person or persons as may be designated by him for this purpose.

2. Any amount authorized for expenditure pursuant to § 44-146.28, Code of Virginia, shall be paid to eligible jurisdictions in accordance with guidelines and procedures established by the Department of Emergency Management, pursuant to § 44-146.28, Code of Virginia.

B. In the event of a Presidentially declared disaster, the state and local share of any federal assistance, hazard mitigation, or flood control programs in which the state participates will be determined in accordance with the procedures in the "Commonwealth of Virginia Emergency Operations Plan, Basic Plan," promulgated by the Department of Emergency Management. The state share of any such program shall be no less than 10 percent.

Total for Office of the Governor .....				<b>\$4,698,065</b>	<b>\$4,708,332</b>
General Fund Positions.....	37.67	37.67			
Nongeneral Fund Positions.....	1.33	1.33			

ITEM 54.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level .....	39.00	39.00		
Fund Sources: General .....	\$4,554,716	\$4,564,957		
Commonwealth Transportation .....	\$143,349	\$143,375		
<b>§ 1-22. LIEUTENANT GOVERNOR (119)</b>				
55. Administrative and Support Services (79900).....			\$351,038	\$352,349
General Management and Direction (79901).....	\$351,038	\$352,349		
Fund Sources: General.....	\$351,038	\$352,349		
Authority: Article V, Sections 13, 14, and 16, Constitution of Virginia; and Title 24.2, Chapter 2, Article 3, Code of Virginia.				
Out of this appropriation shall be paid:				
1. The salary of the Lieutenant Governor, \$36,321 the first year and \$36,321 the second year;				
2. Expenses of the Lieutenant Governor during sessions of the General Assembly on the same basis as for the members of the General Assembly;				
3. Salaries and benefits for compensation of up to three staff positions in the Office of the Lieutenant Governor.				
Total for Lieutenant Governor .....			<b>\$351,038</b>	<b>\$352,349</b>
General Fund Positions.....	4.00	4.00		
Position Level .....	4.00	4.00		
Fund Sources: General.....	\$351,038	\$352,349		
<b>§ 1-23. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)</b>				
56. Legal Advice (32000).....			\$30,520,786	\$30,570,183
State Agency/Local Legal Assistance and Advice (32002) .....	\$30,520,786	\$30,570,183		
Fund Sources: General.....	\$19,526,192	\$19,556,017		
Special.....	\$10,419,851	\$10,439,423		
Federal Trust.....	\$574,743	\$574,743		
Authority: Title 2.2 Chapter 5, Code of Virginia.				
A. Out of this appropriation shall be paid:				
1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second year.				
2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal monthly installments.				
3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5, Code of Virginia.				
B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement Agreement. The general fund shall be reimbursed on a proportional basis from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master Settlement Agreement pursuant to transfers directed by Item 466, paragraphs A.2 and B.2, and § 3-1.01, Paragraph N of this act.				

ITEM 56.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. Upon notification by the Attorney General, agencies that administer programs which are funded wholly or partially from nongeneral fund appropriations shall transfer to the Department of Law the necessary funds to cover the costs of legal services that are related to such nongeneral funds. The Attorney General, in consultation with the respective agency heads, shall determine the amounts for transfer. It is the intent of the General Assembly that legal services provided by the Office of the Attorney General for general fund-supported programs shall be provided out of this appropriation.

D. At the request of the Attorney General, the Director, Department of Planning and Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643, Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and Justices in actions arising out of their official duties.

E.I. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge, *inclusive of all fees, expenses, or other costs associated with litigation, excluding the payment of damages.*

*2. If the Office of the Attorney General is unable to provide legal services to the soil and water conservation districts, and as a result the districts incur costs from retaining other counsel, then the Director of the Department of Planning and Budget shall transfer general fund appropriations from the Office of the Attorney General to the Department of Conservation and Recreation in an amount equal to the cost incurred by the soil and water conservation districts to be used to reimburse the districts for costs incurred.*

F. The Attorney General shall prepare and submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each year detailing expenditures in the prior fiscal year for special outside counsel by any executive branch agencies. The report shall include the reasoning why outside counsel is necessary, the hourly rate charged by outside counsel, total expenditures, and funding source.

57.	Medicaid Program Services (45600).....			\$12,155,121	<del>\$12,155,182</del> \$13,450,506
	Medicaid Fraud Investigation and Prosecution (45614)....	\$12,155,121	<del>\$12,155,182</del> \$13,450,506		
	Fund Sources: Special.....	\$3,150,509	<del>\$3,150,570</del> \$3,454,402		
	Federal Trust.....	\$9,004,612	<del>\$9,004,612</del> \$9,996,104		

Authority: Title 32.1, Chapter 9, Code of Virginia.

On or before November 15, 2012, the Medicaid Fraud Control Unit within the Office of the Attorney General shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees detailing the unit's efforts to prevent Medicaid fraud and increase Medicaid recoveries, including details on the history of annual collections, actual deposits to the general fund, and estimated amounts to be identified and collected over the biennium. The report shall include the efforts to be undertaken as a result of the additional positions authorized in this act and provide an update on the projected increase in Medicaid recoveries assumed for the Virginia Health Care Fund.

58.	Regulation of Business Practices (55200) .....			\$3,355,266	\$3,355,639
	Regulatory and Consumer Advocacy (55201).....	\$3,355,266	\$3,355,639		
	Fund Sources: General.....	\$1,435,982	\$1,435,982		

ITEM 58.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Special..... \$1,919,284 \$1,919,657

Authority: Title 2.2, Chapter 5, Code of Virginia.

Included in this Item is \$1,250,000 the first year and \$1,250,000 the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$1,250,000 on the final day of the fiscal year shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia, costs associated with litigation initiated by the Office of the Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia.

59. Any judgment rendered pursuant to the Virginia Tort Claims Act shall be paid out of the state treasury under the direction of the Attorney General. Claims against agencies funded solely from the general fund shall be paid from the general fund. Claims against agencies funded by both general and nongeneral funds shall be paid from a combination of funds based upon the appropriations from such funds.

60.	Personnel Management Services (70400) .....			\$429,222	\$429,222
	Compliance and Enforcement (70414).....	\$429,222	\$429,222		
	Fund Sources: General .....	\$402,773	\$402,773		
	Federal Trust .....	\$26,449	\$26,449		

Authority: Title 2.2, Chapter 26, Article 12, and Chapter 39; Title 15.2, Chapter 16, § 15.2-1604, Code of Virginia.

Total for Attorney General and Department of Law ..... **\$46,460,395** **~~\$46,510,226~~**  
**\$47,805,550**

General Fund Positions.....	205.00	205.00
Nongeneral Fund Positions.....	178.00	178.00
Position Level .....	383.00	383.00

Fund Sources: General .....	\$21,364,947	\$21,394,772
Special.....	\$15,489,644	<del>\$15,509,650</del>
		\$15,813,482
Federal Trust .....	\$9,605,804	<del>\$9,605,804</del>
		\$10,597,296

**Division of Debt Collection (143)**

61.	Collection Services (74000) .....			\$2,175,196	<del>\$2,175,730</del>
	State Collection Services (74001).....	\$1,969,898	<del>\$1,970,432</del>		\$2,380,898
			\$2,162,082		
	State Fraud Recovery Services (74002).....	\$205,298	<del>\$205,298</del>		\$218,816
			\$218,816		
	Fund Sources: Special.....	\$2,175,196	<del>\$2,175,730</del>		

ITEM 61.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

\$2,380,898

Authority: Title 2.2, Chapter 5 and Title 8.01, Chapter 3, Code of Virginia.

A. 1. The Division of Debt Collection shall provide legal services and advice related to the collection of funds owed the Commonwealth, including the recovery of certain funds pursuant to the Virginia Fraud Against Taxpayers Act (FATA) (§ 8.01-216.1 et seq.) by the Commonwealth as defined by 8.01-216.2. All agencies and institutions shall follow the procedures for collection of funds owed the Commonwealth as specified in §§ 2.2-518 and 2.2-4800 et seq. of the Code of Virginia, and all agencies, institutions, and political subdivisions shall follow the procedures for recovery of funds as specified in §§ 2.2-518 and 8.01-216.1 et seq. of the Code of Virginia, except as provided otherwise therein or in this act.

2. The provisions of this section shall not apply to any investigations, litigation, or recoveries related to matters handled under the authority granted to the Medicaid Fraud Control Unit within the Department of Law pursuant to the provisions of 42 C.F.R. § 1007 et seq. All matters pertaining to the recovery of such Medicaid funds, including damages, fines, and penalties received pursuant to FATA, are specifically excluded from the provisions of this section.

B.1. The Division of Debt Collection is entitled to retain as fees up to 30 percent of any revenues generated by its collection services pursuant to paragraph A. to pay operating costs supported by the appropriation in this item.

2. Upon closing its books at the end of the fiscal year, after the execution of all transfers to state agencies having claims collected by the Division of Debt Collection, the Division may retain up to a \$400,000 balance in its operating accounts. Any amounts contained in the operating accounts that exceed \$400,000 on the final day of the fiscal year shall be deposited to the credit of the general fund no later than September 1 of the succeeding fiscal year.

3. The Division of Debt Collection is entitled to retain as special revenue up to 30 percent of any funds recovered on behalf of the Commonwealth as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA for its fraud recovery services pursuant to paragraph A., to pay operating costs supported by the appropriation in this item.

4. There shall be created on the books of the Comptroller a special, nonreverting, revolving fund to be known as the Fraud Recovery Fund (FATA Fund). The Division is authorized to deposit to the FATA Fund any revenue, fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of its fraud recovery services. The Division is also authorized to deposit to the FATA Fund any attorneys' fees which from time to time may be awarded to the Commonwealth. Any deposit to, and interest earnings on, the FATA Fund shall be retained in the FATA Fund. The Division shall retain 30% of any funds recovered as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA, and shall transfer the remaining funds to the appropriate state agencies and political subdivisions on a periodic basis or such other period of time approved by the Division.

5. The Director, Department of Planning and Budget, may grant an exception to the provisions in paragraph B.2. if the Division of Debt Collection can show just cause.

C. The Division of Debt Collection may contract with private collection agents for the collection of debts amounting to less than \$15,000.

Total for Division of Debt Collection .....			<b>\$2,175,196</b>	<b>\$2,175,730</b> <b>\$2,380,898</b>
Nongeneral Fund Positions.....	26.00	26.00		
Position Level .....	26.00	26.00		
Fund Sources: Special.....	\$2,175,196	<del>\$2,175,730</del> \$2,380,898		

ITEM 61.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Grand Total for Attorney General and Department of Law .....			<b>\$48,635,591</b>	<b><del>\$48,685,956</del> \$50,186,448</b>
General Fund Positions.....	205.00	205.00		
Nongeneral Fund Positions.....	204.00	204.00		
Position Level .....	409.00	409.00		
Fund Sources: General.....	\$21,364,947	\$21,394,772		
Special.....	\$17,664,840	<del>\$17,685,380</del> \$18,194,380		
Federal Trust.....	\$9,605,804	<del>\$9,605,804</del> \$10,597,296		

**§ 1-24. SECRETARY OF THE COMMONWEALTH (166)**

62.	Central Records Retention Services (73800).....			\$2,086,432	\$1,952,085
	Appointments (73801) .....	\$1,508,808	\$1,511,961		
	Authentications (73802).....	\$65,622	\$65,622		
	Judicial Support Services (73803).....	\$226,025	\$226,025		
	Lobbyist and Organization Registrations (73804).....	\$81,961	\$11,961		
	Notaries Commissioning (73805).....	\$204,016	\$136,516		
	Fund Sources: General.....	\$2,086,432	\$1,952,085		

Authority: §§ 2.2-400 through 2.2-435, 2.2-3106, Code of Virginia.

The fee charged by the Secretary of the Commonwealth under the provisions of § 2.2-409, Code of Virginia, for a Service of Process shall be \$28.00.

Total for Secretary of the Commonwealth .....			<b>\$2,086,432</b>	<b>\$1,952,085</b>
General Fund Positions.....	19.00	17.00		
Position Level .....	19.00	17.00		
Fund Sources: General.....	\$2,086,432	\$1,952,085		

**§ 1-25. OFFICE OF THE STATE INSPECTOR GENERAL (147)**

63.	Inspection, Monitoring, and Auditing Services (78700)...			\$6,499,841	\$6,508,433
	Inspection and Compliance of Program Operations (78701) .....	\$6,499,841	\$6,508,433		
	Fund Sources: General.....	\$4,440,130	\$4,447,710		
	Special.....	\$282,390	\$282,390		
	Commonwealth Transportation .....	\$1,777,321	\$1,778,333		

Authority: Title 2.2, Chapter 3.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the State Inspector General \$153,000 from July 1, 2014 to June 30, 2015 and \$153,000 from July 1, 2015 to June 30, 2016.

B. The Office of the State Inspector General shall be responsible for investigating the management and operations of state agencies and nonstate agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury.

ITEM 63.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. The Office of the State Inspector General shall be responsible for coordinating and recommending standards for those internal audit programs in existence as of July 1, 2012, and developing and maintaining other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls. The State Inspector General shall assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies.

D. The Office of the State Inspector General shall be responsible for providing timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law.

E. The Office of the State Inspector General shall be responsible for assisting citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;

F.1. The Office of the State Inspector General shall be responsible for development, coordination and management of a program to train internal auditors. The Office of the State Inspector General shall assist internal auditors of state agencies and institutions in receiving continued professional education as required by professional standards. The Office of the State Inspector General shall coordinate its efforts with state institutions of higher education and offer training programs to the internal auditors as well as coordinate any special training programs for the internal auditors.

2. To fund the direct costs of hiring training instructors, the Office of the State Inspector General is authorized to collect fees from training participants to provide training events for internal auditors. A nongeneral fund appropriation of \$125,000 the first year and \$125,000 the second year is provided for use by the Office of the State Inspector General to facilitate the collection of payments from training participants for this purpose.

G. The Office of the State Inspector General shall review the agribusiness program within the Department of Corrections. The review shall include a determination of the costs and benefits to the Commonwealth of utilizing inmate labor to operate the correctional farm system, the value of cooperative agreements with Virginia's institutions of higher education to improve the productivity of the system, and a determination of the actual cost of food per inmate per day within Virginia's correctional institutions. To the extent feasible, the review shall consider the experience of other states. The review shall further consider potential efficiencies, cost savings, and productivity improvements within the agribusiness program. Copies of this review shall be submitted to the Secretary of Public Safety and Homeland Security and to the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2015.

Total for Office of the State Inspector General .....			<b>\$6,499,841</b>	<b>\$6,508,433</b>
General Fund Positions.....	24.00	24.00		
Nongeneral Fund Positions.....	16.00	16.00		
Position Level .....	40.00	40.00		
Fund Sources: General .....	\$4,440,130	\$4,447,710		
Special.....	\$282,390	\$282,390		
Commonwealth Transportation .....	\$1,777,321	\$1,778,333		

**§ 1-26. INTERSTATE ORGANIZATION CONTRIBUTIONS (921)**

64.	Governmental Affairs Services (70100).....			\$190,937	\$190,940
	Interstate Affairs (70103).....	\$190,937	\$190,940		
	Fund Sources: General .....	\$190,937	\$190,940		

Authority: Discretionary Inclusion.

Out of the amounts for Interstate Affairs funding is provided for the following organizational memberships:

1. National Association of State Budget Officers

ITEM 64.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. National Governors' Association				
3. Federal Funds Information for States				
Total for Interstate Organization Contributions.....			<b>\$190,937</b>	<b>\$190,940</b>
Fund Sources: General.....	\$190,937	\$190,940		
TOTAL FOR EXECUTIVE OFFICES.....			<b>\$62,461,904</b>	<b>\$62,398,095</b> <b>\$63,898,587</b>
General Fund Positions.....	289.67	287.67		
Nongeneral Fund Positions.....	221.33	221.33		
Position Level.....	511.00	509.00		
Fund Sources: General.....	\$32,988,200	\$32,902,813		
Special.....	\$17,947,230	<del>\$17,967,770</del> <i>\$18,476,770</i>		
Commonwealth Transportation.....	\$1,920,670	\$1,921,708		
Federal Trust.....	\$9,605,804	<del>\$9,605,804</del> <i>\$10,597,296</i>		

ITEM 65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF ADMINISTRATION**

**§ 1-27. SECRETARY OF ADMINISTRATION (180)**

65.	Administrative and Support Services (79900).....			\$1,192,051	\$1,193,718
	General Management and Direction (79901).....	\$479,086	\$480,514		
	Accounting and Budgeting Services (79903).....	\$712,965	\$713,204		
	Fund Sources: General.....	\$1,192,051	\$1,193,718		
	Authority: Title 2.2, Chapter 2, Code of Virginia.				
	Total for Secretary of Administration.....			<b>\$1,192,051</b>	<b>\$1,193,718</b>
	General Fund Positions.....	11.00	11.00		
	Position Level.....	11.00	11.00		
	Fund Sources: General.....	\$1,192,051	\$1,193,718		

**§ 1-28. COMPENSATION BOARD (157)**

66.	Financial Assistance for Sheriffs' Offices and Regional Jails (30700).....			\$439,216,673	\$442,537,100 \$443,960,067
	Financial Assistance for Regional Jail Operations (30710).....	\$132,295,274 \$138,582,266	\$135,508,525 \$142,694,428		
	Financial Assistance for Local Law Enforcement (30712).....	\$91,817,952 \$89,659,710	\$91,817,952 \$89,735,606		
	Financial Assistance for Local Court Services (30713)....	\$52,564,679 \$53,039,288	\$52,564,679 \$53,107,129		
	Financial Assistance to Sheriffs (30716).....	\$12,048,788 \$12,104,898	\$12,048,788 \$12,104,898		
	Financial Assistance for Local Jail Operations (30718) ...	\$150,489,980 \$145,830,511	\$150,597,156 \$146,318,006		
	Fund Sources: General.....	\$431,216,673	\$434,537,100 \$435,960,067		
	Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

July 1, 2014 to June 30, 2015	July 1, 2015 To November 30, 2015	December 1, 2015 To June 30, 2016
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ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Law Enforcement and Jail Responsibility</b>				
Less than 10,000	\$66,742	\$66,742	\$66,742	\$66,742
10,000 to 19,999	\$76,714	\$76,714	\$76,714	\$76,714
20,000 to 39,999	\$84,302	\$84,302	\$84,302	\$84,302
40,000 to 69,999	\$91,633	\$91,633	\$91,633	\$91,633
70,000 to 99,999	\$101,814	\$101,814	\$101,814	\$101,814
100,000 to 174,999	\$113,128	\$113,128	\$113,128	\$113,128
175,000 to 249,999	\$119,081	\$119,081	\$119,081	\$119,081
250,000 and above	\$132,312	\$132,312	\$132,312	\$132,312
<b>Law Enforcement or Jail</b>				
Less than 10,000	\$65,406	\$65,406	\$65,406	\$65,406
10,000 to 19,999	\$75,179	\$75,179	\$75,179	\$75,179
20,000 to 39,999	\$82,615	\$82,615	\$82,615	\$82,615
40,000 to 69,999	\$89,800	\$89,800	\$89,800	\$89,800
70,000 to 99,999	\$99,778	\$99,778	\$99,778	\$99,778
100,000 to 174,999	\$110,864	\$110,864	\$110,864	\$110,864
175,000 to 249,999	\$116,700	\$116,700	\$116,700	\$116,700
250,000 and above	\$130,327	\$130,327	\$130,327	\$130,327
<b>No Law Enforcement or Jail Responsibility</b>				
Less than 10,000	\$61,457	\$61,457	\$61,457	\$61,457
10,000 to 19,999	\$68,285	\$68,285	\$68,285	\$68,285
20,000 to 39,999	\$75,871	\$75,871	\$75,871	\$75,871
40,000 to 69,999	\$84,302	\$84,302	\$84,302	\$84,302
70,000 to 99,999	\$93,670	\$93,670	\$93,670	\$93,670
100,000 to 174,999	\$104,076	\$104,076	\$104,076	\$104,076
175,000 to 249,999	\$109,552	\$109,552	\$109,552	\$109,552
250,000 and above	\$123,050	\$123,050	\$123,050	\$123,050

B. Out of the amounts provided for in this Item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

E. Consistent with the provisions of paragraph B of Item 73, the board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding to other jails in the Commonwealth that are experiencing overcrowding.

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a master deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meet the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 master deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.

2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.

3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.

H. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 73 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.

I. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 66 and 67, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

J.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by sheriffs as part of their annual budget request to the Compensation Board *on or before February 1 of each year*, the Compensation Board shall increase the annual salary shown in paragraph A of this Item by the percentage shown ~~below~~ *herein* for a twelve-month period effective the following July 1:

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
a.	9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program where such criteria includes that a sheriff has achieved certification <i>in a program agreed upon by the Compensation Board and the Virginia Sheriffs' Institute by Virginia Commonwealth University the Weldon Cooper Center for Public Service of the University of Virginia</i> , or, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association; <del>or.</del>			
b.	For sheriffs that have not achieved one of the above accreditations:			
1.	3.1 percent for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program; and			
2.	3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and			
3.	3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and provide primary law enforcement services in the county.			
4.	<i>The provisions of subparagraphs 2.b.1. through 2.b.3. of this paragraph shall apply only to sheriffs certifying their compliance with the established minimum criteria for the Sheriffs' Career Development Program prior to July 1, 2014, and shall expire on June 30, 2016.</i>			
54.	Other constitutional officers' associations may request the General Assembly to include certification <i>in a program agreed upon by the Compensation Board and the officers' associations</i> by the Weldon Cooper Center for Public Service to the requirements for participation in their respective career development programs.			
K.	Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$8,000,000 the first year and \$8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.			
L.	Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.			
M.	Included in this appropriation is \$1,004,500 the first year and \$1,004,500 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide for SAVIN program coordination, and to maintain the interface between SAVIN and the Virginia Sex Offender Registry. All law enforcement agencies receiving general funds pursuant to this item shall provide the data requirements necessary to participate in the SAVIN system.			
N.	Included in the appropriation is \$2,714,534 the first year and \$3,089,039 the second year from the general fund to support costs associated with staffing the Rappahannock/Shenandoah/Warren Regional Jail.			
O.	Included in the appropriation is \$1,875,437 the first year and \$4,678,458 the second year from the general fund to support costs associated with staffing the new Southwest Virginia Regional Jail.			
P.	Included in this appropriation for this Item is \$1,536,315 the first year and \$1,679,216 the second year from the general fund to provide 48 additional temporary jail deputy positions for local and regional jails with overcrowding rates that exceed 100 percent of operational capacity.			
Q.	<i>Included in the appropriation is \$206,723 the second year from the general fund to support costs associated with staffing Phase I of the Central Virginia Regional Jail expansion.</i>			

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

*R. Included in the appropriation for this Item, \$1,216,244 the second year from the general fund is provided to increase the minimum starting salary for entry level grade 7 deputy sheriffs employed in sheriffs' offices and entry-level grade 7 regional jail officers employed in regional jails by 4.63 percent effective September 1, 2015. This funding, in addition to the two percent salary adjustment for state supported local employees in Item 467 of this act, which is contingent on revenues, is sufficient to increase the minimum salary for entry level grade 7 deputy sheriffs and entry level grade 7 regional jail officers to \$31,009 effective September 1, 2015. Effective September 1, 2015, the Compensation Board shall establish salary increases associated with the reclassification of a deputy sheriff or deputy regional jail officer from grade 7 to grade 8 upon the first of the month on or following the one year anniversary of the date of hire into a Compensation Board funded position based upon the salary actions authorized in this Act.*

67. Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....			\$50,115,331 \$63,923,778	\$50,115,331
Financial Assistance for Local Jail Per Diem (35601) .....	\$25,642,213 \$30,919,831	\$25,642,213 \$23,735,820		
Financial Assistance for Regional Jail Per Diem (35604) .....	\$24,473,118 \$33,003,947	\$24,473,118 \$26,379,511		
Fund Sources: General.....	\$50,115,331 \$63,923,778	\$50,115,331		

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2015, and June 1, 2016, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence—a convicted offender’s sentence as rendered by the court less any portion of the sentence suspended by the court.

2. Local responsible inmate—(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.

3. State responsible inmate—any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

<b>ITEM 67.</b>	<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
	<b>First Year</b>	<b>Second Year</b>	<b>First Year</b>	<b>Second Year</b>
	<b>FY2015</b>	<b>FY2016</b>	<b>FY2015</b>	<b>FY2016</b>

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates—\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.
2. For state responsible inmates—\$12 per inmate day.

F. For the payment specified in paragraph E 1 of this Item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.
2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$22 per day for local responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H 1.

ITEM 67.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.				
5. The Compensation Board shall apply the cost recovery methodology set out in paragraph H 1 of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia Department of Corrections.				
6. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.				
7. For a local or regional jail which operates bed space specifically built utilizing federal capital or grant funds for the housing of federal inmates and for which Compensation Board funding has never been authorized for staff for such bed space, the Compensation Board shall allow an exemption from the recovery provided in paragraph H.1. for a defined number of federal prisoners upon certification by the sheriff or superintendent that the federal government has paid for the construction of bed space in the facility or provided a grant for a portion of the capital cost. Such certification shall include specific funding amounts paid by the federal government, localities, and/or regional jail authorities, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal prisoners to be exempted from the recovery provided in paragraph H.1. shall be based upon the proportion of funding paid by the federal government and localities and/or regional jail authorities for the construction of bed space to house federal prisoners to the total funding paid by all sources, including the Commonwealth, for all construction costs for the jail facility in its entirety.				
8. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility.				
I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 66 and 67, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.				
J. Projected growth in per diem payments for the support of prisoners in local and regional jails shall be based on actual inmate population counts up through the first quarter of the affected fiscal year.				
K. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services, and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.				

ITEM 68.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
68.	Financial Assistance for Local Finance Directors (71700).....		\$5,405,563	\$5,405,563
	Financial Assistance to Local Finance Directors (71701).....	\$639,959	\$639,959	
	Financial Assistance for Operations of Local Finance Directors (71702).....	\$4,765,604	\$4,765,604	
	Fund Sources: General.....	\$5,405,563	\$5,405,563	

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016
Less than 10,000	\$60,095	\$60,095	\$60,095
10,000-19,999	\$66,775	\$66,775	\$66,775
20,000-39,999	\$74,195	\$74,195	\$74,195
40,000-69,999	\$82,436	\$82,436	\$82,436
70,000-99,999	\$91,597	\$91,597	\$91,597
100,000-174,999	\$101,772	\$101,772	\$101,772
175,000 to 249,999	\$107,131	\$107,131	\$107,131
250,000 and above	\$121,740	\$121,740	\$121,740

2. Whenever any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such officer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item following receipt of the appointed officer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by appointed officers as part of their annual budget request to the Compensation Board on February 1 of each year.

69.	Financial Assistance for Local Commissioners of the Revenue (77100).....		\$17,585,299	\$17,585,299
	Financial Assistance to Local Commissioners of the Revenue for Tax Value Certification (77101).....	\$9,598,257	\$9,598,257	
	Financial Assistance for Operations of Local Commissioners of the Revenue (77102).....	\$7,140,422	\$7,140,422	
	Financial Assistance for State Tax Services by Commissioners of the Revenue (77103).....	\$846,620	\$846,620	
	Fund Sources: General.....	\$17,585,299	\$17,585,299	

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A. The annual salaries of county or city commissioners of the revenue shall be as hereinafter prescribed, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

ITEM 69.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016	
Less than 10,000	\$60,095	\$60,095	\$60,095	
10,000-19,999	\$66,775	\$66,775	\$66,775	
20,000-39,999	\$74,195	\$74,195	\$74,195	
40,000-69,999	\$82,436	\$82,436	\$82,436	
70,000-99,999	\$91,597	\$91,597	\$91,597	
100,000-174,999	\$101,772	\$101,772	\$101,772	
175,000 to 249,999	\$107,131	\$107,131	\$107,131	
250,000 and above	\$121,740	\$121,740	\$121,740	

B. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Commissioners of the Revenue Career Development Program.

2. Following receipt of the commissioner's certification that the minimum requirements of the Commissioners of the Revenue Career Development Program have been met, and provided that such certification is submitted by commissioners of the revenue as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A of this Item by the amount shown herein for a 12-month period effective the following July 1. The salary supplement shall be based upon the levels of service offered by the commissioner of the revenue for his/her locality and shall be in accordance with the following schedule:

a. 4.7 percent increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program;

b. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide state income tax or real estate services as described in the minimum criteria for the Commissioners of the Revenue Career Development Program; and

c. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide state income tax and real estate services, as described in the minimum criteria for the Commissioners of the Revenue Career Development Program.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Commissioners Career Development Program.

2. For each deputy commissioner selected by the commissioner of the revenue for participation in the Deputy Commissioners Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent, following receipt of the commissioner of the revenue's certification that the minimum requirements of the Deputy Commissioners Career Development Program have been met, and provided that such certification is submitted by the commissioner of the revenue as part of the annual budget request to the Compensation Board on or before February 1st of each year for an effective date of salary increase of the following July 1.

70.	Financial Assistance for Attorneys for the Commonwealth (77200).....			\$69,935,657	\$69,935,657
	Financial Assistance to Attorneys for the Commonwealth (77201).....	\$15,852,086	\$15,852,086		
	Financial Assistance for Operations of Local Attorneys for the Commonwealth (77202).....	\$54,083,571	\$54,083,571		

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Fund Sources: General..... \$69,935,657 \$69,935,657

Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.

A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016
Less than 10,000	\$53,257	\$53,257	\$53,257
10,000-19,999	\$59,182	\$59,182	\$59,182
20,000-34,999	\$65,098	\$65,098	\$65,098
35,000-44,999	\$117,173	\$117,173	\$117,173
45,000-99,999	\$130,189	\$130,189	\$130,189
100,000-249,999	\$135,073	\$135,073	\$135,073
250,000 and above	\$139,958	\$139,958	\$139,958

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of this Item for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's attorney, public defender or employee of a public defender, shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the circuit court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the board in Item 74 E of Chapters 912 and 924.

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F. The Compensation Board shall monitor the Department of Taxation program regarding the collection of unpaid fines and court costs by private debt collection firms contracted by Commonwealth's attorneys and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for clerks of the courts and Commonwealth's attorneys, the amount of unpaid fines and costs collected by this program.

G. Out of this appropriation, \$389,165 the first year and \$389,165 the second year from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's attorney's offices that shall be dedicated to prosecuting gang-related criminal activities. The board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax).

H. Included within this appropriation is \$2,120,757 the first year and \$2,120,757 the second year from the general fund to increase the salary of each assistant Commonwealth's attorney by \$3,308.

I. In accordance with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may employ individuals, or contract with private attorneys, private collection agencies, or other state or local agencies, to assist in collection of delinquent fines, costs, forfeitures, penalties, and restitution. If the attorney for the Commonwealth employs individuals, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. If the attorney for the Commonwealth does not undertake collection, the attorney for the Commonwealth shall, as soon as practicable, take steps to ensure that any agreement or contract with an individual, attorney or agency complies with the terms of the current Master Guidelines Governing Collection of Unpaid Delinquent Court-Ordered Fines and Costs Pursuant to Virginia Code § 19.2-34 9 promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court, the Department of Taxation, and the Compensation Board ("the Master Guidelines"). Notwithstanding any other provision of law, the delinquent amounts owed shall be increased by seventeen (17) percent to help offset the costs associated with employing such individuals or contracting with such agencies or individuals. If such increase would exceed the contracted collection agent's fee, then the delinquent amount owed shall be increased by the percentage or amount of the collection agent's fee. ~~Effective January 1, 2016~~ *Effective July 1, 2015, as provided in § 19.2-349, Code of Virginia, treasurers not being compensated on a contingency basis as of January 1, 2015 and other local government entities shall be prohibited from being compensated on a contingency basis but shall be instead compensated administrative cost pursuant to § 58.1-3958, Code of Virginia. Treasurers currently collecting a contingency fee shall be eligible to contract on a contingency fee basis until June 30, 2018. Effective July 1, 2015, any treasurer collecting a contingency fee shall retain only the expenses of collection, and the excess collection shall be divided between the state and the locality in the same manner as if the collection had been done by the attorney for the Commonwealth.* The attorneys for the Commonwealth shall account for the amounts collected and the fees and costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

71.	Financial Assistance for Circuit Court Clerks (77300).....			\$50,835,088	\$50,886,505
	Financial Assistance to Circuit Court Clerks (77301) .....	\$13,207,028	\$13,207,028		
	Financial Assistance for Operations for Circuit Court Clerks (77302).....	\$21,388,533	\$21,439,950		
	Financial Assistance for Circuit Court Clerks' Land Records (77303).....	\$16,239,527	\$16,239,527		
	Fund Sources: General .....	\$42,834,376	\$42,885,793		
	Trust and Agency .....	\$8,000,712	\$8,000,712		

Authority: Title 15.2, Chapter 16, Article 6.1; §§ 51.1-706 and 51.1-137, Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. The annual salaries of clerks of circuit courts shall be as hereinafter prescribed.

ITEM 71.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016
	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016	
Less than 10,000	\$75,503	\$75,503	\$75,503	
10,000 to 19,999	\$93,036	\$93,036	\$93,036	
20,000-39,999	\$106,522	\$106,522	\$106,522	
40,000-69,999	\$111,914	\$111,914	\$111,914	
70,000-99,999	\$121,348	\$121,348	\$121,348	
100,000-174,999	\$132,137	\$132,137	\$132,137	
175,000-249,999	\$136,238	\$136,238	\$136,238	
250,000 and above	\$140,230	\$140,230	\$140,230	

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 73 A 2, the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court clerk.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A 1 through A 3 of this Item.

5. All clerks shall deposit all clerks' fees and state revenue with the State Treasurer in a manner consistent with § 2.2-806, Code of Virginia, unless otherwise provided by the Compensation Board as set forth in § 17.1-284, Code of Virginia or otherwise provided by law.

B. The reports filed by each circuit court clerk pursuant to § 17.1-283, Code of Virginia, for each calendar year shall include all income derived from the performance of any office, function or duty described or authorized by the Code of Virginia whether directly or indirectly related to the office of circuit court clerk, including, by way of description and not limitation, services performed as a commissioner of accounts, receiver, or licensed agent, but excluding private services performed on a personal basis which are completely unrelated to the office. The Compensation Board may suspend the allowance for office expenses for any clerk who fails to file such reports within the time prescribed by law, or when the board determines that such report does not comply with the provisions of this paragraph.

C. Each clerk of the circuit court shall submit to the Compensation Board a copy of the report required pursuant to § 19.2-349, Code of Virginia, at the same time that it is submitted to the Commonwealth's attorney.

D. Included within this appropriation are Trust and Agency funds necessary to support one position to assist circuit court clerks in implementing the recommendations of the Land Records Management Task Force Report dated January 1, 1998.

E. Notwithstanding the provisions of § 17.1-279 E, Code of Virginia, the Compensation Board may allocate to the clerk of any circuit court funds for the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses by such court. Any such funds allocated shall be deemed to have been expended pursuant to clause (iii) of § 17.1-279 E for the purposes of the limitation on allocations set forth in that subsection.

ITEM 71.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
F. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board may allocate up to \$3,978,426 the first year and \$3,978,426 the second year of Technology Trust Fund moneys for operating expenses in the clerks' offices.				
G. Notwithstanding § 17.1-287, Code of Virginia, any elected official funded through this Item may elect to relinquish any portion of his state funded salary established in paragraph A 1 of this Item. In any office where the official elects this option, the Compensation Board shall ensure the amount relinquished is used to fund salaries of other office staff.				
H.1. For audits of clerks of the circuit court completed after July 1, 2004, the Auditor of Public Accounts shall report any internal control matter that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Auditor of Public Accounts will also report on compliance with appropriate law and other financial matters of the clerks' office.				
2. For internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability, the clerk shall provide the Auditor of Public Accounts a written corrective action plan to any such audit findings within 10 business days of the audit exit conference, which will state what actions the clerk will take to remediate the finding. The clerk's response may also address the other matters in the report. During the next audit, the Auditor of Public Accounts shall determine and report if the clerk has corrected the finding related to internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.				
3. Notwithstanding the provisions of Item 467, the Compensation Board shall not provide any salary increase to any circuit court clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above.				
I.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Circuit Court Clerks' Career Development Program.				
2. Following receipt of a clerk's certification that the minimum requirements of the Clerks' Career Development Program have been met, and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A.1. of this item by 9.3 percent with the salary increase becoming effective on the following July 1 for a 12-month period.				
J.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Deputy Clerks of Circuit Courts' Career Development Program.				
2. For each deputy clerk selected by the clerk for participation in the Deputy Clerks' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the clerk's certification that the minimum requirements of the Deputy Clerks' Career Development Program have been met and provided that such certification is submitted by clerks as part of their annual budget request to the Compensation Board by February 1 of each year.				
K. Upon request of the attorney for the Commonwealth, the clerk of the circuit court shall contemporaneously provide the attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to § 19.2-298.01 E, Code of Virginia.				
L. The Compensation Board may obligate Trust and Agency funds in excess of the current biennium appropriation for the automation efforts of the clerks' offices from the Technology Trust Fund provided that sufficient cash is available to cover projected costs in each year and that sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.				

ITEM 71.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
M. Offices of the Clerks of the Circuit Court, jails, adult detention centers, and the Department of Corrections are further authorized to enter into agreements to electronically transmit and process criminal court orders to assure timely and accurate recordation and processing of such records.				
72.	Financial Assistance for Local Treasurers (77400).....		\$16,637,319	\$16,637,319
	Financial Assistance to Local Treasurers (77401).....	\$9,634,659	\$9,634,659	
	Financial Assistance for Operations of Local Treasurers (77402) .....	\$6,802,627	\$6,802,627	
	Financial Assistance for State Tax Services by Local Treasurers (77403) .....	\$200,033	\$200,033	
	Fund Sources: General.....	\$16,637,319	\$16,637,319	

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of treasurers, elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016
Less than 10,000	\$60,095	\$60,095	\$60,095
10,000 to 19,999	\$66,775	\$66,775	\$66,775
20,000-39,999	\$74,195	\$74,195	\$74,195
40,000-69,999	\$82,436	\$82,436	\$82,436
70,000-99,999	\$91,597	\$91,597	\$91,597
100,000-174,999	\$101,772	\$101,772	\$101,772
175,000-249,999	\$107,131	\$107,131	\$107,131
250,000 and above	\$121,740	\$121,740	\$121,740

2. Provided, however, that in cities having a treasurer who neither collects nor disburses local taxes or revenue or who distributes local revenues but does not collect the same, such salaries shall be seventy-five percent of the salary prescribed above for the population range in which the city falls except that in no case shall any such treasurer, or any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, receive an increase in salary less than the annual percentage increase provided from state funds to any other treasurer, within the same population range, who was at the maximum prescribed salary in effect for the fiscal year 1980.

3. Whenever a treasurer is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such treasurer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by treasurers as part of their annual budget request to the Compensation Board on February 1 of each year.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Treasurers' Career Development Program.

ITEM 72.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2. For each deputy treasurer selected by the treasurer for participation in the Deputy Treasurers' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Deputy Treasurers' Career Development Program have been met, and provided that such certification is submitted by the treasurer as part of the annual budget request to the Compensation Board on or before February 1 of each year for an effective date of salary increase of the following July 1st.

73.	Administrative and Support Services (79900).....			\$2,389,282	\$2,452,479
	General Management and Direction (79901).....	\$1,354,287	\$1,401,267		
	Information Technology Services (79902).....	\$953,172	\$969,389		
	Training Services (79925) .....	\$81,823	\$81,823		
	Fund Sources: General.....	\$2,389,282	\$2,452,479		

Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. In determining the salary of any officer specified in Items 66, 68, 69, 70, 71 and 72 of this act, the Compensation Board shall use the greater of the most recent actual United States census count or the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia available when fixing the officer's annual budget and shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent remains in office.

2. In determining the salary of any officer specified in Items 66, 68, 69, 70, 71 and 72 of this act, nothing herein contained shall prevent the governing body of any county or city from supplementing the salary of such officer in such county or city for the provisions of Chapter 822, 2012 Acts of Assembly or for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

3. Any officer whose salary is specified in Items 66, 68, 69, 70, 71 and 72 of this act shall provide reasonable access to his work place, files, records, and computer network as may be requested by his duly elected successor after the successor has been certified.

B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, subject to appropriation by the General Assembly, including the principal officer, at the following levels:

	FY 2015	FY 2016
Sheriffs	11,287	11,320
	11,258	11,269
Partially Funded: Jail Medical, Treatment, and Classification and Records Positions	778	778
Commissioners of the Revenue	846	846
Treasurers	861	861
Directors of Finance	383	383
Commonwealth's Attorneys	1,266	1,266
Clerks of the Circuit Court	1,144	1,144
<b>TOTAL</b>	<b>16,565</b>	<b>16,598</b>
	<b>16,536</b>	<b>16,547</b>

2. The Compensation Board is authorized to provide funding for 597 temporary positions the first year and 597 temporary positions the second year.

3. The board is authorized to adjust the expenses and other allowances for such officers to maintain approved permanent and temporary manpower levels.

4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to § 17.1-290, Code of Virginia.

ITEM 73.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

2. Reimbursement by the Compensation Board for the use of personal vehicles in the discharge of official duties shall be at a rate equal to that established in § 4-5.04 e 2. of this act. All such requests for reimbursement shall be accompanied by a certification that a publicly owned or leased vehicle was unavailable for use.

D. The Compensation Board is directed to examine the current level of crowding of inmates in local jails among the several localities and to reallocate or reduce temporary positions among local jails as may be required, consistent with the provisions of this act.

E. Any new positions established in Item 73 of this act shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 66 of this act.

F. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein, and nothing in any performance pay plan set by the Compensation Board or adopted by a constitutional officer, shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.

G. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.

H. The Compensation Board shall not approve or commit additional funds for the operational cost, including salaries, for any local or regional jail construction, renovation, or expansion project which was not approved for reimbursement by the State Board of Corrections prior to January 1, 1996, unless: (1) the Secretary of Public Safety and Homeland Security certifies that such additional funding results in an actual cost savings to the Commonwealth or (2) an exception has been granted as provided for in Item 382 of this act.

I. Subject to appropriations by the General Assembly for this purpose, the Compensation Board may provide funding for executive management, lawful employment practices, and jail management training for constitutional officers, their employees, and regional jail superintendents.

J. Any local or regional jail that receives funding from the Compensation Board shall report inmate populations to the Compensation Board, through the local inmate data system, no less frequently than weekly. Each local or regional jail that receives funding from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying and describing offenses for persons arrested and/or detained in local and regional jails in Virginia.

K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates and investment/interest monies for inclusion in the report.

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2. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report.				
3. If any sheriff, superintendent, county administrator, or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure. If the information is not provided within ten working days from that date, then the chairman shall cause the information to be prepared from the books of the city, county, or regional jail and shall certify the cost thereof to the State Comptroller. The State Comptroller shall issue his warrant on the state treasury for that amount, deducting the same from any funds that may be due the sheriff or regional jail from the Commonwealth.				
L. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 66, 69, 70, 71 and 72 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph E of this Item, any positions in the constitutional offices of the former city or former county which are available for reallocation as a result of the transition or consolidation shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated or to the consolidated city, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county or to the consolidated city, as provided in § 15.2-1302, Code of Virginia.				
M. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.				
N. The Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 66, 68, 69, 70, 71 and 72 of this act, an amount equal to 100 percent of each locality's share of the insurance premium paid by the Compensation Board on behalf of the constitutional officers, directors of finance, and regional jails.				
O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements due the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by a locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is accurate, the Compensation Board shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.				
P. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 66, 68, 69, 70, 71 and 72 of this act, an amount equal to each locality's retiree health premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.				
Q.1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under and payable to the Virginia Retirement System.				
2. The rate specified in paragraph Q.1. shall exclude the cost of any early retirement program implemented by the Commonwealth.				
3. Any employer paid contribution costs for rates exceeding those specified in paragraph Q.1. shall be borne by the employer.				

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4. The benefits rate reimbursed by the Compensation Board to localities and regional jails shall not exceed the rate identified for fiscal year 2011 in Chapter 890, Item 469, paragraph I.1.

R. Localities shall not utilize Compensation Board funding to supplant local funds provided for the salaries of constitutional officers and their employees under the provisions of Chapter 822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012.

*S. Effective July 1, 2015, the Executive Secretary of the Compensation Board is authorized to withhold reimbursements due to the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that any local law enforcement agency is not registering sex offenders as required in §9.1-903, Code of Virginia. Upon subsequent notification by the Superintendent that the local law enforcement agency is compliant with the requirements of §9.1-903, Code of Virginia, the Executive Secretary shall make reimbursement of withheld funding due to the locality in the same fiscal year in which the local law enforcement agency comes into compliance.*

Total for Compensation Board.....			<b>\$652,120,212</b>	<b>\$655,555,253</b>
			<del>\$665,928,659</del>	<del>\$656,978,220</del>
General Fund Positions.....	20.00	20.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level .....	21.00	21.00		
Fund Sources: General.....	\$636,119,500	\$639,554,541		
	\$649,927,947	\$640,977,508		
Trust and Agency .....	\$8,000,712	\$8,000,712		
Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		

**§ 1-29. DEPARTMENT OF GENERAL SERVICES (194)**

74. Laboratory Services (72600) .....			\$32,978,107	\$32,812,697
				<del>\$33,548,697</del>
Statewide Laboratory Services (72604) .....	\$32,978,107	\$32,812,697		
		<del>\$33,548,697</del>		
Fund Sources: General.....	\$13,402,853	\$13,237,443		
Special.....	\$20,000	\$20,000		
Enterprise .....	\$8,572,993	\$8,572,993		
		\$8,708,993		
Internal Service.....	\$3,162,854	\$3,162,854		
		\$3,762,854		
Federal Trust.....	\$7,819,407	\$7,819,407		

Authority: Title 2.2, Chapter 11, Article 2, Code of Virginia.

A. The provisions of § 2.2-1104, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services shall ensure that no individual is denied the benefits of laboratory tests mandated by the Department of Health for reason of inability to pay for such services.

B. Out of this appropriation, \$3,162,854 the first year and \$3,162,854 the second year for Statewide Laboratory Services is sum sufficient and these amounts are estimates from an internal service fund which shall be paid from revenues derived from charges collected from the Department of Environmental Quality, Department of Agriculture and Consumer Services, and Department of Corrections. The internal service fund shall also consist of revenues transferred from the Department of Transportation for motor fuel testing as stated in § 3-1.02 of this act, and fees collected from governmental entities for sample testing.

C. The provisions of § 2.2-1104 B, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services may charge a fee for the limited and specific purpose of analyses of water samples where:

1. testing is required by Department of Health regulations as mandated by the federal Safe Drinking Water Act, and

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<p>2. funding to support such testing is not otherwise provided for in this act, and</p> <p>3. fees shall not be increased above the fees existing as of July 1, 2014, unless first approved by the Governor.</p> <p>D.1. The Division of Consolidated Laboratory Services may charge a fee to recover its costs to certify laboratories analyzing drinking water samples under the requirements of § 2.2-1104 A. 4, Code of Virginia, where certification of these laboratories is required by the Department of Health regulations mandated by the federal Safe Drinking Water Act.</p> <p>2. Any fees charged for testing of water samples or certification of labs that analyze water samples shall not exceed the direct cost of such services.</p>				
75.	Real Estate Services (72700).....		\$63,104,232	<del>\$63,104,232</del> \$63,129,232
	Statewide Leasing and Disposal Services (72705).....	\$63,104,232		<del>\$63,104,232</del> \$63,129,232
	Fund Sources: Special.....	\$65,000	\$65,000	
	Internal Service.....	\$63,039,232		<del>\$63,039,232</del> \$63,064,232
<p>Authority: Title 2.2, Chapter 11, Article 4, § 2.2-1156, Code of Virginia.</p> <p>A. Out of this appropriation, \$63,039,232 the first year and \$63,039,232 the second year for Statewide Leasing and Disposal Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues from rent payments or fees to be paid by state agencies and institutions for their occupancy of facilities and for the agency's management of real property transactions, including, but not necessarily limited to, leases of non-state owned office space throughout the Commonwealth for use by such agencies and institutions. Also included are funds to pay costs associated with the disposal of state-owned real property and interests therein. The costs paid for each sale shall be returned to the fund upon sale of the property in an amount calculated at 115 percent of such costs. In implementing the program, the Department of General Services may utilize brokerage services, portfolio management strategies, personnel policies, and compensation practices generally consistent with prevailing industry best practices.</p> <p>B. The Department of General Services shall issue guidelines to ensure that site selection for new state facilities is accomplished in a way that is consistent with the Principles of Sustainable Community Investment identified in Executive Order 69 (2008) and Executive Order 82 (2009).</p> <p>C. 1. Upon notification from the State Treasurer that all debt service and capital lease obligations have been met, the Department of General Services, on behalf of the Commonwealth of Virginia, shall transfer ownership of the property located at the Center for Innovative Technology Complex at 2214 Rock Hill Road, Herndon, Virginia, formerly known as the Software Consortium Productivity Building and now known as the Mid-Rise Building from the Innovation and Entrepreneurship Investment Authority (IEIA), to the Department of General Services.</p> <p>2. The Department of General Services shall honor all existing leases and contracts and manage the property as part of its real estate services operation. However, the Department of General Services may enter into a lease agreement with the IEIA for a nominal sum and allow them to continue to manage the facility.</p>				
76.	Procurement Services (73000).....		\$58,226,759	\$58,226,759
	Statewide Procurement Services (73002).....	\$23,424,859		\$61,313,173
		\$26,511,273	\$27,097,035	
	Surplus Property Programs (73007).....	\$2,801,900	\$2,801,900	\$61,898,935

ITEM 76.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Statewide Cooperative Procurement and Distribution Services (73008).....	\$32,000,000	\$32,000,000		
Fund Sources: General.....	\$2,331,693	\$2,331,693		
Special.....	<del>\$2,492,332</del>	<del>\$2,492,332</del>		
	\$1,709,454	\$2,054,471		
Enterprise .....	\$18,600,834	\$18,600,834		
	\$22,470,126	\$22,710,871		
Internal Service.....	\$34,801,900	\$34,801,900		

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

A. 1. Out of this appropriation, \$936,900 the first year and \$936,900 the second year for federal surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

2. Out of this appropriation, \$1,865,000 the first year and \$1,865,000 the second year for state surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

B. Out of this appropriation, \$32,000,000 the first year and \$32,000,000 the second year for Statewide Cooperative Procurement and Distribution Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

C.1. The Commonwealth's statewide electronic procurement system and program known as eVA will be financed by fees assessed to state agencies and institutions of higher education and vendors.

2. The Department of General Services, in consultation with the Department of Accounts, shall develop an implementation timetable, scope, and cost for real time integration between eVA and the statewide financial management system known as Cardinal, with the objective that the integration be completed within one year of the Cardinal Wave 12 rollout, *no later than February 15, 2017*. The Secretaries of Administration and Finance shall submit a final timetable, no later than ~~January~~ July 1, 2015, to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. The Department of General Services ~~and the Department of Accounts are~~ authorized to fund all approved costs of the integration, including associated integration costs incurred by the Department of Accounts' Cardinal project team. All approved integration costs are to be paid from the existing eVA special fund balances. No integration costs shall be paid from eVA fees collected after July 1, 2014. The Department of General Services is authorized, where necessary, to procure all integration services required for this integration project by the Department of General Services and the Department of Accounts to fulfill the requirements of this subsection. *Department of Accounts costs for integration services it procures must be approved by the Department of General Services prior to issuing a purchase order or incurring such costs, as the Department of General Services is expected to pay those costs.* The Department of General Services and the Department of Accounts shall work collaboratively to implement and complete the integration in accordance with the Secretaries of Administration and Finance approved timetable. The Department of General Services and the Department of Accounts shall jointly submit quarterly implementation progress reports to the Secretaries of Administration and Finance for submission to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

D. The Department of General Services shall allow nonprofit food banks operating in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from the Virginia Distribution Center.

77.	Physical Plant Management Services (74100).....			\$49,020,484	\$50,572,527
	Parking Facilities Management (74105) .....	\$3,328,104	<del>\$3,328,104</del>	\$48,849,884	\$50,997,127
			\$4,902,072		

ITEM 77.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Statewide Building Management (74106).....	\$40,628,734	\$41,666,777		\$41,092,809
Statewide Engineering and Architectural Services (74107) .....	\$4,482,200	\$4,996,200		
	\$4,311,600	\$4,420,800		
Seat of Government Mail Services (74108).....	\$581,446	\$581,446		
Fund Sources: General.....	\$1,108,673	\$1,202,862		
Special.....	\$3,902,072	\$3,902,072		
		\$4,902,072		
Internal Service.....	\$44,009,739	\$45,467,593		
	\$43,839,139	\$44,892,193		

Authority: Title 2.2, Chapter 11, Articles 4 and 6; § 58.1-3403, Code of Virginia.

A.1. Out of this appropriation, \$8,822,030 the first year and \$8,822,030 the second year represent a sum sufficient internal service fund for Statewide Building Management that shall consist of fees derived from service agreements and special work orders.

2. Out of this appropriation, \$30,705,509 the first year and \$31,649,363 the second year represent a sum sufficient internal service fund for Statewide Building Management that shall consist of revenues derived from rental charges assessed to occupants for seat of government buildings controlled, maintained and operated by the Department of General Services, excluding the building occupants that currently have maintenance service agreements with the department. The internal service fund shall support the facilities at the seat of government, maintenance and operation of such other state-owned facilities as the Governor or department may direct, as otherwise provided by law.

3. The rent rate for occupants of office space in seat of government facilities operated and maintained by the Department of General Services, excluding the building occupants that currently have maintenance service agreements with the department, shall be no more than \$15.60 per square foot the first year and \$15.96 the second year.

4. Further, out of the estimated cost for this service area, amounts estimated at \$1,772,143 the first year and \$1,772,143 the second year shall be paid for Payment in Lieu of Taxes. In addition to the amounts for the sum sufficient, the following sums, estimated at the amounts shown for this purpose, are included in the appropriations for the agencies identified:

	FY 2015	FY 2016
Department of Alcoholic Beverage Control	\$67,104	\$67,104
Department of Game and Inland Fisheries	\$29,000	\$29,000
Department of Motor Vehicles	\$210,000	\$210,000
Department of State Police	\$800	\$800
Department of Transportation	\$210,000	\$210,000
Department for the Blind and Vision Impaired	\$3,320	\$3,320
State Corporation Commission	\$190,000	\$190,000
Virginia Employment Commission	\$59,000	\$59,000
Virginia Museum of Fine Arts	\$158,520	\$158,520
Virginia Retirement System	\$54,000	\$54,000
Veterans Affairs	\$136,400	\$136,400
Workers' Compensation Commission	\$22,500	\$22,500
<b>TOTAL</b>	<b>\$1,140,644</b>	<b>\$1,140,644</b>

B.1. Out of this appropriation, \$4,482,200 the first year and ~~\$4,996,200~~\$5,076,592 the second year for Statewide Engineering and Architectural Services provided by the Bureau of Capital Outlay Management is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues from fees paid by state agencies and institutions of higher education for the review of architectural, mechanical, and life safety plans of capital outlay projects.

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2. In administering this internal service fund, the Bureau of Capital Outlay Management (BCOM) shall provide capital project cost review services to state agencies and institutions and produce capital project cost analysis work product for the Department of Planning and Budget.

BCOM shall collect fees, consistent with those fees authorized in B.1, from state agencies and institutions for completed capital project cost review services or work product.

3. *The hourly rate for engineering and architectural services shall be \$128 the first year and \$142 the second year, excluding contracted services and other special rates as authorized pursuant to § 4-5.03 of this act.*

C. Interest on the employee vehicle parking fund authorized by § 4-6.04 c of this act shall be added to the fund as earned.

D. The Department of General Services shall, in conjunction with affected agencies, develop, implement, and administer a consolidated mail function to process inbound and outbound mail for agencies located in the Richmond metropolitan area. The consolidated mail function shall include the establishment of a centralized mail receiving and outbound processing location or locations, and the enhancement of mail security capabilities within these location(s).

E. All new and renovated state-owned facilities, if the renovations are in excess of 50 percent of the structure's assessed value, that are over 5,000 gross square feet shall be designed and constructed consistent with energy performance standards at least as stringent as the U.S. Green Building Councils LEED rating system or the Green Globes rating system.

F. Effective July 1, 2009, the total service charge for the property known as the General Assembly Building and the State Capitol Building shall not exceed \$70,000 per fiscal year.

G. The Department of General Services is authorized to make any repair or tenant buildout projects at the Main Street Centre facility up to \$2,000,000 using rent plan funds. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

H. Should the remodeling and relocation costs of the Department of Labor and Industry at its new location exceed the amount of the authorized treasury loan, the Governor is authorized to use a portion of the proceeds from the sale of the Powers-Taylor building to cover any cost overages.

78.	Printing and Reproduction (82100).....			\$145,600	\$145,600
	Statewide Graphic Design Services (82101) .....	\$145,600	\$145,600		
	Fund Sources: Internal Service.....	\$145,600	\$145,600		

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

The appropriation for Statewide Graphic Design Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

79.	Transportation Pool Services (82300).....			\$18,993,189	\$18,993,189
	Statewide Vehicle Management Services (82302) .....	\$18,993,189	\$18,993,189		
	Fund Sources: Internal Service.....	\$18,993,189	\$18,993,189		

Authority: Title 2.2, Chapter 11, Article 7; § 2.2-120, Code of Virginia.

A. The appropriation for Statewide Vehicle Management Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges to agencies for fleet management services.

B. In addition to providing services to state agencies and institutions, fleet management services may also be provided to local public bodies on a fee for service basis in accordance with established Department of General Services Fleet Management policies and procedures.

ITEM 79.	Item Details(\$)		Appropriations(\$)		
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016	
<p>C. The Department of General Services shall manage the Commonwealth's consolidation of bulk and commercial fuel contracts awarded in response to Chapter 879, Acts of Assembly of 2008, Item 1-83 C. The intent of this consolidation is to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume to achieve the most favored pricing from private sector fuel providers, and reduce procurement administration workload from state agencies, institutions, local government entities, and other authorized users of awarded contracts that would have otherwise procured and contracted separately for these commodities.</p>					
<p>D. The Commonwealth of Virginia, Department of General Services may enter into a comprehensive agreement, or multiple comprehensive agreements, pursuant to the Public-Private Education Facilities and Infrastructure Act - 2002 (§ 56-575.1 et seq.), to achieve the purposes of § 2.2-1176 (B) and result in the replacement of state-owned or operated vehicles with vehicles that operate on alternative fuels. Any agreement entered into must be cost neutral or result in a reduction in the Commonwealth's combined vehicle acquisition and operational costs, and result in lower environmental emissions. The agreements shall not be subject to the requirements found in Title 30, Chapter 42, Code of Virginia (§ 30-278 et. seq.). The Director, Department of General Services, in consultation with the Governor's Senior Advisor on Energy and the Secretary of Finance, shall determine whether the agreement is cost neutral or results in cost savings to the Commonwealth.</p>					
<p>E. The comprehensive agreement referenced in paragraph D. above, may allow for the Department of General Services (DGS) to establish alternative fuels (natural gas, propane, electric) fueling sites at its office of fleet management facility in Richmond, Virginia. Such sites may be open to the general public for the purchase of alternative fuels when such fuels are not available on the retail market within 10 miles of the DGS fleet management facility. Rates for fuel purchased by the general public will be established by the private vendor operating the fueling site. In emergency situations or fuel shortages, the Commonwealth retains the ability to restrict access to such sites as necessary.</p>					
80.	Administrative and Support Services (79900).....			\$4,612,423	\$4,725,822 \$4,536,645
	General Management and Direction (79901).....	\$2,468,578	<del>\$2,469,781</del> \$2,452,334		
	Information Technology Services (79902).....	\$2,143,845	<del>\$2,256,041</del> \$2,084,311		
	Fund Sources: General.....	\$4,612,423	<del>\$4,725,822</del> \$4,427,645		
	<i>Internal Service</i> .....	\$0	\$109,000		
	Authority: Title 2.2, Chapter 11 and Chapter 24, Articles 1, 3, and 13, Code of Virginia.				
	Total for Department of General Services.....			<del>\$227,080,794</del> \$229,996,608	<del>\$228,580,826</del> \$233,249,425
	General Fund Positions.....	252.00	<del>252.00</del> 253.00		
	Nongeneral Fund Positions.....	408.50	408.50		
	Position Level .....	660.50	<del>660.50</del> 661.50		
	Fund Sources: General.....	\$21,455,642	<del>\$21,497,820</del> \$21,199,643		
	Special.....	\$6,479,404	<del>\$6,479,404</del> \$5,696,526		
	Enterprise .....	<del>\$27,173,827</del> \$31,043,119	<del>\$27,173,827</del> \$31,419,864		
	Internal Service.....	<del>\$164,152,514</del> \$163,981,914	<del>\$165,610,368</del> \$165,768,968		

ITEM 80.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Federal Trust.....	\$7,819,407	\$7,819,407	
<b>§ 1-30. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)</b>				
81.	Personnel Management Services (70400).....		\$16,267,149	\$16,301,125
	Agency Human Resource Services (70401).....	\$6,939,487		\$16,421,397
	<i>Human Resource Service Center (70402).....</i>	<i>\$0</i>		
	Equal Employment Services (70403).....	\$982,537		
	Health Benefits Services (70406).....	\$3,496,179		
	Employee Dispute Resolution Services (70416) .....	\$914,118		
	State Employee Program Services (70417) .....	\$1,789,314		
	State Employee Workers' Compensation Services (70418) .....	\$1,358,969		
	Administrative and Support Services (70419).....	\$786,545		
				<del>\$770,415</del> \$595,415
	Fund Sources: General.....	\$8,308,714		
				<del>\$8,331,944</del> \$8,320,849
	Special.....	\$6,599,466		
				<del>\$6,610,212</del> \$6,741,579
	Trust and Agency .....	\$1,358,969		\$1,358,969

Authority: Title 2.2, Chapters 12, 28, and 29, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.

B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.

2. Out of this appropriation, \$590,353 the first year and \$590,353 the second year from the general fund shall be used to support the human resource service center.

3. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.

4. a. Agencies that are partially or fully funded with nongeneral funds that receive approval by the affected cabinet secretary and the Secretary of Administration to join the human resource service center, on or after July 1, 2014, shall pay the Department of Human Resource Management the costs to support the human resource service center. The agency's share of the costs to support the human resource service center shall be based on the agency's applicable nongeneral fund expenditures as set out in § 4-5.03 of this act.

b. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate.

C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).

D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.				
E.1. The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers' compensation program.				
2. All financial obligations of the Commonwealth to the Virginia Workers' Compensation Commission for payroll taxes on behalf of the state employees' workers' compensation program are satisfied in full through calendar year 2009.				
F.1. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations, the number and amount of workers' compensation settlements concluded in the previous fiscal year, and the impact of those settlements on the workers' compensation program's reserves.				
2. The Department of Human Resource Management shall conduct a study, with the cooperation of all executive, legislative, judicial, and independent agencies, to include, but not be limited to, the impact of settling appropriate claims, the potential need for a risk management position in the Department of Human Resource Management to further assist state agencies not staffed with a risk management position, and the need for a risk management position for state agencies with a high incidence of claims who are not staffed with a risk management position. The department shall report its findings and cost savings recommendations for the state employee's workers' compensation program to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2014.				
3. Notwithstanding § 2.2-2821, Code of Virginia, the Department of Human Resource Management may use up to \$30,000 the first year from the Workers' Compensation Trust Fund for the administrative costs associated with paragraph F.2.				
<i>4. Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll. Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status and recommendations of the loss control program no later than October 30 of each year.</i>				
<i>5. a. A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven year period. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status of the settlement program, the number of claims settled, and the estimated state costs avoided from the settlements no later than October 30 of each year.</i>				
<i>b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.</i>				

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

G. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.

H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.

I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resources Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resources Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.

J.I. Out of this appropriation, \$2,747,200 the first year and \$2,747,200 the second year from the general fund is provided for the migration of the Personnel Management Information System (PMIS) and its subsystems from the Unisys mainframe to the Windows SQL servers platform. The Department of Human Resource Management shall submit a report on the status of the migration of PMIS and its subsystems to the Chairmen of the House Appropriations and Senate Finance Committees, no later than October 1, 2015.

2. Any unexpended balances from paragraph J.I. of this item at the close of business on June 30, 2015, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and appropriated in the succeeding year for the same purpose.

Total for Department of Human Resource Management..			<b>\$16,267,149</b>	<b>\$16,301,125</b> <b>\$16,421,397</b>
General Fund Positions.....	58.40	58.40		
Nongeneral Fund Positions.....	47.60	47.60		
				48.60
Position Level .....	106.00	106.00		107.00
Fund Sources: General.....	\$8,308,714	\$8,331,944		\$8,320,849
Special.....	\$6,599,466	\$6,610,212		\$6,741,579
Trust and Agency .....	\$1,358,969	\$1,358,969		

**Administration of Health Insurance (149)**

82.	Personnel Management Services (70400).....			\$1,350,250,000	\$1,350,250,000
	Health Benefits Services (70406).....	\$1,060,250,000	\$1,060,250,000	\$1,573,501,777	\$1,619,464,330
	Local Health Benefit Services (70407).....	\$290,000,000	\$290,000,000		
		\$337,035,284	\$358,268,507		
	Fund Sources: Enterprise .....	\$290,000,000	\$290,000,000		

ITEM 82.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
		\$337,035,284		\$358,268,507
Internal Service.....	\$1,060,250,000	\$1,060,250,000		
	\$1,236,466,493	\$1,261,195,823		

Authority: § 2.2-2818, Code of Virginia.

A. The appropriation for Health Benefits Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues paid by state agencies to the Department of Human Resource Management.

B. The amounts for Local Health Benefits Services include estimated revenues received from localities for the local choice health benefits program.

C.1. In the event that the total of all eligible claims exceeds the balance in the state employee medical reimbursement account, there is hereby appropriated a sum sufficient from the general fund of the state treasury to enable the payment of such eligible claims.

2. The term "employee medical reimbursement account" means the account administered by the Department of Human Resource Management pursuant to § 125 of the Internal Revenue Code in connection with the health insurance program for state employees (§ 2.2-2818, Code of Virginia).

D. Any balances remaining in the reserved component of the Employee Health Insurance Fund shall be considered part of the overall Health Insurance Fund. It is the intent of the General Assembly that future premiums for the state employee health insurance program shall be set in a manner so that the balance in the Health Insurance Fund will be sufficient to meet the estimated Incurred But Not Paid liability for the Fund and maintain a contingency reserve at a level recommended by the Department of Human Resource Management for a self-insured plan subject to the approval of the General Assembly.

E. The Department of Human Resource Management shall implement a Medication Therapy Management pilot program for state employees with certain disease states including Type II diabetes. The department shall continue to consult with all provider stakeholders in order to establish program parameters.

F. Concurrent with the date the Governor introduces the budget bill, the Directors of the Departments of Planning and Budget and Human Resource Management shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the assumptions included in the Governor's introduced budget for the state employee health insurance plan. The report shall include the proposed premium schedule that would be effective for the upcoming fiscal year and any proposed changes to the benefit structure.

G. Of money appropriated for the state employee health insurance fund, \$250,000 the first year and \$500,000 the second year shall be held separate and apart from the fund to pay for any required fees due to the Patient-Centered Outcomes Research Institute.

*H.1 The Department of Human Resource Management shall conduct a comprehensive review of the public employee health programs in the Commonwealth. The Department shall provide a report detailing the findings and recommendations to the chairmen of the House Appropriations Committee and Senate Finance Committee by October 31, 2015.*

*2. As part of the review, the Department shall conduct an actuarial review of the impact on the state, the school boards, and other political subdivisions, from including the employees, and their dependents, of local governments including local school divisions in the state employee health program or in one statewide pooled plan for employees of political subdivisions.*

*3. Local school boards and localities shall provide information to the Department as requested for the actuarial analysis.*

ITEM 82.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>4. The review shall also include an examination of The Local Choice program's policies, including its pooling and rating methodology, to determine whether overall improvements may be made to the program, with a specific goal of trying to increase The Local Choice program's appeal among rural school divisions and local governments. During this effort, the Department shall hold a series of meetings with stakeholders to educate them about The Local Choice program and solicit their feedback.</p>				
<p>5. The Director of the Department of Planning and Budget is authorized to transfer up to \$250,000 general fund from program 757 (agency 995, Central Appropriations) from unobligated balances from prior year appropriation to the Department of Human Resource Management as needed to fund the review and outreach efforts.</p>				
Total for Administration of Health Insurance .....			<b>\$1,350,250,000</b>	<b>\$1,350,250,000</b>
			<b>\$1,573,501,777</b>	<b>\$1,619,464,330</b>
Fund Sources: Enterprise .....	\$290,000,000	\$290,000,000		
	\$337,035,284	\$358,268,507		
Internal Service.....	\$1,060,250,000	\$1,060,250,000		
	\$1,236,466,493	\$1,261,195,823		
Grand Total for Department of Human Resource Management .....			<b>\$1,366,517,149</b>	<b>\$1,366,551,125</b>
			<b>\$1,589,768,926</b>	<b>\$1,635,885,727</b>
General Fund Positions.....	58.40	58.40		
Nongeneral Fund Positions.....	47.60	47.60		
		48.60		
Position Level .....	106.00	106.00		
		107.00		
Fund Sources: General.....	\$8,308,714	\$8,331,944		
		\$8,320,849		
Special.....	\$6,599,466	\$6,610,212		
		\$6,741,579		
Enterprise .....	\$290,000,000	\$290,000,000		
	\$337,035,284	\$358,268,507		
Internal Service.....	\$1,060,250,000	\$1,060,250,000		
	\$1,236,466,493	\$1,261,195,823		
Trust and Agency .....	\$1,358,969	\$1,358,969		
<b>§ 1-31. DEPARTMENT OF ELECTIONS (132)</b>				
83. Electoral Services (72300).....			\$7,319,300	\$7,246,764
			\$8,511,300	\$10,408,594
Electoral Uniformity, Legality, and Quality Assurance Services (72302).....	\$1,726,946	\$1,726,946		
	\$1,756,946	\$1,786,946		
Statewide Voter Registration System Services (72304)....	\$2,421,686	\$2,464,697		
	\$3,583,686	\$5,354,814		
Campaign Finance Disclosure Administration Services (72309) .....	\$253,600	\$253,600		
Election Administration Services (72310) .....	\$1,369,860	\$1,370,314		
		\$1,368,604		
Voter Services (72311).....	\$676,026	\$676,026		
		\$889,449		
Administrative Services (72312) .....	\$871,182	\$755,181		
Fund Sources: General.....	\$2,961,901	\$2,843,955		
	\$2,991,901	\$3,092,034		
Special.....	\$117,506	\$117,960		



<b>ITEM 84.</b>	<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
	<b>First Year FY2015</b>	<b>Second Year FY2016</b>	<b>First Year FY2015</b>	<b>Second Year FY2016</b>

b. The annual salaries of general registrars authorized to work five normal days of service per week in accordance with the provisions of § 24.2-111, Code of Virginia shall be as hereinafter prescribed.

<b>Population</b>	<b>July 1, 2014 to June 30, 2015</b>	<b>July 1, 2015 to November 30, 2015</b>	<b>December 1, 2015 to June 30, 2016</b>
0-25,000	\$44,664	\$44,664	\$44,664
25,001-50,000	\$49,076	\$49,076	\$49,076
50,001-100,000	\$53,787	\$53,787	\$53,787
100,001-150,000	\$60,110	\$60,110	\$60,110
150,001-200,000	\$65,831	\$65,831	\$65,831
200,001 and above	\$87,010	\$87,010	\$87,010

c. The annual salaries of general registrars authorized to work three normal days of service per week shall be fixed at 60 percent of the salary prescribed above for the population range in which the locality falls.

d. Any locality required to supplement the salary of a general registrar on June 30, 1981, shall continue that supplement at the identical annual amount as paid in FY 1982. This supplement shall continue as long as the incumbent general registrar on July 1, 1982, continues in office. Further, any locality may supplement the annual salary of the general registrar. There shall be no reimbursement out of the state treasury for such supplements.

e. Normal days of service per week for each general registrar shall be fixed on July 1 each year by the Department of Elections as hereinafter prescribed.

<b>Population</b>	<b>Days of Service per Week</b>
0 - 9,999	3
10,000 and above	5

No general registrar's normal days of service per week shall be less than that which was previously authorized as of June 1, 1981.

f. All general registrars whose normal days of service are less than five days per week shall be required to be open five days a week during August, September, October, November, and December of each year. Such registrars shall be compensated accordingly.

2. General registrars in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park shall receive a cost of competition supplement equal to 15 percent of the salaries authorized in paragraph A1a. The cost of this supplement shall be paid out of the general fund of the state treasury.

B.1.a. The Department of Elections shall set the annual compensation for secretaries and members of local electoral boards on July 1 of each year. In determining such compensation, the Department of Elections shall use the most recent population estimate from the United States Bureau of the Census. However, should more recent population estimates from the Weldon Cooper Center for Public Service of the University of Virginia indicate that the population of any county or city has, since the last United States census, increased so as to entitle such county or city to be placed in a higher compensation bracket, such county or city shall be considered as being within the higher bracket for the purpose of fixing the annual compensation.

b. The annual compensation of the secretary of each local electoral board shall be as hereinafter prescribed.

<b>July 1, 2014 to June 30, 2015</b>	<b>July 1, 2015 to November 30, 2015</b>	<b>December 1, 2016 to June 30, 2016</b>
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ITEM 84.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Population Size of Locality				
0-10,000	\$2,067	\$2,067	\$2,067	
10,001-25,000	\$3,097	\$3,097	\$3,097	
25,001-50,000	\$4,129	\$4,129	\$4,129	
50,001-100,000	\$5,162	\$5,162	\$5,162	
100,001-150,000	\$6,192	\$6,192	\$6,192	
150,001-200,000	\$7,241	\$7,241	\$7,241	
200,001-350,000	\$8,264	\$8,264	\$8,264	
Above 350,000	\$9,291	\$9,291	\$9,291	
<p>c. The annual compensation of other members of local electoral boards shall be fixed at one-half the annual compensation provided to the secretary of the board.</p> <p>d. The governing body of any county or city may pay to a full-time secretary of an electoral board such supplemental compensation as it deems appropriate. There shall be no reimbursement out of the state treasury for such supplements.</p> <p>2. Nothing herein contained shall prevent the governing body of any county or city from paying the secretary of its electoral board such additional allowance for expenses as it deems appropriate but there shall be no reimbursement out of the state treasury for such expenses.</p> <p>3. Notwithstanding § 24.2-108, Code of Virginia, counties and cities shall not be reimbursed for mileage paid to members of electoral boards.</p> <p>C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.</p>				
Total for Department of Elections .....			<b>\$12,994,269</b>	<b>\$12,921,733</b>
			<b>\$14,186,269</b>	<b>\$16,083,563</b>
General Fund Positions.....	30.00	30.00		
Nongeneral Fund Positions.....	7.00	7.00		
Position Level .....	37.00	37.00		
Fund Sources: General .....	\$8,636,870	\$8,518,924		
	\$8,666,870	\$8,767,003		
Special.....	\$117,506	\$117,960		
		\$116,250		
Trust and Agency .....	\$4,151,313	\$4,196,269		
	\$5,313,313	\$7,111,730		
Federal Trust.....	\$88,580	\$88,580		
TOTAL FOR OFFICE OF ADMINISTRATION .....			<b>\$2,259,904,475</b>	<b>\$2,264,802,655</b>
			<b>\$2,501,072,513</b>	<b>\$2,543,390,653</b>
General Fund Positions.....	371.40	371.40		

ITEM 84.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				372.40
Nongeneral Fund Positions.....	464.10		<del>464.10</del>	465.10
Position Level .....	835.50		<del>835.50</del>	837.50
Fund Sources: General .....	\$675,712,777	\$679,096,947		
	\$689,551,224	\$680,458,721		
Special.....	\$13,196,376	\$13,207,576		
	\$12,413,498	\$13,899,372		
Enterprise .....	\$317,173,827	\$317,173,827		
	\$368,078,403	\$389,688,371		
Internal Service .....	\$1,224,402,514	\$1,225,860,368		
	\$1,400,448,407	\$1,426,964,791		
Trust and Agency .....	\$13,510,994	\$13,555,950		
	\$14,672,994	\$16,471,411		
Dedicated Special Revenue .....	\$8,000,000	\$8,000,000		
Federal Trust .....	\$7,907,987	\$7,907,987		

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF AGRICULTURE AND FORESTRY**

**§ 1-32. SECRETARY OF AGRICULTURE AND FORESTRY (193)**

85.	Administrative and Support Services (79900).....			\$359,438	\$360,009
	General Management and Direction (79901).....	\$359,438	\$360,009		
	Fund Sources: General.....	\$359,438	\$360,009		

Authority: Title 2.2, Chapter 2, Article 2.1; § 2.2-203.3, Code of Virginia.

*A.1. The Secretary of Agriculture and Forestry, in conjunction with the Secretary of Health and Human Resources, shall convene representatives of all relevant state and local agencies, including but not limited to the Departments of Health, Health Professions, Agriculture and Consumer Services, Game and Inland Fisheries, and Forestry, as well as medical professionals and representatives of organizations of affected citizens to evaluate the following:*

*2. Identification of areas within the Commonwealth to be used as first sites for implementation of "point of disease" prevention strategies, including USDA-approved vaccines. These areas shall be selected based on those with the highest prevalence of Lyme disease;*

*3. Determine estimated costs of implementing a "point of disease" prevention program in the identified areas of the Commonwealth; and*

*4. Identify sources of revenue to pay for such a program, including potential federal grants, local funding, private foundations and state sources.*

*B. The Secretary of Agriculture and Forestry shall report his findings to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2015.*

Total for Secretary of Agriculture and Forestry.....				<b>\$359,438</b>	<b>\$360,009</b>
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General Fund Positions.....	3.00	3.00			
Position Level .....	3.00	3.00			

Fund Sources: General.....	\$359,438	\$360,009			
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**§ 1-33. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)**

86.	Nutritional Services (45700).....			\$3,124,873	\$3,124,873
	Distribution of USDA Donated Food (45708).....	\$3,124,873	\$3,124,873		
	Fund Sources: General.....	\$271,577	\$271,577		
	Federal Trust.....	\$2,853,296	\$2,853,296		

Authority: Title 3.2, Chapter 47, Code of Virginia.

87.	Animal and Poultry Disease Control (53100).....			\$6,694,791	\$6,898,565
	Animal Disease Prevention and Control (53101).....	\$2,853,855	\$2,853,855		
	Diagnostic Services (53102).....	\$3,646,483	\$3,850,257		
	Animal Welfare (53104).....	\$194,453	\$194,453		
	Fund Sources: General.....	\$4,132,492	\$4,336,266		
	Special.....	\$1,613,223	\$1,613,223		
	Federal Trust.....	\$949,076	\$949,076		

Authority: Title 3.2, Chapters 60 and 65, Code of Virginia.

88.	Agricultural Industry Marketing, Development, Promotion, and Improvement (53200).....			\$19,776,237	\$19,776,237
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ITEM 88.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				\$20,644,237
Grading and Certification of Virginia Products (53201) ..	\$7,070,250	<del>\$7,070,250</del> \$6,938,250		
Milk Marketing Regulation (53204) .....	\$760,849	\$760,849		
Marketing Research (53205) .....	\$256,029	\$256,029		
Market Virginia Agricultural and Forestry Products Nationally and Internationally (53206) .....	\$4,515,777	\$4,515,777		
Agricultural Commodity Boards (53208) .....	\$5,595,301	\$5,595,301		
Agribusiness Development Services and Farmland Preservation (53209) .....	\$1,578,031	<del>\$1,578,031</del> \$2,578,031		
Fund Sources: General .....	\$8,211,532	<del>\$8,211,532</del> \$9,079,532		
Special .....	\$108,125	\$108,125		
Trust and Agency .....	\$6,452,927	\$6,452,927		
Dedicated Special Revenue .....	\$4,283,653	\$4,283,653		
Federal Trust .....	\$720,000	\$720,000		

Authority: Title 3.2, Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30, Title 28.2, Chapter 2; and Title 61.1, Chapter 4, Code of Virginia.

A. Agricultural Commodity Boards shall be paid from the special fund taxes levied in the following estimated amounts:

1. To the Tobacco Board, \$143,000 the first year and \$143,000 the second year.
2. To the Corn Board, \$390,000 the first year and \$390,000 the second year.
3. To the Egg Board, \$210,000 the first year and \$210,000 the second year.
4. To the Pork Industry Board, \$258,210 and one position the first year and \$258,210 and one position the second year.
5. To the Soybean Board, \$630,000 the first year and \$630,000 the second year.
6. To the Peanut Board, \$320,000 the first year and \$320,000 the second year.
7. To the Cattle Industry Board, \$425,000 the first year and \$425,000 the second year.
8. To the Virginia Small Grains Board, \$350,000 the first year and \$350,000 the second year.
9. To the Virginia Horse Industry Board, \$320,000 the first year and \$320,000 the second year.
10. To the Virginia Sheep Industry Board, \$35,000 the first year and \$35,000 the second year.
11. To the Virginia Potato Board, \$25,000 the first year and \$25,000 the second year.
12. To the Virginia Cotton Board, \$180,000 the first year and \$180,000 the second year.
13. To the State Apple Board, \$257,650 the first year and \$257,650 the second year.

B. Each commodity board is authorized to expend funds in accordance with its authority as stated in the Code of Virginia. Such expenditures will be limited to available revenue levels.

C. Each commodity board specified in this Item shall provide an annual notification to its excise tax paying producers which summarizes the purpose of the board and the excise tax, current tax rate, amount of excise taxes collected in the previous tax year, the previous fiscal year expenditures and the board's past year activities. The manner of notification shall be determined by each board.

ITEM 88.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

D. The Commissioner shall take all necessary actions to ensure that the fees collected are adequate to cover the nongeneral fund portion of the Grain Inspection Program expenses, including those related to product inspections that are requested by parties financially interested in any agricultural products pursuant to § 3.2-3400, Code of Virginia.

E. Out of the amounts in this Item shall be paid from certain special fund license taxes, license fees, and permit fees levied or imposed under Title 28.2, Chapters 2, 3, 4, 5, 6 and 7, Code of Virginia, to the Virginia Marine Products Board, \$402,543 and three positions the first year and \$402,543 and three positions the second year.

F. Out of the amounts in this item, \$1,841,519 the first year and \$1,841,519 the second year from the general fund shall be deposited to the Virginia Wine Promotion Fund as established in § 3.2-3005, Code of Virginia.

G. Out of the amounts in this Item, \$1,000,000 the first year and ~~\$1,000,000~~ \$1,750,000 the second year from the general fund shall be deposited to the Virginia Farmland Preservation Fund established in § 3.2-201, Code of Virginia. *This appropriation shall be deemed sufficient to meet the provisions of §2.2-1509.4, Code of Virginia.*

H. Out of the amounts in this Item, the Commissioner is authorized to expend from the general fund amounts not to exceed \$25,000 the first year and \$25,000 the second year for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.

I. Out of the amounts in this Item, the Commissioner is authorized to expend \$870,226 the first year and \$870,226 the second year from the general fund for the promotion of Virginia's agricultural products overseas. Such efforts shall be conducted in concert with the international offices opened by the Virginia Economic Development Partnership.

J. Out of the amounts in this Item, ~~\$32,900~~ \$25,000 the first year and ~~\$32,900~~ \$25,000 the second year from the general fund shall be provided to support 4-H and Future Farmers of America youth participation educational costs at the State Fair of Virginia. These funds shall not be used for administrative costs by the State Fair.

K. 1. Out of the amounts in this Item, \$75,000 the first year and \$75,000 the second year from the general fund shall be used for research, development and the applied commercialization of specialty crops. For the purpose of these funds, specialty crops shall be defined as those crops not currently under widespread commercial production in Virginia, (not listed in the top 20 commodities in Virginia as reported annually by the National Agricultural Statistics Service) but which are commercially produced in other regions of the United States or other regions of the world.

2. Projects supported with these funds will encompass a crop, or crops, which have a unique potential for successful commercialization due to an existing commercial end market for the crop, or crops, having been identified within the Commonwealth. In selecting projects, priority shall be given to crops for which a commercial processor(s) or packer(s), operates within Virginia, and due to the specialty crop not currently being commercially grown in Virginia, this crop is currently imported into Virginia. The goal of the project is to improve the productivity and competitiveness of existing commercial food and agribusiness processors in Virginia through accelerated crop development of selected specialty crops that can be used as inputs and substitutes for an imported commodity.

*L. The Commissioner, with the cooperation of the Director of the Department of Planning and Budget, shall take all necessary actions to ensure that any transfer of revenues generated from commodity fees for indirect cost expenses incurred by central service agencies in fiscal year 2014 pursuant to § 3-1.01.F. of Chapter 806, 2013 Acts of Assembly, are restored to the appropriate commodity fund no later than June 30, 2015.*

89.	Economic Development Services (53400).....			\$1,110,000	\$1,110,000
	Financial Assistance for Economic Development (53410) .....	\$1,110,000	\$1,110,000		

ITEM 89.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$1,110,000	\$1,110,000		
Authority: Title 3.2, Chapter 3.1, Code of Virginia.				
A. Out of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Governor's Agriculture and Forestry Industries Development Fund for the payment of grants or loans in accordance § 3.2-303 et seq., Code of Virginia. In addition to the amounts included in this Item, the Governor at his discretion may authorize the expenditure of up to \$250,000 in each year from the amounts appropriated in Item 101.A.1.				
<del>2. Of the amounts provided for the fund, \$250,000 the first year and \$250,000 the second year shall be used to improve local economic development efforts related to agribusiness.</del>				
B. Out of the amounts in this Item, \$110,000 the first year and \$110,000 the second year may be used by the department to pay administrative costs.				
90.	Plant Pest and Disease Control (53500).....		\$3,345,390	\$3,345,390
	Plant Pest and Disease Prevention and Control Services (53504).....	\$3,345,390	\$3,345,390	
	Fund Sources: General.....	\$1,972,669	\$1,972,669	
	Special.....	\$295,235	\$295,235	
	Federal Trust.....	\$1,077,486	\$1,077,486	
Authority: Title 3.2, Chapters 7, 8, 9, 10, 28, and 44; Title 15.2, Chapter 18, Code of Virginia.				
Out of the amounts in this Item, \$125,000 the first year and \$125,000 the second year from the general fund shall be deposited to the Beehive Grant Fund for the payment of grants in accordance with § 3.2-4415 et seq., Code of Virginia.				
91.	Agriculture and Food Homeland Security (54100).....		\$388,184	\$388,184
	Agricultural and Food Emergencies Prevention and Response (54101).....	\$388,184	\$388,184	
	Fund Sources: General.....	\$166,445	\$166,445	
	Special.....	\$99,152	\$99,152	
	Federal Trust.....	\$122,587	\$122,587	
Authority: Title 3.2, Chapters 7, 51, 60, and 65, Code of Virginia.				
92.	Consumer Affairs Services (55000).....		\$1,439,471	\$1,439,471
	Consumer Affairs - Regulation and Consumer Education (55001).....	\$1,439,471	\$1,439,471	
	Fund Sources: General.....	\$33,726	\$33,726	
	Special.....	\$1,405,745	\$1,405,745	
Authority: Title 3.2, Chapter 1; Title 57, Chapters 4 and 5; Title 59.1, Chapters 24, 25, 25.1, 34, and 36, Code of Virginia.				
93.	Regulation of Business Practices (55200).....		\$2,847,204	\$2,799,474
	Regulation of Grain Commodity Sales (55207).....	\$91,638	\$91,638	
	Regulation of Weights and Measures and Motor Fuels (55212).....	\$2,755,566	\$2,707,836	
	Fund Sources: General.....	\$2,659,799	\$2,612,069	
	Special.....	\$187,405	\$187,405	
Authority: Title 3.2, Chapters 43, 47, 55.1, 56, 57, and 58; Title 61.1, Chapter 7; and Title 59.1, Chapter 12, Code of Virginia.				

ITEM 93.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

In lieu of periodic inspections by the Commissioner, Department of Agriculture and Consumer Services, any person whose weights and measures devices, as defined in § 3.2-5600, et seq., Code of Virginia, which are used for a commercial purpose may select to provide for the inspection and testing of all such weights and measures to determine the accuracy and correct operation of the equipment or device. The owner shall have all such weights and measures devices tested at least annually by a service agency that is registered pursuant to § 3.2-5702, Code of Virginia. Weights and measures that have been rejected by a service agency shall not be used again commercially until they have been officially reexamined by the rejecting authority or an inspector employed by the Commissioner, and found to be in compliance with Chapter 56, Title 3.2, Code of Virginia. The owner of such weights and measures devices, or third-party agencies on behalf of the owner, shall report to the Commissioner on an annual basis in a manner prescribed by the Commissioner the results of all testing, including (i) the number of inspections completed, (ii) the number of failures in the weights and measures equipment or devices, and (iii) the actions taken to correct any inaccuracies in the equipment or devices.

94.	Food Safety and Security (55400) .....			\$7,489,893	\$7,759,940
	Regulation of Food Establishments and Processors (55401) .....	\$3,113,092	\$3,383,139		
	Regulation of Meat Products (55402).....	\$3,276,660	\$3,276,660		
	Regulation of Milk and Dairy Industry (55403) .....	\$1,100,141	\$1,100,141		
	Fund Sources: General .....	\$4,607,576	\$4,877,623		
	Special.....	\$589,353	\$589,353		
	Federal Trust.....	\$2,292,964	\$2,292,964		

Authority: Title 3.2, Chapters 51, 52, 53, 54, 55, and 60, Code of Virginia.

A. Each establishment under the authority of the Regulation of Meat Products that is requesting overtime or holiday inspection shall pay that part of the actual cost of the inspection services.

B. The Commissioner, Department of Agriculture and Consumer Services, is authorized to collect an annual inspection fee, not to exceed \$40, from all establishments that are subject to inspection pursuant to Title 3.2, Chapter 51, Code of Virginia. However, any such establishment that is subject to any permit fee, application fee, inspection fee, risk assessment fee, or similar fee imposed by any locality shall be subject to this annual inspection fee only to the extent that the annual inspection fee and the locally-imposed fee, when combined, do not exceed \$40. This fee structure shall be subject to the approval of the Secretary of Agriculture and Forestry. Any food bank, second harvest certified food bank, food bank member charity, or other food related activity which is exempt from taxation under 26 U.S.C. § 501 (c) (3), which maintains a food handling or storage facility, or any food-related program operated by any Community Services Board, as defined in Title 37.2, Chapter 5, Code of Virginia, shall be exempt from this inspection fee. Also, a producer of fruits and herbs that are dried, without the addition of any other ingredients, and sold only at a local farmers' market shall be exempt from the fee.

95.	Regulation of Products (55700) .....			\$5,579,910	\$5,579,910
	Pesticide Regulation and Applicator Certification (55704) .....	\$3,325,620	\$3,325,620		
	Regulation of Feed, Seed, and Fertilizer Products (55706) .....	\$2,254,290	\$2,254,290		
	Fund Sources: General .....	\$520,943	\$520,943		
	Dedicated Special Revenue.....	\$4,239,433	\$4,239,433		
	Federal Trust.....	\$819,534	\$819,534		

Authority: Title 3.2, Chapters 1, 36, 37, 39, 40, 43, 47, 48, and 49; Title 18.2, Chapter 6; and Title 59.1, Chapter 12, Code of Virginia.

The Office of Pesticide Services shall publish a report on the activities, educational programs, research, and grants administered through the Pesticide Control Act Fund to the Board of Agriculture and Consumer Services by October 15 of each year.

ITEM 96.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
96.	Regulation of Charitable Gaming Organizations (55900) .....		\$1,520,447	<del>\$1,520,447</del> \$1,370,447
	Charitable Gaming Regulation and Enforcement (55907) .....	\$1,520,447	<del>\$1,520,447</del> \$1,370,447	
	Fund Sources: General .....	\$1,520,447	<del>\$1,520,447</del> \$1,370,447	
	Authority: Title 18.2, Chapter 8, Code of Virginia.			
	A. Notwithstanding § 18.2-340.31, Code of Virginia, any and all fees paid by any organization conducting charitable gaming under a permit issued by the department, including audit and administrative fees and permit fees, shall be deposited to the general fund.			
	B. The department shall deposit into the Investigation Fund any assets it receives as a result of a law enforcement seizure and subsequent forfeiture by either a state or federal court. The fund shall be used to defray the expenses of investigation and enforcement actions and to purchase equipment for enforcement purposes.			
97.	Administrative and Support Services (59900) .....		\$9,440,874	\$9,361,836
	General Management and Direction (59901) .....	\$9,440,874	\$9,361,836	
	Fund Sources: General .....	\$7,968,857	\$7,889,819	
	Special .....	\$1,234,186	\$1,234,186	
	Trust and Agency .....	\$153,219	\$153,219	
	Federal Trust .....	\$84,612	\$84,612	
	Authority: Title 3.2, Chapters 1, 5, 6 and 29; Title 10.1, Chapter 5, Code of Virginia.			
	Total for Department of Agriculture and Consumer Services .....		<del>\$62,757,274</del>	<del>\$63,104,327</del> \$63,822,327
	General Fund Positions .....	321.00	321.00	
	Nongeneral Fund Positions .....	205.00	205.00	
	Position Level .....	526.00	526.00	
	Fund Sources: General .....	\$33,176,063	<del>\$33,523,116</del> \$34,241,116	
	Special .....	\$5,532,424	\$5,532,424	
	Trust and Agency .....	\$6,606,146	\$6,606,146	
	Dedicated Special Revenue .....	\$8,523,086	\$8,523,086	
	Federal Trust .....	\$8,919,555	\$8,919,555	
	<b>§ 1-34. DEPARTMENT OF FORESTRY (411)</b>			
98.	Forest Management (50100) .....		\$28,737,263	<del>\$29,295,254</del> \$29,275,254
	Reforestation Incentives to Private Forest Land Owners (50102) .....	<del>\$2,398,431</del> \$2,554,502	<del>\$2,728,142</del> \$2,884,213	
	Forest Conservation, Wildfire & Watershed Services (50103) .....	<del>\$22,443,854</del> \$22,287,783	<del>\$22,672,134</del> \$22,496,063	
	Tree Restoration and Improvement, Nurseries & State-Owned Forest Lands (50104) .....	\$3,219,978	\$3,219,978	
	Financial Assistance for Forest Land Management (50105) .....	\$675,000	\$675,000	

ITEM 98.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General .....	\$15,895,367	\$16,446,507		
		\$16,426,507		
Special .....	\$7,703,763	\$7,710,614		
Trust and Agency .....	\$102,830	\$102,830		
Dedicated Special Revenue .....	\$74,535	\$74,535		
Federal Trust .....	\$4,960,768	\$4,960,768		

Authority: Title 10.1, Chapter 11, and Title 58.1, Chapter 32, Article 4, Code of Virginia.

A. The State Forester is hereby authorized to utilize any unobligated balances in the fire suppression fund authorized by § 10.1-1124, Code of Virginia, for the purpose of acquiring replacement equipment for forestry management and protection operations.

B. In the event that budgeted amounts for forest fire suppression are insufficient to meet forest fire suppression demands, such amounts as may be necessary for this purpose may be transferred from Item 468 of this act to the Department of Forestry, with the approval of the Director, Department of Planning and Budget.

C. The department shall provide technical assistance and project supervision in the aerial spraying of herbicides on timberland on landowner property. In addition to recovering the direct cost associated with the spraying contract, the department may charge an administrative fee for this service.

D. The Department of Forestry, in cooperation with the Department of Corrections, shall increase the use of inmate labor for routine and special work projects in state forests.

E. The department shall report by December 15 of each year on the progress of implementing the silvicultural water quality laws in Virginia. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees.

F. The appropriation in Reforestation Incentives to Private Forest Land Owners include ~~\$791,499~~ \$947,570 the first year and ~~\$1,121,210~~ \$1,277,281 the second year from the general fund for the Reforestation of Timberlands Program. This appropriation shall be deemed sufficient to meet the provisions of Titles 10.1 and 58.1, Code of Virginia. Out of this appropriation, up to \$147,500 the first year from the general fund may be used for replacement of the Department of Forestry's accounts receivable fiscal system.

G. Out of this appropriation, \$394,605 the first year and \$394,605 the second year from the general fund is included for the purchase of forest fire protection equipment through the state's master equipment lease purchase program.

H. The department is authorized to enter into an agreement with a private entity for a pilot program to place a communication tower on department-owned property that is designed to blend with the surrounding landscape to the greatest extent practicable. Notwithstanding any other provision of law, any revenues received from such an agreement shall be retained by the department and used for forest land management.

I. The department is authorized to sell property located at 2010 Sandy Hook Road, Goochland, Virginia, 23063. Notwithstanding any other provision of law, the net proceeds of this transaction, estimated at \$150,000, shall be retained by the department, deposited into a nongeneral fund account, and used for costs incurred replacing current information technology equipment with technology and equipment appropriate to the department's operational needs.

J.1. The State Comptroller shall continue the Virginia State Forest Mitigation and Acquisition Fund and the Long Term Mitigation Fund as established in Item 102, Chapter 806, 2013 Acts of Assembly. All moneys in these funds shall be used as provided for in this Item and in Item 102, Chapter 806, 2013 Acts of Assembly.

2.a. An amount estimated at \$9,840,690 from dedicated special revenue shall be deposited into the Virginia State Forest Mitigation Acquisition Fund, contingent upon ratification of a stream mitigation purchase and sale agreement between the Department of Forestry and Henrico County. This amount represents the proceeds from the stream mitigation transaction, which is based upon the Cumberland State Forest Stream Buffer Preservation Stewardship Plan. Such

ITEM 98.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

agreement shall be limited to fulfill no more than 75 percent of the required stream credits for the Cobbs Creek Reservoir project. All additional required credits shall be acquired from other sources. With the exception of the amounts prescribed in paragraph J.2.b. of this item, these funds shall be used solely for forest land or conservation easement acquisition.

b. Out of these amounts, a minimum of seven percent, or such amount as agreed to by the parties in the purchase and sale agreement shall be deposited into the Long Term Mitigation Fund, and shall be used only for long term management in accordance with the terms of the final mitigation plan, as approved by the U.S. Army Corps of Engineers, the State Water Control Board, and any other applicable authorities.

3. For any such future mitigation projects, no state forest land shall be used to provide compensatory mitigation for wetland or stream impacts of any public or private project until such time as due consideration has been given to the availability of mitigation credits available from private sources. State forest land means all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and lakes to which the Department of Forestry holds title for use, development, and administration.

*K. 1. The Department of Forestry shall evaluate the cost and feasibility of providing retirement credits for special forest wardens who participate directly in extinguishing forest fires. As part of this evaluation, the Department shall consider a methodology for the calculation of creditable hours for direct participation in extinguishing a forest fire. In determining cost, retirement credits can be used to offset not more than five years of service for participation in an unreduced service retirement allowance. Each month of service would be eliminated at the rate of one month for each 173 hours of retirement credit. In no case should creditable service or compensation be allowed for the retirement credits.*

*2. In conducting the evaluation, the Department of Human Resources Management and Virginia Retirement System shall provide all required technical assistance. The Department of Forestry shall provide this report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2015.*

Total for Department of Forestry .....			<b>\$28,737,263</b>	<b><del>\$29,295,254</del></b> <b>\$29,275,254</b>
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General Fund Positions.....	173.59	174.59		
Nongeneral Fund Positions.....	113.41	113.41		
Position Level .....	287.00	288.00		
Fund Sources: General .....	\$15,895,367	<del>\$16,446,507</del>		
		\$16,426,507		
Special.....	\$7,703,763	\$7,710,614		
Trust and Agency .....	\$102,830	\$102,830		
Dedicated Special Revenue.....	\$74,535	\$74,535		
Federal Trust.....	\$4,960,768	\$4,960,768		

**§ 1-35. AGRICULTURAL COUNCIL (307)**

99.	Agricultural and Seafood Product Promotion and Development Services (53000).....			\$490,334	\$490,334
	Grants for Agriculture, Research, Education and Services (53001).....	\$490,334	\$490,334		
	Fund Sources: Dedicated Special Revenue.....	\$490,334	\$490,334		
	Authority: Title 3.2, Chapter 29, Code of Virginia.				
	Total for Agricultural Council.....			<b>\$490,334</b>	<b>\$490,334</b>
	Fund Sources: Dedicated Special Revenue.....	\$490,334	\$490,334		

ITEM 99.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>§ 1-36. VIRGINIA RACING COMMISSION (405)</b>				
99.10.	Economic Development Services (53400).....		\$1,500,000	\$1,500,000
	Financial Assistance to the Horse Breeding Industry (53411) .....	\$1,500,000	\$1,500,000	
	Fund Sources: Special.....	\$1,500,000	\$1,500,000	
	Authority: Title 59.1, Chapter 29, Code of Virginia.			
99.20.	Regulation of Horse Racing and Pari-Mutuel Betting (55800) .....		\$1,626,889	\$1,616,161
	License and Regulate Horse Racing and Pari-Mutuel Wagering (55801) .....	\$1,626,889	\$1,616,161	
	Fund Sources: Special.....	\$1,626,889	\$1,616,161	
	Authority: Title 59.1, Chapter 29, Code of Virginia.			
	A. Out of this appropriation, the members of the Virginia Racing Commission shall receive compensation and reimbursement for their reasonable expenses in the performance of their duties, as provided in § 2.2-2104, Code of Virginia.			
	B. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to \$255,000 the first year and \$255,000 the second year shall be transferred to Virginia Polytechnic Institute and State University to support the Virginia-Maryland Regional College of Veterinary Medicine.			
	C. Any revenues received during the biennium and which are due to the commission pursuant to § 59.1-364 et seq., Code of Virginia, shall be used first to fund the operating expenses of the commission as appropriated in this item. Any change in operating expenses as herein appropriated requires the approval of the Department of Planning and Budget. Any revenues in excess of amounts required for commission operations as appropriated under the provisions of this act and amounts payable to specific entities pursuant to § 59.1-392 and appropriated in paragraphs B and D of this item, shall revert to the general fund.			
	D. Out of these amounts, the obligations set out in § 59.1-392 D. 5., D.6., G.5., G.6., K.3., K.4., K.5., N.3., N.4., and N.5., Code of Virginia, shall be fully funded.			
	E. In the event revenues exceed the appropriated amounts in this item, the Virginia Racing Commission is authorized to seek an administrative appropriation, up to \$700,000, from the Director, Department of Planning and Budget, to develop programs or award grants for the promotion and marketing, sustenance and growth of the Virginia horse industry, including horse breeding. <del>In no event, however, shall any funds be expended for that purpose that would cause the reversion to the general fund required by Paragraph C above to fall below \$100,000 the first year and \$50,000 the second year.</del>			
	Total for Virginia Racing Commission.....		<b>\$3,126,889</b>	<b>\$3,116,161</b>
	Nongeneral Fund Positions.....	10.00	10.00	
	Position Level .....	10.00	10.00	
	Fund Sources: Special.....	\$3,126,889	\$3,116,161	
	<b>TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....</b>		<b>\$95,471,198</b>	<b>\$96,366,085</b> <b>\$97,064,085</b>
	General Fund Positions.....	497.59	498.59	
	Nongeneral Fund Positions.....	328.41	328.41	

ITEM 99.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level .....	826.00	827.00		
Fund Sources: General .....	\$49,430,868	<del>\$50,329,632</del> \$51,027,632		
Special .....	\$16,363,076	\$16,359,199		
Trust and Agency .....	\$6,708,976	\$6,708,976		
Dedicated Special Revenue .....	\$9,087,955	\$9,087,955		
Federal Trust .....	\$13,880,323	\$13,880,323		

ITEM 100.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF COMMERCE AND TRADE**

**§ 1-37. SECRETARY OF COMMERCE AND TRADE (192)**

100.	Administrative and Support Services (79900).....			\$658,935	\$659,948
	General Management and Direction (79901).....	\$658,935	\$659,948		
	Fund Sources: General.....	\$658,935	\$659,948		

Authority: Title 2.2, Chapter 2, Article 3; § 2.2-201, Code of Virginia.

A. It is the intent of the General Assembly that state programs providing financial, technical, or training assistance to local governments for economic development projects or directly to businesses seeking to relocate or expand operations in Virginia should not be used to help a company relocate or expand its operations in one or more Virginia communities when the same company is simultaneously closing facilities in other Virginia communities. It is the responsibility of the Secretary of Commerce and Trade to enforce this policy and to inform the Chairmen of the Senate Finance and House Appropriations Committees in writing of the justification to override this policy for any exception.

B. The Secretary shall develop and implement, as a component of the comprehensive economic development policy requirements as established in § 2.2-205, Code of Virginia, a strategic workforce development plan for the Commonwealth.

	Total for Secretary of Commerce and Trade.....			<b>\$658,935</b>	<b>\$659,948</b>
	General Fund Positions.....	7.00	7.00		
	Position Level .....	7.00	7.00		
	Fund Sources: General.....	\$658,935	\$659,948		

**Economic Development Incentive Payments (312)**

101.	Economic Development Services (53400).....			\$52,160,436	\$67,863,444
	Financial Assistance for Economic Development (53410) .....	\$52,160,436	\$67,863,444	\$62,076,436	\$79,363,444
	Fund Sources: General.....	\$51,910,436	\$67,613,444		
		\$61,826,436	\$79,113,444		
	Dedicated Special Revenue.....	\$250,000	\$250,000		

Authority: Discretionary Inclusion.

A.1. Out of the amounts in this Item, ~~\$10,000,000~~ \$19,916,000 the first year and ~~\$10,000,000~~ \$20,750,000 the second year from the general fund shall be deposited to the Governor's Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Governor's Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged,

ITEM 101.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the ~~Governor's~~ Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the ~~Governor's~~ Commonwealth's Development Opportunity Fund.

6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the ~~Governor's~~ Commonwealth's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.

B. Out of the appropriation for this Item, \$5,400,000 the first year and \$3,800,000 the second year from the general fund shall be deposited to the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Fund to be used to pay semiconductor memory or logic wafer manufacturing performance grants in accordance with § 59.1-284.14.1, Code of Virginia.

C.1. Out of the appropriation for this Item, \$3,957,289 the first year and \$3,602,914 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

D.1. Out of the appropriation for this Item, \$6,800,000 the first year and \$6,800,000 the second year from the general fund shall be deposited to the Major Eligible Employer Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

E. Out of the appropriation for this Item, \$2,400,000 the first year and \$2,400,000 the second year from the general fund and an amount estimated at \$250,000 the first year and \$250,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.

F. Out of the appropriation for this Item, \$648,000 the first year and \$13,842,000 the second year from the general fund shall be used in support of the location of an aerospace engine facility in Prince George County. The funds may be used for grants in accordance with §§ 59.1-284.20, 59.1-284.21, and 59.1-284.22, Code of Virginia. The Director, Department of Planning and Budget shall transfer these funds to the impacted state agencies upon request to the Director, Department of Planning and Budget by the respective state agency.

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<p>G.1. Out of the appropriation for this Item, \$4,500,000 the first year and \$5,900,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.</p>				
<p>2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.</p>				
<p>H. 1. Out of the appropriation for this Item, \$8,029,323 the first year and \$7,592,582 the second year from the general fund shall be deposited to the Advanced Shipbuilding Training Facility Fund to be used to pay grants in accordance with § 59.1-284.23, F., Code of Virginia.</p>				
<p>2. <i>In addition to the amounts provided above, out of the appropriation in this Item \$250,000 from the general fund the second year is provided as a grant for one-time seed funding for expansion of the Pre-Hire Immersion Training Program for ship repair skilled workers. This program will be conducted in collaboration with the Virginia Ship Repair Association.</i></p>				
<p>3. <i>The Virginia Ship Repair Association will report on the success of this program regarding the number of skilled workers trained and hired and the ability of the program to be self-funded through employer pay-back provisions for the training once a worker has been successfully hired.</i></p>				
<p>4. <i>This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2016.</i></p>				
<p>I. Out of the appropriation for this Item, \$2,800,000 the first year and \$2,800,000 the second year from the general fund and \$1,000,000 in the first year and \$1,000,000 in the second year from amounts appropriated under Item 101 A.1. of this act shall be deposited into the Commonwealth Research Commercialization Fund created pursuant to § 2.2-2233.1, Code of Virginia. Of the amounts provided for the Commonwealth Research Commercialization Fund, up to \$1,500,000 the first year and \$1,500,000 the second year shall be used for a Small Business Innovation Research Matching Fund Program for Virginia-based technology businesses and, for matching funds for recipients of federal Small Business Technology Transfer (STTR) awards for Virginia-based small businesses. Any monies from these amounts that have not been allocated at the end of each fiscal year shall not revert to the general fund but shall be distributed for other purposes designated by the Research and Technology Investment Advisory Committee and aligned with the Research and Technology Roadmap.</p>				
<p>Businesses meeting the following criteria shall be eligible to apply for an award to be administered by the Research and Technology Investment Advisory Committee:</p>				
<p>1. The applicant has received an STTR award targeted at the development of qualified research or technologies;</p>				
<p>2. At least 51 percent of the applicant's employees reside in Virginia; and</p>				
<p>3. At least 51 percent of the applicant's property is located in Virginia.</p>				
<p>Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application. Any unused funds shall not revert to the general fund but shall remain in the Commonwealth Research and Commercialization Fund. Notwithstanding the provisions of § 2.2-2233.1 D.6 unused funding from the Fund shall be awarded as originally intended by the Research and Technology Investment Advisory Committee and only reallocated if sufficient demand does not exist for the original allocation.</p>				
<p>J.1. Out of the appropriation for this Item, \$2,500,000 the second year from the general fund shall be provided for a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. In addition, the consortium is authorized to utilize up to \$2,500,000 in the first year from unobligated funding previously appropriated to the consortium for FY 2013 in Item 105 M.1. of Chapter 3, 2012 Special Session I. The consortium will contract with private entities,</p>				

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foundations and other governmental sources to capture and perform research in the biosciences. Initial exclusive focus will be around the Virginia core strength areas of Bio-Informatics and Medical Informatics, Point of Care Diagnostics and Drug Discovery and Delivery. The funding to be provided for research under this Item must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. The Director, Department of Planning and Budget, is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Director, Department of Planning and Budget by the non-stock corporation research consortium.

2. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000, or a larger amount to be determined by the consortium.

3. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.

4. Of these funds, up to \$250,000 the first year and \$250,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.

5. The Virginia Economic Development Partnership, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Governor, and the Chairmen of the Senate Finance and House Appropriations committees, by November 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.

6. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.

K.1. Out of this appropriation, \$200,272 the first year and \$200,347 the second year from the general fund shall be provided to the Virginia-Israel Advisory Board.

2. The Virginia-Israel Advisory Board shall seek prior approval of all travel and related expenditures from the Secretary of Commerce and Trade.

3. The Virginia-Israel Advisory Board shall report by January 15 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the board's activities and expenditure of state funds.

L. Out of this appropriation, \$5,669,833 the first year and \$5,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.

M.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be transferred to the Department of Mines, Minerals and Energy for deposit to the Biofuels Production Fund established pursuant to § 45.1-393, Code of Virginia,

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to be used solely for the purposes of providing grants to certain producers of biofuels as provided for in House Bill 1025, as adopted by the 2014 Session of the General Assembly.— With the exception of the provisions of paragraphs N.3. M.3. of this Item, grant payments from the Fund shall be made in accordance with the provisions of § 45.1-394, Code of Virginia.

2. The Secretary of Agriculture and Forestry shall assist any producer that commences qualifying sales of neat biofuels in identifying potential producers of agricultural feedstock sources within 100 miles of the primary biofuels production site and shall examine the feasibility of establishing a cooperative association to meet the feedstock requirements of any such producer.— The Secretary of Agriculture and Forestry and the Secretary of Natural Resources shall work within the structure of existing funding for agricultural best management practices from the Water Quality Improvement Fund to develop additional incentives to encourage farmers to produce winter cover crops utilized in biofuels production.—

3. As part of the certification process required pursuant to § 45.1-394 D., Code of Virginia, to be eligible for a grant pursuant to this appropriation, the producer shall also provide evidence that feedstock used in the production of the qualifying neat biofuels was derived from Virginia-grown agricultural products to the greatest extent such feedstock materials are available from Virginia sources.

*M.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be deposited into the Biofuels Production Fund established pursuant to § 45.1-393, Code of Virginia, to be used solely for the purposes of providing grants to a producer of neat biofuels commencing qualifying sales on or after January 1, 2014, but before June 30, 2014. With the exception of the provisions of subparagraphs M.2. and M.4. of this item, grant payments from the Fund shall be made in accordance with the provisions of § 45.1-394, Code of Virginia.*

2. A producer shall be eligible for a grant from the Biofuels Production Fund established under § 45.1-393, Code of Virginia, only for each gallon of neat biofuels that it produces in the Commonwealth on or after January 1, 2014, which gallon has also been sold by the producer to customers.

3. The Secretary of Agriculture and Forestry shall assist any producer that commences qualifying sales of neat biofuels within the period specified in subparagraph M.1. of this item in identifying potential producers of agricultural feedstock sources within 100 miles of the primary biofuels production site and shall examine the feasibility of establishing a cooperative association to meet the feedstock requirements of any such producer. The Secretary of Agriculture and Forestry and the Secretary of Natural Resources shall work within the structure of existing funding for agricultural best management practices from the Water Quality Improvement Fund to develop additional incentives to encourage farmers to produce winter cover crops utilized in biofuels production.

4. As part of the certification process required pursuant to § 45.1-394 D., Code of Virginia, to be eligible for a grant pursuant to this appropriation, the producer shall also provide evidence that feedstock used in the production of the qualifying neat biofuels was derived from Virginia-grown agricultural products to the greatest extent such feedstock materials are available from Virginia sources.

5. To be eligible for a grant under this section for 2015 production of neat advanced biofuels or neat biofuels, a producer must show he has made a good faith effort to produce the same using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. Further, no grant shall be awarded for neat advanced biofuels or neat biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant.

N. Out of this appropriation, \$1,000,000 the second year from the general fund shall be provided to Fairfax County to support efforts to host an international athletic competition in 2015. The funds shall be used in accordance with a memorandum of understanding between the Commonwealth and Fairfax County.

O. Out of this appropriation \$500,000 from the general fund in the second year is provided for the purpose of attracting new tourism and hospitality projects and expanding existing tourism and hospitality projects in the Commonwealth. Funds shall be disbursed through the Virginia

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<i>Tourism Authority as grants or loans to political subdivisions or business entities authorized to transact business in the Commonwealth based on criteria as approved by the Governor. The Governor shall transmit his specific criteria for awarding and distributing these funds to the Chairmen of the House Committee on Appropriations and the Senate Finance Committee prior to any expenditure of this appropriation.</i>				
Total for Economic Development Incentive Payments.....			<b>\$52,160,436</b>	<b>\$67,863,444</b>
			<del>\$2,076,436</del>	<del>\$79,363,444</del>
Fund Sources: General.....	\$51,910,436	\$67,613,444		
	\$61,826,436	\$79,113,444		
Dedicated Special Revenue.....	\$250,000	\$250,000		
Grand Total for Secretary of Commerce and Trade .....			<b>\$52,819,371</b>	<b>\$68,523,392</b>
			<del>\$62,735,371</del>	<del>\$80,023,392</del>
General Fund Positions.....	7.00	7.00		
Position Level .....	7.00	7.00		
Fund Sources: General.....	\$52,569,371	\$68,273,392		
	\$62,485,371	\$79,773,392		
Dedicated Special Revenue.....	\$250,000	\$250,000		

**§ 1-38. BOARD OF ACCOUNTANCY (226)**

102.	Regulation of Professions and Occupations (56000) .....			\$1,648,449	\$1,648,465
	Accountant Regulation (56001).....	\$1,648,449	\$1,648,465		
	Fund Sources: Dedicated Special Revenue.....	\$1,648,449	\$1,648,465		
	Authority: Title 54.1, Chapter 44, Code of Virginia.				
	Total for Board of Accountancy .....			<b>\$1,648,449</b>	<b>\$1,648,465</b>
	Nongeneral Fund Positions.....	12.00	12.00		
	Position Level .....	12.00	12.00		
	Fund Sources: Dedicated Special Revenue.....	\$1,648,449	\$1,648,465		

**§ 1-39. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)**

103.	Housing Assistance Services (45800).....			\$213,026,376	\$213,026,376
				<del>\$44,749,270</del>	<del>\$218,026,376</del>
	Housing Assistance (45801).....	\$189,465,073	\$189,958,704		
		\$21,187,967	\$193,958,704		
	Homeless Assistance (45804).....	\$19,276,303	\$18,782,672		
			\$19,782,672		
	Financial Assistance for Housing Services (45805).....	\$4,285,000	\$4,285,000		
	Fund Sources: General.....	\$13,142,954	\$13,142,954		
		\$17,142,954	\$18,142,954		
	Special.....	\$344,537	\$344,537		
	Dedicated Special Revenue.....	\$100,000	\$100,000		
	Federal Trust.....	\$199,438,885	\$199,438,885		
		\$27,161,779			

Authority: Title 36, Chapters 1.4, 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13, Code of Virginia.

A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the first year and \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the second year shall be provided to support services for persons at risk of or experiencing homelessness and housing for populations with special needs, and \$4,050,000 the

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first year and \$4,050,000 the second year from the general fund shall be provided for homeless prevention. Of the general fund amount provided, the department is authorized to use up to two percent in each year for program administration. The amounts allocated for services for persons at risk of or experiencing homelessness shall be matched through local or private sources. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2015, and June 30, 2016, shall not revert to the general fund but shall be carried forward and reappropriated.

~~B. Out of the amounts in this Item, \$330,453 the first year and \$330,453 the second year from the general fund shall be provided for a child service coordinator referral system in homeless service programs serving minor children.~~

C. The department shall report to the Chairmen of the Senate Finance, the House Appropriations Committees, and the Director, Department of Planning and Budget, by November 4 of each year on the state's homeless programs, including, but not limited to, the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention programs, and (vi) the number of homeless individuals supported by the permanent housing state funding on a locality and statewide basis and the accomplishments achieved by the additional state funding provided to the program in the first year. The report shall also include the number of Virginians served by these programs, the costs of the programs, and the financial and in-kind support provided by localities and nonprofit groups in these programs. In preparing the report, the department shall consult with localities and community-based groups.

D. The department shall continue to collaborate with the Department of Veteran Services to ensure coordinated efforts towards reducing homelessness among veterans.

E. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year from federal trust funds shall be provided to support Virginia affordable housing programs and the Indoor Plumbing Program.

F. As part of the plan required by § 36-142 E, Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to, (i) the number affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payment and/or closing assistance, and (iii) the accomplishments in reducing homelessness achieved by the additional support provided through the fund.

G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from the general fund and one position shall be provided to support the administrative costs associated with administering the tax credits authorized pursuant to §§ 36-55.63 and 58.1-435, Code of Virginia.

*H. Out of the amounts in this item, \$1,000,000 in the second year from the general fund shall be provided for rapid re-housing efforts. In keeping with the specific goals of the Balance of State Continuum of Care, \$500,000 of this amount shall be focused on ensuring that no veteran is homeless or in a shelter for more than 30 days. These funds shall be used to supplement other state and federal programs, shall be directed to areas throughout the state where federal funds are not available, and shall be used to serve those veterans ineligible for federal benefits.*

*1.1. Out of the amounts in this item, \$4,000,000 the first year and \$4,000,000 the second year from the general fund shall be deposited to the Virginia Housing Trust Fund, established pursuant to § 36.2-142 et seq., Code of Virginia.*

*2. As part of the plan required by § 36.2-142 E., Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payments and/or closing assistance, and (iii) the progress in reducing homelessness achieved by the additional support provided through the fund.*

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104.	Community Development Services (53300).....		\$39,425,438	<del>\$39,425,438</del> \$39,900,438
	Community Development and Revitalization (53301).....	\$8,329,683		<del>\$8,029,683</del> \$8,504,683
	Financial Assistance for Regional Cooperation (53303)...	\$2,354,076		\$2,354,076
	Financial Assistance for Community Development (53305) .....	\$28,741,679		\$29,041,679
	Fund Sources: General.....	\$12,417,426		<del>\$12,417,426</del> \$12,892,426
	Special.....	\$212,012		\$212,012
	Federal Trust.....	\$26,796,000		\$26,796,000

Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11; and Title 59.1, Chapter 22, Code of Virginia.

A. Out of the amounts in this Item, \$351,930 the first year and \$351,930 the second year from the general fund is provided for annual membership dues to the Appalachian Regional Commission. These dues are payable from the amounts for Community Development and Revitalization.

B. The department and local program administrators shall make every reasonable effort to provide participants basic financial counseling to enhance their ability to benefit from the Indoor Plumbing Program and to foster their movement to economic self-sufficiency.

C. Out of the amounts in this Item shall be paid from the general fund in four equal quarterly installments each year:

1. To the Lenowisco Planning District Commission, \$75,971 the first year and \$75,971 the second year, which includes \$38,610 the first year and \$38,610 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

2. To the Cumberland Plateau Planning District Commission, \$75,971 the first year and \$75,971 the second year, which includes \$42,390 the first year and \$42,390 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

3. To the Mount Rogers Planning District Commission, \$75,971 the first year and \$75,971 the second year.

4. To the New River Valley Planning District Commission, \$75,971 the first year and \$75,971 the second year.

5. To the Roanoke Valley-Alleghany Regional Commission, \$75,971 the first year and \$75,971 the second year.

6. To the Central Shenandoah Planning District Commission, \$75,971 the first year and \$75,971 the second year.

7. To the Northern Shenandoah Valley Regional Commission, \$75,971 the first year and \$75,971 the second year.

8. To the Northern Virginia Regional Commission, \$151,943 the first year and \$151,943 the second year.

9. To the Rappahannock-Rapidan Regional Commission, \$75,971 the first year and \$75,971 the second year.

10. To the Thomas Jefferson Planning District Commission, \$75,971 the first year and \$75,971 the second year.

11. To the Region 2000 Local Government Council, \$75,971 the first year and \$75,971 the second year.

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12. To the West Piedmont Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
13. To the Southside Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
14. To the Commonwealth Regional Council, \$75,971 the first year and \$75,971 the second year.				
15. To the Richmond Regional Planning District Commission, \$113,957 the first year and \$113,957 the second year.				
16. To the George Washington Regional Commission, \$75,971 the first year and \$75,971 the second year.				
17. To the Northern Neck Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
18. To the Middle Peninsula Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
19. To the Crater Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
20. To the Accomack-Northampton Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
21. To the Hampton Roads Planning District Commission \$151,943 the first year, and \$151,943 the second year.				
D. Out of the amounts in this Item, \$968,442 the first year and \$968,442 the second year from the general fund shall be provided for the Southeast Rural Community Assistance Project (formerly known as the Virginia Water Project) operating costs and water and wastewater grants. The department shall disburse the total payment each year in twelve equal monthly installments.				
E.1. Out of the amounts in this Item, \$95,000 the first year and \$95,000 the second year from the general fund shall be provided for the Center for Rural Virginia. The department shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the status, needs and accomplishments of the center.				
2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the effectiveness of these various programs in addressing rural economic development problems.				
F. The department shall leverage any appropriation provided for the capital costs for safe drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount Rogers planning districts with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.				
G. Out of the amounts in this Item, \$71,250 the first year and \$71,250 the second year from the general fund shall be provided to support The Crooked Road: Virginia's Heritage Music Trail.				
H. Out of the amounts in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization.				
I. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the Virginia Main Street Program. This amount shall be in addition to other appropriations for this activity.				

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*J. Of the general fund amounts provided for Building Entrepreneurial Economies, Building Collaborative Communities, the Virginia Main Street Program, the Indoor Plumbing Rehabilitation Program, and the water and wastewater planning and construction projects in Southwest Virginia, the department is authorized to use up to two percent of the appropriation in each year for program administration.*

*K.1. Out of the amounts in this item, \$475,000 the second year from the general fund shall be provided for the Southwest Virginia Cultural Heritage Foundation.*

*2. The foundation shall report by September 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the expenditures of the foundation and its ongoing efforts to generate revenues sufficient to sustain operations.*

105.	Economic Development Services (53400).....			\$12,423,354	\$12,423,354
	Financial Assistance for Economic Development (53410) .....	\$12,423,354	\$12,423,354		
	Fund Sources: General.....	\$12,423,354	\$12,423,354		

Authority: Title 59.1, Chapters 22 and 49, Code of Virginia.

*A. Out of the amounts in this Item, \$12,150,000 the first year and \$12,150,000 the second year from the general fund shall be provided to carry out the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, related to the Enterprise Zone Grant Act. Notwithstanding the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, the department is authorized to prorate, with no payment of the unpaid portion of the grant necessary in the next fiscal year, the amount of awards each business receives to match the appropriation for this Item. Should actual grants awarded in each fiscal year be less than the amounts provided in this Item, the excess shall not revert to the general fund but shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund for revitalization purposes.*

*B. Out of the amounts in this item provided for real property improvement grants, up to \$80,000 in the second year shall be used for a review of the state Enterprise Zone Program. The objective will be to determine how well the program works to encourage business development in zone areas above any increases that would occur in those areas, absent zone designation. In addition, the department should assess those characteristics most commonly associated with zone success. The evaluation should consider a variety of variables, including but not limited to: geographic location, proximity to markets, infrastructure, zone administration, other non-state incentives, and the effects of any proration of grant benefits. The Secretary of Commerce and Trade, in consultation with the Chairmen of the House Appropriations and Senate Finance Committees, shall approve the final design of the evaluation and the entity selected to conduct the review.*

106.	Regulation of Structure Safety (56200).....			\$2,773,540	\$2,773,540
	State Building Code Administration (56202) .....	\$2,773,540	\$2,773,540		
	Fund Sources: General.....	\$483,712	\$483,712		
	Special.....	\$1,989,828	\$1,989,828		
	Dedicated Special Revenue.....	\$300,000	\$300,000		

Authority: Title 15.2, Chapter 9; Title 27, Chapters 1, 6, and 9; Title 36, Chapters 4, 4.1, 4.2, 6, and 8; Title 58.1, Chapter 36, Article 5; and Title 63.2, Chapter 17, Code of Virginia.

107.	Governmental Affairs Services (70100).....			\$340,390	\$340,444
	Intergovernmental Relations (70101).....	\$340,390	\$340,444		
	Fund Sources: General.....	\$340,390	\$340,444		

Authority: Title 15.2, Subtitle III, Code of Virginia.

ITEM 107.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>It is the Commonwealth's goal to encourage amicable consolidations that improve local fiscal sustainability and, when possible, realize state or local savings and local service improvements. Therefore, the Commission on Local Government shall develop a process to determine an appropriate calculation for additional state funds for future local consolidations. The Commission's recommendations shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than December 1, 2015. The amount of additional funding for local consolidation should be based primarily on the projected cost of consolidation. The length of time additional funding is provided should be based primarily on the complexity and length of time necessary for the consolidation. The process should be developed in coordination with the Department of Education and State Board of Education with input from other stakeholders.</i></p>				
108.	Administrative and Support Services (59900).....		\$2,818,145	\$2,801,538
	General Management and Direction (59901).....	\$2,818,145	\$2,801,538	
	Fund Sources: General.....	\$2,274,688	\$2,258,081	
	Special.....	\$543,457	\$543,457	
	Authority: Title 36, Chapter 8, Code of Virginia.			
	Total for Department of Housing and Community Development.....		<b>\$270,807,243</b>	<b>\$270,790,690</b>
			<b>\$102,530,137</b>	<b>\$276,265,690</b>
	General Fund Positions.....	56.25	<del>56.25</del>	
			57.25	
	Nongeneral Fund Positions.....	<del>53.25</del>	53.25	
		51.75		
	Position Level .....	<del>109.50</del>	<del>109.50</del>	
		108.00	110.50	
	Fund Sources: General.....	\$41,082,524	<del>\$41,065,971</del>	
		\$45,082,524	\$46,540,971	
	Special.....	\$3,089,834	\$3,089,834	
	Dedicated Special Revenue.....	\$400,000	\$400,000	
	Federal Trust.....	<del>\$226,234,885</del>	\$226,234,885	
		\$53,957,779		
<b>§ 1-40. DEPARTMENT OF LABOR AND INDUSTRY (181)</b>				
109.	Economic Development Services (53400).....		\$969,065	\$969,830
	Apprenticeship Program (53409).....	\$969,065	\$969,830	
	Fund Sources: General.....	\$969,065	\$969,830	
	Authority: Title 40.1, Chapter 6, Code of Virginia.			
110.	Regulation of Business Practices (55200).....		\$845,709	\$846,986
	Labor Law Services (55206).....	\$845,709	\$846,986	
	Fund Sources: General.....	\$845,709	\$846,986	
	Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.			
111.	Regulation of Individual Safety (55500).....		\$9,638,704	\$9,651,140
	Virginia Occupational Safety and Health Services (55501) .....	\$9,638,704	\$9,651,140	
	Fund Sources: General.....	\$3,395,543	\$3,402,578	

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Special.....	\$809,539		\$814,940
	Federal Trust.....	\$5,433,622		\$5,433,622
<p>Authority: Title 40.1, Chapters 1, 3, 3.2, and 3.3; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.</p> <p>Notwithstanding § 40.1-49.4 D, Code of Virginia, and § 4-2.02 of this act, the Department of Labor and Industry may retain up to \$481,350 in civil penalties assessed pursuant to § 40.1-49.4 as the required federal grant match for voluntary protection and voluntary compliance programs.</p>				
112.	Regulation of Structure Safety (56200).....		\$515,036	\$515,036
	Boiler and Pressure Vessel Safety Services (56201) .....	\$515,036		\$515,036
	Fund Sources: General.....	\$515,036		\$515,036
<p>Authority: Title 40.1, Chapter 3.1, Code of Virginia.</p>				
113.	Administrative and Support Services (59900).....		\$2,770,089	\$2,792,550
	General Management and Direction (59901).....	\$2,770,089		\$2,792,550
	Fund Sources: General.....	\$2,044,179		\$2,059,400
	Special.....	\$725,910		\$733,150
<p>Authority: Title 40.1, Chapters 1, 3, 3.1, 3.2, 3.3, 4, 5, and 6; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.</p>				
Total for Department of Labor and Industry.....			<b>\$14,738,603</b>	<b>\$14,775,542</b>
	General Fund Positions.....	114.66		114.66
	Nongeneral Fund Positions.....	76.34		76.34
	Position Level .....	191.00		191.00
	Fund Sources: General.....	\$7,769,532		\$7,793,830
	Special.....	\$1,535,449		\$1,548,090
	Federal Trust.....	\$5,433,622		\$5,433,622

**§ 1-41. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)**

114.	Minerals Management (50600).....		\$28,314,479	<del>\$28,136,042</del> \$28,070,290
	Geologic and Mineral Resource Investigations, Mapping, and Utilization (50601).....	\$1,318,707		\$1,068,707
	Mineral Mining Environmental Protection, Worker Safety and Land Reclamation (50602).....	\$2,740,521		\$2,740,521
	Gas and Oil Environmental Protection, Worker Safety and Land Reclamation (50603).....	\$1,578,884		\$1,580,255
	Coal Environmental Protection and Land Reclamation (50604) .....	\$17,670,569		<del>\$17,739,390</del> \$17,673,638
	Coal Worker Safety (50605) .....	\$5,005,798		\$5,007,169
	Fund Sources: General.....	\$9,483,309		<del>\$9,275,140</del> \$9,209,388
	Special.....	\$5,655,491		\$5,685,223
	Trust and Agency .....	\$525,000		\$525,000
	Dedicated Special Revenue.....	\$173,000		\$173,000
	Federal Trust.....	\$12,477,679		\$12,477,679

Authority: Title 45.1, Code of Virginia.

A. Out of this appropriation, \$31,224 the first year and \$31,224 the second year from special funds shall be provided for annual membership dues to the Interstate Mining Compact Commission.

ITEM 114.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

B. Out of this appropriation shall be provided reimbursement for expenses associated with administrative and judicial review when so ordered by a court of competent jurisdiction.

C. Out of this appropriation, \$6,119 the first year and \$6,119 the second year from the general fund shall be provided for annual membership dues to the Interstate Oil and Gas Compact Commission.

D. The application fee for a coal mine license or a renewal or transfer of a license pursuant to § 45.1-161.58, Code of Virginia, shall be in the amount of \$350.

E. The application fee for a mineral mine license or a renewal or transfer of a license pursuant to § 45.1-161.292:31, Code of Virginia, shall be in the amount of \$400, except applications submitted electronically, which shall be accompanied by a fee of \$330. However, the fee for any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of \$100, except applications submitted electronically, which shall be accompanied by a fee of \$80.

F. The application fee for a new oil or gas well permit pursuant to § 45.1-361.29, Code of Virginia, shall be in the amount of \$600 and the application fee for permit modifications shall be \$300.

G. Out of this appropriation, \$250,000 in the first year from the general fund shall be used to fund a study to analyze Virginia’s readiness for offshore oil and gas exploration and production. Specifically, the study will address the concerns raised by the U.S. Department of Interior (DOI) in its decision to exclude Virginia’s lease sale 220 from the DOI 2007-12 Outer Continental Shelf (OCS) 5-year plan. Additionally, the study should address: (1) a detailed overview of the infrastructure needed to support oil and gas exploration and development, and (2) a plan to address any concerns that may be raised by the military. The agency shall report the findings of this study to the Governor, the Secretary of Commerce and Trade, and the Secretary of Natural Resources by April 15, 2015.

115.	Resource Management Research, Planning, and Coordination (50700).....			\$3,622,557	\$2,425,206
	Energy Conservation and Alternative Energy Supply Programs (50705).....	\$3,622,557	\$2,425,206		
	Fund Sources: General.....	\$1,570,685	\$373,334		
	Special.....	\$95,978	\$95,978		
	Federal Trust.....	\$1,955,894	\$1,955,894		

Authority: Title 45.1, Chapter 26, Code of Virginia.

A. Out of this appropriation, \$38,362 the first year and \$38,362 the second year from the general fund shall be provided for dues and expenses for the Southern States Energy Board.

B. To defray the costs of implementing the Virginia Energy Management Program, the Department of Mines, Minerals and Energy is authorized to have included in state fuel oil, natural gas, electricity, and similar energy contracts a provision for suppliers to collect from using agencies and remit to the department an administrative surcharge. The surcharge shall reflect the department’s actual costs to administer the program. Additionally, the department is authorized, consistent with federal funding rules, to distribute energy-related federal funds as grants or as loans to other state or nonstate agencies for use in financing energy-related projects, and to recover from the recipient an administrative service charge to recover the department’s costs of administering such grant or loan programs.

C. Out of this appropriation, ~~\$1,000,000~~ \$950,000 the first year from the general fund shall be provided for research and development to accelerate and assist private development of the Virginia Wind Energy Area and attendant industry.

D. Out of this appropriation, \$200,000 the first year from the general fund shall be provided to comply with the provisions of HB 1261 and SB 615, as adopted by the 2014 Session of the General Assembly.

ITEM 115.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
E. Out of this appropriation, \$70,000 shall be used in the first year by the Division of Energy to develop the necessary guidelines implementing the provisions of the renewable energy grant program as contemplated by § 45.1-395, Code of Virginia. The Division of Energy shall establish and publish these guidelines no later than December 1, 2014.				
116.	Administrative and Support Services (59900).....		\$3,926,897	<del>\$3,929,047</del> \$3,860,045
	General Management and Direction (59901).....	\$3,926,897	<del>\$3,929,047</del> \$3,860,045	
	Fund Sources: General.....	\$2,342,784	<del>\$2,344,039</del> \$2,275,037	
	Special.....	\$1,292,413	\$1,293,308	
	Dedicated Special Revenue.....	\$291,700	\$291,700	
Authority: Title 45.1, Chapter 14.1, Code of Virginia.				
	Total for Department of Mines, Minerals and Energy.....		<b>\$35,863,933</b>	<b>\$34,490,295</b> <b>\$34,355,541</b>
	General Fund Positions.....	156.43	156.43	
	Nongeneral Fund Positions.....	76.57	76.57	
	Position Level.....	233.00	233.00	
	Fund Sources: General.....	\$13,396,778	<del>\$11,992,513</del> \$11,857,759	
	Special.....	\$7,043,882	\$7,074,509	
	Trust and Agency.....	\$525,000	\$525,000	
	Dedicated Special Revenue.....	\$464,700	\$464,700	
	Federal Trust.....	\$14,433,573	\$14,433,573	
<b>§ 1-42. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION (222)</b>				
117.	Regulation of Professions and Occupations (56000).....		\$22,153,069	\$22,153,069
	Licensure, Certification, and Registration of Professions and Occupations (56046).....	\$7,075,699	\$7,075,699	
	Enforcement of Licensing, Regulating and Certifying Professions and Occupations (56047).....	\$7,087,572	\$7,087,572	
	Administrative Services (56048).....	\$7,989,798	\$7,989,798	
	Fund Sources: Special.....	\$1,249,589	\$1,249,589	
	Dedicated Special Revenue.....	\$20,568,480	\$20,568,480	
	Federal Trust.....	\$335,000	\$335,000	
Authority: Title 54.1, Chapters 1, 2, 3, 4, 5, 6, 7, 8.1, 9, 11, 14, 15, 17, 18, 20.1, 21, 22, 22.1, 23, 23.1, and 23.2; Title 55, Chapters 4.1, 4.2, 19, 21, 24, 26, 27, 28, and 29; and Title 36, Chapter 5.1, Code of Virginia.				
Costs for professional and occupational regulation may be met by fees paid by the respective professions and occupations.				
	Total for Department of Professional and Occupational Regulation.....		<b>\$22,153,069</b>	<b>\$22,153,069</b>
	Nongeneral Fund Positions.....	203.00	203.00	
	Position Level.....	203.00	203.00	
	Fund Sources: Special.....	\$1,249,589	\$1,249,589	
	Dedicated Special Revenue.....	\$20,568,480	\$20,568,480	
	Federal Trust.....	\$335,000	\$335,000	

ITEM 118.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>§ 1-43. DEPARTMENT OF SMALL BUSINESS AND SUPPLIER DIVERSITY (350)</b>				
118.	Economic Development Services (53400).....		\$8,233,953	\$8,246,586 \$7,678,795
	Minority Business Enterprise Procurement Reporting and Coordination (53406).....	\$625,116	\$625,116	
	Minority Business Enterprise Outreach (53407) .....	\$845,596	\$846,094	
	Minority Business Enterprise Certification (53414).....	\$488,351	\$488,351	
	Capital Access Fund for Disadvantaged Businesses (53417) .....	\$39,835	\$39,835	
	Business Information Services (53418) .....	\$1,416,481	\$1,416,481	
	Administrative Services (53422) .....	\$746,202	\$758,337	
	Financial Services for Economic Development (53423)...	\$4,072,372	\$4,072,372 \$3,504,581	
	Fund Sources: General .....	\$5,851,632	\$5,864,265 \$5,296,474	
	Special.....	\$744,038	\$744,038	
	Commonwealth Transportation .....	\$1,453,283	\$1,453,283	
	Trust and Agency .....	\$100,000	\$100,000	
	Dedicated Special Revenue .....	\$85,000	\$85,000	

Authority: Title 2.2, Chapters 16.1 and 22, Code of Virginia.

A. The Department of Small Business and Supplier Diversity, in conjunction with the Department of General Services, the Virginia Employment Commission, and the Virginia Department of Transportation, is authorized to conduct analyses of the availability of minority business enterprises in Virginia and the utilization of such businesses by the Commonwealth of Virginia, localities, or private industry in the acquisition of goods and services. The department also is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature that would assist the department in conducting such analyses or otherwise strengthen its services to minority business enterprises. The Director, Department of Planning and Budget, is authorized to establish a nongeneral fund appropriation for the purposes of expending revenues that may be received for this effort.

B.1. Out of the amounts in this Item, \$629,981 the first year and \$629,981 the second year from the general fund shall be deposited to the Small Business Jobs Grant Fund pursuant to § 2.2-1615, Code of Virginia.

2. By April 1 of each year, the department shall report to the Governor and the Secretary of Commerce and Trade the expenditures of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of these funds.

C. Out of the amounts in this Item, ~~\$1,500,000~~ \$1,000,000 the first year and ~~\$1,500,000~~ \$1,000,000 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1, 2014.

D. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to support the Business One-Stop Program.

E.1. Out of the amounts in this Item, \$163,690 from the general fund and \$929,038 from nongeneral funds the first year and \$163,690 from the general fund and \$929,038 from nongeneral funds the second year shall be provided for the Virginia Small Business Financing Authority. The general fund amount shall be used to support operating expenses of the authority.

2. To meet changing financing needs of small businesses, the Executive Director, Virginia Small Business Financing Authority, with the approval of the Director, Department of Small Business and Supplier Diversity, may transfer moneys between funds managed by the authority. These include the Virginia Small Business Growth Fund (§ 2.2-2310, Code of Virginia); the

ITEM 118.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Virginia Export Fund (§ 2.2-2309, Code of Virginia); and the Insurance or Guarantee Fund (§ 2.2-2290, Code of Virginia). The Executive Director, Virginia Small Business Financing Authority, shall report, by fund, the transfers made by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.

3. The Virginia Small Business Financing Authority is authorized to insure additional loans for eligible small businesses, pursuant to § 2.2-2290, Code of Virginia, up to an aggregate amount not to exceed four times the principal amount in the Insurance or Guarantee Fund, or up to an aggregate amount of \$15,000,000., ~~whichever is less.~~ In the event that the authority is called upon to pay on guaranties of loans of more than 10 percent of the aggregate amount of all outstanding insured loans, the authority shall not insure any further loans and shall immediately notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. Pursuant to § 4-1.03 of this act, the Director, Department of Planning and Budget, is authorized to transfer a sum sufficient to the Insurance or Guarantee Fund in the event the amount in the fund falls below the amount needed to honor any guarantee.

4. For the I-95 HOV/HOT Lanes project as evidenced by the Comprehensive Agreement approved pursuant to the Public-Private Transportation Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2285 and 2.2-2291, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum.

*F. The Department of Small Business and Supplier Diversity shall include employment services organizations within the development and operation of any state procurement program or program goal and targets for small, women-owned, and minority-owned businesses consistent with requirements in the Code of Virginia requiring the Department to certify employment service organizations.*

Total for Department of Small Business and Supplier Diversity .....			<b>\$8,233,953</b>	<b><del>\$8,246,586</del> \$7,678,795</b>
General Fund Positions.....	29.00	<del>29.00</del>		28.00
Nongeneral Fund Positions.....	34.00	34.00		
Position Level .....	63.00	<del>63.00</del>		62.00
Fund Sources: General.....	\$5,851,632	<del>\$5,864,265</del>		\$5,296,474
Special.....	\$744,038	\$744,038		
Commonwealth Transportation.....	\$1,453,283	\$1,453,283		
Trust and Agency .....	\$100,000	\$100,000		
Dedicated Special Revenue.....	\$85,000	\$85,000		

**§ 1-44. FORT MONROE AUTHORITY (360)**

119.	Economic Development Services (53400).....			\$6,718,155	\$5,489,033
	Administrative Services (53422).....	\$6,718,155	\$5,489,033		
	Fund Sources: General.....	\$6,718,155	\$5,489,033		

Authority: Title 2.2, Chapter 22, Code of Virginia.

A.1. Out of the amounts in this Item, \$6,718,155 the first year and \$5,489,033 the second year from the general fund shall be provided for the Commonwealth's share of the estimated operating expenses of the Fort Monroe Authority (FMA). This appropriation represents the Commonwealth's share of the FMA's estimated operating expenses. These expenses may not be reimbursed by the federal government and shall be reduced by any federal funding the authority may receive for expenditures funded through the Commonwealth's contribution that ultimately qualify for federal reimbursement. Any such reimbursements shall be repaid to the general fund. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments.

ITEM 119.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. All moneys of the FMA, from whatever source derived, shall be paid to the treasurer of the FMA. The Auditor of Public Accounts or his legally authorized representatives shall annually examine the accounts of the books of the FMA.				
3. Employees of the FMA shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.				
4. Pursuant to § 2.2-2338, Code of Virginia, the Board of Trustees of the FMA shall be deemed a state public body and may meet by electronic communication means in accordance with the requirements set forth in § 2.2-3708. Electronic communication shall mean the same as that term is defined in § 2.2-3701.				
5. Notwithstanding any other provision of law or agreement, the amount paid from all sources of funds by the FMA to the City of Hampton pursuant to § 2.2-2342, Code of Virginia, shall not exceed \$983,960 in FY 2015 and \$983,960 in FY 2016.				
Total for Fort Monroe Authority.....			<b>\$6,718,155</b>	<b>\$5,489,033</b>
Fund Sources: General.....	\$6,718,155	\$5,489,033		

**§ 1-45. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)**

120. Economic Development Services (53400).....			<b>\$18,887,705</b>	<b>\$18,406,205</b>
Economic Development Services (53412).....	\$18,887,705	\$18,406,205	<b>\$20,387,705</b>	<b>\$19,276,464</b>
	\$20,387,705	\$19,276,464		
Fund Sources: General.....	\$18,887,705	\$18,406,205		
	\$20,387,705	\$19,276,464		

Authority: Title 2.2, Chapter 22, Article 4 and Chapter 51; and § 15.2-941, Code of Virginia.

A. Upon authorization of the Governor, the Virginia Economic Development Partnership may transfer funds appropriated to it by this act to a nonstock corporation.

B. Prior to July 1 of each fiscal year, the Virginia Economic Development Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all partnership employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

C. In developing the criteria for any pay for performance plan, the board shall include, but not be limited to, these variables: 1) the number of economic development prospects committed to move to or expand operations in Virginia; 2) dollar investment made in Virginia for land acquisition, construction, buildings, and equipment; 3) number of full-time jobs directly related to an economic development project; and 4) location of the project. To that end, the pay for performance plan shall be weighted to recognize and reward employees who successfully recruit new economic development prospects or cause existing prospects to expand operations in localities with fiscal stress greater than the statewide average. Fiscal Stress shall be based on the Index published by the Commission on Local Government. If a prospect is physically located in more than one contiguous locality, the highest Fiscal Stress Index of the participating localities will be used.

D.1. The Virginia Economic Development Partnership shall report before the General Assembly convenes in January of each year on the status of the implementation of the state's comprehensive economic development strategy, and shall recommend legislative actions related to the implementation of the comprehensive economic development strategy. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, and shall include the number of site visits made by employees of the Virginia Economic Development Partnership with potential economic development prospects.

ITEM 120.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. The Virginia Economic Development Partnership shall identify and target industries suited for location in the southside and southwest regions of the state.				
E. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.				
F. The Virginia Economic Development Partnership shall provide administrative and support services for the Virginia Tourism Authority as prescribed in the Memorandum of Agreement until July 1, 2016, or until the authority is able to provide such services.				
G. The Virginia Economic Development Partnership shall report one month after the close of each quarter to the Chairmen of the Senate Finance and House Appropriations Committees on the <del>Governor's</del> Commonwealth's Development Opportunity Fund. The report shall include, but not be limited to, total appropriations made or transferred to the fund, total grants awarded, cash balances, and balances available for future commitments.				
H. The Virginia Coalfield Economic Development Authority is authorized to spend funds provided by Chapters 91 and 1066 of the Acts of Assembly of 2000, which extended the coalfield employment enhancement tax credit, for workforce development and training.				
I. Prior to purchasing airline and hotel accommodations related to overseas trade shows, the Virginia Economic Development Partnership shall provide an itemized list of projected costs for review by the Secretary of Commerce and Trade.				
J. The amounts for Economic Development Services include \$500,000 the first year and \$500,000 the second year from the general fund to market distressed areas of the Commonwealth.				
K. Out of the amounts for Economic Development Services shall be provided \$215,000 the first year and \$215,000 the second year from the general fund to assist small manufacturers with the export of advanced manufacturing products.				
L. Out of the amounts for economic development services shall be provided \$500,000 the first year and \$500,000 the second year from the general fund for an expanded international and domestic marketing campaign to market Virginia to attract additional businesses to the Commonwealth.				
M. The Virginia Economic Development Partnership shall investigate additional ways in which it might encourage the export of products and services from the Commonwealth to international markets, including researching potential methods through which to support broader availability of bridge loans and shipment insurance for Virginia exporters.				
N. Out of this appropriation, \$481,500 the first year from the general fund shall be provided to promote international trade among defense companies located in the Commonwealth.				
O. Out of this appropriation, \$564,166 the first year and <del>\$564,166</del> \$631,957 the second year from the general fund is provided for administration and operating expenses of the Virginia Jobs Investment Program. The administration of this program shall be transferred to the Virginia Economic Development Partnership, contingent upon passage of legislation during the 2014 Session of the General Assembly.				
<i>P. Out of the amounts appropriated in this item for Economic Development Services shall be provided \$350,000 the second year from the general fund to continue a program connecting national security agency research and development programs and project managers with entrepreneurs in Northern Virginia.</i>				
<i>Q. Out of this appropriation, \$1,500,000 the first year from the general fund shall be provided to begin facility planning concurrently with federal application to create a land use plan, site layout, building concept, and site access for the apprentice academy for the Commonwealth Center for Advanced Manufacturing.</i>				

ITEM 120.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>R. Out of the amounts for Economic Development Services shall be provided \$750,000 in the second year from the general fund to be deposited in the Virginia Brownfields Restoration and Economic Development Assistance Fund established pursuant to § 10.1-1237, Code of Virginia.</i>				
Total for Virginia Economic Development Partnership....			<b>\$18,887,705</b> <del>\$20,387,705</del>	<b>\$18,406,205</b> <del>\$19,276,464</del>
Fund Sources: General.....	\$18,887,705	\$18,406,205		
	\$20,387,705	\$19,276,464		

**§ 1-46. VIRGINIA EMPLOYMENT COMMISSION (182)**

121.	Workforce Systems Services (47000).....			\$593,354,834 <del>\$594,854,834</del>	\$606,374,168
	Job Placement Services (47001).....	\$28,410,181	\$28,429,515		
	Unemployment Insurance Services (47002).....	<del>\$564,110,466</del> \$565,610,466	\$577,110,466		
	Workforce Development Services (47003).....	\$834,187	\$834,187		
	Fund Sources: Special.....	\$5,555,000	\$5,555,000		
	Trust and Agency.....	\$7,055,000 \$587,799,834	\$600,819,168		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

B. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission and shall not be subject to the requirements of § 60.2-305, Code of Virginia.

C. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.

122.	Economic Development Services (53400).....			\$2,881,526	\$2,881,526
	Economic Information Services (53402).....	\$2,881,526	\$2,881,526		
	Fund Sources: Special.....	\$529,000	\$529,000		
	Trust and Agency.....	\$2,352,526	\$2,352,526		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

123. For payment to the Secretary of the Treasury of the United States to the credit of the federal unemployment trust fund established by the Social Security Act, to be held for the state upon the terms and conditions provided in the said Social Security Act, there is hereby appropriated the amount remaining in the clearing account of the Unemployment Compensation Fund created by § 60.2-301, Code of Virginia, after deducting the refunds payable therefrom pursuant to § 60.2-301, Code of Virginia, a sum sufficient.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Virginia Employment Commission .....			<del>\$596,236,360</del>	\$609,255,694
			\$597,736,360	
Nongeneral Fund Positions.....	865.00	865.00		
Position Level .....	865.00	865.00		
Fund Sources: Special.....	<del>\$6,084,000</del>	\$6,084,000		
	\$7,584,000			
Trust and Agency .....	\$590,152,360	\$603,171,694		

124. Omitted.

125. Omitted.

**§ 1-47. VIRGINIA TOURISM AUTHORITY (320)**

126. Tourist Promotion (53600) .....			\$20,225,218	<del>\$20,225,560</del>
				\$21,000,560
Tourist Promotion Services (53607) .....	\$20,225,218	<del>\$20,225,560</del>		
		\$21,000,560		
Fund Sources: General.....	\$20,225,218	<del>\$20,225,560</del>		
		\$21,000,560		

Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.

A.1. The Department of Transportation shall pay to the Virginia Tourism Authority \$1,100,000 each year for continued operation of the Welcome Centers. The Department of Transportation shall fund maintenance at each facility based on the agreed-upon service levels contained in the Memorandum of Agreement between the Virginia Tourism Authority and the Department of Transportation. Included in the amounts in this paragraph is \$100,000 each year for maintenance of the Danville Welcome Center.

2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia Tourism Authority is authorized to collect fees paid by businesses for display space at the Welcome Centers.

B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds appropriated to it by this act to a nonstock corporation.

C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all authority employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E. Out of the amounts for Tourist Promotion shall be provided \$1,700,000 the first year and \$1,700,000 the second year from the general fund to promote the Virginia tourism industries. These funds shall be used, among other purposes, to initiate strategies to expand growth tourism industries such as Virginia history tours, wine and epicurean tours and other packaged travel itineraries.

F. Out of the amounts for Tourist Promotion shall be provided ~~\$2,200,000~~ \$1,950,000 the first year and ~~\$2,200,000~~ \$2,150,000 the second year from the general fund for grants to regional and local tourism authorities and other tourism entities to support their efforts. From the grants provided from the amounts included in this paragraph, priority consideration shall be given to

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~~funding for up to \$500,000 each year for the City of Portsmouth for a regional tourism entity, and funding for the Coalfield Regional Tourism Authority, the Daniel Boone Visitor Center, and \$50,000 the first year and \$50,000 the second year for events sponsored by Special Olympics Virginia, up to \$250,000 the first year and \$250,000 the second year for the City of Portsmouth for a regional tourism entity, and \$200,000 in the second year to the Southwest Virginia Regional Recreational Authority for the Spearhead Trails initiative.~~

G. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the state.

H. Out of the amounts for Tourist Promotion, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to expand electronic marketing of Virginia tourism and conduct major media events with travel industry partners and maintain Welcome Center operations.

I. Out of the amounts provided for Tourist Promotion shall be provided \$3,100,000 in the first year and \$3,100,000 in the second year from the general fund to supplement appropriations to promote Virginia's tourism industries through an enhanced advertising campaign. Of these amounts, at least \$1,000,000 the first year and \$1,000,000 the second year shall be used to support a cooperative advertising program to partner with private sector tourism businesses and regional tourism entities to advertise Virginia as a tourism destination. The state dollars shall be used to incentivize private and regional tourism marketing funds on a \$1.00 for \$1.00 basis whereby the Virginia Tourism Corporation shall enter into agreements to undertake joint advertising purchases to promote Virginia and specific facilities with private sector and regional partners.

J. Out of the amounts provided for Tourist Promotion shall be provided \$405,012 the first year and \$405,012 the second year from the general fund to promote and advertise tourism in Virginia through a competitively awarded public-private partnership program, matched on at least a three to one basis by each recipient. These amounts include \$130,012 in the first year and \$130,012 in the second year for "See Virginia First," a partnership operated by the Virginia Association of Broadcasters to advertise Virginia Tourism, provided the Association contributes a total of at least \$390,036 in television and radio advertising value to promote tourism in Virginia in the first year and \$390,036 in the second year. Also included in these amounts is \$100,000 the first year and \$100,000 the second year to promote Virginia Parks, and \$100,000 the first year and \$100,000 the second year to promote Virginia's wineries, ~~and \$75,000 in the first year and \$75,000 in the second year for outdoor advertising.~~

K. Of the amounts provided for Tourism Promotion shall be provided \$497,544 the first year and \$497,544 the second year from the general fund to purchase media in the Washington, D.C., Virginia, and Baltimore, Maryland markets through the "See Virginia First," a partnership operated by the Virginia Association of Broadcasters, in association with its affiliates in other states in the region, provided that the Association can obtain contributions of at least \$1,492,632 in television, radio and station-related internet advertising value to promote tourism in Virginia.

L. *Out of the amounts for Tourist Promotion shall be provided \$400,000 the second year from the general fund to promote and market tourism between the Commonwealth and China in accordance with a signed agreement entered into with the Virginia Tourism Corporation.*

Total for Virginia Tourism Authority .....			<b>\$20,225,218</b>	<b>\$20,225,560</b> <b>\$21,000,560</b>
Fund Sources: General .....	\$20,225,218	\$20,225,560 \$21,000,560		
<b>TOTAL FOR OFFICE OF COMMERCE AND TRADE.....</b>			<b>\$1,048,332,059</b> <b>\$892,970,953</b>	<b>\$1,074,004,531</b> <b>\$1,091,922,245</b>
General Fund Positions.....	363.34	363.34		

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Nongeneral Fund Positions.....	1,320.16	1,320.16		
	<i>1,318.66</i>			
Position Level .....	1,683.50	1,683.50		
	<i>1,682.00</i>			
Fund Sources: General .....	\$166,500,915	\$179,110,769		
	<i>\$181,916,915</i>	<i>\$197,028,483</i>		
Special .....	\$19,746,792	\$19,790,060		
	<i>\$21,246,792</i>			
Commonwealth Transportation .....	\$1,453,283	\$1,453,283		
Trust and Agency .....	\$590,777,360	\$603,796,694		
Dedicated Special Revenue .....	\$23,416,629	\$23,416,645		
Federal Trust .....	\$246,437,080	\$246,437,080		
	<i>\$74,159,974</i>			

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**OFFICE OF EDUCATION**

**§ 1-48. SECRETARY OF EDUCATION (185)**

127.	Administrative and Support Services (79900).....			\$633,474	\$634,296
	General Management and Direction (79901).....	\$633,474	\$634,296		
	Fund Sources: General.....	\$633,474	\$634,296		

Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.

A. The Secretary of Education is hereby authorized to make allocations to qualified zone academies of the portion of the national zone academy bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to Section 1397E of the Internal Revenue Code of 1986, as amended, and to provide for carryovers of any unused limitation amount. In making such allocations, the Secretary of Education is directed to give priority to allocation requests for qualified zone academies having at least 35 percent free lunch participation or either located in federal enterprise communities or located in cities and counties within which federal enterprise communities are located.

B. The Secretary of Education is hereby authorized to make allocations of the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 (PL 107-16)(Section 142(k)(5) of the Internal Revenue Code of 1986, as amended) for the development of education facilities using public-private partnerships, and to provide for carryovers of any unused limitation amount. In making such allocations, the Secretary is directed to give priority to public-private partnership proposals that will serve as demonstration projects concerning the leveraging of private sector contributions and resources, the achievement of economies or efficiencies associated with private sector innovation, and other benefits that are or may be derived from public-private partnerships in contrast to more traditional approaches to public school construction and renovation. The Secretary is directed to report annually not later than August 31 to the Chairmen of the Senate Finance and House Appropriations Committees regarding any guidelines implemented and any allocations made pursuant to this paragraph.

C. For the funds identified for reallocation in each of the higher education institutions' educational and general programs, each respective institution shall report the amounts and the specific purposes for which they were used in its six-year academic plans finalized in the fall of 2014 and the fall of 2015.

D. The Secretary of Education, in consultation with the Virginia Community College System and the Board of Education, is authorized to coordinate with other stakeholders from school divisions, higher education institutions, and the private business sector to consider and review potential planning steps necessary to develop and implement a conceptual model for an Integrated School of the Future. Elements of the new blended model for a school campus would include, but not be limited to, a cohesive approach to learning that infuses engineering and mathematical principles across all curriculum areas and a focus on providing state-of-the-art technology learning opportunities that ensure both secondary and post-secondary students will be equipped for the demands of the current and future workplace.

E. The Secretary of Education, with the support of the Department of Education, shall conduct a study of the formula used to determine governor's school payments by October 1, 2014, and submit it to the Chairmen of House Appropriations and Senate Finance Committees. The study shall include, but not be limited to, consideration of the length of the program, appropriate state and local shares, and the academic model used by governor's schools in the configuration of the funding formula.

F. The Secretary of Education, in consultation with the Board of Education, shall review, assess the value and cost of obtaining state-level results from the Program for International Student Assessment. The Secretary shall report the findings to the Chairmen of House Appropriations and Senate Finance Committees no later than July 15, 2015.

ITEM 127.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Secretary of Education.....			\$633,474	\$634,296
General Fund Positions.....	5.00	5.00		
Position Level.....	5.00	5.00		
Fund Sources: General.....	\$633,474	\$634,296		

**§ 1-49. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)**

128.	Instructional Services (18100).....			\$18,805,946	\$18,791,005
	Public Education Instructional Services (18101).....	\$10,167,173	<del>\$10,152,232</del> \$11,152,232	\$18,905,946	\$21,608,108
	Program Administration and Assistance for Instructional Services (18102).....	<del>\$7,039,789</del> \$7,139,789	<del>\$7,039,789</del> \$8,856,892		
	Adult Education and Literacy (18104).....	\$1,598,984	\$1,598,984		
	Fund Sources: General.....	\$5,918,956	<del>\$5,903,856</del> \$7,982,856		
	Special.....	\$300,000	\$300,000		
	Commonwealth Transportation.....	\$243,919	\$243,919		
	Trust and Agency.....	\$5,000	\$5,000		
	Federal Trust.....	<del>\$12,338,071</del> \$12,438,071	<del>\$12,338,230</del> \$13,076,333		

Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.

Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.

Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.

Adult Education and Literacy: §§ 2.2-2670, 22.1-223-226, 22.1-253.13:1, 22.1-254.2, Code of Virginia; P.L. 105-220, Federal Code.

A. The Superintendent of Public Instruction is encouraged to implement school/community team training.

B. The Superintendent of Public Instruction shall provide direction and technical assistance to local school divisions in the revision of their Vocational Education curriculum and instructional practices.

C. The Superintendent of Public Instruction, in cooperation with the Commissioner of Social Services, shall encourage local departments of social services and local school divisions to work together to develop cooperative arrangements for the use of school resources, especially computer labs, for the purpose of training Temporary Assistance for Needy Families (TANF) recipients for the workforce.

D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may apply for grant funding to be used by local school divisions consistent with the provisions of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this agency shall be adjusted by the amount of the proceeds of any such grant awards.

E. Out of the amounts for Public Education Instructional Services, \$100,000 the first year and \$100,000 the second year from the general fund is provided for the Career Pathways Program.

F. 1. Out of the appropriations in this item, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is provided to support students and teachers pursuing information technology industry certifications through an information technology academy model. The funding is provided for the information technology academy model and shall be

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used to provide outreach, training, instructional resources, industry recognized certification opportunities for teachers and students enrolled in Virginia public high schools and regional career and technical education programs, and information technology curriculum resources for use by students' parents.

2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in the information technology ~~academy program~~ leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement the information technology ~~curricula academy model~~ leading to increased statewide implementation and use; c) increase the number of teachers teaching targeted career and technical education courses and other high school teachers who receive training in the information technology ~~academy program~~ and in industry recognized certifications leading to an increased number of teachers achieving industry recognized certifications in information technology; and, d) support implementation of the information technology ~~curricula academy program~~ in school divisions in Southside and Southwest Virginia so that implementation in those regions is at least comparable to implementation in other regions of Virginia.

G. Out of this appropriation, \$220,191 the first year and \$220,191 the second year from the general fund is provided for the Virginia Center for Excellence in Teaching for a series of residential summer professional development academies for exemplary teachers. The curriculum for the academies will incorporate national issues, current research, and trends in education aligned with the focus areas of instructional supervision, strategies for school improvement, addressing the learning needs of diverse populations, assessment practices and use of data to drive instructional decision making, grant utilization and partnership opportunities, and community outreach. The Center will incorporate experiential learning through exploration of case studies on educational policy and instructional leadership. To be eligible to attend the Center, teachers must meet the following criteria: 1) hold a teaching license issued by the Virginia Department of Education; 2) have a minimum of 5 years of successful teaching experience; 3) a consistent record of effective instruction; 4) demonstrated leadership ability; and 5) teach in a public school division in Virginia.

H. Out of the appropriation in this Item, \$713,000 the second year from the general fund is provided for the Department of Education to establish a professional development program intended to increase the capacity of principals as school leaders in under-performing schools.

I. Out of the appropriation in this Item, \$366,000 the second year from the general fund is provided to the Department of Education to assist local school divisions, as needed, to establish criteria for the professional development of teachers and principals on the subject of issues related to high-needs students.

J. Out of this appropriation, \$1,000,000 the second year from the general fund is provided through the Department of Education to the University of Virginia to begin statewide implementation of the Virginia Kindergarten Readiness Program.

129.	Special Education and Student Services (18200).....			\$13,225,359	\$13,225,359
	Special Education Instructional Services (18201) .....	\$7,999,000	\$7,999,000		
	Special Education Administration and Assistance Services (18202).....	\$510,001	\$510,001		
	Special Education Compliance and Monitoring Services (18203) .....	\$2,527,393	\$2,527,393		
	Student Assistance and Guidance Services (18204).....	\$2,188,965	\$2,188,965		
	Fund Sources: General .....	\$402,000	\$402,000		
	Special.....	\$120,000	\$120,000		
	Federal Trust.....	\$12,703,359	\$12,703,359		

Authority: Special Education Instructional Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Administration and Assistance Services: §§ 22.1-253.13:1 through

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22.1-253.13:8, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Compliance and Monitoring Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Student Assistance and Guidance Services: Title 22.1, Chapters 1, 13, 14, 16; §§ 22.1-16.2, 22.1-17.1, 22.1-17.2, 22.1-199.4, 22.1-206, 22.1-207.1, 22.1-208.01, 22.1-209.1, 22.1-209.2, Code of Virginia; P.L. 107-110 and P.L. 108-446, Federal Code.

A. The Department of Education, in collaboration with the Office of Comprehensive Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the special education services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local school divisions. In addition, the Department of Education shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. The Board of Education shall consider the caseload standards for speech-language pathologists as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

C. The Board of Education shall consider the inclusion of instructional positions needed for blind and visually impaired students enrolled in public schools and shall consider developing a caseload requirement for these instructional positions as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

D. Out of this appropriation, \$402,000 the first year and \$402,000 the second year from the general fund is provided to the Department of Education to provide training, technical assistance, and on-site coaching to public school teachers and administrators on implementation of a positive behavioral interventions and supports program with the goal of improving school climate and reducing disruptive behavior in the classroom. Such training and other assistance may be provided as part of the Department’s ongoing efforts to assist schools with implementation of a tiered system of supports that addresses both academic and behavioral needs.

130.	Pupil Assessment Services (18400) .....			\$37,129,088	<del>\$37,129,088</del> \$38,061,088
	Test Development and Administration (18401).....	\$37,129,088	<del>\$37,129,088</del> \$38,061,088		
	Fund Sources: General.....	\$26,433,282	<del>\$26,433,282</del> \$27,365,282		
	Special.....	\$250,000	\$250,000		
	Federal Trust.....	\$10,445,806	\$10,445,806		

Authority: § 22.1-253.13:3, sections C and E, Code of Virginia; P.L. 107-110, Federal Code.

A. Out of this appropriation, \$25,180,678 the first year and ~~\$25,180,678~~ \$25,380,678 the second year from the general fund is provided to support the costs of contracts for test development, administration, scoring, and reporting as well as other program-related costs of the Standards of Learning testing program.

B. Out of this appropriation, \$732,000 the second year from the general fund is provided to transition the 7th and 8th grade Standards of Learning mathematics tests to a computer adaptive format to improve the testing process and better identify students’ strengths and areas in need of additional instructional focus.

BC. Notwithstanding any contrary provisions of law, the Department of Education shall not be required to administer the Stanford 9 norm-referenced test.

ITEM 131.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
131. School and Division Assistance (18500).....			\$3,209,082	<del>\$3,209,082</del> \$3,660,090
School Improvement (18501).....	\$1,325,333	<del>\$1,325,333</del> \$1,776,341		
School Nutrition (18502).....	\$1,540,109	\$1,540,109		
Pupil Transportation (18503).....	\$343,640	\$343,640		
Fund Sources: General.....	\$1,769,416	<del>\$1,769,416</del> \$2,220,424		
Special.....	\$31,000	\$31,000		
Federal Trust.....	\$1,408,666	\$1,408,666		

Authority: School Improvement: § 22.1-253.13:1 et seq., Code of Virginia; P. L. 107-110, Federal Code.

School Nutrition: §§ 22.1-24, 22.1-89.1, and 22.1-207.3, Code of Virginia; P.L. 79-396, P.L. 89-642, P.L. 108-265, Federal Code.

Pupil Transportation: Title 22.1, Chapter 12, and Title 46.2, Code of Virginia; P. L. 103-272 and P.L. 109-20, Federal Code.

A. This appropriation includes \$1,100,183 the first year and \$1,100,183 the second year from the general fund for contractual services related to assisting schools that do not meet the Standards of Accreditation as prescribed by the Board of Education.

B. Notwithstanding the provisions of § 2.2-1502.1, Code of Virginia, the Board of Education, in cooperation with the Department of Planning and Budget, is authorized to invite a school division to participate in the school efficiency review program described in § 2.2-1502.1, Code of Virginia, as a component of a division level academic review pursuant to § 22.1-253.13:3, Code of Virginia. Commencing in FY 2006, when a school division elects to undergo a school efficiency review pursuant to this provision, the school division shall not be charged the 50 percent for the costs of such review commencing with FY 2012. However, a school division shall pay a separate 25 percent of the total costs of such review if the school division's superintendent or superintendent's designee has not certified that at least half of the recommendations have been initiated within 24 months after the completion of the review.

132. Technology Assistance Services (18600).....			\$1,514,921	\$1,514,921
Instructional Technology (18601).....	\$397,540	\$397,540		
Distance Learning and Electronic Classroom (18602).....	\$1,117,381	\$1,117,381		
Fund Sources: General.....	\$1,115,349	\$1,115,349		
Special.....	\$105,000	\$105,000		
Trust and Agency.....	\$274,663	\$274,663		
Federal Trust.....	\$19,909	\$19,909		

Authority: Instructional Technology: §§ 2.2-2426, 22.1-70.2, 22.1-199.1, 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 107-110, Federal Code.

Distance Learning and Electronic Classroom: § 22.1-212.2, Code of Virginia.

This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund for statewide digital content development, online learning, and related support services, as prescribed through contract with the Department of Education. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards.

In developing the deliverables for each contract, the Department of Education shall consult with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth.

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133.			\$2,056,986	<del>\$2,057,201</del> \$2,080,201
	Teacher Licensure and Education (56600) .....			
	Teacher Licensure and Certification (56601) .....	\$1,705,486	\$1,705,701	
	Teacher Education and Assistance (56602) .....	\$351,500	<del>\$351,500</del> \$374,500	
	Fund Sources: General .....	\$208,201	<del>\$208,201</del> \$231,201	
	Special .....	\$1,848,785	\$1,849,000	

Authority: Teacher Licensure and Certification: §§ 22-1.16, 22.1-298, 22.1-299, 299.2, 22.1-299.3, 22.1-302, 22.1-303, 22.1-305.2, 22.1-316 to 22.1-318, Code of Virginia; P.L. 107-110, Federal Code.

Teacher Education and Assistance: §§ 22.1-290; 22.1-290.01; 22.1-290.1, 22.1-298, 22.1-305.2, 22.1-305.1, 23-9.2:3.4, Code of Virginia; P. L. 108-446 and P. L. 107-110, Federal Code.

A. Proceeds from the fee schedule for the issuance of teaching certificates shall be utilized to defray all, or any part of, the expenses incurred by the Department of Education in issuing or accounting for teaching certificates. The fee schedule shall take into account the actual costs of issuing certificates. Any portion of the general fund appropriation for this Item may be supplemented by such fees.

B. The Board of Education is authorized to approve changes in the licensure fee amounts charged to school personnel pursuant to 8VAC20-22-40 A.2.

134.	Administrative and Support Services (19900) .....		\$17,699,257	<del>\$17,817,066</del> \$18,136,002
	General Management and Direction (19901) .....	\$3,723,611	\$3,756,960	
	Information Technology Services (19902) .....	\$8,817,300	<del>\$8,880,169</del> \$9,077,137	
	Accounting and Budgeting Services (19903) .....	\$3,632,403	\$3,653,994	
	Policy, Planning, and Evaluation Services (19929) .....	\$1,525,943	<del>\$1,525,943</del> \$1,647,911	
	Fund Sources: General .....	\$15,242,567	<del>\$15,360,376</del> \$15,679,312	
	Special .....	\$1,806,690	\$1,806,690	
	Federal Trust .....	\$650,000	\$650,000	

Authority: Article VIII, Sections 2, 4, 5, 6, 8, Constitution of Virginia; Title 2.2, Chapters 10, 12, 29, 30, 31, and 32; Title 22.1, 22.1-8 through 20, 22.1-21 through 24; Title 51.1, Chapters 4, 5, 6.1, and 11; Title 60.2, Chapters 60.2-100, 60.2-106; Title 65.2, Chapters 1, 6, and 9, Code of Virginia; P.L. 108-446, P.L. 107-110, Federal Code.

A. Out of this appropriation, \$9,000 the first year and \$9,000 the second year from the general fund is designated to support annual membership dues to the Southern Regional Education Board. In addition, \$5,000 the first year and \$5,000 the second year from the general fund is designated to pay registration and travel expenses of citizens appointed as Virginia commissioners for the Southern Regional Education Board.

B. Out of this appropriation \$70,000 the first year and \$70,000 the second year from the general fund is provided for the fees and travel expenses associated with the Interstate Compact on Educational Opportunity for Military Children, established pursuant to Chapter 187, of the 2009 Acts of Assembly.

D. Out of this appropriation, \$91,800 the first year and \$91,800 the second year from the general fund is designated to support annual membership dues to the Education Commission of the States.

E. The Department of Education is authorized to collect proceeds from the sale of educational resources it has developed, such as technology applications, on-line course content, assessments, and other educational content, to out-of-state individuals or entities and to in-state, for-profit entities. The Department of Education is further authorized to deposit such proceeds

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in a non-reverting special fund account established in its financial records for this purpose. Net proceeds from such sales shall be expended by the Department of Education to further develop existing educational resources or to create new educational resources for the benefit of the commonwealth's public schools and which may also be sold under the provisions of this paragraph. The Secretary of Administration shall authorize any licensing agreements executed by the Department of Education pursuant to this paragraph.

F. Out of this appropriation, \$138,500 the first year and \$138,500 the second year from the general fund shall be used to provide performance evaluation training to teachers, principals, division superintendents, and other affected school division personnel in support of the transition from continuing employment contracts to annual employment contracts for teachers and principals.

G. Included in this appropriation is \$572,473 the first year and \$588,291 the second year from the general fund for costs to cover ongoing operational and maintenance costs of the Performance Budgeting System and the Cardinal System charged to Direct Aid for Public Education.

*H. Out of this appropriation in this item, \$75,000 the second year from the general fund is provided for the Board of Education, in consultation with the Standards of Learning Innovation Committee, to redesign the School Performance Report Card so that it is more effective in communicating to parents and the public regarding information about the status and achievements of the schools and school divisions pursuant to the passage of House Bill 1672 and Senate Bill 727.*

Total for Department of Education, Central Office Operations.....			<b>\$93,640,639</b>	<b>\$93,743,722</b>
			<b>\$93,740,639</b>	<b>\$98,285,769</b>
General Fund Positions.....	136.00	136.00		
		141.00		
Nongeneral Fund Positions.....	178.50	178.50		
Position Level .....	314.50	314.50		
		319.50		
Fund Sources: General.....	\$51,089,771	\$51,192,480		
		\$54,996,424		
Special.....	\$4,461,475	\$4,461,690		
Commonwealth Transportation .....	\$243,919	\$243,919		
Trust and Agency .....	\$279,663	\$279,663		
Federal Trust.....	<del>\$37,565,811</del>	<del>\$37,565,970</del>		
	\$37,665,811	\$38,304,073		

**Direct Aid to Public Education (197)**

135.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$14,290,849	\$16,828,349
				\$14,263,849	\$22,513,649
	Financial Assistance for Supplemental Education (14304) .....	\$14,290,849	\$16,828,349		
		\$14,263,849	\$22,513,649		
	Fund Sources: General.....	\$14,290,849	\$16,828,349		
		\$14,263,849	\$22,513,649		

Authority: Discretionary Inclusion.

A. Out of this appropriation, the Department of Education shall provide \$373,776 the first year and \$573,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

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B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$58,905 the first year and ~~\$58,905~~ \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division. *In addition, this Item includes \$123,000 the first year from the general fund to address the need for a review and reconciliation of school-aged population reported and student membership in Norton City Public School Division.*

E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at ~~\$5,885,000~~ \$5,735,000 the first year and \$5,885,000 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

G. This appropriation includes \$708,000 the first year and \$708,000 the second year from the general fund for the Virginia Teaching Scholarship Loan Program. These scholarships shall be for undergraduate students at or beyond the sophomore year in college with a cumulative grade point average of at least 2.7, who were in the top 10 percent of their high school class or alternative measure of achievement as selected by the institution, who are nominated by their college and students at the graduate level, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for (i) critical teacher shortage disciplines, such as special education, chemistry, physics, earth and space science, foreign languages, or technology education or (ii) as students meeting the qualifications in § 22.1-290.01, Code of Virginia, who have been identified by a local school board to teach in any discipline or at any grade level in which the school board has determined that a shortage of teachers exists; however, such persons shall meet the qualifications for awards granted pursuant to this Item; or (iii) those students seeking degrees in Career and Technical education. Minority students may be enrolled in any content area for teacher preparation and male students may be enrolled in any approved elementary or middle school teacher preparation program; therefore, this provision shall satisfy the requirements for the Diversity in Teaching Initiative and Fund, pursuant to Chapters 570, 597, 623, 645, and 719 of the Acts of Assembly of 2000. Scholarship recipients may fulfill the teaching obligation by accepting a teaching position (i) in one of the critical teacher shortage disciplines; or (ii) regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced price lunch; or (iii) in any discipline or at grade levels with a shortage of teachers; or (iv) in a rural or urban region of the state with a teacher shortage. For the purposes of this Item, "critical teacher shortage area and discipline" means subject areas and grade levels identified by the Board of Education in which the demand for classroom teachers exceeds the supply of teachers, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship amounts are based on \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.

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2. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.

3. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation. Any funds collected by the Department on behalf of this program shall revert to the general fund on June 30 each year. Such reversion shall be the net of any administrative or legal fees associated with the collection of these funds.

H. Out of the amounts for this Item, shall be provided \$31,003 the first year and \$31,003 the second year from the general fund for the Virginia Career Education Foundation.

I. Out of this appropriation, \$212,500 the first year and \$400,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

J. Out of this appropriation, the Department of Education shall provide \$794,400 the first year and \$794,400 the second year from the general fund to Communities in Schools.

K. This appropriation includes \$100,000 the first year and \$100,000 the second year from the general fund for the Superintendent of Public Education to award supplemental grants to charter schools.

L. This appropriation includes \$543,176 the first year and \$543,176 the second year from the general fund to support the Youth Development Academy for rising 9th and 10th grade students.

M. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools. A teacher with up to three years of teaching experience employed full-time in a Virginia school division who has been issued a five-year Virginia teaching license with an endorsement in Middle Education 6-8: Mathematic, Mathematics-Algebra-I, mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, physics, or technology education and assigned to a teaching position in a corresponding STEM subject area is eligible to receive a \$5,000 initial incentive award after the completion of the first, second, or third year of teaching with a satisfactory performance evaluation and a signed contract in the same school division for the following school year. A teacher, holding one or more of the aforementioned endorsements and assigned to a teaching position in a corresponding STEM subject area and regardless of teaching experience, who is reassigned from a fully accredited school in a Virginia school division to a hard-to-staff school or a school that is not fully accredited and receives a satisfactory performance evaluation and a signed contract in the same school division for the following year is also eligible to receive an initial incentive award of \$5,000. An additional \$1,000 incentive award may be granted for each year the eligible teacher receives a satisfactory evaluation and teaches a qualifying STEM subject in which the teacher has an endorsement for up to three years in a Virginia school division following the year in which the teacher receives the initial incentive award. The maximum incentive award for each eligible teacher is \$8,000. Funding will be awarded on a first-come, first-served basis with preference to teachers assigned to teach in hard-to-staff schools or low-performing schools not fully accredited.

N. Out of this appropriation, the Department of Education shall provide \$700,000 the first year and ~~\$700,000~~ \$425,000 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based

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on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.

O. Out of this appropriation, the Department of Education shall provide \$225,000 the first year and \$250,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.

P. Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund is provided to establish a comprehensive pilot initiative to recruit students to major in the fields of mathematics and science to help alleviate the shortage of qualified teachers in these fields.

Q. Out of this appropriation, \$598,000 the first year and \$598,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.

~~R. 1. Out of this appropriation, \$1,000,000 the first year and \$2,400,000 the second year from the general fund is provided for start-up grants of up to \$300,000 per school per year, depending on the extended school year model adopted. First priority shall be given to the school divisions awarded planning grants in FY 2014 and the College Readiness Center pilot. Next priority shall be given to schools based on need, relative to the most current state accreditation ratings or similar federal designations.~~

~~2. In the case of any school division with schools that are in Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.~~

~~3. Out of this appropriation, \$613,312 each year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC review. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, based on state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.~~

*R. Targeted Extended School Year Payments*

*1. Out of this appropriation, \$1,000,000 the first year from the general fund is provided for start-up grants of up to \$300,000 per school per year, depending on the extended school year model adopted. First priority shall be given to the school divisions awarded planning grants in fiscal year 2014 and the College Readiness Center pilot. Next priority shall be given to schools based on need, relative to the most current state accreditation ratings or similar federal designations.*

*2. Out of this appropriation, \$7,150,000 the second year from the general fund is provided for a targeted extended school year incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have a Denied Accreditation status. After the third consecutive year of*



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<p>V. Out of this appropriation, \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division. This funding is in lieu of a like amount from the Neighborhood Assistance Program Tax Credits for An Achievable Dream Middle and High School, Inc.</p>				
<p>W. Out of this appropriation, \$500,000 the second year from the general fund is provided for grants for two teacher residency partnerships between one or two university teacher preparation programs and the Petersburg and Norfolk school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1, 2015.</p>				
<p>X. Out of this appropriation, \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.</p>				
<p>Y. Out of this appropriation, \$250,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.</p>				
<p>Z. This appropriation includes \$250,000 the second year from the general fund to support five competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic High School Program Innovation by either individual school division or consortium of school divisions. The local applicant(s) selected to conduct this systemic approach to high school reform, in consultation with the Department of Education, will develop and plan innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of high school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which school divisions or consortia of divisions will receive the year-long planning grant for High School Innovation. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning for systemic high school innovation is to take place.</p>				
136.	State Education Assistance Programs (17800) .....		\$6,145,637,670	\$6,198,378,832
			\$6,136,741,780	\$6,429,624,890
	Standards of Quality for Public Education (SOQ) (17801) .....	\$5,543,115,168	\$5,609,393,476	
		\$5,499,784,879	\$5,766,297,841	
	Financial Incentive Programs for Public Education (17802) .....	\$20,828,611	\$21,635,498	
		\$21,014,215	\$74,753,683	
	Financial Assistance for Categorical Programs (17803) ...	\$56,693,891	\$57,349,858	
		\$55,388,936	\$56,905,441	
	Distribution of Lottery Funds (17805).....	\$525,000,000	\$510,000,000	
		\$560,553,750	\$531,667,925	
	Fund Sources: General.....	\$5,484,314,292	\$5,573,669,007	
		\$5,391,182,625	\$5,537,750,362	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation .....	\$2,173,000	\$2,173,000	

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		\$855,027		\$803,778
Trust and Agency .....	\$658,255,378	\$621,641,825		
	\$743,809,128	\$890,175,750		

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-101, 22.1-108, 22.1-199 through 22.1-212.2:3, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

**Appropriation Detail of  
Education Assistance  
Programs (17800)**

Standards of Quality (17801)	FY 2015	FY 2016
Basic Aid	\$3,095,609,791	\$3,086,041,680
	\$3,089,811,888	\$3,077,198,033
Sales Tax	\$1,272,580,952	\$1,317,647,619
	\$1,274,500,000	\$1,322,300,000
Textbooks ( <i>split funded</i> )	\$26,200,288	\$51,349,943
	\$0	\$21,908,342
Vocational Education	\$51,040,724	\$51,062,325
	\$50,921,566	\$50,846,321
Gifted Education	\$33,244,737	\$33,399,469
	\$33,203,673	\$33,345,916
Special Education	\$368,692,219	\$369,983,674
	\$368,248,470	\$369,516,783
Prevention, Intervention, and Remediation	\$100,794,151	\$100,985,181
	\$100,686,259	\$100,910,614
VRS Retirement (includes RHCC)	\$380,843,001	\$382,332,387
	\$380,366,918	\$370,821,518
Social Security	\$187,214,863	\$187,933,722
	\$186,980,415	\$187,635,124
Group Life	\$11,784,084	\$11,831,421
	\$11,769,458	\$11,812,797
Remedial Summer School ( <i>split funded</i> )	\$25,110,358	\$26,576,054
	\$3,296,232	\$27,118,392
<b>Total</b>	<b>\$5,553,115,168</b>	<b>\$5,619,143,475</b>
	<b>\$5,499,784,879</b>	<b>\$5,573,413,841</b>

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<b>Incentive Programs (17802)</b>				
<i>Compensation Supplement</i>				
Governor's School	\$0	\$52,431,889	\$15,709,805	\$15,916,692
	\$15,602,255	\$16,065,691		
Governor's School Planning and Startup/ Expansion Grants	\$0	\$100,000		
Governor's School Planning Grant - Career and Technical Education	\$100,000	\$0		
Clinical Faculty	\$318,750	\$318,750		
Career Switcher Mentoring Grants	\$279,983	\$279,983		
Special Education Endorsement Program	\$600,000	\$600,000		
Special Education - Vocational Education	\$200,089	\$200,089		
Virginia Workplace Readiness Skills Assessment	\$308,655	\$308,655		
Math/Reading Instructional Specialists Initiative	\$1,834,538	\$1,834,538		
	\$1,697,841			
Early Reading Specialists Initiative	\$1,476,790	\$1,476,790		
	\$1,237,723			
Shared Services Agreement - Chesterfield/Petersburg FY 2014 School Division	\$0	\$600,000		
Payment Revisions	\$668,918	\$0		
Breakfast After the Bell Incentive	\$0	\$537,297		
<b>Total</b>	<b>\$20,828,611</b>	<b>\$21,635,498</b>		
	<b>\$21,014,215</b>	<b>\$74,753,683</b>		
<b>Categorical Programs (17803)</b>				
Adult Education	\$1,051,800	\$1,051,800		
Adult Literacy	\$2,480,000	\$2,480,000		
Virtual Virginia	\$4,347,808	\$4,347,808		
		\$4,597,808		
American Indian Treaty Commitment	\$56,835	\$60,647		
	\$50,258	\$59,063		
School Lunch Program	\$5,801,932	\$5,801,932		
Special Education - Homebound	\$5,563,559	\$5,752,718		
	\$5,380,383	\$5,488,057		
Special Education - Jails	\$3,580,903	\$3,699,326		
	\$3,521,484	\$3,688,850		
Special Education - State Operated Programs	\$33,811,054	\$34,155,627		
	\$32,755,271	\$33,737,931		
<b>Total</b>	<b>\$56,693,891</b>	<b>\$57,349,858</b>		
	<b>\$55,388,936</b>	<b>\$56,905,441</b>		
<b>Lottery (17805)</b>				
Foster Care	\$9,345,922	\$9,657,863		
	\$8,689,453	\$8,824,359		
At-Risk Add-On	\$89,654,406	\$89,666,296		
	\$89,587,381	\$89,641,183		
Virginia Preschool Initiative	\$71,976,297	\$74,922,998		
	\$68,300,254	\$71,996,399		

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Early Reading Intervention	\$17,886,428	\$17,948,114		
	\$17,714,461	\$17,778,143		
Mentor Teacher	\$1,000,000	\$1,000,000		
K-3 Primary Class Size Reduction	\$118,119,161	\$118,288,804		
	\$113,675,099	\$117,634,756		
School Breakfast Program	\$4,135,134	\$4,664,983		
	\$3,484,111	\$3,948,823		
SOL Algebra Readiness	\$12,256,970	\$12,265,706		
	\$12,107,540	\$12,159,318		
Regional Alternative Education	\$8,085,825	\$8,086,130		
	\$8,075,871	\$8,219,783		
ISAEP	\$2,247,581	\$2,247,581		
Special Education - Regional Tuition	\$82,966,984	\$87,737,058		
	\$79,503,166	\$84,204,352		
Career and Technical Education - Categorical	\$10,400,829	\$10,400,829		
Project Graduation	\$2,774,478	\$2,774,478		
Virginia Teacher Corps (NCLB/EFAL)	\$415,000	\$415,000		
Race to GED (NCLB/EFAL)	\$2,410,988	\$2,410,988		
Path to Industry Certification (NCLB/EFAL)	\$1,331,464	\$1,331,464		
Supplemental Basic Aid	\$932,460	\$942,505		
	\$921,278	\$932,161		
English as a Second Language	\$48,601,863	\$49,646,295		
	\$49,367,794	\$50,817,295		
Textbooks (split funded)	\$40,458,210	\$15,592,908		
	\$66,576,395	\$44,931,013		
<i>Remedial Summer School (split funded)</i>	\$21,970,607	\$0		
<b>Total</b>	<b>\$525,000,000</b>	<b>\$510,000,000</b>		
	<b>\$560,553,750</b>	<b>\$531,667,925</b>		
Technology - VPSA	\$70,741,200	\$72,943,600		
	\$66,556,300	\$71,163,200		
Security Equipment - VPSA	\$6,000,000	\$6,000,000		
<i>Special one-time payment to teacher retirement fund</i>	\$0	\$192,884,000		

Payments out of the above amounts shall be subject to the following conditions:

#### A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at ~~1,238,270.7~~ 1,236,529.34 the first year and ~~1,246,428.4~~ 1,244,214.54 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

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c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan, shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 D shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.

2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.

3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.

b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.

4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2011-2012 school year and 1/3 of the index of wealth per capita (population estimates for 2011 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2011 - 50 percent; (2) adjusted gross income for the calendar year 2011 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2011 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2013.

b. For any locality whose total calendar year 2011 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.

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e.1) In the event that two or more school divisions become one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, which shall include the transition of a city to town status, all state payments from this item adjusted by the composite index of local ability to pay to such resulting division or interest rates on approved Literary Fund loans shall be made on the basis of a composite index established by the Board of Education, which shall equal the composite index no lower than the lowest nor higher than the highest composite index of any of the individual school divisions involved in such consolidation. In addition, the local share of state payments adjusted by the composite index shall also be based on the same composite index of any of the individual school divisions involved in such consolidation. This index shall remain in effect for a period of no less than five nor more than fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index figure as set forth above. The Governor shall approve the composite index determined by the Board of Education prior to disbursement of funds under such index. The department shall report to the Chairmen of the House Appropriations and Senate Finance Committees the composite indices approved by the Governor and the board in the event this provision is implemented.

c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.

2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the fifteen year period for the application of a new composite index shall apply beginning with the fiscal year that starts on July 1, 2004. Notwithstanding the provisions of paragraph e.1) the composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2004, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

3) Pursuant to paragraph e.1) above, if the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.

4) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. Notwithstanding the provisions of paragraph e.1) the composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

5) JLARC is hereby directed, with assistance from the Commission on Local Government, to analyze and make recommendations going forward regarding the most effective balance between the costs of incentives for government and school consolidations with the expected resulting savings and operational benefits, and how best to structure such state incentives to achieve both clarity for localities as well as justification that incentives are adequate, but not more than necessary. JLARC shall complete its study and submit a final report no later than October 1, 2014.

d. When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.

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e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.

5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.

6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.

7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.

9. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred. In addition, the Department of Education is authorized each year to temporarily suspend textbook payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining textbook payments to be made for the year.

10. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.

11. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).

12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

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14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

16. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.

17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, of the Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-12 school year under the good cause requirements shall continue to be granted a waiver for the 2014-15 school year and the 2015-2016 school year.

~~18. Beginning with the 2016-18 biennium, the Department of Education shall account for extended school year models in the rebenchmarking of the Standards of Quality by providing the state share for the additional days of instruction provided.~~

**I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

19. Out of this appropriation, up to \$600,000 the second year from the general fund may be used to support transitional incentive costs of a mutually beneficial School Services Agreement and Tuition Contract between Petersburg and Chesterfield. Upon signed agreement by the relevant local governments and school divisions, the parties may jointly submit application to the State Superintendent of Public Instruction for transitional incentive costs which may be based on part of the difference in per pupil spending between the two school divisions.

**B. General Conditions**

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

<b>Instructional Position</b>	<b>First Year Salary</b>	<b>Second Year Salary</b>
Elementary Teachers	\$45,822	\$45,822
Elementary Assistant Principals	\$65,037	\$65,037
Elementary Principals	\$79,796	\$79,796
Secondary Teachers	\$48,125	\$48,125
Secondary Assistant Principals	\$68,863	\$68,863
Secondary Principals	\$87,954	\$87,954
Instructional Aides	\$16,613	\$16,613

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

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3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.

2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.

3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.

4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.

5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.

6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.

7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 2); Education of the Gifted, 1.0 professional instructional position (C 3); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 4 and C 5) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 8).

b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.

c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.

d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is

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intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.

2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:

b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.

c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

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f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.

h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a, the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

- 1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;
- 2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;
- 3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;
- 4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and
- 5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.

c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.

10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.

11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.

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12. The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.

13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.

14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.

15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.

16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.

17. At the Department of Education's option, fees for audio-visual services may be deducted from state Basic Aid payments for individual local school divisions.

18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.

19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.

20. Notwithstanding §22.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2012, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2013, estimate of school age population provided by the Weldon Cooper Center for Public Service.

Notwithstanding §22.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2012, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2013, estimate of school age population provided by the Weldon Cooper Center for Public Service.

21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.

22. This Item includes appropriations totaling an estimated ~~\$525,000,000~~ \$560,553,750 the first year and ~~\$510,000,000~~ \$531,667,925 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of

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Virginia. Any county, city, or town which accepts a distribution from this fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.

23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.

24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2015 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2015 may carry over into FY 2016 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2016 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2016.

b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2016 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2016 may carry over into FY 2017 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2017 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2017.

25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.

26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.

28. Notwithstanding Title 22.1, Chapter 4.1, Code of Virginia, no schools shall be transferred to the supervision of the Opportunity Educational Institution nor shall any funds be transferred to the Institution.

*29. It is the intent of the General Assembly that the Department of Planning and Budgeting will develop a matrix of best practices and common recommendations previously reported in School Efficiency Reviews such that school divisions may use the model as a guideline for self-directed improvements toward better financial management and use of school division resources.*

**C. Apportionment**

1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.

2. School Employee Retirement Contributions

a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.

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b. Notwithstanding § 51.1-1401, of the Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer’s cost on funded Standards of Quality instructional positions, distributed based on the composite index of the local ability-to-pay.

*c. This appropriation includes \$192,884,000 the second year from the Literary Fund to be paid to the Virginia Retirement System teacher retirement fund as a one-time payment toward the ten year deferred contribution balance. The Department of Education is authorized to transfer the amount to the Virginia Retirement System on July 1, 2015. The Director of the Department of Planning and Budget is authorized to move this appropriation to the first year in the event that Literary Fund proceeds from unclaimed property are sufficient to make the full payment before June 30, 2015.*

3. School Employee Social Security Contributions

a. This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.

b. Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed ~~\$142,855,378~~ \$182,855,378 the first year and ~~\$121,241,825~~ \$165,223,825 the second year.

4. School Employee Insurance Contributions

This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.

5. Basic Aid Payments

a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.

2) This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District 8. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District 8.

b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.

c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.

d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.

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2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.

e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of Basic Aid in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.

2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.

f. Textbooks

1) The appropriation in this Item includes ~~\$26,200,288 the first year and \$51,349,943 \$21,908,342~~ the second year from the general fund and ~~\$40,458,210 \$66,576,395~~ the first year and ~~\$15,592,908 \$44,931,013~~ the second year from the Lottery Proceeds Fund as the state's share of the cost of textbooks based on a per pupil amount of \$96.22 the first year and \$96.22 the second year. The state's share of textbooks will be fund split between the general fund and Lottery Proceeds Fund *in the second year only*. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

2) School divisions shall provide free textbooks to all students.

3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.

4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2015, or June 30, 2016, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expended for a qualifying purpose.

g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.

h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at ~~\$350,460,000 \$350,300,000~~ the first year and ~~\$362,860,000 \$362,900,000~~ the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act

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which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to §58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.

i. From the total amounts in paragraph h. above, an amount estimated at ~~\$233,520,000~~ ~~\$233,600,000~~ the first year and ~~\$240,850,000~~ ~~\$241,900,000~~ the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.

j. From the total amounts in paragraph h. above, an amount estimated at ~~\$123,140,000~~ ~~\$122,800,000~~ the first year and ~~\$127,510,000~~ ~~\$127,500,000~~ the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.

k. For the purposes of funding certain support positions in Basic Aid a funding ratio methodology is used based upon the prevailing ratio of support positions to SOQ funded instructional positions as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.

#### 6. Education of the Gifted Payments

a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.

b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.

#### 7. Occupational-Vocational Education Payments

a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.

b. An amount estimated at \$108,906,772 the first year and \$109,140,109 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.

#### 8. Special Education Payments

a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.

b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.

#### 9. Remedial Education Payments

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a. An additional payment estimated at ~~\$100,794,151~~ *\$100,686,259* the first year and ~~\$100,985,181~~ *\$100,910,614* the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.

b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.

c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.

d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. An additional state payment estimated at ~~\$89,654,406~~ *\$89,587,381* the first year and ~~\$89,666,296~~ *\$89,641,183* the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:

1) A minimum one percent add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and

2) An addition to the add-on, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive between 1 and 12 percent in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

3a) Local school divisions are required to spend the established at-risk payment (state and local share) on approved programs for students who are educationally at risk.

b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the at-risk payment will be used to support approved programs for students who are educationally at risk. These programs may include: Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a second language, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, any new funds a school division receives in excess of the amounts received in FY 2008 may be used first to provide data coordinators or to purchase similar services for schools that have not met Adequate Yearly Progress (AYP) under the federal No Child Left Behind Act or are not fully accredited under the Standards of Accreditation. The data coordinator position is intended to provide schools with needed support in the area of data analysis and interpretation for instructional purposes, as well as

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overall data management and the administration of state assessments. The position would primarily focus on data related to instruction and school improvement, including: student assessment, student attendance, student/teacher engagement, behavior referrals, suspensions, retention, and graduation rates.

f. Regional Alternative Education Programs

1) An additional state payment of ~~\$8,085,825~~ \$8,075,871 the first year and ~~\$8,086,130~~ \$8,219,783 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.

2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.

3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership.

It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students.

Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.

b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.

1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.

2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.

3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.

g. Remedial Summer School

1) This appropriation includes ~~\$25,110,358~~ \$3,296,232 the first year and ~~\$26,576,054~~ \$27,118,392 the second year from the general fund *and \$21,970,607 the first year from the Lottery Proceeds Fund* for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

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2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at ~~\$118,119,161~~ \$113,675,099 the first year and ~~\$118,288,804~~ \$117,634,756 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

**Qualifying School Percentage of Students Approved**

<b>Eligible for Free Lunch, Three-Year Average</b>	<b>Grades K-3 School Ratio</b>	<b>Maximum Individual K-3 Class Size</b>
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

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b. *The Department of Education may offer up to \$52,884,000 million in the second year as school construction loans from the Literary Fund. In addition, the Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology in this Item.*

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.

2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.

d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

#### 12. Educational Technology Payments

a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.

b. The Department of Education shall authorize amounts estimated at \$11,912,250 the first year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2010.

c. The Department of Education shall authorize amounts estimated at \$11,670,000 the first year and \$11,670,750 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2011.

d. 1) The Department of Education shall authorize amounts estimated at \$11,617,000 the first year and \$11,620,250 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2012.

2) It is the intent of the General Assembly to authorize sufficient appropriate Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in FY 2016.

e. 1) The Department of Education shall authorize amounts estimated at \$12,130,750 the first year and \$12,131,750 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2013.

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2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in FY 2017 and FY 2018.

f. 1) The Department of Education shall authorize amounts estimated at ~~\$13,538,408~~ \$13,245,122 the first year and ~~\$13,538,408~~ \$13,243,250 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2014.

2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 and 2018-20 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal years 2017, 2018, and 2019.

g. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at ~~\$70,741,200~~ \$66,566,300 in FY 2015 and ~~\$72,943,600~~ \$71,163,200 in FY 2016. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.

2) The Department of Education shall authorize amounts estimated at ~~\$13,538,408~~ \$13,993,403 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in FY 2015.

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs in FY 2015 and in FY 2016. In developing the proposed 2016-2018, 2018-2020, and 2020-2022 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2017, 2018, 2019, 2020, and 2021.

4) Grant funds from the issuance of ~~\$70,741,200~~ \$66,556,300 in FY 2015 and ~~\$72,943,600~~ \$71,163,200 in FY 2016 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2014, for the FY 2015 issuance, and September 30, 2015, for the FY 2016 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.

5) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2014 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for FY 2014 and FY 2015, or that have 15 percent of students in the English as a Second Language count and also have ~~having~~ free lunch eligibility for the school of over one-third of the students, will qualify to participate in the Virginia e-Learning Backpack Initiative in FY 2015 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a ~~tablet computer device~~ laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in FY 2015 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2015 and that are not fully accredited for the second consecutive year based on

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school accreditation ratings in effect for FY 2015 and FY 2016 will qualify to participate in the initiative in FY 2016. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award. Schools eligible to receive this supplemental grant in FY 2016 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in FY 2014 shall not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with conditional accreditation in their first year shall not be eligible to receive this supplemental grant.

6) Required local match:

a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match, *including the match for supplemental grants*, shall be used for teacher training in the use of instructional technology, *with the remainder spent on other required uses*. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants ~~in the second year~~ pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase ~~tablet computer devices~~ *laptops and tablets* for ninth grade students reported in fall membership and content creation packages for teachers.

7) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.

8) Funds shall be used in the following manner:

a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.

b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.

c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.

d) School divisions shall be eligible to receive supplemental grants ~~in the second year~~ pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of ~~tablet computer devices~~ *laptops and tablets* for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be

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required to select a core set of electronic textbooks, applications and online services for productivity, learning management, collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.

e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

9) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

h. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.

i. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.

2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

j. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.

k. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

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*l. The Department of Education shall survey school divisions in the second year regarding their interest in using the education technology grants for lease expenditures if allowable sources of funding were available for such expenditures. School divisions shall submit responses to the survey by September 1, 2015, and the Department of Education shall provide a summary of the responses to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 15, 2015.*

### 13. Security Equipment Payments

1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to \$6,000,000 in fiscal year 2015 and \$6,000,000 in fiscal year 2016 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.

2) The Department of Education shall authorize amounts estimated at ~~\$2,503,750~~ \$2,439,878 the first year and ~~\$3,804,250~~ \$3,699,745 the second year from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in fiscal years 2013, 2014, and 2015.

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18, 2018-2020, and 2020-2022 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2017, 2018, 2019, 2020, and 2021.

4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.

5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

6) Grant award funds from the issuance of up to \$6,000,000 in fiscal year 2015 and \$6,000,000 in fiscal year 2016 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$100,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2014, for the fiscal year 2015 issuance, and September 30, 2015, for the fiscal year 2016 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.

7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.

8) It is also the intent of the General Assembly that the total amount of the grant awards shall not exceed \$30,000,000 over any ongoing revolving five year period.

9) Required local match:

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a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

14. Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at ~~\$71,976,297~~ ~~\$68,300,254~~ the first year and ~~\$74,922,998~~ \$71,996,399 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds unserved by Head Start program funding. In no event shall distributions from the Lottery Proceeds Fund be made directly to community-based or private providers.

2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay. Programs must provide full-day or half-day and, at least, school-year services.

3) The Department of Education, in cooperation with the Council on Child Day Care and Early Childhood Programs, shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such guidelines shall be consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,000 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. In the first year only, the Department shall adjust the additional slots calculated to fund such school divisions at the same number of slots actually used in FY 2014 on a prorated basis up to \$1,000,000. For the second year only, in no case shall a school division be eligible for fewer slots than they actually used for this program in FY 2014 on a prorated basis up to \$3,631,581. Programs operating half-day shall receive state funds based on a fractional basis determined by the pro-rata portion of a full-day, school year program provided. Half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch or recess, and grants to half-day programs shall be funded based on the state share of \$3,000 per unserved at-risk four-year-old in each locality. Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals and recess. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.

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b) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days.

b.1) Any locality which desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by ~~June 15~~ *May 15* of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children.

2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency.

3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least seventy-five percent of the local match will be cash and no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is prohibited from continuing the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such prohibition may occur due to amendments to the allocation formula in the reauthorization of ESEA as the No Child Left Behind Act of 2001 or due to a percentage reduction in a locality's Title I allocation in 2014-2015 or 2015-2016. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.

c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:

- 1) "Wraparound Services" — methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.
- 2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.
- 3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provide comprehensive services to at-risk four-year-old children.

~~Local plans must indicate the number of at-risk four-year-old children to be served, and the criteria by which they will be determined to be at risk.~~

*d.1) Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2014-2015 programs guidelines that are specific to: (i) family income at or below 200 percent of poverty, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is less than 350 percent of federal poverty guidelines in the case of students with special needs or disabilities.*

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2) *The Department of Education is directed to compile from each school division the aggregated information as to the number of enrolled students whose families are (i) at or below 130 percent of poverty, and (ii) above 130 percent but below 200 percent of poverty. The Department shall report this information annually, after the application and fall participation reports are submitted to the Department from the school divisions, to the Chairmen of House Appropriations and Senate Finance Committees. In addition, the Department will post and maintain the summary information by division on the Department's website in keeping with current student privacy policies.*

~~e.1) The Department of Education and the Council on Child Day Care and Early Childhood Programs shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program for serving at-risk four-year-old children.~~

2) A pre-application session shall be provided by the Department and the Council on Child Day Care and Early Childhood Programs prior to the proposal deadline. The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk four-year-old population is currently unserved.

~~e. The Department of Education is authorized to expend unobligated balances in this program's adopted budget allocations for grants to qualifying school divisions for one-time expenses, other than capital, related to start-up or expansion of programs.~~

*f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.*

15. Early Reading Intervention Payments

a. An additional payment of ~~\$17,886,428~~ \$17,714,461 the first year and ~~\$17,948,114~~ \$17,778,143 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

	<b>Year 1</b>	<b>Year 2</b>
Kindergarten	100%	100%

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Grade 1	100%	100%		
Grade 2	100%	100%		
Grade 3	100%	100%		

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.

16. Standards of Learning Algebra Readiness Payments

a. An additional payment of ~~\$12,256,970~~ \$12,107,540 the first year and ~~\$12,265,706~~ \$12,159,318 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

17. School Construction Grants Program Escrow

Notwithstanding the requirements of Section 22.1-175.5, of the Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to Section 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.

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18. English as a Second Language Payments

A payment of ~~\$48,601,863~~ \$49,367,794 the first year and ~~\$49,646,295~~ \$50,817,295 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of 17 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.

19. Special Education Instruction Payments

a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.

b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at ~~\$82,966,984~~ \$79,503,166 the first year and ~~\$87,737,058~~ \$84,204,352 the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public school regional programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.

c. Out of the amounts for Financial Assistance for Categorical Programs, ~~\$33,811,054~~ \$32,755,271 the first year and ~~\$34,155,627~~ \$33,737,931 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2014 and the first three quarters of FY 2015. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2015 and the first three quarters of FY 2016.

d. By October 15, 2014, the Department of Education shall present to the Virginia Board of Education, options for increasing student to teacher ratios or other savings, including requesting the State Board of Education or federal government to consider waiving certain teacher staffing requirements given the uniqueness of the setting, prorating funding if localities choose to operate based on unnecessary gender separation, whether there may be options for achieving efficiencies in the 23 centers based on regional groupings based on proximity, working with the Department of Juvenile Justice and Department of Correctional Education if appropriate, and a review of how other states handle education in juvenile detention centers. The Department shall also submit the report to the Chairmen of the Senate Finance and House Appropriations Committees by October 31, 2014.

20. Vocational Education Instruction Payments

a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.

b. This appropriation includes \$1,800,000 the first year from the Lottery Proceeds Fund and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.

21. Adult Education Payments

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.

#### 22. General Education Payments

a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.

b. This appropriation includes \$2,774,478 the first year from the general fund and \$2,774,478 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.

#### 23. Virtual Virginia Payments

a. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.

b. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay.

#### 24. Individual Student Alternative Education Program (ISAEP) Payments

Out of this appropriation, \$2,247,581 the first year from the Lottery Proceeds Fund and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.

#### 25. Foster Children Education Payments

a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.

b. This appropriation provides ~~\$9,345,922~~ \$8,689,453 the first year and ~~\$9,657,863~~ \$8,824,359 the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.

#### 26. Sales Tax Payments

a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).

b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.

c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.

#### 27. Adult Literacy Payments

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College.

b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.

28. Governor’s School Payments

a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for participation in this program.

b. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this program if they are enrolled in a public school.

c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.

d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.

e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.

f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,725 students per Governor's School in the first year and a cap of 1,725 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor’s School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor’s School programs that admit students on a semester basis.

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3) Students attending a continuous, non-revolving Academic Year Governor’s School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor’s School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor’s School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor’s School below the amounts appropriated for the 2003-2004 school year.

g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs. Out of the amounts in this Item, \$100,000 the second year from the general fund is provided for existing Governor's Schools, as distributed by the Superintendent of Public Instruction, to plan for or study the feasibility of expanding, including via a merger with another Governor's School.

h. Out of this appropriation, \$100,000 the first year from the general fund is available for the Department of Education to develop a model proposal that establishes a Governor's School that focuses on Career and Technical Education.

*i. Out of the appropriation included in paragraph 36, a.1., of this Item, \$218,854 the second year from the general fund is included for the Academic Year Governor's School funding allocation to increase the per pupil amount up to an additional \$74.97 per pupil amount as an add-on for a 1.5 percent compensation incentive supplement with an effective date of August 16, 2015. In order to receive the state’s allocation for the 1.5 percent compensation incentive supplement in the second year, participating Academic Year Governor’s Schools shall comply with the provisions set out in paragraph 36 of this Item.*

29. School Nutrition Payments

It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.

30. School Breakfast Payments

a. Out of this appropriation, ~~\$4,135,134~~ *\$3,484,111* the first year and ~~\$4,664,983~~ *\$3,948,823* the second year from the Lottery Proceeds Fund is included for the purpose of establishing a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.

b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.

*c1. Out of this appropriation, \$537,297 the second year from the general fund is provided to fund during the 2015-2016 school year either, an elementary school breakfast pilot program available on a voluntary basis at elementary schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating school, or to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at*

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	FY2015	FY2016	FY2015	FY2016

*all grade levels in any participating school. The elementary schools participating in the pilot program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later June 30, 2016.*

*2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. For the 2015-2016 school year, the Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria.*

*3) No later than July 1, 2015, the Department of Education shall provide for a pilot breakfast program application process for school divisions with eligible elementary schools, including guidelines regarding specified required data to be compiled from the prior school year or years and during the one-year pilot. The number of approved applications shall be based on the estimated number of pilot sites that can be accommodated within the approved funding level. The reporting requirements must include: student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' responses to the impact of the pilot program before and after implementation, and the financial impact on the division's school food program. The Department of Education shall collect and compile the results of the pilot breakfast program and no later than August 1, 2016 shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees.*

31. Clinical Faculty and Mentor Teacher Program Payments

This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

- a. An application process for localities and school/higher education partnerships that wish to participate in the programs;
- b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;
- c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;
- d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and
- e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.

32. Career Switcher/Alternative Licensure Payments

Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.

33. Virginia Workplace Readiness Skills Assessment

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.

#### 34. Reading Specialists Initiative

a. An additional payment of ~~\$1,476,790~~ \$1,237,723 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for any school with a third grade that has a school-wide pass rate of less than 75 percent on the reading Standards of Learning (SOL) assessments.

b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school. School divisions with schools participating in this program in fiscal year 2014 shall be eligible to receive funding at 100 percent of the state share the first year and 50 percent of the state share the second year for the same schools and such schools are granted a one-year extension of the two-year waiver referenced in subsection c. for a third year in fiscal year 2016. The Department of Education is authorized to disburse additional payments to divisions from any remaining funds each year to support additional qualifying schools and shall give priority to such schools with the lowest SOL pass rates for reading or the greatest number of years accredited with warning in English. Payments to school divisions in support of such additional qualifying schools each year shall be based on 100 percent of the state share of cost.

c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.

d. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

#### 35. Math/Reading Instructional Specialist Initiative

a. Included in this appropriation is ~~\$1,834,538~~ \$1,697,841 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which have been denied accreditation or were accredited with warning for the third consecutive year based on school accreditation ratings for the 2013-2014 school year. Such schools shall be eligible to receive the state share of funding for both years of the biennium. In addition, following the academic review required by §22.1-253.13:3, Code of Virginia, the Department of Education shall identify up to 20 additional schools to also receive the state share of a reading or math instructional specialist. The schools eligible for such personnel are those which were accredited with warning for the second consecutive year based on school accreditation ratings for the 2012-2013 and 2013-2014 school years and that have shown no or limited improvement in student achievement in the past year. Such schools shall also be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools.

b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has hired a math or reading instructional specialist. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at additional eligible schools.

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

36. Compensation Supplements

a.1) The appropriation in this Item includes \$52,650,743 the second year from the general fund for the state share of a payment equivalent to a 1.5 percent salary incentive increase, effective August 16, 2015, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. The \$52,650,743 includes \$218,854 referenced in paragraph 28. i., for the Academic Year Governor's Schools for a 1.5 percent salary incentive increase, effective August 16, 2015, for instructional and support positions.

2) It is the intent of the General Assembly that the instructional and support position salaries be improved in school divisions throughout the state by at least an average of 1.5 percent in the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 1.5 percent salary increase for funded SOQ instructional and support positions, effective August 16, 2015, to school divisions which certify to the Department of Education, by June 15, 2015, that salary increases of a minimum average of 1.5 percent have been provided in the second year by January 1, 2016, to instructional and support personnel. In certifying that the salary increases have been provided, school divisions may not include any salary increases that were provided in the second year solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144, Code of Virginia.

b. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of January 1, 2016, as the basis for the local match requirement for both funded SOQ instructional and support positions.

c. This funding is not intended as a mandate to increase salaries.

137.	Federal Education Assistance Programs (17900) .....			\$870,905,000	\$870,905,000
	Federal Assistance to Local Education Programs (17901) .....	\$870,905,000	\$870,905,000	\$871,405,000	\$887,066,897
	Fund Sources: Federal Trust .....	\$870,905,000	\$870,905,000	\$871,405,000	\$887,066,897

Authority: PL 107-110, PL 108-446, PL 105-332, PL 105-220, PL 105-220, Federal Code.

a. The appropriation to support payments to school divisions from federal program grant funds is contained in this Item.

b. The Department of Education will encourage localities to apply for Medicaid reimbursements for eligible special education expenditures which will help to increase available state and local funding for other educational activities and expenditures.

c. It is the intent of the General Assembly that in any fiscal year when revenues received or budgeted by the Commonwealth, applicable to any public education program, which were derived from a federally funded grant or program and subsequently realize a decrease in such funding levels, that the Commonwealth will not supplant any of the decreased federal funding received or budgeted with any general fund revenues from the Commonwealth.

Total for Direct Aid to Public Education .....				<b>\$7,030,833,519</b>	<b>\$7,086,112,181</b>
				<b>\$7,022,410,629</b>	<b>\$7,339,205,436</b>
Fund Sources: General .....	\$5,498,605,141	\$5,590,497,356			
	\$5,405,446,474	\$5,560,264,011			
Special .....	\$895,000	\$895,000			
Commonwealth Transportation .....	\$2,173,000	\$2,173,000			

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$855,027	\$803,778		
Trust and Agency .....	\$658,255,378	\$621,641,825		
	\$743,809,128	\$890,175,750		
Federal Trust.....	\$870,905,000	\$870,905,000		
	\$871,405,000	\$887,066,897		
Grand Total for Department of Education, Central Office Operations.....			<b>\$7,124,474,158</b>	<b>\$7,179,855,903</b>
			<b>\$7,116,151,268</b>	<b>\$7,437,491,205</b>
General Fund Positions.....	136.00	136.00		
		141.00		
Nongeneral Fund Positions.....	178.50	178.50		
Position Level .....	314.50	314.50		
		319.50		
Fund Sources: General.....	\$5,549,694,912	\$5,641,689,836		
	\$5,456,536,245	\$5,615,260,435		
Special.....	\$5,356,475	\$5,356,690		
Commonwealth Transportation .....	\$2,416,919	\$2,416,919		
	\$1,098,946	\$1,047,697		
Trust and Agency .....	\$658,535,041	\$621,921,488		
	\$744,088,791	\$890,455,413		
Federal Trust.....	\$908,470,811	\$908,470,970		
	\$909,070,811	\$925,370,970		
138.	Omitted.			
<b>§ 1-50. VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND (218)</b>				
139.	Instruction (1970).....		\$5,028,698	\$5,028,755
	Classroom Instruction (19701) .....	\$4,751,377		\$4,751,434
	Occupational-Vocational Instruction (19703) .....	\$153,121		\$153,121
	Outreach and Community Assistance (19710) .....	\$124,200		\$124,200
Fund Sources: General.....	\$4,321,403	\$4,321,403		
Special.....	\$82,005	\$82,005		
Federal Trust.....	\$625,290	\$625,347		
Authority: §§ 22.1-346 through 22.1-349, Code of Virginia.				
140.	Residential Support (19800).....		\$4,695,059	<del>\$4,695,059</del> \$4,735,596
	Food and Dietary Services (19801) .....	\$207,431		\$207,431
	Medical and Clinical Services (19802).....	\$319,304		\$319,304
	Physical Plant Services (19803).....	\$1,780,575		<del>\$1,780,575</del> \$1,821,112
	Residential Services (19804).....	\$2,034,052		\$2,034,052
	Transportation Services (19805).....	\$353,697		\$353,697
Fund Sources: General.....	\$4,213,571	\$4,213,571		
				\$4,243,108
Special.....	\$242,995	\$242,995		
				\$253,995
Federal Trust.....	\$238,493	\$238,493		
Authority: Title 22.1, Chapter 19, Code of Virginia.				
141.	Administrative and Support Services (19900).....		\$1,039,400	\$1,044,357
	General Management and Direction (19901).....	\$1,039,400		\$1,044,357

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Fund Sources: General.....	\$989,424	\$994,243		
Special.....	\$25,000	\$25,000		
Federal Trust.....	\$24,976	\$25,114		

Authority: Title 22.1, Chapter 19, Code of Virginia.

A. Notwithstanding any other provision of law, the Virginia School for the Deaf and Blind is authorized to retain the income generated by the rental of facilities on the Staunton campus to outside entities.

*B. The Board of Visitors of the Virginia School for the Deaf and the Blind is authorized to accept title to, and assume the ownership of, certain real property, with the improvements thereon, containing 0.95 acres, more or less, known as 4164 Stone Mountain Road, located near Coeburn in Wise County, Virginia, which real property was given and devised to the said school under the Will of Jerold Maxwell Grizzle, deceased alumnus of the school. Acceptance thereof shall be subject to the provisions of §2.2-1149, Code of Virginia. Once the property has been accepted, the Board is authorized to transfer and convey all its right, title and interest in and to the said real property to the VSDB Foundation, a Virginia non-stock corporation, which serves and supports the school. Any such conveyance shall be exempt from §2.2-1156, Code of Virginia, and any other statute concerning the conveyance, transfer or sale of state property. If the VSDB Foundation leases, sells or conveys any interest in the said real property or any improvements thereon, such lease, sale or conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the Foundation's lease, sale or conveyance of any interest in the said real property shall be deemed to be local or private funds and may be used by the VSDB Foundation for any foundation purpose.*

Total for Virginia School for the Deaf and the Blind.....			<b>\$10,763,157</b>	<b>\$10,768,171</b>
				<b>\$10,808,708</b>

General Fund Positions.....	185.50	185.50		
Position Level.....	185.50	185.50		
Fund Sources: General.....	\$9,524,398	\$9,529,217		
		\$9,558,754		
Special.....	\$350,000	\$350,000		
		\$361,000		
Federal Trust.....	\$888,759	\$888,954		

**§ 1-51. STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA (245)**

142. Higher Education Student Financial Assistance (10800) ..			\$69,522,665	\$69,537,665
			\$69,572,665	\$70,137,665
Scholarships (10810).....	\$69,332,665	\$69,347,665		
	\$69,382,665	\$69,947,665		
Regional Financial Assistance for Education (10813).....	\$190,000	\$190,000		
Fund Sources: General.....	\$69,262,665	\$69,277,665		
	\$69,312,665	\$69,877,665		
Special.....	\$10,000	\$10,000		
Dedicated Special Revenue.....	\$250,000	\$250,000		

Authority: Code of Virginia; Tuition Assistance Grant Program: Title 23, Chapter 4.1, Code of Virginia, Regional Grants and Contracts: Discretionary Inclusion; Undergraduate and Graduate Assistance: Discretionary Inclusion; ~~§ 23-38.19-1~~; § 23-31.1; and § 23-7.4:1.

A. Appropriations in this Item are subject to the conditions specified in paragraphs B, C, D, E, F, and G hereof.

B. Those private institutions which participate in the programs provided by the appropriations in this Item shall, upon request by the State Council of Higher Education, submit financial and other information which the Council deems appropriate.

C.1. Out of the amounts for Scholarships the following sums shall be made available for:

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a. Tuition Assistance Grant Program, \$64,812,665 the first year and \$64,812,665 the second year from the general fund is designated for full-time undergraduate and graduate students.

b. Virginia Space Grant Consortium Scholarships, \$695,000 the first year and \$695,000 the second year from the general fund.

c. Out of this appropriation, \$20,000 the first year and \$20,000 the second year from the general fund is designated to provide grants of up to \$5,000 per year for Virginia students who attend schools and colleges of optometry. Each student receiving a grant shall agree to set up practice in the Commonwealth for a period of not less than two years upon completion of instruction.

2. No amount, or part of an amount, listed for any program specified in paragraph C 1 above shall be expended for any other program in this appropriation except for the amounts identified in C 1 a2).

D. Tuition Assistance Grant Program

1. Payments to students out of this appropriation shall not exceed \$3,100 for qualified undergraduate students and \$2,200 for qualified graduate and medical students attending not-for-profit, independent institutions in accordance with §§ 23-38.12 through 23-38.19, Code of Virginia.

2. The private institutions which participate in this program shall, during the spring semester previous to the commencement of a new academic year or as soon as a student is admitted for that year, whichever is later, notify their enrolled and newly admitted Virginia students about the availability of tuition assistance awards under the program. The information provided to students and their parents must include information about the eligibility requirements, the application procedures, and the fact that the amount of the award is an estimate and is not guaranteed. The number of students applying for participation and the funds appropriated for the program determine the amount of the award. Conditions for reduction of award amount and award eligibility are described in this Item and in the regulations issued by the State Council of Higher Education. The institutions shall certify to the council that such notification has been completed and shall indicate the method by which it was carried out.

3. Institutions participating in this program must submit annually to the council copies of audited financial statements.

4. To be eligible for a fall or full-year award out of this appropriation, a student's application must have been received by a participating independent college or by the State Council of Higher Education by July 31. Returning students who received the award in the previous year will be prioritized with the July 31 award. Applications for a fall or full-year award received after July 31 but no later than September 14 will be held for consideration if funds are available after July 31 and returning student awards have been made. Applications for spring semester only awards must be received by December 1 and will be considered only if funds remain available.

5. No limitations shall be placed on the award of Tuition Assistance Grants other than those set forth herein or in the Code of Virginia.

6. All eligible institutions not previously approved by the State Council of Higher Education to participate in the Tuition Assistance Grant Program shall have received accreditation by a nationally recognized regional accrediting agency, prior to participation in the program or by the Commission on Osteopathic College Accreditation of the American Osteopathic Association in the case of freestanding institutions of higher education that offer the Doctor of Osteopathic Medicine as the sole degree program.

7. Payments to undergraduate students shall be greater than payments to graduate and medical students and shall be based on a differential established by the State Council of Higher Education for Virginia.

ITEM 142.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

8. No awards shall be provided to graduate students except in health-related professional programs to include allied health, nursing, pharmacy, medicine, and osteopathic medicine. Notwithstanding application deadlines contained in the Virginia Administrative Code for the Tuition Assistance Grant program, provided that the institution has received accreditation by the Liaison Committee on Medical Education, the Virginia Tech - Carilion School of Medicine shall be deemed eligible to participate in the Tuition Assistance Grant program.

9. Notwithstanding any other provisions of law, Eastern Virginia Medical School is not eligible to participate in the Tuition Assistance Grant Program.

*10. Any general fund appropriation in the Tuition Assistance Grant Program which is unexpended at the close of business on June 30, 2015, shall be reappropriated for use in the program the following year, at an amount necessary to retain the award at \$3,100.*

E.1. Regional Grants and Contracts: Out of this appropriation, \$170,000 the first year and \$170,000 the second year from the general fund is designated to support Virginia's participation in the Southern Regional Education Board initiative to increase the number of minority doctoral graduates.

2. The amounts listed in paragraph 1 shall be expended in accordance with the agreements between the Commonwealth of Virginia and the Southern Regional Education Board.

F.1. Out of this appropriation, \$1,915,000 the first year and \$1,930,000 the second year from the general fund is designated for the Virginia Military Survivors and Dependents program, § 23-7.4:1, Code of Virginia, to provide up to a \$1,800 annual stipend to offset the costs of room, board, books and supplies for qualified survivors and dependents of military service members.

2. The amount of the stipend is an estimate depending on the number of students eligible under § 23-7.4:1, Code of Virginia. Changes that increase or decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.

3. The Director, State Council of Higher Education for Virginia, shall allocate these funds to public institutions of higher education on behalf of students qualifying under this provision.

4. Each institution of higher education shall report the number of recipients for this program to the State Council of Higher Education for Virginia by April 1 of each year. The State Council of Higher Education for Virginia shall report this information to the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each year.

5. The Department of Veterans Services shall consult with the State Council of Higher Education for Virginia prior to the dissemination of any information related to the financial benefits provided under this program.

G.1. Out of the appropriation for this Item, ~~\$1,650,000~~ \$1,700,000 the first year and ~~\$1,650,000~~ \$2,250,000 the second year from the general fund is designated for the Two-Year College Transfer Grant Program.

2. The State Council of Higher Education for Virginia shall disburse these funds for full-time students consistent with §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Beginning with students who are entering a senior institution as a two-year transfer student for the first time in the fall 2013 academic year, and who otherwise meet the eligibility criteria of § 23-38.10:10, Code of Virginia, the maximum EFC is raised to \$12,000.

3. The actual amount of the award depends on the number of students eligible under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Changes that decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.

142.10.	Two-Year College Transfer Grant (11500) .....		\$0	\$600,000
	Fund Sources: General.....		\$0	\$600,000

ITEM 142.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A. Out of this appropriation, \$600,000 the second year from the general fund is designated for students eligible for the first time under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. The State Council of Higher Education for Virginia shall transfer these funds to Norfolk State University, Old Dominion University, Radford University, the University of Virginia at Wise, Virginia Commonwealth University and Virginia State University so that each institution can provide for grants of \$1,000 from these funds for these students.

B. Each institution shall award grants from these funds for one year and students shall not receive subsequent awards until they have satisfied the requirements to move to the next class level. Each recipient may receive a maximum of one year of support per class level for a maximum total of two years of support.

C. Any balances remaining from the appropriation identified in this item in paragraph A.1. shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the State Council of Higher Education for Virginia for the purposes specified in paragraph A. of this item in the subsequent fiscal year.

D. It is the intent of the General Assembly that the institutions shift by a total of 600 the number of students it enrolls from first time freshman to transfers eligible under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Institutional goals under this fund are estimated as follows:

<i>Institution</i>	<i>Transfer Target</i>
Norfolk State University	80
Old Dominion University	140
Radford University	140
University of Virginia at Wise	20
Virginia Commonwealth University	140
Virginia State University	80

E. The State Council of Higher Education for Virginia may allocate these funds among the institutions in Paragraph D as necessary to meet the actual number of transfers each institution generates for students eligible for the first time under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia.

F. Each institution shall report its progress toward the targets in Paragraph D to the Chairmen of the House Appropriations and Senate Finance Committees by May 1, 2016 and each year thereafter. The report shall include a detailed accounting of the use of the funds provided and a plan for achieving the goals identified in this item.

143.	Financial Assistance for Educational and General Services (11000).....			\$75,000	\$75,000
	Outstanding Faculty Recognition (11009).....	\$75,000	\$75,000		
	Fund Sources: Special.....	\$75,000	\$75,000		

Authority: Outstanding Faculty Recognition Program: Discretionary Inclusion.

Outstanding Faculty Recognition Program

1. The State Council of Higher Education for Virginia shall annually provide a grant to faculty members selected to be honored under this program from such private funds as may be designated for this purpose.

2. The faculty members shall be selected from public and private institutions of higher education in Virginia, but recipients of Outstanding Faculty Recognition Awards shall not be eligible for the awards in subsequent years.

144.	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....			\$13,371,054	\$13,395,181 \$13,730,181
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ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Higher Education Coordination and Review (11104) .....	\$12,399,595	\$12,420,373		\$12,755,373
Regulation of Private and Out-Of-State Institutions (11105) .....	\$971,459	\$974,808		
Fund Sources: General .....	\$11,959,595	\$11,980,373		\$12,315,373
Special .....	\$971,459	\$974,808		
Internal Service .....	\$290,000	\$290,000		
Federal Trust .....	\$150,000	\$150,000		

Authority: §§ 23-9.3, 23-9.6:1, 23-20, 23-38.13, and ~~23-38.45~~, Code of Virginia; ~~SJR 22 (1949)~~.

A. 1. It is the intent of the General Assembly to provide general fund support to contract at a level equivalent to the Tuition Assistance Grant undergraduate award with Mary Baldwin College for Virginia women resident students to participate in the Virginia Women's Institute for Leadership at Mary Baldwin College.

2. The amounts included in this Item are ~~\$307,899~~ \$292,504 the first year and \$307,899 the second year from the general fund for the programmatic administration of this program.

3. General fund appropriations provided under this contract include financial incentive for the participating students at Mary Baldwin College in the Virginia Women's Institute for Leadership Program. Students receiving this financial incentive will not be eligible for Tuition Assistance Grants.

B. In discharging the responsibilities specified in § 23-272 D, Code of Virginia, the State Council of Higher Education for Virginia shall provide exemptions to individual proprietorships, associations, co-partnerships or corporations which are now or in the future will be using the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

C. Out of the appropriation for Higher Education Coordination and Review, ~~\$7,403,177~~ \$7,033,019 the first year and ~~\$7,403,177~~ \$7,033,019 the second year from the general fund is provided for continuation of the Virtual Library of Virginia. Funding for the Virtual Library of Virginia is provided for the benefit of students and faculty at the Commonwealth's public institutions of higher education and participating nonprofit, independent private colleges and universities. Out of this amount, \$396,785 the first year and \$396,785 the second year is earmarked to allow the participation of nonprofit, independent private colleges and universities.

D. The State Council of Higher Education for Virginia and the Secretary of Education, in conjunction with the three medical schools, University of Virginia, Virginia Commonwealth University, and Eastern Virginia Medical School, shall monitor the results of the Generalist Initiative, especially the decisions of graduates from the undergraduate medical programs to enter generalist residencies, and the composition of the residencies in the two associated academic health centers. It is the intent of the General Assembly that the three medical schools shall maintain the efforts to educate and train sufficient generalist physicians to meet the needs of the Commonwealth, recognizing the Commonwealth's need for generalist physicians in medically underserved regions of the state. Further, the medical schools shall support medical education and training in the principles of generalist medicine for all undergraduate medical students, regardless of their chosen specialty or field of study.

E. Out of this appropriation, \$950,366 and eight positions the first year and \$950,366 and eight positions the second year from nongeneral funds is provided to support higher education coordination and review services, including expenses incurred in the regulation and oversight of the private and out-of-state postsecondary institutions and proprietary schools operating in Virginia. These funds will be generated through fee schedules developed pursuant to § 23-276.9, Code of Virginia.

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F. The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan SCHEV shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.

G. The Executive Director, State Council of Higher Education for Virginia, may appoint an advisory committee to assist the council with technology-enriched learning initiatives. The advisory committee may assist the council in (i) developing innovative, cost-effective, technology-enriched teaching and learning initiatives, including distance and distributed learning initiatives; (ii) improving cooperation among and between the public and private institutions of higher education in the Commonwealth; (iii) improving efficiency and expand the availability of technology-enriched courses; and (iv) facilitating the sharing of research and experience to improve student learning.

H. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from nongeneral funds is designated to cover the costs of federal education support programs.

I. The State Council of Higher Education for Virginia shall include Eastern Virginia Medical School in any calculations used to determine the funding requirements for state medical schools.

J.1. Higher Education Coordination and Review includes an internal service fund to support review of capital projects. This internal service fund shall consist of fees imposed upon capital projects approved for institutions of higher education for the review of proposed capital outlay projects. The estimated total amount to be collected by this fund is a sum sufficient estimated at \$290,000 each year.

2. In administering this internal service fund, the State Council of Higher Education for Virginia shall provide capital project review services to institutions of higher education and produce capital project analysis work products for the Department of Planning and Budget and the General Assembly.

K. In addition to the reviews conducted under §§ 23-9.6:1.01 and 23-38.87:17, Code of Virginia, the State Council of Higher Education shall evaluate the progress of individual initiatives funded in this Act as part of the incentive funding provided to colleges and universities with regard to improvements in retention, graduation, degree production and other criteria the Council deems appropriate.

L. Out of this appropriation, \$160,295 the first year and \$160,295 the second year from the general fund is designated to support research and analysis and the enhancement of consumer information regarding higher education.

M. By October 15, 2015 the State Council of Higher Education for Virginia, in cooperation with the Virginia Department of Education and providers, shall submit a follow-up report to the 2009 Statewide Examination of College Access Services and Resources in Virginia including incorporating relevant longitudinal data now available as appropriate. The review shall evaluate progress on the previously identified areas for increased provider activity: addressing younger students, as early as kindergarten; computer skill training; test preparation assistance; financial literacy; parental programs; and the emotional and logistical transition to college for under-represented populations and first-generation students. In addition, the report shall include any further recommendations for improving statewide coordination, support, information-sharing, and data gathering to address the varied needs identified.

N. *Out of this appropriation, \$300,000 the second year from the general fund is designated to support initiatives related to the statewide plan for higher education and to help implement the recommendations of the Joint Legislative Audit and Review Commission's series of higher education reports.*

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

*O. By November 1, 2015 the State Council of Higher Education for Virginia, in cooperation with the Virginia Department of Education and providers, shall submit a follow-up report to the 2009 Statewide Examination of College Access Services and Resources in Virginia including incorporating relevant longitudinal data now available as appropriate. The review shall evaluate progress on the previously identified areas for increased provider activity, including: addressing younger students, as early as kindergarten; computer skill training; test preparation assistance; financial literacy; parental programs; and the emotional and logistical transition to college for under-represented populations and first-generation students. In addition, the report shall include any further recommendations for improving statewide coordination, support, information-sharing, and data gathering to address the varied needs identified.*

145.	Higher Education Federal Programs Coordination (11200) .....			\$4,680,457	\$4,680,457
	Higher Education Federal Programs Coordination (11201) .....	\$4,680,457	\$4,680,457		
	Fund Sources: Federal Trust .....	\$4,680,457	\$4,680,457		

Authority: Title 23, Chapter 20, Code of Virginia.

A. Out of this appropriation, \$2,440,426 the first year and \$2,440,426 the second year from nongeneral funds is designated for grants to improve teacher quality (No Child Left Behind Act grant).

B. Out of this appropriation, \$2,240,031 the first year and \$2,240,031 the second year from nongeneral funds is designated for federal grants to increase college access and success for underprivileged students from the College Access Challenge grant.

146.	Financial Assistance for Public Education (Categorical) (17100) .....			\$3,000,000	\$3,000,000
	Early Awareness and Readiness Programs (17117) .....	\$3,000,000	\$3,000,000		
	Fund Sources: Federal Trust .....	\$3,000,000	\$3,000,000		

Authority: Discretionary Inclusion.

Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from nongeneral funds is designated for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

Total for State Council of Higher Education for Virginia .....				<b>\$90,649,176</b>	<b>\$90,688,303</b>
				<del>\$90,699,176</del>	<del>\$92,223,303</del>

General Fund Positions .....	34.00	34.00			
					36.00
Nongeneral Fund Positions .....	17.00	17.00			
Position Level .....	51.00	51.00			
					53.00
Fund Sources: General .....	\$81,222,260	\$81,258,038			
	\$81,272,260	\$82,793,038			
Special .....	\$1,056,459	\$1,059,808			
Internal Service .....	\$290,000	\$290,000			
Dedicated Special Revenue .....	\$250,000	\$250,000			
Federal Trust .....	\$7,830,457	\$7,830,457			

**§ 1-52. CHRISTOPHER NEWPORT UNIVERSITY (242)**

147.	Educational and General Programs (10000) .....			\$62,772,247	\$62,779,193
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ITEM 147.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
			\$63,856,730	\$64,463,408
Higher Education Instruction (100101).....	\$30,209,572	\$30,199,947		
	\$31,469,572	\$32,059,679		
Higher Education Research (100102) .....	\$1,961,180	\$1,961,180		
Higher Education Academic Support (100104).....	\$8,333,487	\$8,350,058		
Higher Education Student Services (100105).....	\$6,065,916	\$6,065,916		
	\$5,910,349	\$5,910,349		
Higher Education Institutional Support (100106).....	\$7,520,599	\$7,520,599		
	\$7,599,049	\$7,599,049		
Operation and Maintenance of Plant (100107).....	\$8,681,493	\$8,681,493		
	\$8,583,093	\$8,583,093		
Fund Sources: General.....	\$25,994,511	\$26,001,457		
	\$25,392,536	\$25,999,214		
Higher Education Operating.....	\$36,777,736	\$36,777,736		
	\$38,464,194	\$38,464,194		

Authority: Title 23, Chapter 5.3, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$1,618 from nongeneral funds in the first year can be utilized to reimburse the endowment account supporting the former Eminent Scholars Program.

D. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.

E. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

148.	Higher Education Student Financial Assistance (10800) ..		\$5,716,107	\$5,716,107
	Scholarships (10810).....	\$5,712,403		\$5,816,107
				\$5,812,403
	Fellowships (10820).....	\$3,704		\$3,704
	Fund Sources: General.....	\$4,581,107		\$4,581,107
				\$4,681,107
	Higher Education Operating.....	\$1,135,000		\$1,135,000

Authority: Title 23, Chapter 5.3, Code of Virginia.

149.	Financial Assistance for Educational and General Services (11000).....		\$1,498,882	\$1,498,882
	Sponsored Programs (11004) .....	\$1,498,882	\$1,498,882	
	Fund Sources: Higher Education Operating.....	\$1,498,882	\$1,498,882	

Authority: Title 23, Chapter 5.3, Code of Virginia.

ITEM 149.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.

150.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at .....			\$60,050,008	\$60,050,008
				\$70,447,458	\$70,447,458
	Food Services (80910).....	\$10,305,262	\$10,305,262		
		\$14,268,712	\$14,268,712		
	Bookstores and other Stores (80920).....	\$4,709,300	\$4,709,300		
		\$709,300	\$709,300		
	Residential Services (80930).....	\$21,269,683	\$21,269,683		
		\$27,269,683	\$27,269,683		
	Parking and Transportation Systems and Services (80940) .....	\$1,662,538	\$1,662,538		
		\$1,722,538	\$1,722,538		
	Recreational and Intramural Programs (80980).....	\$135,000	\$135,000		
		\$165,000	\$165,000		
	Other Enterprise Functions (80990).....	\$12,009,610	\$12,009,610		
		\$14,833,610	\$14,833,610		
	Intercollegiate Athletics (80995).....	\$9,958,615	\$9,958,615		
		\$11,478,615	\$11,478,615		
	Fund Sources: Higher Education Operating.....	\$43,070,838	\$43,070,838		
		\$53,468,288	\$53,468,288		
	Debt Service.....	\$16,979,170	\$16,979,170		
	Authority: Title 23, Chapter 5.3, Code of Virginia.				
	Total for Christopher Newport University.....			\$130,037,244	\$130,044,190
				\$141,519,177	\$142,225,855
	General Fund Positions.....	340.96	341.56		
	Nongeneral Fund Positions.....	552.78	553.18		
	Position Level .....	893.74	894.74		
	Fund Sources: General.....	\$30,575,618	\$30,582,564		
		\$29,973,643	\$30,680,321		
	Higher Education Operating.....	\$82,482,456	\$82,482,456		
		\$94,566,364	\$94,566,364		
	Debt Service.....	\$16,979,170	\$16,979,170		

**§ 1-53. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)**

151.	Educational and General Programs (10000).....			\$173,193,509	\$172,997,528
				\$180,383,747	\$181,749,251
	Higher Education Instruction (100101).....	\$96,147,302	\$95,951,321		
		\$99,779,770	\$100,910,074		
	Higher Education Research (100102).....	\$836,068	\$836,068		
	Higher Education Public Services (100103).....	\$8,498	\$8,498		
	Higher Education Academic Support (100104).....	\$25,261,396	\$25,261,396		
		\$25,701,850	\$25,701,850		
	Higher Education Student Services (100105).....	\$7,095,964	\$7,095,964		
		\$7,817,664	\$7,817,664		
	Higher Education Institutional Support (100106).....	\$17,296,032	\$17,296,032		
		\$19,489,116	\$19,489,116		
	Operation and Maintenance of Plant (100107).....	\$26,548,249	\$26,548,249		
		\$26,750,781	\$26,985,981		
	Fund Sources: General.....	\$40,789,118	\$40,593,137		

ITEM 151.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$38,450,245	\$39,580,549		
Higher Education Operating.....	\$123,233,897	\$123,233,897		
	\$132,506,651	\$132,506,651		
Debt Service.....	\$9,170,494	\$9,170,494		
	\$9,426,851	\$9,662,051		

Authority: Title 23, Chapter 5, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

D. Out of this appropriation, \$193,080 the first year and \$193,080 the second year from the general fund is designated to continue the increase in access for in-state undergraduate students begun in the 2011 Session.

E. Out of this appropriation, \$200,000 the first year from the general fund is designated to support the planning and activities related to a potential merger or partnership with the Eastern Virginia Medical School. On or before June 30, 2015, the College of William and Mary shall submit a status report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees regarding the feasibility of collaborations and development of new activities and programs resulting from such an effort.

*F. Out of this appropriation, \$495,720 the second year from the general fund is provided to address restoration of budget cuts, in-state undergraduate enrollment growth and to support costs associated with the development of an e-Learning Platform.*

*G. Out of this appropriation, \$245,000 the second year from the general fund is designated to support the Lewis B. Puller Jr. Veterans Benefits Clinic.*

*H. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

*I. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

152.	Higher Education Student Financial Assistance (10800) ..			\$24,983,494	\$24,983,494
				\$27,577,999	\$27,677,999
	Scholarships (10810).....	\$16,919,529	\$16,919,529		
		\$19,514,034	\$19,614,034		
	Fellowships (10820).....	\$8,063,965	\$8,063,965		
	Fund Sources: General.....	\$3,983,811	\$3,983,811		

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
		\$4,083,811		
Higher Education Operating.....	\$20,999,683	\$20,999,683		
	\$23,594,188	\$23,594,188		

Authority: Title 23, Chapter 5, Code of Virginia.

A. Higher education operating funds appropriated in this program may be allocated for need-based aid to Virginia undergraduate students to enhance the quality and diversity of the student body.

B. The appropriation for the fund source Higher Education Operating in this Item shall be considered sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

153.	Financial Assistance for Educational and General Services (11000).....			\$33,521,609	\$33,521,609
	Eminent Scholars (11001) .....	\$2,355,581	\$2,355,581		
	Sponsored Programs (11004) .....	\$31,166,028	\$31,166,028		
	Fund Sources: General.....	\$75,000	\$75,000		
	Higher Education Operating.....	\$33,261,415	\$33,261,415		
	Debt Service.....	\$185,194	\$185,194		

Authority: Title 23, Chapter 5, Code of Virginia.

A. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.

B. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the college to cover sponsored program operations.

154.	Higher Education Auxiliary Enterprises (80900)				
	a sum sufficient, estimated at .....			\$70,023,221	\$70,023,221
				\$73,097,621	\$73,097,621
	Food Services (80910).....	\$12,048,700	\$12,048,700		
	Bookstores and other Stores (80920).....	\$2,475,918	\$2,475,918		
		\$3,875,918	\$3,875,918		
	Residential Services (80930).....	\$22,776,056	\$22,776,056		
		\$24,450,456	\$24,450,456		
	Parking and Transportation Systems and Services (80940) .....	\$1,924,715	\$1,924,715		
	Telecommunications Systems and Services (80950).....	\$4,548,498	\$4,548,498		
	Student Health Services (80960).....	\$3,605,724	\$3,605,724		
	Student Unions and Recreational Facilities (80970).....	\$5,629,570	\$5,629,570		
	Recreational and Intramural Programs (80980).....	\$748,349	\$748,349		
	Other Enterprise Functions (80990).....	\$7,963,968	\$7,963,968		
	Intercollegiate Athletics (80995).....	\$8,301,723	\$8,301,723		
	Fund Sources: Higher Education Operating.....	\$53,325,189	\$53,325,189		
		\$56,399,589	\$56,399,589		
	Debt Service.....	\$16,698,032	\$16,698,032		

Authority: Title 23, Chapter 5, Code of Virginia.

Total for The College of William and Mary in Virginia..				<b>\$301,721,833</b>	<b>\$301,525,852</b>
				<b>\$314,580,976</b>	<b>\$316,046,480</b>

ITEM 154.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
General Fund Positions.....	542.66	542.66		
		545.16		
Nongeneral Fund Positions.....	882.96	882.96		
Position Level .....	1,425.62	1,425.62		
		1,428.12		
Fund Sources: General.....	\$44,847,929	\$44,651,948		
	\$42,509,056	\$43,739,360		
Higher Education Operating.....	\$230,820,184	\$230,820,184		
	\$245,761,843	\$245,761,843		
Debt Service.....	\$26,053,720	\$26,053,720		
	\$26,310,077	\$26,545,277		

**Richard Bland College (241)**

155.	Educational and General Programs (10000).....			\$10,179,432	\$10,180,677
				\$10,114,678	\$10,371,985
	Higher Education Instruction (100101).....	\$4,678,828	\$4,680,073		
		\$4,653,828	\$4,921,381		
	Higher Education Public Services (100103).....	\$4,500	\$4,500		
	Higher Education Academic Support (100104).....	\$468,665	\$468,665		
	Higher Education Student Services (100105).....	\$1,016,857	\$1,016,857		
		\$986,857	\$966,857		
	Higher Education Institutional Support (100106).....	\$2,566,321	\$2,566,321		
		\$2,556,567			
	Operation and Maintenance of Plant (100107).....	\$1,444,261	\$1,444,261		
	Fund Sources: General.....	\$5,693,492	\$5,694,737		
		\$5,628,738	\$5,886,045		
	Higher Education Operating.....	\$4,485,940	\$4,485,940		

Authority: Title 23, Chapter 5, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$214,053 the second year from the general fund is provided to address restoration of budget cuts, recognition of enrollment growth and transfer students and costs associated with advancing new educational pathways for traditional, non-traditional and military students.

D. In order to advance the goals outlined in TJ21 and collaboration and innovation in higher education, Richard Bland College may develop and deliver new, collaborative educational pathways and innovative educational models, including distance learning, technology-based instruction, prior learning assessments, experiential learning, stackable credentials, and competency-based programs that lead to STEM-H and other high-demand credentials and careers, with such funds as are appropriated or made available for this purpose. Richard Bland shall strengthen educational pathways for traditional and nontraditional students, including veterans and military personnel, through the continued establishment and strengthening of cross-institutional and cross-sector partnerships including the use of innovative educational approaches in order to promote entry into high-demand fields and industries critical to the economic development of Virginia. Richard Bland College may:

ITEM 155.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>1. Broker agreements between and among educational, industry, and non-profit partners and establish collaborative, innovative partnership agreements with school districts, public and private colleges and universities, economic development agencies, employers, philanthropic organizations, veterans organizations, public agencies and other partners as necessary to strengthen and streamline educational pathways from high school, to work-based learning, to baccalaureate and advanced degrees that prepare individuals, including nontraditional students and veterans, for entry into STEM-H and other high-demand careers in the Commonwealth;</p> <p>2. Serve as a clearing house of educational pathway and career pathway information and as a resource and referral agency for traditional and non-traditional students, including veterans;</p> <p>3. Serve as an educational innovation resource center, referral agency and hub for collaboration, innovation, and information sharing among educational and industry partners to facilitate the vetting, piloting, and effective implementation of innovative, evidence-based educational resources, including open educational resources (OERs) and self-paced, competency-based tools designed to maximize limited resources, improve educational outcomes, or accelerate time to credential completion;</p> <p>4. Pilot and implement innovative educational approaches and technologies, and promote the development, delivery, and ongoing assessment of innovative, cost-effective degree programs and stackable credentials, including industry-recognized, competency-based credentials that are aligned with and responsive to the educational and workforce development needs of traditional and non-traditional students, including veterans and military personnel, and advance the economic development needs of employers and industries statewide;</p> <p>5. Identify and implement new strategies to support economic and community development in Virginia and to expand opportunities for traditional and non-traditional students, including veterans, to prepare for high-demand fields.</p> <p>6. Identify opportunities for resource sharing and new operational efficiencies in the delivery of postsecondary education and pursue additional funding by federal, state, corporate, and private philanthropic sources to support collaborative, innovative approaches to education that improve educational access and outcomes, strengthen the alignment between postsecondary education and high-demand career pathways in Virginia, and support improved educational attainment, economic opportunity, and economic development for Virginians.</p> <p>7. Richard Bland College may explore shared services and other options for increased collaboration with the College of William and Mary.</p> <p><i>E. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.</i></p>				
156.	Higher Education Student Financial Assistance (10800) ..		\$454,107	\$454,107 \$579,107
	Scholarships (10810).....	\$454,107		<del>\$454,107</del> \$579,107
	Fund Sources: General.....	\$454,107		<del>\$454,107</del> \$579,107
	Authority: Title 23, Chapter 5, Code of Virginia.			
157.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at .....		\$335,110	\$335,110
	Sponsored Programs (11004) .....	\$335,110	\$335,110	
	Fund Sources: Higher Education Operating.....	\$335,110	\$335,110	
	Authority: Title 23, Chapter 5, Code of Virginia.			

ITEM 158.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
158. Higher Education Auxiliary Enterprises (80900)				
a sum sufficient, estimated at.....			\$2,722,000	\$2,722,000
			\$3,240,156	\$3,240,156
Food Services (80910).....	\$63,600	\$63,600		
Bookstores and other Stores (80920).....	\$200,000	\$200,000		
Residential Services (80930).....	\$2,029,500	\$2,029,500		
Parking and Transportation Systems and Services (80940) .....	\$248,000	\$248,000		
Recreational and Intramural Programs (80980).....	\$4,000	\$4,000		
Other Enterprise Functions (80990).....	\$176,900	\$176,900		
	\$695,056	\$695,056		
Fund Sources: Higher Education Operating.....	\$2,722,000	\$2,722,000		
	\$3,240,156	\$3,240,156		
Authority: Title 23, Chapter 5, Code of Virginia.				
Total for Richard Bland College.....			\$13,690,649	\$13,691,894
			\$14,144,051	\$14,526,358
General Fund Positions.....	70.43	70.43		
Nongeneral Fund Positions.....	41.41	41.41		
Position Level .....	111.84	111.84		
Fund Sources: General.....	\$6,147,599	\$6,148,844		
	\$6,082,845	\$6,465,152		
Higher Education Operating.....	\$7,543,050	\$7,543,050		
	\$8,061,206	\$8,061,206		

**Virginia Institute of Marine Science (268)**

159. Educational and General Programs (10000).....			\$19,983,033	\$19,986,366
				\$20,620,762
Higher Education Instruction (100101).....	\$2,301,795	\$2,305,128		
		\$2,439,524		
Higher Education Research (100102) .....	\$7,336,729	\$7,336,729		
		\$7,836,729		
Higher Education Academic Support (100104).....	\$4,367,829	\$4,367,829		
Higher Education Institutional Support (100106).....	\$2,183,088	\$2,183,088		
Operation and Maintenance of Plant (100107).....	\$3,793,592	\$3,793,592		
Fund Sources: General.....	\$18,203,761	\$18,207,094		
		\$18,841,490		
Higher Education Operating.....	\$1,779,272	\$1,779,272		

Authority: Title 23, Chapter 5, and Title 28.2, Chapter 11, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. If sufficient appropriations are not made available by the Commonwealth, it shall not be necessary for the Virginia Institute of Marine Science to reallocate funds from existing research projects to provide the funding for research mandated in the Code of Virginia or in the Appropriation Act.

C. Out of this appropriation, \$212,772 and four positions the first year and \$212,772 and four positions the second year from the general fund is designated to support an Aquaculture Genetics and Breeding Technology Center at the Virginia Institute of Marine Science. The center shall coordinate its efforts with the repletion program of the Virginia Marine Resources Commission.

ITEM 159.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

D. It is the intent of the General Assembly that the development of a disease resistant native oyster remains a high priority for oyster-related research activities at the Virginia Institute of Marine Science.

E. Out of this appropriation, \$68,391 the first year and \$68,391 the second year from the general fund is provided for the continuation of the Clean Marina Program. This additional funding will allow the Virginia Institute of Marine Science to provide education, outreach, and technical assistance to the Commonwealth's marinas in an effort to improve water quality.

F. Out of this appropriation, \$289,096 the first year and \$289,096 the second year from the general fund is designated for the monitoring of the Chesapeake Bay's blue crab population. This additional support will permit the Virginia Institute of Marine Science to generate the data necessary to develop fishery management plans, determine in-danger habitats, and project the annual blue crab catch.

G. Notwithstanding Chapter 719, 1999 Acts of Assembly, out of this appropriation, \$159,579 the first year and \$159,579 the second year from the general fund shall be provided to the Virginia Institute of Marine Science to support the Fishery Resource Grant Fund and Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the State Comptroller upon written request of the President of the College of William and Mary.

H. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

*I. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

160.	Higher Education Student Financial Assistance (10800)..			\$241,540	\$241,540
	Fellowships (10820).....	\$241,540	\$241,540		
	Fund Sources: General.....	\$241,540	\$241,540		
	Authority: Title 23, Chapter 5, Code of Virginia.				

161.	Financial Assistance for Educational and General Services (11000).....			\$23,129,059	\$23,129,059
	Eminent Scholars (11001).....	\$75,000	\$75,000		
	Sponsored Programs (11004).....	\$23,054,059	\$23,054,059		
	Fund Sources: Higher Education Operating.....	\$23,129,059	\$23,129,059		
	Authority: Title 23, Chapter 5 and Title 28.2, Chapter 11, Code of Virginia.				

A. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the institute to cover sponsored program operations.

B. Out of the amounts for sponsored programs, \$50,000 the first year and \$50,000 the second year from nongeneral funds shall be paid from the Marine Fishing Improvement Fund to support the Mariculture and Marine Product Advisory Program.

	Total for Virginia Institute of Marine Science.....			<b>\$43,353,632</b>	<b>\$43,356,965</b> <b>\$43,991,361</b>
	General Fund Positions.....	281.02	281.02		

ITEM 161.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
		284.32		
Nongeneral Fund Positions.....	99.30	99.30		
Position Level .....	380.32	<del>380.32</del>		
		383.62		
Fund Sources: General.....	\$18,445,301	<del>\$18,448,634</del>		
Higher Education Operating.....	\$24,908,331	<del>\$19,083,030</del>		
		\$24,908,331		
Grand Total for The College of William and Mary in Virginia.....			<del>\$358,766,114</del>	<del>\$358,574,711</del>
			\$372,078,659	\$374,564,199
General Fund Positions.....	894.11	<del>894.11</del>		
		899.91		
Nongeneral Fund Positions.....	1,023.67	1,023.67		
Position Level .....	1,917.78	<del>1,917.78</del>		
		1,923.58		
Fund Sources: General.....	<del>\$69,440,829</del>	<del>\$69,249,426</del>		
	<del>\$67,037,202</del>	<del>\$69,287,542</del>		
Higher Education Operating.....	<del>\$263,271,565</del>	<del>\$263,271,565</del>		
	<del>\$278,731,380</del>	<del>\$278,731,380</del>		
Debt Service.....	<del>\$26,053,720</del>	<del>\$26,053,720</del>		
	<del>\$26,310,077</del>	<del>\$26,545,277</del>		

**§ 1-54. GEORGE MASON UNIVERSITY (247)**

162.	Educational and General Programs (10000).....			<del>\$455,552,116</del>	<del>\$455,576,880</del>
				\$450,846,545	\$455,709,679
	Higher Education Instruction (100101).....	<del>\$277,277,882</del>	<del>\$277,302,646</del>		
		<del>\$275,514,767</del>	<del>\$280,377,901</del>		
	Higher Education Research (100102) .....	\$8,067,184	\$8,067,184		
	Higher Education Public Services (100103).....	\$1,984,677	\$1,984,677		
	Higher Education Academic Support (100104).....	<del>\$60,173,329</del>	<del>\$60,173,329</del>		
		<del>\$59,850,214</del>	<del>\$59,850,214</del>		
	Higher Education Student Services (100105).....	<del>\$19,659,969</del>	<del>\$19,659,969</del>		
		<del>\$19,336,854</del>	<del>\$19,336,854</del>		
	Higher Education Institutional Support (100106).....	<del>\$45,075,874</del>	<del>\$45,075,874</del>		
		<del>\$43,902,759</del>	<del>\$43,902,759</del>		
	Operation and Maintenance of Plant (100107).....	<del>\$43,313,201</del>	<del>\$43,313,201</del>		
		<del>\$42,190,090</del>	<del>\$42,190,090</del>		
	Fund Sources: General.....	<del>\$122,217,008</del>	<del>\$122,241,772</del>		
		<del>\$117,511,437</del>	<del>\$122,374,571</del>		
	Higher Education Operating.....	\$333,335,108	\$333,335,108		

Authority: Title 23, Chapter 9.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation, an amount estimated at \$289,614 the first year and \$289,614 the second year from the general fund and \$124,120 the first year and \$124,120 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$459,125 the first year and \$459,125 the second year from the general fund is designated for the Institute for Conflict Analysis.

ITEM 162.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

E. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is designated to support the Potomac Bay Science Center.

F. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech and CISCO Systems, Inc., was established to utilize emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the four institutions will be leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

*G. In consultation with other institutions, George Mason University shall develop a plan for a comprehensive on-line course offering in Virginia. As part of the plan, George Mason University shall (1) research similar programs in other states; (2) evaluate the need for adult completion programs; (3) identify the academic programs to be included; (4) develop an appropriate scheduling model; and (5) recommend an appropriate pricing model. George Mason University shall submit the plan to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.*

*H. Out of this appropriation, \$2,871,569 the second year from the general fund is provided to address restoration of budget cuts, in-state undergraduate enrollment growth and costs associated with (i) developing a new bachelor's program in cybersecurity with pathways for veterans; (ii) increasing military veteran enrollment in the nursing bachelors program; and, (iii) support for the George Mason University Enterprise Center's Innovation Commercialization Assistance Program contract with SHINE Systems and Technologies to continue engaging the Commonwealth's 29 Virginia Small Business Development Centers Network.*

*I. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

*J. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

163.	Higher Education Student Financial Assistance (10800) ..			\$26,818,229	\$27,118,229
	Scholarships (10810).....	\$22,077,039	<del>\$22,277,039</del>		\$28,371,460
			\$23,530,270		
	Fellowships (10820).....	\$4,741,190	\$4,841,190		
	Fund Sources: General.....	\$17,422,229	<del>\$17,422,229</del>		
			\$18,675,460		
	Higher Education Operating.....	\$9,396,000	\$9,696,000		

Authority: Title 23, Chapter 9.1, Code of Virginia.

ITEM 163.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>Notwithstanding the provisions of § 4-5.01.5.b) of this Act, George Mason University is hereby authorized to transfer the balance of its discontinued student loan funds to an endowment fund established by the University to be used for undergraduate and graduate students in the Higher Education Student Financial Assistance Program.</p>				
164.	Financial Assistance for Educational and General Services (11000).....		\$224,218,473	<del>\$235,218,473</del> \$235,843,473
	Eminent Scholars (11001) .....	\$1,000,000	\$1,000,000	
	Sponsored Programs (11004) .....	\$223,218,473	<del>\$234,218,473</del> \$234,843,473	
	Fund Sources: General .....	\$1,206,250	<del>\$1,206,250</del> \$1,831,250	
	Higher Education Operating.....	\$223,012,223	\$234,012,223	
<p>Authority: Title 23, Chapter 9.1, Code of Virginia.</p> <p>A. 1. Out of this appropriation, \$956,250 the first year and \$956,250 the second year from the general fund and \$5,850,000 the first year and \$5,850,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.</p> <p>2. Out of this appropriation, \$250,000 the first year and <del>\$250,000</del> \$750,000 the second year from the general fund is designated for applied research in simulation modeling and gaming.</p> <p>B. <i>Out of this appropriation, \$125,000 the second year from the general fund is designated for Lyme Disease research and medical test development.</i></p> <p>B-C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
165.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$205,304,619	\$216,904,619
	Food Services (80910).....	\$9,835,000	\$12,835,000	
	Bookstores and other Stores (80920).....	\$435,319	\$435,319	
	Residential Services (80930).....	\$58,342,727	\$60,996,727	
	Parking and Transportation Systems and Services (80940) .....	\$18,127,088	\$18,927,088	
	Telecommunications Systems and Services (80950).....	\$3,658,252	\$3,658,252	
	Student Health Services (80960).....	\$3,743,467	\$3,889,467	
	Student Unions and Recreational Facilities (80970).....	\$21,718,922	\$21,718,922	
	Recreational and Intramural Programs (80980).....	\$15,310,103	\$15,310,103	
	Other Enterprise Functions (80990).....	\$62,021,354	\$67,021,354	
	Intercollegiate Athletics (80995) .....	\$12,112,387	\$12,112,387	
	Fund Sources: Higher Education Operating.....	\$154,162,419	\$165,762,419	
	Debt Service.....	\$51,142,200	\$51,142,200	
<p>Authority: Title 23, Chapter 9.1, Code of Virginia.</p>				
Total for George Mason University .....			<del>\$911,893,437</del> \$907,187,866	<del>\$934,818,201</del> \$936,829,231
	General Fund Positions.....	1,082.14	1,082.14	
	Nongeneral Fund Positions.....	3,072.57	3,072.57	
	Position Level .....	4,154.71	4,154.71	
	Fund Sources: General .....	\$140,845,487	\$140,870,251	

ITEM 165.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$136,139,916	\$142,881,281		
Higher Education Operating.....	\$719,905,750	\$742,805,750		
Debt Service.....	\$51,142,200	\$51,142,200		

**§ 1-55. JAMES MADISON UNIVERSITY (216)**

166.	Educational and General Programs (10000).....			\$265,216,341	\$265,226,271
	Higher Education Instruction (100101).....	\$140,682,329	\$140,692,259	\$276,019,330	\$278,635,081
		\$147,542,554	\$150,158,305		
	Higher Education Research (100102).....	\$749,158	\$749,158		
		\$754,158	\$754,158		
	Higher Education Public Services (100103).....	\$1,161,323	\$1,161,323		
	Higher Education Academic Support (100104).....	\$34,629,329	\$34,629,329		
		\$35,604,054	\$35,604,054		
	Higher Education Student Services (100105).....	\$15,994,955	\$15,994,955		
		\$16,330,421	\$16,330,421		
	Higher Education Institutional Support (100106).....	\$39,666,674	\$39,666,674		
		\$41,751,849	\$41,751,849		
	Operation and Maintenance of Plant (100107).....	\$32,332,573	\$32,332,573		
		\$32,874,971	\$32,874,971		
	Fund Sources: General.....	\$74,433,589	\$74,443,519		
		\$71,320,281	\$73,936,032		
	Higher Education Operating.....	\$188,921,666	\$188,921,666		
		\$202,748,396	\$202,748,396		
	Debt Service.....	\$1,861,086	\$1,861,086		
		\$1,950,653	\$1,950,653		

Authority: Title 23, Chapter 12.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$1,820,338 the first year and \$1,820,338 the second year from the general fund is designated to continue the increase in access for in-state undergraduate students begun in the 2011 Session, support the projected growth in transfer students and improve retention and graduation through additional advising for both transfers and students in high demand majors.

D. The 4-VA, a public-private partnership among George Mason University, James Madison University, Virginia Tech, University of Virginia and CISCO Systems, Inc, was established to utilize emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the four institutions will be leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

ITEM 166.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>E. Out of this appropriation, \$1,740,552 the second year from the general fund is provided to address restoration of budget cuts, in-state undergraduate enrollment growth and costs associated with the development of a collaborative practical experience partnership in kinesiology between James Madison University and the Briery Branch Community Center.</i></p> <p><i>F. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.</i></p> <p><i>G. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.</i></p>				
167.	Higher Education Student Financial Assistance (10800) ..		\$12,532,493	\$12,532,493
			\$13,604,984	\$13,704,984
	Scholarships (10810).....	\$11,990,623	\$11,990,623	
		\$13,063,114	\$13,163,114	
	Fellowships (10820).....	\$541,870	\$541,870	
	Fund Sources: General.....	\$7,960,958	\$7,960,958	
			\$8,060,958	
	Higher Education Operating.....	\$4,571,535	\$4,571,535	
		\$5,644,026	\$5,644,026	
	Authority: Title 23, Chapter 12.1, Code of Virginia.			
168.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$36,936,471	\$36,936,471
	Eminent Scholars (11001) .....	\$39,031	\$39,031	
	Sponsored Programs (11004) .....	\$36,897,440	\$36,897,440	
	Fund Sources: Higher Education Operating.....	\$36,936,471	\$36,936,471	
	Authority: Title 23, Chapter 12.1, Code of Virginia.			
169.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$186,302,476	\$188,760,898
	Food Services (80910).....	\$56,383,177	\$58,074,673	
		\$59,176,841	\$60,868,337	
	Bookstores and other Stores (80920).....	\$1,424,000	\$1,424,000	
		\$1,602,536	\$1,602,536	
	Residential Services (80930).....	\$33,325,785	\$35,304,529	
		\$30,696,362	\$32,675,106	
	Parking and Transportation Systems and Services (80940) .....	\$7,055,328	\$5,743,429	
		\$7,686,126	\$6,374,227	
	Telecommunications Systems and Services (80950).....	\$904,520	\$924,520	
		\$926,059	\$946,059	
	Student Health Services (80960).....	\$5,660,697	\$5,660,697	
		\$5,740,308	\$5,740,308	
	Student Unions and Recreational Facilities (80970).....	\$6,817,541	\$6,817,541	
		\$6,257,789	\$6,257,789	
	Recreational and Intramural Programs (80980).....	\$13,198,099	\$13,418,445	
		\$12,395,686	\$12,616,032	
	Other Enterprise Functions (80990).....	\$18,325,655	\$18,421,458	
		\$19,352,713	\$19,448,516	
	Intercollegiate Athletics (80995) .....	\$43,207,674	\$42,971,606	
		\$42,468,056	\$42,231,988	
	Fund Sources: Higher Education Operating.....	\$145,271,471	\$146,003,357	

ITEM 169.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$155,991,942	\$156,723,828		
Debt Service.....	\$41,031,005	\$42,757,541		
	\$30,310,534	\$32,037,070		
Authority: Title 23, Chapter 12.1, Code of Virginia.				
Total for James Madison University.....			\$500,987,781	\$503,456,133
			\$512,863,261	\$518,037,434
General Fund Positions.....	1,072.17	1,072.17		
Nongeneral Fund Positions.....	2,166.59	2,166.59		
Position Level .....	3,238.76	3,238.76		
Fund Sources: General.....	\$82,394,547	\$82,404,477		
	\$79,281,239	\$81,996,990		
Higher Education Operating.....	\$375,701,143	\$376,433,029		
	\$401,320,835	\$402,052,721		
Debt Service.....	\$42,892,091	\$44,618,627		
	\$32,261,187	\$33,987,723		

**§ 1-56. LONGWOOD UNIVERSITY (214)**

170.	Educational and General Programs (10000).....			\$59,900,635	\$59,906,694
				\$61,657,928	\$62,227,959
	Higher Education Instruction (100101).....	\$29,660,131	\$29,517,320		
		\$30,879,131	\$31,300,292		
	Higher Education Public Services (100103).....	\$632,680	\$632,680		
	Higher Education Academic Support (100104).....	\$9,869,425	\$9,869,425		
		\$10,927,425	\$10,927,425		
	Higher Education Student Services (100105).....	\$4,130,085	\$4,272,896		
		\$4,153,085	\$4,295,896		
	Higher Education Institutional Support (100106).....	\$9,207,937	\$9,213,996		
		\$8,677,816	\$8,671,289		
	Operation and Maintenance of Plant (100107).....	\$6,400,377	\$6,400,377		
		\$6,387,791			
	Fund Sources: General.....	\$25,085,661	\$25,091,708		
		\$24,542,954	\$25,112,973		
	Higher Education Operating.....	\$34,814,974	\$34,814,986		
		\$37,114,974	\$37,114,986		

Authority: Title 23, Chapter 15, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this Act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$286,504 the second year from the general fund is provided to address restoration of budget cuts and in-state undergraduate enrollment growth.

D. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

ITEM 170.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>E. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.</i>				
171.	Higher Education Student Financial Assistance (10800) ..		\$4,182,842	\$4,182,842
				\$4,282,842
	Scholarships (10810).....	\$4,182,143	\$4,182,143	
				\$4,282,143
	Fellowships (10820).....	\$699	\$699	
	Fund Sources: General.....	\$4,182,842	\$4,182,842	
				\$4,282,842
	Authority: Title 23, Chapter 15, Code of Virginia.			
172.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$3,178,393	\$3,178,393
	Sponsored Programs (11004) .....	\$3,178,393	\$3,178,393	
	Fund Sources: Higher Education Operating.....	\$3,178,393	\$3,178,393	
	Authority: Title 23, Chapter 15, Code of Virginia.			
173.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$50,213,379	\$51,845,076
	Food Services (80910).....	\$8,057,874	\$8,057,874	
	Bookstores and other Stores (80920).....	\$45,000	\$45,000	
	Residential Services (80930).....	\$16,021,011	\$16,021,011	
	Parking and Transportation Systems and Services (80940) .....	\$905,009	\$905,009	
	Telecommunications Systems and Services (80950).....	\$1,233,600	\$1,233,600	
	Student Health Services (80960).....	\$668,487	\$668,487	
	Student Unions and Recreational Facilities (80970).....	\$605,619	\$605,619	
	Recreational and Intramural Programs (80980).....	\$2,029,974	\$2,029,974	
	Other Enterprise Functions (80990).....	\$12,734,281	\$14,365,978	
	Intercollegiate Athletics (80995) .....	\$7,912,524	\$7,912,524	
	Fund Sources: Higher Education Operating.....	\$42,626,068	\$44,257,765	
	Debt Service.....	\$7,587,311	\$7,587,311	
	Authority: Title 23, Chapter 15, Code of Virginia.			
	Total for Longwood University.....		<b>\$117,475,249</b>	<b>\$119,113,005</b>
			<b>\$119,232,542</b>	<b>\$121,534,270</b>
	General Fund Positions.....	285.89	287.89	
	Nongeneral Fund Positions.....	471.67	471.67	
	Position Level .....	757.56	759.56	
	Fund Sources: General.....	\$29,268,503	\$29,274,550	
		\$28,725,796	\$29,395,815	
	Higher Education Operating.....	\$80,619,435	\$82,251,144	
		\$82,919,435	\$84,551,144	
	Debt Service.....	\$7,587,311	\$7,587,311	
<b>§ 1-57. NORFOLK STATE UNIVERSITY (213)</b>				
174.	Educational and General Programs (10000).....		\$76,379,057	\$76,387,834
			\$75,828,968	\$77,245,821
	Higher Education Instruction (100101).....	\$33,216,566	\$33,212,752	

ITEM 174.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$32,766,477	\$34,461,492		
Higher Education Research (100102).....	\$199,098	\$199,098		
Higher Education Public Services (100103).....	\$1,283,977	\$1,283,977		
Higher Education Academic Support (100104).....	\$9,378,969	<del>\$9,378,969</del>		
		\$9,337,812		
Higher Education Student Services (100105).....	\$5,043,405	\$5,043,405		
Higher Education Institutional Support (100106).....	<del>\$15,088,878</del>	<del>\$15,101,469</del>		
	\$14,988,878	\$14,751,873		
Operation and Maintenance of Plant (100107).....	\$12,168,164	\$12,168,164		
Fund Sources: General.....	<del>\$42,350,375</del>	<del>\$42,359,152</del>		
	\$41,800,286	\$42,592,139		
Higher Education Operating.....	\$34,028,682	<del>\$34,028,682</del>		
		\$34,653,682		

Authority: Title 23, Chapter 13.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$5,350,128 the first year and \$5,350,128 the second year from the general fund is designated for the recently initiated Bachelor of Science academic programs in Electronics Engineering and Optical Engineering and Master of Science academic programs in Electronics Engineering, Optical Engineering, Computer Science, and Criminal Justice.

2. Out of the amounts for programs listed in paragraph B.1. above, shall be provided \$273,486 the first year and \$273,486 the second year from the general fund for lease payments through the Master Equipment Leasing Program for educational and general equipment.

3. Out of the amounts for Educational and General Programs, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income from the Eminent Scholars Program.

C.1. Out of the amounts for Educational and General Programs, a maximum of \$70,000 the first year and \$70,000 the second year from the general fund is designated for the Dozoretz National Institute for Minorities in Applied Sciences. No allotment of these funds shall be made until Norfolk State University has certified to the Secretary of Education that funds, in cash, are available to match all or any part of the amount herein made available from the general fund.

2. Any unexpended balances in paragraphs B.1., B.2., B.3., and C.1. in this Item at the close of business on June 30, 2014 and June 30, 2015 shall not revert to the surplus of the general fund, but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year. Norfolk State University may expend any prior year end balances to support its educational and general activities.

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

E. Out of this appropriation, \$220,000 the first year and \$220,000 the second year from the general fund is designated to increase retention and graduation of juniors and seniors in good academic standing and who have additional demonstrated need.

*F.1. Out of this appropriation, \$500,337 the second year from the general fund is provided to address restoration of budget cuts, to incentivize growth of transfer students and costs associated with improving retention.*

ITEM 174.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>2. <i>Norfolk State University is authorized to utilize the amount provided in paragraph F.1. of this item in the form of student financial assistance. However, should the institution decide to use these funds as financial aid, it shall be for the fiscal year only and not a permanent transfer.</i></p> <p><i>G. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.</i></p> <p><i>H. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.</i></p>				
175.	Higher Education Student Financial Assistance (10800) ..		\$13,119,664	\$13,119,664 <i>\$13,519,664</i>
	Scholarships (10810).....	\$13,054,319	<del>\$13,054,319</del> <i>\$13,454,319</i>	
	Fellowships (10820).....	\$65,345	\$65,345	
	Fund Sources: General.....	\$8,219,664	<del>\$8,219,664</del> <i>\$8,619,664</i>	
	Higher Education Operating.....	\$4,900,000	\$4,900,000	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
176.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$24,686,497	\$24,686,497
	Sponsored Programs (11004) .....	\$24,686,497	\$24,686,497	
	Fund Sources: Higher Education Operating.....	\$24,686,497	\$24,686,497	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
177.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$41,205,988	\$41,205,988
	Food Services (80910).....	\$1,368,865	\$1,368,865	
	Bookstores and other Stores (80920).....	\$393,740	\$393,740	
	Residential Services (80930) .....	\$13,769,908	\$13,769,908	
	Parking and Transportation Systems and Services (80940) .....	\$458,180	\$458,180	
	Student Health Services (80960).....	\$1,000,000	\$1,000,000	
	Student Unions and Recreational Facilities (80970).....	\$6,536,031	\$6,536,031	
	Other Enterprise Functions (80990).....	\$6,477,214	\$6,477,214	
	Intercollegiate Athletics (80995) .....	\$11,202,050	\$11,202,050	
	Fund Sources: Higher Education Operating.....	\$37,171,806	\$37,171,806	
	Debt Service.....	\$4,034,182	\$4,034,182	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
	Total for Norfolk State University .....		<del>\$155,391,206</del> <i>\$154,841,117</i>	<del>\$155,399,983</del> <i>\$156,657,970</i>
	General Fund Positions.....	<del>494.37</del> <i>488.37</i>	<del>494.37</del> <i>488.37</i>	
	Nongeneral Fund Positions.....	<del>501.75</del> <i>681.75</i>	<del>501.75</del> <i>681.75</i>	
	Position Level .....	<del>996.12</del> <i>1,170.12</i>	<del>996.12</del> <i>1,170.12</i>	

ITEM 177.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$50,570,039	\$50,578,816		
	\$50,019,950	\$51,211,803		
Higher Education Operating.....	\$100,786,985	\$100,786,985		
		\$101,411,985		
Debt Service.....	\$4,034,182	\$4,034,182		

**§ 1-58. OLD DOMINION UNIVERSITY (221)**

178.	Educational and General Programs (10000).....			\$240,807,695	\$240,690,107
				\$253,526,771	\$256,607,373
	Higher Education Instruction (100101).....	\$133,064,446	\$132,946,858		
		\$136,159,761	\$139,240,363		
	Higher Education Research (100102).....	\$4,780,608	\$4,780,608		
		\$5,527,109	\$5,527,109		
	Higher Education Public Services (100103).....	\$263,132	\$263,132		
	Higher Education Academic Support (100104).....	\$43,786,315	\$43,786,315		
		\$45,350,324	\$45,350,324		
	Higher Education Student Services (100105).....	\$11,645,397	\$11,645,397		
		\$14,278,779	\$14,278,779		
	Higher Education Institutional Support (100106).....	\$25,901,348	\$25,901,348		
		\$28,307,031	\$28,307,031		
	Operation and Maintenance of Plant (100107).....	\$21,366,449	\$21,366,449		
		\$23,640,635	\$23,640,635		
	Fund Sources: General.....	\$108,429,498	\$108,311,910		
		\$106,198,829	\$109,279,431		
	Higher Education Operating.....	\$132,378,197	\$132,378,197		
		\$147,327,942	\$147,327,942		

Authority: Title 23, Chapter 5.2, Code of Virginia.

A.1. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

2. Out of this appropriation, the university may allocate funds to expand enrollment capacity through expansion of distance learning, TELETECHNET and summer school.

B. Out of this appropriation, \$431,013 the first year and \$431,013 the second year from the general fund and \$198,244 the first year and \$198,244 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Notwithstanding § 55-297, Code of Virginia, Old Dominion University is hereby designated as the administrative agency for the Virginia Coordinate System.

D. Notwithstanding § 23-7.4:2, Code of Virginia, the governing board of Old Dominion University may charge reduced tuition to any person enrolled in one of Old Dominion University's TELETECHNET sites or higher education centers who lives within a 50-mile radius of the site/center, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state, or the District of Columbia, which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

ITEM 178.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F. Out of this appropriation, \$320,000 the first year and \$320,000 the second year from the general fund is designated to provide opportunity for 80 students per year to be engaged in STEM education using aerospace, high tech science, technology and engineering in partnership with NASA Wallops Flight Facility. Old Dominion University will collaborate with the Virginia Space Grant Consortium and STEM educators to identify the students who will participate in the program each year. The designated funding in this paragraph will not be considered as a resource for purposes of funding guidelines.

G. Out of this appropriation, \$125,000 the first year from the general fund is designated to complete planning for a joint School of Public Health in collaboration with Eastern Virginia Medical School. On or before June 30, 2015, Old Dominion University shall submit a status report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees regarding the feasibility of such a collaborative effort.

H. Out of this appropriation, \$2,182,606 the second year from the general fund is provided to address restoration of budget cuts, to incentivize growth of transfer students and to support speech and language disorders services at the Tidewater Center for Speech and Language Disorders at Old Dominion University.

I. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

J. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.

179.	Higher Education Student Financial Assistance (10800) ..			\$18,931,084	<del>\$18,931,084</del> \$19,531,084
	Scholarships (10810).....	\$16,693,350	<del>\$16,693,350</del> \$17,293,350		
	Fellowships (10820).....	\$2,237,734	\$2,237,734		
	Fund Sources: General .....	\$18,931,084	<del>\$18,931,084</del> \$19,531,084		

Authority: Title 23, Chapter 5.2, Code of Virginia.

180.	Financial Assistance for Educational and General Services (11000).....			\$16,553,821	<del>\$16,553,821</del> \$17,303,821
	Eminent Scholars (11001) .....	\$421,387	\$421,387		
	Sponsored Programs (11004) .....	\$16,132,434	<del>\$16,132,434</del> \$16,882,434		
	Fund Sources: General .....	\$3,136,658	<del>\$3,136,658</del> \$3,886,658		
	Higher Education Operating.....	\$13,417,163	\$13,417,163		

Authority: Title 23, Chapter 5.2, Code of Virginia.

A.1. Out of this appropriation, \$2,099,838 and 14 positions the first year and \$2,099,838 and 14 positions the second year from the general fund and \$4,500,000 the first year and \$4,500,000 the second year from nongeneral funds are designated to build research capacity in modeling and simulation, which shall include efforts to improve traffic management through modeling.

2. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to support science, technology, engineering and mathematics (STEM), and health-related programs. Old Dominion University shall use these funds to promote the use of modeling and simulation in the medical industry.

ITEM 180.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

B. Out of this appropriation, \$750,000 the first year and ~~\$750,000~~ \$1,500,000 the second year from the general fund is designated to expand research efforts at the Center for Bioelectrics, which uses electrical stimuli in the biomedical area to eliminate cancer cells and tumors without damaging healthy surrounding tissue, accelerate wound healing, and efficiently deliver DNA vaccines. Non-biomedical areas of research include reducing pollutants in exhaust and establishing effective ground penetrating radar.

C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.

181. Higher Education Auxiliary Enterprises (80900)				
a sum sufficient, estimated at .....			\$94,476,423	\$94,476,423
			\$102,522,045	\$102,522,045
Food Services (80910).....	\$2,098,962	\$2,098,962		
	\$4,777,500	\$4,777,500		
Bookstores and other Stores (80920).....	\$915,764	\$915,764		
Residential Services (80930).....	\$29,324,367	\$29,324,367		
	\$30,000,000	\$30,000,000		
Parking and Transportation Systems and Services (80940).....	\$7,445,894	\$7,445,894		
Student Health Services (80960).....	\$2,118,990	\$2,118,990		
Student Unions and Recreational Facilities (80970).....	\$6,853,908	\$6,853,908		
Recreational and Intramural Programs (80980).....	\$2,213,726	\$2,213,726		
Other Enterprise Functions (80990).....	\$16,079,746	\$16,079,746		
Intercollegiate Athletics (80995).....	\$27,425,066	\$27,425,066		
	\$32,116,517	\$32,116,517		
Fund Sources: Higher Education Operating.....	\$71,858,942	\$71,858,942		
	\$79,904,564	\$79,904,564		
Debt Service.....	\$22,617,481	\$22,617,481		

Authority: Title 23, Chapter 5.2, Code of Virginia.

Old Dominion University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of TELETECHNET classes offered at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for TELETECHNET students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the University's Board of Visitors. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the State Council of Higher Education for Virginia. Revenues in excess of expenditures shall be retained in the fund to support the entire TELETECHNET program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

Total for Old Dominion University .....			\$370,769,023	\$370,651,435
			\$391,533,721	\$395,964,323
General Fund Positions.....	1,054.21	1,054.21		
	1,035.51	1,034.51		
Nongeneral Fund Positions.....	1,390.98	1,390.98		
	1,397.98	1,397.98		
Position Level .....	2,445.19	2,445.19		
	2,433.49	2,432.49		
Fund Sources: General.....	\$130,497,240	\$130,379,652		
	\$128,266,571	\$132,697,173		

ITEM 181.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Higher Education Operating.....	\$217,654,302	\$217,654,302		
	\$240,649,669	\$240,649,669		
Debt Service.....	\$22,617,481	\$22,617,481		

**§ 1-59. RADFORD UNIVERSITY (217)**

182.	Educational and General Programs (10000).....			\$115,201,094	\$115,211,223
				\$114,087,845	\$115,267,918
	Higher Education Instruction (100101).....	\$70,361,655	\$70,355,889		
		\$69,689,518	\$70,853,696		
	Higher Education Public Services (100103).....	\$600,000	\$600,000		
	Higher Education Academic Support (100104).....	\$10,423,314	\$10,439,209		
		\$10,326,335	\$10,342,230		
	Higher Education Student Services (100105).....	\$5,587,655	\$5,587,655		
		\$5,538,719	\$5,538,719		
	Higher Education Institutional Support (100106).....	\$18,172,734	\$18,172,734		
		\$17,995,158	\$17,995,158		
	Operation and Maintenance of Plant (100107).....	\$10,055,736	\$10,055,736		
		\$9,938,115	\$9,938,115		
	Fund Sources: General.....	\$46,021,317	\$46,031,446		
		\$44,908,068	\$46,088,141		
	Higher Education Operating.....	\$69,179,777	\$69,179,777		

Authority: Title 23, Chapter 11.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$662,812 the second year from the general fund is provided to address restoration of budget cuts and to incentivize growth of transfer students.

D. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

E. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.

183.	Higher Education Student Financial Assistance (10800) ..			\$9,994,701	\$9,994,701
					\$10,094,701
	Scholarships (10810).....	\$9,324,089	\$9,324,089		
			\$9,424,089		
	Fellowships (10820).....	\$670,612	\$670,612		
	Fund Sources: General.....	\$8,087,230	\$8,087,230		
			\$8,187,230		
	Higher Education Operating.....	\$1,907,471	\$1,907,471		

Authority: Title 23, Chapter 11.1, Code of Virginia.

ITEM 184.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
184.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at .....		\$8,797,374	\$8,797,374
	Eminent Scholars (11001) .....	\$47,374	\$47,374	
	Sponsored Programs (11004) .....	\$8,750,000	\$8,750,000	
	Fund Sources: Higher Education Operating.....	\$8,797,374	\$8,797,374	
	Authority: Title 23, Chapter 11.1, Code of Virginia.			
185.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at .....		\$59,883,716	\$59,883,716
	Food Services (80910).....	\$16,926,468	\$16,926,468	
	Bookstores and other Stores (80920).....	\$534,174	\$534,174	
	Residential Services (80930).....	\$12,805,679	\$12,805,679	
	Parking and Transportation Systems and Services (80940) .....	\$1,426,881	\$1,426,881	
	Telecommunications Systems and Services (80950).....	\$571,775	\$571,775	
	Student Health Services (80960).....	\$2,831,701	\$2,831,701	
	Student Unions and Recreational Facilities (80970).....	\$6,185,931	\$6,185,931	
	Recreational and Intramural Programs (80980).....	\$1,465,013	\$1,465,013	
	Other Enterprise Functions (80990).....	\$4,614,308	\$4,614,308	
	Intercollegiate Athletics (80995) .....	\$12,521,786	\$12,521,786	
	Fund Sources: Higher Education Operating.....	\$56,483,716	\$56,483,716	
	Debt Service.....	\$3,400,000	\$3,400,000	
	Authority: Title 23, Chapter 11.1, Code of Virginia.			
	Total for Radford University.....		<b>\$193,876,885</b>	<b>\$193,887,014</b>
			<b>\$192,763,636</b>	<b>\$194,043,709</b>
	General Fund Positions.....	636.39	636.39	
		631.39	631.39	
	Nongeneral Fund Positions.....	812.69	812.69	
	Position Level .....	1,449.08	1,449.08	
		1,444.08	1,444.08	
	Fund Sources: General.....	\$54,108,547	\$54,118,676	
		\$52,995,298	\$54,275,371	
	Higher Education Operating.....	\$136,368,338	\$136,368,338	
	Debt Service.....	\$3,400,000	\$3,400,000	

**§ 1-60. UNIVERSITY OF MARY WASHINGTON (215)**

186.	Educational and General Programs (10000).....		\$62,644,686	\$62,649,655
			\$62,527,239	\$63,730,518
	Higher Education Instruction (100101).....	\$33,973,985	\$33,948,985	
		\$33,958,985	\$35,132,295	
	Higher Education Research (100102) .....	\$418,561	\$418,561	
	Higher Education Public Services (100103).....	\$277,855	\$277,855	
	Higher Education Academic Support (100104).....	\$7,562,142	\$7,587,142	
		\$7,547,142	\$7,572,142	
	Higher Education Student Services (100105).....	\$4,576,215	\$4,576,215	
		\$4,551,215	\$4,551,215	
	Higher Education Institutional Support (100106).....	\$8,781,837	\$8,786,806	
	Operation and Maintenance of Plant (100107).....	\$7,054,091	\$7,054,091	
		\$6,991,644	\$6,991,644	
	Fund Sources: General.....	\$21,183,471	\$21,188,410	

ITEM 186.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$21,066,024	\$22,269,273		
Higher Education Operating.....	\$41,461,215	\$41,461,245		

Authority: Title 23, Chapter 9.2, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation an amount estimated at \$80,483 the first year and \$80,483 the second year from the general fund and \$36,130 the first year and \$36,130 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. The participating institutions and centers shall jointly submit an annual report and operating plan to the State Council of Higher Education for Virginia in support of these funded activities.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

*D.1. Out of this appropriation \$930,028 the second year from the general fund is provided to address restoration of budget cuts and in-state undergraduate enrollment growth.*

*2. The University of Mary Washington is authorized to utilize up to \$500,000 of the amount provided in paragraph D.1. of this item in the form of student financial assistance. However, should the institution decide to use these funds as financial aid, it shall be for the fiscal year only and not a permanent transfer.*

*E. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

*F. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

187.	Higher Education Student Financial Assistance (10800) ..			\$2,577,885	\$2,577,885
	Scholarships (10810).....	\$2,571,686	<del>\$2,571,686</del>		\$3,805,265
			\$3,799,066		
	Fellowships (10820).....	\$6,199	\$6,199		
	Fund Sources: General.....	\$1,827,885	<del>\$1,827,885</del>		\$3,055,265
			\$3,055,265		
	Higher Education Operating.....	\$750,000	\$750,000		

Authority: Title 23, Chapter 9.2, Code of Virginia.

188.	Financial Assistance for Educational and General Services (11000)			\$809,533	\$809,533
	a sum sufficient, estimated at.....				
	Eminent Scholars (11001) .....	\$57,396	\$57,396		
	Sponsored Programs (11004) .....	\$752,137	\$752,137		
	Fund Sources: Higher Education Operating.....	\$809,533	\$809,533		

Authority: Title 23, Chapter 9.2, Code of Virginia.

ITEM 189.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
189.				
Museum and Cultural Services (14500) .....			\$796,639	\$796,639
			\$784,639	\$784,639
Collections Management and Curatorial Services (14501) .....	\$796,639	\$796,639		
	\$784,639	\$784,639		
Fund Sources: General .....	\$478,618	\$478,618		
Special .....	\$466,618	\$466,618		
	\$318,021	\$318,021		
Authority: Chapter 51, Acts of Assembly of 1960; § 23-91.35, Code of Virginia.				
The amounts provided in this appropriation are for the support of Belmont, the estate and memorial gallery of American artist Gari Melchers.				
190.				
Administrative and Support Services (19900) .....			\$2,200,000	\$2,200,000
			\$1,700,000	\$1,700,000
Operation of Higher Education Centers (19931) .....	\$2,200,000	\$2,200,000		
	\$1,700,000	\$1,700,000		
Fund Sources: General .....	\$1,750,000	\$1,750,000		
Special .....	\$1,250,000	\$1,250,000		
	\$450,000	\$450,000		
191.				
Historic and Commemorative Attraction Management (50200) .....			\$276,997	\$276,997
			\$270,997	\$270,997
Historic Landmarks and Facilities Management (50203) .	\$223,047	\$223,047		
	\$217,047	\$217,047		
Fund Sources: General .....	\$223,047	\$223,047		
Special .....	\$217,047	\$217,047		
	\$53,950	\$53,950		
Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.				
192.				
Higher Education Auxiliary Enterprises (80900)				
a sum sufficient, estimated at .....			\$41,100,589	\$41,100,589
Food Services (80910) .....	\$7,316,229	\$7,316,229		
Bookstores and other Stores (80920) .....	\$3,172,057	\$3,172,057		
Residential Services (80930) .....	\$10,850,697	\$10,850,697		
Telecommunications Systems and Services (80950) .....	\$884,725	\$884,725		
Student Health Services (80960) .....	\$569,044	\$569,044		
Student Unions and Recreational Facilities (80970) .....	\$1,575,031	\$1,575,031		
Recreational and Intramural Programs (80980) .....	\$1,946,299	\$1,946,299		
Other Enterprise Functions (80990) .....	\$13,197,357	\$13,197,357		
Intercollegiate Athletics (80995) .....	\$1,589,150	\$1,589,150		
Fund Sources: Higher Education Operating .....	\$35,661,961	\$35,661,961		
Debt Service .....	\$5,438,628	\$5,438,628		
Authority: Title 23, Chapter 9.2, Code of Virginia.				
Total for University of Mary Washington .....			<b>\$110,406,329</b>	<b>\$110,411,298</b>
			<b>\$109,770,882</b>	<b>\$112,201,541</b>
General Fund Positions .....	228.66	228.66		
Nongeneral Fund Positions .....	465.00	465.00		
Position Level .....	693.66	693.66		
Fund Sources: General .....	\$25,463,021	\$25,467,960		

ITEM 192.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$24,827,574	\$27,258,203		
Special.....	\$821,971	\$821,971		
Higher Education Operating.....	\$78,682,709	\$78,682,739		
Debt Service.....	\$5,438,628	\$5,438,628		

**§ 1-61. UNIVERSITY OF VIRGINIA (207)**

193.	Educational and General Programs (10000).....			\$579,075,787	\$579,087,912
	Higher Education Instruction (100101).....	\$285,983,787	\$285,901,912	\$591,565,722	\$594,542,769
		\$297,222,887	\$300,020,934		
	Higher Education Research (100102) .....	\$7,556,000	\$7,556,000		
		\$7,030,000	\$7,115,000		
	Higher Education Public Services (100103).....	\$4,819,000	\$4,819,000		
		\$4,723,000	\$4,723,000		
	Higher Education Academic Support (100104).....	\$99,318,000	\$99,318,000		
		\$102,896,075	\$102,896,075		
	Higher Education Student Services (100105).....	\$35,823,000	\$35,823,000		
		\$35,676,000	\$35,676,000		
	Higher Education Institutional Support (100106).....	\$37,951,000	\$38,045,000		
		\$37,742,825	\$37,836,825		
	Operation and Maintenance of Plant (100107).....	\$107,625,000	\$107,625,000		
		\$106,274,935	\$106,274,935		
	Fund Sources: General.....	\$123,925,478	\$123,937,603		
		\$115,765,413	\$118,742,460		
	Higher Education Operating.....	\$452,270,309	\$452,270,309		
		\$472,920,309	\$472,920,309		
	Debt Service.....	\$2,880,000	\$2,880,000		

Authority: Title 23, Chapter 9, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. This appropriation includes an amount not to exceed \$1,393,959 the first year and \$1,393,959 the second year from the general fund for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

3. The University of Virginia, in cooperation with the Virginia Commonwealth University Health System Authority, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.

4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for the University of Virginia for purposes of determining the university's portion of the statewide general fund reduction requirement.

C. Out of this appropriation, \$1,119,176 the first year and \$1,119,176 \$1,204,176 the second year from the general fund is designated for the Virginia Foundation for Humanities and Public Policy. Pursuant to House Joint Resolution 762, 1999 Session of the General Assembly, funds in this Item begin to address the objective of appropriating one dollar per capita for the support of the Foundation.

ITEM 193.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

D. Out of this appropriation, an amount estimated at \$527,610 the first year and \$527,610 the second year from the general fund and at least \$468,850 the first year and at least \$468,850 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

E. Out of this appropriation, \$192,954 the first year and \$192,954 the second year from the general fund, and at least \$283,500 the first year and at least \$283,500 the second year from nongeneral funds are designated for the independent Virginia Institute of Government at the University of Virginia Center for Public Service.

F. It is the intent of the General Assembly that the University of Virginia, in conjunction with the Eastern Virginia Medical School and Virginia Commonwealth University, maintain its efforts to educate and train sufficient generalist physicians to meet the needs of the Commonwealth, recognizing the Commonwealth's need for generalist physicians in medically underserved regions of the state. Further, it is the intent that the university support medical education and training in the principles of generalist medicine for all undergraduate medical students, regardless of their chosen specialty or field of study.

G. It is the intent of the General Assembly to assist the three Virginia medical schools as they respond to changes in the need for delivery and financing of medical education, both undergraduate and graduate.

H. Out of this appropriation, at least \$156,397 the first year and \$156,397 the second year from the general fund is designated for support of diabetes education and public service at the Virginia Center for Diabetes Professional Education at the University of Virginia.

I.1. Out of this appropriation, \$446,074 the first year and \$446,074 the second year from the general fund is designated for the Center for Politics at the University of Virginia to conduct and preserve oral histories with senior public officials, to conduct the Virginia Youth Leadership Initiative which educates students in Virginia's secondary schools in the democratic process, and to develop programs that foster increased public awareness of the electoral system.

2. Out of this appropriation, \$88,480 the first year and \$88,480 the second year from the general fund is designated to the Center of Politics to provide civic education resources to all public elementary and secondary schools in the Commonwealth.

J. Out of this appropriation \$251,146 the first year and \$251,146 the second year from the general fund and \$53,189 the first year and \$53,189 the second year from nongeneral funds are designated for support of the State Arboretum at Blandy Farm.

K. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

L. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

M. Out of this appropriation, \$691,207 the first year and \$691,207 the second year from the general fund is designated to continue the increase in access for in-state undergraduate students begun in the 2011 Session.

ITEM 193.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

N. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech and CISCO Systems, Inc., was established to utilize emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the four institutions will be leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

O. The University of Virginia is authorized to continue operation of its off-campus instructional site, the Hampton Roads Center, which recently moved from Hampton Roads to Newport News.

P. Out of this appropriation, \$1,608,886 the second year from the general fund is provided to address restoration of budget cuts and in-state undergraduate enrollment growth.

Q. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

R. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.

194.	Higher Education Student Financial Assistance (10800) ..			\$75,309,365	\$75,309,365
				\$92,624,365	\$92,724,365
	Scholarships (10810).....	\$39,575,735	\$39,575,735		
		\$46,462,688	\$46,562,688		
	Fellowships (10820).....	\$35,733,630	\$35,733,630		
		\$46,161,677	\$46,161,677		
	Fund Sources: General .....	\$10,524,365	\$10,524,365		
			\$10,624,365		
	Higher Education Operating.....	\$64,785,000	\$64,785,000		
		\$82,100,000	\$82,100,000		

Authority: Title 23, Chapter 9, Code of Virginia.

A. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

B. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund, shall be provided to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.

195.	Financial Assistance for Educational and General Services (11000).....			\$284,310,332	\$284,310,332
				\$283,244,332	\$284,244,332
	Sponsored Programs (11004) .....	\$284,310,332	\$284,310,332		
		\$283,244,332	\$284,244,332		
	Fund Sources: General .....	\$6,732,332	\$6,732,332		
			\$7,732,332		
	Higher Education Operating.....	\$254,768,000	\$254,768,000		
		\$253,702,000	\$253,702,000		
	Debt Service.....	\$22,810,000	\$22,810,000		

Authority: Title 23, Chapter 9, Code of Virginia.

ITEM 195.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>A. Out of this appropriation, \$1,600,612 the first year and \$1,600,612 the second year from the general fund and \$14,350,000 the first year and \$14,350,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering and biosciences.</p>				
<p>B. Out of this appropriation, \$3,381,720 the first year and <del>\$3,381,720</del> \$4,381,720 the second year from the general fund is designated for the support of cancer research.</p>				
<p>C. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the general fund is designated for support of the Focused Ultrasound Center to support core programs and research activities.</p>				
<p>D. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is designated to support the creation of the UVA Economic Development Accelerator.</p>				
<p>E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
196.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$200,415,000	<del>\$200,415,000</del> \$210,205,000
	Food Services (80910).....	\$4,949,300	<del>\$4,949,300</del> \$5,126,300	
	Residential Services (80930).....	\$40,471,644	<del>\$40,471,644</del> \$42,236,900	
	Parking and Transportation Systems and Services (80940).....	\$13,933,200	<del>\$13,933,200</del> \$15,018,400	
	Telecommunications Systems and Services (80950).....	\$16,222,162	<del>\$16,222,162</del> \$15,564,808	
	Student Health Services (80960).....	\$9,466,178	<del>\$9,466,178</del> \$9,702,280	
	Student Unions and Recreational Facilities (80970).....	\$6,816,351	<del>\$6,816,351</del> \$6,416,529	
	Recreational and Intramural Programs (80980).....	\$8,677,926	<del>\$8,677,926</del> \$9,601,456	
	Other Enterprise Functions (80990).....	\$48,182,589	<del>\$48,182,589</del> \$50,802,369	
	Intercollegiate Athletics (80995).....	\$51,695,650	<del>\$51,695,650</del> \$55,735,958	
	Fund Sources: Higher Education Operating.....	\$178,557,000	<del>\$178,557,000</del> \$188,347,000	
	Debt Service.....	\$21,858,000	\$21,858,000	
	Authority: Title 23, Chapter 9, Code of Virginia.			
	Total for University of Virginia.....		<del>\$1,139,110,484</del> \$1,167,849,419	<del>\$1,139,122,609</del> \$1,181,716,466
	General Fund Positions.....	1,082.63	1,082.63	
	Nongeneral Fund Positions.....	6,043.43	6,043.43	
	Position Level.....	5,947.17	5,947.17	
		7,126.06	7,126.06	
		7,029.80	7,029.80	
	Fund Sources: General.....	\$141,182,175	\$141,194,300	
		\$133,022,110	\$137,099,157	
	Higher Education Operating.....	\$950,380,309	\$950,380,309	

ITEM 196.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$987,279,309	\$997,069,309		
Debt Service.....	\$47,548,000	\$47,548,000		
<b>University of Virginia Medical Center (209)</b>				
197. State Health Services (43000).....			\$1,418,605,170	\$1,474,905,325
				\$1,475,155,325
Inpatient Medical Services (43007) .....	\$601,619,597	\$631,549,393		
Outpatient Medical Services (43011).....	\$351,134,357	\$371,134,357		
Administrative Services (43018).....	\$465,851,216	\$472,221,575		
		\$472,471,575		
Fund Sources: <i>General</i> .....		\$0	\$250,000	
Higher Education Operating.....	\$1,400,958,705	\$1,457,258,860		
Debt Service.....	\$17,646,465	\$17,646,465		

Authority: §§ 23-62 through 23-85, Code of Virginia and Chapter 38, Acts of Assembly of 1978.

A. The appropriation to the University of Virginia Medical Center provides for the care, treatment, health related services and education activities associated with Virginia patients, including indigent and medically indigent patients. Inasmuch as the University of Virginia Medical Center is a state teaching hospital, this appropriation is to be used to jointly support the education of health students through patient care provided by this appropriation.

B. By July 1 of each year, the Director, Department of Medical Assistance Services shall approve a common criteria and methodology for determining free care attributable to the appropriations in this Item. The Medical Center will report to the Department of Medical Assistance Services expenditures for indigent, medically indigent, and other patients. The Auditor of Public Accounts and the State Comptroller shall monitor the implementation of these procedures. The Medical Center shall report by October 31 annually to the Department of Medical Assistance Services, the Comptroller and the Auditor of Public Accounts on expenditures related to this Item. Reporting shall be by means of the indigent care cost report and shall follow criteria approved by the Director, Department of Medical Assistance Services.

C. Funding for Family Practice is included in the University of Virginia's Educational and General appropriation. Support for other residencies is included in the hospital appropriation.

D. It is the intent of the General Assembly that the University of Virginia Medical Center - Hospital maintain its efforts to staff residencies and fellow positions to produce sufficient generalist physicians in medically underserved regions of the state.

E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover medical center operations.

F. Notwithstanding anything contrary to law, the University of Virginia has authority to determine compensation paid to Medical Center employees in accordance with policies established by the Board of Visitors.

G. In order to provide the state share for Medicaid supplemental payments to Medicaid provider private hospitals in which the University of Virginia Medical Center has a non-majority interest, the University of Virginia shall transfer to the Department of Medical Assistance Services public funds that comply with 42 C.F.R. § 433.51.

H. *Out of this appropriation, \$250,000 the second year from the general fund is designated for construction and infrastructure costs associated with the University of Virginia Medical Center Emergency Helicopter site and hanger building in Buckingham County. The helipad will be located on land donated by Buckingham County. The University of Virginia Medical Center will provide the personnel and equipment costs.*

198. The June 30, 2014 and June 30, 2015 unexpended balances to the University of Virginia Medical Center are hereby reappropriated; their use is subject to approval of allotments by the Department of Planning and Budget.

ITEM 199.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
199.	A full accrual system of accounting shall be effected by the institution, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia, with the proviso that appropriations for operating expenses may not be used for capital projects.			
	Total for University of Virginia Medical Center .....		\$1,418,605,170	\$1,474,905,325 \$1,475,155,325
	Nongeneral Fund Positions.....	5,907.22	6,047.22	
	Position Level .....	5,907.22	6,047.22	
	Fund Sources: <i>General</i> .....	\$0	\$250,000	
	Higher Education Operating.....	\$1,400,958,705	\$1,457,258,860	
	Debt Service.....	\$17,646,465	\$17,646,465	

**University of Virginia's College at Wise (246)**

200.	Educational and General Programs (10000).....			\$22,541,154	\$22,543,405
				\$23,164,824	\$23,508,080
	Higher Education Instruction (100101).....	\$10,802,806	\$10,805,057		
		\$11,498,489	\$11,841,745		
	Higher Education Public Services (100103).....	\$197,333	\$197,333		
		\$196,333	\$196,333		
	Higher Education Academic Support (100104).....	\$3,516,407	\$3,516,407		
		\$3,510,907	\$3,510,907		
	Higher Education Student Services (100105).....	\$1,929,785	\$1,929,785		
		\$1,924,001	\$1,924,001		
	Higher Education Institutional Support (100106).....	\$3,506,932	\$3,506,932		
		\$3,453,043	\$3,453,043		
	Operation and Maintenance of Plant (100107).....	\$2,587,894	\$2,587,894		
		\$2,582,051	\$2,582,051		
	Fund Sources: General.....	\$13,618,136	\$13,620,387		
		\$13,491,806	\$13,835,062		
	Higher Education Operating.....	\$8,923,018	\$8,923,018		
		\$9,673,018	\$9,673,018		

Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. The software engineering curriculum being established to insure success of recent economic development projects in Southwest Virginia, shall be considered on its merits by the State Council of Higher Education for Virginia and shall not be dependent on funding by the Commonwealth.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

D. Out of this appropriation, \$233,358 the first year and \$233,358 the second year from the general fund and \$138,577 the first year and \$138,577 the second year from nongeneral funds are designated to facilitate the technical training programs for the Northrop Grumman state backup data center.

ITEM 200.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>E. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.</p>				
<p>F. Out of this appropriation, \$240,877 the second year from the general fund is provided to address restoration of budget cuts, to incentivize growth of transfer students and to address costs associated with compliance mandates.</p>				
<p>G. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.</p>				
<p>H. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.</p>				
201.	Higher Education Student Financial Assistance (10800) ..		\$2,149,938	\$2,149,938
	Scholarships (10810).....	\$2,149,938	<del>\$2,149,938</del>	<del>\$2,249,938</del>
			\$2,249,938	
	Fund Sources: General.....	\$2,099,938	<del>\$2,099,938</del>	
			\$2,199,938	
	Higher Education Operating.....	\$50,000	\$50,000	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
202.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$2,087,321	\$2,087,321
	Sponsored Programs (11004) .....	\$2,087,321	\$2,087,321	
	Fund Sources: Higher Education Operating.....	\$2,087,321	\$2,087,321	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
203.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$16,161,272	\$16,161,272
	Food Services (80910).....	\$289,656	\$289,656	
	Bookstores and other Stores (80920).....	\$175,990	\$175,990	
	Residential Services (80930) .....	\$5,500,179	\$5,500,179	
	Parking and Transportation Systems and Services (80940) .....	\$172,996	\$172,996	
	Student Health Services (80960).....	\$156,880	\$156,880	
	Student Unions and Recreational Facilities (80970).....	\$612,343	\$612,343	
	Other Enterprise Functions (80990).....	\$6,878,679	\$6,878,679	
	Intercollegiate Athletics (80995) .....	\$2,374,549	\$2,374,549	
	Fund Sources: Higher Education Operating.....	\$13,171,272	\$13,171,272	
	Debt Service.....	\$2,990,000	\$2,990,000	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
	Total for University of Virginia's College at Wise .....		<del>\$42,939,685</del>	<del>\$42,941,936</del>
			\$43,563,355	\$44,006,611
	General Fund Positions.....	165.26	165.26	

ITEM 203.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Nongeneral Fund Positions.....	168.94	168.94		
Position Level .....	334.20	334.20		
Fund Sources: General.....	\$15,718,074	\$15,720,325		
	<i>\$15,591,744</i>	<i>\$16,035,000</i>		
Higher Education Operating.....	\$24,231,611	\$24,231,611		
	<i>\$24,981,611</i>	<i>\$24,981,611</i>		
Debt Service.....	\$2,990,000	\$2,990,000		
Grand Total for University of Virginia.....			<b>\$2,600,655,339</b>	<b>\$2,656,969,870</b>
			<b>\$2,630,017,944</b>	<b>\$2,700,878,402</b>
General Fund Positions.....	1,247.89	1,247.89		
Nongeneral Fund Positions.....	<del>12,119.59</del>	<del>12,259.59</del>		
	<i>12,023.33</i>	<i>12,163.33</i>		
Position Level .....	<del>13,367.48</del>	<del>13,507.48</del>		
	<i>13,271.22</i>	<i>13,411.22</i>		
Fund Sources: General.....	\$156,900,249	\$156,914,625		
	<i>\$148,613,854</i>	<i>\$153,384,157</i>		
Higher Education Operating.....	\$2,375,570,625	\$2,431,870,780		
	<i>\$2,413,219,625</i>	<i>\$2,479,309,780</i>		
Debt Service.....	\$68,184,465	\$68,184,465		

**§ 1-62. VIRGINIA COMMONWEALTH UNIVERSITY (236)**

204.	Educational and General Programs (10000).....			\$521,617,174	\$521,631,528
				<i>\$535,478,782</i>	<i>\$538,769,737</i>
	Higher Education Instruction (100101).....	\$273,195,288	\$273,209,642		
		<i>\$290,334,312</i>	<i>\$293,625,267</i>		
	Higher Education Research (100102) .....	\$13,593,159	\$13,593,159		
		<i>\$13,545,584</i>	<i>\$13,545,584</i>		
	Higher Education Public Services (100103).....	\$8,280,500	\$8,280,500		
		<i>\$8,264,877</i>	<i>\$8,264,877</i>		
	Higher Education Academic Support (100104).....	\$93,210,730	\$93,210,730		
		<i>\$93,034,827</i>	<i>\$93,034,827</i>		
	Higher Education Student Services (100105).....	\$25,364,802	\$25,364,802		
		<i>\$25,316,947</i>	<i>\$25,316,947</i>		
	Higher Education Institutional Support (100106).....	\$54,621,375	\$54,621,375		
		<i>\$51,731,572</i>	<i>\$51,731,572</i>		
	Operation and Maintenance of Plant (100107).....	\$53,351,320	\$53,351,320		
		<i>\$53,250,663</i>	<i>\$53,250,663</i>		
	Fund Sources: General.....	\$165,102,129	\$165,116,483		
		<i>\$159,724,370</i>	<i>\$163,015,325</i>		
	Higher Education Operating.....	\$356,515,045	\$356,515,045		
		<i>\$375,754,412</i>	<i>\$375,754,412</i>		

Authority: Title 23, Chapter 6.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$4,336,607 the first year and \$4,336,607 the second year from the general fund is provided for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

ITEM 204.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
3. The university, in cooperation with the University of Virginia, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.				
4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for Virginia Commonwealth University for purposes of determining the University's portion of the statewide general fund reduction requirement.				
C. Out of this appropriation, an amount estimated at \$332,140 the first year and \$332,140 the second year from the general fund and \$168,533 the first year and \$168,533 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.				
D.1. Out of this appropriation, not less than \$386,685 the first year and not less than \$386,685 the second year from the general fund is designated for the Virginia Center on Aging. This includes \$319,750 the first year and \$319,750 the second year for the Alzheimer's and Related Diseases Research Award Fund.				
2. Out of this appropriation, \$253,244 the first year and \$253,244 the second year from the general fund and \$356,250 the first year and \$356,250 the second year from nongeneral funds are designated for the operation of the Virginia Geriatric Education Center and the Geriatric Academic Career Awards Program, both to be administered by the Virginia Center on Aging.				
E. It is the intent of the General Assembly that Virginia Commonwealth University, in conjunction with the University of Virginia and Eastern Virginia Medical School, maintain its efforts to educate and train sufficient generalist physicians to meet the needs of the Commonwealth, recognizing the Commonwealth's need for generalist physicians in medically underserved regions of the state. Further, it is the intent that the university support medical education and training in the principles of generalist medicine for all undergraduate medical students, regardless of their chosen specialty or field of study.				
F. All costs for maintenance and operation of the physical plant of the School of Engineering, Phase I and future renovations, repairs, and improvements as they become necessary shall be financed from nongeneral funds.				
G. It is the intent of the General Assembly to assist the three Virginia medical schools as they respond to changes in the need for delivery and financing of medical education, both undergraduate and graduate.				
H. Out of this appropriation, \$243,675 the first year and \$243,675 the second year from the general fund is designated for support of the Council on Economic Education.				
I. Out of this appropriation, \$32,753 the first year and \$32,753 the second year from the general fund is designated for support of the Education Policy Institute.				
J.1. Notwithstanding any other provisions of law, Virginia Commonwealth University is authorized to remit tuition and fees for merit scholarships for students of high academic achievement subject to the following limitations and restrictions:				
2. The number of such scholarships annually awarded to undergraduate Virginia students shall not exceed 20 percent of the fall headcount enrollment of Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the headcount enrollment of Virginia students in undergraduate studies in the institution for the fall semester from the preceding academic year.				

ITEM 204.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

3. The number of such scholarships annually awarded to undergraduate non-Virginia students shall not exceed 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

4. A scholarship awarded under this program shall entitle the holder to receive an annual remission of an amount not to exceed the cost of tuition and required fees to be paid by the student.

K. Out of this appropriation, \$252,595 the first year and \$252,595 the second year from the general fund is provided for the Medical College of Virginia Palliative Care Partnership.

L. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

M. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Commonwealth University and the Commonwealth, as set forth in Chapters 594 and 616, of the 2008 Acts of Assembly.

N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for the Virginia Commonwealth University School of Pharmacy to support the Center for Compounding Practice and Research. The allocation will serve to support any costs associated with creating the Center including facility-related expenses as well as the purchase of the compounding equipment necessary for this state of the art teaching and research facility and will be leveraged as a matching gift with private funds. The Center will train Pharm.D. students to meet technical compounding demands, provide continuing education to registered pharmacists and conduct ongoing research on compounded medications.

*O. Out of this appropriation, \$1,483,852 the second year from the general fund is provided to address restoration of budget cuts, to incentivize growth of transfer students and costs associated with (i) establishing a business accelerator program at the DaVinci Center to assist entrepreneurs to grow sustainable start-ups and (ii) matching funds from industry to support modeling of the Virginia Port Authority ongoing operations and applied research efforts at the Commonwealth Center for Advanced Logistics Systems (CCALS).*

*P. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

*Q. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

205.	Higher Education Student Financial Assistance (10800)..			\$32,620,183	<del>\$33,120,183</del> \$34,170,183
	Scholarships (10810).....	\$29,720,892	<del>\$30,220,892</del> \$31,270,892		
	Fellowships (10820).....	\$2,899,291	\$2,899,291		
	Fund Sources: General.....	\$24,070,183	<del>\$24,070,183</del>		

ITEM 205.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Higher Education Operating.....	\$8,550,000		\$25,120,183 \$9,050,000
	Authority: Title 23, Chapter 6.1, Code of Virginia.			
206.	Financial Assistance for Educational and General Services (11000).....		\$271,521,441	\$271,521,441
			\$277,021,441	\$278,021,441
	Eminent Scholars (11001).....	\$3,045,800		\$3,045,800
	Sponsored Programs (11004) .....	\$268,475,641		\$268,475,641
		\$273,975,641		\$274,975,641
	Fund Sources: General.....	\$9,912,500		\$9,912,500
				\$10,912,500
	Higher Education Operating.....	\$249,602,661		\$249,602,661
	Debt Service.....	\$12,006,280		\$12,006,280
		\$17,506,280		\$17,506,280
	Authority: Title 23, Chapter 6.1, Code of Virginia.			
	A. Out of this appropriation, \$1,162,500 the first year and \$1,162,500 the second year from the general fund and \$6,600,000 the first year and \$6,600,000 the second year from nongeneral funds are designated to build research capacity in the areas of biomedical engineering and regenerative medicine.			
	B. Out of this appropriation, \$8,500,000 the first year and <del>\$8,500,000</del> \$9,500,000 the second year from the general fund is designated for the support of cancer research.			
	C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.			
	D. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to support the Parkinson's and Movement Disorders Center.			
207.	State Health Services (43000).....		\$28,600,000	\$28,600,000
	State Health Services Technical Support and Administration (43012).....	\$28,600,000		\$28,600,000
	Fund Sources: Higher Education Operating.....	\$28,600,000		\$28,600,000
	Authority: Discretionary Inclusion.			
	This appropriation includes funding to support 200 instructional and administrative faculty positions and for administrative and classified positions which provide services, through internal service agreements, to the Virginia Commonwealth University Health System Authority.			
208.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$166,140,391	\$166,140,391
			\$160,640,391	\$160,640,391
	Food Services (80910).....	\$22,900,568		\$22,900,568
		\$22,516,552		\$22,516,552
	Bookstores and other Stores (80920).....	\$4,265,012		\$4,265,012
	Residential Services (80930) .....	\$34,803,206		\$34,803,206
		\$33,755,972		\$33,755,972
	Parking and Transportation Systems and Services (80940) .....	\$23,078,878		\$23,078,878
		\$22,242,403		\$22,242,403

ITEM 208.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Telecommunications Systems and Services (80950).....	\$7,490,576	\$7,490,576		
Student Health Services (80960).....	<del>\$5,858,934</del>	<del>\$5,858,934</del>		
	\$5,835,250	\$5,835,250		
Student Unions and Recreational Facilities (80970).....	<del>\$16,068,406</del>	<del>\$16,068,406</del>		
	\$15,190,838	\$15,190,838		
Recreational and Intramural Programs (80980).....	<del>\$11,454,773</del>	<del>\$11,454,773</del>		
	\$10,562,900	\$10,562,900		
Other Enterprise Functions (80990).....	<del>\$23,859,183</del>	<del>\$23,859,183</del>		
	\$22,769,730	\$22,769,730		
Intercollegiate Athletics (80995).....	<del>\$16,360,855</del>	<del>\$16,360,855</del>		
	\$16,011,158	\$16,011,158		
Fund Sources: Higher Education Operating.....	\$128,972,511	\$128,972,511		
Debt Service.....	<del>\$37,167,880</del>	<del>\$37,167,880</del>		
	\$31,667,880	\$31,667,880		
Authority: Title 23, Chapter 6.1, Code of Virginia.				
209.	Administrative and Support Services (19900).....		\$44,500,000	\$44,500,000
			<del>\$45,000,000</del>	<del>\$45,000,000</del>
	Operation of Higher Education Centers (19931).....	\$44,500,000	\$44,500,000	
		<del>\$45,000,000</del>	<del>\$45,000,000</del>	
	Fund Sources: Higher Education Operating.....	\$44,500,000	\$44,500,000	
		<del>\$45,000,000</del>	<del>\$45,000,000</del>	
Authority: Title 23, Chapter 6.3, Code of Virginia.				
A.1. Out of this appropriation, \$44,500,000 the first year and \$44,500,000 the second year from nongeneral funds is designated to support the university's branch campus in Qatar.				
2. Notwithstanding § 2.2-1802 of the Code of Virginia, Virginia Commonwealth University is authorized to maintain a local bank account in Qatar and non-U.S. countries to facilitate business operations the VCU Qatar Campus. These accounts are exempt from the Securities for Public Deposits Act, Title 2.2, Chapter 44 of the Code of Virginia.				
3. Procurements and expenditures from the local bank account(s) are not subject to the Virginia Public Procurement Act and the Commonwealth Accounting Policies and Procedures (CAPP) Manual. Virginia Commonwealth University will institute procurement policies based on competitive procurement principles, except as otherwise stated within these policies. Expenditures from the local bank account will be recorded in the Commonwealth Accounting and Reporting System by Agency Transaction Vouchers, as appropriated herewith with revenue recognized as equal to the expenditures.				
4. Notwithstanding § 2.2-1149 of the Code of Virginia, Virginia Commonwealth University is authorized to approve operating, income and capital leases in Qatar under policies and procedures developed by the University.				
5. Virginia Commonwealth University is authorized to establish and hire staff (non-faculty) positions in Qatar under policies and procedures developed by the University. These employees, who are employed solely to support the Qatar Campus are not considered employees of the Commonwealth of Virginia and are not subject to the Virginia Personnel Act.				
6. The Board of Visitors of Virginia Commonwealth University is authorized to establish policies for the Qatar Campus.				
	Total for Virginia Commonwealth University.....		<del>\$1,064,999,189</del>	<del>\$1,065,513,543</del>
			\$1,079,360,797	\$1,085,201,752
	General Fund Positions.....	1,507.80		
		1,507.80		

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Nongeneral Fund Positions.....	3,792.29	3,792.29		
Position Level .....	5,300.09	5,300.09		
Fund Sources: General.....	\$199,084,812	\$199,099,166		
	\$193,707,053	\$199,048,008		
Higher Education Operating.....	\$816,740,217	\$817,240,217		
	\$836,479,584	\$836,979,584		
Debt Service.....	\$49,174,160	\$49,174,160		

**§ 1-63. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)**

210.	Educational and General Programs (10000).....			\$884,186,033	\$884,601,840
	Higher Education Instruction (100101).....	\$429,082,028	\$429,082,028	\$904,652,765	\$911,327,072
		\$424,146,484	\$431,482,288		
	Higher Education Public Services (100103).....	\$2,748,805	\$2,748,805		
	Higher Education Academic Support (100104).....	\$90,364,541	\$90,364,541		
		\$96,343,104	\$94,494,200		
	Higher Education Student Services (100105).....	\$69,031,244	\$69,031,244		
		\$73,031,244	\$73,031,244		
	Higher Education Institutional Support (100106).....	\$182,667,426	\$183,083,233		
		\$198,691,734	\$199,553,199		
	Operation and Maintenance of Plant (100107).....	\$110,291,989	\$110,291,989		
		\$109,691,394	\$110,017,336		
	Fund Sources: General.....	\$358,048,613	\$358,163,714		
		\$349,821,933	\$356,195,534		
	Higher Education Operating.....	\$526,137,420	\$526,438,126		
		\$554,830,832	\$555,131,538		

Authority: Title 23, Chapter 16, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. It is the objective of the Commonwealth that a standard of 70 percent full-time faculty be established for the Virginia Community College System. Consistent with higher education funding guidelines, it is expected that the Virginia Community College System will utilize the funds provided for base operating support to achieve this objective. In addition, the first priority for new funding provided to the community college system shall be for operating support at individual community colleges. Thirty days prior to the beginning of each fiscal year, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the allocation of all new general funds and nongeneral funds in this item and any cost recovery plans between the individual community colleges and the system office.

C. It is the intent of the General Assembly that funds available to the Virginia Community College System be reallocated to accommodate changes in enrollment and other cost factors at each of the community colleges.

D. Tuition and fee revenues from out-of-state students taking distance education courses through the Virginia Community College System must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the State Board for Community Colleges.

E. Out of this appropriation, \$82,000 and one position the first year and \$82,000 and one position the second year from the general fund is designated to enhance the skills of the interpreters for the deaf and hard-of-hearing and to enable them to achieve higher levels of expertise.

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	FY2015	FY2016	FY2015	FY2016

F. Out of this appropriation, amounts for the following special programs are designated: at J. Sargeant Reynolds Community College, the Program for the Deaf, \$65,999 and four positions the first year and \$65,999 and four positions the second year from the general fund and the Program for the Intellectually Disabled, \$93,051 and four positions the first year and \$93,051 and four positions the second year from the general fund; and, at New River Community College, the Program for the Deaf, \$80,090 and four positions the first year and \$80,090 and four positions the second year from the general fund, and the Program for the Intellectually Disabled, \$71,250 and 4.5 positions the first year and \$71,250 and 4.5 positions the second year from the general fund; and, at Danville Community College, the Program for the Deaf, \$26,586 and one position the first year and \$26,586 and one position the second year from the general fund.

G. Out of this appropriation, \$39,879 the first year and \$39,879 the second year from the general fund is designated to support the Southwest Virginia Telecommunications Network.

H. Out of this appropriation, \$267,250 and four positions the first year and \$267,250 and four positions the second year from the general fund is provided to support Virginia Western Community College's participation in the Roanoke Higher Education Center and the Botetourt County Education and Training Center at Greenfield.

I. Out of this appropriation, \$132,929 the first year and \$132,929 the second year from the general fund is designated to support the Southwestern Virginia Advanced Manufacturing Technology Center at Wytheville Community College.

J.1. Out of this appropriation, \$345,000 the first year and \$345,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Botetourt County Education and Training Center at Greenfield.

2. The general fund amounts provided for in this paragraph for workforce training, retraining, programming, and community education facilities at the Botetourt County Education and Training Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.

K.1. Out of this appropriation, \$330,000 the first year and \$330,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Virginia Peninsula Workforce Development Center.

2. The general fund amounts provided for in this Item for workforce training, retraining, programming, and community education facilities at the Virginia Peninsula Workforce Development Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.

L. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

M. Out of this appropriation, \$196,200 the first year and \$196,200 the second year from the general fund shall be provided to Northern Virginia Community College to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.

N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for Northern Virginia Community College to implement the SySTEMic Solutions initiative which will enable expansion of dual enrollment courses with a STEM focus in all Northern Virginia school districts; opportunities to earn industry-aligned certifications; professional development opportunities for STEM teachers; part-time employment

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and internship opportunities for students in STEM programs; hands-on SOL-based science lessons at the elementary level with industry input and support; and collaborative robotics programs between the community college and K-12 schools. It is expected that an equal amount of private funds will be generated as a match for the state support.

O. It is the intent of the General Assembly that 100 percent of the general funds contained in this amendment be allocated to the individual community colleges. As required in paragraph B of this item, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees by July 1 of each year, on the allocation of these funds, as well as the allocation of all general and nongeneral funds contained in this item by individual community colleges for fiscal years 2015 and 2016.

P. Out of this appropriation, \$20,000 the first year and \$20,000 the second year from the general fund shall be provided to Southside Virginia Community College. Out of this amount, \$8,000 each year from the general fund shall be provided to the Estes Community Center in Chase City, \$8,000 each year from the general fund shall be provided to the Lake Country Advanced Knowledge Center in South Hill, and \$4,000 each year from the general fund shall be provided to the Clarksville Enrichment Complex.

Q. Out of this appropriation, \$117,720 the first year and \$117,720 the second year from the general fund is provided for the Mecklenburg County Job Retraining Center.

R. *In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

S.1. *Out of this appropriation \$3,500,031 the second year from the general fund is provided to address restoration of budget cuts and recognition of enrollment growth and transfer students.*

2. *Out of the amounts provided in paragraph S.1. of this item, \$255,000 each year from the general fund and \$163,000 each year from nongeneral funds is designated for the operation of the Amherst Center of Central Virginia Community College.*

3. *Central Virginia Community College shall report annually to the Chairmen of the House Appropriations and Senate Finance Committees on the number of students enrolled, the programs provided with number of students served and the number of degrees and certificates awarded by program.*

4. *Out of the amounts provided in paragraph S.1. of this item, \$200,000 the second year from the general fund is designated for Lord Fairfax Community College. Of this amount \$100,000 is designated to expand the career and technical education programs at the Middletown Campus and \$100,000 is designated to launch a new workforce training program at the Fauquier Campus. The programs will be designed in collaboration with regional employers and high schools.*

T. *The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

211. Higher Education Student Financial Assistance (10800)				
a sum sufficient, estimated at.....			\$548,764,142	\$559,264,142
			\$550,064,142	\$562,839,142
Scholarships (10810).....	\$548,764,142	\$559,264,142		
	\$550,064,142	\$562,839,142		
Fund Sources: General.....	\$38,066,836	<del>\$38,066,836</del>		
		\$40,341,836		
Higher Education Operating.....	\$510,697,306	\$521,197,306		
	\$511,997,306	\$522,497,306		

Authority: Title 23, Chapter 16, Code of Virginia.



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for this purpose. These funds may be combined with funds of \$249,243 the first year and \$249,243 the second year already included in the Virginia Community College System budget for the "Virginia Works" program. The funds will be allocated by formula to all colleges based on the number of individuals served by non-credit activities.

F.1. As recommended by House Joint Resolution No. 622 (1997), the Joint Subcommittee to Study Noncredit Education for Workforce Training in the Commonwealth, the Virginia Community College System is directed to establish one or more Institutes of Excellence responsible for development of statewide training programs to meet current, high demand workforce needs of the Commonwealth. Out of this appropriation, at least \$664,647 the first year and \$664,647 the second year from the general fund is available to support the Institutes of Excellence.

2. Under the guidance of the Virginia Workforce Council, authorized in Title 2.2, Chapter 26, Article 25, Code of Virginia, the Virginia Community College System shall submit to the Chairmen of the Senate Finance and House Appropriations Committees by November 4 of each year a report detailing the financing, activities, accomplishments and plans for the Institutes of Excellence and the four workforce development centers, and outcomes of the appropriations for 23 workforce coordinators and for non-credit training. The report shall include, but not be limited to:

a. performance measures to be used to evaluate the effectiveness of the workforce coordinators at all 23 colleges;

b. detailed information on number of students trained, employers served and courses offered; the types of certifications awarded; and the participation by local governments and the public or private sector, and other data relevant to the activities of the four regional workforce development centers;

c. the number of students trained, employers served and courses offered through noncredit instruction, and the amounts of local government, public or private sector funding used to match this appropriation; and

d. the amount or percentage of private and public funding contributed for the institutes' programming and operating needs; the number of private and public partnerships involved in the institutes' programming; the number of faculty and colleges affected by the institutes' programming; and performance measures to be used to evaluate the sharing or broadcasting of information and new/improved/updated curricula to other Virginia Community College campuses.

G. Out of this appropriation, \$1,196,820 and 23 positions the first year and \$1,196,820 and 23 positions the second year from the general fund is provided for staff who will be responsible for coordinating workforce training in the campus service area. The staff will work with local business and industry to determine training needs, coordinate with local economic development personnel, the local workforce training council, and other providers. It is the General Assembly's intent that the Virginia Community College System maximize these positions by encouraging funding matches at the local level.

H. Out of this appropriation, \$470,880 and four positions the first year and \$470,880 and four positions the second year from the general fund is provided for four workforce training centers: the Peninsula Workforce Development Center (Thomas Nelson Community College), \$78,480 and one position the first year and \$78,480 and one position the second year; the Regional Center for Applied Technology Training (Danville Community College), \$156,960 and one position the first year and \$156,960 and one position the second year; a Workforce Development Center at Paul D. Camp Community College, \$156,960 and one position the first year and \$156,960 and one position the second year; and the Central Virginia Manufacturing Technology Training Center in the Lynchburg area, \$78,480 and one position the first year and \$78,480 and one position the second year. Each center shall provide a 25 percent match prior to the release of state funding.

I. Out of this appropriation, \$78,480 from the general fund and \$100,000 from nongeneral funds the first year and \$78,480 from the general fund and \$100,000 from nongeneral funds the second year is provided for the Heavy Equipment Operator program at Southside Virginia Community College.

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J. Out of this appropriation, \$100,000 the first year from the general fund is provided to continue the development of a Governor's Academy for Student Apprenticeships and Trades at Thomas Nelson Community College.

*K. The Chancellor of the Virginia Community College System shall develop a specific plan to expand the number of workforce training credentials and certifications to a level needed to meet the demands of Virginia's workforce. The plan should be outcome-based and include recommendations with regard to programs, accessibility, leveraging private investment, measuring outcomes and funding. The plan shall be developed in consultation with businesses, trade associations, the Virginia Economic Development Partnership, the Virginia Board of Workforce Development, the Secretary of Commerce and Trade, the Secretary of Education, the State Council of Higher Education for Virginia, and other entities involved with this issue. The Chancellor shall submit the report to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.*

214.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at .....			\$55,787,802	\$57,787,802
				\$58,787,802	\$60,787,802
	Food Services (80910).....	\$1,238,576	\$1,238,576		
	Bookstores and other Stores (80920).....	\$15,915,827	\$16,415,827		
	Parking and Transportation Systems and Services (80940) .....	\$19,985,371	\$20,485,371		
		\$22,985,371	\$23,485,371		
	Student Unions and Recreational Facilities (80970) .....	\$18,648,028	\$19,648,028		
	Fund Sources: Higher Education Operating.....	\$39,677,039	\$41,677,039		
		\$42,677,039	\$44,677,039		
	Debt Service.....	\$16,110,763	\$16,110,763		

Authority: Title 23, Chapter 16, Code of Virginia.

215. The appropriations in this section are for the following community colleges:

College I.D.	Community College	College I.D.	Community College
61	System Office	80	Northern Virginia
70	Utility	85	Patrick Henry
91	Blue Ridge	77	Paul D. Camp
92	Central Virginia	82	Piedmont
87	Dabney S. Lancaster	78	Rappahannock
79	Danville	76	Southside Virginia
84	Eastern Shore	94	Southwest Virginia
97	Germanna	93	Thomas Nelson
83	J. Sargeant Reynolds	95	Tidewater
90	John Tyler	96	Virginia Highlands
98	Lord Fairfax	86	Virginia Western
99	Mountain Empire	88	Wytheville
75	New River		

Total for Virginia Community College System .....			\$1,617,345,073	\$1,631,260,880
			\$1,654,111,805	\$1,676,561,112

General Fund Positions.....	5,542.57	5,542.57		
Nongeneral Fund Positions.....	5,794.58	5,794.58		
Position Level .....	11,337.15	11,337.15		
Fund Sources: General .....	\$405,389,746	\$405,404,847		
	\$397,163,066	\$405,711,667		
Higher Education Operating.....	\$1,195,844,564	\$1,209,745,270		

ITEM 215.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$1,240,837,976	\$1,254,738,682		
Debt Service.....	\$16,110,763	\$16,110,763		

**§ 1-64. VIRGINIA MILITARY INSTITUTE (211)**

216.	Educational and General Programs (10000).....			\$35,392,806	\$35,395,603
	Higher Education Instruction (100101).....	\$14,464,371	\$14,464,371	\$35,626,981	\$35,983,906
			\$14,767,619		
	Higher Education Public Services (100103).....	\$67,237	\$67,237		
	Higher Education Academic Support (100104).....	\$5,359,489	\$5,359,489		
			\$5,303,639		
	Higher Education Student Services (100105).....	\$2,484,209	\$2,484,209		
			\$2,433,939		
	Higher Education Institutional Support (100106).....	\$6,274,896	\$6,277,693		
		\$6,597,896	\$6,879,693		
	Operation and Maintenance of Plant (100107).....	\$6,742,604	\$6,742,604		
		\$6,653,779	\$6,531,779		
	Fund Sources: General.....	\$9,075,052	\$9,077,845		
		\$8,633,227	\$8,990,148		
	Higher Education Operating.....	\$25,917,754	\$25,917,758		
		\$26,593,754	\$26,593,758		
	Debt Service.....	\$400,000	\$400,000		

Authority: Title 23, Chapter 10, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Resources determined by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the base adequacy funding guidelines.

D. Out of this appropriation, \$258,910 the second year from the general fund is provided to address restoration of budget cuts and enrollment growth.

E. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

F. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.

217.	Higher Education Student Financial Assistance (10800) ..			\$2,830,928	\$2,830,928
	Scholarships (10810).....	\$2,830,928	\$2,830,928	\$4,070,928	\$4,170,928
		\$4,070,928	\$4,170,928		
	Fund Sources: General.....	\$870,928	\$870,928		

ITEM 217.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
		\$970,928		
	Higher Education Operating.....	\$1,960,000		
		\$3,200,000		
	Authority: Title 23, Chapter 10, § 23-105, Code of Virginia.			
	A. Out of the amounts for Scholarships and Loans, the institute shall provide for State Cadetships and for discretionary student aid.			
218.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at .....		\$894,898	\$894,898
	Eminent Scholars (11001) .....	\$200,000		
	Sponsored Programs (11004) .....	\$694,898		
	Fund Sources: Higher Education Operating.....	\$894,898		
	Authority: Title 23, Chapter 10, Code of Virginia.			
219.	Unique Military Activities (11300).....		\$7,763,904	\$7,963,904
			\$7,884,904	\$8,138,904
	Fund Sources: General.....	\$3,569,904		
			\$3,569,904	
			\$3,644,904	
	Higher Education Operating.....	\$4,194,000		
		\$4,315,000		
			\$4,394,000	
			\$4,494,000	
	Authority: Discretionary Inclusion.			
	A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.			
	2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.			
220.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at .....		\$26,000,000	\$26,200,000
			\$27,400,000	\$27,600,000
	Food Services (80910).....	\$6,767,000		
	Bookstores and other Stores (80920).....	\$1,079,894		
	Residential Services (80930).....	\$2,001,367		
	Student Health Services (80960).....	\$221,448		
	Student Unions and Recreational Facilities (80970).....	\$1,320,134		
	Recreational and Intramural Programs (80980).....	\$551,902		
	Other Enterprise Functions (80990).....	\$8,670,147		
		\$10,070,147		
	Intercollegiate Athletics (80995).....	\$5,388,108		
	Fund Sources: Higher Education Operating.....	\$24,359,000		
		\$25,759,000		
	Debt Service.....	\$1,641,000		
	Authority: Title 23, Chapter 10, Code of Virginia.			
	Total for Virginia Military Institute.....		<b>\$72,882,536</b>	<b>\$73,285,333</b>
			<b>\$75,877,711</b>	<b>\$76,788,636</b>
	General Fund Positions.....	187.71		
	Nongeneral Fund Positions.....	281.06		

ITEM 220.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level .....	468.77	468.77		
Fund Sources: General .....	\$13,515,884	\$13,518,677		
Higher Education Operating.....	\$13,074,059	\$13,605,980		
Debt Service.....	\$57,325,652	\$57,725,656		
	\$60,762,652	\$61,141,656		
	\$2,041,000	\$2,041,000		

**§ 1-65. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)**

221.	Educational and General Programs (10000).....			\$570,517,260	\$570,535,160
	Higher Education Instruction (100101).....	\$325,820,705	\$325,838,596	\$590,061,336	\$593,692,709
	Higher Education Research (100102) .....	\$331,239,669	\$334,731,992		
	Higher Education Public Services (100103).....	\$23,457,632	\$23,457,632		
	Higher Education Academic Support (100104).....	\$18,072,889	\$18,072,889		
	Higher Education Student Services (100105).....	\$21,512,639	\$21,512,639		
	Higher Education Institutional Support (100106).....	\$69,854,379	\$69,854,379		
	Operation and Maintenance of Plant (100107).....	\$70,803,345	\$71,373,029		
	Fund Sources: General .....	\$17,652,600	\$17,652,600		
	Higher Education Operating.....	\$18,417,672	\$18,473,681		
		\$52,964,053	\$52,964,062		
		\$56,858,732	\$56,576,878		
		\$62,695,002	\$62,695,002		
		\$67,771,647	\$67,566,858		
	Fund Sources: General .....	\$151,525,781	\$151,543,673		
	Higher Education Operating.....	\$145,283,725	\$148,915,090		
		\$418,991,479	\$418,991,487		
		\$444,777,611	\$444,777,619		

Authority: Title 23, Chapter 11, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation shall be expended an amount estimated at \$869,882 the first year and \$869,882 the second year from the general fund and \$436,357 the first year and \$436,357 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$313,770 the first year and \$313,770 the second year from the general fund is designated to support the Marion duPont Scott Equine Center of the Virginia-Maryland Regional College of Veterinary Medicine.

D. Out of this appropriation, \$234,987 the first year and \$234,987 the second year from the general fund is designated to support tobacco research for medicinal purposes and field tests at sites in Blackstone and Abingdon.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

G. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated to develop a STEM Industry Internship program in partnership with the Virginia Space Grant Consortium, Virginia Regional Technology Councils and industry. The program will provide 75 undergraduate students across the Commonwealth an opportunity to centrally apply for real world work experience and provide Virginia's industries with access to qualified interns. Virginia Tech will partner with the Virginia Space Grant Consortium and work with Virginia's Regional Technology Councils who will serve as the program's conduit to industry, advertising the program and linking with interested industry partners.

H. The 4-VA, a public-private partnership among George Mason University, James Madison University, Virginia Tech, University of Virginia and CISCO Systems, Inc, was established to utilize emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the four institutions will be leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

I. Virginia Tech is granted authorization to convey 47.83 acres of land to the Virginia Tech-Montgomery Regional Airport Authority for the runway expansion acquisition. The acquisition will be funded, with no cost to the Commonwealth, through the Federal Aviation Administration property acquisition funds. The property shall be transferred to the authority upon such consideration as deemed appropriate. Notwithstanding any other provision of law, the proceeds from the transfer shall be applied entirely to support relocation costs of the university's agricultural programs and related facilities.

*J. Out of this appropriation, \$1,964,939 the second year from the general fund is provided to address restoration of budget cuts, in-state undergraduate enrollment growth and costs associated with (i) research activities in the Virginia Tech Transportation Institute; and, (ii) research activities at the Virginia Tech Cyber Physical Systems Lab.*

*K. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

*L. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.*

222.	Higher Education Student Financial Assistance (10800)..			\$19,705,847	\$19,705,847
	Scholarships (10810).....	\$15,215,131	\$15,215,131		\$19,805,847
			\$15,315,131		
	Fellowships (10820).....	\$4,490,716	\$4,490,716		
	Fund Sources: General.....	\$19,705,847	\$19,705,847		
			\$19,805,847		

Authority: Soil Scientist Scholarships: § 23-38.3, Code of Virginia; Other Scholarships: §§ 23-114 through 23-131, Code of Virginia.

A. Out of the amount for Scholarships, the following sums shall be made available from the general fund for:

1. Soil Scientist Scholarships, \$11,000 the first year and \$11,000 the second year.

ITEM 222.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. Scholarships, internships, and graduate assistantships administered by the Multicultural Academic Opportunities Program at the university, \$86,500 the first year and \$86,500 the second year. Eligible students must have financial need and participate in an academic support program.				
223. Financial Assistance for Educational and General Services (11000).....			\$304,831,290	\$304,831,290
			\$328,731,290	\$329,981,290
Eminent Scholars (11001) .....	\$2,000,000	\$2,000,000		
Sponsored Programs (11004) .....	\$302,831,290	\$302,831,290		
	\$326,731,290	\$327,981,290		
Fund Sources: General .....	\$2,488,544	\$2,488,544		
		\$3,738,544		
Higher Education Operating.....	\$302,342,746	\$302,342,746		
	\$326,242,746	\$326,242,746		

Authority: Title 23, Chapter 11, Code of Virginia.

A. Out of this appropriation, \$2,388,544 the first year and \$2,388,544 the second year from the general fund and \$15,000,000 the first year and \$15,000,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering, biomaterials and nanotechnology.

B. Virginia Polytechnic Institute and State University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of the Institute for Distance and Distributed Learning (IDDL) classes offered to students at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for IDDL students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. The Board of Visitors shall set tuition and fee rates to meet this requirement and shall set other policies regarding the IDDL as may be appropriate. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the Auditor of Public Accounts. As a part of this "instructional enterprise" fund Virginia Tech is authorized to establish a program in which Internet-based (on-line) courses, certificate, and entire degree programs, primarily at the graduate level, are offered to students in Virginia who are not enrolled for classes on the Blacksburg campus or one of the extended campus locations. Tuition generated by Virginia students taking these on-line courses and tuition from IDDL students at locations outside Virginia shall be retained in the fund to support the entire IDDL program and shall not be used by the state to offset other Educational and General costs. Revenues in excess of expenditures shall be retained in the fund to support the entire IDDL program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.

D. Out of this appropriation, \$1,750,000 the first year and ~~\$1,750,000~~ \$3,000,000 the second year from the general fund is designated to support and enhance brain disorder research.

224. Unique Military Activities (11300).....			\$2,084,350	\$2,084,350
Fund Sources: General .....	\$2,084,350	\$2,084,350		

Authority: Discretionary Inclusion.

A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.

ITEM 224.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.				
225.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at .....		\$273,621,471	\$273,621,471
			\$299,318,008	\$299,318,008
	Food Services (80910).....	\$52,090,957	\$52,090,957	
		\$54,951,237	\$54,951,237	
	Residential Services (80930).....	\$40,752,164	\$40,752,164	
		\$51,097,539	\$51,097,539	
	Parking and Transportation Systems and Services (80940) .....	\$12,480,253	\$12,480,253	
		\$13,846,901	\$13,846,901	
	Telecommunications Systems and Services (80950).....	\$22,010,811	\$22,010,811	
		\$21,003,824	\$21,003,824	
	Student Health Services (80960).....	\$9,946,129	\$9,946,129	
		\$10,800,303	\$10,800,303	
	Student Unions and Recreational Facilities (80970).....	\$13,949,766	\$13,949,766	
		\$18,726,078	\$18,726,078	
	Recreational and Intramural Programs (80980).....	\$6,704,802	\$6,704,802	
		\$8,614,941	\$8,614,941	
	Other Enterprise Functions (80990).....	\$60,654,120	\$60,654,120	
		\$57,898,861	\$57,898,861	
	Intercollegiate Athletics (80995).....	\$55,032,469	\$55,032,469	
		\$62,378,324	\$62,378,324	
	Fund Sources: Higher Education Operating.....	\$263,270,971	\$263,270,971	
		\$288,967,508	\$288,967,508	
	Debt Service.....	\$10,350,500	\$10,350,500	
Authority: Title 23, Chapter 11, Code of Virginia.				
	Total for Virginia Polytechnic Institute and State University .....		\$1,170,760,218	\$1,170,778,118
			\$1,239,900,831	\$1,244,882,204
	General Fund Positions.....	1,911.53	1,911.53	
			1,890.53	
	Nongeneral Fund Positions.....	4,933.45	4,933.45	
	Position Level .....	6,844.98	6,844.98	
			6,823.98	
	Fund Sources: General.....	\$175,804,522	\$175,822,414	
		\$169,562,466	\$174,543,831	
	Higher Education Operating.....	\$984,605,196	\$984,605,204	
		\$1,059,987,865	\$1,059,987,873	
	Debt Service.....	\$10,350,500	\$10,350,500	
<b>Virginia Cooperative Extension and Agricultural Experiment Station (229)</b>				
226.	Educational and General Programs (10000).....		\$83,613,283	\$83,616,272
			\$84,018,057	\$84,492,025
	Higher Education Research (100102) .....	\$36,810,999	\$36,812,769	
		\$37,215,773	\$37,688,522	
	Higher Education Public Services (100103).....	\$45,064,595	\$45,064,595	
	Higher Education Academic Support (100104).....	\$714,821	\$714,821	
	Operation and Maintenance of Plant (100107).....	\$1,022,868	\$1,024,087	
	Fund Sources: General.....	\$64,840,171	\$64,841,941	
		\$65,244,945	\$65,717,694	

ITEM 226.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Higher Education Operating.....	\$18,773,136	\$18,774,355		
Federal Trust.....	(\$24)	(\$24)		

Authority: § 23-132.1 through § 23-132.11, Code of Virginia.

A. Appropriations for this agency shall include operating expenses for research and investigations, and the several regional and county agricultural experiment stations under its control, in accordance with law.

B.1. It is the intent of the General Assembly that the Cooperative Extension Service gives highest priority to programs and services which comprised the original mission of the Extension Service, especially agricultural programs at the local level. The university shall ensure that the service utilizes information technology to the extent possible in the delivery of programs.

2. The budget of this agency shall include and separately account for local payments. Virginia Polytechnic Institute and State University, in conjunction with Virginia State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the agency, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. The Virginia Cooperative Extension and Agricultural Experiment Station shall not charge a fee for testing the soil on property used for commercial farming.

D. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

E. Out of this appropriation, \$413,750 the first year from the general fund and \$47,001 from nongeneral funds, and \$413,750 from the general fund and \$48,220 from nongeneral funds the second year is for the operation and maintenance of the new Human and Agricultural Biosciences building coming on line.

*F. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.*

Total for Virginia Cooperative Extension and Agricultural Experiment Station.....			<b>\$83,613,283</b>	<b>\$83,616,272</b>
			<b>\$84,018,057</b>	<b>\$84,492,025</b>

General Fund Positions.....	726.24	726.24		
Nongeneral Fund Positions.....	388.27	388.27		
Position Level .....	1,114.51	1,114.51		

Fund Sources: General.....	<del>\$64,840,171</del>	<del>\$64,841,941</del>		
	\$65,244,945	\$65,717,694		
Higher Education Operating.....	\$18,773,136	\$18,774,355		
Federal Trust.....	(\$24)	(\$24)		

Grand Total for Virginia Polytechnic Institute and State University .....			<b>\$1,254,373,501</b>	<b>\$1,254,394,390</b>
			<b>\$1,323,918,888</b>	<b>\$1,329,374,229</b>

General Fund Positions.....	2,637.77	<del>2,637.77</del>		
		2,616.77		

ITEM 226.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Nongeneral Fund Positions.....	5,321.72	5,321.72		
Position Level .....	7,959.49	7,959.49		
		7,938.49		
Fund Sources: General.....	\$240,644,693	\$240,664,355		
	\$234,807,411	\$240,261,525		
Higher Education Operating.....	\$1,003,378,332	\$1,003,379,559		
	\$1,078,761,001	\$1,078,762,228		
Debt Service.....	\$10,350,500	\$10,350,500		
Federal Trust.....	(\$24)	(\$24)		

**§ 1-66. VIRGINIA STATE UNIVERSITY (212)**

227.	Educational and General Programs (10000).....			\$74,077,219	\$74,078,647
				\$73,440,045	\$74,222,662
	Higher Education Instruction (100101).....	\$44,491,351	\$44,492,779		
			\$44,973,966		
	Higher Education Research (100102).....	\$2,110,453	\$2,110,453		
	Higher Education Public Services (100103).....	\$120,448	\$120,448		
	Higher Education Academic Support (100104).....	\$5,910,648	\$5,910,648		
		\$5,636,352	\$5,701,161		
	Higher Education Student Services (100105).....	\$4,335,982	\$4,335,982		
		\$4,286,652			
	Higher Education Institutional Support (100106).....	\$9,959,753	\$9,959,753		
		\$9,646,205	\$9,832,068		
	Operation and Maintenance of Plant (100107).....	\$7,148,584	\$7,148,584		
	Fund Sources: General.....	\$31,337,655	\$31,339,083		
		\$30,700,481	\$31,483,098		
	Higher Education Operating.....	\$42,739,564	\$42,739,564		

Authority: Title 23, Chapter 13, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$3,790,639 the first year and \$3,790,639 the second year from the general fund is designated for continued enhancement of the existing Bachelor of Science academic programs in Computer Science, Manufacturing Engineering, Computer Engineering, Mass Communications and Criminal Justice, and the doctoral program in Education.

2. Out of this appropriation, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income for the Eminent Scholars Program.

3. Any unexpended balances in paragraphs B.1. and B.2. in this Item at the close of business on June 30, 2014 and June 30, 2015, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year.

C. This appropriation includes \$200,000 the first year and \$200,000 the second year from the general fund to increase the number of faculty with terminal degrees to at least 85 percent of the total teaching faculty.

D. Out of this appropriation, Virginia State University is authorized to use up to \$600,000 the first year and \$600,000 the second year from the general fund to address extremely critical deferred maintenance deficiencies in its facilities, including residence halls and dining facilities.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of

ITEM 227.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p> <p>F. Out of this appropriation, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is designated to support the Manufacturing Engineering and Logistics Technology program.</p> <p><i>G.1. Out of this appropriation, \$558,992 the second year from the general fund is provided to address restoration of budget cuts, to incentivize growth of transfer students and cost associated with improving retention.</i></p> <p><i>2. Virginia State University is authorized to utilize up to \$400,000 of the amount provided in paragraph G.1. of this item in the form of student financial assistance. However, should the institution decide to use these funds as financial aid, it shall be for the fiscal year only and not a permanent transfer.</i></p> <p><i>H. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.</i></p> <p><i>I. The institution may adjust any of the amounts embedded in language under this item not to exceed the percentage reduction received.</i></p>				
228.	Higher Education Student Financial Assistance (10800) ..		\$11,787,806	<del>\$12,037,828</del> \$13,910,261
	Scholarships (10810).....	\$11,491,462	<del>\$11,741,484</del> \$13,613,917	
	Fellowships (10820).....	\$296,344	\$296,344	
	Fund Sources: General .....	\$6,263,234	<del>\$6,263,234</del> \$7,313,234	
	Higher Education Operating.....	\$5,524,572	<del>\$5,774,594</del> \$6,597,027	
	Authority: Title 23, Chapter 13, Code of Virginia.			
229.	Financial Assistance for Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$33,997,683	\$34,919,732
	Sponsored Programs (11004) .....	\$33,997,683	\$34,919,732	
	Fund Sources: Higher Education Operating.....	\$33,997,683	\$34,919,732	
	Authority: Title 23, Chapter 13, Code of Virginia.			
230.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$47,595,036	\$48,546,937
	Food Services (80910).....	\$8,599,226	\$8,789,606	
	Bookstores and other Stores (80920).....	\$51,001	\$51,001	
	Residential Services (80930).....	\$21,994,109	\$22,374,870	
	Parking and Transportation Systems and Services (80940) .....	\$417,467	\$417,467	
	Student Health Services (80960).....	\$1,046,036	\$1,046,036	
	Student Unions and Recreational Facilities (80970).....	\$2,440,687	\$2,678,662	
	Other Enterprise Functions (80990).....	\$7,189,097	\$7,189,097	

ITEM 230.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Intercollegiate Athletics (80995).....	\$5,857,413	\$6,000,198		
Fund Sources: Higher Education Operating.....	\$37,262,491	\$38,214,392		
Debt Service.....	\$10,332,545	\$10,332,545		
Authority: Title 23, Chapter 13, Code of Virginia.				
Total for Virginia State University .....			<b>\$167,457,744</b>	<b>\$169,583,144</b>
			<b>\$166,820,570</b>	<b>\$171,599,592</b>
General Fund Positions.....	329.97	329.97		
	323.97	323.47		
Nongeneral Fund Positions.....	486.89	486.89		
Position Level .....	816.86	816.86		
	810.86	810.36		
Fund Sources: General.....	\$37,600,889	\$37,602,317		
	\$36,963,715	\$38,796,332		
Higher Education Operating.....	\$119,524,310	\$121,648,282		
		\$122,470,715		
Debt Service.....	\$10,332,545	\$10,332,545		

**Cooperative Extension and Agricultural Research Services (234)**

231.	Educational and General Programs (10000).....			\$11,791,450	\$11,792,692
	Higher Education Research (100102).....	\$5,573,170	\$5,574,412		\$11,832,345
			\$5,614,065		
	Higher Education Public Services (100103).....	\$5,602,448	\$5,602,448		
	Higher Education Institutional Support (100106).....	\$190,000	\$190,000		
	Operation and Maintenance of Plant (100107).....	\$425,832	\$425,832		
	Fund Sources: General.....	\$5,430,442	\$5,431,684		
			\$5,441,337		
	Higher Education Operating.....	\$6,361,008	\$6,361,008		
			\$6,391,008		

Authority: Title 23, Chapter 11, and § 23-165.11, Title 23, Chapter 13, Code of Virginia.

A. Out this appropriation, \$392,107 the first year and \$392,107 the second year from the general fund is designated for support of research and extension activities aimed at the production of hybrid striped bass in Virginia farm ponds. No expenditures will be made from these funds for other purposes without the prior written permission of the Secretary of Education.

B. The Extension Division budgets shall include and separately account for local payments. Virginia State University, in conjunction with Virginia Polytechnic Institute and State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the Extension Division, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. Out of this appropriation, \$394,000 the first year and \$394,000 the second year from the general fund is designated for the Small-Farmer Outreach Training and Technical Assistance Program to provide outreach and business management education to small farmers.

D. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

ITEM 231.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Cooperative Extension and Agricultural Research Services.....			<b>\$11,791,450</b>	<del>\$11,792,692</del> <i>\$11,832,345</i>
General Fund Positions.....	31.75	31.75		
Nongeneral Fund Positions.....	67.00	67.00		
Position Level .....	98.75	98.75		
Fund Sources: General.....	\$5,430,442	<del>\$5,431,684</del> <i>\$5,441,337</i>		
Higher Education Operating.....	\$6,361,008	<del>\$6,361,008</del> <i>\$6,391,008</i>		
Grand Total for Virginia State University.....			<b>\$179,249,194</b>	<del>\$181,375,836</del> <i>\$183,431,937</i>
General Fund Positions.....	<del>361.72</del>	<del>361.72</del>		
Nongeneral Fund Positions.....	<del>355.72</del>	<del>355.22</del>		
Position Level .....	<del>553.89</del>	<del>553.89</del>		
Fund Sources: General.....	<del>\$43,031,331</del>	<del>\$43,034,001</del>		
Higher Education Operating.....	<del>\$42,394,157</del>	<del>\$44,237,669</del>		
Debt Service.....	\$125,885,318	<del>\$128,009,290</del> <i>\$128,861,723</i>		
	\$10,332,545	\$10,332,545		

**§ 1-67. FRONTIER CULTURE MUSEUM OF VIRGINIA (239)**

232. Museum and Cultural Services (14500) .....			<del>\$2,012,622</del>	<del>\$2,014,263</del> <i>\$2,179,263</i>
Collections Management and Curatorial Services (14501) .....	\$172,245	\$172,245		
Education and Extension Services (14503) .....	\$880,362	\$880,362		
Operational and Support Services (14507) .....	<del>\$960,015</del>	<del>\$961,656</del>		
	<del>\$1,051,682</del>	<del>\$1,126,656</del>		
Fund Sources: General.....	\$1,565,145	\$1,566,404		
Special.....	<del>\$447,477</del>	<del>\$447,859</del>		
	<del>\$539,144</del>	<del>\$612,859</del>		

Authority: Title 23, Chapter 25, Code of Virginia.

A. Any revenue generated by the Frontier Culture Musuem of Virginia from the development of its properties pursuant to § 23-298, Code of Virginia, may be retained by the museum to support agency operations. Such revenues shall be deposited into a special fund which shall be created on the books of the State Comptroller. Amounts in this fund shall be appropriated consistent with the provisions of this act.

B. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the American Frontier Culture Foundation.

Total for Frontier Culture Museum of Virginia.....			<b>\$2,012,622</b>	<del>\$2,014,263</del> <i>\$2,179,263</i>
General Fund Positions.....	22.50	22.50		
Nongeneral Fund Positions.....	15.00	15.00		
Position Level .....	37.50	37.50		
Fund Sources: General.....	\$1,565,145	\$1,566,404		

ITEM 232.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$447,477	\$447,859		
	\$539,144	\$612,859		
<b>§ 1-68. GUNSTON HALL (417)</b>				
233. Museum and Cultural Services (14500) .....			\$685,173	\$686,170
Collections Management and Curatorial Services (14501) .....	\$67,208	\$67,208		
Education and Extension Services (14503) .....	\$94,350	\$94,350		
Operational and Support Services (14507) .....	\$523,615	\$524,612		
Fund Sources: General .....	\$509,989	\$510,582		
Special .....	\$175,184	\$175,588		
Authority: Title 23, Chapter 24, Code of Virginia.				
Total for Gunston Hall .....			<b>\$685,173</b>	<b>\$686,170</b>
General Fund Positions .....	8.00	8.00		
Nongeneral Fund Positions .....	3.00	3.00		
Position Level .....	11.00	11.00		
Fund Sources: General .....	\$509,989	\$510,582		
Special .....	\$175,184	\$175,588		

**§ 1-69. JAMESTOWN-YORKTOWN FOUNDATION (425)**

234. Museum and Cultural Services (14500) .....			\$15,347,295	\$15,977,868
			\$15,579,295	\$16,436,644
Collections Management and Curatorial Services (14501) .....	\$704,384	\$735,885		
		\$917,385		
Education and Extension Services (14503) .....	\$5,002,637	\$5,562,922		
Operational and Support Services (14507) .....	\$9,640,274	\$9,679,061		
	\$9,872,274	\$9,956,337		
Fund Sources: General .....	\$7,408,267	\$8,027,129		
	\$7,640,267	\$8,485,905		
Special .....	\$7,939,028	\$7,950,739		

Authority: Title 23, Chapter 23, Code of Virginia.

- A. Out of the amounts for Operational and Support Services, the Director is authorized to expend from special funds amounts not to exceed \$3,500 the first year and \$3,500 the second year for entertainment expenses commonly borne by businesses. Such expenses shall be recorded separately by the agency.
- B. With the prior written approval of the Director, Department of Planning and Budget, nongeneral fund revenues which are unexpended by the end of the fiscal year may be paid to the Jamestown-Yorktown Foundation, Inc. for the specific purposes determined by the Board of Trustees in support of Foundation programs.
- C. It is the intent of the General Assembly that the Jamestown-Yorktown Foundation be authorized to fill all positions authorized in this act and all part-time (wage) positions funded in this act, notwithstanding § 4-7.01 of this act.
- D. Out of the appropriation for this Item, \$54,777 the first year and \$54,777 the second year from the general fund is included for the purchase of museum electronic security equipment through the state's master equipment lease program.

ITEM 234.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
E. Out of the appropriation for this item, \$158,993 the first year and <del>\$167,532</del> \$317,532 the second year from the general fund is included for the commemoration of the first representative legislative assembly, the arrival of the first documented Africans, the recruitment of women for colonization expansion and the observance of the first Thanksgiving.				
Total for Jamestown-Yorktown Foundation .....			<b>\$15,347,295</b>	<b>\$15,977,868</b>
			<b>\$15,579,295</b>	<b>\$16,436,644</b>
General Fund Positions.....	97.00	97.00		
	98.00	98.00		
Nongeneral Fund Positions.....	65.00	65.00		
Position Level .....	162.00	162.00		
	163.00	163.00		
Fund Sources: General .....	\$7,408,267	\$8,027,129		
	\$7,640,267	\$8,485,905		
Special.....	\$7,939,028	\$7,950,739		

**§ 1-70. THE LIBRARY OF VIRGINIA (202)**

235.	Archives Management (13700) .....			\$7,675,895	\$7,675,895
	Management of Public Records (13701) .....	\$879,199	\$879,199		
	Management of Archival Records (13702).....	\$2,562,677	\$2,562,677		
	Historical and Cultural Publications (13703) .....	\$672,864	\$672,864		
	Archival Research Services (13704) .....	\$1,912,661	\$1,912,661		
	Conservation-Preservation of Historic Records (13705) ...	\$648,494	\$648,494		
	Circuit Court Record Preservation (13706) .....	\$1,000,000	\$1,000,000		
	Fund Sources: General .....	\$2,984,313	\$2,984,313		
	Special.....	\$4,322,063	\$4,322,063		
	Federal Trust.....	\$369,519	\$369,519		

Authority: Title 42.1, Chapters 1 and 7, Code of Virginia.

A. The Librarian of Virginia shall report annually to the Secretary of Education on progress in the processing and preserving of circuit court records.

B. The Librarian of Virginia and the State Archivist shall conduct an annual study of The Library of Virginia's archival preservation needs and priorities, and shall report annually by December 1 to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees of the General Assembly on The Library of Virginia's progress to date in reducing its archival backlog.

236.	Statewide Library Services (14200) .....			\$6,841,670	\$6,841,670
	Cooperative Library Services (14201) .....	\$2,459,487	\$2,459,487		
	Consultation to Libraries (14203) .....	\$781,464	\$781,464		
	Research Library Services (14206) .....	\$3,600,719	\$3,600,719		
	Fund Sources: General .....	\$2,736,934	\$2,736,934		
	Special.....	\$40,680	\$40,680		
	Federal Trust.....	\$4,064,056	\$4,064,056		

Authority: Title 42.1, Chapters 1 and 3, Code of Virginia.

It is the intent of the General Assembly to continue to provide electronic resources for public libraries and to provide universal access to all citizens of the Commonwealth. First priority shall be the ability to access the Internet in local public libraries.

237.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$15,233,584	\$15,233,584
	State Formula Aid for Local Public Libraries (14301).....	\$15,233,584	\$15,233,584		

ITEM 237.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$15,233,584	\$15,233,584		
Authority: Title 42.1, Chapter 3, Code of Virginia.				
A. It is the objective of the Commonwealth that all local public libraries receiving state aid provide access to their patrons to worldwide electronic information on the Internet. It is the intent of the General Assembly that local public libraries receiving state aid invest in the technology necessary to provide or enhance this service.				
B. Included in this appropriation is \$190,070 the first year and \$190,070 the second year from the general fund to supplement the state formula aid distribution provided in Title 42.1, Code of Virginia, for Fairfax Public Library System.				
238. Administrative and Support Services (19900).....			\$8,100,382	<del>\$8,217,336</del> \$8,285,783
General Management and Direction (19901).....	\$5,880,319	\$5,986,198		
Information Technology Services (19902).....	\$1,630,100	<del>\$1,641,175</del> \$1,709,622		
Physical Plant Services (19915).....	\$589,963	\$589,963		
Fund Sources: General.....	\$6,368,323	<del>\$6,464,095</del> \$6,532,542		
Special.....	\$928,294	\$949,476		
Federal Trust.....	\$803,765	\$803,765		
Authority: Title 42.1, Chapter 1, Code of Virginia.				
Total for The Library of Virginia .....			<b>\$37,851,531</b>	<b>\$37,968,485</b> <b>\$38,036,932</b>
General Fund Positions.....	134.09	134.09		
Nongeneral Fund Positions.....	63.91	63.91		
Position Level .....	198.00	198.00		
Fund Sources: General.....	\$27,323,154	<del>\$27,418,926</del> \$27,487,373		
Special.....	\$5,291,037	\$5,312,219		
Federal Trust.....	\$5,237,340	\$5,237,340		

**§ 1-71. THE SCIENCE MUSEUM OF VIRGINIA (146)**

239. Museum and Cultural Services (14500) .....			\$11,545,189	\$11,773,267 <del>\$11,245,189</del> \$11,473,267
Collections Management and Curatorial Services (14501) .....	\$1,717,261	\$1,717,261		
Education and Extension Services (14503) .....	<del>\$4,988,643</del> \$4,688,643	<del>\$5,211,040</del> \$4,911,040		
Operational and Support Services (14507).....	\$4,839,285	\$4,844,966		
Fund Sources: General.....	\$5,188,359	\$5,413,512		
Special.....	\$5,056,830	\$5,059,755		
Trust and Agency .....	\$300,000	\$300,000		
Federal Trust.....	\$1,000,000	\$1,000,000		

Authority: Title 23, Chapter 18, Code of Virginia.

A. This appropriation from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provisions in this act.

B. Out of this appropriation, \$50,000 and two positions the first year and \$50,000 and two positions the second year from the general fund shall be provided to support the Danville Science Center in Danville, Virginia.

ITEM 239.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>C. Out of this appropriation, \$351,314 the first year and \$351,314 the second year from the general fund is included for the purchase of an IMAX digital projection system through the state's master equipment lease program.</p> <p>D. Out of this appropriation, \$150,000 the first year and \$150,000 the second year is provided to pilot a STEM partnership between the Science Museum of Virginia, the Virginia Air and Space Center, and the Virginia Living Museum for programs that promote achievement for K-12 students in Hampton Roads and across the state, leveraging technology in the vital STEM component of the workforce pipeline.</p>				
Total for The Science Museum of Virginia .....			<b>\$11,545,189</b> <i>\$11,245,189</i>	<b>\$11,773,267</b> <i>\$11,473,267</i>
General Fund Positions.....	59.19	59.19		
Nongeneral Fund Positions.....	34.81	34.81		
Position Level .....	94.00	94.00		
Fund Sources: General .....	\$5,188,359	\$5,413,512		
Special .....	\$5,056,830	\$5,059,755		
<del>Trust and Agency</del> .....	<del>\$300,000</del>	<del>\$300,000</del>		
Federal Trust.....	\$1,000,000	\$1,000,000		
<b>§ 1-72. VIRGINIA COMMISSION FOR THE ARTS (148)</b>				
240.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$4,363,049	\$4,226,049
	Financial Assistance to Cultural Organizations (14302)...		\$4,363,049	\$4,226,049
Fund Sources: General .....	\$3,599,374	\$3,462,374		
Special .....	\$35,000	\$35,000		
Dedicated Special Revenue .....	\$8,000	\$8,000		
Federal Trust.....	\$720,675	\$720,675		
Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
A. In the allocation of grants to arts organizations, the Commission shall give preference to the performing arts.				
B. It is the objective of the Commonwealth to fund the Virginia Commission for the Arts at an amount that equals one dollar for each resident of Virginia.				
C. In the allocation of grants to arts organizations, the Commission shall not consider any other general fund amounts which may be appropriated to an arts organization elsewhere in this act, nor shall any funds appropriated elsewhere in this act supplant those grants which may be allocated from this appropriation.				
241.	Museum and Cultural Services (14500) .....		\$408,115	\$548,339
	Operational and Support Services (14507) .....		\$408,115	\$548,339
Fund Sources: General .....	\$308,085	\$448,213		
Special .....	\$15,001	\$15,001		
Federal Trust.....	\$85,029	\$85,125		
Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
Total for Virginia Commission for the Arts.....			<b>\$4,771,164</b>	<b>\$4,774,388</b>
General Fund Positions.....	5.00	5.00		

ITEM 241.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level .....	5.00	5.00		
Fund Sources: General .....	\$3,907,459	\$3,910,587		
Special .....	\$50,001	\$50,001		
Dedicated Special Revenue .....	\$8,000	\$8,000		
Federal Trust .....	\$805,704	\$805,800		

**§ 1-73. VIRGINIA MUSEUM OF FINE ARTS (238)**

242.	Museum and Cultural Services (14500) .....			\$30,416,655	\$30,457,294
				\$31,916,655	\$31,871,153
	Collections Management and Curatorial Services (14501) .....	\$7,155,509	\$7,155,509		
		\$8,655,509	\$8,639,154		
	Education and Extension Services (14503) .....	\$4,768,642	\$4,768,642		
			\$4,758,642		
	Operational and Support Services (14507) .....	\$18,492,504	\$18,533,143		
			\$18,473,357		
	Fund Sources: General .....	\$10,327,766	\$10,332,142		
			\$10,246,001		
	Special .....	\$4,748,964	\$4,785,227		
	Enterprise .....	\$5,328,468	\$5,328,468		
	Dedicated Special Revenue .....	\$9,761,457	\$9,761,457		
		\$11,261,457	\$11,261,457		
	Federal Trust .....	\$250,000	\$250,000		

Authority: Title 23, Chapter 18.1, Code of Virginia.

A. The appropriation in this Item from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provision of this act.

B. Nongeneral fund revenues included in this Item under Dedicated Special Revenue will be restricted for the uses specified by the donors and shall not be subject to interagency transfers or appropriation reductions.

C. The Comptroller of Virginia shall establish a special revenue account fund detail code for nongeneral funds donated to the Virginia Museum of Fine Arts by private donors and volunteers who sponsor fundraising activities to support the museum's general operations, exhibitions, and programs.

D. Out of this appropriation, \$158,513 in the first year and \$158,513 in the second year from the general fund is provided to cover the service fee in lieu of taxes levied by the City of Richmond.

	Total for Virginia Museum of Fine Arts .....			\$30,416,655	\$30,457,294
				\$31,916,655	\$31,871,153
	General Fund Positions .....	131.50	131.50		
	Nongeneral Fund Positions .....	106.00	106.00		
	Position Level .....	237.50	237.50		
	Fund Sources: General .....	\$10,327,766	\$10,332,142		
			\$10,246,001		
	Special .....	\$4,748,964	\$4,785,227		
	Enterprise .....	\$5,328,468	\$5,328,468		
	Dedicated Special Revenue .....	\$9,761,457	\$9,761,457		
		\$11,261,457	\$11,261,457		
	Federal Trust .....	\$250,000	\$250,000		

ITEM 243.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-74. EASTERN VIRGINIA MEDICAL SCHOOL (274)**

243.	Financial Assistance for Educational and General Services (11000).....			\$24,398,073	\$24,398,073
	Sponsored Programs (11004) .....	\$656,406	\$656,406		
	Medical Education (11005) .....	\$23,741,667	\$23,741,667		
	Fund Sources: General .....	\$24,398,073	\$24,398,073		

Authority: Chapter 87, Acts of Assembly of 2002.

A. Out of this appropriation, \$656,406 the first year and \$656,406 the second year from the general fund is designated to build research capacity in medical modeling and simulation.

B. Out of this appropriation, \$375,700 the first year and \$375,700 the second year from the general fund is designated to support financial aid for in-state medical and health professions students.

C. Eastern Virginia Medical School shall transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to physicians affiliated with Eastern Virginia Medical School *for Medicaid supplemental capitation payments to managed care organizations for the purpose of securing access to Medicaid physicians services in Eastern Virginia.* The funds to be transferred must comply with 42 CFR 433.51.

244.	Appropriations for this agency shall be disbursed in twelve equal monthly installments each fiscal year.				
	Total for Eastern Virginia Medical School.....			<b>\$24,398,073</b>	<b>\$24,398,073</b>
	Fund Sources: General .....	\$24,398,073	\$24,398,073		

**§ 1-75. NEW COLLEGE INSTITUTE (938)**

245.	Administrative and Support Services (19900).....			\$3,058,846	\$3,058,312
	Operation of Higher Education Centers (19931).....	\$3,058,846	\$3,058,312		
	Fund Sources: General .....	\$1,519,044	\$1,518,753		
	Special.....	\$1,539,802	\$1,539,559		

Authority: Discretionary Inclusion.

A. It is the intent of the General Assembly that the New College Institute, the Institute for Advanced Learning and Research, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education and the Department of Planning and Budget on their joint efforts in this regard.

B. The requirements of § 4-5.05 shall not apply to this appropriation.

	Total for New College Institute .....			<b>\$3,058,846</b>	<b>\$3,058,312</b>
	General Fund Positions.....	17.00	17.00		
	Nongeneral Fund Positions.....	6.00	6.00		
	Position Level .....	23.00	23.00		
	Fund Sources: General .....	\$1,519,044	\$1,518,753		

ITEM 245.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Special.....	\$1,539,802	\$1,539,559		
<b>§ 1-76. INSTITUTE FOR ADVANCED LEARNING AND RESEARCH (885)</b>					
246.	Economic Development Services (53400).....			\$6,123,574	\$6,123,574
	Regional Research, Technology, Education, and Commercialization Services (53421).....	\$6,123,574	\$6,123,574		
	Fund Sources: General.....	\$6,123,574	\$6,123,574		
Authority: Title 23, Chapter 16.4, Code of Virginia.					
A. It is the intent of the General Assembly that the Institute for Advanced Learning and Research, the New College Institute, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education on their joint efforts in this regard.					
B. The requirements of § 4-5.05 shall not apply to this appropriation.					
C. This Item includes no funds for the agency's use of leased property for engagement activities.					
Total for Institute for Advanced Learning and Research..				<b>\$6,123,574</b>	<b>\$6,123,574</b>
	General Fund Positions.....	4.00	4.00		
	Position Level.....	4.00	4.00		
	Fund Sources: General.....	\$6,123,574	\$6,123,574		
<b>§ 1-77. ROANOKE HIGHER EDUCATION AUTHORITY (935)</b>					
247.	Administrative and Support Services (19900).....			\$1,122,013	\$1,122,013
	Operation of Higher Education Centers (19931).....	\$1,122,013	\$1,122,013		
	Fund Sources: General.....	\$1,122,013	\$1,122,013		
Authority: Title 23, Chapter 16.3, Code of Virginia.					
A. The requirements of § 4-5.05 shall not apply to this appropriation.					
Total for Roanoke Higher Education Authority.....				<b>\$1,122,013</b>	<b>\$1,122,013</b>
	Fund Sources: General.....	\$1,122,013	\$1,122,013		
<b>§ 1-78. SOUTHERN VIRGINIA HIGHER EDUCATION CENTER (937)</b>					
248.	Administrative and Support Services (19900).....			\$4,406,389	<del>\$4,407,285</del> \$7,559,285
	Operation of Higher Education Centers (19931).....	\$4,406,389	<del>\$4,407,285</del> \$7,559,285		
	Fund Sources: General.....	\$2,347,894	\$2,348,360		
	Special.....	\$2,058,495	<del>\$2,058,925</del> \$5,210,925		
Authority: Title 23, Chapter 16.5, Code of Virginia.					
A. It is the intent of the General Assembly that the Southern Virginia Higher Education Center, the Institute for Advanced Learning and Research, and the New College Institute coordinate their activities, both instructional and research, to the maximum extent possible to best meet					

ITEM 248.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education for Virginia on their joint efforts in this regard.

B. Out of this appropriation, \$29,050 the first year and \$29,050 the second year from the general fund is designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and the General Assembly.

C. Out of this appropriation, \$266,000 and four positions the first year and \$266,000 and four positions the second year from the general fund is designated for additional operational support of the Southern Virginia Higher Education Center and its efforts to provide STEM programs and specialized workforce training to the citizens of Southside Virginia.

D. The requirements of § 4-5.05 shall not apply to this appropriation.

Total for Southern Virginia Higher Education Center.....			<b>\$4,406,389</b>	<b><del>\$4,407,285</del> \$7,559,285</b>
General Fund Positions.....	20.80	20.80		
Nongeneral Fund Positions.....	<del>22.00</del>	<del>22.00</del>		
	26.00	26.00		
Position Level .....	<del>42.80</del>	<del>42.80</del>		
	46.80	46.80		
Fund Sources: General .....	\$2,347,894	\$2,348,360		
Special.....	\$2,058,495	<del>\$2,058,925</del> \$5,210,925		

**§ 1-79. SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER (948)**

249. Administrative and Support Services (1990).....			\$9,318,879	<del>\$9,319,427</del> \$3,012,483
General Management and Direction (19901).....	\$38,794	\$38,794		
Operation of Higher Education Centers (19931).....	\$9,280,085	<del>\$9,280,633</del> \$2,973,689		
Fund Sources: General .....	\$2,012,323	\$2,012,483		
Special.....	\$7,306,556	<del>\$7,306,944</del> \$1,000,000		

Authority: Title 23, Chapter 16.1, Code of Virginia.

A. Out of this appropriation, \$3,800,000 the first year ~~and \$3,800,000 the second year~~ in nongeneral funds is designated to support scholarships provided by the Virginia Tobacco Commission in Southside and Southwest Virginia.

Total for Southwest Virginia Higher Education Center....			<b>\$9,318,879</b>	<b><del>\$9,319,427</del> \$3,012,483</b>
General Fund Positions.....	31.00	31.00		
Nongeneral Fund Positions.....	5.00	5.00		
Position Level .....	36.00	36.00		
Fund Sources: General .....	\$2,012,323	\$2,012,483		
Special.....	\$7,306,556	<del>\$7,306,944</del> \$1,000,000		

ITEM 250.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-80. SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION DOING BUSINESS FOR JEFFERSON SCIENCE ASSOCIATES, LLC (936)**

250.	Financial Assistance for Educational and General Services (11000).....			\$1,150,005	\$1,150,005 \$1,400,005
	Sponsored Programs (11004) .....	\$1,150,005	\$1,150,005 \$1,400,005		
	Fund Sources: General.....	\$1,150,005	\$1,150,005 \$1,400,005		

Authority: Discretionary Inclusion.

A. This appropriation represents the Commonwealth of Virginia's contribution to the Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC, for the support of the Thomas Jefferson National Accelerator Facility (Jefferson Lab) located at Newport News, Virginia. This contribution includes funds to support faculty positions and industry-led research that will promote economic development opportunities in the Commonwealth.

*B.1. Out of this appropriation, \$250,000 the second year from the general fund is designated for expertise recruitment to address the minimum requirements for submitting a competitive bid to the United States Department of Energy for its electron ion collider project.*

*2. An amount of \$3,700,000 the first year from the general fund is designated for site studies for the electron ion collider project from amounts appropriated under Item 101.A.1.of this act.*

**B**C. This nonstate agency is exempt from the match requirement of § 2.2-1505, Code of Virginia and § 4-5.05 of this act.

Total for Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC .....			<b>\$1,150,005</b>	<b>\$1,150,005</b> <b>\$1,400,005</b>
Fund Sources: General.....	\$1,150,005	\$1,150,005 \$1,400,005		

**§ 1-81. VIRGINIA COLLEGE BUILDING AUTHORITY (941)**

251. Authority: Chapter 597, Acts of Assembly of 1986.

A.1. The purpose of this Item is to provide an ongoing program for the acquisition and replacement of instructional and research equipment at state-supported institutions of higher education in accordance with the intent and purpose of Chapter 597, Acts of Assembly of 1986.

2. The Governor shall annually present to the General Assembly through the Commonwealth's budget process, the estimated payments and the corresponding total value of equipment to be acquired.

B.1. The State Council of Higher Education for Virginia shall establish and maintain procedures through which institutions of higher education apply for allocations made available under the program, and shall develop guidelines and recommendations for the apportionment of such equipment to each state-supported institution of higher education.

2. The Authority shall finance equipment for educational institutions in accordance with § 23-30.28, Code of Virginia, and according to terms and conditions approved through the Commonwealth's budget and appropriation process. Bonds or notes issued by the Virginia College Building Authority to finance equipment may be sold and issued at the same time with other obligations of the Authority as separate issues or as a combined issue. Each institution shall make available such additional detail on specific equipment to be purchased as may be

ITEM 251.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

requested by the Governor or the General Assembly. If emergency acquisitions are necessary when the General Assembly is not in session, the Governor may approve such acquisitions. The Governor shall report his approval of such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.

3. Amounts for debt service payments for allocations provided by this Item shall be provided pursuant to Item 276 of this act.

C.1. Transfer of the appropriation in Item 276 of this act to the Virginia College Building Authority shall be subject to the approval of the Secretary of Finance. An allocation of \$126,436,310 made in the 2012-2014 biennium brings the total amount of equipment acquired through the program to approximately \$1,169,883,146.

2. Allocations of \$64,218,155 the first year and ~~\$64,218,155~~ \$74,218,155 the second year will be made to support the purchase of additional equipment to enhance instructional and research activity at Virginia's public colleges and universities. Allocations are as follows:

Institution	Prior Allocations	FY 2015 Allocation	FY 2016 Allocation	FY 2015 Research Allocation	FY 2016 Research Allocation
George Mason University	\$75,678,934	\$3,181,598	<del>\$3,181,598</del> \$3,763,163	\$387,306	\$387,306
Old Dominion University	\$78,490,783	\$4,043,427	<del>\$4,043,427</del> \$4,782,526	\$268,659	\$268,659
University of Virginia	\$202,912,915	\$8,430,318	<del>\$8,430,318</del> \$9,971,297	\$4,236,579	\$4,236,579
Virginia Commonwealth University	\$142,237,193	\$5,524,380	<del>\$5,524,380</del> \$6,534,182	\$2,445,569	\$2,445,569
Virginia Polytechnic Institute and State University	\$214,933,559	\$8,328,077	<del>\$8,328,077</del> \$9,850,368	\$4,278,311	\$4,278,311
College of William and Mary	\$38,879,706	\$1,854,370	<del>\$1,854,370</del> \$2,193,331	\$486,458	\$486,458
Christopher Newport University	\$12,041,957	\$608,154	<del>\$608,154</del> \$719,319	\$0	\$0
University of Virginia's College at Wise	\$4,680,367	\$202,068	<del>\$202,068</del> \$239,004	\$0	\$0
James Madison University	\$39,047,815	\$1,861,748	<del>\$1,861,748</del> \$2,202,057	\$0	\$0
Longwood University	\$12,092,038	\$599,263	<del>\$599,263</del> \$708,802	\$0	\$0
University of Mary Washington	\$14,193,649	\$528,581	<del>\$528,581</del> \$625,200	\$0	\$0
Norfolk State University	\$36,720,994	\$967,377	<del>\$967,377</del> \$1,144,204	\$0	\$0

ITEM 251.			Item Details(\$)		Appropriations(\$)	
			First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Radford University	\$27,528,381	\$1,406,595	<del>\$1,406,595</del> \$1,663,707		\$0	\$0
Virginia Military Institute	\$13,923,288	\$714,250	<del>\$714,250</del> \$844,808		\$0	\$0
Virginia State University	\$21,100,559	\$1,081,905	<del>\$1,081,905</del> \$1,279,667		\$0	\$0
Richard Bland College	\$2,814,183	\$129,092	<del>\$129,092</del> \$152,689		\$0	\$0
Virginia Community College System	\$217,944,534	\$11,765,909	<del>\$11,765,909</del> \$13,916,602		\$0	\$0
Virginia Institute of Marine Science	\$7,111,349	\$291,880	<del>\$291,880</del> \$345,233	\$143,120		\$143,120
Southwest Virginia Higher Education Center	\$1,162,210	\$64,575	<del>\$64,575</del> \$76,379		\$0	\$0
Roanoke Higher Education Authority	\$857,770	\$62,570	<del>\$62,570</del> \$74,007		\$0	\$0
Institute for Advanced Learning and Research	\$4,985,910	\$221,003	<del>\$221,003</del> \$261,400		\$0	\$0
Southern Virginia Higher Education Center	\$264,454	\$77,214	<del>\$77,214</del> \$91,328		\$0	\$0
New College Institute	\$280,598	\$27,799	<del>\$27,799</del> \$32,880		\$0	\$0
<i>Eastern Virginia Medical School</i>	<i>\$0</i>	<i>\$0</i>	<i>\$500,000</i>		<i>\$0</i>	<i>\$0</i>
<b>TOTAL</b>	<b>\$1,169,883,146</b>	<b>\$51,972,153</b>	<del><b>\$51,972,153</b></del> <b>\$61,972,153</b>	<b>\$12,246,002</b>		<b>\$12,246,002</b>

D. 1. Out of the allocations for the Virginia Community College System, \$2,000,000 the first year and \$2,000,000 the second year is designated to support the equipment needs of Workforce Development activities.

2. a) From the allocation provided in paragraph D. 1., up to \$500,000 the first year and \$500,000 the second year shall be used to support the Machinery and Equipment Program (Chapter 566, 2013 Acts of Assembly) to acquire engines, machines, motors, mechanical devices, laboratory trainers, computers, printers, tools, parts, and similar machinery and equipment as set forth in guidelines developed by the State Council of Higher Education and the Virginia Community College System.

b) Equipment for this program may be acquired from a business that purchased the new machinery and equipment in good working condition within 12 months prior to acquisition by the community college. Payments to the business shall be in an amount equal to 20 percent of the purchase price of the machinery or equipment, not to exceed an aggregate amount of \$5,000 to any one business during a calendar year.

c) The State Council of Higher Education for Virginia shall maintain and update as necessary on its website a list of machinery and equipment that qualifies for this program.

d) Pursuant to the second enactment clause of Chapter 566 (2013), this paragraph shall be an appropriation for purposes of effectuating the provisions of that act.

ITEM 251.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
e) The Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year on the equipment purchased through this program.				
Total for Virginia College Building Authority.....			\$0	\$0
TOTAL FOR OFFICE OF EDUCATION.....			<b>\$17,017,835,473</b>	<b>\$17,174,332,919</b>
			<i>\$17,215,668,176</i>	<i>\$17,697,583,674</i>
General Fund Positions.....	18,464.94	18,467.54		
	<i>18,426.24</i>	<i>18,419.14</i>		
Nongeneral Fund Positions.....	38,837.05	38,977.45		
	<i>38,931.79</i>	<i>39,072.19</i>		
Position Level .....	57,301.99	57,444.99		
	<i>57,358.03</i>	<i>57,491.33</i>		
Fund Sources: General .....	\$7,407,708,655	\$7,500,525,973		
	<i>\$7,270,128,231</i>	<i>\$7,480,723,653</i>		
Special.....	\$42,198,279	\$42,275,285		
	<i>\$42,289,946</i>	<i>\$39,296,341</i>		
Higher Education Operating.....	\$7,630,217,391	\$7,728,707,080		
	<i>\$7,889,877,621</i>	<i>\$7,999,613,743</i>		
Commonwealth Transportation .....	\$2,416,919	\$2,416,919		
	<i>\$1,098,946</i>	<i>\$1,047,697</i>		
Enterprise .....	\$5,328,468	\$5,328,468		
Internal Service.....	\$290,000	\$290,000		
Trust and Agency .....	\$658,835,041	\$622,221,488		
	<i>\$744,088,791</i>	<i>\$890,455,413</i>		
Debt Service.....	\$336,338,216	\$338,064,752		
	<i>\$325,963,669</i>	<i>\$327,925,405</i>		
Dedicated Special Revenue .....	\$10,019,457	\$10,019,457		
	<i>\$11,519,457</i>	<i>\$11,519,457</i>		
Federal Trust.....	\$924,483,047	\$924,483,497		
	<i>\$925,083,047</i>	<i>\$941,383,497</i>		

ITEM 252.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF FINANCE**

**§ 1-82. SECRETARY OF FINANCE (190)**

252.	Administrative and Support Services (79900).....			\$453,132	\$453,785
	General Management and Direction (79901).....	\$453,132	\$453,785		
	Fund Sources: General.....	\$453,132	\$453,785		

Authority: Title 2.2, Chapter 2, Article 5; § 2.2-201, Code of Virginia.

A. The Secretary of Finance, in consultation with other affected secretaries, is hereby authorized to order the State Comptroller to transfer to the general fund a reasonable sum, as determined by the State Comptroller, from annual charges of internal service funds and enterprise funds that exceed the cost of providing services or that represent over-recoveries from the general fund.

B. Following every General Assembly session, the financial plan in place required by § 2.2-1503.1, Code of Virginia, shall be updated to reflect policy changes or budget actions adopted by the General Assembly that would alter financial assumptions included in the plan. The revised financial plan shall be posted on the Department of Planning and Budget website no later than September 1 of each year.

C.1. The Secretary of Finance and the Secretary of Administration shall convene a work group to consist of representatives from the Department of Accounts, the Department of General Services, and the Department of the Treasury to evaluate options for improving the efficiency and accuracy of the Commonwealth’s current method of collecting and maintaining state property data. The evaluation shall include, but not be limited to, options for consolidating state property management information systems in production at the Department of Accounts, Department of General Services, and the Department of Treasury into a centralized information system solution, designating the appropriate agency to maintain and administer a centralized state property information system, identifying the costs associated with the implementation of a selected system solution, and identifying costs to administer and maintain the system as well as any savings that may be realized by each agency currently maintaining a legacy application. In conducting this evaluation, the Chief Information Officer of the Commonwealth shall determine if the proposed solution is an enterprise project as defined in § 2.2-2006, Code of Virginia.

2. The Department of the Treasury may use up to \$30,000 the first year from the State Insurance Reserve Trust Fund for third party costs associated with paragraph C.1.

3. The work-group shall report its findings and recommendations to the Director, Department of Planning and Budget, the Governor, and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2014.

	Total for Secretary of Finance .....			<b>\$453,132</b>	<b>\$453,785</b>
	General Fund Positions.....	4.00	4.00		
	Position Level .....	4.00	4.00		
	Fund Sources: General.....	\$453,132	\$453,785		

**§ 1-83. DEPARTMENT OF ACCOUNTS (151)**

253.	Financial Systems Development and Management (72400) .....			\$3,370,456	\$3,370,456
	Financial Systems Development (72401).....	\$736,513	\$736,513		
	Financial Systems Maintenance (72402) .....	\$1,060,044	\$1,060,044		
	Computer Services (72404).....	\$1,573,899	\$1,573,899		
	Fund Sources: General.....	\$3,370,456	\$3,370,456		

Authority: Title 2.2, Chapter 8, Code of Virginia.

ITEM 254.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
254.	Accounting Services (73700).....			\$7,885,058	\$8,538,109
	General Accounting (73701) .....	\$3,415,723	\$3,855,010		\$8,718,109
	Disbursements Review (73702).....	\$986,052	\$986,052		
			\$1,166,052		
	Payroll Operations (73703).....	\$1,142,831	\$1,142,831		
	Financial Reporting (73704).....	\$2,340,452	\$2,554,216		
	Fund Sources: General.....	\$7,063,102	\$7,716,153		
			\$7,896,153		
	Special.....	\$821,956	\$821,956		

Authority: Title 2.2, Chapter 8, and § 2.2-1822, Code of Virginia.

A.1. There is hereby created on the books of the State Comptroller the Commonwealth Charge Card Rebate Fund. Rebates earned in any fiscal year on the Commonwealth's statewide charge card program shall be deposited to the Commonwealth Charge Card Rebate Fund. The cost of administration of the program as well as rebates due to political subdivisions and payments due to the federal government are hereby appropriated from the fund. All remaining rebate revenue in the fund shall be deposited to the general fund by June 30 of each year.

2. The Department of Accounts is authorized to include the administrative costs estimated at \$80,000 per year for executing entries in the Commonwealth's accounting system for Level III institutions as defined in Chapter 675, 2009 Acts of Assembly, in the program costs appropriated from the fund.

B. The department shall coordinate records management and reporting requirements pursuant to the American Recovery and Reinvestment Act of 2009. Agencies receiving funds pursuant to the American Recovery and Reinvestment Act of 2009 shall: (i) comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director, Department of Planning and Budget, and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds; (ii) comply with all federal reporting requirements for the receipt of any funds from the American Recovery and Reinvestment Act of 2009 and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds; and (iii) comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.

C. Notwithstanding the provisions of §§ 17.1-286 and 58.1-3176, Code of Virginia, the State Comptroller shall not make payments to the Circuit Court clerks on amounts directly deposited into the State Treasury by General District Courts, Juvenile and Domestic Relations General District Courts, Combined District Courts, and the Magistrates System. The State Comptroller shall continue to make payments, in accordance with §§ 17.1-286 and 58.1-3176, Code of Virginia, to the respective clerks on those amounts directly deposited into the state treasury by the Circuit Courts.

*D. There is hereby created in the state treasury a special nonreverting fund that shall be known as the Federal Repayment Reserve Fund. The Fund shall be established on the books of the Comptroller and shall consist of such moneys as the State Comptroller determines will be required to repay the federal government its share of any rebates, Internal Service Fund profits, transfers to the general fund or amounts arising from other sources. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall hold all moneys in this Fund until such payment is required by the federal government.*

*Effective upon creation of Federal Repayment Reserve Fund, any agency with cash balances held in reserve for the anticipated federal repayment shall transfer the estimated amount determined by the State Comptroller prior to June 30. On an ongoing basis, agencies shall coordinate with the State Comptroller to identify amounts due to be returned to the federal government. The State Comptroller shall transfer those amounts to the Fund on or before June 30 of each year.*

ITEM 254.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

*E. The Department of Accounts is authorized to charge employees a mandatory fee of up to 15 cents for each payroll deduction administered under the Supplemental Insurance and Annuities program. Reimbursement by the employing agency is prohibited.*

255.	Service Center Administration (82600) .....			\$2,495,148	\$2,495,148
	Payroll Service Bureau (82601) .....	\$2,495,148	\$2,495,148		
	Fund Sources: Internal Service.....	\$2,495,148	\$2,495,148		

Authority: Title 2.2, Chapter 8, Code of Virginia.

A. The appropriation for the Payroll Service Bureau is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

B.1. The Department of Accounts shall operate the payroll service center to support the salaried and wage employees of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The payroll service center shall provide services to employees to include, but not be limited to, payroll, benefit enrollment and leave accounting. The Department of Accounts shall be responsible for all accounting reconciliations for these services; however, each employing agency shall remain fully responsible for certifying the accuracy of each payroll paid to its employees. This certification shall be in such form as the Comptroller directs.

2. The Department of Accounts shall recover the cost of services provided by the payroll service center through interagency transactions as determined by the State Comptroller.

C.1. The Department of Accounts shall operate a fiscal service center to support the operations of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The service center shall provide services to agencies to include accounts payable processing, travel voucher processing, related reconciliations, and such other fiscal services as may be appropriate.

2. The Department of Accounts shall recover the cost of services provided by the fiscal service center through interagency transactions as determined by the State Comptroller.

3. The Department of Accounts is authorized to charge fees of up to twenty percent of revenues generated pursuant to non-tax debt collection initiatives to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues deposited to the Virginia Technology Infrastructure Fund pursuant to Item 424 B.1 of this act.

D. Nothing in this section shall prohibit additional agencies from using the services of the centers; however, such additions shall be subject to approval by the affected cabinet secretary and the Secretary of Finance.

256.	Information Systems Management and Direction (71100) .....			\$21,582,258	\$21,934,791
	Financial Oversight for Performance Budgeting System (71107) .....	\$3,961,775	\$3,961,775		
	Financial Oversight for Cardinal System (71108).....	\$17,620,483	\$17,973,016		
	Fund Sources: Internal Service.....	\$21,582,258	\$21,934,791		

Authority: Title 2.2 Chapter 8, Code of Virginia

A.1. The appropriation for Financial Oversight for Performance Budgeting System and Financial Oversight for Cardinal System is sum sufficient and amounts shown are estimates from internal service funds which shall be paid solely from revenues derived from charges for services. Out of this appropriation, the Performance Budgeting System is appropriated \$3,961,775 the first year and \$3,961,775 the second year from internal service fund revenues. Out of this appropriation, the Cardinal system is appropriated \$17,620,483 the first

ITEM 256.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

year and \$17,973,016 the second year from internal service fund revenues. The State Comptroller shall establish a fund entitled the Enterprise Applications Internal Service Fund. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful methodology as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.

2. The State Comptroller shall submit revised projections of revenues and expenditures for the internal service fund and estimates of any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.

3. In the event that expenses of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the fund.

B.1. A working capital advance of up to ~~\$60,000,000~~ \$75,000,000 shall be provided to the Department of Accounts to pay the costs of the roll-out of the statewide financial management system known as Cardinal and the development of other approved statewide systems. Statewide roll-out costs include any costs necessary to ensure agencies are prepared for implementation of the new statewide financial management system and the planned decommissioning of the Commonwealth Accounting and Reporting System (CARS) scheduled to be completed prior to July 1, 2016, and shall include, but are not limited to, application configuration, agency training, and change management costs as well as efforts to increase transparency and make reports on expenditure data more useful for management and the general public. For purposes of this section, statewide roll-out costs exclude those costs incurred by line agencies to develop required interfaces from agency-based systems into the statewide financial management system. Such costs shall be borne by the agencies impacted.

2. Prior to accessing the working capital advance contained in Paragraph B.1. of this item for the statewide roll-out of Cardinal as the Commonwealth's enterprise financial system, the State Comptroller shall certify to the Auditor of Public Accounts that (i) the standards for vendor accounting information required pursuant to Chapters 758 and 812 of the 2009 Acts of Assembly have been developed by the State Comptroller in partnership with the Department of General Services and the Virginia Information Technologies Agency, (ii) these standards have been incorporated into the design of the Commonwealth's enterprise financial system, and (iii) to the extent that the State Comptroller has allowed agencies and institutions to use other financial systems, that both Cardinal and those other agencies and institutions have internal control procedures that incorporate industry best practices for a standard vendor database to minimize improper payments to vendors including, but not limited to, utilization of a single vendor database, which allows for the exchange of information so that the Commonwealth can uniformly determine which vendors, goods and services, and other information is necessary to monitor the use of the Commonwealth's resources.

3. The Secretary of Finance and Secretary of Technology shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.

4. Repayment of the working capital advance and ongoing systems operation, maintenance and support costs for the statewide financial management system shall be funded through the Enterprise Applications Internal Service Fund established pursuant to this Item.

257.	Administrative and Support Services (79900).....			\$1,433,027	\$1,504,131
	General Management and Direction (79901).....	\$1,433,027	\$1,504,131		
	Fund Sources: General.....	\$1,433,027	\$1,504,131		

Authority: Title 2.2, Chapter 8, Code of Virginia.

ITEM 257.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

As a condition of the appropriation in this Item, the department shall provide to the Chairmen of the House Appropriations and Senate Finance Committees the expenditure and revenue reports necessary for timely legislative oversight of state finances. The necessary reports include monthly and year-end versions and shall be provided in an interactive electronic format agreed upon by the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, and the Comptroller. Delivery of these reports shall occur by way of electronic mail or other methods to ensure their receipt within 48 hours of their initial run after the close of the business month.

258. In the event of default by a unit, as defined in § 15.2-2602, Code of Virginia, on payment of principal of or interest on any of its general obligation bonded indebtedness when due, the State Comptroller, in accordance with § 15.2-2659, Code of Virginia, is hereby authorized to make such payment to the bondholder, or paying agent for the bondholder, and to recover such payment and associated costs of publication and mailing from any funds appropriated and payable by the Commonwealth to the unit for any and all purposes.

259. In the event of default by any employer participating in the health insurance program authorized by § 2.2-1204, Code of Virginia, in the remittance of premiums or other fees and costs of the program, the State Comptroller is hereby authorized to pay such premiums and costs and to recover such payments from any funds appropriated and payable by the Commonwealth to the employer for any purpose. The State Comptroller shall make such payments upon receipt of notice from the Director, Department of Human Resource Management, that such payments are due and unpaid from the employer.

260. The State Comptroller shall make calculations of payments and transfers related to interest earned on federal funds, interest receivable on state funds advanced on behalf of federal programs, and direct cost reimbursements due from the federal government pursuant to Item 275 of this act.

Total for Department of Accounts .....			<b>\$36,765,947</b>	<b>\$37,842,635</b>
				<b>\$38,022,635</b>
General Fund Positions.....	109.00	115.00		
Nongeneral Fund Positions.....	59.00	53.00		
Position Level .....	168.00	168.00		
Fund Sources: General.....	\$11,866,585	<del>\$12,590,740</del>		
		\$12,770,740		
Special.....	\$821,956	\$821,956		
Internal Service.....	\$24,077,406	\$24,429,939		

**Department of Accounts Transfer Payments (162)**

261. Financial Assistance to Localities - General (72800)				
a sum sufficient, estimated at .....			<b>\$558,340,000</b>	<b>\$561,340,000</b>
			<b>\$558,465,000</b>	<b>\$561,465,000</b>
Distribution of Rolling Stock Taxes (72806).....	\$6,900,000	\$6,900,000		
Distribution of Recordation Taxes (72808).....	\$40,000,000	\$40,000,000		
Financial Assistance to Localities - Rental Vehicle Tax (72810) .....	\$36,000,000	\$36,000,000		
Distribution of Sales Tax Revenues From Certain Public Facilities (72811).....	\$1,040,000	\$1,040,000		
Distribution of Tennessee Valley Authority Payments in Lieu of Taxes (72812).....	\$1,400,000	\$1,400,000		
Distribution of the Virginia Communications Sales and Use Tax (72816).....	\$440,000,000	\$440,000,000		
Distribution of Payments to Localities for Enhanced Emergency Communications Services (72817).....	\$33,000,000	\$36,000,000		
<i>Distribution of Sales Tax Revenues From Certain Tourism Projects (72819).....</i>	<i>\$125,000</i>	<i>\$125,000</i>		

ITEM 261.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General .....	\$49,340,000	\$49,340,000		
	\$49,465,000	\$49,465,000		
Trust and Agency .....	\$36,000,000	\$36,000,000		
Dedicated Special Revenue .....	\$473,000,000	\$476,000,000		

Authority: §§ 4.1-116, 4.1-117, 4.1-235, 15.2-5814, 15.2-5914, 58.1-608.3, 58.1-662, 58.1-815.1, 58.1-816, 58.1-1736, 58.1-1741, 58.1-2658.1, and 58.1-3406, Code of Virginia.

A. Out of this appropriation, amounts estimated at \$20,000,000 the first year and \$20,000,000 the second year from the general fund shall be deposited into the Northern Virginia Transportation District Fund, as provided in § ~~58.1-815.1~~ 33.2-2400, Code of Virginia. Said amount shall consist of recordation taxes attributable to and transferable to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, and Prince William, pursuant to § 58.1-816, Code of Virginia. This amount shall be transferred to Item 448 of this act and shall be used to support the Northern Virginia Transportation District Program as defined in § ~~33.1-221.1-3~~ 33.2-2401, Code of Virginia. The Commonwealth Transportation Board shall make such allocations and expenditures from the fund as are provided in the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993 (Chapter 391, 1993 Acts of Assembly). The Commonwealth Transportation Board also shall make such allocations and expenditures from the fund as are provided in Chapters 470 and 597 of the 1994 Acts of Assembly (amendments to Chapter 391, 1993 Acts of Assembly).

B. Pursuant to Chapters 233 and 662, 1994 Acts of Assembly, out of this appropriation, an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited into the set-aside fund as requested in an ordinance adopted March 28, 1995, and in compliance with the requirements provided for in § 58.1-816.1, Code of Virginia, for an account for the City of Chesapeake. These amounts shall be transferred to Item 448 of this act and shall be allocated by the Commonwealth Transportation Board to provide for the debt service pursuant to the Oak Grove Connector, City of Chesapeake, Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994 (Chapters 233 and 662, 1994 Acts of Assembly).

C. Out of this appropriation, the Virginia Baseball Stadium Authority shall be paid a sum sufficient equal to the state personal, corporate, and pass-through entity income and sales and use tax revenues to which the authority is entitled.

D.1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$440,000,000 in the first year and \$440,000,000 in the second year equal to the revenues collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia and Item 282 of this act. For the purposes of the State Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the fund shall be accounted for as part of the general fund of the state treasury.

2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and to the Department of Taxation for the costs of administering the Virginia Communications Sales and Use Tax Fund.

E. In order to carry out the provisions of § 58.1-1734 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$36,000,000 in the first year and \$36,000,000 in the second year equal to the revenues collected pursuant to A. 2 of § 58.1-1736 Code of Virginia, from the Virginia Motor Vehicle Rental Tax.

F. In order to carry out the provisions of § 56-484.17 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$33,000,000 in the first year and \$36,000,000 in the second year equal to the revenues collected pursuant to § 56-484.17.1 Code of Virginia, from the Virginia Wireless Tax.

ITEM 262.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
262.			\$243,170,048	\$0
			\$372,670,048	
	Payments to the Revenue Stabilization Fund (73501).....	\$243,170,048	\$0	
		\$372,670,048		
	Fund Sources: General.....	\$243,170,048	\$0	
		\$372,670,048		

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor shall, at the same time, provide his report on the 15 percent limitation and the amount that could be paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

B. Out of this appropriation, \$243,170,048 the first year from the general fund attributable to actual tax collections for FY 2013 shall be paid by the State Comptroller on or before June 30, 2015, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount is based on the certification of the Auditor of Public Accounts of actual tax revenues for FY 2013. This appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.

C. This appropriation includes \$95,000,000 that was provided in Chapter 806, 2013 Acts of Assembly, as an advance payment for the mandatory deposit to the Revenue Stabilization Fund required in FY 2015.

*D.1. For purposes of determining a transfer from the Revenue Stabilization Fund to the general fund as a result of a downward revision in general fund revenues, the term "total general fund revenues appropriated" shall mean the general fund operating and capital appropriations for each year of the biennium contained in the Appropriation Act which is in effect at the time when such downward revision in general fund revenues is made.*

*2. In accordance with Article 10, § 8, Virginia Constitution, and § 2.2-1830, Code of Virginia, the amount of the transfer shall not exceed the lesser of one-half of the balance of the Revenue Stabilization Fund or one-half of the forecasted shortfall in revenues.*

*3. The anticipated shortfalls in general fund revenues for fiscal years ending June 30, 2015, and June 30, 2016, shall be computed by comparing the revised forecast for "Total General Fund Resources Available for Appropriation" as shown in § 3 of the first enactment to the total general fund revenues appropriated for each year of the biennium as contained in the general appropriation act as it became effective on July 1, 2014 (Chapter 2 of the Acts of Assembly of 2014, Special Session I).*

*4. One-half of the shortfall in revenues is estimated at \$648,650,000, which is more than one-half of the balance in the Revenue Stabilization Fund as of September 15, 2014. Of this shortfall amount, \$470,000,000 is hereby appropriated in FY 2015, pursuant to § 2.2-1830, Code of Virginia. Upon completion of the Auditor of Public Accounts' report on certified tax revenues for FY 2014 pursuant to § 2.2-1829, Code of Virginia, the State Comptroller shall deposit this sum into the general fund of the state treasury on or before June 30, 2015.*

*5. One-half of the balance of the Revenue Stabilization Fund, estimated at \$235,000,000, is hereby appropriated in FY 2016, pursuant to § 2.2-1830, Code of Virginia. Upon completion of the Auditor of Public Accounts' report on certified tax revenues for FY 2015 pursuant to § 2.2-1829, Code of Virginia, the State Comptroller shall deposit this sum into the general fund of the state treasury on or before June 30, 2016.*

*E.1. Out of this appropriation, \$129,500,000 the first year from the general fund is included as an advance reservation of any required deposit to the Revenue Stabilization Fund attributable to actual tax collections for fiscal year 2015 or fiscal year 2016, as determined by the Auditor of Public Accounts, for deposit to the Revenue Stabilization Fund in the 2016-2018 biennium.*

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<p>2. The State Comptroller shall deposit the advance reservation of \$129,500,000 referenced in paragraph E.1., above, to a reserve account for the Revenue Stabilization Fund prior to June 30, 2015.</p>				
263.	Virginia Education Loan Authority Reserve Fund (73600) .....		\$194,778	\$194,778
	Loan Servicing Reserve Fund (73601) .....	\$94,778	\$94,778	
	Edvantage Reserve Fund (73602) .....	\$100,000	\$100,000	
	Fund Sources: Trust and Agency .....	\$194,778	\$194,778	

Authority: Chapter 384, Acts of Assembly of 1995; Chapter 39, Acts of Assembly of 1998.

A. The General Assembly hereby recognizes and reaffirms the provisions of such Declarations as may have been adopted by the Virginia Education Loan Authority pursuant to Chapter 384, 1995 Acts of Assembly, and dated June 30, 1996. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$94,778, to be paid out by the State Comptroller consistent with the provisions of the Declarations. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$100,000, to be paid out by the State Comptroller for the purpose of determining the validity and amount of any claims against the Fund. The State Comptroller is authorized to take such actions as may be necessary to effect the provisions of this paragraph.

B. Funds in the Edvantage Reserve Fund are hereby appropriated for disbursement by the State Comptroller, as provided for by law. All interest earned by the Edvantage Reserve Fund shall remain with the fund.

264.	Line of Duty (76000).....		\$9,458,131	\$9,458,131
	Death Benefit Payments Under the Line of Duty Act (76001) .....	\$525,000	\$525,000	
	Health Insurance Benefit Payments Under the Line of Duty Act (76002).....	\$8,933,131	\$8,933,131	
	Fund Sources: Trust and Agency .....	\$9,458,131	\$9,458,131	

Authority: Title 9.1, Chapter 4, Code of Virginia.

A. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia.

B.1. There is hereby established the Line of Duty Act Fund (the Fund) for the payment of benefits prescribed by and administered under the Line of Duty Act. The funds of the Line of Duty Act Fund shall be deemed separate and independent trust funds, shall be segregated and accounted for separately from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the covered employees and beneficiaries thereof. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of the Fund for any purpose other than as provided in law for benefits and administrative expenses. Fund deposits are irrevocable and are not subject to the claims of creditors. In addition to other such powers as shall be vested in the board, the board shall have the full power to invest, reinvest and manage assets of the Fund in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1, and no officer, director, or member of the board or of any advisory committee of the Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care in Article 3.1 of Chapter 1 of Title 51.1 shall be held personally liable for losses suffered by the Fund on investments made under the authority of this article. The board is authorized to establish loans to the Fund from the Group Life program in such amounts and under such terms as may be established by the board. The Fund shall reimburse the Retirement System for all reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

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2. Definitions. As used in this item:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Covered employee" means any employee, sheriff, deputy sheriff, or volunteer of a participating employer or non-participating employer eligible for coverage under the provisions of the Line of Duty Act.

"Fund" means the Line of Duty Act Fund.

"Line of Duty Act" means § 9.1-400 et seq.

"Non-participating employer" means any political subdivision making the irrevocable election, in a manner and on such forms as prescribed by the board, to self-fund Line of Duty Act benefits under paragraph B.4 of this Item.

"Participating employer" means any agency of the Commonwealth with covered employees and any (i) county, city, or town with covered employees that does not make the election under paragraph B.4 of this Item; or (ii) political entity, subdivision, branch, commission, public authority, or body corporate, or other entity of a local government with covered employees that does not make the election under paragraph B.4 of this Item.

"Retirement System" means the Virginia Retirement System.

3. Payment of benefits; funding of benefits.

a. All payments for benefits provided through the Line of Duty Act shall be paid by the State Comptroller. The State Comptroller shall be reimbursed from the Fund for all benefit payments made on behalf of participating employers that, which payments have been approved by the State Comptroller. The State Comptroller shall be reimbursed on no more than a monthly basis from documentation provided to the Retirement System. Reimbursement from the Fund may include reasonable administrative expenses incurred by the Department of Accounts or the State Comptroller for administering the provisions of the Line of Duty Act.

Each participating employer shall make contributions each year to the Fund in accordance with guidelines adopted by the board. Such contributions shall be for purposes of funding benefits and administrative expenses under the Line of Duty Act. The employer contribution for each participating employer shall be determined by the board on a current disbursement basis in accordance with the provisions of this section.

b. For purposes of this Item, employer contributions for coverage provided to members of the National Guard and United States military reserves on active duty shall be paid by the Commonwealth.

c. For purposes of establishing employer contribution contributions, a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town shall be considered part of the city, county, or town served by the company, department or rescue squad. If a company, department, or rescue squad serves more than one city, county, or town, the affected cities, counties, or towns shall determine the basis and apportionment of the required covered payroll and contributions for each department, company, or rescue squad.

d. Each participating employer shall provide all required data requested by the Board to administer the Fund in a form approved by the board.

e. In the event any participating employer fails to remit contributions or other fees and costs of the Fund as duly prescribed, the board shall inform the State Comptroller and the participating employer of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the Fund from any moneys otherwise distributable to such participating employer.

4. Irrevocable election to become non-participating employer.

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a. A political subdivision with covered employees may make, in a manner and on such forms as prescribed by the board, an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds, including any responsibility apportioned to it under the provisions of paragraph 3(c) above. Non-participating employers shall continue to be subject to the provisions set forth in the Line of Duty Act.

b. A non-participating employer shall not be required to contribute to the Fund, nor shall it be required to contribute to the costs incurred or associated, directly or indirectly, with the administration, management and investment of the Fund.

c. Effective July 1, 2012, non-participating employers shall be responsible for self-administering the payments of benefits in accordance with the requirements of the Line of Duty Act. The eligibility determination process for the Line of Duty benefit shall continue to be determined consistent with the provisions of § 9.1-403 and any other applicable section of Code. The State Comptroller shall determine and collect from a non-participating employer an amount representing reasonable costs incurred and associated, directly and indirectly, with such eligibility determination.

d. In the event any non-participating employer fails to remit benefit and other costs of the Line of Duty Act as prescribed, the State Comptroller shall transfer such amounts from any moneys otherwise distributable to such non-participating employer.

5. The Virginia Retirement System Medical Board established pursuant to § 51.1-124.23, Code of Virginia shall, upon request by the State Comptroller, make a written report of its conclusions and recommendations on matters referred to it regarding eligibility for benefits under the Line of Duty Act.

C. In addition to any other benefit provided by law, an additional death benefit in the amount of \$20,000 for the surviving spouses and dependents of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and Health Benefits Trust Fund. The Department of Accounts, with support from the Department of Military Affairs, shall determine eligibility for this benefit.

D. For any surviving spouse of a "deceased person" or any "disabled person" as those terms are defined in § 9.1-400, who is receiving the benefits described in § 9.1-401 and who would otherwise qualify for the health insurance credit described in Chapter 14 of Title 51.1, Code of Virginia, the amount of such credit shall be calculated and reimbursed to the State Comptroller for deposit into the Line of Duty Death and Health Benefits Trust Fund from the health insurance credit trust fund, in a manner prescribed by the Board of Trustees of the Virginia Retirement System.

E. A member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard shall be eligible to receive benefits according to the provisions under the Line of Duty Act, Title 9.1, Chapter 4, Code of Virginia. Funding for the inclusion of a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard will be paid by the Department of Military Affairs out of its appropriation in Item 410 of this act.

F. It is the intent of the General Assembly that expeditious payments for burial expenses be made for persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act. The State Comptroller is hereby authorized to release, at the request of the family of a person who may be subject to the line of duty death benefits, payments to a funeral service provider for burial and transportation costs. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event a determination is made that the death is not subject to the line of duty benefits, the Virginia Retirement System or other retirement fund to which the deceased is a member, will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased, payments previously paid by the State Comptroller for burial and

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related transportation expenses and return such funds to the State Comptroller. The State Comptroller shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.

G. Any locality that has established a trust, trusts, or equivalent arrangements for the purpose of accumulating and investing assets to fund postemployment benefits other than pensions under § 15.2-1544, Code of Virginia, may fund Line of Duty Act benefits from the assets of the trust, trusts, or equivalent arrangements.

265.	Personnel Management Services (70400).....			\$32,686,276	\$32,686,276
	Employee Flexible Benefits Services (70420).....	\$32,686,276	\$32,686,276		
	Fund Sources: Trust and Agency .....	\$32,686,276	\$32,686,276		

Authority: Title 2.2, Chapter 8, Code of Virginia.

266.	Financial Assistance for Health Research (40700).....			\$1,326,344	\$1,326,344
	Health Research Grant Administration Services (40701) .	\$1,326,344	\$1,326,344		
	Fund Sources: Dedicated Special Revenue.....	\$1,326,344	\$1,326,344		

Authority: Title 2.2, Chapter 8, Code of Virginia.

The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System pursuant to § 23-284, Code of Virginia.

267.	Personal Property Tax Relief Program (74600).....			\$950,000,000	\$950,000,000
	Reimbursements to Localities for Personal Property Tax Relief (74601).....	\$950,000,000	\$950,000,000		
	Fund Sources: General.....	\$950,000,000	\$950,000,000		

Authority: Discretionary Inclusion.

A.1. Out of this appropriation, \$950,000,000 the first year and \$950,000,000 the second year from the general fund is provided to be used to implement a program which provides equitable tax relief from the personal property tax on vehicles.

2. The amounts appropriated in this Item provide for a local reimbursement level of 70 percent in tax years 2004 and 2005. The local reimbursement level for tax year 2006 is set at \$950,000,000 pursuant Chapter 1, 2004 Acts of Assembly, Special Session I. Payments to localities with calendar year 2006 car tax payment due dates prior to July 1, 2006, shall not be reimbursed until after July 1, 2006, except as otherwise provided in paragraph D of this Item.

B. Notwithstanding the provisions of subsection B of § 58.1-3524, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, the determination of each county's, city's and town's share of the total funds available for reimbursement for personal property tax relief pursuant to that subsection shall be pro rata based upon the actual payments to such county, city or town pursuant to Title 58.1, Chapter 35.1, Code of Virginia, for tax year 2004 as compared to the actual payments to all counties, cities and towns pursuant to that chapter for tax year 2004, made with respect to reimbursement requests submitted on or before December 31, 2005, as certified in writing by the Auditor of Public Accounts not later than March 1, 2006. Notwithstanding the provisions of the second enactment of Chapter 1, 2004 Acts of Assembly, Special Session I, this paragraph shall become effective upon the effective date of this act.

C. The requirements of subsection C 2 of § 58.1-3524 and subsection E of § 58.1-3912, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, with respect to the establishment of tax rates for qualifying vehicles and the format of tax bills shall be deemed to have been satisfied if the locality provides by ordinance or resolution, or as part of its annual budget adopted pursuant to Title 15.2, Chapter 25, Code of Virginia, or the provisions of a local government charter or Title 15.2, Chapter 4, 5, 6, 7 or 8, Code of

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Virginia, if applicable, specific criteria for the allocation of the Commonwealth's payments to such locality for tangible personal property tax relief among the owners of qualifying vehicles, and such locality's tax bills provide a general description of the criteria upon which relief has been allocated and set out, for each qualifying vehicle that is the subject of such bill, the specific dollar amount of relief so allocated.

D. The Secretary of Finance may authorize advance payment, from funds appropriated in this Item, of sums otherwise due a town on and after July 1, 2006, for personal property tax relief under the provisions of Chapter 1, 2004 Acts of Assembly, Special Session I, if the Secretary finds that such town (1) had a due date for tangible personal property taxes on qualified vehicles for tax year 2006 falling between January 1 and June 30, 2006, (2) had a due date for tangible personal property taxes on qualified vehicles for tax year 2004 falling between January 1 and June 30, 2004, (3) received reimbursements pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, between January 1 and June 30, 2004, (4) utilizes the cash method of accounting, and (5) would suffer fiscal hardship in the absence of such advance payment.

E. It is the intention of the General Assembly that reimbursements to counties, cities and towns that had a billing date for tax year 2004 tangible personal property taxes with respect to qualifying vehicles falling between January 1 and June 30, 2004, and received personal property tax relief reimbursement with respect to tax year 2004 from the Commonwealth between January 1 and June 30, 2004, pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, as it existed prior to the amendments effected by Chapter 1, 2004 Acts of Assembly, Special Session I, be made by the Commonwealth with respect to sums attributable to such spring billing dates not later than August 15 of each fiscal year.

Total for Department of Accounts Transfer Payments .....			<del>\$1,795,175,577</del>	<del>\$1,555,005,529</del>
			<del>\$1,924,800,577</del>	<del>\$1,555,130,529</del>
Nongeneral Fund Positions.....	1.00	1.00		
Position Level .....	1.00	1.00		
Fund Sources: General .....	\$1,242,510,048	\$999,340,000		
	\$1,372,135,048	\$999,465,000		
Trust and Agency .....	\$78,339,185	\$78,339,185		
Dedicated Special Revenue.....	\$474,326,344	\$477,326,344		
Grand Total for Department of Accounts.....			<del>\$1,831,941,524</del>	<del>\$1,592,848,164</del>
			<del>\$1,961,566,524</del>	<del>\$1,593,153,164</del>
General Fund Positions.....	109.00	115.00		
Nongeneral Fund Positions.....	60.00	54.00		
Position Level .....	169.00	169.00		
Fund Sources: General .....	\$1,254,376,633	\$1,011,930,740		
	\$1,384,001,633	\$1,012,235,740		
Special.....	\$821,956	\$821,956		
Internal Service.....	\$24,077,406	\$24,429,939		
Trust and Agency .....	\$78,339,185	\$78,339,185		
Dedicated Special Revenue.....	\$474,326,344	\$477,326,344		

**§ 1-84. DEPARTMENT OF PLANNING AND BUDGET (122)**

268.	Planning, Budgeting, and Evaluation Services (71500)....			\$7,482,224	\$7,510,850
	Budget Development and Budget Execution Services (71502) .....	\$4,820,183	\$4,848,809		
	Legislation and Executive Order Review Service (71504) .....	\$40,701	\$40,701		
	Forecasting and Regulatory Review Services (71505).....	\$634,236	\$634,236		
	Program Evaluation Services (71506).....	\$1,625,353	\$1,625,353		

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Administrative Services (71598).....	\$361,751	\$361,751		
Fund Sources: General.....	\$7,182,224	\$7,210,850		
Special.....	\$300,000	\$300,000		

Authority: Title 2.2, Chapter 15 and Chapter 26, Article 8, Code of Virginia.

A. The Department of Planning and Budget shall be responsible for continued development and coordination of an integrated, systematic policy analysis, planning, budgeting, performance measurement and evaluation process within state government. The department shall collaborate with the Governor’s Secretaries and all other agencies of state government and other entities as necessary to ensure that information generated from these processes is useful for managing and improving the efficiency and effectiveness of state government operations.

B. The Department of Planning and Budget shall be responsible for the continued development and coordination of a review process for strategic plans and performance measures of the state agencies. The review process shall assess on a periodic basis the structure and content of the plans and performance measures, the processes used to develop and implement the plans and measures, the degree to which agencies achieve intended goals and results, and the relation between intended and actual results and budget requirements.

C.1. Notwithstanding § 2.2-1508, Code of Virginia, or any other provisions of law, on or before December 20, the Department of Planning and Budget shall deliver to the presiding officer of each house of the General Assembly a copy of the budget document containing the explanation of the Governor’s budget recommendations. This copy may be in electronic format.

2. The Department of Planning and Budget shall include in the budget document the amount of projected spending and projected net tax-supported state debt for each year of the biennium on a per capita basis. For this purpose, "spending" is defined as total appropriations from all funds for the cited fiscal years as shown in the Budget Bill. The most current population estimates from the Weldon Cooper Center for Public Services shall be used to make the calculations.

~~D.1.a. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided to support the continuation of the school efficiency reviews program. Any school division undergoing an efficiency review shall provide a report to the Department of Planning and Budget indicating what action has been taken on each recommendation identified in the efficiency review along with any budget savings realized for each recommendation. The report shall also include a schedule for implementation of the remaining recommendations not implemented to date. The Department of Planning and Budget shall forward copies of the reports to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees within 30 days of receiving such reports. The first report shall be made within six months following the receipt of the final efficiency review, and subsequent follow-up reports shall be submitted annually by June 30 until 100 percent of the recommendations have been implemented or rationale reported that explain and address the division's lack of such implementation. The Department of Planning and Budget shall provide the format for such report that shall include budget savings realized for each recommendation implemented.~~

~~2.a. Notwithstanding any contrary provision of law, each participating school division shall pay a local share of the cost incurred by the state for that school division's efficiency review to be conducted. The local share of cost for the review shall be computed using the composite index of local ability to pay for each participating school division; however, such share shall not be less than 50 percent of the total cost. However, consistent with language and intent contained in Item 131, any school division that elects to participate in a school efficiency review as a component unit of a division level academic review shall be exempt from the local share of the costs of the review but will not be exempt from paying a recovery cost of 25 percent if the school division does not initiate at least 50 percent of the review's recommendations within 24 months of receiving their final school efficiency review report.~~

~~b. Effective for all reviews after July 1, 2013, the local share payment shall be made prior to the initiation of the review and shall be based upon the contracted price for the review. All subsequent payments to recover the local share of the balance of the cost of the review shall be~~

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made in the fiscal year immediately following the completion of the final school efficiency review report. The cost shall include the direct cost incurred by the state for that fiscal year to coordinate the school efficiency review and 100 percent of the costs awarded to the contractor(s) to conduct that school division's review.

3. Additionally, commencing in FY 2007, a recovery of a separate and additional 25 percent payment not to exceed 100 percent of the cost of individual reviews shall be made in the fiscal year beginning not less than 12 months and not more than 24 months following the release of a final efficiency review report for an individual school division. Such recovery shall occur if the affected school division superintendent or superintendent's designee has not certified that at least half the recommendations have been initiated or at least half of the equivalent savings of such efficiency review have been realized. Lacking such certification the school division shall reimburse the state for an additional 25 percent of the cost, not to exceed 100 percent of the cost, of the school efficiency review. Such reimbursement shall be paid into the general fund of the state treasury. The Department of Planning and Budget shall provide the format for such certification.

4.a. Notwithstanding any contrary provision of law, commencing in FY 2014, any school division may also request the Department of Planning and Budget to coordinate a school efficiency review for the division, including but not limited to the selection of the contractor to conduct that school division's review, by entering into an agreement with the Department of Planning and Budget to participate in a locally-funded school efficiency review. Each participating school division shall pay 100 percent of the cost of the review. Any division that elects to participate in a locally-funded school efficiency review shall not be subject to the availability of state general fund appropriation provided in paragraph D-1 above; however, the number of divisions that could make use of this provision is limited to the amount of nongeneral fund appropriation provided for this purpose in this paragraph. A nongeneral fund appropriation of \$300,000 the first year and \$300,000 the second year is provided for use by the Department of Planning and Budget to facilitate the collection of payments from school divisions for the purposes of this item.

b. Payment shall be made in full from the participating school division to the Department of Planning and Budget following successful prior to making the final award of the contract to conduct the review. Under no circumstances shall state general fund appropriation be used to pay the costs of contracts awarded for a locally-funded school efficiency review under the provisions of paragraph D-4.a above.

Total for Department of Planning and Budget.....			<b>\$7,482,224</b>	<b>\$7,510,850</b>
General Fund Positions.....	63.00	63.00		
Nongeneral Fund Positions.....	2.00	2.00		
Position Level .....	65.00	65.00		
Fund Sources: General.....	\$7,182,224	\$7,210,850		
Special.....	\$300,000	\$300,000		

**§ 1-85. DEPARTMENT OF TAXATION (161)**

269.	Planning, Budgeting, and Evaluation Services (71500)....			<b>\$3,522,095</b>	<b>\$3,522,095</b>
	Tax Policy Research and Analysis (71507).....	\$1,719,970	\$1,719,970		\$3,515,095
			\$1,712,970		
	Appeals and Rulings (71508).....	\$1,148,541	\$1,148,541		
	Revenue Forecasting (71509).....	\$653,584	\$653,584		
	Fund Sources: General.....	\$3,522,095	\$3,522,095		
			\$3,515,095		

Authority: §§ 2.2-1503, 15.2-2502, 58.1-202, 58.1-207, 58.1-210, 58.1-213, 58.1-816, and 58.1-3406, and Title 10.1, Chapter 14, Code of Virginia.

A. The Department of Taxation shall continue the staffing and responsibility for the revenue forecasting of the Commonwealth Transportation Funds, including the Department of Motor Vehicles Special Fund, as provided in § 2.2-1503, Code of Virginia. The Department of Motor

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Vehicles shall provide the Department of Taxation with direct access to all data records and systems required to perform this function. The Department of Planning and Budget shall effectuate the transfer of three full-time equivalent positions and sufficient funding to ensure the successful consolidation of this function.

B. Notwithstanding the provisions of § 58.1-202.2, Code of Virginia, no report on public-private partnership contracts shall be required in years following the final report upon the completion of contract or when no such contract is active.

C.1. The Virginia Department of Taxation shall report, as provided in paragraph C.2. below, to the Governor, the Virginia State Crime Commission and the Chairmen of the Senate Finance and House Appropriations Committees regarding the number and total cost of incidents arising during stamping operations in Virginia, brought to their attention by Virginia authorized stamping agents, law enforcement officials or others, that result in the stamping agents incurring a cost equal to or greater than \$500. Cost means damaged tax stamps, loss of productivity due to heat application setting modifications and financial technical assistance required to modify heat application operations.

2. The Department of Taxation shall report on a quarterly basis beginning on July 1, 2014 and concluding on June 30, 2015, as provided in paragraph 1, the number and total cost of incidents arising during Virginia tax stamping operations that are brought to its attention in the immediately preceding quarter. Provided, however, the July 1, 2014 report shall include incidents arising between April 1, 2014 and June 30, 2014. All information provided to the Department of Taxation regarding incidents shall remain exempt as provided under the Freedom of Information Act.

*D. The Department of Taxation shall report on a quarterly basis, beginning on July 1, 2015, to the Chairmen of the House Appropriations, House Finance and Senate Finance Committees, on the amount of state sales and use tax revenues authorized to be remitted under the provisions of § 58.1-608.3, § 58.1-3851.1, and § 58.1-3851.2, of the Code of Virginia, as amended by the 2015 General Assembly.*

270.	Revenue Administration Services (73200).....			\$57,860,734	<del>\$57,851,820</del> \$58,138,820
	Tax Return Processing (73214).....	\$7,192,900	<del>\$7,192,900</del> \$7,149,900		
	Customer Services (73217).....	\$8,292,179	<del>\$8,292,179</del> \$5,970,829		
	Compliance Audit (73218).....	\$21,387,285	\$21,378,371		
	Compliance Collections (73219).....	\$20,988,370	<del>\$20,988,370</del> \$21,169,620		
	<i>Legal and Technical Services (73222).....</i>	<i>\$0</i>	<i>\$2,470,100</i>		
	Fund Sources: General.....	\$45,402,787	<del>\$45,393,873</del> \$45,350,873		
	Special.....	\$11,737,191	<del>\$11,737,191</del> \$12,067,191		
	Commonwealth Transportation.....	\$250,000	\$250,000		
	Dedicated Special Revenue.....	\$470,756	\$470,756		

Authority: Title 3.2; Title 58.1, Code of Virginia.

A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to contract with private collection agencies for the collection of delinquent accounts. The State Comptroller is hereby authorized to deposit collections from such agencies into the Contract Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may be used to pay private collection agencies/attorneys and perform oversight of their operations, upgrade audit and collection systems and data interfaces, and retain experts to perform analysis of receivables and collection techniques. Any balance in the fund remaining after such payment shall be deposited into the appropriate general, nongeneral, or local fund no later than June 30 of each year.

ITEM 270.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable share of any court fines and fees to reimburse the department for any ongoing operational collection expenses.				
2. Any form of state debt assigned to the Department of Taxation for collection may be collected by the department in the same manner and means as state taxes may be collected pursuant to Title 58.1, Chapter 18, Code of Virginia.				
C. The Department of Taxation is authorized to make tax incentive payments to small tobacco product manufacturers who do not participate in the 1998 Tobacco Master Settlement Agreement, pursuant to Chapter 901 of the 2005 Acts of Assembly.				
D. The Department of Taxation is hereby appropriated revenues from the Communications Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-662, Code of Virginia.				
E. The Tax Commissioner shall have the authority to waive penalties and grant extensions of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax Commissioner in his discretion finds that the normal due date has, or would, cause undue hardship to taxpayers who were, or would be, unable to use electronic means to file a return or pay a tax because of a power or systems failure that causes the department's electronic filing or payment systems to be nonfunctional for all or a portion of a day on or about the due date for a return or payment.				
F. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of the donated interest. The Code of Virginia specifies such fees will be used by the Departments of Taxation and Conservation and Recreation to recover the direct cost of administration incurred in implementing the Virginia Land Conservation Act.				
G. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by the Department of Taxation.				
H. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia, and items 261 and 282 of this act. For the purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.				
2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax.				
I. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011, every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall file the annual report required by § 58.1-478, Code of Virginia, and all forms required by § 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
J. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be required to mail its forms and instructions unless requested by a taxpayer or his representative.				

ITEM 270.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

K.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax exemptions under § 58.1-609.10, Code of Virginia shall be required after the completion of the final report in the first five-year cycle of the study, due December 1, 2011. The Department of Taxation shall satisfy the requirement of § 58.1-609.12 that it study and report on the annual fiscal impact of the Retail Sales and Use Tax exemptions for nonprofit entities provided for in § 58.1-609.11, Code of Virginia, by publishing such fiscal impact on its website.

2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the total amount of corporate income tax relief provided in Virginia shall be required after the completion of such report due on October 1, 2013. The Department of Taxation shall satisfy the requirement of § 58.1-202 that it issue an annual report detailing the total amount of corporate income tax relief provided in Virginia by publishing its Annual Report on its website.

L. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,

a. Effective January 1, 2013, all corporations are required to file estimated tax payments and their annual income tax return and final payment using an electronic medium in a format prescribed by the Tax Commissioner ~~provided, however, that homeowner associations with no tax liability shall be exempt from the electronic filing requirement.~~

b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-478 and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in a format prescribed by the Tax Commissioner.

c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-478 ~~and all forms required by § 58.1-472, Code of Virginia,~~ not later than January 31 of the calendar year succeeding the calendar year in which wages were withheld from employees.

*d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014, every pass-through entity shall file the annual return required by § 58.1-392, Code of Virginia, and make related payments using an electronic medium in a format prescribed by the Tax Commissioner.*

2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay by electronic means. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to use an electronic medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.

b. The Tax Commissioner shall have the authority to waive the requirement to file or pay by January 31. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to file or pay by January 31. All requests for waiver shall be submitted to the Tax Commissioner in writing.

M.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the June 2012 return, due July 2012, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2013.

2. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.

N. The Department of Taxation is hereby appropriated revenues from the Virginia Motor Vehicle Rental Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.

O. The Virginia Department of Taxation shall develop a return for a pass-through entity required by § 58.1-392, Code of Virginia, to file using an electronic medium in a format prescribed by the Tax Commissioner before, but no later than, January 1, 2015.

P. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,

ITEM 270.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be permitted to file a declaration of estimated tax with the Department of Taxation instead of with the commissioner of the revenue for the county or city in which he resides or, in the case of a nonresident, the commissioner of the revenue for the county or city in which all or part of his income was derived and notwithstanding the provisions of § 58.1-306, Code of Virginia, the department may so advise taxpayers.

2. Effective January 1, 2015, every commissioner of the revenue with whom treasurer who receives an estimated income tax return, declaration or voucher is filed pursuant to § 58.1-493 58.1-495 of the Code of Virginia shall transmit such return, declaration or voucher to the Department of Taxation using an electronic medium in a format prescribed by the Tax Commissioner.

Q. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation is authorized to provide Form 1099 in an electronic format to taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the electronic version of the form.

R. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 56-484.17:1, Code of Virginia.

S. The Department of Taxation is hereby appropriated revenues from the assessment for expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs related to the Insurance Premiums License Tax that are incurred by the Department of Taxation, as provided in § 58.1-2533, Code of Virginia.

T. The Department of Taxation is authorized to charge fees of up to twenty percent of revenues generated pursuant to debt collection initiatives associated with the U.S. Treasury Offset Program to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues deposited to the Virginia Technology Infrastructure Fund pursuant to Item 424.B.1 of this act.

U.1. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective July 1, 2015, the Department of Taxation is hereby authorized to charge a fee of \$5.00 per copy of a tax return requested by a taxpayer or a representative thereof.

2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person requesting such copies. All requests for waiver shall be submitted to the Tax Commissioner in writing.

V. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective January 1, 2016, the Department of Taxation shall not provide to the local commissioners of the revenue or any other local officials copies of federal tax forms or schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D (1040), E (1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia Schedule 500FED, unless such schedules or forms are attached to a Virginia income tax return and submitted to the department in an electronic format by the taxpayer.

271.	Tax Value Assistance to Localities (73400).....			\$1,657,480	\$1,657,480
	Valuation and Assessment Assistance for Localities (73410) .....	\$1,657,480	\$1,657,480		
	Fund Sources: General.....	\$594,850	\$594,850		
	Special.....	\$1,062,630	\$1,062,630		

Authority: Title 58.1, Chapters 32, 34, 35, 36, and 39 and §§ 58.1-202, subdivisions 6, 10, and 11, 58.1-206; §§ 58.1-2655, 58.1-3239, 58.1-3278, and 58.1-3374, Code of Virginia.

ITEM 271.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A. The department is hereby authorized to recover from participating localities, as special funds, the direct costs associated with assessor/property tax and local valuation and assessments training classes. In accordance with § 58.1-206, Code of Virginia, the assessing officers and board members attending shall continue to be reimbursed for the actual expenses incurred by their attendance at the programs.

B. In the expenditure of funds out of its appropriations for determination of true values of locally taxable real estate for use by the Board of Education in state school fund distributions, the Department of Taxation shall use a sufficiently representative sampling of parcels, in accordance with the classification system as established in § 58.1-208, Code of Virginia, to reflect actual true values; further, the department shall, upon request of any local school board, review its initial determination and promptly inform the Board of Education of corrections in such determination.

C. Notwithstanding any other provision of law, the requirement that the Department of Taxation print and distribute local tax forms, instructions, and property tax books shall be satisfied by the posting of such documents on the department’s web site.

272.	Administrative and Support Services (79900).....			\$42,314,819	\$43,269,996
	General Management and Direction (79901).....	\$13,119,202	<del>\$13,824,839</del>		\$43,219,996
			\$13,699,839		
	Information Technology Services (79902).....	\$29,195,617	<del>\$29,445,157</del>		
			\$29,520,157		
	Fund Sources: General.....	\$42,264,819	<del>\$43,219,996</del>		
			\$43,094,996		
	Special.....	\$50,000	\$50,000		
			\$125,000		

Authority: §§ 58.1-200, 58.1-202, and 58.1-213, Code of Virginia.

A. To defray the costs of administration for voluntary contributions made on individual income tax returns for taxable years beginning on or after January 1, 2003, the Department of Taxation may retain up to five percent of the contributions made to each organization, not to exceed a total of \$50,000 from all organizations in any taxable year.

B. The Department is hereby authorized to request and receive a treasury loan to fund the necessary start-up costs associated with the implementation of a sales and use tax modification or other state or local tax imposed pursuant to Chapter 766, 2013 Acts of Assembly. The treasury loan shall be repaid for these costs from the tax revenues. The Department shall also retain sufficient revenues to recover its costs incurred administering these taxes.

C.1. Out of this appropriation, \$406,180 the first year and \$880,720 the second year from the general fund shall be provided for an initiative to develop new mobile applications and purchase computer tablets for the department’s field collectors and auditors in order to increase revenue collection efficiency.

2. The Tax Commissioner shall report on the initiative’s implementation status and the amount of estimated revenue collections as a result of the initiative to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Finance, and Director, Department of Planning and Budget by September 1, 2015.

D. Notwithstanding the provisions of §§ 2.2-507 and 2.2-510, when the Tax Commissioner determines that an issue may have a major impact on tax policies, revenues or expenditures, he may request that the Attorney General appoint special counsel to render such assistance or representation as needed. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the Department of Taxation.

	Total for Department of Taxation.....			\$105,355,128	\$106,301,391
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ITEM 272.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				<b>\$106,531,391</b>
General Fund Positions.....	893.00	<del>893.00</del> 883.00		
Nongeneral Fund Positions.....	47.00	<del>47.00</del> 57.00		
Position Level .....	940.00	940.00		
Fund Sources: General.....	\$91,784,551	<del>\$92,730,814</del> \$92,555,814		
Special.....	\$12,849,821	<del>\$12,849,821</del> \$13,254,821		
Commonwealth Transportation .....	\$250,000	\$250,000		
Dedicated Special Revenue.....	\$470,756	\$470,756		

**§ 1-86. DEPARTMENT OF THE TREASURY (152)**

273.	Investment, Trust, and Insurance Services (72500).....			\$7,897,928	<del>\$7,897,928</del> \$8,241,866
	Debt Management (72501).....	\$1,002,808	\$1,002,808		
	Insurance Services (72502).....	\$2,202,259	<del>\$2,202,259</del> \$2,497,900		
	Banking and Investment Services (72503) .....	\$4,692,861	<del>\$4,692,861</del> \$4,741,158		
	Fund Sources: General.....	\$4,469,098	<del>\$4,469,098</del> \$4,443,538		
	Special.....	\$5,600	\$5,600		
	Commonwealth Transportation .....	\$185,187	\$185,187		
	Trust and Agency .....	\$3,238,043	<del>\$3,238,043</del> \$3,607,541		

Authority: Title 2.2, Chapter 18, Code of Virginia.

A. The Department of the Treasury shall take into account the claims experience of each agency and institution when setting premiums for the general liability program.

B. Coverage provided by the VARISK plan for constitutional officers shall be extended to any action filed against a constitutional officer or appointee of a constitutional officer before the Equal Employment Opportunity Commission or the Virginia State Bar.

C. Notwithstanding the provisions of ~~§ 15.2-4518.13~~ § 33.2-1919 and ~~§ 15.2-4526~~ § 33.2-1927, Code of Virginia, the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission are authorized to obtain liability policies for the Commissions' joint project, the Virginia Railway Express, consisting of liability insurance and a program of self-insurance maintained by the Commissions and administered by the Virginia Division of Risk Management or by an independent third party selected by the Commissions, which liability policies shall be deemed to meet the requirements of § 8.01-195.3, Code of Virginia. In addition, the Director of the Department of Rail and Public Transportation is authorized to work with the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission to obtain the foregoing liability policies for the Commissions. In obtaining liability policies, the Director of the Department of Rail and Public Transportation shall advise the Commissions regarding compliance with all applicable public procurement and administrative guidelines.

D. By January 15 of each year the Department of the Treasury shall report to the chairmen of the House Appropriations and Senate Finance Committees, in a unified report mutually agreeable to them, summarizing changes in required debt service payments from the general fund as the result of any refinancing, refunding, or issuance actions taken or expected to be taken by the Commonwealth within the next twelve months.

ITEM 273.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

*E. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost of administration incurred by the department incurred in the administration of the Virginia Public School Authority programs.*

274.	Revenue Administration Services (73200).....			\$11,004,714	\$10,866,840
	Unclaimed Property Administration (73207).....	\$5,380,640	\$5,210,880		\$11,672,136
			\$5,686,523		
	Accounting and Trust Services (73213).....	\$1,570,263	\$1,570,263		
	Check Processing and Bank Reconciliation (73216) .....	\$2,203,207	\$2,203,207		
			\$2,467,207		
	Administrative Services (73220).....	\$1,850,604	\$1,882,490		
			\$1,948,143		
	Fund Sources: General.....	\$3,325,990	\$3,357,876		
			\$3,621,876		
	Special.....	\$335,994	\$335,994		
	Trust and Agency .....	\$6,636,973	\$6,467,213		
			\$7,008,509		
	Dedicated Special Revenue.....	\$705,757	\$705,757		

Authority: Title 2.2, Chapter 18 and §§ 55-210.1 through 55-210.30, Code of Virginia.

A. Included in this Item is a sum sufficient nongeneral fund appropriation for personal services and other operating expenses to process checks issued by the Department of Social Services. The estimated cost, excluding actual postage costs, is \$89,000 the first year and \$89,000 the second year.

B. Included in this Item is a sum sufficient nongeneral fund appropriation for administrative expenses to process the Virginia Employment Commission (VEC) and Virginia Retirement System (VRS) checks. The estimated cost for VEC is \$5,500 the first year and \$5,500 the second year, and for VRS is \$25,500 the first year and \$25,500 the second year.

C.1. The amounts for Unclaimed Property Administration are for administrative and related support costs of the Uniform Disposition of Unclaimed Property Act, to be paid solely from revenues derived pursuant to the Act.

2. The amounts also include a sum sufficient nongeneral fund amount estimated at \$900,000 the first year and \$900,000 the second year to pay fees for compliance services and securities portfolio custody services for unclaimed property administration.

3. Any revenue derived from the sale of the Department of the Treasury's new unclaimed property system is hereby appropriated to the department for use in unclaimed property customer service and system enhancements.

4. Notwithstanding § 55-210.13.C of the Uniform Disposition of Unclaimed Property Act, the State Treasurer is not required to publish any item of less than \$250.

D. The State Treasurer is authorized to charge institutions of higher education participating in the private college financing program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Revenue collected from this administrative fee shall be deposited to a special fund in the Department of the Treasury to compensate the department for direct and indirect staff time and expenses involved with this program.

E. The State Treasurer is authorized to sell any securities remitted as unclaimed demutualization proceeds of insurance companies at any time after delivery, pursuant to legislation enacted by the 2003 Session of the General Assembly. The funds derived from the sale of said securities shall be handled in accordance with § 55-210.19, Code of Virginia.

ITEM 274.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F.1. The State Treasurer is authorized to charge qualified public depositories holding public deposits, as defined in § 2.2-4401, Code of Virginia, an annual administrative fee of not more than one-half of one basis point of their average public deposit balances over a twelve month period. The State Treasurer shall issue guidelines to effect the implementation of this fee. However, the total fees collected from all qualified depositories shall not exceed \$100,000 in any one year.

2. Any regulations or guidelines necessary to implement or change the amount of the fee may be adopted without complying with the Administrative Process Act (§ 2.2-4000 et seq.) provided that input is solicited from qualified public depositories. Such input requires only that notice and an opportunity to submit written comments be given.

G. The State Treasurer shall work with universities and community colleges to develop policies and procedures which minimize the use of paper checks when issuing any reimbursements of student loan balances. These efforts should include reimbursement through debit cards, direct deposits, or other electronic means.

*H. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost of administration incurred by the department incurred in the accounting and financial reporting of the Virginia Public School Authority programs.*

275. 1. There is hereby appropriated to the Department of the Treasury a sum sufficient for the transfer to the federal government, in accordance with the provisions of the federal Cash Management Improvement Act of 1990 and related federal regulations, of the interest owed by the state on federal funds advanced to the state for federal assistance programs, where such funds are held by the state from the time they are deposited in the state's bank account until they are paid out to redeem warrants, checks or payments by other means. This sum sufficient appropriation is funded from the interest earned on federal funds deposited and invested by the state. The actual amount for transfer shall be established by the State Comptroller.

2. When permitted by applicable federal laws or administrative regulations, the State Comptroller shall first offset and reduce the amount to be transferred by any and all amounts of interest payments calculated to be received by the state from the federal government, where such payments are due to the state because the state was required to disburse its own funds for federal program purposes prior to the receipt of federal funds.

3. Should the interest payments calculated to be made by the federal government to the state exceed the interest calculated to be transferred from the state to the federal government, reduced by the federally approved direct cost reimbursement to the state, the State Comptroller shall then notify the federal government of the net amount of interest due to the state and shall record such net interest, upon its receipt, as interest revenue earned by the general fund.

Total for Department of the Treasury.....			<b>\$18,902,642</b>	<b>\$18,764,768</b> <b>\$19,914,002</b>
General Fund Positions.....	35.50	<del>35.50</del> 33.50		
Nongeneral Fund Positions.....	85.50	<del>85.50</del> 87.50		
Position Level .....	121.00	121.00		
Fund Sources: General .....	\$7,795,088	<del>\$7,826,974</del> \$8,065,414		
Special.....	\$341,594	\$341,594		
Commonwealth Transportation .....	\$185,187	\$185,187		
Trust and Agency .....	\$9,875,016	<del>\$9,705,256</del> \$10,616,050		
Dedicated Special Revenue .....	\$705,757	\$705,757		

ITEM 276.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-87. TREASURY BOARD (155)**

276.	Bond and Loan Retirement and Redemption (74300) .....			\$732,623,559	\$773,841,426
				\$722,161,855	\$733,814,234
	Debt Service Payments on General Obligation Bonds (74301) .....	\$98,071,877	\$87,360,338		
		\$96,778,700	\$87,360,686		
	Capital Lease Payments (74302) .....	\$12,773,700	\$12,767,359		
	Debt Service Payments on Public Building Authority Bonds (74303) .....	\$290,679,412	\$300,992,621		
		\$284,550,929	\$271,050,162		
	Debt Service Payments on College Building Authority Bonds (74304) .....	\$331,098,570	\$372,721,108		
		\$328,058,526	\$362,636,027		
	Fund Sources: General .....	\$682,514,761	\$723,963,164		
		\$672,084,088	\$683,730,096		
	Special .....	\$349,214	\$349,363		
	Higher Education Operating .....	\$29,774,267	\$29,774,267		
			\$30,011,174		
	Dedicated Special Revenue .....	\$675,000	\$675,000		
		\$645,000	\$645,000		
	Federal Trust .....	\$19,310,317	\$19,079,632		
		\$19,309,286	\$19,078,601		

Authority: Title 2.2, Chapter 18; Title 33.1, Chapter 3, Article 5, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2015		FY 2016	
	General Fund	Federal Funds	General Fund	Federal Funds
2004B Refunding	\$10,460,050	\$0	\$9,996,050	\$0
	\$0		\$0	
2005	\$6,247,500	\$0	\$0	\$0
2006A Refunding	\$7,932,750	\$0	\$0	\$0
2006	\$6,512,000	\$0	\$6,216,000	\$0
2007A	\$7,437,501	\$0	\$7,125,001	\$0
2007B	\$5,119,550	\$0	\$4,919,550	\$0
2008A	\$7,863,563	\$0	\$7,617,313	\$0
2008B	\$8,301,438	\$0	\$8,101,438	\$0
2009A	\$6,685,000	\$0	\$6,485,000	\$0
2009B	\$3,373,832	\$522,943	\$3,325,926	\$498,110
	\$3,374,355		\$3,326,424	
2009 Refunding	\$6,064,750	\$0	\$14,174,750	\$0
2012 Refunding	\$15,943,250	\$0	\$7,203,450	\$0
2013 Refunding	\$5,567,750	\$0	\$11,657,750	\$0
2014 Refunding	\$9,166,350	\$0	\$9,995,900	\$0
Projected debt service & expenses	\$40,000	\$0	\$40,000	\$0
<b>Total Service Area</b>	<b>\$97,548,934</b>	<b>\$522,943</b>	<b>\$86,862,228</b>	<b>\$498,110</b>

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\$96,255,757

\$86,862,576

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2015	FY 2016
Big Stone Gap RHA (DOC) (Wallens Ridge, 1995)	\$6,001,750	\$5,996,250
Norfolk RHA (VCCS-TCC), Series 1995	\$2,016,800	\$2,014,159
Virginia Biotech Research Park, 2009	\$4,755,150	\$4,756,950
<b>Total Capital Lease Payments</b>	<b>\$12,773,700</b>	<b>\$12,767,359</b>

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2015		FY 2016	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
2003 Refunding	\$988,375	\$0	\$0	\$0
	\$998,375			
2004A Refunding	\$23,309,631	\$0	\$23,357,244	\$0
	\$22,691,503		\$0	
2004B	\$14,960,581	\$0	\$7,665,300	\$0
	\$14,810,281		\$0	
2004C	\$4,569,000	\$0	\$4,571,500	\$0
	\$4,457,500		\$0	
2004D Refunding	\$12,541,963	\$0	\$9,863,588	\$0
	\$10,888,607		\$0	
2005A Refunding	\$4,892,375	\$0	\$4,695,000	\$0
2005B Refunding	\$14,950,186	\$349,214	\$14,942,162	\$349,363
2005C	\$4,486,250	\$0	\$4,488,125	\$0
	\$4,376,750		\$4,269,125	
STARS 2005C	\$12,251,750	\$0	\$12,248,750	\$0
2005D	\$2,000,000	\$0	\$2,000,000	\$0
	\$750,000		\$1,250,000	
2006A	\$5,108,783	\$0	\$5,109,408	\$0
	\$4,558,867		\$4,009,575	
STARS 2006A	\$7,147,750	\$0	\$7,144,250	\$0
2006B	\$11,290,175	\$0	\$11,295,050	\$0
	\$9,952,900		\$8,620,500	
STARS 2006B	\$4,468,875	\$0	\$4,466,625	\$0
2007A	\$14,716,100	\$0	\$14,718,850	\$0
	\$11,853,925		\$8,994,500	
STARS 2007A	\$7,514,750	\$0	\$7,516,125	\$0
2008B	\$11,995,600	\$0	\$11,995,406	\$0
2009A	\$4,678,775	\$0	\$4,678,871	\$0
2009B	\$16,743,805	\$0	\$16,744,405	\$0
	\$16,676,805		\$16,677,405	
2009B STARS	\$6,584,850	\$0	\$6,584,050	\$0
2009C	\$1,086,770	\$0	\$1,091,015	\$0
2009D	\$6,277,100	\$0	\$6,266,525	\$0
2010A	\$22,083,908	\$4,511,477	\$22,014,283	\$4,511,477
	\$21,759,082		\$21,689,457	
2010B	\$22,486,769	\$3,484,627	\$22,480,719	\$3,484,627
	\$22,230,957	\$3,483,595	\$22,224,907	\$3,483,595

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	2011A STARS	\$626,750	\$0	\$629,625	\$0
	2011A	<del>\$20,819,425</del>	\$0	<del>\$20,819,300</del>	\$0
		\$20,811,675		\$20,811,550	
	2011B	\$1,300,324	\$0	\$1,295,624	\$0
	2012A Refunding	\$3,474,600	\$0	\$3,474,600	\$0
	2013A	\$10,282,850	\$0	\$10,282,925	\$0
	2013B	\$3,478,000	\$0	\$3,478,000	\$0
	2014A	\$1,545,304	\$645,000	\$9,202,775	\$645,000
	2014B	\$303,683	\$0	\$2,014,665	\$0
	2014C Refunding	\$5,200,484	\$0	\$29,820,075	\$0
	Projected debt service and expenses	\$4,543,023	\$675,000	\$26,054,828	\$675,000
		\$683,640	\$0	\$11,686,640	\$0
	<b>Total Service Area</b>	<b>\$281,659,093</b>	<b>\$9,020,318</b>	<b>\$291,972,153</b>	<b>\$9,020,467</b>
		<b>\$275,561,643</b>	<b>\$8,989,286</b>	<b>\$262,060,727</b>	<b>\$8,989,435</b>

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Richmond City Jail Replacement	\$31,238,755
RSW Regional Jail	\$32,840,850
<i>Prince William - Manassas Regional Jail</i>	<i>\$21,032,421</i>
Southwest Virginia Regional Jail	\$18,143,780
Central Virginia Regional Jail	\$8,464,891
Chesapeake City Jail	\$5,130,673
<i>Pamunkey Regional Jail Authority</i>	<i>\$288,575</i>
<b>Total Approved Capital Costs</b>	<b>\$95,818,949</b>
	<b>\$117,139,945</b>

b. The Commonwealth's share of the total *construction* cost of the projects listed in the table in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2015	FY2016
2004B Refunding	\$9,465,250	\$9,464,500
	\$0	\$0
2005A	\$3,481,250	\$242,000
	\$3,239,250	\$0
2006	\$9,557,200	\$9,538,200
	\$7,449,000	\$8,284,500
2007A Refunding	\$3,865,100	\$9,626,500
2007B	\$2,852,125	\$2,851,925
2008A	\$7,444,731	\$7,443,231
2009A&B	\$33,310,221	\$33,299,703
2009C Refunding	\$5,781,200	\$0
2009E Refunding	\$21,309,750	\$24,546,800

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2009F	\$39,234,131		\$39,011,160	
	\$38,751,636		\$38,543,486	
2010B	\$28,454,540		\$28,455,040	
	\$28,160,064		\$28,160,564	
2011 A	\$17,779,300		\$17,777,300	
2012A	\$21,494,900		\$21,497,400	
2012B	\$25,524,274		\$25,527,068	
	\$23,775,450		\$23,797,950	
2012 C	\$1,748,824		\$1,729,118	
2013 A	\$21,956,592		\$21,960,013	
2014A	\$19,548,396		\$19,544,400	
2014B	\$7,080,285		\$9,704,400	
Projected 21st Century debt service & expenses	\$15,824,500		\$56,013,100	
	\$887,764		\$40,575,987	
<b>Subtotal 21st Century</b>	<b>\$269,083,888</b>		<b>\$308,983,058</b>	
	<b>\$266,434,588</b>		<b>\$309,343,277</b>	

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2015	FY 2016
2008A	\$8,232,000	\$0
2009D	\$9,048,425	\$9,046,250
2010A	\$8,336,500	\$8,236,000
2011A	\$8,538,000	\$8,538,500
2012A	\$8,360,000	\$8,362,500
2013A	\$9,449,257	\$9,453,500
2014A	\$9,659,756	\$9,656,000
Projected debt service & expenses	\$10,050,500	\$20,101,300
	\$0	\$0
Subtotal Equipment	\$62,014,682	\$63,738,050
	\$61,623,938	\$53,292,750
<b>Total Service Area</b>	<b>\$331,098,570</b>	<b>\$372,721,108</b>
	<b>\$328,058,526</b>	<b>\$362,636,027</b>

3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent with the useful life of the equipment.

4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2015	FY 2016
George Mason University	\$2,535,489	\$2,535,489
Old Dominion University	\$1,059,300	\$1,059,300
University of Virginia	\$4,670,622	\$4,670,622
Virginia Polytechnic Institute and State University	\$4,656,663	\$4,656,663
Virginia Commonwealth University	\$2,132,460	\$2,132,460
College of William and Mary	\$1,493,811	\$1,493,811
Christopher Newport University	\$112,167	\$112,167
University of Virginia's College at Wise	\$48,510	\$48,510
James Madison University	\$2,635,578	\$2,635,578
Norfolk State University	\$458,766	\$458,766
Longwood University	\$111,276	\$111,276
University of Mary Washington	\$293,535	\$293,535

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Radford University	\$275,022		\$275,022	
Virginia Military Institute	\$370,260		\$370,260	
Virginia State University	\$845,856		\$845,856	
Richard Bland College	\$9,900		\$9,900	
Virginia Community College System	\$3,222,450		\$3,222,450	
<b>TOTAL</b>	<b>\$24,931,665</b>		<b>\$24,931,665</b>	
<b>Institution</b>	<b>FY 2015</b>		<b>FY 2016</b>	
George Mason University	\$2,535,489		\$2,644,092	
Old Dominion University	\$1,059,300		\$1,047,123	
University of Virginia	\$4,670,622		\$4,721,706	
Virginia Polytechnic Institute and State University	\$4,656,663		\$4,867,731	
Virginia Commonwealth University	\$2,132,460		\$2,224,530	
College of William and Mary	\$1,493,811		\$1,549,053	
Christopher Newport University	\$112,167		\$122,562	
University of Virginia's College at Wise	\$48,510		\$45,540	
James Madison University	\$2,635,578		\$2,675,079	
Norfolk State University	\$458,766		\$402,831	
Longwood University	\$111,276		\$97,911	
University of Mary Washington	\$293,535		\$222,750	
Radford University	\$275,022		\$281,556	
Virginia Military Institute	\$370,260		\$377,190	
Virginia State University	\$845,856		\$739,233	
Richard Bland College	\$9,900		\$9,900	
Virginia Community College System	\$3,222,450		\$3,139,785	
<b>TOTAL</b>	<b>\$24,931,665</b>		<b>\$25,168,572</b>	

5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

Institution	FY 2015		FY 2016	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
College of William & Mary	\$1,971,989	\$259,307	\$2,055,788	\$259,307
University of Virginia	\$10,279,755	\$1,088,024	\$10,864,008	\$1,088,024
Virginia Polytechnic Institute and State University	\$10,028,546	\$992,321	\$10,681,639	\$992,321
Virginia Military Institute	\$669,067	\$88,844	\$668,917	\$88,844
Virginia State University	\$1,087,459	\$108,886	\$1,079,829	\$108,886
Norfolk State University	\$986,193	\$108,554	\$980,968	\$108,554
Longwood University	\$606,167	\$54,746	\$600,196	\$54,746
University of Mary Washington	\$514,380	\$97,063	\$494,933	\$97,063
James Madison University	\$1,842,565	\$254,504	\$1,808,591	\$254,504
Radford University	\$1,380,677	\$135,235	\$1,386,733	\$135,235
Old Dominion University	\$3,987,893	\$374,473	\$4,079,283	\$374,473
Virginia Commonwealth University	\$7,694,791	\$401,647	\$7,811,983	\$401,647

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Richard Bland College	\$138,250	\$2,027	\$136,610	\$2,027
Christopher Newport University	\$640,698	\$17,899	\$635,957	\$17,899
University of Virginia's College at Wise	\$214,116	\$19,750	\$207,311	\$19,750
George Mason University	\$3,442,578	\$205,665	\$3,507,381	\$205,665
Virginia Community College System	\$10,729,855	\$633,657	\$10,906,346	\$633,657
Virginia Institute of Marine Science	\$517,521	\$0	\$507,607	\$0
Roanoke Higher Education Authority	\$66,522	\$0	\$66,465	\$0
Southwest Virginia Higher Education Center	\$66,899	\$0	\$68,594	\$0
Institute for Advanced Learning and Research	\$206,894	\$0	\$234,759	\$0
Southern Virginia Higher Education Center	\$45,769	\$0	\$53,828	\$0
New College Institute	\$53,496	\$0	\$57,722	\$0
<b>TOTAL</b>	<b>\$57,172,080</b>	<b>\$4,842,602</b>	<b>\$58,895,448</b>	<b>\$4,842,602</b>

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 448, paragraph E of this act and §§ ~~58.1-815~~, ~~58.1-815.1~~ ~~33.2-2300~~, ~~33.2-2400~~, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

277. A. There is hereby appropriated to the Treasury Board a sum sufficient from the general fund to pay obligations incurred pursuant to Article X, Sections 9 (a), 9 (c), and 9 (d), of the Constitution of Virginia, as follows:

1. Section 9 (a) To meet emergencies and redeem previous debt obligations.
2. Section 9 (c) Debt for certain revenue-producing capital projects.
3. Section 9 (d) Debt for variable rate obligations secured by general fund appropriations and a payment agreement with the Treasury Board.
4. For payment of the principal of and the interest on obligations, issued in accordance with the cited Sections 9 (c) and 9 (d), in the event pledged revenues are insufficient to meet the obligation of the Commonwealth.

B. There is hereby appropriated to the Treasury Board a sum sufficient to pay debt service expected at the time of issuance to be paid from subsidies under federal programs and for arbitrage rebate amounts and other penalties to the United States Government for bonds issued by the Commonwealth pursuant to Article X, Sections 9 (a), 9 (b), 9 (c), and 9 (d) (obligations secured by General Fund appropriations to Treasury Board) of the Constitution of Virginia.

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Total for Treasury Board.....			<b>\$732,623,559</b>	<b>\$773,841,426</b>
			<i>\$722,161,855</i>	<i>\$733,814,234</i>
Fund Sources: General.....	\$682,514,761	\$723,963,164		
	\$672,084,088	\$683,730,096		
Special.....	\$349,214	\$349,363		
Higher Education Operating.....	\$29,774,267	\$29,774,267		
		\$30,011,174		
Dedicated Special Revenue.....	\$675,000	\$675,000		
	\$645,000	\$645,000		
Federal Trust.....	\$19,310,317	\$19,079,632		
	\$19,309,286	\$19,078,601		
 TOTAL FOR OFFICE OF FINANCE.....			<b>\$2,696,758,209</b>	<b>\$2,499,720,384</b>
			<i>\$2,815,921,505</i>	<i>\$2,461,377,426</i>
 General Fund Positions.....	1,104.50	1,110.50		
		1,098.50		
Nongeneral Fund Positions.....	194.50	188.50		
		200.50		
Position Level .....	1,299.00	1,299.00		
 Fund Sources: General.....	\$2,044,106,389	\$1,844,116,327		
	\$2,163,300,716	\$1,804,251,699		
Special.....	\$14,662,585	\$14,662,734		
		\$15,067,734		
Higher Education Operating.....	\$29,774,267	\$29,774,267		
		\$30,011,174		
Commonwealth Transportation .....	\$435,187	\$435,187		
Internal Service.....	\$24,077,406	\$24,429,939		
Trust and Agency .....	\$88,214,201	\$88,044,441		
		\$88,955,235		
Dedicated Special Revenue.....	\$476,177,857	\$479,177,857		
	\$476,147,857	\$479,147,857		
Federal Trust.....	\$19,310,317	\$19,079,632		
	\$19,309,286	\$19,078,601		

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**OFFICE OF HEALTH AND HUMAN RESOURCES**

**§ 1-88. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)**

278.	Administrative and Support Services (79900).....			\$672,239	<del>\$673,257</del> \$823,257
	General Management and Direction (79901).....	\$672,239	<del>\$673,257</del> \$823,257		
	Fund Sources: General.....	\$672,239	<del>\$673,257</del> \$823,257		

Authority: Title 2.2, Chapter 2; Article 6, and §2.2-200, Code of Virginia.

A.1. The Secretary of Health and Human Resources, in collaboration with the Office of the Attorney General and the Secretary of Public Safety *and Homeland Security*, shall present a six-year forecast of the adult offender population presently incarcerated in the Department of Corrections and approaching release who meet the criteria set forth in Chapter 863 and Chapter 914 of the 2006 Acts of Assembly, and who may be eligible for evaluation as sexually violent predators (SVPs) for each fiscal year within the six-year forecasting period. As part of the forecast, the secretary shall report on: (i) the number of Commitment Review Committee (CRC) evaluations to be completed; (ii) the number of eligible inmates recommended by the CRC for civil commitment, conditional release, and full release; (iii) the number of civilly committed residents of the Virginia Center for Behavioral Rehabilitation who are eligible for annual review; and (iv) the number of individuals civilly committed to the Virginia Center for Behavioral Rehabilitation and granted conditional release from civil commitment in a state SVP facility. The secretary shall complete a summary report of current SVP cases and a forecast of SVP eligibility, civil commitments, and SVP conditional releases, including projected bed space requirements, to the Governor and Senate Finance and House Appropriations Committees by ~~October~~ *November 15* of each year.

2. As part of the forecast process, the Department of Corrections shall administer a STATIC-99 screening to all potential Sexually Violent Predators eligible for civil commitment pursuant to §37.2-900 et seq., Code of Virginia, within six months of admission to the Department of Corrections. The results of such screenings shall be provided to the commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) on a monthly basis and used for the SVP population forecast process.

3. The Office of the Attorney General shall also provide to the commissioner of DBHDS, on a monthly basis, the status of all SVP cases pending before their office for purposes of forecasting the SVP population.

B. The Secretary of Health and Human Resources shall provide the Governor and the Chairs of the Senate Finance and House Appropriations Committees a quarterly written assessment of the progress made by the Health Care Reform program office to implement new information technology systems as described in Item 424 D.2. of this Act. This report shall provide a program-level assessment, including a description of the expenditures that have been made and the activities to which any State or contract staff are assigned. The report shall also include a program-level description of steps taken to ensure that (i) individual projects and the use of project resources are prioritized across the program, (ii) a coordinated approach to program management across all projects is undertaken through the use of formal structures and processes, (iii) program governance and communication activities are sufficient to achieve benefit and stakeholder management objectives, and (iv) any changes in program and project-level objectives and resource needs are identified. This reporting requirement shall cease at such time as new program management standards are promulgated by the Virginia Information Technologies Agency.

C.1. *The Secretary of Health and Human Resources shall conduct an analysis and develop a plan with options for a hospital provider assessment program, including a review of other issues deemed necessary, for consideration by the General Assembly in the 2016 Session, that: (i) complies with applicable federal law and regulations; (ii) is designed to operate in a fashion that is mutually beneficial to the Commonwealth and affected health care organizations; (iii) addresses health system challenges in meeting the needs of the uninsured*

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*and preserving access to essential health care services (e.g. trauma programs, obstetrical care) throughout the Commonwealth; (iv) supports the indigent care and graduate medical education costs at hospitals in the Commonwealth; (iv) advances reforms that are consistent with the goals of improved health care access, lower overall costs and better health for Virginians; and (v) takes into account the extent to which it provides equity in the assessment and funding distribution to affected health care organizations. In the development of this program, the Secretary's office shall be assisted by the Department of Medical Assistance Services, the Virginia Center for Healthcare Innovation, the Virginia Hospital and Healthcare Association and other affected stakeholders.*

*2. As part of the analysis and development of a plan for a hospital provider assessment program, the Secretary of Health and Human Resources shall also develop as an option a more limited program that is focused on supporting the indigent care and graduate medical education costs at private teaching hospitals in the Commonwealth.*

*3. The Secretary of Health and Human Resources shall also undertake a review of a program that would provide supplemental payments for qualifying private hospitals as provided for in the State Plan for Medical Assistance Services amendments 11-018 and 11-019 submitted to the Centers for Medicare and Medicaid Services on or about December 20, 2011.*

*4. The Secretary shall report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015 on the appropriate details regarding the plan and options for a hospital provider assessment program, which shall include: (i) the structure, collection process, and amount of the assessment; (ii) the process for supplemental payments; (iii) an estimate by hospital of the net financial impact of the program; and (iv) an implementation timeline. In addition, the Secretary shall include in his report details on the options and requirements of subparagraphs 2 and 3.*

*5. The Secretary may work with the appropriate federal agencies as part of the development of a plan for a program or other options developed pursuant to subparagraphs 1, 2 and 3 in order to ensure compliance with federal requirements.*

*D. The Secretary of Health and Human Resources shall convene a work group that shall include health care providers, consumers of health care services, representatives of the business community, and other stakeholders to review the current certificate of public need process and the impact of such process on health care services in the Commonwealth, and the need for changes to the current certificate of public need process. In conducting such review, the work group shall evaluate: (i) the process by which applications for certificates of public need are reviewed, the criteria upon which decisions about issuance of certificates of public need are based, and barriers to issuance of a certificate of public need; (ii) the frequency with which applications for a certificate are approved or denied; (iii) fees charged for review of applications for a certificate of public need and the cost to the Commonwealth of processing applications for a certificate of public need; (iv) applications for and the impact of the current certificate of public need process on establishment of new health care services, including the establishment of new intermediate-level or specialty-level neonatal special care services and open heart surgery services and the addition of new beds or operating rooms at existing medical care facilities; (v) the relationship between the certificate of public need process and the provision of charity care in the Commonwealth and the impact of the certificate of public need process on the provision of charity care in the Commonwealth; (vi) the impact of the certificate of public need process on graduate medical education programs and teaching hospitals in the Commonwealth; (vii) the efficacy of regional health planning agencies, the role of regional health planning agencies in the certificate of public need process, and barriers to the continued role of regional health planning agencies in the certificate of public need process; and (viii) the frequency with which the State Medical Facilities Plan is updated and whether such plan should be updated more frequently. The work group shall develop specific recommendations for changes to the certificate of public need process to address any problems or challenges identified during such review, which shall include recommendations for changes to the process to be introduced during the 2016 Session of the General Assembly and any additional changes that may require further study or review. In conducting its review and developing its recommendations, the work group shall consider data and information about the current certificate of public need process in the Commonwealth, the impact of such process,*

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and any data or information about similar processes in other states. The Secretary shall report on the recommendations developed by the work group to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees of Finance and Education and Health by December 1, 2015.

E. The Secretary of Health and Human Resources, in cooperation with the Secretary of Education, shall convene a work group to provide recommendations regarding the role of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, including recommendations related to (i) whether the Council should be a supervisory council or a policy council, as each is defined in § 2.2-2100 of the Code of Virginia; (ii) the appropriate composition of the Council; (iii) the role of the Council regarding decisions relative to funding streams; (iv) the appropriate relationship between the Council and the executive branch of state government; and (v) whether the Council should have authority to promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The work group shall consist of the Commissioners of Health, Behavioral Health and Developmental Services, and Social Services, the Director of the Department of Medical Assistance Services, the Superintendent of Public Instruction, the Director of the Department of Juvenile Justice, the Director of the Office of Comprehensive Services, and the Executive Secretary of the Virginia Supreme Court, or their designees, and representatives of local governing bodies representing localities of various sizes and geographic areas of the Commonwealth recommended by the Virginia Association of Counties and the Virginia Municipal League. In developing its recommendations, the work group shall request and receive testimony and other input from stakeholders. The Secretary shall report on findings and recommendations to the Governor and the Chairmen of the Senate Committees on Finance and Rehabilitation and Social Services, and the House Committees on Appropriations and Health, Welfare and Institutions by December 1, 2015.

F. Out of this appropriation, \$150,000 the second year from the general fund is provided for consulting and legal services related to the analysis and plan for provider assessment and supplemental payment options and the work group studying the certificate of public need process. If this funding can be matched with federal funds, then the Department of Planning and Budget may transfer this appropriation to the Department of Medical Assistance Services.

Total for Secretary of Health and Human Resources .....			<b>\$672,239</b>	<b><del>\$673,257</del> \$823,257</b>
General Fund Positions.....	5.00	5.00		
Position Level .....	5.00	5.00		
Fund Sources: General .....	\$672,239	<del>\$673,257</del> \$823,257		

**Comprehensive Services for At-Risk Youth and Families (200)**

279.	Protective Services (45300).....			\$270,024,810	<del>\$265,706,181</del> \$270,024,810
	Financial Assistance for Child and Youth Services (45303) .....	\$270,024,810	<del>\$265,706,181</del> \$270,024,810		
	Fund Sources: General .....	\$217,417,064	<del>\$213,098,435</del> \$217,417,064		
	Federal Trust.....	\$52,607,746	\$52,607,746		

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$159,855,199 the first year and ~~\$156,918,531~~ \$161,237,160 the second year from the general fund and \$51,609,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

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b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Comprehensive Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$131,329,002 the first year and ~~\$128,392,334~~ \$132,710,963 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Comprehensive Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Comprehensive Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, \$55,666,865 the first year and \$55,666,865 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. In each year, the director of the Office of Comprehensive Services for At-Risk Youth and Families may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.

c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Comprehensive Services Act.

d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Comprehensive Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Comprehensive Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.

3. Each locality receiving funds for activities under the Comprehensive Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Comprehensive Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Comprehensive Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.

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4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety <i>and Homeland Security</i> , shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.				
5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.				
6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year..				
7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Comprehensive Services to contract for the support of uniform CSA reporting requirements.				
8. The State Executive Council shall require a uniform assessment instrument.				
9. The Office of Comprehensive Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Comprehensive Services Act for At-Risk Youth and Families.				
10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.				
C. The funding formula to carry out the provisions of the Comprehensive Services Act for At-Risk Youth and Families is as follows:				
1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Comprehensive Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.				
2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Comprehensive Services Act for At-Risk Youth and Families. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.				

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3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.

b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.

c. By October 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.

d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Comprehensive Services Act for At-Risk Youth and Families program, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Comprehensive Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.

e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.

4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$1,560,000 the first year and \$1,560,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. No locality shall receive more than \$50,000, inclusive of the state allocation and local matching funds. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Comprehensive Services Act program. Localities may pool this administrative funding to hire regional coordinators.

5. Definition. For purposes of the funding formula in the Comprehensive Services Act for At-Risk Youth and Families, "locality" means city or county.

D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Comprehensive Services Act for At-Risk Children and Youth. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.

E. Pursuant to subdivision 3 of ~~§2.2-52.06~~ §2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Comprehensive Services Act for At-Risk Children and Youth. The Office of Comprehensive Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Comprehensive Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.

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<p>F. The Office of Comprehensive Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Comprehensive Services Act for At-Risk Children and Youth (CSA) to become Medicaid-certified providers.</p>				
<p>G. The Office of Comprehensive Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Comprehensive Services Act for At-Risk Children and Youth, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.</p>				
<p>H. Pursuant to subdivision 19 of §2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on comprehensive services for children, youth, and families and a plan for such services for the succeeding biennium.</p>				
<p>I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.</p>				
<p>J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).</p>				
<p>K. The State Executive Council (SEC) shall authorize guidelines for therapeutic foster care (TFC) services, including a standardized definition of therapeutic foster care services, uniform service needs criteria required for the utilization of therapeutic foster care services, uniform placement outcome goals to include length of stay targets when the service is indicated and uniform contracting requirements when purchasing therapeutic foster care services. The SEC shall authorize the use of regional contracts for the provision of TFC services. The SEC shall direct the Office of Comprehensive Services to (i) work with stakeholders to develop these guidelines for the provision of TFC and (ii) develop regional contracts for the provision of TFC, with the goal of decreasing the unit cost of social services and maintaining or increasing the quality and effectiveness of the services. The SEC shall focus its attention on rural areas and areas with few service providers. Training will be provided for all local departments of social services, family assessment and planning teams, community policy and management teams and therapeutic foster care services providers on these guidelines. The Director of the Office of Comprehensive Services shall report the progress of these efforts to the SEC at its regularly scheduled meetings.</p>				
<p>L.1. The Office of Comprehensive Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.</p>				
<p>2. The Office of Comprehensive Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.</p>				
<p>3. The Office of Comprehensive Services shall report the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees beginning September 1, 2011 and each year thereafter.</p>				
<p>M. Out of this appropriation, the Director, Office of Comprehensive Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Comprehensive Services Act policy manual.</p>				

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*N. The State Executive Council shall convene a work group to examine options and make recommendations for funding the educational costs for students whose placement in or admittance to state or privately operated psychiatric or residential treatment facilities for non-educational reasons has been authorized by Medicaid. The work group shall include representatives of the Office of Comprehensive Services, the Department of Education, the Department of Medical Assistance Services, the Department of Behavioral Health and Developmental Services, local school divisions, and public and private service providers. The State Executive Council shall report on its recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.*

281.	Administrative and Support Services (49900).....			\$1,657,067	\$1,657,415
				\$1,668,346	\$1,680,088
	General Management and Direction (49901).....	\$1,657,067	\$1,657,415		
		\$1,668,346	\$1,680,088		
	Fund Sources: General.....	\$1,657,067	\$1,657,415		
		\$1,668,346	\$1,680,088		

Authority: Title 2.2, Chapter 26, Code of Virginia.

A. The Office of Comprehensive Services may enter into a memorandum of understanding with the Department of Social Services for the provision of routine administrative support services.

B. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund shall be used for a financial and data interface system.

	Total for Comprehensive Services for At-Risk Youth and Families.....			\$271,681,877	\$267,363,596
				\$271,693,156	\$271,704,898

	General Fund Positions.....	13.00	13.00		
	Position Level.....	13.00	13.00		

	Fund Sources: General.....	\$219,074,131	\$214,755,850		
		\$219,085,410	\$219,097,152		
	Federal Trust.....	\$52,607,746	\$52,607,746		

	Grand Total for Secretary of Health and Human Resources.....			\$272,354,116	\$268,036,853
				\$272,365,395	\$272,528,155

	General Fund Positions.....	18.00	18.00		
	Position Level.....	18.00	18.00		

	Fund Sources: General.....	\$219,746,370	\$215,429,107		
		\$219,757,649	\$219,920,409		
	Federal Trust.....	\$52,607,746	\$52,607,746		

**§ 1-89. DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING (751)**

282.	Social Services Research, Planning, and Coordination (45000).....			\$11,865,626	\$6,865,719
	Technology Services for Deaf and Hard-Of-Hearing (45004).....	\$10,819,226	\$5,819,226		
	Consumer, Interpreter, and Community Support Services (45005).....	\$657,007	\$657,007		
	Administrative Services (45006).....	\$389,393	\$389,486		
	Fund Sources: General.....	\$927,452	\$927,545		

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$10,838,174	\$5,838,174		
Federal Trust.....	\$100,000	\$100,000		

Authority: Title 51.5, Chapter 13, Code of Virginia.

A. Up to \$32,225 the first year and up to \$32,225 the second year from the general fund is provided to the Department of Deaf and Hard-of-Hearing (DDHH) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DDHH and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported to the Director, Department of Planning and Budget within 30 days.

B. Notwithstanding § 58.1-662 of the Code of Virginia, prior to the distribution of monies from the Communications Sales and Use Tax Trust Fund to counties, cities and towns, there shall be distributed monies in the fund to pay for the Technology Assistance Program. This requirement shall not change any other distributions required by law from the Communications Sales and Use Tax Trust Fund.

C. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be used to contract with the Connie Reasor Deaf Resource Center in Planning District 1 for the provision of outreach and technical assistance to deaf and hard-of-hearing individuals.

D. Pursuant to § 51.5-115, Code of Virginia, the Virginia Department for the Deaf and Hard-of-Hearing, with assistance from the Virginia Information Technologies Agency, shall include in any request for proposal (RFP) for the provision of basic telecommunications relay services a preferential consideration for locating a relay center in an economically distressed area of the Commonwealth. A secondary consideration shall be given to proposals which include an in-state call center. Any preference should not cause the contract price to increase more than cost of the contract in existence during fiscal year 2014.

Total for Department for the Deaf and Hard-Of-Hearing.....			<b>\$11,865,626</b>	<b>\$6,865,719</b>
General Fund Positions.....	8.37	8.37		
Nongeneral Fund Positions.....	2.63	2.63		
Position Level .....	11.00	11.00		
Fund Sources: General .....	\$927,452	\$927,545		
Special.....	\$10,838,174	\$5,838,174		
Federal Trust.....	\$100,000	\$100,000		

**§ 1-90. DEPARTMENT OF HEALTH (601)**

283.	Higher Education Student Financial Assistance (10800)..		\$312,000	<del>\$312,000</del> \$187,000
	Scholarships (10810).....	\$312,000	<del>\$312,000</del> \$187,000	
	Fund Sources: General .....	\$125,000	<del>\$125,000</del> \$0	
	Dedicated Special Revenue .....	\$85,000	\$85,000	
	Federal Trust.....	\$102,000	\$102,000	

Authority: §§ 23-35.9 through 23-35.13, 23-37.1 through 23-37.5, and 32.1-122.5:1 through 32.1-122.10, Code of Virginia.

A. Out of this appropriation, \$25,000 the first year and ~~\$25,000 the second year~~ from the general fund is provided for five nurse practitioner scholarships pursuant to § 32.1-122.6:02, Code of Virginia.

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B. Out of this appropriation, \$50,000 the first year ~~and \$50,000 the second year~~ from the general fund is provided for nursing scholarships and loan repayments. All financial incentives shall be awarded in accordance with regulations promulgated by the Board of Health. The department shall maintain an accounting of the numbers and amount of the awards made each year.

C. Out of this appropriation, \$50,000 the first year ~~and \$50,000 the second year~~ from the general fund is provided for scholarships and loan repayments for nursing students pursuing an advanced degree towards becoming nursing faculty at the college level. Priority shall be given to master's degree candidates who will teach in the community colleges.

D. The department may move appropriation between scholarship or loan repayment programs as long as the scholarship or loan repayment is in accordance with the regulations promulgated by the Board of Health.

E. The Secretary of Health and Human Resources in collaboration with the Virginia Department of Health shall examine and report on the effectiveness of existing incentive programs that are designed to attract nurses to underserved areas of Virginia. The report shall specifically include the Nursing Scholarship and Loan Repayment Program as part of the analysis and include recommendations to improve the program. The report shall be submitted to the Director, Department of Planning and Budget and to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2014.

284.	Emergency Medical Services (40200).....			\$42,620,756	\$42,620,756
	Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203)...	\$35,148,150	\$35,148,150		
	State Office of Emergency Medical Services (40204).....	\$7,472,606	\$7,472,606		
	Fund Sources: Special.....	\$17,847,721	\$17,847,721		
	Dedicated Special Revenue.....	\$24,367,452	\$24,367,452		
	Federal Trust.....	\$405,583	\$405,583		

Authority: §§ 32.1-111.1 through 32.1-111.16, 32.1-116.1 through 32.1-116.3, and 46.2-694 A 13, Code of Virginia.

A. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from special funds shall be provided to the Department of State Police for administration of criminal history record information for local volunteer fire and rescue squad personnel (pursuant to § 19.2-389 A 11, Code of Virginia).

B. Distributions made under § 46.2-694 A 13 b (iii), Code of Virginia, shall be made only to nonprofit emergency medical services organizations.

C. Out of this appropriation, \$1,045,375 the first year and \$1,045,375 the second year from the Virginia Rescue Squad Assistance Fund and \$2,052,723 the first year and \$2,052,723 the second year from the special emergency medical services fund shall be provided to the Department of State Police for aviation (med-flight) operations.

D. The State Health Commissioner shall review current funding provided to trauma centers to offset uncompensated care losses, report on feasible long-term financing mechanisms, and examine and identify potential funding sources on the federal, state and local level that may be available to Virginia's trauma centers to support the system's capacity to provide quality trauma services to Virginia citizens. As sources are identified, the commissioner shall work with any federal and state agencies and the Trauma System Oversight and Management Committee to assist in securing additional funding for the trauma system.

E. Notwithstanding any other provision of law or regulation, the Board of Health shall not modify the geographic or designated service areas of designated regional emergency medical services councils in effect on January 1, 2008, or make such modifications a criterion in approving or renewing applications for such designation or receiving and disbursing state funds.

F. Notwithstanding any other provision of law or regulation, funds from the \$0.25 of the \$4.25 for Life fee shall be provided for the payment of the initial basic level emergency medical services certification examination provided by the National Registry of Emergency Medical

ITEM 284.	Item Details(\$)		Appropriations(\$)	
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<p>Technicians (NREMT). The Board of Health shall determine an allocation methodology upon recommendation by the State EMS Advisory Board to ensure that funds are available for the payment of initial NREMT testing and distributed to those individuals seeking certification as an Emergency Medical Services provider in the Commonwealth of Virginia.</p> <p>G. Out of this appropriation, up to \$400,000 the first year and up to \$400,000 the second year from the Virginia Rescue Squad Assistance Fund shall be used for grants to emergency medical services organizations to purchase 12-lead electrocardiograph monitors.</p> <p>H. Out of this appropriation, \$90,000 the first year and \$90,000 the second year from the Virginia Rescue Squad Assistance Fund shall be provided for national background checks on persons applying to serve as a licensed provider in a licensed emergency medical services agency. The Office of Emergency Medical Services may transfer funding to the Office of State Police for national background checks as necessary.</p>				
285.	Medical Examiner and Anatomical Services (40300).....		\$10,948,188	\$10,948,188
	Anatomical Services (40301).....	\$451,431		\$451,431
	Medical Examiner Services (40302).....	\$10,496,757		\$10,496,757
	Fund Sources: General.....	\$9,618,163		\$9,618,163
	Special.....	\$615,168		\$615,168
	Federal Trust.....	\$714,857		\$714,857
	Authority: §§ 32.1-277 through 32.1-304, Code of Virginia.			
286.	Vital Records and Health Statistics (40400).....		\$6,084,681	\$6,084,681
	Health Statistics (40401).....	\$738,759		\$738,759
	Vital Records (40402).....	\$5,345,922		\$5,345,922
	Fund Sources: Special.....	\$6,084,681		\$6,084,681
	Authority: §§ 8.01-217, 32.1-249 through 32.1-276, <del>and 32.1-305 through 32.1-309</del> , Code of Virginia; and P.L. 93-353, as amended, Federal Code.			
	A. Effective July 1, 2004, the standard vital records fee shall be \$12.00 and the fee for the expedited record search shall be \$48.00.			
	B. Notwithstanding § 32.1-273.1, Code of Virginia, \$518,421 the first year and \$518,421 the second year from the Vital Statistics Automation Fund shall be used to supplant general fund support from the Communicable Disease Prevention and Control Program.			
287.	Communicable Disease Prevention and Control (40500) .		\$55,666,195	\$55,666,195
	Immunization Program (40502) .....	\$6,158,009		\$6,158,009
	Tuberculosis Prevention and Control (40503).....	\$1,961,054		\$1,961,054
	Sexually Transmitted Disease Prevention and Control (40504) .....	\$2,116,517		\$2,116,517
	Disease Investigation and Control Services (40505).....	\$2,730,015		\$2,730,015
	HIV/Aids Prevention and Treatment Services (40506).....	\$41,700,600		\$41,700,600
	Pharmacy Services (40507) .....	\$1,000,000		\$1,000,000
	Fund Sources: General.....	\$10,397,596		\$10,397,596
	Special.....	\$1,209,263		\$1,209,263
	Federal Trust.....	\$44,059,336		\$44,059,336
	Authority: §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, Code of Virginia; and P.L. 91-464, as amended, Federal Code.			
	A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to purchase medications for individuals who have tuberculosis but who do not qualify for free or reduced prescription drugs and who do not have adequate income or insurance coverage to purchase the required prescription drugs.			

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B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be provided to the Division of Tuberculosis Control for the purchase of medications and supplies for individuals who have drug-resistant tuberculosis and require treatment with expensive, second-line antimicrobial agents.

C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia, shall be satisfied by the submission of samples to the Division of Consolidated Laboratory Services, or such other laboratory as may be designated by the Board of Health.

D. Out of this appropriation, ~~\$280,110 the first year and \$280,110 the second year from the general fund~~ and \$840,288 the first year and \$840,288 the second year from nongeneral funds shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for children without insurance.

E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for insurance premium payments, coinsurance payments, and other out-of-pocket costs for individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes between 135 percent and 300 percent of the federal poverty income guidelines and who are Medicare Part D beneficiaries.

F. The State Health Commissioner shall monitor patients who have been removed or diverted from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum the Commissioner shall monitor patients to determine if they have been successfully enrolled in a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral medications. The commissioner shall also monitor the program to assess whether a waiting list has developed for services provided through the ADAP program. The commissioner shall report findings to the Chairmen of the House Appropriations and Senate Finance Committees annually on October 1.

288.	Health Research, Planning, and Coordination (40600).....			\$14,369,084	\$14,366,834
	Health Research, Planning and Coordination (40603).....	\$2,940,041	\$2,937,791		
	Regulation of Health Care Facilities (40607).....	\$10,183,711	\$10,183,711		
	Certificate of Public Need (40608).....	\$1,245,332	\$1,245,332		
	Fund Sources: General.....	\$3,202,184	\$3,199,934		
	Special.....	\$1,995,982	\$1,995,982		
	Dedicated Special Revenue.....	\$451,798	\$451,798		
	Federal Trust.....	\$8,719,120	\$8,719,120		

Authority: §§ 32.1-102.1 through ~~32.1-102.12~~ 32.1-102.11; 32.1-122.01 through 32.1-122.08; and 32.1-123 through 32.1-138.5, Code of Virginia; and P.L. 96-79, as amended, Federal Code; and Title XVIII and Title XIX of the U.S. Social Security Act, Federal Code.

A. Supplemental funding for the regional health planning agencies shall be provided from the following sources:

1. Special funds from Certificate of Public Need (40608) application fees in excess of those required to operate the COPN Program, provided the program may retain special fund balances each year equal to of one month's operational needs in case of revenue shortfalls in the subsequent year.

2. The Department of Health shall revise annual agreements with the regional health planning agencies to require an annual independent financial audit to examine the use of state funds and the reasonableness of those expenditures.

B. Failure of any regional health planning agency to establish or sustain business operations shall cause funds to revert to the Central Office to support health planning and Certificate of Public Need functions.

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C. The State Health Commissioner shall continue implementation of the "Five-Year Action Plan: Improving Access to Primary Health Care Services in Medically Underserved Areas and Populations of the Commonwealth." A minimum of \$150,000 the first year and \$150,000 the second year from the general fund shall be provided to the Virginia Office of Rural Health, as the state match for the federal Office of Rural Health Policy Grant. The commissioner is authorized to contract for services to accomplish the plan.

D. Out of the this appropriation, \$278,000 the first year and \$278,000 the second year is appropriated to the department from statewide indirect cost recoveries to match federal funds and support the programs of the Office of Licensure and Certification. Amounts recovered in excess of the special fund appropriation shall be deposited to the general fund.

E. Out of this appropriation, \$96,150 the first year and \$93,900 the second year from the general fund is provided for plan management activities related to the federal exchange. The Department of Health shall seek federal funding to cover the cost of this function. If federal funding is available then the department shall reimburse the general fund for these costs.

*F. The Virginia Department of Health (VDH) in collaboration with the Department of Health Professions shall issue risk mitigation guidelines on the prescription of the class of potent pain medicines known as extended-release and long-acting (ER/LA) opioid analgesics to include co-prescription of an opioid antagonist, approved by the U.S. Food and Drug Administration (FDA), for administration by family members or caregivers in a non-medically supervised environment.*

289.	State Health Services (43000).....			\$175,045,468	\$174,430,554
	Child and Adolescent Health Services (43002).....	\$10,501,964	\$10,501,964		
	Women’s and Infant’s Health Services (43005).....	\$8,246,240	\$7,631,326		
	Chronic Disease Prevention, Health Promotion, and Oral Health (43015).....	\$10,156,946	\$10,156,946		
	Injury and Violence Prevention (43016).....	\$3,888,271	\$3,888,271		
	Women, Infants, and Children (WIC) and Community Nutrition Services (43017) .....	\$142,252,047	\$142,252,047		
	Fund Sources: General.....	\$3,758,068	\$3,758,068		
	Special.....	\$2,840,851	\$2,840,851		
	Dedicated Special Revenue.....	\$64,967,057	\$64,967,057		
	Federal Trust.....	\$103,479,492	\$102,864,578		

Authority: §§ 32.1-11, 32.1-77, and 32.1-89 through 32.1-90, Code of Virginia; P.L. 94-566, as amended, Title V of the U.S. Social Security Act and Title X of the U.S. Public Health Service Act, Federal Code; and P.L. 95-627, as amended, Federal Code.

A. Out of this appropriation, \$952,807 the first year and \$952,807 the second year from special funds is provided to support the newborn screening program and its expansion pursuant to Chapters 717 and 721, Act of Assembly of 2005. Fee revenues sufficient to fund the Department of Health's costs of the program and its expansion shall be transferred from the Division of Consolidated Laboratory Services.

B. The Special Supplemental Nutrition Program for Women, Infants, and Children is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).

C. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the department's sickle cell program to address rising pediatric caseloads in the current program. Any remaining funds shall be used to develop transition services for youth who will require adult services to ensure appropriate medical services are available and provided for youth who age out of the current program.

D. The State Health Commissioner, in cooperation with the director of the Division of Women, Infants, and Children (WIC) and Community Nutrition Services, shall provide a written report not later than December 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on (i) the progress of the multi-state procurement of a multi-state computerized database "WIC System" known formally as the Crossroads Design, Development and Implementation WIC System; (ii) the division's efforts to ensure that in designing and successfully procuring the WIC System that adequate participant access can be achieved

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without the current use of slotting or other similar vendor-limiting criteria and the system allows peer groups to be changed to reflect marketplace dynamics and ensure a more equitable vendor comparison; and (iii) the division's efforts to coordinate these changes in collaboration with the division's existing Retail Advisory Groups and other stakeholders.				
E. It is the intent of the General Assembly that the State Health Commissioner continue providing services through child development clinics and access to children's dental services.				
290.	Community Health Services (44000).....		\$238,309,634	\$238,684,548
	Local Dental Services (44002).....	\$4,544,352	\$4,544,352	
	Restaurant and Food Safety, Well and Septic Permitting and other Environmental Health Services (44004) .....	\$35,712,351	\$35,712,351	
	Local Family Planning Services (44005).....	\$24,180,329	\$24,180,329	
	Support for Local Management, Business, and Facilities (44009) .....	\$59,437,515	\$59,812,429	
	Local Maternal and Child Health Services (44010).....	\$42,637,375	\$42,637,375	
	Local Immunization Services (44013) .....	\$11,351,007	\$11,351,007	
	Local Communicable Disease Investigation, Treatment, and Control (44014).....	\$18,425,600	\$18,425,600	
	Local Personal Care Services (44015).....	\$4,205,870	\$4,205,870	
	Local Chronic Disease and Prevention Control (44016) ..	\$10,906,089	\$10,906,089	
	Local Nutrition Services (44018).....	\$26,909,146	\$26,909,146	
	Fund Sources: General.....	\$96,665,713	\$96,876,528	
	Special.....	\$97,968,592	\$98,132,691	
	Dedicated Special Revenue.....	\$2,472,715	\$2,472,715	
	Federal Trust.....	\$41,202,614	\$41,202,614	

Authority: §§ 32.1-11 through 32.1-12, 32.1-31, 32.1-163 through 32.1-176, 32.1-198 through 32.1-211, 32.1-246, and 35.1-1 through 35.1-26, Code of Virginia; Title V of the U.S. Social Security Act; and Title X of the U.S. Public Health Service Act.

A.1. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$425.00, for a construction permit for on-site sewage systems designed for less than 1,000 gallons per day, and alternative discharging systems not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

2. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$350.00, for the certification letter for less than 1,000 gallons per day not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

3. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$225.00, for a construction permit for an onsite sewage system designed for less than 1,000 gallons per day when the application is supported with certified work from a licensed onsite soil evaluator.

4. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$320.00, for the certification letter for less than 1,000 gallons per day supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

5. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$300.00, for a construction permit for a private well.

6. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$1,400.00, for a construction permit or certification letter designed for more than 1,000 gallons per day.

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7. The State Health Commissioner shall appoint two manufacturers to the Advisory Committee on Sewage Handling and Disposal, representing one system installer and the Association of Onsite Soil Engineers.

B. The State Health Commissioner is authorized to develop, in consultation with the regulated entities, a hotel, campground, and summer camp plan and specification review fee, not to exceed \$40.00, a restaurant plan and specification review fee, not to exceed \$40.00, an annual hotel, campground, and summer camp permit renewal fee, not to exceed \$40.00, and an annual restaurant permit renewal fee, not to exceed \$40.00 to be collected from all establishments, except K-12 public schools, that are subject to inspection by the Department of Health pursuant to §§ 35.1-13, 35.1-14, 35.1-16, and 35.1-17, Code of Virginia. However, any such establishment that is subject to any health permit fee, application fee, inspection fee, risk assessment fee or similar fee imposed by any locality as of January 1, 2002, shall be subject to this annual permit renewal fee only to the extent that the Department of Health fee and the locally imposed fee, when combined, do not exceed the fee amount listed in this paragraph. This fee structure shall be subject to the approval of the Secretary of Health and Human Resources.

C. Pursuant to the Department of Health's Policy Implementation Manual (#07-01), individuals who participate in a local festival, fair, or other community event where food is sold, shall be exempt from the annual temporary food establishment permit fee of \$40.00 provided the event is held only one time each calendar year and the event takes place within the locality where the individual resides.

D. The State Health Commissioner shall work with public and private dental providers to develop options for delivering dental services in underserved areas, including the use of public-private partnerships in the development and staffing of facilities, the use of dental hygiene and dental students to expand services and enhance learning experiences, and the availability of reimbursement mechanisms and other public and private resources to expand services.

E. The Department of Health shall continue to implement a sustainable preventive model to begin July 1, 2014, except in the Mount Rogers, Western Tidewater, and Norfolk Health districts, and full transition by January 1, 2016. The model shall ensure that (i) trained personnel are in place; (ii) the focus on those areas of the Commonwealth in the most need of these dental services, including those areas with higher risk factors including a concentration of diabetic and free lunch populations and a higher than average Medicaid-eligible population; and (iii) the development of evaluation metrics to assist in ensuring efficient and effective use of funding and services.

F. Out of this appropriation, \$176,929 the first year and \$387,744 the second year from the general fund and \$103,503 the first year and \$267,602 the second year from nongeneral funds is provided to address the cost of leasing or expanding local health department facilities.

291.	Financial Assistance to Community Human Services Organizations (49200).....			\$14,591,833	\$14,591,833
	Payments to Human Services Organizations (49204).....	\$14,591,833	<del>\$14,591,833</del> \$19,592,833		\$19,592,833
	Fund Sources: General.....	\$13,741,833	<del>\$14,191,833</del> \$18,192,833		
	Federal Trust.....	\$850,000	<del>\$400,000</del> \$1,400,000		

Authority: § 32.1-2, Code of Virginia.

A.1. Out of this appropriation, \$1,382,946 the first year and ~~\$1,832,946~~ \$832,946 the second year from the general fund and \$850,000 the first year and ~~\$400,000~~ \$1,400,000 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant is provided to the Comprehensive Health Investment Project (CHIP) of Virginia.

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2. The purpose of the program is to develop, expand, and operate a network of local public-private partnerships providing comprehensive care coordination, family support and preventive medical and dental services to low-income, at-risk children.

3. The general fund appropriation in this Item for the CHIP of Virginia projects shall not be used for administrative costs.

4. CHIP of Virginia shall continue to pursue raising funds and in-kind contributions from local communities. It is the intent of the General Assembly that the CHIP program increases its efforts to raise funds from local communities and other private or public sources with the goal of reducing reliance on general fund appropriations in the future.

5. Of this appropriation, from the amounts in paragraph A.1., \$24,679 the first year and \$24,679 the second year from the general fund is provided to the CHIP of Roanoke and shall be used as matching funds to support three full-time equivalent public health nurse positions to services in the Roanoke Valley and Allegheny Highlands.

B. Out of this appropriation \$53,241 the first year and \$53,241 the second year from the general fund shall be provided to the Alexandria Neighborhood Health Services, Inc. to promote the health of women in Alexandria, Arlington, Fairfax County, and Falls Church, to prevent illness and injury and provide early treatment for serious health conditions. The contract with Alexandria Neighborhood Health Services Inc. (ANHSI) shall require that ANHSI provide comprehensive women’s health care with a focus on preventative health services and screenings to low income, uninsured women. Women’s health care services shall focus on preventative screenings. Blood pressure screening and body mass index shall be performed at each visit. The organization shall pursue raising funds and in-kind contributions from the local community.

C. Out of this appropriation \$5,982 the first year and \$5,982 the second year from the general fund shall be provided to the Louisa County Resource Council to promote, develop, and encourage activities to deliver community-based services to disadvantaged Louisa County residents. The contract with Louisa County Resource Council shall require that the council provide assistance to income-eligible residents in meeting various needs of the clients including medication assistance, outreach assistance, and medical care referrals by exploring affordable options. The council shall continue to pursue raising funds and in-kind contributions from the local community.

D. Out of this appropriation, \$7,837 the first year and \$7,837 the second year from the general fund shall be provided to the Olde Towne Medical Center. The contract with Olde Towne Medical Center shall require that the center provide cost effective, comprehensive primary and preventive health care (including obstetrical care) and oral health care to the uninsured, Medicaid, and Medicare residents in the City of Williamsburg, James City County, and York County. The population served shall include adults and children.

E.1. Out of this appropriation, \$433,750 the first year and \$433,750 the second year from the general fund shall be provided to the Virginia Community Healthcare Association (VCHA). The contract with VCHA shall require that the association purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Community and Migrant Health Centers throughout Virginia. The uninsured patients served with these funds shall have family incomes no greater than 200 percent of the federal poverty level. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the pharmacy needs of the greatest number of low-income, uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be provided to the Virginia Community Healthcare Association. The contract with VCHA shall require that the association expand access to care provided through community health centers.

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3. Out of this appropriation, \$1,800,000 the first year and <del>\$1,800,000</del> \$2,800,000 the second year from the general fund shall be provided to the Virginia Community Healthcare Association. The contract with VCHA shall require that the association support community health center operating costs for services provided to uninsured clients. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the needs of the greatest number of uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
F.1. Out of this appropriation, \$1,321,400 the first year and \$1,321,400 the second year from the general fund shall be provided to the Virginia Association of Free Clinics (VAFC). The contract with VAFC shall require that the organization purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Free Clinics throughout Virginia. The amount allocated to each Free Clinic shall be determined through an allocation methodology developed by the Virginia Association of Free Clinics. The allocation methodology shall ensure that funds are distributed such that the Free Clinics are able to serve the pharmacy needs of the greatest number of low-income, uninsured adults. The Virginia Association of Free Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be provided to the Virginia Association of Free Clinics (VAFC). The contract with VAFC shall require the organization to expand access to health care services.				
3. Out of this appropriation, \$1,700,000 the first year and <del>\$1,700,000</del> \$4,800,000 the second year from the general fund shall be provided to the Virginia Association of Free Clinics (VAFC). The contract with VAFC shall require that the organization support free clinic operating costs for services provided to uninsured clients. The amount allocated to each free clinic shall be determined through an allocation methodology developed by the Virginia Association of Free Clinics. The allocation methodology shall ensure that funds are distributed such that the free clinics are able to serve the needs of the greatest number of uninsured persons. The Virginia Association of Free Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
G. Out of this appropriation, \$29,303 the first year and \$29,303 the second year from the general fund shall be provided to expand services at the HealthWorks of Herndon. The contract with HealthWorks of Herndon (HWH) shall require that HWH provide treatment and prevention services, including health care services and mental health counseling, to low income and uninsured adults and children residing in the communities of Herndon, Reston, Chantilly, and Centreville in Fairfax County. These services shall include comprehensive primary health care with integrated behavioral health care to adult and children, prescription medications, diagnostic and lab testing, specialty referrals, and preventive screenings. Children's services shall include school physicals and sports physicals. Patients will also have access to oral health care through HealthWorks Dental Program.				
H. Out of this appropriation, \$164,758 the first year and \$164,758 the second year from the general fund shall be provided to the Southwest Virginia Graduate Medical Education Consortium. The contract with Southwest Virginia Graduate Medical Education (GMEC) shall require GMEC to create and support medical residency preceptor sites in rural and underserved communities in Southwest Virginia. GMEC is a program of the University of Virginia's College at Wise.				
I. Out of this appropriation, \$355,555 the first year and \$355,555 the second year from the general fund shall be provided to the regional AIDS resource and consultation centers and one local early intervention and treatment center.				
J. Out of this appropriation, \$57,963 the first year and \$57,963 the second year from the general fund shall be provided to the Arthur Ashe Health Center in Richmond. The contract with the Arthur Ashe Health Center shall require that the center provide HIV early intervention and treatment for HIV infected patients who reside within the City of Richmond.				

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K. Out of this appropriation, \$10,663 the first year and \$10,663 the second year from the general fund shall be provided to the Fan Free Clinic for AIDS related services. The contract with the Fan Free Clinic shall require that the clinic provide financial assistance and support groups and conduct an education and outreach program for HIV positive clients in Central Virginia.

L.1. Out of this appropriation, \$4,080,571 the first year and ~~\$4,080,571~~ \$4,580,571 the second year from the general fund shall be provided to the Virginia Health Care Foundation. The contract with the Virginia Health Care Foundation (VHCF) shall require that the general fund shall be matched with local public and private resources and shall be awarded to proposals which enhance access to primary health care for Virginia's uninsured and medically underserved residents, through innovative service delivery models. The foundation, in coordination with the Virginia Department of Health, the Area Health Education Centers program, the Joint Commission on Health Care, and other appropriate organizations, is encouraged to undertake initiatives to reduce health care workforce shortages. The foundation shall account for the expenditure of these funds by providing the Governor, the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, the State Health Commissioner, and the Chairman of the Joint Commission on Health Care with a certified audit and full report on the foundation's initiatives and results, including evaluation findings, not later than October 1 of each year for the preceding fiscal year ending June 30.

2. The contract with the Virginia Health Care Foundation shall require that on or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation since its inception. The report shall include certification that an amount equal to the state appropriation for the preceding fiscal year ending June 30 has been matched from private and local government sources during that fiscal year.

3. Of this appropriation, from the amounts in paragraph L.1., \$125,000 the first year and \$125,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be provided to the foundation to expand the Pharmacy Connection software program to unserved or underserved regions of the Commonwealth.

4. Of this appropriation, from the amounts in paragraph L.1., \$105,000 the first year and \$105,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be provided to the foundation for the Rx Partnership to improve access to free medications for low-income Virginians.

5. Of this appropriation, from the amounts in paragraph L.1., \$1,850,000 the first year and ~~\$1,850,000~~ \$2,350,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund be provided to the foundation to increase the capacity of the Commonwealth's health safety net providers to expand services to unserved or underserved Virginians. Of this amount, (i) \$850,000 the first year and \$850,000 the second year shall be used to underwrite service expansions and/or increase the number of patients served at existing sites or at new sites, (ii) \$850,000 the first year and ~~\$850,000~~ \$1,350,000 the second year shall be used for Medication Assistance Coordinators who provide outreach assistance, and (iii) \$150,000 the first year and \$150,000 the second year shall be made available for locations with existing medication assistance programs.

M.1. Out of this appropriation, \$247,313 the first year and ~~\$247,313~~ \$272,313 the second year from the general fund is provided to support the administration of the patient level data base, including the outpatient data reporting system. The department shall establish a contract for this service.

2. *Out of this appropriation from the amounts in paragraph M.1., \$25,000 from the general fund the second year shall be provided to support the Virginia All Payer Claims Database.*

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N. Out of this appropriation, \$76,712 the first year and ~~\$76,712~~ \$202,712 the second year from the general fund shall be provided to the St. Mary's Health Wagon. The contract with St. Mary's Health Wagon shall require the organization to provide summer outreach programs to low-income and uninsured individuals living in southwest Virginia.

O. Out of this appropriation, \$105,000 the first year and \$105,000 the second year from the general fund shall be provided to the Statewide Sickle Cell Chapters of Virginia (SSCCV). The contract with SSCCV shall require that the general fund shall be used to provide for grants to community-based programs that provide patient assistance, education, and family-centered support for individuals suffering from sickle cell disease. The SSCCV shall develop criteria for distributing these funds including specific goals and outcome measures. A report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees detailing program outcomes by October 1 of each year.

P. Out of this appropriation, \$16,280 the first year and \$16,280 the second year from the general fund shall be provided to the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project. The contract with the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project shall require the Foundation to conduct Mission of Mercy (M.O.M) Projects that provide no cost dental services in identified underserved areas.

Q. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be used to support three poison control centers. The State Health Commissioner shall review existing poison control services and determine how best to provide and enhance use of these services as a resource for patients with mental health disorders and for health care providers treating patients with poison-related suicide attempts, substance abuse, and adverse medication events. The Commissioner shall allocate the general fund amounts between the three centers. The general fund amounts shall be based on the proportion of Virginia's population served by each center.

R. Out of this appropriation, \$32,559 the first year and \$32,559 the second year from the general fund shall be provided to the Community Health Center of the Rappahannock Region to provide medical, dental, and behavioral health services to low income and/or uninsured residents in the Rappahannock region. The contract with the center shall require the center to include acute and chronic disease management services, lab and diagnostic services, medication assistance, physical examinations, diagnosis and treatment of sexually transmitted infections, immunizations, women's health services (including family planning and pap smears), preventive and restorative dental services, and behavioral health services.

S. Out of this appropriation, \$510,000 the first year and ~~\$510,000~~ \$760,000 the second year from the general fund is designated to the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC. The contract with Hampton Roads Proton Beam Therapy Institute shall require that the institute support efforts for proton therapy in the treatment of cancerous tumors with fewer side effects.

292.	Drinking Water Improvement (50800).....			\$25,012,730	\$25,012,730
	Drinking Water Regulation (50801).....	\$8,447,736	\$8,447,736		
	Drinking Water Construction Financing (50802).....	\$16,146,712	\$16,146,712		
	Public Health Toxicology (50805).....	\$418,282	\$418,282		
	Fund Sources: General.....	\$4,659,489	\$4,659,489		
	Special.....	\$4,594,504	\$4,594,504		
	Dedicated Special Revenue.....	\$13,004,512	\$13,004,512		
	Federal Trust.....	\$2,754,225	\$2,754,225		

Authority: §§ 32.1-163 through 32.1-176.7, 32.1-246, 32.1-246.1, and 62.1-44.18 through 62.1-44.19:9, Code of Virginia; and P.L. 92-500, P.L. 93-523 and P.L. 95-217, Federal Code.

A. It is the intent of the General Assembly that the Department of Health be the agency designated to receive and manage general and nongeneral funds appropriated pursuant to the federal Safe Drinking Water Act of 1996.

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>B. The fee schedule for charges to community waterworks shall be adjusted to the level necessary to cover the cost of operating the Waterworks Technical Assistance Program, consistent with § 32.1-171.1, Code of Virginia, and shall not exceed \$3.00 per connection to all community waterworks.</p>				
293.	Environmental Health Hazards Control (56500) .....		\$8,543,395	<del>\$8,543,395</del> \$8,653,395
	State Office of Environmental Health Services (56501)...	\$3,883,194	<del>\$3,883,194</del> \$3,768,194	
	Shellfish Sanitation (56502) .....	\$2,271,234	<del>\$2,271,234</del> \$2,496,234	
	Bedding and Upholstery Inspection (56503) .....	\$403,295	\$403,295	
	Radiological Health and Safety Regulation (56504).....	\$1,985,672	\$1,985,672	
	Fund Sources: General .....	\$5,185,767	<del>\$5,185,767</del> \$5,295,767	
	Special .....	\$1,377,894	\$1,377,894	
	Dedicated Special Revenue .....	\$719,588	\$719,588	
	Federal Trust .....	\$1,260,146	\$1,260,146	
<p>Authority: §§ 2.2-4002 B 16; 28.2-800 through 28.2-825; and 32.1-212 through 32.1-245, Code of Virginia.</p> <p>Out of this appropriation, \$12,500 the first year and \$12,500 the second year from the general fund shall be provided for the activities of the Sewage Appeals Review Board.</p>				
294.	Emergency Preparedness (77500) .....		\$32,319,573	\$32,319,573
	Emergency Preparedness and Response (77504).....	\$32,319,573	\$32,319,573	
	Fund Sources: Federal Trust .....	\$32,319,573	\$32,319,573	
<p>Authority: §§ 32.1-2, 32.1-39, and 32.1-42, Code of Virginia.</p>				
295.	Administrative and Support Services (49900).....		\$17,409,803	\$17,545,396
	General Management and Direction (49901).....	\$4,879,700	\$4,911,265	
	Information Technology Services (49902).....	\$6,521,906	\$6,542,287	
	Accounting and Budgeting Services (49903) .....	\$2,796,247	\$2,879,894	
	Human Resources Services (49914).....	\$1,883,887	\$1,883,887	
	Procurement and Distribution Services (49918).....	\$1,328,063	\$1,328,063	
	Fund Sources: General .....	\$13,376,146	\$13,511,739	
	Special .....	\$3,572,172	\$3,572,172	
	Federal Trust .....	\$461,485	\$461,485	
<p>Authority: §§ 3.2-5206 through 3.2-5216, 32.1-11.3 through 32.1-16 through 32.1-23, 35.1-1 through 35.1-7, and 35.1-9 through 35.1-28, Code of Virginia.</p> <p>A. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department of Motor Vehicles, to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.</p> <p>B. Out of this appropriation, \$350,000 the first year and \$150,000 the second year from the general fund shall be provided for agency costs related to onboarding to ConnectVirginia, transition costs to convert the agency's node on ConnectVirginia to the state agency node, and provide support to other state agencies in their onboarding efforts.</p>				
Total for Department of Health.....			<b>\$641,233,340</b>	<del>\$641,126,683</del> <b>\$646,112,683</b>
General Fund Positions.....		1,485.00	1,485.00	

ITEM 295.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
		1,488.00		
Nongeneral Fund Positions.....	2,191.00	2,191.00		
Position Level .....	3,676.00	<del>3,676.00</del>		
		3,679.00		
Fund Sources: General .....	\$160,729,959	<del>\$161,524,117</del>		
		\$165,510,117		
Special.....	\$138,106,828	\$138,270,927		
Dedicated Special Revenue .....	\$106,068,122	\$106,068,122		
Federal Trust.....	\$236,328,431	<del>\$235,263,517</del>		
		\$236,263,517		

**§ 1-91. DEPARTMENT OF HEALTH PROFESSIONS (223)**

296.	Higher Education Student Financial Assistance (10800) .. Scholarships (10810).....	\$65,000	\$65,000	\$65,000	\$65,000
	Fund Sources: Special.....	\$65,000	\$65,000		
	Authority: § 54.1-3011.2, Chapter 30, Code of Virginia.				
297.	Regulation of Professions and Occupations (56000) .....			\$27,557,241	<del>\$27,666,429</del>
	Technical Assistance to Regulatory Boards (56044).....	\$27,557,241	<del>\$27,666,429</del>		\$28,041,084
			\$28,041,084		
	Fund Sources: Trust and Agency .....	\$788,798	\$788,798		
	Dedicated Special Revenue .....	\$26,723,195	<del>\$26,832,383</del>		
			\$27,207,038		
	Federal Trust.....	\$45,248	\$45,248		
	Authority: Title 54.1, Chapter 25, Code of Virginia.				
	Total for Department of Health Professions.....			<b>\$27,622,241</b>	<b>\$27,731,429</b>
					\$28,106,084
	Nongeneral Fund Positions.....	219.00	<del>219.00</del>		
			223.00		
	Position Level .....	219.00	<del>219.00</del>		
			223.00		
	Fund Sources: Special.....	\$65,000	\$65,000		
	Trust and Agency .....	\$788,798	\$788,798		
	Dedicated Special Revenue .....	\$26,723,195	<del>\$26,832,383</del>		
			\$27,207,038		
	Federal Trust.....	\$45,248	\$45,248		

**§ 1-92. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)**

298.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$11,943,491	\$14,243,440
				\$15,069,989	\$15,742,428
	Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107).....	<del>\$11,943,491</del>	<del>\$14,243,440</del>		
		\$15,069,989	\$15,742,428		
	Fund Sources: General .....	<del>\$11,943,491</del>	<del>\$14,243,440</del>		
		\$15,069,989	\$15,742,428		

Authority: § 37.2-809, Code of Virginia.

A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107), may be transferred between Items 40, 41, 42, and 298 as needed, to address any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

ITEM 298.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

B. Out of this appropriation, payments may be made to licensed health care providers for medical screening and assessment services provided to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of Virginia.

C. To the extent that the appropriation in this Item is insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Items 300, 301, and 303 to this Item, if available.

D. The Director of the Department of Medical Assistance Services, in consultation with the Commissioner of the Department of Behavioral Health and Developmental Services, shall review the current rate that is paid for medical costs associated with involuntary mental health commitments. The review shall assess whether the current rate paid for medical services is adequate to serve individuals who may require highly specialized staffing and treatment needs while under detention. The director shall report his findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2014.

299.	Financial Assistance for Health Research (40700).....			\$48,810,945	\$48,810,945
	Grants for Improving the Quality of Health Services (40703) .....	\$48,810,945	\$48,810,945		
	Fund Sources: Federal Trust.....	\$48,810,945	\$48,810,945		
	Authority: P.L. 111-5, Federal Code.				
300.	Children’s Health Insurance Program Delivery (44600)...			\$201,621,866	\$212,369,211
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602) .....	\$201,621,866	\$212,369,211	\$156,690,535	\$179,113,399
		\$156,690,535	\$179,113,399		
	Fund Sources: General.....	\$56,502,026	\$23,629,908		
		\$40,794,373	\$17,727,001		
	Dedicated Special Revenue.....	\$14,065,627	\$14,065,627		
	Federal Trust.....	\$131,054,213	\$174,673,676		
		\$101,830,535	\$147,320,771		

Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.

A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.

B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children’s Health Insurance Program.

C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.

D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Items 301 and 303, if available, into this Item, to be used as state match for federal Title XXI funds.

E. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month.

ITEM 300.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

301.	Medicaid Program Services (45600).....			\$8,434,331,435	\$8,661,642,748
				\$8,136,412,131	\$8,494,567,407
	Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607).....	\$195,323,559	\$151,502,743		
		\$197,295,289	\$151,698,269		
	Reimbursements for Behavioral Health Services (45608) .....	\$714,458,456	\$737,933,976		
		\$687,767,790	\$789,996,961		
	Reimbursements for Medical Services (45609).....	\$5,615,790,120	\$5,874,808,569		
		\$4,979,574,340	\$5,273,664,286		
	Reimbursements for Long-Term Care Services (45610)...	\$1,908,759,300	\$1,897,397,460		
		\$2,271,774,712	\$2,279,207,891		
	Fund Sources: General .....	\$3,877,123,130	\$4,043,108,604		
		\$3,694,399,164	\$3,987,155,922		
	Dedicated Special Revenue .....	\$375,991,838	\$366,283,980		
		\$430,248,427	\$346,848,632		
	Federal Trust.....	\$4,181,216,467	\$4,252,250,164		
		\$4,011,764,540	\$4,160,562,853		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

A. Out of this appropriation, ~~\$97,661,780~~ \$98,647,645 the first year and ~~\$75,751,372~~ \$75,849,135 the second year from the general fund and ~~\$97,661,779~~ \$98,647,644 the first year and ~~\$75,751,371~~ \$75,849,134 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

B.1. Included in this appropriation is ~~\$76,612,053~~ \$75,856,682 the first year and ~~\$81,232,654~~ \$82,016,765 the second year from the general fund and ~~\$91,856,828~~ \$91,101,458 the first year and ~~\$99,297,231~~ \$98,731,727 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

2. Included in this appropriation is ~~\$42,628,181~~ \$43,284,148 the first year and ~~\$42,875,083~~ \$44,688,169 the second year from the general fund and ~~\$53,760,229~~ \$54,386,197 the first year and ~~\$56,391,794~~ \$57,112,685 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of no inflation for inpatient services in FY 2015 and FY 2016 for private hospitals reflected in paragraph CCC. of this Item. It also includes reductions for prior year inflation reductions and indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.

ITEM 301.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular, the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

C.1. The estimated revenue for the Virginia Health Care Fund is ~~\$375,991,838~~ \$430,248,427 the first year and ~~\$366,283,980~~ \$346,848,632 the second year, to be used pursuant to the uses stated in §32.1-367, Code of Virginia.

2. Notwithstanding §32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in §3.2-3100, Code of Virginia, to the Virginia Health Care Fund.

3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care Fund.

4. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this act.

D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

E.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.

2. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.

F. It is the intent of the General Assembly to develop and cause to be developed appropriate, fiscally responsible methods for addressing the issues related to the cost and funding of long-term care. It is the further intent of the General Assembly to promote home-based and community-based care for individuals who are determined to be in need of nursing facility care.

G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Item 300 and 303, if available, to be used as state match for federal Title IX funds.

ITEM 301.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
H.	It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.			
I.	It is the intent of the General Assembly that the use of the new atypical medications to treat seriously mentally ill Medicaid recipients should be supported by the formularies used to reimburse claims under the Medicaid fee-for-service and managed care plans.			
J.	The Department of Medical Assistance Services shall establish a program to more effectively manage those Medicaid recipients who receive the highest cost care. To implement the program, the department shall establish uniform criteria for the program, including criteria for the high cost recipients, providers and reimbursement, service limits, assessment and authorization limits, utilization review, quality assessment, appeals and other such criteria as may be deemed necessary to define the program. The department shall seek any necessary approval from the Centers for Medicare and Medicaid Services, and shall promulgate such regulations as may be deemed necessary to implement this program.			
K.	The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget by December 15 each year.			
L.	The Department of Medical Assistance Services shall not require dentists who agree to participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.			
M.	The Department of Medical Assistance Services shall implement continued enhancements to the drug utilization review (DUR) program. The department shall continue the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work with the Pharmacy Liaison Committee to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.			
N.1.	The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its MEDALLION waiver and its Medallion II waiver.			
2.	In order to conform the state regulations to the federally approved changes and to implement the provisions of this act, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. The department shall implement these necessary regulatory changes to be consistent with federal approval of the waiver changes.			
O.1.	The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Comprehensive Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.			

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	First Year	Second Year	First Year	Second Year
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2. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph. O.1. of this Item. However, prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the above plan by the Secretary.

P. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be transferred to the Virginia Health Care Fund. The Director, Department of Medical Assistance Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors by November 1 each year.

Q. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Comprehensive Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.

R.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.

2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.

b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.

ITEM 301.	Item Details(\$)		Appropriations(\$)	
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3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the committee.				
4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.				
5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.				
6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.				
7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.				
8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.				
S.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.				
2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.				
3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.				

ITEM 301.	Item Details(\$)		Appropriations(\$)	
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4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.

5. The department shall report on savings and quality improvements achieved through the implementation measures for the specialty drug program to the Chairmen of the House Appropriations and Senate Finance Committees, the Joint Commission on Health Care, and the Department of Planning and Budget by November 1 of each year.

6. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.

T.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.

2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.

U. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

V. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.

W.1. Within the limits of this appropriation, the Department of Medical Assistance Services shall work with its contracted managed care organizations and fee-for-service health care providers to: (i) raise awareness among the providers who serve the Medicaid population about the health risks of chronic kidney disease; (ii) establish effective means of identifying patients with this condition; and (iii) develop strategies for improving the health status of these patients. The department shall work with the National Kidney Foundation to prepare and disseminate information for physicians and other health care providers regarding generally accepted standards of clinical care and the benefits of early identification of individuals at highest risk of chronic kidney disease.

2. The department shall request any clinical laboratory performing a serum creatinine test on a Medicaid recipient over the age of 18 years to calculate and report to the physician the estimated glomerular filtration rate (eGFR) of the patient and shall report it as a percent of kidney function remaining.

X.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the

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<p>provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.</p> <p>2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.</p> <p>Y. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.</p> <p>Z. The Department of Medical Assistance Services shall implement one or more Program for All Inclusive Care for the Elderly (PACE) programs.</p> <p>AA. The Department of Medical Assistance Services shall amend its State Plan for Medical Assistance Services to develop and implement a regional model for the integration of acute and long-term care services. This model would be offered to elderly and disabled clients on a mandatory basis. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p> <p>BB.1. Contingent upon approval by the Centers for Medicare and Medicaid Services as part of the Money Follows the Person demonstration grant, the Department of Medical Assistance Services shall seek federal approval for necessary changes to home and community-based 1915(c) waivers to allow individuals transitioning from institutions to receive care in the community. The Department of Medical Assistance Services shall promulgate any necessary emergency regulations within 280 days or less from the enactment date of this act.</p> <p>2. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add up to 30 new slots (up to 15 each fiscal year) and the Intellectual Disabilities (ID) Waiver to add up to 220 new slots (up to 110 each fiscal year) which will be reserved for individuals transitioning out of institutional settings through the Money Follows the Person Demonstration. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD and ID waiver applications to add the additional slots.</p> <p>CC. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p> <p>DD. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				

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EE. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

FF. In every June the remittance that would normally be paid to providers on the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

GG. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the Intellectual Disabilities Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this act.

HH. The Department of Medical Assistance Services shall provide information to personal care agency providers regarding the options available to meet staffing requirements for personal care aides including the completion of provider-offered training or DMAS Personal Care Aide Training Curriculum.

II. The Department of Medical Assistance Services shall impose an assessment equal to 5.5 percent of revenue on all ICF-MR providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.

JJ. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

KK. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized to specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this act.

LL. The Department of Medical Assistance Services shall not adjust rates or the rate ceiling of residential psychiatric facilities for inflation.

MM. The Department of Medical Assistance Services shall have the authority to modify reimbursement for Durable Medical Equipment for incontinence supplies based on competitive bidding subject to approval by the Centers for Medicare and Medicaid Services (CMS). The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this act.

NN. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services in consultation with the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Coalition of Private Provider Associations, and the Association of Community Based Providers, to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.

OO. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and

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services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:

a. In fulfillment of this item, the department may seek federal authority to implement a care coordination program for Elderly or Disabled with Consumer Direction (EDCD) waiver participants effective October 1, 2011. This service would be provided to adult EDCD waiver participants on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

b. In fulfillment of this item, the department may seek federal authority through amendments to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow individuals enrolled in Home and Community Based Care (HCBC) waivers to also be enrolled in contracted Medallion II managed care organizations for the purposes of receiving acute and medical care services. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

c. In fulfillment of this item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:

1. Improves value so that there is better access to care while improving equity.
2. Engages consumers as informed and responsible partners from enrollment to care delivery.
3. Provides consumer protections with respect to choice of providers and plans of care.
4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.
5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.
6. Improves quality, individual safety, health outcomes, and efficiency.
7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.
8. Builds upon current best practices in the delivery of behavioral health services.

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9. Accounts for local circumstances and reflects familiarity with the community where services are provided.				
10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.				
11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.				
12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.				
13. Promotes availability of access to vital supports such as housing and supported employment.				
14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
d. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in Paragraph e, for individuals in need of behavioral health services not currently provided through managed care to be effective July 1, 2012. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.				
e.1. The department may seek the necessary waiver(s) and/or State Plan authorization under Title XIX of the Social Security Act to develop and implement a care coordination model for individuals dually eligible for services under both Medicare and Medicaid. The Director of the Department of Medical Assistance Services, in consultation with the Secretary of Health and Human Resources, shall establish a stakeholder advisory committee to support implementation of dual-eligible care coordination systems. The advisory committee shall support the dual-eligible initiatives by identifying care coordination and quality improvement priorities, assisting in securing analytic and care management support resources from federal, private and other sources and helping design and communicate performance reports. The advisory committee shall include representation from health systems, health plans, long-term care providers, health policy researchers, physicians, and others with expertise in serving the aged, blind, and disabled, and dual-eligible populations. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
2. There is hereby created in the state treasury a special nonreverting fund to be known as the Commonwealth Coordinated Care Pay for Performance Fund, hereafter referred to as the "fund." The fund shall be established on the books of the Comptroller and any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the fund. Moneys deposited to the fund shall be used solely for bonus payments to managed care organizations participating in the Commonwealth Coordinated Care program that meet the performance criteria of the pay for performance program specified in paragraph OO.e.1.				

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3. The department is authorized to implement a quality withhold program in the context of the initiative implemented pursuant to OO.e.1. Quality withhold funds, withheld from health plan capitation payments, shall be deposited in the fund created pursuant to OO.e.2. At the time and in the amounts determined by DMAS and Centers for Medicare and Medicaid Services, DMAS shall be authorized to make payments from the fund to health plans that meet quality performance measures stipulated in the Memorandum of Understanding and contract with health plans entered into pursuant to OO.e.1. Funds deposited in the fund may be used only for such payments.

4. The Department of Planning and Budget in collaboration with the Department of Medical Assistance services shall transfer general fund appropriation withheld from funds set aside in connection with a pay for performance program related to the dual eligible initiative pursuant to paragraph OO.e.1., to the fund.

PP. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

QQ. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall seek federal authority to implement a pricing methodology to modify or replace the current pricing methodology for pharmaceutical products as defined in 12 VAC 30-80-40, including the dispensing fee, with an alternative methodology that is budget neutral or that creates cost savings. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

RR. The Department of Medical Assistance Services shall make programmatic changes to the recipient utilization (Client Medical Management) program in order ensure appropriate utilization, prevent abuse, and promote improved and cost efficient medical management of essential Medicaid client health care. The department shall consider all available options including, but not limited to, utilization review, program criteria, and client enrollment. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

SS. The Department of Medical Assistance Services shall mandate that payment rates negotiated between participating Medicaid managed care organizations and out-of-network providers for emergency or otherwise authorized treatment shall be considered payment in full. In the absence of rates negotiated between the managed care organization and the out-of-network provider, these services shall be reimbursed at the Virginia Medicaid fees and/or rates and shall be considered payment in full. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

TT. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to convert the current cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement methodology shall be implemented in a budget-neutral manner. The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this act.

UU. The Department of Medical Assistance Services shall seek federal authority to move the family planning eligibility group from a demonstration waiver to the State Plan for Medical Assistance. The department shall seek approval of coverage under this new state plan option for individuals with income up to 200 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

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VV. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

WW. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay Medicare rates for primary care services performed by primary care physicians as mandated in §1202 of the federal Health Care and Education Reconciliation Act of 2010 ("HCERA"; P.L. 111-152). Primary care services are defined as certain evaluation and management (E&M) services and services related to immunization administration for vaccines and toxoids. Eligible physicians are defined as physicians with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine. The department shall have the authority to establish procedures to determine which providers meet the criteria. The rate increase shall be effective for a two-year period with dates of service beginning January 1, 2013, through December 31, 2014. As prescribed in HCERA, the department shall claim 100 percent federal matching funds for the difference in payments between the Medicaid fee schedule effective July 1, 2009, and the Medicare rate effective January 1, 2013. HCERA also mandates that the increase be applied to Managed Care services. The department shall have authority to implement these reimbursement changes, and consistent with the federal rule implementing § 1202 of HCERA and State Plan Amendment approved by the Centers for Medicare and Medicaid Services.

XX.1. In response to the unfavorable outcome to an appeal by the Department of Medical Assistance Services in federal court regarding reimbursement for services furnished to Medicaid members in a residential treatment center or freestanding psychiatric hospital, the department shall revise reimbursement for services furnished Medicaid members in residential treatment centers and freestanding psychiatric hospitals to include professional, pharmacy and other services to be reimbursed separately as long as the services are in the plan of care developed by the residential treatment center or the freestanding psychiatric hospital and arranged by the residential treatment center or the freestanding psychiatric hospital. The department shall require residential treatment centers to include all services in the plan of care needed to meet the member's physical and psychological well-being while in the facility but may also include services in the community or as part of an emergency.

2. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days from the enactment of this act.

YY. The Department of Medical Assistance Services may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to allow foster care children, on a regional basis to be determined by the department, to be enrolled in Medicaid managed care (Medallion II). The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

ZZ. The Department of Medical Assistance Services shall have the authority to amend the State Plans under Title XIX and Title XXI of the Social Security Act in order to comply with the mandated provider screening provisions of the federal Affordable Care Act (P.L. 111-148 and 111-152). The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

AAA. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

BBB.1. The Department of Medical Assistance Services, related to appeals administered by and for the department, shall have authority to amend regulations to:

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i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.

ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.

iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS’s obligation to substantively address all issues specified in the provider’s written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider’s receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider’s timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider’s written notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider’s written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.

iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS’ appeals regulations to start running from the date of the remand.

v. Clarify the department’s authority to administratively dismiss untimely filed appeal requests.

vi. Clarify the time requirement for commencement of the formal administrative hearing.

2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

CCC. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate hospital inflation for FY 2015 and FY 2016. This shall apply to inpatient hospital operating rates (including long-stay and freestanding psychiatric), graduate medical education (GME) payments and disproportionate share hospital (DSH) payments. Similar reductions shall be made to the general fund share for Type One hospitals as reflected in Item 301 B. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

DDD. The Department of Medical Assistance Services shall amend the 1915 (c) home- and community-based Intellectual Disabilities waiver to add 115 slots effective July 1, 2014 and an additional 410 slots effective July 1, 2015.

EEE. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) waiver to add 15 new slots effective July 1, 2014 and an additional 40 slots effective July 1, 2015. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD waiver to add the additional slots.

FFF. The Department of Medical Assistance Services shall amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen the qualifications and responsibilities of the Consumer Directed Service Facilitator to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall have the authority to promulgate emergency regulations to implement this change effective July 1, 2012.

GGG. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the

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individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.

HHH. 1. Notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the Department of Medical Assistance Services shall amend the state plan and appropriate waivers under Title XIX of the Social Security Act to implement a process for administrative appeals of Medicaid/Medicare dual eligible recipients in accordance with terms of the Memorandum of Understanding between the department and the Centers for Medicare and Medicaid Services for the financial alignment demonstration program for dual eligible recipients. The department shall implement this change within 280 days or less from the enactment of this Appropriation Act.

2. The department shall report by November 1 of each year to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget detailing implementation progress of the financial alignment demonstration. This report shall include, but is not limited to, costs of implementation, projected cost savings, number of individuals enrolled, and any other implementation issues that arise.

III. Effective July 1, 2013, the Department of Medical Assistance Services shall have the authority, to establish a 25 percent higher reimbursement rate for congregate residential services for individuals with complex medical or behavioral needs currently residing in an institution and unable to transition to integrated settings in the community due to the need for services that cannot be provided within the maximum allowable rate, or individuals whose needs present imminent risk of institutionalization and enhanced waiver services are needed beyond those available within the maximum allowable rate. The department shall have authority to promulgate regulations to implement this change within 280 days or less from the enactment of this act.

JJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.

KKK. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to convert the current cost-based payment methodology for nursing facility operating rates in 12 VAC 30-90-41 to a price-based methodology effective July 1, 2014. The new price-based payment methodology shall be implemented in a budget neutral manner.

1. The department shall calculate prospective operating rates for direct and indirect costs in the following manner:

a. The department shall calculate the cost per day in the base year for direct and indirect operating costs for each nursing facility. The department shall use existing definitions of direct and indirect costs.

b. The initial base year for calculating the cost per day is cost reports ending in calendar year 2011. The department shall rebase prices in fiscal year 2018 and every three years thereafter using the most recent reliable calendar year cost-settled cost reports for freestanding nursing facilities that have been completed as of September 1.

c. Each nursing facility's direct cost per day shall be neutralized by dividing the direct cost per day by the raw Medicaid facility case-mix that corresponds to the base year by facility.

d. Costs per day shall be inflated to the midpoint of the fiscal year rate period using the moving average Virginia Nursing Home inflation index for the 4th quarter of each year (the midpoint of the fiscal year). Costs in the 2011 base year shall be inflated from the midpoint of

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the cost report year to the midpoint of fiscal year 2012 by pro-rating fiscal year 2012 inflation and annual inflation after that. Annual inflation adjustments shall be based on the last available report prior to the beginning of the fiscal year and corrected for any revisions to prior year inflation.				
e. Prices will be established for the following peer groups using a combination of Medicare wage regions and Medicaid rural and bed size modifications based on similar costs.				
1) Direct Peer groups				
- Northern Virginia MSA				
- Other MSAs				
- Northern Rural				
- Southern Rural				
2) Indirect Peer Groups				
- Northern Virginia MSA				
- Rest of State - Greater than 60 Beds				
- Other MSAs				
- Northern Rural				
- Southern Rural				
- Rest of State - 60 Beds or Less				
f. The price for each peer group shall be based on the following adjustment factors:				
1) Direct - 105 percent of the peer group day-weighted median neutralized and inflated cost per day for freestanding nursing facilities.				
2) Indirect - 100.7 percent of the peer group day-weighted median inflated cost per day for freestanding nursing facilities.				
g. Facilities with costs projected to the rate year below 95 percent of the price shall have an adjusted price equal to the price minus the difference between their cost and 95 percent of the unadjusted price. Adjusted prices will be established at each rebasing. New facilities after the base year shall not have an adjusted price until the next rebasing. The "spending floor" limits the potential gain of low cost facilities, thereby making it possible to implement higher adjustment factors for other facilities at less cost.				
h. Individual claim payment for direct costs shall be based on each resident's Resource Utilization Group (RUG) during the service period times the facility direct price (similar to Medicare).				
i. Resource Utilization Group (RUG) is a resident classification system that groups nursing facility residents according to resource utilization and assigns weights related to the resource utilization for each classification. The department shall use RUGS to determine facility case mix for cost neutralization in determining the direct costs used in setting the price and for adjusting the claim payments for residents. The department may elect to transition from the RUG-III 34 Medicaid grouper to the RUG-IV 48 grouper in the following manner.				
1) The department shall neutralize direct costs per day in the base year using the most current RUG grouper applicable to the base year.				
2) The department shall utilize RUG-III 34 groups and weights in fiscal year 2015 for claim payments.				

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3) Beginning in fiscal year 2016, the department may elect to implement RUG-IV 48 Medicaid groups and weights for claim payments.

4) RUG-IV 48 weights used for claim payments will be normalized to RUG-III 34 weights as long as base year costs are neutralized by the RUG-III 34 group. In that the weights are not the same under RUG IV as under RUG III, normalization will insure that total payments in direct using the RUGs IV 48 weights will be the same as total payments in direct using the RUGs-III 34 grouper.

j. The department shall transition to the price-based methodology over a period of four years, blending the price-based rate described here with the cost-based rate based on current law with the following adjustments. The facility cost-based operating rates shall be the direct and indirect rates for fiscal year 2015 based on facility case-mix neutral rates modeled after the law that would have been in effect in fiscal year 2015 absent this amendment and using base year data from calendar year 2011 inflated to the rate year. Based on a four-year transition, the rate will be based on the following blend:

- 1) Fiscal year 2015 - 25 percent of the price-based rate and 75 percent of the cost-based rate.
- 2) Fiscal year 2016 - 50 percent of the price-based rate and 50 percent of the cost-based rate.
- 3) Fiscal year 2017 - 75 percent of the price-based rate and 25 percent of the cost-based rate.
- 4) Fiscal year 2018 - 100 percent of the price-based (fully implemented).

During the first transition year for the period July 1, 2014 through October 31, 2014, DMAS shall case-mix adjust each direct cost component of the rates using the average facility case-mix from the two most recent finalized quarters (September and December 2013) instead of adjusting this component claim by claim.

Cost-based rates to be used in the transition for facilities without cost data in the base year but placed in service prior to July 1, 2013 shall be determined based on the most recently settled cost data. If there is no settled cost report at the beginning of a fiscal year, then 100 percent of the price-based rate shall be used for that fiscal year. Facilities placed in service after June 30, 2013 shall be paid 100 percent of the price-based rate.

2. Prospective capital rates shall be calculated in the following manner.

a. Fair rental value per diem rates for the fiscal year shall be calculated for all freestanding nursing facilities based on the prior calendar year information aged to the fiscal year and using RS Means factors and rental rates corresponding to the fiscal year. There will be no separate calculation for beds subject to and not subject to transition.

b. The department shall develop a procedure for mid-year fair rental value per diem rate changes for nursing facilities that put into service a major renovation or new beds. A major renovation shall be defined as an increase in capital of \$3,000 per bed. The nursing facility shall submit complete pro forma documentation at least 60 days prior to the effective date and the new rate shall be effective at the beginning of the month following the end of the 60 days. The provider shall submit final documentation within 60 days of the new rate effective date and the department shall review final documentation and modify the rate if necessary effective 90 days after the implementation of the new rate. No mid-year rate changes shall be made for an effective date after April 30 of the fiscal year.

c. Effective July 1, 2014, the rental rate shall be 8.0 percent.

d. These FRV changes shall also apply to specialized care facilities.

e. The capital per diem rate for hospital-based nursing facilities shall be the last settled capital per diem.

3. Prospective Nurse Aide Training and Competency Evaluation Programs (NATCEP) rates shall be the Medicaid per diem rate in the base year inflated to the rate year based on inflation used in the operating rate calculations.

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4. A prospective rate for criminal records checks shall be the per diem rate in the base year.

5. The department shall have the authority to implement these payment changes effective July 1, 2014 and prior to completion of any regulatory process in order to effect such changes.

6. *The department shall amend the State Plan for Medical Assistance to reimburse the price-based operating rate rather than the transition operating rate to any nursing facility whose licensed bed capacity decreased by at least 30 beds after 2011 and whose occupancy increased from less than 70 percent in 2011 to more than 80 percent in 2013. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to completion of any regulatory process in order to effect such change.*

LLL. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.

MMM. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

NNN. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

OOO. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians - Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology - Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.

PPP. The Department of Medical Assistance Services shall establish a work group of representatives of providers of home- and community-based care services to continue improvements in the audit process and procedures for home- and community-based utilization

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and review audits. The Department of Medical Assistance Services shall report on any revisions to the methodology for home- and community-based utilization and review audits, including progress made in addressing provider concerns and solutions to improve the process for providers while ensuring program integrity. In addition, the report shall include documentation of the past year's audits, a summary of the number of audits to which retractions were assessed and the total amount, the number of appeals received and the results of appeals. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by December 1 of each year.

QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to calculate an indirect medical education (IME) factor for Virginia freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009. Total payments for IME in combination with other payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 may not exceed the federal uncompensated care cost limit that disproportionate share hospital payments are subject to. The department shall have the authority to implement these reimbursement changes effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such change.

RRR. The Department of Medical Assistance Services shall realign the billable activities paid for individual supported employment provided under the Medicaid home- and community-based waivers to be consistent with job development and job placement services provided through employment services organizations that are reimbursed by the Department for Aging and Rehabilitative Services. The department shall have the authority to implement this reimbursement change effective July 1, 2013, and prior to the completion of any regulatory process undertaken in order to effect such change.

SSS. Effective July 1, 2013, the Department of Medical Assistance Services shall take the steps necessary to amend the Intellectual Disability Waiver and the Individual and Family Developmental Disabilities Support Waiver to change the unit of service for skilled and private duty nursing from the current one hour to one-quarter of an hour. The department shall implement this change using a methodology that is budget neutral.

TTT.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs. This reform shall be implemented in three phases as outlined in paragraphs 2, 3 and 4. The department shall have authority to implement necessary changes when feasible after federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

2. In the first phase of reform, the Department of Medical Assistance Services shall continue currently authorized reforms of the Virginia Medicaid/FAMIS service delivery model that shall, at a minimum, include (i) implementation of a Medicare-Medicaid Enrollee (dual eligible) Financial Alignment demonstration as evidenced by a Memorandum of Understanding with the Centers for Medicare and Medicaid Services (CMS), signing of a three-way contract with CMS and participating plans, and approval of the necessary amendments to the State Plan for Medical Assistance and any waivers thereof; (ii) enhanced program integrity and fraud prevention efforts to include at a minimum: recovery audit contracting (RAC), data mining, service authorization, enhanced coordination with the Medicaid Fraud Control Unit (MFCU), and Payment Error Rate Measurement (PERM); (iii) inclusion of children enrolled in foster care in managed care; (iv) implementation of a new eligibility and enrollment information system for Medicaid and other social services; (v) improved access to Veterans services through creation of the Veterans Benefit Enhancement Program; and (vi) expedite the tightening of standards, services limits, provider qualifications, and licensure requirements for community behavioral health services.

3. In the second phase of reform, the Department of Medical Assistance Services shall implement value-based purchasing reforms for all recipients subject to a Modified Adjusted Gross Income (MAGI) methodology for program eligibility and any other recipient categories not excluded from the Medallion II managed care program. Such reforms shall, at a minimum, include the following: (i) the services and benefits provided are the types of services and benefits provided by commercial insurers and may include appropriate and reasonable limits on services such as occupational, physical, and speech therapy, and home care with the exception

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of non-traditional behavioral health and substance use disorder services; (ii) reasonable limitations on non-essential benefits such as non-emergency transportation are implemented; and (iii) patient responsibility is required including reasonable cost-sharing and active patient participation in health and wellness activities to improve health and control costs.

To administer this reformed delivery model, the department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph OO. c. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.

The second phase of reform shall also include administrative simplification of the Medicaid program through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act and outline agreed upon parameters and metrics to provide maximum flexibility and expedited ability to develop and implement pilot programs to test innovative models that (i) leverage innovations and variations in regional delivery systems; (ii) link payment and reimbursement to quality and cost containment outcomes; or (iii) encourage innovations that improve service quality and yield cost savings to the Commonwealth. Upon federal approval, the department shall have authority to implement such pilot programs prior to the completion of the regulatory process.

4. In the third phase of reform, the Department of Medical Assistance Services shall seek reforms to include all remaining Medicaid populations and services, including long-term care and home- and community-based waiver services into cost-effective, managed and coordinated delivery systems. The department shall begin designing the process and obtaining federal authority to transition all remaining Medicaid beneficiaries into a coordinated delivery system.

5. The Department of Medical Assistance Services shall provide a report to the Medicaid Innovation and Reform Commission on the specific waiver and/or State Plan changes that have been approved and status of implementing such changes, and associated cost savings or cost avoidance to Medicaid/FAMIS expenditures.

**I VETO THIS ITEM WHICH IS UNCONSTITUTIONAL. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

6.a. The Department shall seek the approval of the Medicaid Innovation and Reform Commission to amend the State Plan for Medicaid Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act. If the Medicaid Innovation and Reform Commission determines that the conditions in paragraphs 2, 3, 4, and 5 have been met, then the Commission shall approve implementation of coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act.

b. Upon approval by the Medicaid Innovation and Reform Commission, the department shall implement the provisions in paragraph 6.a. of this item by July 1, 2014, or as soon as feasible thereafter.

7.a. Contingent upon the expansion of eligibility in paragraph 6.a., there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Reform and Innovation Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. For purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.

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b. The Director of the Department of Medical Assistance Services, in consultation with the Director of the Department of Planning and Budget, shall annually identify projected general fund savings attributable to enrollment of newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA, including behavioral health services, inmate health care, and indigent care. Beginning with development of the fiscal year 2015 budget, these projected savings shall be reflected in reduced appropriations to the affected agencies and the amounts deposited into the Fund net of any appropriation increases necessary to meet resulting programmatic requirements of the Department of Medical Assistance Services. Beginning in fiscal year 2015, funding to support health innovations described in Paragraph 3 shall be appropriated from the Fund not to exceed \$3.5 million annually. Funding shall be distributed through health innovation grants to private and public entities in order to reduce the annual rate of growth in health care spending or improve the delivery of health care in the Commonwealth. When the department, in consultation with the Department of Planning and Budget, determines that the general fund expenses incurred from coverage of newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA exceed any associated savings, a percentage of the principle of the Fund as determined necessary by the department and the Department of Planning and Budget to cover the cost of the newly eligible population shall be reallocated to the general fund and appropriated to the department to offset the cost of this population. Principle shall be allocated on an annual basis for as long as funding is available.

8. In the event that the increased federal medical assistance percentages for newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA is modified through federal law or regulation from the methodology in effect on January 1, 2014, resulting in a reduction in federal medical assistance as determined by the department in consultation with the Department of Planning and Budget, the Department of Medical Assistance Services shall disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other providers that coverage will cease as soon as allowable under federal law from the date the department is notified of a reduction in Federal Medical Assistance Percentage.

9. That notwithstanding any other provision of this act, or any other law, no general or nongeneral funds shall be appropriated or expended for such costs as may be incurred to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, unless included in an appropriation bill adopted by the General Assembly on or after July 1, 2014.

UUU.1. The Director of the Department of Medical Assistance Services shall continue to make improvements in the provision of health and long-term care services under Medicaid/FAMIS that are consistent with evidence-based practices and delivered in a cost effective manner to eligible individuals.

2. In order to effect such improvements and ensure that reform efforts are cost effective relative to current forecasted Medicaid/FAMIS expenditure levels, the Department of Medical Assistance Services shall (i) develop a five-year consensus forecast of expenditures and savings associated with the Virginia Medicaid/FAMIS reform efforts by November 15 of each year in conjunction with the Department of Planning and Budget, and with input from the House Appropriations and Senate Finance Committees, and (ii) engage stakeholder involvement in meeting annual targets for quality and cost-effectiveness.

VVV. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the AP-DRG grouper with the APR-DRG grouper for hospital inpatient reimbursement. The department shall develop budget neutral case rates and Virginia-specific weights for the APR-DRG grouper based on the FY 2011 base year. The department shall phase in the APR-DRG weights by blending in 50 percent of the full APR-DRG weights with 50 percent of FY 2014 AP-DRG weights in the first year and 75 percent of the full APR-DRG weights with 25 percent of the FY 2014 AP-DRG weights in the second year for each APR-DRG group and severity. FY 2014 AP-DRG weights shall be calculated as a weighted average FY 2014 AP-DRG weight for all claims in the base year that group to each APR-DRG group and severity. Full APR-DRG weights shall be used in the third year and succeeding years for each APR-DRG group and severity. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

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WWW.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following methodology:

a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization or on total Medicaid NICU utilization equal to 14 percent or higher.

b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.

c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.

d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).

e) The DSH per diem shall be calculated in the following manner:

a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.

b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.

c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.

d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.

2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient hospital reimbursement.

3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.

4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

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XXX. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay rates for Durable Medical Equipment items subject to the Medicare competitive bidding program equal to the lower of the current DMERC minus 10 percent or the average of the Medicare competitive bid rates in Virginia markets. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

YYY. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

ZZZ. The Department of Medical Assistance Services (DMAS) shall not change the unit of service or rate of reimbursement for Mental Health Skill-Building Services (MHSS) until the 2015 General Assembly has reviewed the impact of the December 1, 2013 emergency regulations that changed the eligibility and service description for Mental Health Skill-Building Services. DMAS and the Department of Behavioral Health and Developmental Services shall jointly prepare a report to be delivered by November 1, 2014 to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall document the impact of the MHSS regulations implemented on December 1, 2013 and shall include an assessment of the fiscal impact, consumer and family impact, service delivery impact, and impact upon other agencies and facilities in Virginia.

AAAA. The Department of Medical Assistance Services shall have the authority to contract with other public and private entities to conduct the required screening process for the Individual and Family Developmental Disabilities Support waiver. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

BBBB. The Department of Medical Assistance Services shall have authority to amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen all program requirements and policies of the consumer-directed services programs to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall submit a detailed report on proposed regulatory changes to the consumer-directed services programs and the issues and problems the department is attempting to resolve. The department shall submit the report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees at least 30 days prior to beginning the regulatory process.

CCCC. Effective July 1, 2014, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reduce clinical laboratory fees by 12 percent. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

DDDD.1. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the

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supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.

2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by the Centers for Medicare and Medicaid Services (CMS) and the payments otherwise made to physicians. ~~Funding for the state share for the Medicaid payments are authorized in Item 243.~~ The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.

*b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.*

*c. Funding for the state share for these Medicaid payments is authorized in Item 243.*

3. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.

*4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH is required to transfer funds to the department funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.*

EEEE. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

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FFFF. The Department of Medical Assistance Services shall have the authority to amend the 1915 (c) home- and community-based Elderly or Consumer-Direction (EDCD) waiver, Individual and Family Developmental Disabilities (DD) Support Waiver, Intellectual Disabilities (ID) waiver and Technology-Assisted (TECH) waiver, and associated regulations, to specify that transition services includes the first month's rent for qualified housing as an allowable cost. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

GGGG. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at least until the age of 18 in any state.

HHHH. Effective July 1, 2014 the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide that the reimbursement floor for the nursing facility FRV "rental rate" shall be 8.0 percent in fiscal year 2015 and fiscal year 2016. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.

IIII. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate nursing facility inflation for fiscal year 2016. This shall apply to nursing facility operating rates. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.

JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate inflation for outpatient rehabilitation agencies and home health agencies for FY 2015 and FY 2016. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to the completion of any regulatory process in order to effect such changes.

KKKK. The Department of Medical Assistance Services shall assess and report on the impact of the requirement that nurses providing private duty nursing services to individuals receiving services through the Technology Assisted Waiver program to have six months of work experience in order to be reimbursed through the Medicaid program. The assessment shall examine access to qualified nurses by individuals eligible for waiver services as well as hiring, turnover, and retention of nurses providing private duty nursing services through the waiver. The department shall provide a report on its findings by November 1, 2014, to the Chairmen of the House Appropriations and Senate Finance Committees.

*LLLL.1. The Department of Medical Assistance Services shall amend the Medicaid demonstration project (Project Number 11-W-00297/3) to modify eligibility provided through the project to individuals with serious mental illness to be effective July 1, 2015. Income eligibility shall be modified to limit services to seriously mentally ill adults with effective household incomes up to 60 percent of the federal poverty level (FPL). All individuals enrolled in this Medicaid demonstration project with incomes between 61% and 100% of the Federal Poverty Level as of May 15, 2015 who continue to meet other program eligibility rules, shall maintain enrollment in the demonstration until their next eligibility renewal period or July 1, 2016, whichever comes first. Benefits shall include the following services: (i) primary care office visits including diagnostic and treatment services performed in the physician's office, (ii) outpatient specialty care, consultation, and treatment, (iii) outpatient hospital including observation and ambulatory diagnostic procedures, (iv) outpatient laboratory, (v) outpatient pharmacy, (vi) outpatient telemedicine, (vii) medical equipment and supplies for diabetic treatment, (viii) outpatient psychiatric treatment, (ix) mental health case management, (x) psychosocial rehabilitation assessment and psychosocial rehabilitation services, (xi) mental health crisis intervention, (xii) mental health crisis stabilization, (xiii) therapeutic or diagnostic injection, (xiv) behavioral telemedicine, (xv) outpatient substance abuse treatment services, and (xvi) intensive outpatient substance abuse treatment services. Care coordination, Recovery Navigation (peer supports), crisis line and prior authorization for services shall be provided through the agency's Behavioral Health Services Administrator. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.*

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2. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.

3. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.

4. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.

5. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

MMMM. Out of this appropriation, \$8,179,904 from the general fund and \$8,179,904 from nongeneral funds the second year shall be used to increase rates by two percent for congregate residential services (except sponsored placement), 5.5 percent for in-home residential services, two percent for day support services and prevocational services, 10 percent for therapeutic consultation services, 15.7 percent for skilled nursing services in the Intellectual Disability and IFDDS waivers and six percent for EPSDT nursing to be equal to the private duty nursing rates in the Technology Assisted Waiver effective July 1, 2015.

2. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall report on plans to redesign the Medicaid comprehensive Intellectual and Developmental Disability waivers prior to the submission of a request to the Centers for Medicare and Medicaid Services to amend the waivers. In developing the report, the departments shall include plans for the list of services to be included in each waiver; service limitations, provider qualifications, and proposed licensing regulatory changes; and proposed changes to the rate structure for services and the cost to implement such changes. In addition, the Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall report on how the individuals currently served in the existing waivers and those expected to transition to the community will be served in the redesigned waivers based on their expected level of need for services. The departments shall complete their work and submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.

NNNN. The Department of Medical Assistance Services shall increase the rates for agency and consumer-directed personal and respite care services by two percent, effective July 1, 2015.

OOOO. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to eliminate the requirement for pending, reviewing and reducing fees for emergency room claims for 99283 codes. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such change.

PPPP. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.

QQQQ.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The

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*department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.*

*2. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and tracking mechanisms established by the department.*

*3. The department shall report on the progress of meeting the requirements for completion of preadmission screenings within 30 days of an individual's request for screening, the implementation of the contract for screening children, and make recommendations for changes to improve the process to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.*

*4. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.*

*RRRR.1. The Department of Medical Assistance Services (DMAS) shall provide quarterly reports beginning on July 1, 2015, to the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the Commonwealth Coordinated Care program, including information on program enrollment, the ability of Medicare and Medicaid Managed Care Plans to ensure a robust provider network, resolution of provider concerns regarding the cost and technical difficulties in participating in the program, quality of care, and progress in resolving issues related to federal Medicare requirements which impede the efficient and effective delivery of care.*

*2. The Department of Medical Assistance Services (DMAS) shall require providers to use a National Provider Identifier number, effective July 1, 2015, in order to participate in the Commonwealth Coordinated Care program.*

*SSSS. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits. The Department shall report the necessary amendments to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.*

*TTTT. Notwithstanding 12VAC30-120-1600 et seq., a resident of a "safe, secure environment" as defined in 22VAC40-72-10 shall be deemed to have met the requirements of 12VAC30-120-1610 B for the purposes of the Alzheimer's Assisted Living Waiver.*

302.	Medical Assistance Services (Non-Medicaid) (46400) .....			\$821,702	\$821,702
	Insurance Premium Payments for HIV-Positive Individuals (46403).....	\$556,702	\$556,702		
	Reimbursements From the Uninsured Medical Catastrophe Fund (46405) .....	\$265,000	\$265,000		
	Fund Sources: General .....	\$781,702	\$781,702		
	Dedicated Special Revenue .....	\$40,000	\$40,000		

Authority: ~~§32.1-320.1~~ §32.1-330.1 and §32.1-324.3, Code of Virginia.

A. Out of this appropriation, \$556,702 the first year and \$556,702 the second year from the general fund shall be provided for insurance payment assistance to HIV-infected persons in accordance with § 32.1-330.1, Code of Virginia, except that the eligibility threshold for assistance shall allow a maximum income of no more than 250 percent of the federal poverty threshold.

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B. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund shall be transferred to the Uninsured Medical Catastrophe Fund under § 32.1-324.3, Code of Virginia.				
303.	Medical Assistance Services for Low Income Children (46600) .....		\$133,368,229	\$135,189,402
			\$132,223,833	\$136,969,363
	Reimbursements for Medical Services Provided to Low-Income Children (46601) .....	\$133,368,229	\$135,189,402	
		\$132,223,833	\$136,969,363	
	Fund Sources: General .....	\$46,678,880	\$23,996,119	
		\$46,278,049	\$24,312,062	
	Federal Trust .....	\$86,689,349	\$111,193,283	
		\$85,945,784	\$112,657,301	

Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

To the extent that appropriations in this Item are insufficient, the Director, Department of Planning and Budget shall transfer general fund appropriation from Items 300 and 301, if available, into this Item, to be used as state match for federal Title XXI funds.

304.	Administrative and Support Services (49900) .....		\$143,673,278	\$144,263,040
			\$143,769,927	\$160,659,411
	General Management and Direction (49901) .....	\$126,421,666	\$126,648,663	
		\$126,518,315	\$143,045,034	
	Information Technology Services (49902) .....	\$14,532,855	\$14,895,620	
	Administrative Support for the Family Access to Medical Insurance Security Plan (49932) .....	\$2,718,757	\$2,718,757	
	Fund Sources: General .....	\$49,500,215	\$49,789,078	
		\$49,524,364	\$53,475,433	
	Special .....	\$1,565,000	\$1,565,000	
	Federal Trust .....	\$92,608,063	\$92,908,962	
		\$92,680,563	\$105,618,978	

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

A. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

B. The Department of Medical Assistance Services shall submit expenditure reports of the Medicaid program to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. These reports shall be submitted on a quarterly basis.

C. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the special fund is appropriated to the Department of Medical Assistance Services for the administration of the disbursement of civil money penalties levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of

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residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with this provision.

D. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, intellectual disability and substance abuse services, and any new or expanded mental health, intellectual disability retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, intellectual disability and substance abuse services.

E. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

F. The Department of Planning and Budget, is authorized to transfer amounts, as needed, from Medicaid Program Services (45600), Medical Assistance Services for Low Income Children (46600) and Children’s Health Insurance Program Delivery (44600), to Administrative and Support Services (49900), to fund administrative expenditures associated with contracts between the department and companies providing dental benefit services, consumer-directed payroll services, claims processing, behavioral health management services and disease state / chronic care programs for Medicaid and FAMIS recipients.

G. The Department of Medical Assistance Services shall, to the extent possible, require web-based electronic submission of provider enrollment applications, revalidations and other related documents necessary for participation in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act.

H. The Department of Medical Assistance Services shall report on efforts to ensure validation of meaningful and reliable encounter data for the purposes of rate setting, program monitoring, providing data to policy makers and the general public, and detection of fraud, waste and abuse. The department shall submit the report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.

I. The Department of Medical Assistance Services shall report on the operations and costs of the Medicaid call center (also known as the Cover Virginia Call Center). This report shall include number of calls received on a monthly basis, the purpose of the call, the number of applications for Medicaid submitted through the call center, and the costs of the contract. The department shall submit the report for FY 2015 by August 15, 2015, and for FY 2016 by August 15, 2016. The report shall be submitted to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

J.1. Out of the this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund and \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be provided for Medicaid’s share of the costs of participating in the Commonwealth’s Health Information Exchange (ConnectVirginia).This appropriation is contingent on approval by the federal Centers for Medicare and Medicaid Services of federal financial participation for these costs.

2. Out of this appropriation \$100,000 the first year and \$100,000 the second year from the general fund and \$900,000 the first year and \$900,000 the second year from nongeneral funds shall be provided to assist in the costs of onboarding Medicaid providers to the Commonwealth’s Health Information Exchange (ConnectVirginia).

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K. Out of this appropriation, ~~\$100,000 the first year~~ and \$100,000 the second year from the general fund shall be provided to contract with the Virginia Center for Health Innovation for research, development and tracking of innovative approaches to healthcare delivery.

L. *The Department of Medical Assistance Services shall report on the implementation of provisions in Chapter 196, 2014 Acts of Assembly, which authorizes the agency to provide payments or transfers to the Virginia Retirement System's deferred compensation plan for dentist or oral and maxillofacial surgeons who are independent contractors that provide services for the Medicaid program. The department shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2015.*

M. *Out of this appropriation, \$3,283,004 the second year from the general fund and \$9,839,000 the second year from nongeneral funds is provided for the enhanced operation of the Cover Virginia Call Center as a centralized eligibility processing unit (CPU) that shall be limited to processing Medicaid applications received from the Federally Facilitated Marketplace, telephonic applications through the call center, or electronically submitted Medicaid-only applications. The enhancement to the Cover Virginia Call Center contract to operate as a CPU is limited to fiscal year 2016. The department shall report the number of applications processed on a monthly basis and payments made to the contractor to the Director, Department of Planning and Budget and the Chairman of the House Appropriations and Senate Finance Committees. The report shall be submitted no later than 30 days after the end of each quarter of the fiscal year.*

Total for Department of Medical Assistance Services.....			<del>\$8,974,570,946</del>	<del>\$9,217,340,488</del>
			<del>\$8,633,799,062</del>	<del>\$9,036,684,655</del>
General Fund Positions.....	210.37	<del>210.37</del>		
		225.02		
Nongeneral Fund Positions.....	216.63	<del>216.63</del>		
		234.98		
Position Level .....	427.00	<del>427.00</del>		
		460.00		
Fund Sources: General .....	<del>\$4,042,529,444</del>	<del>\$4,155,548,851</del>		
	<del>\$3,846,847,641</del>	<del>\$4,099,194,548</del>		
Special.....	\$1,565,000	\$1,565,000		
Dedicated Special Revenue .....	<del>\$390,097,465</del>	<del>\$380,389,607</del>		
	<del>\$444,354,054</del>	<del>\$360,954,259</del>		
Federal Trust.....	<del>\$4,540,379,037</del>	<del>\$4,679,837,030</del>		
	<del>\$4,341,032,367</del>	<del>\$4,574,970,848</del>		

**§ 1-93. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)**

305.	Regulation of Public Facilities and Services (56100).....			\$2,391,703	\$2,391,703
	Regulation of Health Care Service Providers (56103).....	\$2,391,703	\$2,391,703		
	Fund Sources: General .....	\$2,341,703	\$2,341,703		
	Special.....	\$50,000	\$50,000		

Authority: Title ~~37-137.2~~, Chapters ~~8~~ and ~~4~~ 4, Code of Virginia.

A. The department shall post on its Web site information concerning (i) any application for initial licensure of or renewal of a license, denial of an application for an initial license or renewal of a license, or issuance of provisional licensure of for any residential facility for children located in the locality and (ii) all inspections and investigations of any residential facility for children licensed by the department, including copies of any reports of such inspections or investigations. Information concerning inspections and investigations of residential facilities for children shall be posted on the department's Web site within seven days of the issuance of any report and shall be maintained on the department's website for a period of at least six years from the date on which the report of the inspection or investigation was issued.

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*B. Notwithstanding § 37.2, Chapter 4, Code of Virginia, the Commissioner of the Department of Behavioral Health and Developmental Services shall eliminate the licensing fees of all adult behavioral health and developmental services that took effect February 1, 2015. These fees shall be eliminated effective July 1, 2015.*

306. A. It is the intent of the General Assembly that the Department of Behavioral Health and Developmental Services proceed in transforming its system of care into a model that embodies best practices and state-of-the-art services. The consumer-driven system of services and supports shall promote self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life. The transformed system shall include investments in a suitable array and adequate quantity of community-based services, with an emphasis on consumer choice and the appropriate use of facility resources. State facilities shall be redesigned to ensure high quality care, efficient operation, and capacity necessary for persons most in need of such care. Amounts authorized herein, and in related legislation, shall be used to support the transformation of the system of care and to promote the provision of behavioral health and developmental services in the most efficient and appropriate setting. The Department of Behavioral Health and Developmental Services may consider the use of public-private partnerships to deliver behavioral health and intellectual disability services as part of the comprehensive behavioral health and intellectual disability system of care, in facilities that are being planned for renovation or replacement. These partnerships may include contracts with private entities for facility operations, unless the Department of Behavioral Health and Developmental Services can demonstrate that continued state operation of the facility is at least as cost effective and provides at least an equivalent or higher level quality care than operation by a private entity.

B. Notwithstanding any law to the contrary, on July 1, of each year, the State Comptroller shall transfer to the general fund any nongeneral fund balance accumulated by the Department of Behavioral Health and Developmental Services, except for federal grant funds, in excess of \$30,000,000.

C. Notwithstanding § 4-5.12, § 4-5.09 of this Act and paragraph C. of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. The trust fund will receive any savings resulting from facility restructuring. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

D. Any funds appropriated in this Act for the purpose of complying with the settlement agreement with the United States Department of Justice pursuant to civil action no: 3:12cv059-JAG that remain unspent at the end of the fiscal year may be carried forward into the subsequent fiscal year in order to continue implementation of the agreement's requirements.

307. Administrative and Support Services (49900).....			\$71,752,945	\$72,403,587
			\$71,784,395	\$75,885,382
General Management and Direction (49901).....	\$11,793,663	<del>\$12,015,165</del>		
		\$11,731,065		
Information Technology Services (49902).....	\$27,836,043	<del>\$26,567,527</del>		
		\$27,282,597		
Architectural and Engineering Services (49904) .....	\$2,508,805	\$2,508,805		
Collection and Locator Services (49905).....	\$2,739,740	\$2,739,740		
Human Resources Services (49914).....	\$1,768,261	\$1,768,261		
Planning and Evaluation Services (49916).....	\$369,062	\$369,062		
Program Development and Coordination (49933).....	<del>\$24,737,371</del>	<del>\$26,435,027</del>		
	\$24,768,821	\$29,485,852		
Fund Sources: General.....	<del>\$41,279,153</del>	<del>\$44,172,552</del>		
	\$44,268,192	\$47,736,305		

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Special.....	\$19,611,359	\$17,368,602		
	\$16,653,770	\$15,756,506		
Federal Trust.....	\$10,862,433	\$10,862,433		
		\$12,392,571		

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. The trust fund will receive any savings resulting from facility restructuring. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$656,538 the first year and \$656,538 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H. Out of this appropriation, \$2,059,930 the first year and \$2,419,930 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.

I. Out of this appropriation, \$136,715 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.

J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information

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on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.

L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.

2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability. *In its Medicaid waiver redesign, the department shall include as stakeholders and eligible participants, individuals with acquired brain injury regardless of age in which the injury was sustained, who have serious physical, cognitive, and/or behavioral health issues who are at risk for institutionalization or who are institutionalized but could live in the community with adequate supports.*

4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.

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M. The State Comptroller shall provide the Department of Behavioral Health and Developmental Services an interest-free anticipation loan not to exceed \$3,100,000 to serve as an advance stream of funds in anticipation of Medicare Meaningful Use funds related to successful implementation of the Electronic Health Records project at state-operated behavioral health and intellectual disability facilities. The loan will be repaid no later than June 30, 2015.

*N.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.*

*2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports shall be submitted to the joint subcommittee 20 days after the close of each quarter with the first report due October 20, 2015 and every three months thereafter.*

*O. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.*

*P. The Department of Behavioral Health and Developmental Services shall report on the number of individuals with acquired brain injury exhibiting behavioral/mental health problems requiring services in state mental health facilities and/or community services boards to the House Appropriations and Senate Finance Committees by October 1 of each year. The report shall provide, to the extent possible, the following information: (i) the general fund and nongeneral fund cost of the services provided to individuals; and (ii) the types and amounts of services received by these individuals.*

*Q. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.*

*R. The Department of Behavioral Health and Developmental Services shall undertake a review of Piedmont Geriatric and Catawba Hospitals. This review shall evaluate the operational, maintenance and capital costs of these hospitals, and study alternate options of care, especially geriatric psychiatric care for patients residing in these hospitals. The department shall develop recommendations and report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.*

*S. The Department of Behavioral Health and Developmental Services in collaboration with the Community Services Boards shall compile and report all available information regarding the services and support needs of the individuals on waiting lists for Intellectual and Developmental Disability (I/DD) waiver services, including an estimate of the number of graduates with I/DD who are exiting secondary education each fiscal year. The department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.*

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*T. 1. Out of this appropriation, \$400,000 the second year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenic Sterilization Act and who were living as of February 1, 2015.*

*2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.*

*3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.*

*4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.*

*5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.*

*6. The Department of Medical Assistance Services shall seek federal authority to ensure that funds received through this act shall not be counted in determination of Medicaid eligibility.*

*7. In order for the Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services to implement the provisions of this act, both departments shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.*

Total for Department of Behavioral Health and Developmental Services.....			<b>\$74,144,648</b>	<b>\$74,795,290</b>
			<b>\$74,176,098</b>	<b>\$78,277,085</b>

General Fund Positions.....	224.85	<u>224.85</u>		
		225.85		
Nongeneral Fund Positions.....	13.40	13.40		
Position Level .....	238.25	<u>238.25</u>		
		239.25		

Fund Sources: General.....	\$43,620,856	\$46,514,255		
	\$46,609,895	\$50,078,008		
Special.....	\$19,661,359	\$17,418,602		
	\$16,703,770	\$15,806,506		
Federal Trust.....	\$10,862,433	\$10,862,433		
		\$12,392,571		

**Grants to Localities (790)**

308.	Financial Assistance for Health Services (44500).....			\$349,012,156	\$368,849,536
	Community Substance Abuse Services (44501).....	\$96,277,019	\$96,277,019		\$378,756,136
	Community Mental Health Services (44506) .....	\$204,606,666	\$214,294,046		
			\$222,621,646		
	Community Developmental Disability Services (44507) ..	\$48,128,471	\$58,278,471		
			\$59,857,471		
	Fund Sources: General.....	\$287,332,709	\$307,170,089		
			\$317,076,689		
	Federal Trust.....	\$61,679,447	\$61,679,447		

Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

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<p>A. It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.</p>				
<p>B. Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.</p>				
<p>C. Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.</p>				
<p>D. The Department of Behavioral Health and Developmental Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.</p>				
<p>E. Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.</p>				
<p>F. Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.</p>				
<p>G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.</p>				
<p>H.1. Out of this appropriation, \$13,203,366 the first year and <del>\$13,203,366</del> \$13,808,366 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.</p>				
<p>2. By <del>October 4</del> November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.</p>				
<p>I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.</p>				
<p>J. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				

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K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.

L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.

M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, *including individuals with acquired brain injury and co-occurring substance use disorders*. Funded services shall focus on recovery models and the use of best practices.

N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.

O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to House Bill 559 and Senate Bill 246, 2008 Session of the General Assembly. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of the General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to House Bill 560 and Senate Bill 246, 2008 Session of the General Assembly.

P. Out of this appropriation, \$8,800,000 the first year and \$8,800,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.

Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used to expand community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.

R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used to expand crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.

S. Out of this appropriation, \$4,150,000 the first year and ~~\$4,650,000~~ \$6,650,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall report on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees beginning on October 1, 2014 and each year thereafter.

T. Out of this appropriation, \$3,300,000 the first year and ~~\$8,700,000~~ *\$10,500,000* the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness *and individuals with acquired brain injury and co-occurring serious mental health illness*. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.

U. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to develop and implement crisis services for children with intellectual or developmental disabilities.

V. Out of this appropriation, \$1,750,000 the first year and \$2,000,000 the second year from the general fund shall be used to provide community-based services to individuals residing in state hospitals who have been determined clinically ready for discharge.

W. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training and certification, and manuals and certification for all those receiving the training.

X. Out of this appropriation, \$1,132,620 the first year and \$620,000 the second year from the general fund shall be used to expand access to telepsychiatry services.

Y. Out of this appropriation, \$950,000 the first year and ~~\$3,800,000~~ *\$6,800,000* the second year from the general fund shall be used to implement ~~four~~ *seven* new Programs of Assertive Community Treatment (PACT).

Z. Out of this appropriation, \$3,500,000 the first year and \$4,000,000 the second year from the general fund shall be used to increase availability of community-based mental health outpatient services for youth and young adults.

AA. Out of this appropriation, \$2,750,000 the first year from the general fund shall be used for the provision of services for individuals transitioning out of Northern Virginia Training Center into community settings.

BB. Out of this appropriation, \$250,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.

CC. *Out of this appropriation, \$2,127,600 the second year from the general fund is provided for permanent supportive housing to support rental subsidies and services to be administered by community services boards or private entities to provide stable, supportive housing for persons with serious mental illness.*

DD. *Out of this appropriation, \$250,000 the second year from the general fund is provided to contract with the ARC of Greater Prince William for assistance with construction or acquisition of appropriate accessible housing and appropriate clinical services to support individuals transitioning out of the Northern Virginia Training Center into the community. This funding is one-time to provide necessary support until the transition to the new redesigned Intellectual and Developmental Disability waivers with more appropriate services and an improved rate structure is complete. The ARC of Greater Prince William shall report on the*

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<i>use of this funding to support needs of individuals transitioning from the Northern Virginia Training Center. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.</i>				
Total for Grants to Localities.....			<b>\$349,012,156</b>	<del>\$368,849,536</del> <b>\$378,756,136</b>
Fund Sources: General.....	\$287,332,709	<del>\$307,170,089</del> \$317,076,689		
Federal Trust.....	\$61,679,447	\$61,679,447		
<b>Mental Health Treatment Centers (792)</b>				
309. Instruction (19700).....			\$2,162,704	\$2,162,704
Facility-Based Education and Skills Training (19708) .....	\$2,162,704	\$2,162,704		
Fund Sources: General.....	\$2,025,418	\$2,025,418		
Special.....	\$786	\$786		
Federal Trust.....	\$136,500	\$136,500		
Authority: §§ <del>37.1-10.04</del> 37.2-312 and <del>37.1-96</del> 37.2-713, Code of Virginia; P.L. 102-73 and 102-119, Federal Code.				
310. Secure Confinement (35700).....			\$13,231,039	\$13,231,039
Forensic and Behavioral Rehabilitation Security (35707) .....	\$13,231,039	\$13,231,039		
Fund Sources: General.....	\$12,922,941	\$12,922,941		
Special.....	\$308,098	\$308,098		
Authority: Title <del>37.1</del> 37.2, Chapters <del>4 and 2</del> 9, Code of Virginia.				
311. Pharmacy Services (42100).....			\$19,476,950	<del>\$19,476,950</del> \$17,137,323
Inpatient Pharmacy Services (42102).....	\$19,476,950	<del>\$19,476,950</del> \$17,137,323		
Fund Sources: General.....	\$4,935,287	\$4,935,287		
Special.....	\$14,541,663	<del>\$14,541,663</del> \$12,202,036		
Authority: Title 37.2, Chapters 8, Code of Virginia.				
312. State Health Services (43000).....			<del>\$210,204,633</del> \$213,986,268	<del>\$211,647,204</del> \$211,621,250
Geriatric Care Services (43006).....	<del>\$37,412,483</del> \$41,194,118	<del>\$37,412,483</del> \$45,948,674		
Inpatient Medical Services (43007) .....	\$20,401,600	<del>\$20,401,600</del> \$9,444,593		
State Mental Health Facility Services (43014).....	\$152,390,550	<del>\$153,833,121</del> \$156,227,983		
Fund Sources: General.....	<del>\$148,451,695</del> \$152,233,330	<del>\$149,894,266</del> \$161,646,947		
Special.....	\$61,752,938	<del>\$61,752,938</del> \$49,974,303		
Authority: Title <del>37.1</del> 37.2, Chapters 1 and 2; <del>Title 16.1, Article 16</del> through 11, Code of Virginia.				

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A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013. The Commissioner of the Department of Behavioral Health and Developmental Services shall ensure continued operation of at least 123 beds.

B.1. Out of this appropriation, \$4,070,663 the first year and \$4,070,663 the second year from the general fund shall be used to provide additional inpatient bed capacity at Southwestern Mental Health Institute, Northern Virginia Mental Health Institute, and Hiram Davis Medical Center.

2. Out of this appropriation, \$375,000 the first year from the general fund shall be used for capital costs at Hiram Davis Medical Center to ensure sufficient medical capacity is available to serve patients with medical needs when the state becomes the facility of last resort.

313.	Facility Administrative and Support Services (49800) .....			\$92,438,594	<del>\$92,491,277</del> \$91,787,100
	General Management and Direction (49801).....	\$41,467,437	<del>\$41,520,120</del> \$40,916,013		
	Information Technology Services (49802).....	\$4,099,386	\$4,099,386		
	Food and Dietary Services (49807) .....	\$12,421,830	\$12,421,830		
	Housekeeping Services (49808) .....	\$7,404,873	\$7,404,873		
	Linen and Laundry Services (49809).....	\$1,528,546	\$1,528,546		
	Physical Plant Services (49815).....	\$18,934,084	\$18,934,084		
	Power Plant Operation (49817).....	\$4,000,450	\$4,000,450		
	Training and Education Services (49825).....	\$2,581,988	<del>\$2,581,988</del> \$2,481,918		
	Fund Sources: General .....	\$78,381,631	<del>\$78,412,819</del> \$78,181,079		
	Special.....	\$13,993,463	<del>\$14,014,958</del> \$13,542,521		
	Federal Trust.....	\$63,500	\$63,500		

Authority: § ~~37.1-42.1~~37.2-304, Code of Virginia.

A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the general fund shall be used to ensure proper billing and maximum reimbursement for prescription drugs purchased by mental health treatment centers through the Medicare Part D drug program.

B. The department shall take necessary step to develop an employee transition assistance plan for positions at Eastern State Hospital and Western State Hospital reduced due to the replacement of these facilities.

C. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a plan to address the capital and programmatic needs of other state mental health facilities and state mental retardation training centers when considering expenditures from the trust fund. No less than 30 days prior to the expenditure of funds, the Commissioner shall present an expenditure plan to the Chairmen of the Senate Finance and House Appropriations Committees for their review and consideration.

314. A. Beginning August 1, 2014, and each year after, the Commissioner, Department of Behavioral Health and Developmental Services, shall report annually to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated behavioral health facility. The report shall be made available on the agency's public website.

B.1. The Department of Behavioral Health and Developmental Services shall review the current configuration of services provided at the Commonwealth's adult mental health hospitals and consider options for consolidating and reorganizing the delivery of such state services. This review shall include: a programmatic assessment and fiscal impact of the long-term needs for inpatient services for geriatric, adult, and forensic populations; the fiscal impact of the

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reduction in geriatric census on first and third party reimbursement at facilities; and, the long-term capital requirements of state mental health facilities. The review shall also identify national best practices in the delivery of these types of services. The Commissioner, Department of Behavioral Health and Developmental Services shall submit this review to the Governor and to the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2014.

2. The Commissioner, Department of Behavioral Health and Developmental Service shall establish a planning process to provide geriatric, adult, and forensic mental health services, both inpatient and community-based, as close to persons' homes as possible. This planning process will produce a comprehensive plan that ensures there are quality services, both inpatient and community-based, delivered at the community level in every part of the Commonwealth. The target populations to be addressed in this plan are adults age 18 and older who: (i) have mental health needs, (ii) may have co-occurring mental health and substance abuse problems, (iii) may be in contact with the courts systems, (iv) may require emergency mental health services, (v) may need access to acute or intermediate inpatient psychiatric hospitalization, or (vi) may require long-term community behavioral health and other supports. The planning process should identify the mental health and substance abuse services and supports that are needed to help persons remain in their home and function in the community and should define the role that the Commonwealth's mental health hospitals will play in this effort. The plan should establish and rank recommendations for community and facility services and supports based on greatest priority and identify future estimated funding needs associated with each recommendation. The planning process shall include input from community services boards, state and private inpatient facilities, the Department of Medical Assistance Services, persons receiving mental health and co-occurring substance abuse services, advocates for mental health and co-occurring services, and any other persons or entities the Department of Behavioral Health and Developmental Services deems necessary for full consideration of the issues and needed solutions. The Commissioner shall report to Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2015.

C. The Commissioner, Department of Behavioral Health and Developmental Services shall submit a report to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees on November 1, 2014, detailing any identified operational efficiencies and improvements in the quality of services associated with the new Western State Hospital facility.

Total for Mental Health Treatment Centers.....			<b>\$337,513,920</b>	<b>\$339,009,174</b>
			<b>\$341,295,555</b>	<b>\$335,939,416</b>
General Fund Positions.....	4,197.00	4,197.00		
		4,216.00		
Nongeneral Fund Positions.....	665.00	665.00		
Position Level .....	4,862.00	4,862.00		
		4,881.00		
Fund Sources: General.....	\$246,716,972	\$248,190,731		
	\$250,498,607	\$259,711,672		
Special.....	\$90,596,948	\$90,618,443		
		\$76,027,744		
Federal Trust.....	\$200,000	\$200,000		

**Intellectual Disabilities Training Centers (793)**

315.	Instruction (19700).....			\$9,337,742	\$9,337,742
	Facility-Based Education and Skills Training (19708) .....	\$9,337,742	\$9,337,742		
	Fund Sources: General.....	\$8,358,458	\$8,358,458		
	Special.....	\$779,284	\$779,284		
	Federal Trust.....	\$200,000	\$200,000		

Authority: Title 37.2, Chapter 3, Code of Virginia.

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		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
316.	Pharmacy Services (42100) .....			\$4,906,719	\$4,906,719
	Inpatient Pharmacy Services (42102).....	\$4,906,719	\$4,906,719 \$7,246,346		\$7,246,346
	Fund Sources: General .....	\$40,732	\$40,732		
	Special .....	\$4,865,987	\$4,865,987 \$7,205,614		
	Authority: §§ <del>37.1-40.01</del> 37.2-312 and <del>37.1-96</del> 37.2-713, Code of Virginia; P.L. 102-119, Federal Code.				
317.	State Health Services (43000) .....			\$182,074,873	\$181,174,873
	Inpatient Medical Services (43007) .....	\$38,898,721	<del>\$38,898,721</del> \$50,677,356	\$122,074,873	\$132,953,508
	State Intellectual Disabilities Training Center Services (43010) .....	\$143,176,152	\$142,276,152 \$83,176,152		
	Fund Sources: General .....	\$27,329,473	\$26,429,473		
	Special .....	\$154,745,400	\$154,745,400 \$94,745,400		\$106,524,035
	Authority: Title <del>37.1</del> 37.2, Chapters 1 and 2 through 11, Code of Virginia.				
	A. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to support Regional Community Support Centers located at the Southwest Virginia Training Center, Southeastern Virginia Training Center, and Central Virginia Training Center.				
	B. The Commissioner of Behavioral Health and Developmental Services shall comply with all relevant state and federal laws and Supreme Court decisions that govern the discharge of residents from state intellectual disability training centers and the granting of intellectual disability waiver slots.				
318.	Facility Administrative and Support Services (49800) .....			\$76,537,765	\$76,559,143
	General Management and Direction (49801).....	\$18,118,817	<del>\$18,140,195</del> \$20,358,254		\$78,877,272
	Information Technology Services (49802).....	\$2,251,588	\$2,251,588		
	Food and Dietary Services (49807) .....	\$16,272,116	\$16,272,116		
	Housekeeping Services (49808) .....	\$10,555,800	\$10,555,800		
	Linen and Laundry Services (49809).....	\$2,737,335	\$2,737,335		
	Physical Plant Services (49815).....	\$17,442,358	\$17,442,358		
	Power Plant Operation (49817).....	\$7,423,665	\$7,423,665		
	Training and Education Services (49825).....	\$1,736,086	<del>\$1,736,086</del> \$1,836,156		
	Fund Sources: General .....	\$6,821,379	<del>\$6,829,954</del> \$8,675,646		
	Special .....	\$69,716,386	\$69,729,189 \$70,201,626		
	Authority: Title 37.1, Chapters 1 and 2, Code of Virginia; P.L. 74-320, Federal Code.				
319.	Beginning August 1, 2014, and each year after, the Commissioner, Department of Behavioral Health and Developmental Services, shall report annually to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated training center. The report shall be made available on the agency's public website.				

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Total for Intellectual Disabilities Training Centers.....			<b>\$272,857,099</b>	<b>\$271,978,477</b>
			<b>\$212,857,099</b>	<b>\$228,414,868</b>
General Fund Positions.....	1,447.00	1,447.00		
Nongeneral Fund Positions.....	1,217.00	1,217.00		
Position Level .....	2,664.00	2,664.00		
Fund Sources: General.....	\$42,550,042	\$41,658,617		
		\$43,504,309		
Special.....	\$230,107,057	\$230,119,860		
	\$170,107,057	\$184,710,559		
Federal Trust.....	\$200,000	\$200,000		
<b>Virginia Center for Behavioral Rehabilitation (794)</b>				
320. Instruction (19700).....			\$520,455	\$520,455
Facility-Based Education and Skills Training (19708) .....	\$520,455	\$520,455		
Fund Sources: General.....	\$520,455	\$520,455		
321. Secure Confinement (35700).....			\$15,937,228	<del>\$15,937,228</del>
				\$16,183,701
Forensic and Behavioral Rehabilitation Security (35707) .....	\$15,937,228	<del>\$15,937,228</del>		\$16,183,701
Fund Sources: General.....	\$15,937,228	<del>\$15,937,228</del>		\$16,183,701
Authority: Title <del>37-137.2</del> , Chapter 9, <del>2</del> , Article 1-1, and <del>37-1-70-1 through 37-1-70-19</del> , Code of Virginia.				
322. Pharmacy Services (42100).....			\$1,000,000	\$1,000,000
Inpatient Pharmacy Services (42102).....	\$1,000,000	\$1,000,000		
Fund Sources: General.....	\$1,000,000	\$1,000,000		
323. State Health Services (43000).....			\$2,424,744	\$2,424,744
State Mental Health Facility Services (43014).....	\$2,424,744	\$2,424,744		
Fund Sources: General.....	\$2,424,744	\$2,424,744		
Authority: Title <del>37-137.2</del> , Chapters 1 and <del>92</del> ; Title <del>16-1</del> , Article 16, Code of Virginia.				
324. Facility Administrative and Support Services (49800) .....			\$9,525,093	\$9,525,093
General Management and Direction (49801).....	\$9,479,058	\$9,479,058		
Information Technology Services (49802).....	\$15,345	\$15,345		
Food and Dietary Services (49807) .....	\$10,230	\$10,230		
Housekeeping Services (49808) .....	\$10,230	\$10,230		
Physical Plant Services (49815).....	\$10,230	\$10,230		
Fund Sources: General.....	\$9,525,093	\$9,525,093		
Authority: Title <del>37-137.2</del> , Chapters 1 through 11, <del>2</del> , Article 1-1, and <del>37-1-70-1 through 37-1-70-19</del> , Code of Virginia.				

A. In the event that services are not available in Virginia to address the specific needs of an individual committed for treatment at the VCBR or conditionally released, or additional capacity cannot be met at the VCBR, the Commissioner is authorized to seek such services from another state.

B. The Department of Medical Assistance Services shall modify state regulations and the state plan for medical assistance, if necessary, to permit the commissioner of the Department of Behavioral Health and Developmental Services, or designee, to sign the Medicaid application

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<i>form for any resident of the Virginia Center for Behavioral Rehabilitation who refuses, or is unable, to sign for the purposes of Medicaid reimbursement for eligible residents. The Department of Medical Assistance Services shall have the authority to implement these changes prior to the completion of any regulatory process undertaken to effect such change.</i>				
Total for Virginia Center for Behavioral Rehabilitation...			<b>\$29,407,520</b>	<b>\$29,407,520</b> <b>\$29,653,993</b>
General Fund Positions.....	475.50	475.50		481.50
Position Level .....	475.50	475.50		481.50
Fund Sources: General.....	\$29,407,520	\$29,407,520		\$29,653,993
Grand Total for Department of Behavioral Health and Developmental Services.....			<b>\$1,062,935,343</b> <b>\$1,006,748,428</b>	<b>\$1,084,039,997</b> <b>\$1,051,041,498</b>
General Fund Positions.....	6,344.35	6,344.35		6,370.35
Nongeneral Fund Positions.....	1,895.40	1,895.40		
Position Level .....	8,239.75	8,239.75		8,265.75
Fund Sources: General.....	\$649,628,099	\$672,941,212		
	\$656,398,773	\$700,024,671		
Special.....	\$340,365,364	\$338,156,905		
	\$277,407,775	\$276,544,809		
Federal Trust.....	\$72,941,880	\$72,941,880		\$74,472,018

**§ 1-94. DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES (262)**

325.	Rehabilitation Assistance Services (45400).....			<b>\$97,610,241</b> <b>\$97,360,241</b>	<b>\$97,610,241</b> <b>\$99,590,241</b>
	Vocational Rehabilitation Services (45404).....	<b>\$80,508,528</b> \$80,258,528	<b>\$80,508,528</b> \$81,258,528		
	Community Rehabilitation Programs (45406).....	\$17,101,713	\$17,101,713		\$18,331,713
	Fund Sources: General.....	\$29,006,176	\$29,006,176		\$31,236,176
	Special.....	\$1,075,482	\$1,075,482		
		\$825,482	\$825,482		
	Dedicated Special Revenue.....	\$1,494,918	\$1,494,918		
	Federal Trust.....	\$66,033,665	\$66,033,665		

Authority: Title 51.5, Chapters 14 ~~5~~ and 6, Code of Virginia; P.L. 93-112, Federal Code.

A.1. Out of this appropriation, \$7,984,358 the first year and ~~\$7,984,358~~ \$8,984,358 the second year from the general fund shall be used as state matching dollars for the federal Vocational Rehabilitation State Grant provided under the Rehabilitation Act of 1973, as amended, hereafter referred to as the federal vocational rehabilitation grant. The Department for Aging and Rehabilitative Services (DARS) shall not transfer or expend these dollars for any purpose other than to support activities related to vocational rehabilitation.

2. The federal vocational rehabilitation grant award amount for DARS is estimated at \$62,398,658 in federal fiscal year 2015 and ~~\$62,398,658~~ \$66,093,494 in federal fiscal year 2016. Based on these projections, DARS shall not expend, without prior written concurrence from the Director, Department of Planning and Budget, more than \$16,888,074 the first year and ~~\$16,888,074~~ \$17,888,074 the second year in state appropriation to meet the annual 21.3 percent state matching requirement and avoid the loss of federal dollars. This provision applies

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	FY2015	FY2016	FY2015	FY2016

to the annual federal vocational rehabilitation grant award as well as any additional allotments requiring state match that may be made available to DARS. Any increases in total grant award spending shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.

B. Recovery of administrative costs for the Long Term Employment Support Services program shall be limited to 1.87 percent each fiscal year.

C. A minimum of ~~\$4,482,021~~ \$4,334,114 the first year and \$4,482,021 the second year from all funds is allocated to support Centers for Independent Living.

D. The Department for Aging and Rehabilitative Services shall fulfill the administrative responsibilities pertaining to the Personal Attendant Services program, without interruption or discontinuation of personal attendant services currently provided.

E.1. Out of this appropriation, ~~\$4,308,981~~ \$3,881,984 the first year and ~~\$4,308,981~~ \$5,058,981 the second year from the general fund shall be provided for expanding the continuum of services used to assist persons with brain injuries in returning to work and community living.

2. Of this amount, \$1,830,000 the first year and \$1,830,000 the second year from the general fund shall be used to provide a continuum of brain injury services to individuals in unserved or underserved regions of the Commonwealth. Up to \$150,000 each year shall be awarded to successful program applicants. Programs currently receiving more than \$250,000 from the general fund each year are ineligible for additional assistance under this section. To be determined eligible for a grant under this section, program applicants shall submit plans to pursue non-state resources to complement the provision of general fund support.

3. Of this amount, \$285,000 the first year and \$285,000 the second year shall be provided from the general fund to support direct case management services for brain injured individuals and their families in Southwestern Virginia.

4. Of this amount, \$150,000 the first year and \$150,000 the second year from the general fund shall be used to support case management services for individuals with brain injuries in unserved or underserved regions of the Commonwealth.

5. In allocating additional funds for brain injury services, the Department for Aging and Rehabilitative Services shall consider recommendations from the Virginia Brain Injury Council (VBIC).

6. The Department for Aging and Rehabilitative Services (DRS) shall submit an annual report to the Chairmen of the Senate Finance and House Appropriations Committees documenting the number of individuals served, services provided, and success in attracting non-state resources.

F. In allocating funds for Extended Employment Services, Long Term Employment Support Services (LTESS) and Economic Development, the Department for Aging and Rehabilitative Services shall consider recommendations from the established Employment Service Organizations/LTESS Steering Committee.

G. Of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be used to contract with Didlake Inc., for the purpose of extended employment services and Long Term Employment Support Services for people with disabilities.

H. For Commonwealth Neurotrauma Initiative Trust Fund grants awarded after July 1, 2004, the commissioner shall require applicants to submit a plan to achieve self-sufficiency by the end of the grant award cycle in order to receive funding consideration.

2. Notwithstanding any other law to the contrary, the commissioner may reallocate up to \$500,000 from unexpended balances in the Commonwealth Neurotrauma Initiative Trust Fund to fund new grant awards for research on traumatic brain and spinal cord injuries.

I. ~~Notwithstanding the provisions of § 51.5-47, Code of Virginia,~~ Every county and city, either singly or in combination with another political subdivision, may establish a local disability services board to provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

governments regarding the Americans with Disabilities Act, and to provide such other assistance and advice to local governments as may be requested. ~~Notwithstanding the provisions of § 51.5-48, Code of Virginia, local disability services boards shall follow some or all of the provisions of this code section, at their discretion.~~

J. Out of this appropriation, \$388,279 the first year and \$388,279 the second year from the general fund shall be allocated to the Long-Term Rehabilitation Case Management Services Program.

K. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be used to increase access to personal assistance services for individuals with disabilities.

L. Out of this appropriation, \$999,430 the first year and \$999,430 the second year from the general fund shall be used to provide vocational rehabilitation services for persons recovering from mental health issues, alcohol and other substance abuse issues pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services.

*M. The Department for Aging and Rehabilitative Services shall use non-federal appropriation in this item to fulfill any necessary match requirement for the federal Supported Employment grant.*

*N. Out of this appropriation, \$500,000 the second year from the general fund is provided as additional funding for the Long Term Employment Support Services (LTESS) program.*

*O. The Department for Aging and Rehabilitative Services shall undertake a review of employment support services programs and make recommendations on options that would advance the Commonwealth's progress toward facilitating the inclusion of people with the most significant disabilities in the workplace through community-based and integrated employment opportunities. As part of the review the department shall conduct stakeholder meetings and incorporate the feedback from those meetings into the process. The department shall report its recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.*

326.	Individual Care Services (45500).....			\$33,094,089	\$33,094,089
				\$33,409,809	\$33,944,309
	Financial Assistance for Local Services to the Elderly (45504) .....	\$30,141,014	\$30,141,014		
		\$30,461,484	\$30,495,984		
	Rights and Protection for the Elderly (45506) .....	\$2,953,075	\$2,953,075		
		\$2,948,325	\$3,448,325		
	Fund Sources: General .....	\$12,202,183	\$12,202,183		
		\$12,517,903	\$13,052,403		
	Special.....	\$60,000	\$60,000		
	Dedicated Special Revenue .....	\$200,000	\$200,000		
	Federal Trust.....	\$20,631,906	\$20,631,906		

Authority: Title 2.2, Chapter 7, Code of Virginia.

A. Out of this appropriation, \$456,209 the first year and \$456,209 the second year from the general fund shall be provided to continue a statewide Respite Care Initiative program for the elderly and persons suffering from Alzheimer's Disease.

B.1. Out of this appropriation, \$976,773 the first year and ~~\$976,773~~ \$1,476,773 the second year from the general fund shall be provided to support local programs of the Virginia Public Guardian and Conservator Program.

2. Out of this appropriation, \$125,500 the first year and \$125,500 the second year from the general fund shall be used to expand services through the Virginia Public Guardian and Conservator Program to individuals with mental illness and/or intellectual disability who are 18 years of age and older.

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C. Out of this appropriation, \$995,600 the first year and \$995,600 the second year from the general fund shall be used to provide guardianship and conservatorship services for individuals served by the Department of Behavioral Health and Developmental Services (DBHDS) pursuant to the interagency agreement between DBHDS and the Department for Aging and Rehabilitative Services.

D.1. The 18 Area Agencies on Aging that are authorized to use funding for the Care Coordination for the Elderly Program, shall be authorized to use funding to conduct a program providing mobile, brief intervention and service linking as a form of care coordination. The Virginia Department for Aging and Rehabilitative Services, in collaboration with the Area Agencies on Aging, shall analyze the resulting impact in these agencies and determine if this model of service delivery is an appropriate and beneficial use of these funds.

2. The Virginia Department for Aging and Rehabilitative Services, in collaboration with the 18 Area Agencies on Aging (AAAs) that are authorized to use funding for the Care Coordination for Elderly Program, shall examine and analyze existing state and national care coordination models to determine best practice models. The department and designated AAAs shall determine which models of service delivery are appropriate and demonstrate beneficial use of these funds and develop the accompanying service standards. Each AAA receiving care coordination funding shall submit its plan for care coordination with the annual area plan.

E. Area Agencies on Aging shall be designated as the lead agency in each respective area for No Wrong Door.

F. Out of this appropriation, \$201,875 the first year and \$201,875 the second year from the general fund shall be provided to support the distribution of comprehensive health and aging information to Virginia’s senior population, their families and caregivers.

G. Out of this appropriation, \$215,500 the first year and ~~\$215,500~~ \$250,000 the second year from the general fund shall be provided for the Pharmacy Connect Program in Southwest Virginia, administered by Mountain Empire Older Citizens, Inc.

~~H. Notwithstanding § 2.2-703, Code of Virginia, the Department for Aging and Rehabilitative Services may administer the state Long-Term Care Ombudsman program in accordance with Public Law 89-73. The department shall ensure the ombudsman operates with programmatic independence and autonomy consistent with federal law.~~

I. The Department for Aging and Rehabilitative Services shall (i) recommend strategies to coordinate services and resources among agencies involved in the delivery of services to Virginians with dementia; (ii) monitor the implementation of the Dementia State Plan; (iii) recommend policies, legislation, and funding needed to implement the Plan; (iv) collect and monitor data related to the impact of dementia on Virginians; and (v) determine the services, resources, and policies that may be needed to address services for individuals with dementia.

327.	Nutritional Services (45700).....			\$22,333,773	\$22,333,773
				\$22,013,303	\$22,013,303
	Meals Served in Group Settings (45701) .....	\$9,842,217	\$9,842,217		
		\$9,521,747	\$9,521,747		
	Distribution of Food (45702) .....	\$418,042	\$418,042		
	Delivery of Meals to Home-Bound Individuals (45703) ..	\$12,073,514	\$12,073,514		
	Fund Sources: General .....	\$6,599,118	\$6,599,118		
		\$6,278,648	\$6,278,648		
	Federal Trust .....	\$15,734,655	\$15,734,655		

Authority: Title 2.2, Chapter 7, Code of Virginia.

A. Home delivered meals shall not require cost-sharing until such time as federal law permits cost-sharing with Older Americans Act funding.

B. Out of this appropriation, \$1,231,138 the first year and \$1,231,138 the second year from the general fund shall be provided to the Area Agencies on Aging (AAAs) to offset the impact of funding reductions for congregate and home-delivered meals due to federal sequestration.

ITEM 328.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
328.	<p>A. Area Agencies on Aging are encouraged to continue seeking funds from a variety of sources which include cost-sharing in programs where not prohibited by funding sources; private sector voluntary contributions from older persons receiving services; families of individuals receiving services; and churches, service groups and other organizations. Such appropriations shall not be included in the appropriations used to match Older Americans Act funding. Revenue generated as a result of these projects shall be retained by the participating area agencies for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.</p> <p>B. It is the intent of the General Assembly that all Area Agencies on Aging use any new general fund revenue, with the exception of funding provided for the Long-term Care Ombudsman program, to implement sliding fees for services. However, priority for services should be given to applicants in the greatest need, regardless of ability to pay. Revenue from fees shall be retained by the Area Agencies on Aging for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.</p> <p>C. It is the intent of the General Assembly that Older Americans Act funds and general fund moneys be targeted to services which can assist the elderly to function independently for as long as possible. Area Agencies on Aging may use general fund moneys for consumer-directed services.</p> <p>D. At the request of the Commissioner, Department for Aging and Rehabilitative Services, the Director, Department of Planning and Budget may transfer state general fund appropriations for services provided by Area Agencies on Aging between service categories. The amounts to be transferred between categories shall not exceed 40 percent of the total state general fund appropriations allocated for each category. Under no circumstances shall any funds be transferred from direct services to administration. State general fund appropriations shall be available to the area agencies on aging beginning July 1 of each year of the biennium, in compliance with the department's General Fund Cash Management Policy.</p>			
329.	Continuing Income Assistance Services (46100) .....		\$45,760,619	\$45,760,619
	Social Security Disability Determination (46102).....		\$49,717,089	\$49,717,089
	Fund Sources: General.....		\$1,136,250	\$1,136,250
	Special.....		\$1,364,485	\$1,364,485
	Federal Trust.....		\$200,000	\$200,000
			\$44,424,369	\$44,424,369
			\$48,152,604	\$48,152,604
	<p>Authority: Title 51.5, Chapter 3, Code of Virginia; Titles II and XVI, P.L. 74-271, Federal Code.</p> <p>A. The Department for Aging and Rehabilitative Services, in cooperation with the Department of Social Services and local social services agencies, shall develop an expedited process for transitioning hospitalized persons to rehabilitation facilities when the patient may meet the criteria established by the Social Security Administration (SSA) and Medicaid for disability. As part of this expedited process, the Department for Aging and Rehabilitative Services shall make Medicaid disability determinations within seven business days of the receipt of social service referrals, when the referrals include sufficient evidence that appropriately documents SSA's definition of disability. If the referrals do not contain sufficient documentation of disability, the Department of Rehabilitative Services shall continue to expedite processing of these priority referrals under Medicaid regulations.</p> <p><i>B. The general fund appropriation in this item shall only be used for the state match of Medicaid disability determinations and for no other purpose.</i></p>			
330.	Administrative and Support Services (49900).....		\$20,277,740	\$20,314,773
			\$20,580,841	\$20,617,874

ITEM 330.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
General Management and Direction (49901).....	\$6,111,450	\$6,111,450		
	<i>\$6,409,801</i>	<i>\$6,409,801</i>		
Information Technology Services (49902).....	\$8,947,361	\$8,947,361		
Planning and Evaluation Services (49916).....	\$264,127	\$264,127		
Training and Education Services (49925).....	\$223,386	\$223,386		
Program Development and Coordination (49933).....	\$4,731,416	\$4,768,449		
	<i>\$4,736,166</i>	<i>\$4,773,199</i>		
Fund Sources: General.....	\$2,242,566	\$2,279,599		
	<i>\$2,295,667</i>	<i>\$2,332,700</i>		
Special.....	\$9,890,563	\$9,890,563		
	<i>\$10,140,563</i>	<i>\$10,140,563</i>		
Federal Trust.....	\$8,144,611	\$8,144,611		

Authority: Title 51.5, Chapter 3, Code of Virginia; P.L. 93-112, Federal Code.

A. Out of this appropriation, \$88,350 the first year and \$88,350 the second year from the general fund shall be used for administrative costs associated with providing guardianship and conservatorship services for individuals pursuant to the interagency agreement between the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services.

B.1. Out of this appropriation, up to \$5,000 the first year and \$5,000 the second year from the general fund shall be provided for activities of the Virginia Public Guardian and Conservator Program Advisory Board, including but not limited to, paying expenses for the members to attend four meetings per year.

2. Out of this appropriation, \$63,042 the first year and \$63,042 second year from the general fund shall be provided for the administration of the public guardianship programs and for no other purpose.

331. Included in the Federal Trust appropriation are amounts estimated at \$361,526 the first year and \$361,526 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this act. Amounts recovered in excess of these estimates shall be deposited to the general fund.

Total for Department for Aging and Rehabilitative Services.....			<b>\$219,076,462</b>	<b>\$219,113,495</b>
			<i>\$223,081,283</i>	<i>\$225,882,816</i>

General Fund Positions.....	68.00	68.00		
Nongeneral Fund Positions.....	945.00	945.00		
	<i>970.00</i>	<i>970.00</i>		
Position Level .....	1,013.00	1,013.00		
	<i>1,038.00</i>	<i>1,038.00</i>		

Fund Sources: General.....	\$51,186,293	\$51,223,326		
	<i>\$51,462,879</i>	<i>\$54,264,412</i>		
Special.....	\$11,226,045	\$11,226,045		
Dedicated Special Revenue.....	\$1,694,918	\$1,694,918		
Federal Trust.....	\$154,969,206	\$154,969,206		
	<i>\$158,697,441</i>	<i>\$158,697,441</i>		

**Woodrow Wilson Rehabilitation Center (203)**

332. Rehabilitation Assistance Services (45400).....			\$11,689,804	\$11,689,804
				<i>\$11,331,745</i>
Vocational Rehabilitation Services (45404).....	\$6,321,639	\$6,321,639		
		<i>\$6,033,145</i>		

ITEM 332.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Medical Rehabilitative Services (45405) .....	\$5,368,165	<del>\$5,368,165</del> \$5,298,600		
Fund Sources: General .....	\$2,813,508	<del>\$2,813,508</del> \$2,655,449		
Special .....	\$8,576,296	\$8,576,296		
Federal Trust .....	\$300,000	<del>\$300,000</del> \$100,000		
Authority: Title 51.5, Chapter 3, Code of Virginia; P.L. 89-313, P.L. 93-112, P.L. 94-482 and P.L. 95-602, Federal Code.				
333. Facility Administrative and Support Services (49800) .....			\$12,413,310	\$12,416,115 \$12,579,896
General Management and Direction (49801).....	\$4,477,730	<del>\$4,479,431</del> \$4,469,811		
Information Technology Services (49802).....	\$697,354	\$698,458		
Security Services (49803).....	\$515,283	\$515,283		
Residential Services (49804) .....	\$1,316,466	<del>\$1,316,466</del> \$1,516,466		
Food and Dietary Services (49807) .....	\$1,256,000	\$1,256,000		
Physical Plant Services (49815) .....	\$4,150,477	<del>\$4,150,477</del> \$4,123,878		
Fund Sources: General .....	\$2,318,735	<del>\$2,321,540</del> \$2,285,321		
Special .....	\$10,094,575	\$10,094,575		
Federal Trust .....	\$0	\$200,000		
Authority: Title 51.5, Chapter 3, Code of Virginia; P.L. 93-112 and P.L. 95-602, Federal Code.				
Comprehensive services available on-site at Woodrow Wilson Rehabilitation Center shall include, but not be limited to, vocational services, including evaluation, prevocational, academic, and vocational training; independent living services; transition from school to work services; rehabilitative engineering and assistive technology; and medical rehabilitation services, including residential, outpatient, supported living, community reentry, and family support.				
Total for Woodrow Wilson Rehabilitation Center .....			\$24,103,114	\$24,105,919 \$23,911,641
General Fund Positions.....	58.80	58.80		
Nongeneral Fund Positions.....	222.20	222.20		
Position Level .....	281.00	281.00		
Fund Sources: General .....	\$5,132,243	<del>\$5,135,048</del> \$4,940,770		
Special .....	\$18,670,871	\$18,670,871		
Federal Trust.....	\$300,000	\$300,000		
Grand Total for Department for Aging and Rehabilitative Services.....			\$243,179,576 \$247,184,397	\$243,219,414 \$249,794,457
General Fund Positions.....	126.80	126.80		
Nongeneral Fund Positions.....	<del>1,167.20</del> 1,192.20	<del>1,167.20</del> 1,192.20		
Position Level .....	<del>1,294.00</del> 1,319.00	<del>1,294.00</del> 1,319.00		
Fund Sources: General .....	\$56,318,536	\$56,358,374		

ITEM 333.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$56,595,122	\$59,205,182		
Special.....	\$29,896,916	\$29,896,916		
Dedicated Special Revenue.....	\$1,694,918	\$1,694,918		
Federal Trust.....	\$155,269,206	\$155,269,206		
	\$158,997,441	\$158,997,441		

**§ 1-95. DEPARTMENT OF SOCIAL SERVICES (765)**

334.	Program Management Services (45100).....			\$36,724,854	\$36,599,039
				\$37,069,533	\$36,943,718
	Training and Assistance to Local Staff (45101).....	\$4,167,653	\$4,167,653		
		\$4,203,926	\$4,203,926		
	Central Administration and Quality Assurance for Benefit Programs (45102).....	\$12,737,920	\$12,737,920		
		\$12,819,703	\$12,819,703		
	Central Administration and Quality Assurance for Family Services (45103).....	\$7,571,755	\$7,445,940		
		\$7,647,037	\$7,521,222		
	Central Administration and Quality Assurance for Community Programs (45105).....	\$8,131,479	\$8,131,479		
		\$8,232,153	\$8,232,153		
	Central Administration and Quality Assurance for Child Care Activities (45107).....	\$4,116,047	\$4,116,047		
		\$4,166,714	\$4,166,714		
	Fund Sources: General.....	\$15,594,758	\$15,478,926		
	Special.....	\$100,000	\$100,000		
	Federal Trust.....	\$21,030,096	\$21,020,113		
		\$21,374,775	\$21,364,792		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Comprehensive Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Comprehensive Services Act teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.

D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.

ITEM 334.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

E. The Department of Social Services may revise the current schedule for the issuance of federal Supplemental Nutrition Assistance Program (SNAP) benefits over a two-month conversion period while minimizing the impact on current recipients, provided that no general fund dollars are required to implement the conversion. If the department determines that there are any general fund costs required to implement the conversion, the department may revise the current schedule for the issuance of federal Supplemental Nutrition Assistance Program (SNAP) benefits for new enrollees only. The department may spread out the issuance of SNAP benefits over nine calendar days with payments occurring on the first, fourth, seventh, and ninth day of the month.

F.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.

2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.

G.1. Out of this appropriation, \$100,000 the first year from the general fund shall be used to contract with a private entity, with expertise in government systems, finance, and child welfare services, to develop a plan for implementing the provisions of the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 111-148). This plan shall 1) include a six year projection of the fiscal impact associated with the Department of Social Services (DSS), the Comprehensive Services Act, and local departments of social services; 2) review of all necessary statutory, regulatory and administrative changes that are required by the federal law; 3) include a draft of any necessary legislative and regulatory changes; 4) include a draft of any necessary amendments to the Title IV-E state plan; 5) outline the impact on other child welfare services; and 6) assess any impact on children and families. The final implementation plan must be approved by the Commissioner, DSS and Director, Office of Comprehensive Services. By October 15, 2014, DSS shall provide this plan to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Health and Human Resources, and the Director, Department of Planning and Budget.

~~2. Out of the appropriations in Items 336 and 339, \$4,838,071 the second year from the general fund and \$8,382,412 the second year from nongeneral funds shall be available for the expansion of foster care and adoption assistance in accordance federal Fostering Connections provisions per the final implementation plan required in paragraph G.1. above.~~

335.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....			\$257,451,028	\$257,451,028
	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201).....	\$94,118,604	\$94,118,604	\$254,884,230	\$260,952,028
		\$85,937,952	\$86,294,138		
	Temporary Assistance for Needy Families (TANF) Employment Services (45212) .....	\$19,657,832	\$19,657,832		
	Supplemental Nutrition Assistance Program Employment and Training (Snapet) Services (45213) .....	\$1,017,742	\$1,017,742		
	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214) .....	\$54,296,767	\$54,296,767		
		\$57,722,640	\$59,823,670		
	At-Risk Child Care Subsidies (45215) .....	\$79,845,914	\$79,845,914		
		\$82,033,895	\$85,644,477		
	Unemployed Parents Cash Assistance (45216) .....	\$8,514,169	\$8,514,169		
	Fund Sources: General .....	\$82,675,388	\$82,675,388		
			\$82,765,121		

ITEM 335.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Federal Trust.....	\$174,775,640	\$174,775,640		
	\$172,208,842	\$178,186,907		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. It is hereby acknowledged that as of June 30, 2013 there existed with the federal government an unexpended balance of \$39,078,902 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at ~~\$31,385,234~~ \$47,528,489 on June 30, 2014; ~~\$19,034,513~~ \$39,226,072 on June 30, 2015; and ~~\$7,748,707~~ \$27,164,943 on June 30, 2016.

B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.

D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.

E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.

F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.

G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation

ITEM 335.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.

H.1. Out of this appropriation, \$6,500,000 the first year and \$6,500,000 the second year from nongeneral funds is included for Head Start wraparound child care services.

2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.

I. Out of this appropriation, ~~\$2,647,305~~ the first year and ~~\$2,647,305~~ the second year from the general fund and ~~\$57,260,335~~ ~~\$64,781,649~~ the first year and \$57,260,335 the second year from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall report on the sliding fee scale and eligibility criteria adopted by the Board of Social Services by December 15 of each year. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.

J. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.

K. Out of this appropriation, \$505,000 the first year and \$505,000 the second year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.

L. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.

M. *The Department of Social Services shall increase Temporary Assistance for Needy Families (TANF) cash benefits by 2.5 percent on January 1, 2016.*

336.	Financial Assistance for Local Social Services Staff (46000) .....			\$406,948,879	\$407,755,740
				\$411,764,571	\$418,157,879
	Local Staff and Operations (46010).....	\$406,948,879	\$407,755,740		
		\$411,764,571	\$418,157,879		
	Fund Sources: General .....	\$112,125,468	\$110,319,089		
			\$114,372,395		
	Dedicated Special Revenue .....	\$3,000,000	\$3,000,000		
	Federal Trust.....	\$291,823,411	\$294,436,651		
		\$296,639,103	\$300,785,484		

Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.

ITEM 336.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A. The amounts in this Item shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615 Code of Virginia, all moneys deducted from funds otherwise payable out of the state treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of Virginia, shall be credited to the applicable general fund account.

C. Included in this appropriation are funds to reimburse local social service agencies for eligibility workers who interview applicants to determine qualification for public assistance benefits which include but are not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.

D. Included in this appropriation are funds to reimburse local social service agencies for social workers who deliver program services which include but are not limited to: child and adult protective services complaint investigations; foster care and adoption services; and adult services.

E. Out of the federal fund appropriation for local social services staff, amounts estimated at \$55,000,000 the first year and \$55,000,000 the second year shall be set aside for allowable local costs which exceed available general fund reimbursement and amounts estimated at \$16,000,000 the first year and \$16,000,000 the second year shall be set aside to reimburse local governments for allowable costs incurred in administering public assistance programs.

F. Out of this appropriation, \$439,338 the first year and \$439,338 the second year from the general fund and \$422,109 the first year and \$422,109 the second year from nongeneral funds is provided to cover the cost of the health insurance credit for retired local social services employees.

337.	Child Support Enforcement Services (46300) .....			\$768,731,344	\$768,731,344
				\$769,061,898	\$769,061,898
	Support Enforcement and Collection Services (46301) ....	\$98,533,173	\$98,533,173		
		\$98,863,727	\$98,863,727		
	Public Assistance Child Support Payments (46302) .....	\$11,000,000	\$11,000,000		
	Non-Public Assistance Child Support Payments (46303) .....	\$659,198,171	\$659,198,171		
	Fund Sources: General .....	\$10,196,698	\$10,196,698		
		\$12,539,322	\$12,039,322		
	Special .....	\$696,740,613	\$696,740,613		
		\$694,397,989	\$694,897,989		
	Federal Trust .....	\$61,794,033	\$61,794,033		
		\$62,124,587	\$62,124,587		

Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments collected on their behalf.

ITEM 337.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this Item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.

D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.

E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program.

338.	Adult Programs and Services (46800).....			\$38,461,169	\$39,561,169
	Auxiliary Grants for the Aged, Blind, and Disabled (46801) .....	\$22,398,969	\$22,398,969		
	Adult In-Home and Supportive Services (46802) .....	\$6,822,995	\$6,822,995		
	Domestic Violence Prevention and Support Activities (46803) .....	\$9,239,205	\$10,339,205		
	Fund Sources: General .....	\$22,756,141	\$23,856,141		
	Federal Trust.....	\$15,705,028	\$15,705,028		

Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A.1. Effective January 1, ~~2014~~2015, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of ~~\$1,207~~\$1,219 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be \$82 per month, unless modified as indicated below.

3. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.

ITEM 338.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.

E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

F. Out of this appropriation \$1,100,000 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from federal Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for services.

*G. The Director, Department of Planning and Budget, shall, on or before June 30, 2015, unallot \$400,000 from the general fund in this item, which reflects unused balances in the auxiliary grants program.*

339.	Child Welfare Services (46900).....			\$181,856,821	\$194,717,464
	Foster Care Payments (46901).....	\$40,473,220	\$50,107,792		\$181,882,938
			\$40,515,548		
	Supplemental Child Welfare Activities (46902).....	\$26,545,518	\$26,545,518		
	Adoption Subsidy Payments (46903).....	\$114,838,083	\$118,064,154		
			\$114,821,872		
	Fund Sources: General.....	\$96,360,229	\$103,171,519		
			\$96,365,182		
	Special.....	\$325,030	\$325,030		
	Dedicated Special Revenue.....	\$235,265	\$235,265		
	Federal Trust.....	\$84,936,297	\$90,985,650		
			\$84,957,461		

Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.

A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.

B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.

C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.

E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements. This restriction does not apply to existing adoption assistance agreements.

ITEM 339.	Item Details(\$)		Appropriations(\$)		
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016	
<p>F.1. Out of this appropriation, \$1,500,000 the first year from federal funds and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of foster care children adopted.</p>					
<p>2. Beginning October 1, 2013, the department shall provide a quarterly report, within 30 days of quarter end, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.</p>					
<p>G. Out of this appropriation, \$33,207,631 the first year and \$33,985,779 the second year from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.</p>					
<p>H. Out of this appropriation \$37,603,764 the first year and \$38,835,831 the second year from the general fund and \$37,603,764 the first year and \$38,835,831 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.</p>					
<p>I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.</p>					
<p>J. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.</p>					
<p>2. Out of this appropriation, \$358,246 the first year and \$342,414 the second year from the general fund and \$225,883 the first year and \$215,900 the second year from nongeneral funds shall be provided for five positions to execute these negotiations.</p>					
<p><i>K. The Commissioner, Department of Social Services, shall report on all efforts undertaken by the agency to increase adoptions of children from foster care. The report shall include the number, ages and other appropriate demographic data of children in foster care who are eligible for adoption, available information on the number who have special needs, and barriers to adoption of children in foster care. In addition, the report shall include information on current efforts to help foster care children who age out of the system transition to adulthood and options to improve that transition. The report shall include current trends for this population as compared to the general population related to employment, secondary and post-secondary educational attainment, living arrangements, dependence on public assistance, early parenthood and family situations, health care access, and involvement with the criminal justice system to the extent data are available. Furthermore, the department shall analyze the adequacy of independent living services and other current efforts to assist foster care youth with the transition to independence and provide recommendations to modify the appropriate services and programs in order to improve outcomes for this population in their transition to adulthood. The department shall engage other appropriate state agencies and stakeholders as necessary to develop the report. The department shall submit the report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.</i></p>					
340.	Financial Assistance for Supplemental Assistance Services (49100).....			\$78,757,450	\$78,757,450
	General Relief (49101) .....	\$500,000	\$500,000		

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Resettlement Assistance (49102).....	\$9,022,000	\$9,022,000		
Emergency and Energy Assistance (49103) .....	\$69,235,450	\$69,235,450		
Fund Sources: General.....	\$500,000	\$500,000		
Federal Trust.....	\$78,257,450	\$78,257,450		

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 104-193, as amended, Federal Code.

341.	Financial Assistance to Community Human Services Organizations (49200).....			\$25,700,789	\$25,450,789
	Community Action Agencies (49201) .....	\$13,388,048	<del>\$13,388,048</del>		<del>\$14,388,048</del>
	Volunteer Services (49202) .....	\$3,866,340	\$3,866,340		
	Other Payments to Human Services Organizations (49203) .....	\$8,446,401	<del>\$8,196,401</del>		<del>\$8,221,401</del>
	Fund Sources: General.....	\$4,098,621	\$3,848,621		
	Federal Trust.....	\$21,602,168	<del>\$21,602,168</del>		<del>\$22,627,168</del>

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.

2. Out of this appropriation, \$185,725 the first year ~~and \$185,725 the second year~~ from the general fund ~~and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant~~ shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.

3. Out of this appropriation, \$1,000,000 the first year ~~and \$1,000,000~~ \$2,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.

B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-540 et seq.

C. Out of this appropriation, ~~\$951,896 the first year and \$951,896 the second year from the general fund and \$3,333,605~~ \$4,285,501 the first year and ~~\$3,333,605~~ \$4,285,501 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and

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	FY2015	FY2016	FY2015	FY2016

reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.

D. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for Volunteer Emergency Families for Children to expand its shelter care network for abused, neglected, runaway, homeless, and at-risk children throughout Virginia.

E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and live performances of the play that teach child safety awareness to prevent child abuse.

F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer’s Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer’s disease and related disorders.

G. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, and access to health services. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.

H. Out of this appropriation, \$931,000 the first year and \$931,000 the second year from the general fund shall be provided to contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. ~~The department shall develop a Request for Proposal (RFP) to (i) distribute 67 percent of the allocated funds for accredited child advocacy centers and 30 percent for associate/developing child advocacy centers, as recognized and in good standing with the National Children’s Alliance, with input from Children’s Advocacy Centers of Virginia (CACVA); (ii) allocate three percent to Children’s Advocacy Centers of Virginia, the recognized chapter of National Children’s Alliance for Virginia’s child advocacy centers, for the purpose of assisting and supporting the development, continuation and sustainability of community-coordinated, child-focused services delivered by children’s advocacy centers; and (iii) distribute any non-allocated funding equally to accredited and associate/developing child advocacy centers awarded funding in section (i) of this paragraph.~~ *department shall allocate four percent to Children’s Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children’s Alliance for Virginia’s Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children’s advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.*

I. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of

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foster care; active supervision; education; and family and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees that details program services, outputs and outcomes.

J. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from the federal Temporary Assistance For Needy Families (TANF) block grant shall be provided to contract with the Visions of Truth Community Development Corporation (Visions of Truth) to support self-sufficiency programs for at-risk youth by improving education performance. The contract shall require Visions of Truth Community Development Corporation to provide at-risk students in grades 7-12 with a personalized learning program including standards of learning preparation and homework assistance from certified teachers and college students. Visions of Truth shall report expenditures and performance on a quarterly basis and shall provide an annual report with detailed program results.

K.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.

2. Of the amounts in paragraph K.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.

3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.

L. Out of this appropriation, \$250,000 the first year from the general fund shall be used to contract with Elevate Early Education for the purpose of developing a pilot program for a kindergarten readiness assessment. The contract with Elevate Early Education to administer this program shall require the submission of a final report from the organization detailing the assessment method(s) utilized, actual expenditures for the program, and outcome analysis and evaluation. This report shall be submitted to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, and the Secretaries of Health and Human Resources and Education no later than January 1, 2015. Prior to the receipt of any state funding for this purpose, Elevate Early Education must provide evidence of private matching funds secured for this purpose.

*M. Out of this appropriation, \$25,000 the second year from the federal Temporary Assistance to Needy Families block grant shall be provided to Zion Innovative Opportunities Network.*

342.	Regulation of Public Facilities and Services (56100) .....			\$16,121,568	\$16,121,568
				\$16,378,167	\$33,602,272
	Regulation of Adult and Child Welfare Facilities (56101) .....	\$14,272,050	\$14,272,050		
		\$14,506,540	\$31,730,645		
	Interdepartmental Licensure and Certification (56106) .....	\$1,849,518	\$1,849,518		
		\$1,871,627	\$1,871,627		
	Fund Sources: General .....	\$4,031,782	\$4,031,782		

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$1,869,187	\$1,869,187		
Federal Trust.....	\$10,220,599	\$10,220,599		
	\$10,477,198	\$27,701,303		

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.

B. As a condition of this appropriation, the Department of Social Services shall (i) promptly fill all position vacancies that occur in ~~the child day care~~ licensing offices program so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all ~~day~~child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.

C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child ~~day~~and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.

D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.

*E. Out of this appropriation, \$17,224,105 from the federal Child Care and Development Fund (CCDF) and 79 positions the second year are provided to handle the workload associated with licensing, inspecting and monitoring family day homes, pursuant to legislation passed during the 2015 Regular Session of the General Assembly. On July 1, 2015, the Director of the Department of Planning and Budget (DPB) shall unallot \$12,918,078 of this appropriation. At such time as the department demonstrates a sufficient increase in family day home licensure, inspection and monitoring activity to necessitate additional staff, the Director of DPB may allot additional resources. The Department of Social Services shall provide a quarterly report on the implementation of House Bill 1570 / Senate Bill 1168 to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.*

*F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to the implementation of House Bill 1570 / Senate Bill 1168, passed during the 2015 Regular Session."*

343.	Administrative and Support Services (49900).....			\$109,894,216	\$98,693,850
				\$147,618,208	\$104,477,260
	General Management and Direction (49901).....	\$3,268,354	\$3,450,684		
		\$3,304,093	\$3,486,423		
	Information Technology Services (49902).....	\$90,376,531	\$78,993,835		
		\$127,857,769	\$84,534,491		
	Accounting and Budgeting Services (49903).....	\$7,410,365	\$7,410,365		
		\$7,517,002	\$7,517,002		
	Human Resources Services (49914).....	\$2,634,463	\$2,634,463		
		\$2,673,989	\$2,673,989		
	Planning and Evaluation Services (49916).....	\$1,122,399	\$1,122,399		
		\$1,144,000	\$1,144,000		
	Procurement and Distribution Services (49918).....	\$2,628,169	\$2,628,169		
		\$2,653,051	\$2,653,051		

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Public Information Services (49919) .....	\$2,140,973	\$2,140,973		
Financial and Operational Audits (49929).....	\$2,151,451	\$2,151,451		
	\$312,962	\$312,962		
	\$316,853	\$316,853		
Fund Sources: General.....	\$41,220,532	\$40,713,111		
	\$41,670,532			
Special.....	\$175,000	\$175,000		
Federal Trust.....	\$68,498,684	\$57,805,739		
	\$105,772,676	\$63,589,149		

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.

A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.

B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.

C. The Commissioner, Department of Social Services, in consultation with relevant state and local agencies, shall develop proposed criteria for assessing funding requests for addressing space needs among local departments of social services, as well as proposed consolidated human services buildings. The criteria shall include but not be limited to compliance with the Americans with Disabilities Act, access to public transportation, life safety issues, condition of current space and related major building systems, impact on service delivery, and other factors as may be appropriate. The department shall use the criteria to prioritize local requests for increased state reimbursement for renovating existing space, relocating or constructing new space. For those jurisdictions that, when applying such criteria, achieve high priority ranking for increased state reimbursement, yet initiate local funding actions to address critical space needs or to consolidate human services, they shall nevertheless retain their ranking on the prioritized list of projects for increased state reimbursement for renovating existing space, relocating or constructing new space. The department shall forward a prioritized list of projects to the Secretary of Health and Human Resources and the Department of Planning and Budget by November 1 of each year for consideration by the Governor in the development of the budget. The department shall also submit a copy of the list of prioritized projects by November 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees.

D.1. Out of this appropriation, \$473,844 the first year and \$473,844 the second year from the general fund and \$781,791 the first year and \$781,791 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.

2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.

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3.				
	<p>The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least biannually.</p>			
E.1.	\$4,100,000	\$1,900,000	\$5,005,061	
	<p>Out of this appropriation, \$4,100,000 the first year and \$1,900,000 the second year from the general fund and \$14,200,000 the first year and \$5,901,837 the second year from nongeneral funds shall be provided to complete the base contract to modernize the eligibility determination systems in the Department of Social Services. If any additional funding is needed, the department shall complete modernization efforts within existing resources.</p>			
2.				
	<p>Within 30 days of awarding a contract related to the eligibility project, the Department of Social Services shall provide the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract including costs.</p>			
3.				
	<p>Beginning July 1, 2012, the Department of Social Services shall also provide semi-annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.</p>			
F.	\$522,286	\$522,286		
	<p>Out of this appropriation, \$522,286 the first year and \$522,286 the second year from the general fund and \$1,924,019 the first year and \$1,924,019 the second year from nongeneral funds shall be provided to supplement management and programmatic support of the agency's eligibility systems modernization effort. In addition, eight positions are added in FY 2013. These resources shall be dedicated to the modernization project until its completion or the end of FY 2017, whichever comes first.</p>			
344.				
A.				
	<p>In the operation of any program of public assistance, including benefit and service programs in any locality, for which program appropriations are made to the Department of Social Services, it is provided that if a payment or overpayment is made to an individual who is ineligible therefor under federal and/or state statutes and regulations, the amount of such payment or overpayment shall be returned to the Department of Social Services by the locality.</p>			
B.				
	<p>However, no such repayments may be required of the locality if the department determines that such overpayment or payments to ineligibles resulted from the promulgation of vague or conflicting regulations by the department or from the failure of the department to make timely distribution to the localities of the statutes, rules, regulations, and policy decisions, causing the overpayment or payment to ineligible(s) to be made by the locality or from situations where a locality exercised due diligence, yet received incomplete or incorrect information from the client which caused the overpayment or payment to ineligibles. If a locality fails to effect the return, the Department of Social Services shall withhold an equal amount from the next disbursement made by the department to the locality for the same program.</p>			
C.				
	<p>The Department of Social Services shall implement the guidance issued by the U.S. Department of Health and Human Services concerning the obligation of recipients of federal financial assistance to comply with Title VI of the Civil Rights Act of 1964 by ensuring that meaningful access to federally-funded programs, activities and services administered by the department is provided to limited English proficient (LEP) persons, 63 Fed. Reg. 47,311-47,323 (August 8, 2003). At a minimum, the department shall (i) identify the need for language assistance by analyzing the following factors: (1) the number or proportion of LEP persons in the eligible service population, (2) the frequency of contact with such persons, (3) the nature and importance of the program, activity or service, and (4) the costs of providing language assistance and resources available; (ii) translate vital documents into the language of each frequently encountered LEP group eligible to be served; (iii) provide accurate and timely oral interpreter services; and (iv) develop an effective implementation plan to address the identified needs of the LEP populations served.</p>			
345.				
A.				
	<p>The amount for the Supplemental Nutrition Assistance Program (SNAP) shall be expended</p>			

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under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the Department of Social Services shall, in cooperation with local departments of social services, maintain a waiver of the work requirement for Supplemental Nutrition Assistance Program (SNAP) recipients residing in areas that do not have a sufficient number of jobs to provide employment for such individuals, including those areas designated as labor surplus areas by the U.S. Department of Labor.

C. To the extent permitted by federal law, Supplemental Nutrition Assistance Program (SNAP) recipients subject to a work requirement pursuant to § 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, shall be permitted to satisfy such work requirement by providing volunteer services to a public or private, nonprofit agency for the number of hours per month determined by dividing the household's monthly SNAP allotment by the federal minimum wage.

D. The Department of Social Services shall, to the extent permitted by federal law, disregard the value of at least one motor vehicle per household in determining eligibility for the Supplemental Nutrition Assistance Program (SNAP).

E. The Department of Social Services shall develop a multi-lingual outreach campaign to inform qualified aliens and their children, who are United States citizens, of their eligibility for the federal Supplemental Nutrition Assistance Program (SNAP) and ensure that they have access to benefits under SNAP. To the extent permitted by federal law, the department shall administer SNAP in a way that minimizes the procedural burden on qualified aliens and addresses concerns about the impact of SNAP receipt on their immigration sponsors and status.

Total for Department of Social Services .....			<b>\$1,920,648,118</b>	<b>\$1,923,839,441</b>
			<b>\$1,961,552,836</b>	<b>\$1,949,872,401</b>
General Fund Positions.....	441.21	441.21		
	559.21	615.21		
Nongeneral Fund Positions.....	1,256.29	1,256.29		
	1,162.29	1,213.29		
Position Level .....	1,697.50	1,697.50		
	1,721.50	1,828.50		
Fund Sources: General.....	\$389,559,617	\$394,791,275		
	\$392,352,241	\$393,970,601		
Special.....	\$699,209,830	\$699,209,830		
	\$696,867,206	\$697,367,206		
Dedicated Special Revenue .....	\$3,235,265	\$3,235,265		
Federal Trust.....	\$828,643,406	\$826,603,071		
	\$869,098,124	\$855,299,329		

**§ 1-96. VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES (606)**

346.	Social Services Research, Planning, and Coordination (45000) .....			\$1,505,860	\$1,510,394
	Research, Planning, Outreach, Advocacy, and Systems Improvement (45002).....	\$851,241	\$851,241		
	Administrative Services (45006) .....	\$654,619	\$659,153		
	Fund Sources: General.....	\$185,022	\$189,556		
	Federal Trust.....	\$1,320,838	\$1,320,838		

Authority: Title 51.5, Chapter 7, Code of Virginia.

ITEM 346.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Up to \$39,880 the first year and up to \$39,880 the second year is available for the Virginia Board for People with Disabilities (VBPD) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between VBPD and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported to the Director, Department of Planning and Budget within 30 days.				
347.	Financial Assistance for Individual and Family Services (49000) .....		\$500,820	\$500,820
	Financial Assistance to Localities for Individual and Family Services (49001).....		\$500,820	\$500,820
	Fund Sources: Federal Trust.....		\$500,820	\$500,820
Authority: Title 51.5, Chapter 7, Code of Virginia.				
	Total for Virginia Board for People with Disabilities .....		<b>\$2,006,680</b>	<b>\$2,011,214</b>
	General Fund Positions.....		0.75	0.75
	Nongeneral Fund Positions.....		9.25	9.25
	Position Level .....		10.00	10.00
	Fund Sources: General.....		\$185,022	\$189,556
	Federal Trust.....		\$1,821,658	\$1,821,658
<b>§ 1-97. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)</b>				
348.	Statewide Library Services (14200).....		\$1,159,222	<del>\$1,159,222</del> \$1,180,422
	Library and Resource Center Services (14202).....		\$1,159,222	<del>\$1,159,222</del> \$1,180,422
	Fund Sources: General.....		\$1,094,222	<del>\$1,094,222</del> \$1,115,422
	Special.....		\$30,000	\$30,000
	Trust and Agency.....		\$35,000	\$35,000
Authority: § 51.5-74, Code of Virginia; P.L. 89-522, and P.L. 101-254, Federal Code.				
Out of this appropriation, \$120,163 the first year and <del>\$120,163</del> \$141,363 the second year from the general fund shall be used to contract for the provision of radio reading services for the blind and vision impaired.				
349.	State Education Services (19100).....		\$1,453,806	<del>\$1,453,806</del> \$1,533,631
	Braille and Instructional Materials (19101).....		\$842,848	\$842,848
	Educational and Early Childhood Support Services (19102) .....		\$610,958	<del>\$610,958</del> \$690,783
	Fund Sources: General.....		\$798,806	<del>\$798,806</del> \$878,631
	Trust and Agency.....		\$55,000	\$55,000
	Federal Trust.....		\$600,000	\$600,000
Authority: §§ 22.1-214 and 22.1-217, Code of Virginia; P.L. 89-313, P.L. 97-35 and P.L. 102-119, Federal Code.				
350.	Rehabilitation Assistance Services (45400).....		\$10,161,877	<del>\$10,161,877</del>

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				\$10,099,369
Low Vision Services (45401).....	\$303,333	\$303,333		
Vocational Rehabilitation Services (45404).....	\$5,969,084	\$5,969,084		
Community Based Independent Living Services (45407) .....	\$3,189,724	\$3,189,724		
Vending Stands, Cafeterias, and Snack Bars (45410).....	\$699,736	<del>\$699,736</del> \$637,228		
Fund Sources: General.....	\$1,815,627	<del>\$1,815,627</del> \$1,753,119		
Special.....	\$203,911	\$203,911		
Trust and Agency .....	\$115,000	\$115,000		
Federal Trust.....	\$8,027,339	\$8,027,339		

Authority: § 51.5-1 and Title 51.5, Chapter 1, Code of Virginia; P.L. 93-516 and P.L. 93-112, Federal Code.

A. It is the intent of the General Assembly that visually handicapped persons who have completed vocational training as food service managers through programs operated by the Department be considered for food service management position openings within the Commonwealth as they arise.

B. The federal vocational rehabilitation grant award amount for the Department for the Blind and Vision Impaired (DBVI) is estimated at \$9,629,262. Based on this projection, DBVI shall not expend, without prior written concurrence from the Director, Department of Planning and Budget, more state appropriation than what is minimally necessary to meet the annual 21.3 percent state matching requirement and avoid the loss of federal dollars. This provision applies to the annual federal vocational rehabilitation grant award as well as any additional allotments requiring state match that may be made available to DBVI. Any increases in total grant award spending shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.

351.	Regional Office Support and Administration (49700) .....			\$2,338,313	\$2,338,313
	Regional Office and Field Support Services (49701) .....	\$2,338,313	\$2,338,313		
	Fund Sources: General.....	\$1,264,821	\$1,264,821		
	Federal Trust.....	\$1,073,492	\$1,073,492		

Authority: Title 2.2, Chapter 36; Title 51.5, Chapter 13, Code of Virginia; P.L. 93-112 and P.L. 97-35, Federal Code.

352.	Rehabilitative Industries (81000).....			\$31,489,478	\$31,489,478
	Manufacturing, Retail, and Contract Operations (81003) .	\$31,489,478	\$31,489,478		
	Fund Sources: Enterprise .....	\$31,489,478	\$31,489,478		

Authority: § 51.5-72, Code of Virginia; P.L. 92-29 and P.L. 93-112, Federal Code.

The Industry Production Workers with the Virginia Industries for the Blind shall not be counted in the classified employment levels of the Department for the Blind and Vision Impaired.

353.	Administrative and Support Services (49900).....			\$3,152,039	\$2,683,801
	General Management and Direction (49901).....	\$1,880,871	\$1,915,663		
	Physical Plant Services (49915).....	\$1,271,168	\$768,138		
	Fund Sources: General.....	\$1,590,985	\$1,104,698		
	Special.....	\$749,678	\$749,678		
	Enterprise .....	\$771,815	\$771,815		
	Federal Trust.....	\$39,561	\$57,610		

Authority: Title 63.2, Chapter 4, Code of Virginia; P.L. 89-313, P.L. 93-112, and P.L. 97-35, Federal Code.

ITEM 353.	Item Details(\$)		Appropriations(\$)		
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016	
<p>A. Up to \$1,147,719 the first year and up to \$1,147,719 the second year is available for the Department for the Blind and Vision Impaired (DBVI) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DBVI and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported to the Director, Department of Planning and Budget within 30 days.</p>					
<p>B. Out of this appropriation, \$503,030 the first year from the general fund is provided for the purchase and installation of emergency generators at the Azalea Road campus.</p>					
Total for Department for the Blind and Vision Impaired.....			<b>\$49,754,735</b>	<b>\$49,286,497</b> <b>\$49,325,014</b>	
General Fund Positions.....			62.60	62.60	
Nongeneral Fund Positions.....			84.40	84.40	
Position Level .....			147.00	147.00	
Fund Sources: General .....			\$6,564,461	\$6,078,174 \$6,116,691	
Special.....			\$983,589	\$983,589	
Enterprise .....			\$32,261,293	\$32,261,293	
Trust and Agency .....			\$205,000	\$205,000	
Federal Trust.....			\$9,740,392	\$9,758,441	
<b>Virginia Rehabilitation Center for the Blind and Vision Impaired (263)</b>					
354.	Rehabilitation Assistance Services (45400).....			\$1,356,830	\$1,356,830
	Social and Personal Adjustment to Blindness Training (45408) .....		\$1,356,830	\$1,356,830	
	Fund Sources: Special.....		\$2,000	\$2,000	
	Federal Trust.....		\$1,354,830	\$1,354,830	
Authority: § 51.5-1, Code of Virginia; P.L. 93-112, Federal Code.					
355.	Administrative and Support Services (49900).....			\$1,240,676	\$1,240,718
	General Management and Direction (49901).....		\$502,170	\$502,212	
	Food and Dietary Services (49907) .....		\$228,000	\$228,000	
	Physical Plant Services (49915).....		\$510,506	\$510,506	
	Fund Sources: General .....		\$167,883	\$167,925	
	Special.....		\$17,000	\$17,000	
	Federal Trust.....		\$1,055,793	\$1,055,793	
Authority: § 51.5-73, Code of Virginia; P.L. 93-112, Federal Code.					
Total for Virginia Rehabilitation Center for the Blind and Vision Impaired .....				<b>\$2,597,506</b>	<b>\$2,597,548</b>
Nongeneral Fund Positions.....			26.00	26.00	
Position Level .....			26.00	26.00	
Fund Sources: General .....			\$167,883	\$167,925	
Special.....			\$19,000	\$19,000	
Federal Trust.....			\$2,410,623	\$2,410,623	
Grand Total for Department for the Blind and Vision Impaired.....				<b>\$52,352,241</b>	<b>\$51,884,045</b> <b>\$51,922,562</b>

ITEM 355.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	110.40	110.40		
Position Level .....	173.00	173.00		
Fund Sources: General.....	\$6,732,344	\$6,246,099		
		\$6,284,616		
Special.....	\$1,002,589	\$1,002,589		
Enterprise .....	\$32,261,293	\$32,261,293		
Trust and Agency .....	\$205,000	\$205,000		
Federal Trust.....	\$12,151,015	\$12,169,064		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			<del>\$13,208,768,227</del>	<del>\$13,466,095,283</del>
			\$12,856,730,246	\$13,294,939,428
General Fund Positions.....	8,697.45	8,697.45		
	8,815.45	8,915.10		
Nongeneral Fund Positions.....	7,067.80	7,067.80		
	6,998.80	7,072.15		
Position Level .....	15,765.25	15,765.25		
	15,814.25	15,987.25		
Fund Sources: General.....	\$5,526,356,843	\$5,663,956,136		
	\$5,340,526,203	\$5,645,227,245		
Special.....	\$1,221,049,701	\$1,214,005,341		
	\$1,155,749,488	\$1,150,550,621		
Enterprise .....	\$32,261,293	\$32,261,293		
Trust and Agency .....	\$993,798	\$993,798		
Dedicated Special Revenue.....	\$527,818,965	\$518,220,295		
	\$582,075,554	\$499,159,602		
Federal Trust.....	\$5,900,287,627	\$6,036,658,420		
	\$5,745,123,910	\$5,966,746,869		

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF NATURAL RESOURCES**

**§ 1-98. SECRETARY OF NATURAL RESOURCES (183)**

356.	Administrative and Support Services (79900).....			\$655,473	\$656,303
	General Management and Direction (79901).....	\$655,473	\$656,303		
	Fund Sources: General.....	\$555,473	\$556,303		
	Federal Trust.....	\$100,000	\$100,000		

Authority: Title 2.2, Chapter 2; and § 2.2-201, Code of Virginia.

A. The Secretary of Natural Resources shall report to the Chairmen of the Senate Committees on Finance and Agriculture, Conservation, and Natural Resources, and the House Committees on Appropriations and Conservation and Natural Resources, by November 4 of each year on implementation of the Chesapeake Bay nutrient reduction strategies. The report shall include and address the progress and costs of point source and nonpoint source pollution strategies. The report shall include, but not be limited to, information on levels of dissolved oxygen, acres of submerged aquatic vegetation, computer modeling, variety and numbers of living resources, and other relevant measures for the General Assembly to evaluate the progress and effectiveness of the tributary strategies. In addition, the Secretary shall include information on the status of all of Virginia's commitments to the Chesapeake Bay Agreements.

B. It is the intent of the General Assembly that a reserve be created within the Virginia Water Quality Improvement Fund to support the purposes delineated within the Virginia Water Quality Improvement Act of 1997 (WQIA 1997) when year-end general fund surpluses are unavailable. Consequently, 15 percent of any amounts appropriated to the Virginia Water Quality Improvement Fund due to annual general fund revenue collections in excess of the official estimates contained in the general appropriation act shall be withheld from appropriation, unless otherwise specified. When annual general fund revenue collections do not exceed the official revenue estimates contained in the general appropriation act, the reserve fund may be used for WQIA 1997 purposes as directed by the General Assembly within the general appropriation act.

	Total for Secretary of Natural Resources .....			<b>\$655,473</b>	<b>\$656,303</b>
	General Fund Positions.....	5.00	5.00		
	Position Level .....	5.00	5.00		
	Fund Sources: General.....	\$555,473	\$556,303		
	Federal Trust.....	\$100,000	\$100,000		

**§ 1-99. DEPARTMENT OF CONSERVATION AND RECREATION (199)**

357.	Land and Resource Management (50300).....			<del>\$65,619,325</del>	<del>\$37,069,291</del>
	Nonpoint Pollution Prevention (50301).....	\$17,521,444	<del>\$13,148,032</del>	\$55,619,325	\$66,601,179
			\$14,098,032		
	Dam Inventory, Evaluation and Classification and Flood Plain Management (50314).....	\$1,869,125	\$1,869,125		
	Natural Heritage Preservation and Management (50317).....	\$4,183,043	<del>\$4,183,043</del>		
			\$4,683,043		
	Financial Assistance to Soil and Water Conservation Districts (50320).....	\$6,941,091	\$6,941,091		
	Technical Assistance to Soil and Water Conservation Districts (50322).....	\$3,710,551	<del>\$2,128,000</del>		
			\$3,710,551		
	Agricultural Best Management Practices Cost Share Assistance (50323).....	<del>\$31,394,071</del>	<del>\$8,800,000</del>		
		\$21,394,071	\$35,299,337		

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$36,758,463	\$12,856,913		
			\$24,203,384	
Special.....	\$1,984,885	\$1,731,135		
Dedicated Special Revenue.....	\$23,651,576	\$19,256,842		
	\$13,651,576	\$37,442,259		
Federal Trust.....	\$3,224,401	\$3,224,401		

Authority: Title 10.1, Chapters 1, 2, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$6,841,091 the first year and \$6,841,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and D. of this item. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$150,000 the first year and \$150,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy, including, but not limited to, services related to auditing, bonding, contracts, and training. *The amount appropriated for small dam repairs of known or suspected deficiencies the second year is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund. Unspent funds appropriated for small dam repairs in the first year are also authorized to be retained and transferred to the Fund.*

2. The Virginia Soil and Water Conservation Board shall not create, merge, divide, modify, or relocate the boundaries of any district pursuant to § 10.1-506, Code of Virginia, until such time as the General Assembly has acted upon the recommendations of the stakeholder group, established in Item 360, paragraph A.2. of Chapter 806, 2013 Acts of Assembly.

3. The Department shall provide a ~~quarterly~~ semi-annual report on or before February 15 and August 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees ~~of how appropriations for each soil and water conservation district have been dispersed in the current quarter and the planned disbursements for the upcoming quarter on each Virginia soil and water conservation district's budget, revised budget, previous year's balance budget, and expenditure by district~~ for the following: (i) the federal Conservation Reserve Enhancement Program, (ii) the use of Agricultural Best Management Cost-Share Program funds within the Chesapeake Bay watershed, (iii) the use of Agricultural Best Management Cost-Share Program funds within the Southern Rivers area, and (iv) the amount of Technical Assistance funding. *The August 15 report shall reflect cumulative amounts.*

B.1. Notwithstanding § 10.1-2129 A., Code of Virginia, \$23,897,500 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount, \$1,150,000 shall be appropriated to the Department for Nonpoint Pollution Prevention for the following specified uses: \$100,000 shall be utilized as cost-share for the development of nutrient management plans for golf courses, \$250,000 shall be provided to the Department of Forestry for water quality grants, and \$800,000 shall be used for the Commonwealth's match for participation in the federal Conservation Reserve Enhancement Program (CREP). Pursuant to paragraph B of Item 356, \$2,965,612 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund. Of the remaining amounts, \$19,781,888 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund. The monies transferred to the Virginia Natural Resources Commitment Fund shall be distributed upon approval by the Virginia Soil and Water Conservation Board in accordance with the Board's developed policies and in accordance with the allocation

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

percentages in § 10.1-2128.1 B., Code of Virginia. Of the \$19,781,888, a total of eight percent, \$1,582,551 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts and \$18,199,337 for Agricultural Best Management Practices Cost-Share Assistance.

2. This appropriation, together with the amount listed in Item 363 of this act, meets the mandatory deposit requirements associated with the FY 2013 excess general fund revenue collections and discretionary year-end general fund balances.

3. *In the second year, \$8,185,417 in the Water Quality Improvement Fund Reserve held by the Department of Conservation and Recreation and established pursuant to Item 356 B, and \$10,696,471 from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount, \$800,000 shall be appropriated to the Department for soil and water conservation for the following specified uses: \$100,000 shall be utilized as cost-share for the development of nutrient management plans for golf courses and \$700,000 shall be used for the Commonwealth's match for participation in the federal Conservation Reserve Enhancement Program (CREP). Of the remaining amounts, \$18,081,888 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund. Notwithstanding any other provision of law, the monies transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the Department upon approval by the Virginia Soil and Water Conservation Board in accordance with the Board's developed policies, as follows: of the \$18,081,888, a total of \$1,582,551 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts, and \$16,499,337 for Agricultural Best Management Practices Cost-Share Assistance where of this amount \$9,899,603 shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed and \$6,599,734 shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.*

C. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the Department of Conservation and Recreation is authorized to make Water Quality Improvement Grants to state agencies.

D.1 Out of this appropriation, \$10,000,000 the first year and \$10,000,000 the second year from nongeneral funds to be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds shall be dispersed by the Department pursuant to § 10.1-2128.1, Code of Virginia.

2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.

3. Out of this amount, a total of eight percent, or \$1,200,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,800,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, distributions between watersheds shall be in accordance with the allocation percentages set out in § 10.1-2128.1 B., Code of Virginia.

E.1. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.

2. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129 and 10.1-2128.1, Code of Virginia, it is the intent of the General Assembly that the Department of Conservation and Recreation use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

F. Out of this appropriation, \$8,500 the first year and \$8,500 the second year from the general fund is provided to support the Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.

G. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.

H. *Unless specified otherwise in this Item, it is the intent of the General Assembly that balances in Nonpoint Pollution Prevention be used first, and then balances from Agricultural Best Management Practices Cost Share Assistance be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Enhancement Program (CREP).*

I. *1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$864,294 the first year and \$864,294 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant § 10.1-603.17, Code of Virginia. ~~The funding provided in this paragraph shall be used for the provision of either grants or loans to localities owning dams in need of renovation and repair.~~ Out of these amounts, \$400,000 the first year and \$400,000 the second year from the general fund shall be provided to match federal and local funding for the renovation of Todd Lake Dam in Augusta County.*

*2. Unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund may be utilized in an amount not to exceed \$60,000 to perform activities necessary to update the flood protection plan for the Commonwealth and to make the plan accessible online. Once these activities are complete, the department will maintain and update the plan as needed within existing resources.*

J. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, then the program may be transferred to another state agency.

K. Out of this appropriation, \$80,000 the first year and \$80,000 the second year from the general fund is provided to the Department of Conservation and Recreation to make available a competitive grant to provide Chesapeake Bay meaningful watershed educational on-the-water field services.

L. Included in these amounts is \$253,750 the first year from dedicated special revenue to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.

*M.1. The Department of Conservation and Recreation, in collaboration with Soil and Water Conservation Districts, shall develop a plan containing cost estimates, for the rehabilitation of high hazard Soil and Water Conservation District owned and managed impounding structures. The plan shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.*

*2. Unobligated balances within the Dam Safety, Flood Prevention and Protection Assistance Fund may be utilized, not to exceed \$75,000, to perform necessary studies of the impounding structures to refine the costs associated with the impounding structures needing engineering modifications.*

*N. Included in this appropriation is \$150,000 in the second year from the general fund for the Department of Conservation and Recreation to provide technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.*

*O. Out of the amounts in this item, \$500,000 in the second year from the general fund shall be provided to the Natural Heritage Program in support of active preserve management activities across Virginia's 61 Natural Area Preserves as identified by the Board of Conservation and Recreation in October 2014.*

ITEM 358.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
358. Leisure and Recreation Services (50400) .....			\$57,920,064	\$57,920,064
Preservation of Open Space Lands (50401) .....	\$13,094,324	<del>\$13,094,324</del> \$16,094,324	\$60,770,064	\$62,922,440
Design and Construction of Outdoor Recreational Facilities (50403) .....	\$940,268	\$940,268		
State Park Management and Operations (50404) .....	<del>\$35,967,863</del> \$38,817,863	<del>\$35,967,863</del> \$38,027,863		
Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406) .....	\$7,917,609	<del>\$7,917,609</del> \$7,859,985		
Fund Sources: General .....	<del>\$23,549,554</del> \$24,399,554	<del>\$23,549,554</del> \$26,551,930		
Special .....	<del>\$20,347,028</del> \$22,347,028	<del>\$20,347,028</del> \$22,347,028		
Debt Service .....	\$185,187	\$185,187		
Dedicated Special Revenue .....	\$7,700,000	\$7,700,000		
Federal Trust .....	\$6,138,295	\$6,138,295		

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

A.1. Out of the amount for Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance shall be paid for the operation and maintenance of Breaks Interstate Park, an amount not to exceed \$181,687 the first year and \$181,687 the second year from the general fund.

2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.

3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.

B. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia Association of Broadcasters.

C. Included in the amount for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).

D.1. Included in the amount for Preservation of Open Space Lands is \$1,000,000 the first year and ~~\$1,000,000~~ \$4,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. Of these funds, after Virginia Outdoors Foundation's Open-Space Lands Preservation Trust Fund statutory distribution obligations have been satisfied, no less than 50 percent of the remaining appropriations are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.

2. Included in the amounts for Preservation of Open Space Lands is \$2,000,000 the first year and \$2,000,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.

F. Out of the amounts for State Park Management and Operations, \$60,000 is provided from the general fund in the second year for costs required for the transition of Natural Bridge to a Virginia State Park on June 15, 2016. Funding appropriated herein is to provide for the training of a Park Manager and Chief Ranger, as well as the development of a master plan for the Natural Bridge State Park prior to it being brought into the state park system.

G. Out of the amounts for State Park Management and Operations, \$850,000 in the first year from the general fund is provided to begin the replacement of cabin furnishings at existing Virginia State Parks.

359.	Administrative and Support Services (59900).....			\$8,430,668	\$8,533,388
	General Management and Direction (59901).....	\$8,430,668	\$8,533,388	\$9,171,554	\$9,432,218
		\$9,171,554	\$9,432,218		
	Fund Sources: General.....	\$7,239,314	\$7,342,034		
		\$7,980,200	\$8,240,864		
	Special.....	\$1,140,397	\$1,140,397		
	Debt Service.....	\$50,957	\$50,957		

Authority: Title 2.2, Chapters 37, 40, 41, 43; and Title 10.1, Chapter 1 Code of Virginia.

The Department of Conservation and Recreation shall employ, on a consulting basis, a grants management expert or team. The grants management expert or team shall conduct an audit and make recommendations to ensure that the department complies with the financial or other data reporting requirements set forth by the State Comptroller. This will include, but may not be limited to, compiling and maintaining all records necessary to fulfill reporting requirements and to meet any subsequent audit of the expenditure of such federal funds. The Director shall provide a report to the Secretary of Natural Resources, the Department of Planning and Budget, and the Auditor of Public Accounts by September 1, 2014. This report will include any deficiencies discovered and the corrective action taken for each grant, and a plan to maintain grant compliance for future grants.

	Total for Department of Conservation and Recreation .....			\$131,970,057	\$103,522,743
				\$125,560,943	\$138,955,837
	General Fund Positions.....	412.50	412.50		
	Nongeneral Fund Positions.....	39.50	39.50		
	Position Level .....	452.00	452.00		
	Fund Sources: General.....	\$67,547,331	\$43,748,501		
		\$69,138,217	\$58,996,178		
	Special.....	\$23,472,310	\$23,218,560		
		\$25,472,310	\$25,218,560		
	Debt Service.....	\$236,144	\$236,144		
	Dedicated Special Revenue.....	\$31,351,576	\$26,956,842		
		\$21,351,576	\$45,142,259		
	Federal Trust.....	\$9,362,696	\$9,362,696		

**§ 1-100. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)**

360.	Land Protection (50900).....			\$23,733,520	\$23,733,520
	Land Protection Permitting (50925).....	\$3,333,180	\$3,333,180		

ITEM 360.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Land Protection Compliance and Enforcement (50926) ...	\$19,524,208	\$19,524,208		
Land Protection Outreach (50927).....	\$628,511	\$628,511		
Land Protection Planning and Policy (50928).....	\$247,621	\$247,621		
Fund Sources: General .....	\$2,425,619	\$2,425,619		
Special.....	\$573,435	\$573,435		
Trust and Agency .....	\$10,850,680	\$10,850,680		
Dedicated Special Revenue.....	\$5,767,215	\$5,767,215		
Federal Trust.....	\$4,116,571	\$4,116,571		

Authority: Title 5.1, Chapter 1; Title 10.1, Chapters 11.1, 11.2, 12.1, 14, and 25; Title 44, Chapter 3.5; and Title 62.1, Chapter 20, Code of Virginia.

It is the intent of the General Assembly that balances in the Virginia Environmental Emergency Response Fund be used to meet match requirements for U.S. Environmental Protection Agency Superfund State Support Contracts.

361.	Water Protection (51200).....			\$40,225,873	\$40,287,331
	Water Protection Permitting (51225).....	\$9,467,933	\$9,529,391		
	Water Protection Compliance and Enforcement (51226)..	\$9,609,642	\$9,609,642		
	Water Protection Outreach (51227).....	\$1,994,648	\$1,994,648		
	Water Protection Planning and Policy (51228).....	\$4,396,771	\$4,396,771		
	Water Protection Monitoring and Assessment (51229) ....	\$6,916,239	\$6,916,239		
	Water Protection Stormwater Management (51230) .....	\$7,840,640	\$7,840,640		
	Fund Sources: General .....	\$19,201,554	\$19,263,012		
	Special.....	\$2,354,313	\$2,354,313		
	Trust and Agency .....	\$25,500	\$25,500		
	Dedicated Special Revenue.....	\$10,091,040	\$10,091,040		
	Federal Trust.....	\$8,553,466	\$8,553,466		

Authority: Title 5.1, Chapter 1; Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.

A. Out of this appropriation, \$51,500 the first year and \$51,500 the second year from the general fund is designated for annual membership dues for the Ohio River Valley Water Sanitation Commission.

B.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.

2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.

C. Out of the appropriation for this item, \$151,500 the first year and \$151,500 the second year from the general fund is designated for the annual membership dues for the Interstate Commission on the Potomac River Basin.

D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Environmental Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.

ITEM 361.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2. The State Water Control Board is authorized to amend the Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.

*E. Beginning October 1, 2015, there shall be a \$3.75 fee imposed on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State Water Control Board.*

362.	Air Protection (51300).....			\$17,914,590	\$17,914,590
	Air Protection Permitting (51325).....	\$5,886,680	\$5,886,680		
	Air Protection Compliance and Enforcement (51326).....	\$6,439,939	\$6,439,939		
	Air Protection Outreach (51327).....	\$191,750	\$191,750		
	Air Protection Planning and Policy (51328) .....	\$2,376,219	\$2,376,219		
	Air Protection Monitoring and Assessment (51329).....	\$3,020,002	\$3,020,002		
	Fund Sources: General.....	\$2,278,931	\$2,278,931		
	Enterprise .....	\$8,864,745	\$8,864,745		
	Dedicated Special Revenue.....	\$2,857,236	\$2,857,236		
	Federal Trust.....	\$3,913,678	\$3,913,678		

Authority: Title 5.1, Chapter 1; Title 10.1, Chapters 11.1 and 13; and Title 46.2, Chapter 10, Code of Virginia.

A. The Department of Environmental Quality is authorized to use up to \$300,000 the first year and \$300,000 the second year from the Vehicle Emissions Inspection Program Fund to implement the provisions of Chapter 710, Acts of Assembly of 2002, which authorizes the department to operate a program to subsidize repairs of vehicles that fail to meet emissions standards established by the Air Pollution Control Board when the owner of the vehicle is financially unable to have the vehicle repaired.

B.1. All of the permit program emissions fees collected by the State Air Pollution Control Board pursuant to § 10.1-1322, Code of Virginia, shall be assessed and collected on an annual basis notwithstanding the provisions of that section. The State Air Pollution Control Board shall adopt regulations adjusting permit program emissions fees collected pursuant to § 10.1-1322, Code of Virginia, and establish permit application processing fees and permit maintenance fees sufficient to ensure that the revenues collected from fees cover the total direct and indirect costs of the program consistent with the requirements of Title V of the Clean Air Act, except that the initial adjustment to permit program emissions fees shall not be increased by more than 30 percent over current rates. Notwithstanding the provisions of § 10.1-1322, Code of Virginia, the permit application fees collected pursuant to this paragraph shall not be credited towards the amount of annual fees owed pursuant to § 10.1-1322. All of the fees adopted pursuant to this section shall be adjusted annually by the Consumer Price Index.

2. The regulations adopted by the State Air Pollution Control Board to initially implement the provisions of this item shall be exempt from Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2012. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Chapter 40 of Title 2.2, Code of Virginia.

363.	Environmental Financial Assistance (51500).....			\$69,796,177	<del>\$62,213,677</del> \$67,213,677
	Financial Assistance for Environmental Resources Management (51502).....	\$9,652,202	\$9,652,202		
	Virginia Water Facilities Revolving Fund Loans and Grants (51503) .....	\$30,741,543	<del>\$23,159,043</del> \$28,159,043		
	Financial Assistance for Coastal Resources Management (51507) .....	\$2,424,500	\$2,424,500		
	Litter Control and Recycling Grants (51509).....	\$1,939,509	\$1,939,509		

ITEM 363.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Petroleum Tank Reimbursement (51511) .....	\$25,038,423	\$25,038,423		
Fund Sources: General .....	\$9,806,280	<del>\$2,223,780</del> \$7,223,780		
Trust and Agency .....	\$25,004,646	\$25,004,646		
Dedicated Special Revenue .....	\$4,611,509	\$4,611,509		
Federal Trust .....	\$30,373,742	\$30,373,742		

Authority: Title 10.1, Chapters 11.1, 14, 21.1, and 25 and Title 62.1, Chapters 3.1, 22, 23.2, and 24, Code of Virginia.

A. To the extent available, the authorization included in Chapter 781, 2009 Acts of Assembly, Item 368, paragraph E, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance Virginia Water Quality Improvement Grants, pursuant to Chapter 851, 2007 Acts of Assembly.

B. To the extent available, the authorization included in Chapter 806, 2013 Acts of Assembly, Item C-39.40, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance the Stormwater Local Assistance Fund, the Combined Sewer Overflow Matching Fund, Nutrient Removal Grants, the Hopewell Regional Wastewater Treatment Authority, and the Appomattox River Water Authority. The administration of several of the water quality programs, including the Stormwater Local Assistance Fund, transferred to the Department of Environmental Quality per Chapter 756, 2013 Acts of Assembly.

C.1. The State Comptroller is authorized to continue the Stormwater Local Assistance Fund as established in Item 360, Chapter 806, 2013 Acts of Assembly. The fund shall consist of bond proceeds from bonds authorized by the General Assembly and issued pursuant to Item C-39.40 in Chapter 806, 2013 Acts of Assembly, and Item C-43 of this act, sums appropriated to it by the General Assembly, *including \$5,000,000 from the general fund for the fiscal year beginning July 1, 2015*, and other grants, gifts, and moneys as may be made available to it from any other source, public or private. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

2. The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Moneys in the Fund shall be used to meet: i) obligations related to the Chesapeake Bay total maximum daily load (TMDL) requirements; ii) requirements for local impaired stream TMDLs; iii) water quality requirements of the Chesapeake Bay Watershed Implementation Plan (WIP); and iv) water quality requirements related to the permitting of small municipal stormwater sewer systems. The grants shall be used solely for capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration.

D. The grants shall be used solely for capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the State Water Control Board under the authority of the Department of Environmental Quality.

E. The Department of Environmental Quality is authorized to capitalize the Nutrient Offset Fund to the extent necessary to facilitate the development of grants or contracts to support animal waste to energy projects.

F.1. Notwithstanding § 10.1-2129 A., Code of Virginia, out of this appropriation, \$7,582,500 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Pursuant to

ITEM 363.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

paragraph B of Item 356, \$988,538 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund. Of the remaining amounts, \$6,593,962 is provided for stormwater and nonpoint source water quality projects, including municipal separate stormwater sewer systems and grants to local governments.

2. This appropriation, together with the amounts included in Item 357 of this act, meets the mandatory deposit requirements associated with the FY 2013 excess general fund revenue collections and discretionary year-end general fund balances.

3. Out of this appropriation, the Department of Environmental Quality shall use an amount not to exceed \$3,000,000 from the Water Quality Improvement Fund to conduct the James River chlorophyll study pursuant to the approved Virginia Chesapeake Bay Total Maximum Daily Load, Phase I Watershed Implementation Plan. This amount shall be used solely for contractual support for water quality monitoring and analysis and computer modeling. No portion of this funding may be used for administrative costs of the department.

4. Out of such funds available in this item, the Department shall provide funding to the Virginia Geographic Information Network in an amount necessary to implement statewide digital orthography to improve land coverage data necessary to assist localities in planning and implementing stormwater management programs. As part of this authorization, the Department shall also include data to update prior LIDAR surveys of elevations along coastal areas to support activities related to management of recurrent coastal flooding.

G. Out of the amounts appropriated for Financial Assistance for Environmental Resources Management, \$3,292,479 the first year and \$3,292,479 the second year from federal funds is provided to implement stormwater management activities.

H.1. Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Department of Environmental Quality by October 1 of each year, in a format specified by the Department, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs.

2. The Auditor of Public Accounts shall include in the Specifications for Audits of Counties, Cities, and Towns regulations for all local governments establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, a requirement to ensure that each impacted local government is in compliance with the provisions of § 15.2-2114 A., Code of Virginia. Any such adjustment to the Specifications for Audits of Counties, Cities, and Towns regulations shall be exempt from the Administrative Process Act and shall be required for all audits completed after July 1, 2014.

*1.1. The Department shall form a stakeholder working group including, but not limited to, representatives from industries providing services and remediation work to owners of leaking petroleum storage tanks as well as environmental communities to advise the Department regarding current guidance and policy governing the cleanup of petroleum releases. The review shall determine: a) if the Department's present guidance is being applied uniformly across regional offices, b) the adequacy of the Department's guidance with respect to the Commonwealth's groundwater protection regulations and the Department's technical regulations regarding petroleum spill remediation; and c) the appropriate deductibles for homeowners.*

*2. Not later than November 30, 2015, the Department shall submit a report, including any recommendations of the working group, to the Chairmen of the House Appropriations and Senate Finance Committees.*

364.	Administrative and Support Services (59900).....			\$25,479,010	<del>\$25,568,005</del> \$25,768,005
	General Management and Direction (59901).....	\$19,194,068	<del>\$19,194,958</del> \$19,394,958		

ITEM 364.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Information Technology Services (59902).....	\$6,284,942	\$6,373,047		
Fund Sources: General.....	\$11,822,709	<del>\$11,911,704</del> \$12,111,704		
Special.....	\$5,840,026	\$5,840,026		
Enterprise.....	\$3,494,576	\$3,494,576		
Trust and Agency.....	\$1,239,744	\$1,239,744		
Dedicated Special Revenue.....	\$527,930	\$527,930		
Federal Trust.....	\$2,554,025	\$2,554,025		

Authority: Title 10.1, Chapters 11.1, 13 and 14 and Title 62.1, Chapter 3.1, Code of Virginia.

A. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend funds from the balances in the Virginia Environmental Emergency Response Fund for costs associated with its waste management and water programs.

B. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend up to \$600,000 the first year and \$600,000 the second year from the balances in the Virginia Environmental Emergency Response Fund to further develop and implement eGovernment services.

C. Out of the amounts for this appropriation, \$11,200 the first year and \$11,200 the second year from the general fund is provided for payment of the necessary expenses for Virginia's participation in the Roanoke River Bi-State Commission and Roanoke River Basin Advisory Committee.

*D. Included in the amounts in this item is \$200,000 in the second year for any contractual costs incurred in the implementation of an assessment of any potential double-counting of air quality benefits in the Environmental Protection Agency's Clean Power Plan pursuant to Senate Joint Resolution 273 of the 2015 General Assembly.*

Total for Department of Environmental Quality.....			<b>\$177,149,170</b>	<del><b>\$169,717,123</b></del> <b>\$174,917,123</b>
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General Fund Positions.....	408.50	408.50		
Nongeneral Fund Positions.....	564.50	564.50		
Position Level.....	973.00	973.00		
Fund Sources: General.....	\$45,535,093	<del>\$38,103,046</del> \$43,303,046		
Special.....	\$8,767,774	\$8,767,774		
Enterprise.....	\$12,359,321	\$12,359,321		
Trust and Agency.....	\$37,120,570	\$37,120,570		
Dedicated Special Revenue.....	\$23,854,930	\$23,854,930		
Federal Trust.....	\$49,511,482	\$49,511,482		

**§ 1-101. DEPARTMENT OF GAME AND INLAND FISHERIES (403)**

365. Wildlife and Freshwater Fisheries Management (51100) .			\$43,123,857	\$43,123,857
Wildlife Information and Education (51102).....	\$4,587,111	\$4,587,111		
Enforcement of Recreational Hunting and Fishing Laws and Regulations (51103).....	\$15,934,987	\$15,934,987		
Wildlife Management and Habitat Improvement (51106).....	\$22,601,759	\$22,601,759		
Fund Sources: Dedicated Special Revenue.....	\$30,176,604	\$30,176,604		
Federal Trust.....	\$12,947,253	\$12,947,253		

Authority: Title 29.1, Chapters 1 through 6, Code of Virginia.

A. Out of the amounts appropriated for this item, \$20,000 the first year and \$20,000 the second year from nongeneral funds is provided for the Smith Mountain Lake Water Quality Monitoring Program.

ITEM 366.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
366.	Boating Safety and Regulation (62500).....		\$8,611,577	\$8,611,577
	Boat Registration and Titling (62501).....	\$2,051,398		
	Boating Safety Information and Education (62502).....	\$440,618		
	Enforcement of Boating Safety Laws and Regulations (62503) .....	\$6,119,561		
	Fund Sources: Dedicated Special Revenue .....	\$6,344,846		
	Federal Trust.....	\$2,266,731		
	Authority: Title 29.1, Chapters 7 and 8, Code of Virginia.			
367.	Administrative and Support Services (59900).....		\$8,232,843	\$8,232,843
	General Management and Direction (59901).....	\$6,592,211		
	Information Technology Services (59902).....	\$1,640,632		
	Fund Sources: Dedicated Special Revenue .....	\$8,212,610		
	Federal Trust.....	\$20,233		
	Authority: Title 29.1, Chapter 1, Code of Virginia.			
	A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.			
	B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairman of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance.			
	C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.			
368.	A. Pursuant to §§ 29.1-101, 58.1-638, and 58.1-1410, Code of Virginia, deposits to the Game Protection Fund include an estimated <del>\$18,900,000</del> \$9,970,640 the first year and <del>\$18,900,000</del> \$10,000,000 the second year from revenue originating from the general fund.			
	B. Pursuant to § 29.1-101.01, Code of Virginia, the Department of Planning and Budget shall transfer such funds as designated by the Board of Game and Inland Fisheries from the Game Protection Fund (§ 29.1-101) to the Capital Improvement Fund (§ 29.1-101.01) up to an amount equal to 50 percent or less of the revenue deposited to the Game Protection Fund by § 3-1.01, subparagraph M, of this act.			
	C. Out of the amounts transferred pursuant to § 3-1.01, subparagraph K, of this act, \$881,753 the first year and \$881,753 the second year from the Game Protection Fund shall be used for the enforcement of boating laws, boating safety education, and for improving boating access.			
	Total for Department of Game and Inland Fisheries .....		<b>\$59,968,277</b>	<b>\$59,968,277</b>
	Nongeneral Fund Positions.....	496.00		
	Position Level .....	496.00		
	Fund Sources: Dedicated Special Revenue .....	\$44,734,060		
	Federal Trust.....	\$15,234,217		

ITEM 369.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 1-102. DEPARTMENT OF HISTORIC RESOURCES (423)**

369.	Historic and Commemorative Attraction Management (50200) .....			\$6,647,495	<del>\$6,656,979</del> \$7,624,575
	Financial Assistance for Historic Preservation (50204)....	\$2,044,194	<del>\$2,044,339</del> \$3,144,339		
	Historic Resource Management (50205).....	\$4,603,301	<del>\$4,612,640</del> \$4,480,236		
	Fund Sources: General .....	\$4,539,332	<del>\$4,548,713</del> \$5,516,309		
	Special.....	\$671,584	\$671,687		
	Commonwealth Transportation .....	\$100,000	\$100,000		
	Federal Trust.....	\$1,336,579	\$1,336,579		

Authority: Title 10.1, Chapters 22 and 23, Code of Virginia.

A. General fund appropriations for historic and commemorative attractions not identified in § 10.1-2211 or § 10.1-2211.1, Code of Virginia, shall be matched by local or private sources, either in cash or in-kind, in amounts at least equal to the appropriation and which are deemed to be acceptable to the department.

B. In emergency situations which shall be defined as those posing a threat to life, safety or property, § 10.1-2213, Code of Virginia, shall not apply.

C.1. Out of the amounts for Financial Assistance for Historic Preservation shall be paid from the general fund grants to the following organization for the purposes prescribed in § 10.1-2211, Code of Virginia:

ORGANIZATION	FY 2015	FY 2016
United Daughters of the Confederacy	\$82,585	\$82,585

Notwithstanding the cited Code section, the United Daughters of the Confederacy shall make disbursements to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy for the purposes stated in that section. By November 1 of each year, the United Daughters of the Confederacy shall submit to the Director, Department of Historic Resources a report documenting the disbursement of these funds for their specified purpose.

2. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$7,500 each year shall be distributed to the Ladies Memorial Association of Petersburg.

3. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$90 the first year and \$90 the second year shall be distributed to the Town of Coeburn Municipal Graveyard.

D. Notwithstanding the requirements of § 10.1-2211.1, Code of Virginia, \$2,850 the first year and \$2,850 the second year from the general fund shall be disbursed to the Sons of the American Revolution for the care of Revolutionary War graves and cemeteries.

E. Included in this appropriation is \$100,000 the first year and \$100,000 the second year in nongeneral funds from the Highway Maintenance and Operating Fund to support the Department of Historic Resources' required reviews of transportation projects.

F. The Department of Historic Resources is authorized to accept a devise of certain real property under the will of Elizabeth Rust Williams known as Clermont Farm located on Route 7 east of the town of Berryville in Clarke County. If, after due consideration of options, the department determines that the property should be sold or leased to a different public or private

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entity, and notwithstanding the provisions of § 2.2-1156, Code of Virginia, then the department is further authorized to sell or lease such property, provided such sale or lease is not in conflict with the terms of the will. The proceeds of any such sale or lease shall be deposited to the Historic Resources Fund established under § 10.1-2202.1, Code of Virginia.

G.1. Notwithstanding the requirements of § 10.1-2213.1, Code of Virginia, \$459,382 the first year and \$459,382 the second year from the general fund is provided as a matching grant for charitable contributions received by the Montpelier Foundation on or after July 1, 2003, that were actually spent in the material restoration of Montpelier between July 1, 2003, and September 30, 2009.

2. It is the intent of the General Assembly that over the remaining term of the grant authorized by § 10.1-2213.1, Code of Virginia, Montpelier shall receive the full amount of matching funds provided by the Code of Virginia. In order to meet this provision, level funding will be provided for the remainder of the grant.

H. The Department of Historic Resources shall follow and provide input on federal legislation designed to establish a new national system of recognizing and funding Presidential Libraries for those entities that are not included in the 1955 Presidential Library Act.

I. Included in this appropriation is \$1,000,000 the first year and ~~\$1,000,000~~ \$2,000,000 the second year from the general fund to be deposited into the Civil War Historic Site Preservation Fund for grants to be made in accordance with § 10.1-2202.4, Code of Virginia. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. *This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.*

J. The Department of Historic Resources is authorized to require applicants for tax credits for historic rehabilitation projects under § 58.1-339.2, Code of Virginia, to provide an audit by a certified public accountant licensed in Virginia, in accordance with guidelines developed by the department in consultation with the Auditor of Public Accounts. The department is also authorized to contract with tax, financial, and other professionals to assist the department with the oversight of historic rehabilitation projects for which tax credits are anticipated.

*K. Included in this appropriation is \$100,000 the second year from the general fund to support Appomattox County's efforts and activities surrounding the Sesquicentennial Celebration of the surrender of Confederate Robert E. Lee to Union General Ulysses S. Grant at Appomattox Court House National Historic Park.*

370.	Administrative and Support Services (59900).....			\$727,645	\$728,575
	General Management and Direction (59901).....	\$727,645	\$728,575		
	Fund Sources: General.....	\$519,010	\$519,940		
	Special.....	\$32,000	\$32,000		
	Federal Trust.....	\$176,635	\$176,635		

Authority: Title 10.1, Chapters 10.1, 22 and 23, Code of Virginia.

Out of the amounts for Administrative and Support Services, the department shall administer state grants to nonstate agencies pursuant to Item 488 of this act.

	Total for Department of Historic Resources.....			<b>\$7,375,140</b>	<b>\$7,385,554</b> <b>\$8,353,150</b>
	General Fund Positions.....	29.00	29.00		
	Nongeneral Fund Positions.....	18.00	18.00		
	Position Level .....	47.00	47.00		
	Fund Sources: General.....	\$5,058,342	<del>\$5,068,653</del> \$6,036,249		

ITEM 370.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Special.....	\$703,584		\$703,687
	Commonwealth Transportation .....	\$100,000		\$100,000
	Federal Trust.....	\$1,513,214		\$1,513,214
<b>§ 1-103. MARINE RESOURCES COMMISSION (402)</b>				
371.	Marine Life Management (50500) .....		\$18,401,644	\$18,406,580
	Marine Life Information Services (50501) .....	\$840,369		<del>\$840,369</del> \$1,206,169
	Marine Life Regulation Enforcement (50503).....	\$8,363,774		<del>\$8,363,774</del> \$8,219,254
	Artificial Reef Construction (50506) .....	\$144,520		\$144,520
	Chesapeake Bay Fisheries Management (50507) .....	\$5,312,222		\$5,317,158
	Oyster Propagation and Habitat Improvement (50508).....	\$3,740,759		\$3,740,759
	Fund Sources: General .....	\$8,773,780		<del>\$8,773,780</del> \$8,629,260
	Special.....	\$5,850,082		\$5,855,018
	Commonwealth Transportation .....	\$313,768		\$313,768
	Dedicated Special Revenue .....	\$581,014		\$581,014
	Federal Trust.....	\$2,883,000		<del>\$2,883,000</del> \$3,248,800
<p>Authority: Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5 and 7; Title 28.2, Chapters 1 through 10; Title 29.1, Chapter 7; Title 32.1, Chapter 6; Title 33.1, Chapter 1; and Title 62.1, Chapters 18 and 20, Code of Virginia.</p> <p>A. Out of this appropriation, \$48,973 the first year and \$48,973 the second year from the general fund is provided for annual membership dues to the Atlantic States Marine Fisheries Commission.</p> <p>B. Out of this appropriation, \$148,750 the first year and \$148,750 the second year from the general fund is provided for annual membership dues to the Potomac River Fisheries Commission.</p> <p>C. Out of the amounts for Marine Life Regulation Enforcement shall be paid into the Marine Patrols Fund, \$169,248 the first year and \$169,248 the second year, pursuant to § 28.2-108, Code of Virginia. For this purpose, cash shall be transferred from the Commonwealth Transportation Fund.</p> <p>D. Pursuant to § 58.1-2289 D, Code of Virginia, \$144,520 the first year and \$144,520 the second year shall be transferred to Artificial Reef Construction from the Commonwealth Transportation Fund from unrefunded motor fuel taxes for boats.</p> <p>E. Any unexpended general fund balances designated by the agency for oyster remediation activities remaining in this Item on June 30, 2015, and June 30, 2016, shall be reappropriated and reallocated to the Marine Resources Commission for expenditure.</p> <p>F. The commission shall deposit proceeds from the sale of oyster shells, oyster seeds, and other subaqueous materials pursuant to § 28.2-550, Code of Virginia, to the Public Oyster Rock Replenishment Fund established by § 28.2-542, Code of Virginia. The proceeds from such sale shall be used for the same purposes specified in § 28.2-542, Code of Virginia.</p> <p>G. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund is provided to support oyster replenishment activities.</p>				
372.	Coastal Lands Surveying and Mapping (51000).....		\$1,899,881	\$1,882,881
	Coastal Lands and Bottomlands Management (51001).....	\$1,391,408		\$1,374,408
	Marine Resources Surveying and Mapping (51002).....	\$508,473		\$508,473

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$941,778	\$924,778		
Dedicated Special Revenue.....	\$776,103	\$776,103		
Federal Trust.....	\$182,000	\$182,000		
<p>Authority: Title 28.2, Chapters 12, 13, 14, 15 and 16; Title 62.1, Chapters 16 and 19, Code of Virginia.</p> <p>Out of this appropriation, \$23,000 the first year and \$6,000 the second year from the general fund is designated for Virginia's share of an Army Corps of Engineers project to construct a seawall to preserve the harbor on Tangier Island.</p>				
373. Tourist Promotion (53600).....			\$220,000	\$220,000
Virginia Saltwater Sport Fishing Tournament (53601).....	\$220,000	\$220,000		
Fund Sources: Special.....	\$220,000	\$220,000		
<p>Authority: Title 28.2, Chapter 2, Code of Virginia</p>				
374. Administrative and Support Services (59900).....			\$2,091,542	\$2,116,831
General Management and Direction (59901).....	\$2,091,542	\$2,116,831		
Fund Sources: General.....	\$1,979,042	\$2,004,331		
Special.....	\$112,500	\$112,500		
<p>Authority: Title 28.2, Chapters 1 and 2, Code of Virginia.</p> <p>A. The Marine Resources Commission shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the commission.</p> <p>B. From the amounts collected pursuant to § 28.2-200 et seq., Code of Virginia, and deposited into the Virginia Marine Products Fund (§ 3.2-2705, Code of Virginia), the Marine Resources Commission may retain \$10,000 the first year and \$10,000 the second year for the administrative cost of issuing gear licenses.</p> <p>C. <i>Notwithstanding any action of the Virginia Marine Resources Commission pursuant to Chapter 4 VAC 20-1090-10 et. seq., or other provisions of law or policy, fees levied by the Commission for saltwater recreational fishing licenses shall be imposed at the level as they were in effect on October 1, 2014.</i></p>				
Total for Marine Resources Commission .....			<b>\$22,613,067</b>	<del>\$22,626,292</del> <b>\$22,847,572</b>
General Fund Positions.....	128.50	128.50		
Nongeneral Fund Positions.....	30.00	<del>30.00</del> 33.00		
Position Level .....	158.50	<del>158.50</del> 161.50		
Fund Sources: General.....	\$11,694,600	<del>\$11,702,889</del> \$11,558,369		
Special.....	\$6,182,582	\$6,187,518		
Commonwealth Transportation .....	\$313,768	\$313,768		
Dedicated Special Revenue.....	\$1,357,117	\$1,357,117		
Federal Trust.....	\$3,065,000	<del>\$3,065,000</del> \$3,430,800		
<b>§ 1-104. VIRGINIA MUSEUM OF NATURAL HISTORY (942)</b>				
375. Museum and Cultural Services (14500) .....			\$3,412,568	\$3,424,219

ITEM 375.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Collections Management and Curatorial Services (14501) .....	\$150,821	\$150,821		
Education and Extension Services (14503) .....	\$708,656	\$709,910		
Operational and Support Services (14507) .....	\$1,832,696	\$1,843,093		
Scientific Research (14508).....	\$720,395	\$720,395		
Fund Sources: General .....	\$2,892,568	\$2,904,219		
Special.....	\$425,000	\$425,000		
Federal Trust.....	\$95,000	\$95,000		
Authority: Title 10.1, Chapter 20, Code of Virginia.				
<i>The Virginia Museum of Natural History shall conduct an assessment of the costs and feasibility of establishing a satellite location in Waynesboro, Virginia and provide this assessment to the Chairmen of House Appropriations and Senate Finance Committees prior to October 1, 2015. In conducting the assessment, the Museum shall identify all operational costs and potential revenue sources in support of this project.</i>				
Total for Virginia Museum of Natural History .....			<b>\$3,412,568</b>	<b>\$3,424,219</b>
General Fund Positions.....	39.00	39.00		
Nongeneral Fund Positions.....	9.50	9.50		
Position Level .....	48.50	48.50		
Fund Sources: General .....	\$2,892,568	\$2,904,219		
Special.....	\$425,000	\$425,000		
Federal Trust.....	\$95,000	\$95,000		
TOTAL FOR OFFICE OF NATURAL RESOURCES ....			<b>\$403,143,752</b>	<b>\$367,300,511</b>
			<b>\$396,734,638</b>	<b>\$409,122,481</b>
General Fund Positions.....	1,022.50	1,022.50		
Nongeneral Fund Positions.....	1,157.50	<del>1,157.50</del>		
		1,160.50		
Position Level .....	2,180.00	<del>2,180.00</del>		
		2,183.00		
Fund Sources: General .....	<del>\$133,283,407</del>	<del>\$102,083,611</del>		
	\$134,874,293	\$123,354,364		
Special.....	<del>\$39,551,250</del>	<del>\$39,302,539</del>		
	\$41,551,250	\$41,302,539		
Commonwealth Transportation .....	\$413,768	\$413,768		
Enterprise .....	\$12,359,321	\$12,359,321		
Trust and Agency .....	\$37,120,570	\$37,120,570		
Debt Service.....	\$236,144	\$236,144		
Dedicated Special Revenue .....	<del>\$101,297,683</del>	<del>\$96,902,949</del>		
	\$91,297,683	\$115,088,366		
Federal Trust.....	\$78,881,609	<del>\$78,881,609</del>		
		\$79,247,409		

ITEM 376.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY**

**§ 1-105. SECRETARY OF PUBLIC SAFETY (187)**

**§ 1-105.1. SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY (187)**

376.	Administrative and Support Services (79900).....			\$588,839	\$590,050
	General Management and Direction (79901).....	\$588,839	\$590,050		
	Fund Sources: General.....	\$588,839	\$590,050		

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety *and Homeland Security* shall present revised state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees by October 15, 2014, for each fiscal year through FY 2020 and by October 15, 2015, for each fiscal year through FY 2021. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

C. *The Secretary of Public Safety and Homeland Security, in consultation with the Secretaries of Administration and Technology, shall review the feasibility of implementing an integrated criminal justice system web portal for the purpose of securely disseminating information to federal, state, and local criminal justice agencies. Such a web portal would be intended to provide real-time access to information residing in the data systems of the respective agencies participating in the web portal, through a single secure point of entry. Consideration shall be given to the experience of other states in implementing web portals for similar purposes; the potential value to be gained from sharing information in Virginia's criminal justice system; the potential for supporting the costs for such a web portal through agency fees; and the costs, benefits, potential revenues, and time frames for implementing such a system. A preliminary report, including initial findings and recommendations, shall be presented to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.*

376.05.	Disaster Planning and Operations (72200).....			\$0	\$538,463
	Emergency Planning and Homeland Security (72210).....	\$0	\$538,463		
	Fund Sources: Federal Trust.....	\$0	\$538,463		

*The Secretary of Public Safety and Homeland Security, in consultation with the Director, Department of Emergency Management, the Executive Director, Virginia Resources Authority, and the Director, Department of Housing and Community Development, shall review and make recommendations regarding the provision of flood-proofing grants and loans to private property owners and businesses, provide an estimate of the magnitude of current flood-proofing needs, and provide estimates of annual amounts needed to address flood-proofing needs. The Secretary shall report the findings and recommendations of this review to the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding no later than December 1, 2015.*

ITEM 376.05.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Secretary of Public Safety .....			\$588,839	\$590,050
Total for Secretary of Public Safety and Homeland Security .....				\$1,128,513
General Fund Positions.....	6.00	6.00		
Position Level .....	6.00	6.00		
Fund Sources: General .....	\$588,839	\$590,050		
Federal Trust .....	\$0	\$538,463		
<b>§ 1-106. COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL (957)</b>				
377. Adjudication Training, Education, and Standards (32600) .....			\$971,001	\$971,636
			\$982,975	\$988,442
Prosecutorial Training (32604).....	\$971,001	\$971,636		
	\$982,975	\$988,442		
Fund Sources: General .....	\$828,963	\$829,585		
Special .....	\$640,937	\$646,391		
	\$142,038	\$142,051		
	\$342,038	\$342,051		
Authority: Title 2.2, Chapter 26, Article 7, Code of Virginia.				
Included in this appropriation is \$75,600 the first year and \$75,600 the second year from the general fund for a position to provide assistance and training for Commonwealth's attorneys to combat gang crime.				
A. In preparing the 2016-18 biennial state budget, and subsequent state budgets, the Department of Planning and Budget shall include in this item for Adjudication Training, Education, and Standards, an estimated amount of Trust and Agency Funds to represent the amounts proposed to be expended by the Council pursuant to Senate Bill 1360 and House Bill 2222, as adopted by the 2015 General Assembly.				
B. Notwithstanding the provisions of § 2.2-2619.1 of the Code of Virginia (pursuant to House Bill 2222 and Senate Bill 1360 of the 2015 General Assembly), up to \$200,000 shall be made available the first year and an additional \$200,000 shall be made available the second year to the Council from the Commonwealth's Attorneys Training Fund to support the training of Commonwealth's attorneys and their assistants.				
Total for Commonwealth's Attorneys' Services Council .			\$971,001	\$971,636
			\$982,975	\$988,442
General Fund Positions.....	7.00	7.00		
Position Level .....	7.00	7.00		
Fund Sources: General .....	\$828,963	\$829,585		
Special .....	\$640,937	\$646,391		
	\$142,038	\$142,051		
	\$342,038	\$342,051		
<b>§ 1-107. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (999)</b>				
378. Crime Detection, Investigation, and Apprehension (30400) .....			\$18,426,945	\$18,426,945
Enforcement and Regulation of Alcoholic Beverage Control Laws (30403).....	\$18,426,945	\$18,426,945		
Fund Sources: Enterprise .....	\$17,726,945	\$17,726,945		

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Federal Trust.....	\$700,000	\$700,000		

Authority: §§ 4-1 through 4-145, 9-6.14:1 through 9-6.14:25, Code of Virginia.

A. No funds appropriated for this program shall be used for enforcement personnel to enforce local ordinances.

B. Revenues of the fund appropriated in this Item and Item 382 of this act are limited to those received pursuant to Title 4, Code of Virginia, excepting taxes collected by the Alcoholic Beverage Control Board.

C. By September 1 of each year, the Alcoholic Beverage Control Board shall report for the prior fiscal year the dollar amount of total wine liter tax collections in Virginia; the portion, expressed in dollars, of such tax collections attributable to the sale of Virginia wine in both ABC stores and in private stores; and, the percentage of total wine liter tax collections attributable to the sale of Virginia wine. Such report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, Director, Department of Planning and Budget and the Virginia Wine Board.

379. Alcoholic Beverage Merchandising (80100).....			\$569,522,344	\$592,964,582
			\$579,604,844	\$633,548,848
Administrative Services (80101).....	\$37,382,199	\$38,424,437		
	\$38,782,199	\$56,387,237		
Alcoholic Beverage Control Retail Store Operations (80102).....	\$90,572,922	\$92,372,922		
	\$91,455,422	\$94,446,672		
Alcoholic Beverage Purchasing, Warehousing and Distribution (80103).....	\$441,567,223	\$462,167,223		
	\$449,367,223	\$482,714,939		
Fund Sources: Enterprise .....	\$569,522,344	\$592,964,582		
	\$579,604,844	\$633,548,848		

Authority: §§ 4-1 through 4-118.2, Code of Virginia and Item 643, Chapter 966 of the 1994 Acts of Assembly.

*A. Any plan to modernize and integrate the automated systems of the Department of Alcoholic Beverage Control shall be based on developing the integrated system in phases or modules.*

*A. The Secretary of Finance shall chair an advisory committee to review the progress of the Department of Alcoholic Beverage Control in planning, financing, procuring, and implementing the information technology systems necessary to sustain the department's business enterprise. Members of this committee shall include the Secretary of Public Safety and Homeland Security; the Director, Department of Planning and Budget; the Director, Department of Accounts; the Chief Information Officer of the Commonwealth; the Auditor of Public Accounts; and the Staff Directors of the House Appropriations and Senate Finance Committees and/or their designees.*

B. Funds appropriated for services related to state lottery operations shall be used solely for lottery ticket purchases and prize payouts.

C. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.

Total for Department of Alcoholic Beverage Control .....			\$587,949,289	\$611,391,527
			\$598,031,789	\$651,975,793
Nongeneral Fund Positions.....	1,127.00	1,149.00		
	1,141.00	1,167.00		
Position Level .....	1,127.00	1,149.00		
	1,141.00	1,167.00		

ITEM 379.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: Enterprise .....	\$587,249,289	\$640,691,527		
Federal Trust.....	\$597,331,789	\$651,275,793		
	\$700,000	\$700,000		

**§ 1-108. DEPARTMENT OF CORRECTIONS (799)**

380.	Instruction (19700).....		\$28,275,933	\$28,275,933
	Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$9,724,696		\$9,573,583
	Adult Instructional Services (19713) .....	\$12,173,152		\$12,324,265
	Instructional Leadership and Support Services (19714)....	\$6,378,085		\$6,378,085
	Fund Sources: General.....	\$27,765,655		\$27,765,655
	Federal Trust.....	\$510,278		\$510,278

Authority: §§ 53.1-5 and 53.1-10, Code of Virginia.

381.	Supervision of Offenders and Re-Entry Services (35100) .....		\$89,371,445	\$89,578,157
	Probation and Parole Services (35106).....	\$85,369,672		\$85,576,384
	Community Residential Programs (35108).....	\$1,963,556		\$1,963,556
	Administrative Services (35109) .....	\$2,038,217		\$2,038,217
	Fund Sources: General.....	\$87,546,113		\$87,752,825
	Special.....	\$85,000		\$85,000
	Dedicated Special Revenue.....	\$1,340,332		\$1,340,332
	Federal Trust.....	\$400,000		\$400,000

Authority: §§ 53.1-67.2 through 53.1-67.6 and §§ 53.1-140 through 53.1-176.3, Code of Virginia.

A. By September 1 of each year, the Department of Corrections shall provide a status report on the Statewide Community-Based Corrections System for State-Responsible Offenders to the Chairmen of the House Courts of Justice; Health, Welfare and Institutions; and Appropriations Committees and the Senate Courts of Justice; Rehabilitation and Social Services; and Finance Committees and to the Department of Planning and Budget. The report shall include a description of the department's progress in implementing evidence-based practices in probation and parole districts, and its plan to continue expanding this initiative into additional districts. The section of the status report on evidence-based practices shall include an evaluation of the effectiveness of these practices in reducing recidivism and how that effectiveness is measured.

B. Included in the appropriation for this Item is \$150,000 the first year and \$150,000 the second year from nongeneral funds to support the implementation of evidence-based practices in probation and parole districts. The source of the funds is the Drug Offender Assessment Fund.

382. A. The following process shall be applicable in order for any county, city, or regional jail authority (hereinafter referred to as "the locality") to receive state reimbursement for a portion of the costs of the construction, expansion, or renovation of a jail as provided in §§ 53.1-80 and 53.1-81, Code of Virginia:

1. The locality shall file with the Department of Corrections, by January 1 of the year in which it wishes its request to be considered, the following information in a format specified by the department:

- a. the information and documents required by § 53.1-82.1, Code of Virginia;
- b. Specifications for the proposed construction or renovation; and
- c. Detailed cost estimates.

2. The Department of Corrections shall review the request and make its comments and recommendations to the Board of Corrections.

<b>ITEM 382.</b>	<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
	<b>First Year</b>	<b>Second Year</b>	<b>First Year</b>	<b>Second Year</b>
	<b>FY2015</b>	<b>FY2016</b>	<b>FY2015</b>	<b>FY2016</b>

3. The Departments of Corrections and Criminal Justice Services shall review the community-based corrections plan and jail population forecast submitted by the locality and make their comments and recommendation concerning them to the Board of Corrections.

4. The Board of Corrections shall review and take action on the request, after reviewing the comments and recommendations of the Departments of Corrections and Criminal Justice Services. It may modify any aspect of the request before approving it. The board shall not approve any request unless the following conditions have been met:

- a. the project is consistent with the projected number of local and state responsible offenders to be housed in such facility;
- b. the project meets the design criteria set out in the Board of Corrections’ Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities;
- c. the project is proposed to be built using standards for a minimum security facility, as adopted by the board, unless the use of more expensive construction standards is justified, based on a documented projection of offender populations that would require a higher level of security;
- d. the project can be completed and operated in a cost-efficient manner; and
- e. any other criteria established by the board.

5. If the Board of Corrections approves a request, the Department of Corrections shall notify the Department of Planning and Budget by October 1 of the board’s action and submit a summary of the project and a detailed list of the board-approved costs to the department.

6. If the Board of Corrections approves a request, the Department of Criminal Justice Services shall submit to the Department of Planning and Budget by October 1 a summary of the alternatives to incarceration included in the community-based corrections plan approved for the project, along with a projection of the state funds needed to implement these programs.

7. The Department of Planning and Budget shall submit to the Governor, for consideration for inclusion in the budget bill to be submitted by the Governor to the General Assembly, its recommendations concerning the approval of the request for reimbursement of jail construction or renovation costs and whether state funding is appropriate to support the alternatives to incarceration included in the community-based corrections plan.

B. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved for funding by the General Assembly. The report shall be limited to those projects which increase bed capacity. The report shall include a brief summary description of each project, the total capital cost of the project and the approved state share of the capital cost, the number of beds approved, along with the net number of new beds if existing beds are to be removed, and the closure of any existing facilities, if applicable. The report shall include the six-year population forecast, as well as the double-bunking capacity compared to the rated capacity for each project listed. The report shall also include the general fund impact on community corrections programs as reported by the Department of Criminal Justice Services, and the recommended financing arrangements and estimated general fund requirements for debt service as provided by the State Treasurer. Copies of the report shall be provided by October 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees and to the Director, Department of Planning and Budget.

C.1. No city, county, town or regional jail shall authorize the construction, remodeling, renovation or rehabilitation of any facility to house any inmate in secure custody which results in increased jail capacity without the prior approval of the Board of Corrections.

2. Any facility operated by any local or regional jail in the Commonwealth which houses any inmate in secure custody shall be subject to the operational provisions of §§ 53.1-5 and 53.1-68, Code of Virginia, as well as all rules, regulations, and inspections established by the Board of Corrections.

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D. The Board of Corrections shall include within its reporting formats on the capacity of each local and regional jail, a measure of the actual jail capacity, which shall include double-bunking, with exceptions as appropriate, in the judgment of the Board, for isolation, segregation, or medical cells, or similar units which would not normally be double-bunked. Exceptions to this measure of capacity may also be made for jails which were constructed prior to 1980. A report including the double-bunking capacity, as well as the standard Board of Corrections measure of rated capacity, for each jail shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 1 of each year.

*E. The Commonwealth shall reimburse localities or regional jail authorities for up to 25 percent of the cost of constructing, enlarging, or renovating regional jails, for regional jail projects approved by the Governor on or after July 1, 2015, consistent with the provisions of Senate Bill 1049 of the 2015 General Assembly.*

383.	Operation of State Residential Community Correctional Facilities (36100) .....			\$18,334,035	\$18,334,035
	Community Facility Management (36101) .....	\$1,802,028	\$1,802,028		
	Supervision and Management of Probates (36102).....	\$11,902,763	\$11,902,763		
	Rehabilitation and Treatment Services - Community Residential Facilities (36103) .....	\$1,486,113	\$1,486,113		
	Medical and Clinical Services - Community Residential Facilities (36104) .....	\$829,127	\$829,127		
	Food Services - Community Residential Facilities (36105) .....	\$1,249,195	\$1,249,195		
	Physical Plant Services - Community Residential Facilities (36106) .....	\$1,064,809	\$1,064,809		
	Fund Sources: General .....	\$16,634,035	\$16,634,035		
	Special .....	\$1,700,000	\$1,700,000		

Authority: §§ 53.1-67.2 through 53.1-67.8, Code of Virginia.

A. Included within this appropriation is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be used for operating expenses of diversion centers operated by the Department of Corrections. The nongeneral funds are to come from the fees collected from probationers, assigned to the diversion centers, to cover a portion of the cost of housing them, pursuant to § 19.2-316.3 C, Code of Virginia.

B. Notwithstanding the provisions of § 53.1-67.1, Code of Virginia, the Department of Corrections shall not be required to operate a boot camp program for offenders placed on probation.

384.	Operation of Secure Correctional Facilities (39800).....			\$898,342,668	\$904,551,704
	Supervision and Management of Inmates (39802).....	\$457,374,733	\$458,665,820	\$909,096,240	\$935,217,673
			\$467,605,728		
	Rehabilitation and Treatment Services - Prisons (39803) .....	\$40,035,628	\$40,035,628		
	Prison Management (39805).....	\$68,124,755	\$68,124,755		
	Food Services - Prisons (39807) .....	\$42,646,568	\$42,646,568		
	Medical and Clinical Services - Prisons (39810).....	\$156,987,549	\$161,804,267		
		\$167,741,121	\$183,530,328		
	Agribusiness (39811) .....	\$9,424,651	\$9,424,651		
	Correctional Enterprises (39812).....	\$54,680,835	\$54,680,835		
	Physical Plant Services - Prisons (39815).....	\$69,067,949	\$69,169,180		
	Fund Sources: General .....	\$838,828,885	\$845,037,924		
		\$849,774,318	\$875,895,751		
	Special .....	\$57,410,835	\$57,410,835		

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Dedicated Special Revenue .....	\$990,047	\$990,047		
Federal Trust .....	<del>\$1,112,901</del>	<del>\$1,112,901</del>		
	\$921,040	\$921,040		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is \$1,005,000 in the first year and \$1,005,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$170,000 the first year and \$170,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;
2. \$780,000 the first year and \$780,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and
3. \$75,000 the first year and \$75,000 the second year for the "Pen Pals" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

2. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 67 of this act.

D. To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.

E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.

F. It is the intention of the General Assembly that § 53.1-47, the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.

G. Out of this appropriation, ~~\$1,112,901~~ \$921,040 the first year and ~~\$1,112,901~~ \$921,040 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

H.1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections; and (iii) whom the

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court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.

2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.

3. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety *and Homeland Security* and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.

I. Included in the appropriation for this Item is \$250,000 the first year and \$250,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program. The State Comptroller shall continue the Inmate Culinary Arts Training Program Fund in the Commonwealth Accounting and Reporting System to reflect the revenue and expenditures of this program.

J.1. The Department of Corrections shall continue to coordinate with the Department of Medical Assistance Services and the Department of Social Services to enroll eligible inmates in Medicaid. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor sources associated with inpatient and outpatient health care services, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner. The Departments of Medical Assistance Services and Corrections shall provide a joint report on the implementation of this initiative and the expected cost savings to the Commonwealth. Copies of this report shall be provided to the Secretaries of Health and Human Services and Public Safety, and to the Chairmen of the House Appropriations and Senate Finance Committees, by October 1, 2014.

~~2. Subject to the Department of Medical Assistance Services obtaining approval from the U.S. Centers for Medicare and Medicaid Services and completion of any subsequently required state plan and regulatory changes, the director of the Department of Corrections, or his designee, may sign the Medicaid application form for any inmate who refuses, or is unable, to sign, for purposes of Medicaid reimbursement for eligible offenders. The Department of Medical Assistance Services shall modify state regulations and the state plan for medical assistance, if necessary, to permit the director of the Department of Corrections, or his designee, to sign the Medicaid application form for any inmate who refuses, or is unable, to sign for the purposes of Medicaid reimbursement for eligible inmates. The Department of Medical Assistance Services shall have the authority to implement these changes prior to the completion of any regulatory process undertaken to effect such change.~~

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K. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.

L. Included in the appropriation for this item is funding for the first year and the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has contracted with a private vendor to provide inmate medical services.

M. The Department of Corrections shall continue to operate a separate program for inmates under 18 years old who have been tried and convicted as adults and committed to the Department of Corrections. This separation of these offenders from the general prison population is required by the requirements of the federal Prison Rape Elimination Act.

N. The property known as the Culpeper Juvenile Correctional Center shall be transferred to the Department of Corrections for operation as an adult correctional facility. The transfer shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth shall prepare, execute, and deliver such documents as may be necessary to accomplish the transfer.

O. The amounts paid into the Corrections Special Reserve Fund established pursuant to § 30-19.1:4, Code of Virginia, shall be used in the first year to offset a portion of the budgeted amounts for the operation of secure correctional facilities.

*P.1. The Department of Corrections shall develop and issue a Request for Information for the comprehensive management and provision of health care services for (i) all inmates confined at facilities not covered by the August 4, 2014, solicitation for health care management services, and (ii) all inmates confined at Department facilities statewide. This request for information shall focus on identifying health care management models that use the best practices and cost containment methods employed by Medicaid managed care organizations in delivering provider-managed and outcome-based comprehensive health care services. These services shall include consolidated management and operational responsibility for delivering all primary and specialty care, nursing, x-ray, dialysis, dental, medical supplies, laboratory services, and pharmaceuticals, as well as all off-site care, case management, and related services. Specific information shall be sought on 1) how existing state-funded managed care networks can be leveraged; 2) federal health care funding opportunities; 3) identifying state-of-the-art practices in care coordination and utilization review; and 4) identifying innovative correctional health care management systems being used or developed in other states. A report summarizing the responses to the Request for Information and estimating the potential long-term savings from the approaches identified in the responses shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget no later than October 1, 2015.*

*2. The Department shall provide to the Secretary of Public Safety and Homeland Security, the Directors of the Departments of Planning and Budget and Human Resources Management, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2016, a report assessing:*

*a. The costs, benefits, and administrative actions required to eliminate the Department's reliance on a private contractor for the delivery of inmate health care at multiple facilities, and to provide the same services internally using either state employees or individual contract medical personnel.*

*b. The costs, benefits, and administrative actions required to transition to a statewide health care management model that uses best practices and cost containment methods employed by prison health care management and Medicaid managed care organizations to deliver provider-managed and outcome-based comprehensive health care services through a single statewide contract for all of the Department's adult correctional centers.*

*c. A review of the Department's actual cost experience comparing the previous arrangement in which the contractor assumed full financial risk for the payment of off-site inpatient and outpatient services, and the current and proposed arrangement in which the Department assumes that risk and also receives any Medicaid reimbursement for such off-site expenses. For*

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*purposes of analyzing the first arrangement, it is assumed that the benefit of any Medicaid or other third-party reimbursement for hospital or other services would accrue to the contractor. This review shall also compare cost trends experienced by other states which have adopted these two arrangements.*

*d. A comparison of the costs and benefits of the Department's current management of inmate health care, including the model envisioned in its August 2014 Request for Proposals, to the alternative models the Department is directed to assess in subsections a, b, and c above.*

*e. The Department of Human Resources Management, the Department of Planning and Budget and other executive branch agencies shall provide technical assistance to the Department as needed.*

*Q. Out of the amounts appropriated for this item, \$6,939,908 the second year from the general fund is provided for a \$1,000 increase in the salaries for all correctional officers and all correctional officers senior who are employed at Department of Corrections facilities statewide, effective August 10, 2015. The \$1,000 salary increase shall not be included for the purposes of calculating the two percent salary increase authorized in Item 467 of this act.*

385.	Administrative and Support Services (39900).....			\$100,506,587	<del>\$100,468,441</del> \$101,568,441
	General Management and Direction (39901).....	\$17,433,744	<del>\$17,433,744</del> \$17,533,744		
	Information Technology Services (39902).....	\$34,884,230	\$35,187,353		
	Accounting and Budgeting Services (39903).....	\$4,131,747	\$4,244,940		
	Architectural and Engineering Services (39904).....	\$8,033,463	<del>\$7,466,848</del> \$8,066,848		
	Human Resources Services (39914).....	\$5,351,339	<del>\$5,351,339</del> \$5,751,339		
	Planning and Evaluation Services (39916).....	\$658,701	\$658,701		
	Procurement and Distribution Services (39918).....	\$13,733,838	\$13,845,991		
	Training Academy (39929).....	\$7,237,908	\$7,237,908		
	Offender Classification and Time Computation Services (39930).....	\$9,041,617	\$9,041,617		
	Fund Sources: General.....	\$91,496,708	<del>\$92,029,648</del> \$93,129,648		
	Special.....	\$8,859,879	\$8,288,793		
	Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$5,509,879 the first year and \$4,938,793 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system, including the development of an electronic health records system. In addition to any general fund appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is \$2,800,000 the first year and \$2,800,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections

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Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety *and Homeland Security* and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. The Department of Corrections is exempted from the approval requirements of Chapter 11 of the Construction and Professional Services Manual as issued by the Division of Engineering and Buildings. The Department of Corrections may authorize and initiate design-build contracts as deemed appropriate by the Director, Department of Corrections, in accordance with §§ 2.2-4301 and 2.2-4306, Code of Virginia.

F. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

G. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

H. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

I. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

J. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

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K. Included in the appropriation for this Item is \$566,663 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

- a. Senate Bill 14.....\$50,000
- b. Senate Bill 65 and  
House Bill 810.....\$50,000
- c. Senate Bill 454 and  
House Bill 235.....\$50,000
- d. Senate Bill 476.....\$50,000
- e. Senate Bill 594 and  
House Bill 1112.....\$66,663
- f. House Bill 567.....\$50,000
- g. House Bill 575.....\$50,000
- h. House Bill 708.....\$50,000
- i. House Bill 972.....\$50,000
- j. House Bill 976      \$50,000
- k. House Bill 1251.....\$50,000.

L. Out of the appropriation for this Item, \$142,644 the first year and \$142,644 the second year from the general fund is continued for the ongoing financing costs of purchasing a generator for Deep Meadow Correctional Center through the state’s master equipment lease purchase program.

M. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

N. Included in the appropriation for this Item is \$500,000 the second year from the general fund and six positions to enable the agency to bolster its recruitment efforts of medical professionals and to strengthen the coordination and administration of medical services for inmates.

O. Included in the appropriation for this Item is \$600,000 the second year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

- 1. House Bill 1493 — \$50,000
- 2. House Bill 1702 — \$50,000
- 3. House Bill 1807 and Senate Bill 1231 — \$50,000
- 4. House Bill 1839 — \$50,000

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5. House Bill 1964 and Senate Bill 1188 — \$200,000				
6. House Bill 2040 — \$50,000				
7. House Bill 2070 and Senate Bill 1424 — \$50,000				
8. House Bill 2385 — \$50,000				
9. Senate Bill 1056 — \$50,000				
<i>P. No funding appropriated in this act for the Department of Corrections shall be used to distribute or make available to prisoners incarcerated in state correctional facilities obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2.</i>				
<i>Q. The Department of Corrections is authorized to use funds from the amounts paid into the Corrections Special Reserve Fund pursuant to paragraph O. of Item 385 to conduct a preplanning study relating to replacement of the Powhatan Correctional Center.</i>				
Total for Department of Corrections.....			<b>\$1,134,830,668</b>	<b>\$1,141,208,270</b>
			<b>\$1,145,584,240</b>	<b>\$1,172,974,239</b>
General Fund Positions.....	12,607.50	12,617.50		
		12,623.50		
Nongeneral Fund Positions.....	240.50	240.50		
Position Level .....	12,848.00	12,858.00		
		12,864.00		
Fund Sources: General.....	\$1,062,271,396	\$1,069,220,084		
	\$1,073,216,829	\$1,101,177,914		
Special.....	\$68,055,714	\$67,484,628		
Dedicated Special Revenue.....	\$2,480,379	\$2,480,379		
Federal Trust.....	\$2,023,179	\$2,023,179		
	\$1,831,318	\$1,831,318		
<b>§ 1-109. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)</b>				
386. Criminal Justice Training and Standards (30300).....			\$1,719,653	\$1,719,653
Law Enforcement Training and Education Assistance (30306) .....	\$1,719,653	\$1,719,653		
Fund Sources: General.....	\$1,684,653	\$1,684,653		
Special.....	\$35,000	\$35,000		
Authority: Title 9.1, Chapter 1, Code of Virginia.				
387. Criminal Justice Research, Planning and Coordination (30500).....			\$439,292	\$439,292
Criminal Justice Research, Statistics, Evaluation, and Information Services (30504).....	\$439,292	\$439,292		
Fund Sources: General.....	\$439,292	\$439,292		
Authority: Title 9.1, Chapter 1; Title 19.2, Chapter 23.1, Code of Virginia.				
388. Asset Forfeiture and Seizure Fund Management and Financial Assistance Program (30600).....			\$5,940,538	\$5,940,538
Coordination of Asset Seizure and Forfeiture Activities (30602) .....	\$5,940,538	\$5,940,538		
Fund Sources: Special.....	\$5,940,538	\$5,940,538		
Authority: Title 19.2, Chapter 22.1, Code of Virginia.				

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389.				
Financial Assistance for Administration of Justice Services (39000).....			\$79,010,071	<del>\$79,010,071</del> \$79,060,071
Financial Assistance for Administration of Justice Services (39001).....	\$79,010,071	<del>\$79,010,071</del> \$79,060,071		
Fund Sources: General.....	\$35,922,292	<del>\$35,922,292</del> \$35,972,292		
Special.....	\$100,000	\$100,000		
Trust and Agency.....	\$10,000,000	\$10,000,000		
Dedicated Special Revenue.....	\$11,487,779	\$11,487,779		
Federal Trust.....	\$21,500,000	\$21,500,000		

Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$12,000,000 the first year and an estimated \$12,000,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, nine percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$729,930 the first year and \$729,930 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:

1.a. Regional training academies for criminal justice training, \$496,546 the first year and \$496,546 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.

b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2014, through June 30, 2016.

2. Virginia Crime Victim-Witness Fund, \$5,124,059 the first year and \$5,124,059 the second year from dedicated special revenue, and \$2,635,000 the first year and \$2,635,000 the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.

3.a. Court Appointed Special Advocate (CASA) programs, \$1,176,179 the first year and \$1,176,179 the second year from the general fund.

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b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.				
4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.				
5. Offender Reentry and Transition Services (ORTS), \$2,286,144 the first year and \$2,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.				
6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.				
7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.				
8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job.				
C.1. Out of this appropriation, \$23,817,037 the first year and \$23,817,037 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 53.1-182.1, Code of Virginia) and the Pretrial Services Act (§ 19.2-152.4, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.				
2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.				
D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.				
2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.				
E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.				

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F.1. Out of this appropriation, \$1,700,000 the first year and \$1,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.				
2. The Director, Department of Criminal Justice Services, is authorized to expend \$357,285 the first year and \$357,285 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.				
3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.				
4. Pursuant to the adoption of House Bills 2344 and 2345 by the 2013 Session of the General Assembly, included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the development of a model critical incident response training program for public school personnel and others providing services to public schools, and the development of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.				
G. Included in the amounts appropriated in this Item is \$382,500 the first year and \$382,500 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) to provide core and comprehensive services to victims of sexual violence.				
H.1. Out of the amounts appropriated for this Item, \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$600,000 the first year and \$600,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$500,000 the first year and \$500,000 the second year.				
2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.				
3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above and notwithstanding the provisions of paragraph AA. of § 3-1.01 in Part 3 of this act, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children as contained in this item; paragraph E. of Item 339 of this act; and, Item 414 of this act, pursuant to § 17.1-275.12, Code of Virginia.				
I. The Department of Criminal Justice Services shall publish and disseminate a model policy for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are aware of human trafficking offenses and the identification of victims of human trafficking.				
J. Out of the amounts appropriated for this item, \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.				

ITEM 390.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
390.	Regulation of Professions and Occupations (56000) .....		\$3,689,944	\$3,689,944
		Business Regulation Services (56033).....	\$3,116,201	\$3,116,201
		Towing Licensing Oversight Services (56035) .....	\$573,743	\$573,743
	Fund Sources: Special.....		\$3,689,944	\$3,689,944
	Authority: Title 9.1, Chapter 1, Article 4, §§ 9.1-141, 9.1-139, 9.1-143, and 9.1-149, Code of Virginia.			
391.	Financial Assistance to Localities - General (72800) .....		\$172,412,837	\$172,412,837
		Financial Assistance to Localities Operating Police Departments (72813).....	\$172,412,837	\$172,412,837
	Fund Sources: General.....		\$172,412,837	\$172,412,837

Authority: Title 9.1, Chapter 1, Article 8, Code of Virginia.

A. The funds appropriated in this Item shall be distributed to localities with qualifying police departments, as defined in §§ 9.1-165 through 9.1-172, Code of Virginia (HB 599), except that, in accordance with the requirements of § 15.2-1302, Code of Virginia, such funds shall also be distributed to a city without a qualifying police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of § 15.2-3500 et seq. of the Code of Virginia. *Notwithstanding the provisions of §§ 9.1-165 through 9.1-172, Code of Virginia, the total amount to be distributed to localities shall be \$172,412,837 the first year and \$172,412,837 the second year. The amount to be distributed to each locality in each year shall be equal to the amount distributed in fiscal year 2014.* The amount to be distributed to such a city created by consolidation shall equal the sum distributed to the city during the year prior to the effective date of the consolidation, net of any additional funds allocated by the Compensation Board to the sheriff of the consolidated city as a result of such consolidation, as adjusted in proportion to the increase or decrease in the total amount distributed to all localities during the applicable year. The amount to be distributed to each locality in each year shall be at least equal to the amount distributed to that locality in FY 2014.

B. For purposes of receiving funds in accordance with this program, it is the intention of the General Assembly that the Town of Boone's Mill shall be considered to have had a police department in operation since the 1980-82 biennium and is therefore eligible for financial assistance under Title 9.1, Chapter 1, Article 8, Code of Virginia (House Bill 599).

C.1. It is the intent of the General Assembly that state funding provided to localities operating police departments be used to fund local public safety services. Funds provided in this item shall not be used to supplant the funding provided by localities for public safety services.

2. To ensure that state funding provided to localities operating police departments does not supplant local funding for public safety services, all localities shall annually certify to the Department of Criminal Justice Services the amount of funding provided by the locality to support public safety services and that the funding provided in this item was used to supplement that local funding. This certification shall be provided in such manner and on such date as determined by the department. The department shall provide this information to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days following the submission of the local certifications.

D. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by the locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the superintendent that the data is accurate, the director shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.

E. *Effective July 1, 2015, the Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due to a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe the police department within a locality is not registering sex offenders as required in*

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>§ 9.1-903, Code of Virginia. Upon subsequent notification by the Superintendent that the local law enforcement agency is compliant with the requirements of § 9.1-903, Code of Virginia, the Director shall make reimbursement of withheld funding due to the locality in the same fiscal year in which the local law enforcement agency comes into compliance.</i></p>				
392.	Administrative and Support Services (39900).....		\$1,952,218	\$2,033,595
	General Management and Direction (39901).....	\$1,772,944		
	Information Technology Services (39902).....	\$179,274		
	Fund Sources: General.....	\$1,144,457		
	Special.....	\$807,110		
	Federal Trust.....	\$651		
	Authority: Title 9.1, Chapter 1, Code of Virginia.			
	Total for Department of Criminal Justice Services.....		<b>\$265,164,553</b>	<b>\$265,245,930</b>
				<del>\$265,295,930</del>
	General Fund Positions.....	48.50		
	Nongeneral Fund Positions.....	68.50		
	Position Level .....	117.00		
	Fund Sources: General.....	\$211,603,531		
			\$211,663,192	
			<del>\$211,713,192</del>	
	Special.....	\$10,572,592		
	Trust and Agency .....	\$10,000,000		
	Dedicated Special Revenue.....	\$11,487,779		
	Federal Trust.....	\$21,500,651		

**§ 1-110. DEPARTMENT OF EMERGENCY MANAGEMENT (127)**

393.	Emergency Preparedness (77500) .....		\$29,239,033	\$29,182,286
	Financial Assistance for Emergency Management and Response (77501).....	\$20,334,681		
	Emergency Planning, Training and Exercises (77502) .....	\$8,904,352		
			<del>\$8,847,605</del>	
			\$8,829,605	
	Fund Sources: General.....	\$1,506,080		
			\$1,449,333	
			<del>\$1,431,333</del>	
	Special.....	\$1,363,518		
	Federal Trust.....	\$26,369,435		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, §§ 44-146.13 through 44-146.28:1 and 44-146.31 through 44-146.40, Code of Virginia.

A. Included within this appropriation is the continuation of \$160,810 the first year and \$160,810 the second year from the Fire Programs Fund to support the department's hazardous materials training program.

B. Included in this appropriation is \$99,762 the first year and \$133,015 the second year from the general fund that shall be used by the Department of Emergency Management to establish a sheltering coordinator position. The purpose of this position is to improve the safety and security of the citizens of the Commonwealth upon evacuation and subsequent housing in a local or state shelter. The Coordinator shall be responsible for, but not be limited to, improving and coordinating the Commonwealth's sheltering preparedness and capabilities in the event of evacuations due to natural or man-made disasters by reviewing, evaluating and developing a state-wide master plan for the operation of state and local emergency shelters in the Commonwealth. The Coordinator shall establish an integrated system for coordinating the planning and operation of state emergency shelters, and facilitate cooperation among local entities and state agencies in the sheltering preparedness efforts in the Commonwealth. By October 1 of each year, the Coordinator shall provide a status report on the Commonwealth's emergency shelter capabilities and readiness to the Governor, the Secretary of Veterans Affairs

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and ~~Homeland Security~~ *and Defense Affairs*, the Secretary of Public Safety *and Homeland Security*, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees.

394.	Emergency Response and Recovery (77600) .....			\$23,104,689	<del>\$23,004,689</del> \$23,179,019
	Emergency Response and Recovery Services (77601) .....	\$3,486,689	<del>\$3,386,689</del> \$3,561,019		
	Financial Assistance for Emergency Response and Recovery (77602).....	\$19,618,000	\$19,618,000		
	Fund Sources: General.....	\$415,904	<del>\$315,904</del> \$490,234		
	Special.....	\$616,602	\$616,602		
	Commonwealth Transportation .....	\$1,106,877	\$1,106,877		
	Federal Trust.....	\$20,965,306	\$20,965,306		

Authority: Title 44, Chapters 3.2 through 3.5, §§ 44-146.17, 44-146.18(c), 44-146.22, 44-146.28(a) Code of Virginia.

A. Subject to authorization by the Governor, the Department of Emergency Management may employ persons to assist in response and recovery operations for emergencies or disasters declared either by the President of the United States or by the Governor of Virginia. Such employees shall be compensated solely with funds authorized by the Governor or the federal government for the emergency, disaster, or other specific event for which their employment was authorized. The Director, Department of Planning and Budget, is authorized to increase the agency's position level based on the number of positions approved by the Governor.

B. The Secretary of Finance, consistent with any Executive Order signed by the Governor, may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse localities and state agencies for costs associated with Emergency Management Assistance Compact (EMAC) mission assignments. Such loans shall be based on the reimbursements anticipated under the Emergency Management Assistance Compact (EMAC) and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months.

C.1. Localities receiving reimbursements from the department for Emergency Management Assistance Compact (EMAC) mission costs shall reimburse the Department of Emergency Management for any overpayments within sixty (60) days of written notification of such overpayment.

2. Overpayment amounts shall be based on the difference between the amount reimbursed to the locality by the Department of Emergency Management and the amount reimbursed to the Department of Emergency Management by the state requesting emergency aid under the Compact.

3. If the locality does not reimburse the Department of Emergency Management the overpaid amount within sixty (60) days of being notified, the Comptroller is authorized to withhold from any funds to be transferred to the locality the amount overpaid to the locality and transfer such withheld funds to the Department of Emergency Management.

D. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse the department for disaster related costs. Such loans shall be based on the federal reimbursements anticipated in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months, if necessary.

E. The Department of Emergency Management shall report on the method of creation, the coordination between, the method of funding for, and its authority to use the Virginia Disaster Relief Fund, the Disaster Recovery Fund, and the Disaster Response Fund to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2014.

ITEM 395.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
395.	Virginia Emergency Operations Center (77800) .....			\$2,308,076	\$2,308,076
	Virginia Emergency Operations Center (VEOC) and Communications (77801).....	\$2,308,076	<del>\$2,308,076</del> \$2,350,826		<del>\$2,308,076</del> \$2,350,826
	Fund Sources: General .....	\$919,394	<del>\$919,394</del>		
	Special.....	\$589,110	\$962,144		
	Federal Trust.....	\$799,572	\$589,110		

Authority: Title 44 and § 52-47, Code of Virginia.

Included within this appropriation is \$382,124 the first year and ~~\$382,124~~ \$424,874 the second year from the general fund to support the Integrated Flood Observing and Warning System (IFLOWS) program.

396.	Administrative and Support Services (79900).....			\$6,473,482	\$6,616,775
	General Management and Direction (79901).....	\$6,473,482	<del>\$6,616,775</del> \$6,592,529		<del>\$6,616,775</del> \$6,592,529
	Fund Sources: General .....	\$3,697,945	<del>\$3,780,307</del>		
	Special.....	\$357,872	\$418,803		
	Commonwealth Transportation .....	\$63,762	\$63,762		
	Federal Trust.....	\$2,353,903	\$2,353,903		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, Code of Virginia.

A. By September 1 of each year, the State Coordinator of Emergency Management shall assess emergencies and disasters that have been authorized sum sufficient funding by the Governor and provide to the Department of Planning and Budget written justification to support continuing sum sufficient funding longer than one year for a locally declared emergency (or disaster), three years for a state declared disaster, and five years for a nationally declared disaster. At the same time, the state coordinator shall identify any disasters that can be closed due to fulfillment of the state's obligations.

B.1. Localities and eligible private non-profit organizations that have received cost reimbursement through state and/or federal assistance programs to support homeland security and eligible recovery and mitigation projects and initiatives associated with disaster events, that are subsequently notified that either a portion or all of the funds provided are to be returned, shall reimburse the Virginia Department of Emergency Management for such overpayments, including any interest accrued on such funds, within sixty (60) days of being notified and receiving the request for reimbursement.

2. Overpayment amounts shall be based on the difference between the amount reimbursed or prepaid to the entity involved by the Department of Emergency Management and the final amount approved by the granting agency. Localities and eligible private non-profit organizations shall certify that no interest was earned on overpaid funds if no interest is included in the remittance.

3. If the entity does not reimburse the Virginia Department of Emergency Management within 60 days of being notified, the Comptroller is authorized to withhold the amount of overpayment from any eligible funds to be transferred to the locality or organization and redirect the funds withheld to the Virginia Department of Emergency Management to satisfy the outstanding liability.

4. The Department of Emergency Management shall not provide future prepayments to any locality or eligible private non-profit organization once the Comptroller has been required to withhold funding.

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C. Included within this appropriation is \$820,901 the first year and ~~\$820,901~~ \$570,901 the second year from the general fund that shall only be used for costs associated with transforming the agency's information systems to conform with standards of the Virginia Information Technologies Agency.

D. Out of this appropriation, \$28,876 the first year and \$57,752 the second year from the general fund for the financing costs of purchasing two vehicles in the first year and an additional two vehicles in the second year through the state's master equipment lease purchase program. It is the intent that the department establish a schedule for replacing emergency response vehicles using the master equipment lease purchase program.

397. A. All funds transferred to the Department of Emergency Management pursuant to the Governor's authority under § 44-146.28, Code of Virginia, shall be deposited into a special fund account to be used only for Disaster Recovery.

B. Included in the Federal Trust appropriation are amounts estimated at \$34,592 the first year and \$34,592 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this act. Amounts recovered in excess of these estimates shall be deposited to the general fund.

Total for Department of Emergency Management.....			<b>\$61,125,280</b>	<b>\$61,111,826</b>
				<b>\$61,286,660</b>
General Fund Positions.....	44.85	44.85		
		45.85		
Nongeneral Fund Positions.....	109.15	109.15		
Position Level .....	154.00	154.00		
		155.00		
Fund Sources: General.....	\$6,539,323	<del>\$6,464,938</del>		
		\$6,639,772		
Special.....	\$2,927,102	\$2,988,033		
Commonwealth Transportation .....	\$1,170,639	\$1,170,639		
Federal Trust.....	\$50,488,216	\$50,488,216		

**§ 1-111. DEPARTMENT OF FIRE PROGRAMS (960)**

398. Fire Training and Technical Support Services (74400) ....			<del>\$7,007,398</del>	<del>\$7,007,398</del>
			\$7,507,398	\$7,507,398
Fire Services Management and Coordination (74401).....	<del>\$2,198,093</del>	<del>\$2,198,093</del>		
	\$2,698,093	\$2,698,093		
Virginia Fire Services Research (74402).....	\$302,274	\$302,274		
Fire Services Training and Professional Development (74403) .....	\$2,173,775	\$2,173,775		
Technical Assistance and Consultation Services (74404) .....	\$2,128,643	\$2,128,643		
Emergency Operational Response Services (74405).....	\$15,000	\$15,000		
Public Fire and Life Safety Educational Services (74406) .....	\$189,613	\$189,613		
Fund Sources: Special.....	<del>\$7,007,398</del>	<del>\$7,007,398</del>		
	\$7,507,398	\$7,507,398		

Authority: Title 9.1, Chapter 2 and § 38.2-401, Code of Virginia.

Notwithstanding the provisions of § 38.2-401, Code of Virginia, up to 25 percent of the revenue available from the Fire Programs Fund, after making the distributions set out in § 38.2-401 D, Code of Virginia, may be used by the Department of Fire Programs to pay for the administrative costs of all activities assigned to it by law.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
399.	Financial Assistance for Fire Services Programs (76400) .....		\$23,825,000	\$23,825,000
			\$29,825,000	\$29,825,000
	Fire Programs Fund Distribution (76401).....	\$20,500,000	\$20,500,000	
		\$26,500,000	\$26,500,000	
	Burn Building Grants (76402).....	\$2,500,000	\$2,500,000	
	Categorical Grants (76403).....	\$825,000	\$825,000	
	Fund Sources: Special.....	\$23,575,000	\$23,575,000	
		\$29,575,000	\$29,575,000	
	Federal Trust.....	\$250,000	\$250,000	
	Authority: §§ 38.2-401, Code of Virginia.			
400.	Regulation of Structure Safety (56200) .....		\$2,910,209	\$2,930,222
	State Fire Prevention Code Administration (56203) .....		\$2,910,209	\$2,930,222
	Fund Sources: General.....	\$2,368,475	\$2,370,100	
	Special.....	\$541,734	\$560,122	
	Authority: §§ 9.1-201, 9.1-206, and 27-94 through 27-99, Code of Virginia.			
	The State Fire Marshall may charge no fee for any permits or inspections of any school, whether it be public or private.			
	Total for Department of Fire Programs .....		\$33,742,607	\$33,762,620
			\$40,242,607	\$40,262,620
	General Fund Positions.....	29.00	29.00	
	Nongeneral Fund Positions.....	43.00	43.00	
	Position Level .....	72.00	72.00	
	Fund Sources: General.....	\$2,368,475	\$2,370,100	
	Special.....	\$31,124,132	\$31,142,520	
		\$37,624,132	\$37,642,520	
	Federal Trust.....	\$250,000	\$250,000	

**§ 1-112. DEPARTMENT OF FORENSIC SCIENCE (778)**

401.	Law Enforcement Scientific Support Services (30900) ....		\$40,783,829	\$41,018,243
			\$40,822,427	\$41,457,793
	Biological Analysis Services (30901).....	\$11,583,366	\$11,602,002	
		\$11,621,964	\$12,041,552	
	Chemical Analysis Services (30902) .....	\$11,839,163	\$11,901,323	
	Physical Evidence Services (30904) .....	\$7,549,843	\$7,637,843	
	Training and Standards Services (30905).....	\$1,564,380	\$1,564,380	
	Administrative Services (30906) .....	\$8,247,077	\$8,312,695	
	Fund Sources: General.....	\$38,276,833	\$38,511,247	
		\$38,315,431	\$38,950,797	
	Federal Trust.....	\$2,506,996	\$2,506,996	

Authority: §§ 9.1-1100 through 9.1-1113, Code of Virginia.

A. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Forensic Science shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

B.1. The Forensic Science Board shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chairman of the

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Forensic Science Board and to the respective Chairmen of the House and Senate Committees for Courts of Justice. The Department of Corrections shall assist the board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chairman of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board.

2. Upon a request pursuant to the Virginia Freedom of Information Act for a certificate of analysis that has been issued in connection with the Post Conviction DNA Testing Program and that reflects that a convicted person's DNA profile was not indicated on items of evidence tested, the Department of Forensic Science shall make available for inspection and copying such requested record after all personal and identifying information about the victims, their family members, and consensual partners has been redacted, except where disclosure of the information contained therein is expressly prohibited by law or the Commonwealth's Attorney to whom the certificate was issued states that the certificate is critical to an ongoing active investigation and that disclosure jeopardizes the investigation.

Total for Department of Forensic Science.....			<b>\$40,783,829</b>	<b>\$41,018,243</b>
			<del>\$40,822,427</del>	<del>\$41,457,793</del>
General Fund Positions.....	310.00	310.00		
Position Level .....	310.00	310.00		
Fund Sources: General.....	\$38,276,833	\$38,511,247		
	\$38,315,431	\$38,950,797		
Federal Trust.....	\$2,506,996	\$2,506,996		

**§ 1-113. DEPARTMENT OF JUVENILE JUSTICE (777)**

402.	Instruction (19700).....			\$14,725,178	\$14,230,562
	Youth Instructional Services (19711).....	\$7,685,305	\$7,190,689		
	Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$2,788,693	\$2,788,693		
	Instructional Leadership and Support Services (19714)....	\$4,251,180	\$4,251,180		
	Fund Sources: General.....	\$12,234,392	\$11,739,776		
	Special.....	\$170,536	\$170,536		
	Federal Trust.....	\$2,320,250	\$2,320,250		

Authority: § 66-13.1, Code of Virginia.

403.	Operation of Community Residential and Nonresidential Services (35000).....			\$3,320,293	\$3,320,293
	Community Residential and Non-Residential Custody and Treatment Services (35008).....	\$3,320,293	\$3,320,293		
	Fund Sources: General.....	\$3,247,866	\$3,247,866		
	Special.....	\$50,000	\$50,000		
	Federal Trust.....	\$22,427	\$22,427		

Authority: §§ 16.1-246 through 16.1-258, 16.1-286, 16.1-291 through 16.1-295, 66-13, 66-14, 66-22 and 66-24, Code of Virginia.

A. Services funded out of this appropriation may include intensive supervision, day treatment, boot camp, and aftercare services, and should be integrated into existing services for juveniles.

B. Included in the appropriation for this Item is \$2,920,000 in the first year and \$2,920,000 in the second year from the general fund for a Juvenile Community Placement Program, in which the department may contract with local juvenile detention centers to house juveniles committed to the department prior to their release. The funding provided shall support a minimum of 40 juvenile detention center beds. The department shall develop program guidelines that at a



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C. The Department of Juvenile Justice shall reimburse localities, pursuant to § 66-15, Code of Virginia, at the rate of \$50 per day for housing juveniles who have been committed to the department, for each day after the department has received a valid commitment order and other pertinent information as required by § 16.1-287, Code of Virginia.

D. Notwithstanding the provisions of §16.1-322.1 of the Code of Virginia, the department shall apportion to localities the amounts appropriated in this Item.

E.1. The appropriation for Financial Assistance for Community Based Alternative Treatment Services includes \$10,379,926 the first year and \$10,379,926 the second year from the general fund for the implementation of the financial assistance provisions of the Juvenile Community Crime Control Act (VJCCCA), §§ 16.1-309.2 through 16.1-309.10, Code of Virginia. Notwithstanding § 16.1-309.6, Code of Virginia, localities participating in this program and contributing through their local match an amount of local funds which is greater than they receive from the Commonwealth under this program are authorized, but not required, to provide a contribution greater than the state general fund contribution. In no case shall their local match be less than their state share.

2. Notwithstanding the provisions of §§ 16.1-309.2 through 16.1-309.10, Code of Virginia, the Board of Juvenile Justice shall establish guidelines for use in determining the types of programs for which VJCCCA funding may be expended. The department shall establish a format to receive biennial or annual requests for funding from localities, based on these guidelines. For each program requested, the plan shall document the need for the program, goals, and measurable objectives, and a budget for the proposed expenditure of these funds and any other resources to be committed by localities.

3.a. Notwithstanding the provisions of § 16.1-309.7 B, Code of Virginia, unobligated VJCCCA funds must be returned to the department by each grantee locality no later than October 1 of the fiscal year following the fiscal year in which they were received, or a similar amount may be withheld from the current fiscal year's periodic payments designated by the department for that locality. The Director, Department of Planning and Budget, may increase the general fund appropriation for this Item up to the amount of unobligated VJCCCA funds returned to the Department of Juvenile Justice.

b. All such unobligated and reappropriated balances shall be used by the department for the purpose of awarding short-term supplementary grants to localities, for programs and services which have been demonstrated to improve outcomes, including reduced recidivism, of juvenile offenders. Such programs and services must augment and support current VJCCCA-funded programs within each affected locality. The grantee locality shall submit an outcomes report to the department, in accord with a written memorandum of agreement which shall accompany the supplementary grant award. This provision shall apply to funds obligated to and in the possession of the department and its grant recipients. The entity which returns unobligated funds under this provision shall not have a presumptive entitlement to a supplementary grant.

c. The Department of Juvenile Justice, with the assistance of the Department of Corrections, the Virginia Council on Juvenile Detention, juvenile court service unit directors, juvenile and domestic relations district court judges, and juvenile justice advocacy groups, shall provide a report on the types of programs supported by the Juvenile Community Crime Control Act and whether the youth participating in such programs are statistically less likely to be arrested, adjudicated or convicted, or incarcerated for either misdemeanors or crimes that would otherwise be considered felonies if committed by an adult.

F. The department shall consolidate the annual reporting requirements in §§ 2.2-222 and 66-13 and in Chapters 755 and 914 of the 1996 Acts of the General Assembly concerning juvenile offender demographics. The consolidated annual report shall address the progress of Virginia Juvenile Community Crime Control Act programs including the requirements in Article 12.1 of Chapter 11 of Title 16.1 (§ 16.1-309.2 et seq.) relating to the number of juveniles served, the average cost for residential and nonresidential services, the number of employees, and descriptions of the contracts entered into by localities. Notwithstanding any other provisions of the Code of Virginia, the consolidated report shall be submitted to the Governor, the General Assembly, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget by the first day of the regular General Assembly session.

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
406.			\$64,237,223	\$64,702,254
	Operation of Secure Correctional Facilities (39800).....			
	Juvenile Corrections Center Management (39801) .....	\$6,346,582	\$6,346,582	
	Food Services - Prisons (39807) .....	\$6,160,580	\$6,160,580	
	Medical and Clinical Services - Prisons (39810).....	\$8,469,324	\$8,469,324	
	Physical Plant Services - Prisons (39815).....	\$7,986,917	\$7,986,917	
	Offender Classification and Time Computation Services (39830) .....	\$1,357,130	\$1,357,130	
	Juvenile Supervision and Management Services (39831) .....	\$24,030,587	\$24,495,618	
	Juvenile Rehabilitation and Treatment Services (39832)..	\$9,886,103	\$9,886,103	
	Fund Sources: General .....	\$60,641,799	\$61,106,830	
	Special .....	\$2,092,691	\$2,092,691	
	Dedicated Special Revenue .....	\$48,000	\$48,000	
	Federal Trust.....	\$1,454,733	\$1,454,733	
	Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of Virginia.			
	A. The Department of Juvenile Justice shall retain all funds paid for the support of children committed to the department to be used for the security, care, and treatment of said children.			
	B. The Director, Department of Juvenile Justice, in response to the continuing downward trend of the juvenile population and requirements imposed by the federal government, is directed to implement the downsizing and repurposing of its juvenile facilities. It is anticipated that by relocating the juveniles at the Culpeper Juvenile Correctional Center, the agency will be able to increase the efficiency and effectiveness of its operations and enhance the services provided to juveniles committed to state facilities in the areas of education, re-entry, mental health treatment, health services, and various other programmatic areas.			
	C. Included in the appropriation for this Item is \$3,906,720 and 72 juvenile correctional officer positions in the second year from the general fund to meet requirements of the Prison Rape Elimination Act (PREA).			
407.			\$19,206,141	\$19,470,978
	Administrative and Support Services (39900).....			
	General Management and Direction (39901).....	\$5,603,799	\$5,672,124	
	Information Technology Services (39902).....	\$5,632,924	\$5,829,436	
	Accounting and Budgeting Services (39903) .....	\$4,343,622	\$4,343,622	
	Architectural and Engineering Services (39904).....	\$431,459	\$431,459	
	Food and Dietary Services (39907) .....	\$377,555	\$377,555	
	Human Resources Services (39914).....	\$2,180,668	\$2,180,668	
	Planning and Evaluation Services (39916).....	\$636,114	\$636,114	
	Fund Sources: General .....	\$17,876,501	\$18,139,962	
	Special .....	\$984,139	\$985,515	
	Federal Trust.....	\$345,501	\$345,501	
	Authority: §§ 66-3 and 66-13, Code of Virginia.			
	Total for Department of Juvenile Justice.....		\$206,627,222	\$206,924,974
	General Fund Positions.....	2,149.50	2,149.50	
	Nongeneral Fund Positions.....	21.00	21.00	
	Position Level .....	2,170.50	2,170.50	
	Fund Sources: General .....	\$196,447,317	\$196,743,693	
	Special .....	\$3,442,366	\$3,443,742	
	Dedicated Special Revenue .....	\$48,000	\$48,000	
	Federal Trust.....	\$6,689,539	\$6,689,539	

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**§ 1-114. DEPARTMENT OF MILITARY AFFAIRS (123)**

408.	Higher Education Student Financial Assistance (10800).. Tuition Assistance (10811).....	\$3,021,951	\$3,021,951	\$3,021,951	\$3,021,951
	Fund Sources: General.....	\$3,021,951	\$3,021,951		
	Authority: Title 44, Chapters 1 and 2; § 23-7.3, Code of Virginia.				
409.	At Risk Youth Residential Program (18700) ..... Virginia Commonwealth Challenge Program (18701).....	\$4,877,351	\$4,877,351	\$4,877,351	\$4,877,351
	Fund Sources: General.....	\$1,548,470	\$1,548,470		
	Dedicated Special Revenue.....	\$50,000	\$50,000		
	Federal Trust.....	\$3,278,881	\$3,278,881		

Authority: Discretionary Inclusion.

A. The Department of Military Affairs is hereby authorized to designate building space at the State Military Reservation as an in-kind match for the receipt of federal funds under the Commonwealth Challenge program, equivalent to a value of \$253,040 each year.

B. Out of this appropriation, up to \$350,000 the first year and up to \$350,000 the second year in nongeneral funds is provided to establish a STARBASE youth education program to improve math and science skills to prepare students for careers in engineering and other science-related fields of study.

410.	Defense Preparedness (72100).....			\$45,956,419	\$45,956,419
	Armories Operations and Maintenance (72101).....	\$8,168,459	\$8,168,459		
	Virginia State Defense Force (72104) .....	\$218,952	\$218,952		
	Security Services (72105).....	\$4,343,082	\$4,343,082		
	Fort Pickett and Camp Pendelton Operations (72109) .....	\$22,784,886	\$22,784,886		
	Other Facilities Operations and Maintenance (72110).....	\$10,441,040	\$10,441,040		
	Fund Sources: General.....	\$3,074,630	\$3,074,630		
	Special.....	\$780,382	<del>\$780,382</del>		
			\$2,280,382		
	Dedicated Special Revenue.....	\$1,747,735	\$1,747,735		
	Federal Trust.....	\$40,353,672	<del>\$40,353,672</del>		
			\$38,853,672		

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The Department is authorized to receive payments from localities resulting from reimbursement agreements with the Virginia Defense Force, an organization of the Virginia National Guard. The Department may disburse up to \$30,000 the first year and \$30,000 the second year from these payments to the Virginia Defense Force. Included in the appropriation for this Item is \$30,000 the first year and \$30,000 the second year from nongeneral funds for this purpose.

411.	Disaster Planning and Operations (72200).....			a sum	sufficient
	Communications and Warning System (72201).....	a sum	sufficient		
	Disaster Assistance (72203).....	a sum	sufficient		
	Fund Sources: General.....	a sum	sufficient		

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The amount for Disaster Planning and Operations provides for a military contingent fund, out of which to pay the military forces of the Commonwealth when aiding the civil authorities.

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<p>B. In the event units of the Virginia National Guard shall be in federal service, the sum allocated herein for their support shall not be used for any different purpose, except with the prior written approval of the Governor, other than to provide for the Virginia State Defense Force or for safeguarding properties used by the Virginia National Guard.</p>				
412.	Administrative and Support Services (79900).....		\$6,800,643	\$7,157,227
	General Management and Direction (79901).....	\$3,402,576		\$3,759,160
	Telecommunications (79930).....	\$3,398,067		\$3,398,067
	Fund Sources: General.....	\$2,803,869		\$3,046,063
	Dedicated Special Revenue.....	\$377,131		\$477,131
	Federal Trust.....	\$3,619,643		\$3,634,033

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The Department of Military Affairs shall advise and provide assistance to the Department of Accounts in administering the \$20,000 death benefit provided for certain members of the National Guard and United States military reserves killed in action in any armed conflict as of October 7, 2001, pursuant to § 44-93.1.B., Code of Virginia.

B. Included in this appropriation is \$240,000 the second year from the general fund and \$100,000 the second year from nongeneral funds for the financing costs of purchasing STARS radio communication equipment through the state's master equipment lease program.

Total for Department of Military Affairs.....			<b>\$60,656,364</b>	<b>\$61,012,948</b>
General Fund Positions.....	51.47	51.47		
Nongeneral Fund Positions.....	307.03	307.03		
Position Level .....	358.50	358.50		
Fund Sources: General.....	\$10,448,920	\$10,691,114		
Special.....	\$780,382	<del>\$780,382</del>		
		\$2,280,382		
Dedicated Special Revenue.....	\$2,174,866	\$2,274,866		
Federal Trust.....	\$47,252,196	<del>\$47,266,586</del>		
		\$45,766,586		

**§ 1-115. DEPARTMENT OF STATE POLICE (156)**

413.	Information Technology Systems, Telecommunications and Records Management (30200).....		\$49,333,967	<del>\$49,493,531</del> \$49,616,571
	Information Technology Systems and Planning (30201)..	\$11,550,045		<del>\$11,709,609</del> \$11,832,649
	Criminal Justice Information Services (30203).....	\$7,833,955		\$7,833,955
	Telecommunications and Statewide Agencies Radio System (Stars) (30204).....	\$25,840,605		\$25,840,605
	Firearms Purchase Program (30206).....	\$1,431,612		\$1,431,612
	Sex Offender Registry Program (30207).....	\$2,403,653		\$2,403,653
	Concealed Weapons Program (30208).....	\$274,097		\$274,097
	Fund Sources: General.....	\$41,771,226		<del>\$41,930,790</del> \$42,053,830
	Special.....	\$3,102,706		\$3,102,706
	Dedicated Special Revenue.....	\$3,700,000		\$3,700,000
	Federal Trust.....	\$760,035		\$760,035

Authority: §§ 18.2-308.2:2, 19.2-387, 19.2-388, 27-55, 52-4, 52-4.4, 52-8.5, 52-12, 52-13, 52-15, 52-16, 52-25 and 52-31 through 52-34, Code of Virginia.

A.1. It is the intent of the General Assembly that wireless 911 calls be delivered directly by the Commercial Mobile Radio Service (CMRS) provider to the local Public Safety Answering Point (PSAP), in order that such calls be answered by the local jurisdiction within which the call originates, thereby minimizing the need for call transfers whenever possible.

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2. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$3,700,000 the first year and \$3,700,000 the second year from the Wireless E-911 Fund is included in this appropriation for telecommunications to offset dispatch center operations and related costs incurred for answering wireless 911 telephone calls.

B. Out of the Motor Carrier Special Fund, \$900,000 the first year and \$900,000 the second year shall be disbursed on a quarterly basis to the Department of State Police.

C.1. This appropriation includes \$9,175,535 the first year and \$9,175,535 the second year from the general fund for maintaining the Statewide Agencies Radio System (STARS).

2. The Secretary of Public Safety *and Homeland Security*, in conjunction with the STARS Management Group and the Superintendent of State Police, shall provide a status report on (1) annual operating costs; (2) the status of site enhancements to support the system; (3) the project timelines for implementing the enhancements to the system; and (4) other matters as the secretary may deem appropriate. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. The STARS Management Group, the Superintendent of State Police, the Department of Military Affairs, and the Department of Planning and Budget shall assess and determine the STARS equipment needs of the Department of Military Affairs. A report setting out the needed components and their estimated costs shall be provided on or before September 1, 2014, to the Secretary of Public Safety *and Homeland Security* and the Director, *of the* Department of Planning and Budget. Any bond proceeds authorized for the STARS project that remain after the full implementation of the STARS network shall be made available for the STARS equipment needs of the Department of Military Affairs.

D. The department shall deposit to the general fund an amount estimated at \$100,000 the first year and \$100,000 the second year resulting from fees generated by additional criminal background checks of local job applicants and prospective licensees collected pursuant to § 15.2-1503.1 of the Code of Virginia.

E. Notwithstanding the provisions of §§ 19.2-386.14, 38.2-415, 46.2-1167 and 52-4.3, Code of Virginia, the Department of State Police may use revenue from the State Asset Forfeiture Fund, the Insurance Fraud Fund, the Drug Investigation Trust Account - State, and the Safety Fund to modify, enhance or procure automated systems that focus on the Commonwealth's law enforcement activities and information gathering processes.

F. The Superintendent of State Police is authorized to and shall establish a policy and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the registry. The State Superintendent of State Police shall charge no fee for the transfer of any information from the Virginia Sex Offender Registry to the Statewide Automated Victim Notification (SAVIN) system.

414.	Law Enforcement and Highway Safety Services (31000) .....			\$243,674,788	\$239,411,684 \$240,591,684
	Aviation Operations (31001) .....	\$8,385,211	<del>\$6,785,211</del> \$7,185,211		
	Commercial Vehicle Enforcement (31002).....	\$4,831,625	\$4,831,625		
	Counter-Terrorism (31003).....	\$5,219,413	\$5,219,413		
	Help Eliminate Auto Theft (Heat) (31004) .....	\$2,816,350	\$1,763,991		
	Drug Enforcement (31005).....	\$19,785,193	\$19,785,193		
	Crime Investigation and Intelligence Services (31006).....	\$28,644,996	<del>\$28,644,996</del> \$29,244,996		
	Uniform Patrol Services (Highway Patrol) (31007).....	\$140,688,174	<del>\$140,441,311</del> \$140,621,311		
	Insurance Fraud Program (31009).....	\$6,563,882	\$5,200,000		

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Vehicle Safety Inspections (31010) .....	\$20,733,013	\$20,733,013		
Sex Offender Registry Program Enforcement (31011) .....	\$6,006,931	\$6,006,931		
Fund Sources: General .....	\$187,523,855	\$187,576,992		
		\$188,156,992		
Special .....	\$31,604,715	\$27,288,474		
Commonwealth Transportation .....	\$8,166,805	\$8,166,805		
Trust and Agency .....	\$20,000	\$20,000		
Dedicated Special Revenue .....	\$8,047,951	\$8,047,951		
		\$8,647,951		
Federal Trust .....	\$8,311,462	\$8,311,462		

Authority: §§ 27-56, ~~33.1-292~~ 33.2-1726, 46.2-1157 through 46.2-1187, 52-1, 52-4, 52-4.2, 52-4.3, 52-8, 52-8.1, 52-8.2, 52-8.4 and 56-334, Code of Virginia.

A. Included in this appropriation is \$810,687 the first year and \$810,687 the second year from Commonwealth Transportation Funds for the personal and associated nonpersonal services costs for eight positions. These positions will be dedicated to patrolling the I-95/395/495 Interchange.

B. Included in this appropriation is \$4,831,625 the first year and \$4,831,625 the second year from the Commonwealth Transportation Fund to support enforcement operations at weigh stations statewide.

C. Included in this appropriation is \$1,631,282 the first year and \$1,631,282 the second year from Commonwealth Transportation Funds that shall be used to support the personal and associated nonpersonal services costs for trooper positions. These positions will be assigned to the "Highway Safety Corridors" and work to supplement the Department of State Police's enforcement efforts in those corridors.

D. The Department of State Police shall modify the implementation of the division of drug law enforcement established pursuant to § 52-8.1:1, Code of Virginia, and shall redirect, as may be necessary, resources heretofore provided for that purpose by the General Assembly for the purposes of homeland security, the gathering of intelligence on terrorist activities, the preparation for response to a terrorist attack and any other activity determined by the Governor to be crucial to strengthening the preparedness of the Commonwealth against the threat of natural disasters and emergencies. Nothing in this Item shall be construed to prohibit the Department of State Police from performing drug law enforcement or investigation as otherwise provided for by the Code of Virginia.

E. Included within this appropriation is \$3,098,098 the first year and ~~\$3,098,098~~ \$3,498,098 the second year from the Rescue Squad Assistance Fund to support the department's aviation (med-flight) operations. *Included within the amount for the second year is \$400,000 from the general fund, which shall be provided to the County of Chesterfield for use in funding the paramedics assigned to the Department of State Police for aviation (Med-Flight) operations, and for related Med-Flight expenses.*

F. In the event that special fund revenues for this Item exceed expenditures, the balance of such revenues may be used for air medical evacuation equipment improvements, information technology upgrades or for motor vehicle replacement.

G. Included in this appropriation is \$110,000 the first year and \$110,000 the second year from the general fund to maintain increased traffic enforcement on Interstate 81. These funds shall be used to provide overtime payments for extended and additional work shifts so as to maintain the enhanced level of State Police patrols on this and other public highways in the Commonwealth.

H.1. Included in the appropriation for this Item is sufficient funding to support, in addition to sworn positions, at least 43 non-sworn positions for monitoring persons required to comply with the requirements of the Sex Offender Registry. The department shall coordinate monitoring and verification activities related to registry requirements with other state and local law enforcement agencies that have responsibility for monitoring or supervising individuals who are also required to comply with the requirements of the Sex Offender Registry.

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2. The Secretary of Public Safety *and Homeland Security*, in conjunction with the Superintendent of State Police, shall report on the implementation of the monitoring of offenders required to comply with the Sex Offender Registry requirements. The report shall include at a minimum: (1) the number of verifications conducted; (2) the number of investigations of violations; (3) the status of coordination with other state and local law enforcement agencies activities to monitor Sex Offender Registry requirements; and (4) an update of the sex offender registration and monitoring section in the department's current "Manpower Augmentation Study." This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees each year by January 1.

I. Included within this appropriation is \$200,000 the first year and \$200,000 the second year from nongeneral funds to be used by the Department of State Police to record revenue related to overtime work performed by troopers at the end of a fiscal year and for which reimbursement was not received by the department until the following fiscal year. The Department of Accounts shall establish a revenue code and fund detail for this revenue.

J. Included within this appropriation is \$100,000 the first year and \$100,000 the second year from the general fund for the Department of State Police to enhance its capabilities in recruiting minority troopers. Funding is to support increased marketing and advertising efforts for recruiting minorities.

K. Included within this appropriation is \$116,988 the first year and \$116,988 the second year from the Department of Aviation's special fund to support the aviation operations of the Department of State Police.

L.1 Out of the amounts appropriated for this Item, \$600,000 the first year and ~~\$600,000~~ \$1,200,000 the second year from nongeneral funds shall be distributed to the department to expand the operations of the Northern Virginia Internet Crimes Against Children Task Force.

2. Pursuant to paragraph H.2 of Item 389, the Northern Virginia Internet Crimes Against Children Task Force shall provide a report on the actual expenditures and performance results achieved each year. Copies of this report shall be provided each year to the Secretary of Public Safety *and Homeland Security* and the Chairmen of the House Appropriations and Senate Finance Committees by October 1.

M. Out of the appropriation for this Item, \$1,543,733 the first year and \$1,543,733 the second year from the general fund is continued for the ongoing financing costs of purchasing two helicopters through the state's master equipment lease purchase program.

N. Included within this appropriation is \$1,600,000 the first year from nongeneral funds to purchase a replacement law enforcement fixed wing aircraft. The source of the nongeneral funds is the Purdue Frederick Co Fed Assets Forfeiture Fund.

O. The Department of State Police shall review the costs and benefits of acquiring state-of-the-art identity intelligence and intelligence analytics systems for use by the Department of State Police and other Virginia law-enforcement agencies. A report on this review shall be provided to the Secretary of Public Safety *and Homeland Security* and the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2014.

*P. Effective July 1, 2015, the Superintendent of State Police shall provide training to all local law enforcement agencies on the proper method to register and re-register persons required to be registered with the Sex Offender and Crimes Against Minors Registry. Should the Superintendent have reason to believe that any local law enforcement agency is not registering sex offenders as required by § 9.1-903, Code of Virginia, the Superintendent shall notify the local law enforcement agency, as well as the Executive Secretary of the Compensation Board and the Director of the Department of Criminal Justice Services.*

*Q. The Department of State Police shall review the current configuration of area offices statewide to determine if there are certain geographical or other measurable factors which should be considered in the alignment of area offices. The Department shall determine whether such factors would justify the creation of any additional area offices in order to achieve material improvements in operational efficiency, response time, or other performance measures related to public safety. A report on the department's findings and recommendations*

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<i>shall be provided to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2015.</i>				
415.	Administrative and Support Services (39900).....		\$21,210,243	\$21,232,979
	General Management and Direction (39901).....	\$5,281,428		\$5,281,428
	Accounting and Budgeting Services (39903).....	\$1,759,604		\$1,782,001
	Human Resources Services (39914).....	\$1,948,979		\$1,948,979
	Physical Plant Services (39915).....	\$5,338,925		\$5,339,264
	Procurement and Distribution Services (39918).....	\$2,077,778		\$2,077,778
	Training Academy (39929).....	\$4,158,438		\$4,158,438
	Cafeteria (39931).....	\$645,091		\$645,091
	Fund Sources: General.....	\$20,115,152		\$20,137,888
	Special.....	\$1,070,091		\$1,070,091
	Dedicated Special Revenue.....	\$25,000		\$25,000

Authority: §§ 52-1 and 52-4, Code of Virginia.

The Superintendent of State Police shall establish written procedures for the timely and accurate electronic reporting of crime data reported to the Department of State Police in accordance with the provisions of § 52-28, Code of Virginia. The procedures shall require the principal officer of the reporting organization to certify that the information provided is, to his knowledge and belief, a true and accurate report. Should the superintendent have reason to believe that any crime data is missing, incomplete or incorrect after audit of the data, the superintendent shall notify the reporting organization, as well as the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services. Upon receiving and verifying resubmitted data that corrects the report, the superintendent shall notify the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services that the missing, incomplete or incorrect data has been satisfactorily submitted.

416. All revenue received from the sale of motor vehicles shall be reported separately from that received from the sale of other property of the department.

Total for Department of State Police.....			<b>\$314,218,998</b>	<b><del>\$310,138,194</del></b> <b>\$311,441,234</b>
General Fund Positions.....	2,544.00	<del>2,544.00</del> 2,546.00		
Nongeneral Fund Positions.....	378.00	378.00		
Position Level.....	2,922.00	<del>2,922.00</del> 2,924.00		
Fund Sources: General.....	\$249,410,233	<del>\$249,645,670</del> \$250,348,710		
Special.....	\$35,777,512	\$31,461,271		
Commonwealth Transportation.....	\$8,166,805	\$8,166,805		
Trust and Agency.....	\$20,000	\$20,000		
Dedicated Special Revenue.....	\$11,772,951	<del>\$11,772,951</del> \$12,372,951		
Federal Trust.....	\$9,071,497	\$9,071,497		

**§ 1-116. VIRGINIA PAROLE BOARD (766)**

417.	Probation and Parole Determination (35200).....		\$1,397,033	\$1,397,297
	Adult Probation and Parole Services (35201).....	\$1,397,033		\$1,397,297
	Fund Sources: General.....	\$1,397,033		\$1,397,297

Authority: Title 53.1, Chapter 4, Code of Virginia.

Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia. If any such inmate is also eligible

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for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia, the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for conditional geriatric release.				
Total for Virginia Parole Board .....			<b>\$1,397,033</b>	<b>\$1,397,297</b>
General Fund Positions.....	12.00	12.00		
Position Level .....	12.00	12.00		
Fund Sources: General.....	\$1,397,033	\$1,397,297		
<b>TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY .....</b>			<b>\$2,708,055,683</b>	<b>\$2,734,773,515</b>
			<b>\$2,735,442,327</b>	<b>\$2,816,146,443</b>
General Fund Positions.....	17,809.82	17,819.82		
		17,828.82		
Nongeneral Fund Positions.....	2,294.18	2,316.18		
	2,308.18	2,334.18		
Position Level .....	20,104.00	20,136.00		
	20,118.00	20,163.00		
Fund Sources: General.....	\$1,780,180,863	\$1,788,126,970		
	\$1,790,976,868	\$1,821,269,030		
Special.....	\$152,821,838	\$148,030,410		
	\$159,521,838	\$156,230,410		
Commonwealth Transportation .....	\$9,337,444	\$9,337,444		
Enterprise .....	\$587,249,289	\$610,691,527		
	\$597,331,789	\$651,275,793		
Trust and Agency .....	\$10,020,000	\$10,020,000		
Dedicated Special Revenue .....	\$27,963,975	\$28,063,975		
		\$28,663,975		
Federal Trust .....	\$140,482,274	\$140,503,189		
	\$140,290,413	\$139,349,791		

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**OFFICE OF TECHNOLOGY**

**§ 1-117. SECRETARY OF TECHNOLOGY (184)**

418.	Administrative and Support Services (79900).....			\$515,982	\$516,574
	General Management and Direction (79901).....	\$515,982	\$516,574		
	Fund Sources: General.....	\$515,982	\$516,574		
	Authority: Title 2.2, Chapter 2, Article 9, Code of Virginia.				
	Total for Secretary of Technology .....			<b>\$515,982</b>	<b>\$516,574</b>
	General Fund Positions.....	5.00	5.00		
	Position Level .....	5.00	5.00		
	Fund Sources: General.....	\$515,982	\$516,574		

**§ 1-118. INNOVATION AND ENTREPRENEURSHIP INVESTMENT AUTHORITY (934)**

419.	Economic Development Services (53400).....			\$8,316,873	\$8,328,212
	Technology Entrepreneurial Development Services (53415) .....	\$5,299,554	\$5,310,893	\$8,510,873	\$8,232,562
		\$5,493,554	\$5,215,243		
	Commonwealth Technology Policy Services (53416).....	\$44,392	\$44,392		
	Technology Industry Development Services (53419) .....	\$1,862,511	\$1,862,511		
	Technology Industry Research and Developmental Services (53420).....	\$1,110,416	\$1,110,416		
	Fund Sources: General.....	\$8,316,873	\$8,328,212		
		\$8,510,873	\$8,232,562		

Authority: Title 2.2, Chapter 22, Code of Virginia, and Discretionary Inclusion.

A.1. The appropriation in this Item shall be used for the purpose of and in accordance with the terms and conditions specified in Title 2.2, Chapter 22, Code of Virginia.

2. Out of the amounts appropriated for the Innovation and Entrepreneurship Investment Authority, an amount equal to \$50,000 shall be used to create the Commonwealth Innovation and Entrepreneurship Measurement System to measure activities worthy of economic development and institutional focus in furtherance of the Commonwealth Research and Development Roadmap.

B. The Innovation and Entrepreneurship Investment Authority is hereby authorized to transfer funds in this appropriation to the Center for Innovative Technology to expend said funds for realizing the statutory purposes of the Authority, by contracting with governmental and private entities, notwithstanding the provisions of § 4-1.05 b of this act.

C. This appropriation shall be disbursed in twelve equal monthly installments each fiscal year.

D. Before the beginning of each fiscal year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget, a report of its operating plan. Within three months after the end of the fiscal year, the center shall submit to the same entities a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the formats as approved by the Director, Department of Planning and Budget.

D.1. No later than July 15 of each year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Technology, and the Director, Department of Planning and Budget, a

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*report of its operating plan for each year of the biennium. Within three months after the end of the fiscal year, the center shall submit to the same entities a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the formats as approved by the Director, Department of Planning and Budget and include, but not be limited to the following:*

*a. All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources of both the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

*b. A listing of the salaries, bonuses, and benefits of all employees of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

*c. By program, total grants made and investments awarded for each grant and investment program, to include the Commonwealth Research Commercialization Fund;*

*d. By program, a report of the projected economic impact on the Commonwealth and recoveries of previous grants or investments and sales of equity positions; and*

*e. Cash balances by funding source, and a report, by program, of available, committed and projected expenditures of all cash balances.*

*2. The President of the Center shall report quarterly to the Center's board of directors, and the Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Technology, and the Director, Department of Planning and Budget in a format approved by the Board the following:*

*a. The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures to planned revenues and expenditures for the fiscal year;*

*b. All investments and grants executed compared to projected investment closings, return on prior investments and grants, including all gains and losses; and*

*c. The financial and programmatic performance of all operating entities owned by the Center.*

*E. As part of its mission to foster technological innovation in the Commonwealth, the Innovation and Entrepreneurship Investment Authority is encouraged to include in its activities Virginia private research universities.*

*F.1. The Center for Innovative Technology shall continue to support efforts of public and quasi-public bodies within the Commonwealth to enhance or facilitate the prompt availability of and access to advanced electronic communications services, commonly known as broadband, throughout the Commonwealth, monitoring trends and advances in advanced electronic communications technology to plan and forecast future needs for such technology, and identify funding options.*

*2. Out of the amounts appropriated in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to support broadband planning and assistance to localities. The Center for Innovative Technology shall provide technical assistance to localities where wired broadband services are not currently available, or where under-served communities have been identified, in order to assist those localities in determining the issues, business practices, and vendor requirements, including an assessment of the existing technologies, for the provision of broadband services to their citizens.*

*G. The General Assembly supports the Innovation and Entrepreneurship Investment Authority's stated mission to enhance federal research funding to Virginia's colleges and universities and to industry. It is also the intent of the General Assembly to promote a greater reliance by the authority on nongeneral fund revenues for the authority's operations and programs.*

*H. Notwithstanding any other provision of law, any interest earned on moneys in the Advanced Communications Assistance Fund, as well as any moneys remaining in the fund at the end of each fiscal year, including interest thereon, shall be reverted to the general fund.*

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<p>I. <del>From the amounts appropriated in this Item</del> A total of \$3,100,000 the first year and \$3,100,000 the second year <del>from the general fund</del> shall be allocated to the Commonwealth Growth Accelerator Program fund to foster the development of Virginia-based technology, biosciences, and energy companies. This funding shall be used to underwrite immediate first financing for new early-stage companies and achieve an average rate of return of not less than 11:1.</p>				
<p>1. <i>From the amounts provided in this paragraph for the Commonwealth Growth Accelerator Program and provided for the Commonwealth Research Commercialization Fund in Item 101 of this act, the Innovation and Entrepreneurship Investment Authority is authorized to utilize up to \$2,000,000 in the second year to support the operations of "MACH-37" if the private funding campaign undertaken to secure \$3,000,000 in private capitalization has not fulfilled its funding goal by July 1, 2015.</i></p>				
<p>2. <i>Out of this appropriation, \$1,100,000 the first year and \$3,100,000 the second year from the general fund is provided to support the Commonwealth Growth Accelerator Program fund.</i></p>				
<p>3. <i>In addition to this appropriation, \$2,000,000 the first year, to come from undesignated balances at the Center for Innovative Technology as of June 30, 2014, shall be allocated to the Commonwealth Growth Accelerator Program fund.</i></p>				
<p>J.1. <del>Out of the appropriation for this item,</del> <i>The Center for Innovative Technology is authorized to use up to \$500,000 the first year from unobligated balances existing as of June 30, 2014 and \$500,000 the second year from the general fund is provided</i> to support research and programmatic activities, as well as foster growth and diversification within the Commonwealth's initiatives in modeling and simulation. In addition, the Center for Innovative Technology shall work to expand modeling and simulation into new industries including, but not limited to, health care, advanced manufacturing, and <del>u</del>Unmanned <del>s</del>Systems. The Center for Innovative Technology, in cooperation with the Governor's modeling and simulation advisory council and the Virginia Economic Development Partnership shall jointly develop a business plan for growing modeling and simulation startups companies and job opportunities in Virginia. A final business plan shall be communicated to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance by September 1, 2015.</p>				
<p>2. <i>Out of this appropriation, \$500,000 the second year from the general fund is provided to support the advancement of unmanned systems companies and development of the unmanned systems industry in the Commonwealth. The Center for Innovative Technology shall develop a business plan for growing the unmanned systems industry. A final business plan shall be communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.</i></p>				
<p>K.1. <del>Out of the appropriation for this item,</del> \$500,000 the first year <del>and \$500,000 the second year</del> from the general fund is provided to support and expand the Commonwealth's initiatives in cyber security and cyber data analytics. <i>In addition, \$500,000 the second year from the general fund shall support the Virginia Cyber Security Commission and its recommendations.</i></p>				
<p>2. <i>In addition to this appropriation, \$500,000 the second year, from any unexpended balances at the Center for Innovative Technology, shall be used to support the Virginia Cyber Security Commission and its recommendations.</i></p>				
<p>L. Notwithstanding the definition of qualifying institutions in § 2.2-2233.1, Code of Virginia, a university research consortium that includes Virginia colleges and university member institutions is a qualifying institution for purposes of seeking funding from the Commonwealth Research Commercialization Fund.</p>				
<p>M. Any proceeds from the sale of equity in companies that participated in the cyber security accelerator shall not revert to the general fund but shall be used to support the accelerator program.</p>				
<p>N. By September 1 each year, the President of the Innovation and Entrepreneurship Investment Authority shall <del>submit</del> a report to the Chairmen of the House Appropriations and Senate Finance Committees, <i>Secretary of Technology</i>, and to the Director, Department of Planning and Budget <del>on program activities</del> <del>to</del> include, but not limited to the following:</p>				

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1. For activities associated with providing localities with broadband assistance: (i) the number of localities assisted by state and other broadband funding sources and (ii) the estimated number of households and localities with populations lacking wired broadband access;

2. For activities associated with the Growth Accelerator Program (GAP): (i) the number of companies receiving investments from the fund, (ii) the state investment and amount of privately leveraged investments per company, (iii) the ~~impact on job creation~~ estimated number of jobs created, (iv) the estimated tax revenue generated, and (v) the number of companies who have received investments from the GAP fund still operating in Virginia, (vi) return on investment, to include the value of proceeds from the sale of equity in companies that received support from the program and economic benefits to the Commonwealth, (vii) the number of state investments that failed and the state investment associated with failed investments, and (viii) the number of new companies created or expanded and the number of patents filed; and

3. For activities associated with the cyber security accelerator: (i) the number of companies assisted and the number of startups successfully launched through with the cyber accelerator program, (ii) the number of companies operating in Virginia as a result of the program, (iii) ~~impact on job creation~~, and estimated number of jobs created, (iv) the value of proceeds from the sale of equity in companies that received capital support from the program, (v) the number of state investments that failed and the state investment associated with failed investments, and (vi) the number of new companies created or expanded and the number of patents filed.

4. Such report shall include the prior fiscal year outcomes as well as the outcomes of each program since inception. In addition, the report shall also include program changes anticipated in the subsequent fiscal year.

O.1. Pursuant to § 3-2.03 of this act, a line of credit up to \$2,500,000 shall be provided to the Innovation and Entrepreneurship Investment Authority as a temporary cash flow advance. The Innovation and Entrepreneurship Investment Authority shall transfer such related funds to the Center for Innovative Technology as a temporary cash advance to be repaid by June 30 of each fiscal year. Funds received from the line of credit shall be used only to support operational costs in anticipation of receiving reimbursement of said expenditures from signed contracts and grant awards. The request for the line of credit shall be prepared in the formats as approved by the Secretary of Finance and Secretary of Technology.

2. The Secretary of Finance and Secretary of Technology shall approve the draw downs from this line of credit prior to the expenditure of funds.

Total for Innovation and Entrepreneurship Investment Authority.....			<b>\$8,316,873</b>	<b>\$8,328,212</b>
			<b>\$8,510,873</b>	<b>\$8,232,562</b>
Fund Sources: General.....	\$8,316,873	\$8,328,212		
	\$8,510,873	\$8,232,562		

**§ 1-119. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)**

420. Information Systems Management and Direction (71100) .....			\$2,582,093	\$2,150,000
Geographic Information Access Services (71105) .....	\$2,582,093	\$2,150,000		
Fund Sources: Dedicated Special Revenue .....	\$2,150,000	\$2,150,000		
Federal Trust.....	\$432,093	\$0		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. All state and nonstate agencies receiving an appropriation in Part 1 shall comply with the guidelines and related procedures issued by Virginia Information Technologies Agency for effective management of geographic information systems in the Commonwealth.

2. All state and nonstate agencies identified in paragraph A 1 that have a geographic information system, shall assist the department by providing any requested information on the systems including current and planned expenditures and activities, and acquired resources.

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3. The State Corporation Commission, Virginia Employment Commission, the Department of Game and Inland Fisheries, and other nongeneral fund agencies are encouraged to use their own fund sources for the acquisition of hardware and development of data for the spatial data library in the Virginia Geographic Information Network.

B. The Virginia Information Technologies Agency, through its Geographic Information Network Division (VGIN), or its counterpart, shall acquire on a four-year cycle high-resolution digital orthophotography of the land base of Virginia pursuant to VGIN's Virginia Base Mapping Program (VBMP) and digital road centerline files. VGIN shall administer the maintenance of the VBMP and appropriate addressing and standardized attribution in collaboration with local governments. All digital orthophotography, Digital Terrain Models and ancillary data produced by the VBMP, but not including digital road centerline files, shall be the property of the Commonwealth of Virginia and administered by VGIN. The VGIN, or its counterpart, will be responsible for protecting the data through appropriate license agreements and establishing appropriate terms, conditions, charges and any limitations on use of the data. VGIN will license the data at no charge (other than media / transfer costs) to Virginia governmental entities or their agents. Such data shall not be subject to release by such entities under the Freedom of Information Act or similar laws. VGIN in its discretion may release certain data by posting to the Internet. Distribution of the data for commercial or private use or to users outside the Commonwealth will be the sole responsibility of VGIN or its agent(s) and shall require payment of a license fee to be determined by VGIN. All fees collected as a result will be added to the GIS Fund as established in the Code of Virginia § 2.2-2028. Collected fees and grants are hereby appropriated for future data updates or to cover the costs of existing digital ortho acquisition or for other purposes authorized in § 2.2-2028.

C. Funding in this Item shall be used to support the efforts of the Virginia Geographic Information Network which provides for the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services. Funding is to be earmarked for major updates of the VBMP and digital road centerline files.

D. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$1,750,000 the first year and \$1,750,000 the second year from Emergency Response Systems Development Technology Services dedicated special revenue shall be used to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services.

*E. The Information Technology Advisory Council shall develop, and the Virginia Information Technologies Agency (VITA) shall implement, a specific proposal for involving agencies served by VITA in planning for the replacement of information technology services currently provided by Northrup Grumman.*

421.	Emergency Response Systems Development Technology Services (71200).....			\$19,530,245	\$22,710,917
	Emergency Communication Systems Development Services (71201).....	\$6,734,309	\$6,734,309		
	Financial Assistance to Localities for Enhanced Emergency Communications Services (71202).....	\$7,803,968	\$10,984,640		
	Financial Assistance to Service Providers for Enhanced Emergency Communications Services (71203).....	\$4,991,968	\$4,991,968		
	Fund Sources: Dedicated Special Revenue.....	\$19,530,245	\$22,710,917		

Authority: Title 2.2, Chapter 20.1, and Title 56, Chapter 15, Code of Virginia.

A.1.a. Out of the amounts for Emergency Communication Systems Development Services, \$1,000,000 the first year and \$1,000,000 the second year from dedicated special revenue shall be used for development and deployment of improvements to the statewide E-911 network.

b. These funds shall remain unallotted until their expenditure has been approved by the Wireless E-911 Services Board.

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2. Out of the amounts for Emergency Communication Systems Development Services, \$4,000,000 the first year and \$4,000,000 the second year from dedicated special revenue shall be used for wireless E-911 service costs as determined by the Wireless E-911 Services Board.

B. The operating expenses, administrative costs, and salaries of the employees of the Public Safety Communications Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

422.	Information Technology Development and Operations (82000) .....			\$316,645,017	\$331,624,253
				\$309,552,088	\$312,536,026
	Network Services -- Data, Voice, and Video (82003).....	\$112,163,337	\$117,716,721		
		\$105,070,408	\$112,047,016		
	Data Center Services (82005).....	\$109,287,180	\$113,764,968		
			\$121,234,642		
	Desktop and End User Services (82006).....	\$89,895,853	\$94,406,972		
			\$73,334,798		
	Computer Operations Security Services (82010).....	\$5,298,647	\$5,735,592		
			\$5,919,570		
	Fund Sources: Special.....	\$7,092,929	\$7,219,460		
	Internal Service.....	\$309,552,088	\$324,404,793		
			\$312,536,026		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Out of this appropriation, \$309,552,088 the first year and ~~\$324,404,793~~ \$312,536,026 the second year for Information Technology Development and Operations is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

2. ~~Included in the amounts for Network Services - Data, Voice, and Video are funds from the Acquisition Services Special Fund which is paid solely from receipts from vendor information technology contracts. These funds will be used to finance procurement and contracting activities and costs unallowable for federal fund reimbursement.~~

B. Political subdivisions and local school divisions are hereby authorized to purchase information technology goods and services of every description from the Virginia Information Technologies Agency and its vendors, provided that such purchases are not prohibited by the terms and conditions of the contracts for such goods and services.

423.	Central Support Services for Business Solutions (82400) .....			\$11,806,841	\$11,806,841
	Information Technology Services for Data Exchange Programs (82401).....	\$11,196,756	\$11,196,756		
	Information Technology Services for Productivity Improvements (82402).....	\$610,085	\$610,085		
	Fund Sources: Internal Service.....	\$11,806,841	\$11,806,841		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

The appropriation for Central Support Services for Business Solutions is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services. Included in these amounts are the projected first and second year costs for workplace productivity and collaboration solutions. These solutions are offered as optional services to executive branch agencies and other customers.

424.	Information Technology Planning and Quality Control (82800) .....			\$7,485,929	\$6,986,810
				\$5,210,027	\$4,010,908

ITEM 424.	Item Details(\$)		Appropriations(\$)	
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Information Technology Investment Management (Itim)				
Oversight Services (82801) .....	\$1,387,049	\$1,387,930		
Enterprise Development Services (82803).....	<del>\$6,098,880</del>	<del>\$5,598,880</del>		
	\$3,822,978	\$2,622,978		
Fund Sources: General.....	\$2,044,330	\$2,045,211		
Dedicated Special Revenue.....	<del>\$5,365,697</del>	<del>\$4,865,697</del>		
	\$3,165,697	\$1,965,697		
Federal Trust.....	<del>\$75,902</del>	<del>\$75,902</del>		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. Notwithstanding any other provision of law except the limitations imposed by § 2.2-225, § 2.2-518, §§ 2.2-2007 through 2.2-2010, §§ 2.2-2015 through 2.2-2021, § 2.2-4803 and § 2.2-4806, Code of Virginia, Executive Department agencies and institutions may enter into management agreements with CGI Technologies & Solutions, Inc. (CGI) for debt collection and cost recovery services pursuant to Statements of Work 6 and 7 of the Enterprise Applications Master Services Agreement between the Commonwealth of Virginia and CGI. Executive Department agencies and institutions may also enter into additional Statements of Work with CGI pursuant to § 2.2.4 of the Enterprise Applications Master Services Agreement for services related to such Agreement, which may include, but not be limited to, services supporting projects in the five towers of enterprise-level endeavors (financial management, human resource management, supply chain management, administrative management, and applications development and management). Work on enhanced collections and recoveries or any additional Statements of Work pursuant to § 2.2.4 of the Enterprise Applications Master Services Agreement shall not proceed if they commit the Commonwealth to expanding or significantly altering any existing federal or state program without the review and approval of the Governor and prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees.

2. Moneys resulting from enhanced collections and cost recoveries pursuant to this Item shall be held in the Virginia Technology Infrastructure Fund as established by § 2.2-2023, Code of Virginia.

3. *The Chief Information Officer of the Commonwealth shall be required to review and approve any contractual agreements made pursuant to the Enterprise Applications Master Services Agreement with CGI Technologies and Solutions, Inc. before any such contract may go into effect.*

B.1. As established in § 3-2.03 of this act, working capital advances totaling up to \$90,000,000 will provide for the development of enterprise applications for the Commonwealth, including the development of the performance budgeting and financial management systems. These working capital advances will be repaid from anticipated revenues from enhanced collections, cost recoveries, inter-agency collaborative projects and other initiatives to be collected pursuant to this item and will be deposited into the Virginia Technology Infrastructure Fund. No funds derived from these working capital advances shall be expended without the prior budget approval of the Secretaries of Technology and Finance. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees prior to any approved expenditure.

2. Funds received from the working capital advance will be used only for enterprise resource planning and development costs. No funds received from this working capital advance shall be used as payment toward operating costs of this or any other program.

3. At the end of each fiscal year, the Governor is authorized to apply up to \$2,000,000 from the unappropriated general fund balance in this act to pay down this working capital advance in the event other repayment sources in this act are not available or are insufficient to maintain a reasonable schedule for the payback of the working capital advance.

C.1. In order to minimize the cost of information systems development, the Secretary of Technology shall work with all Cabinet Secretaries and their agencies to develop Commonwealth data standards for citizen-centric data, personnel, recipient information, and other common sources of information gathered by the Commonwealth and in use by systems set out within this item.

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2. Where active projects in this item, have implemented standardized data, the Secretary of Technology shall work with all Cabinet Secretaries and their agencies to determine if these standards should be adopted as Commonwealth data standards for use in active or future major IT projects or investments. Where active projects in this item do not conform to the Commonwealth's data standard, the Secretary of Technology shall include in the interim a plan for how the Secretary of Technology will identify data standards that should be adopted as Commonwealth data standards and the estimated cost of ensuring that each active IT project in the item complies with the Commonwealth data standard.

3. The Chief Information Officer of the Commonwealth shall provide a report on progress toward discontinuation of the Unisys mainframe to the Governor and Chairmen of the House Appropriations and Senate Finance Committees not later than September 15 of each year until such usage is discontinued. Agencies that use the Unisys mainframe shall provide all data and other information requested by the Virginia Information Technologies Agency (VITA) in a timely manner. All users of the Unisys mainframe shall also ensure that their current and future information technology strategic plans address anticipated changes in usage of the Unisys and any replacement, ancillary, or supplemental services. As required by §§ 2.2-2007 and 2.2-1507, Code of Virginia, all budget requests that address or are affected by the reduction in the use of the Unisys mainframe shall be submitted to VITA prior to submission to the Department of Planning and Budget, in sufficient time to allow VITA to comply with its reporting responsibilities under those sections and under § 2.2-2013. VITA shall use this information to monitor actual and projected usage of the Unisys and IBM mainframe, servers, storage, and other services whose usage is affected by reduction in the use of the Unisys mainframe.

D.1. Notwithstanding the provisions of §§ 2.2-1509, 2.2-2007 and 2.2-2017, Code of Virginia, the scope of formal reporting on major information technology projects in the Recommended Technology Investment Projects (RTIP) report is reduced. The efforts involved in researching, analyzing, reviewing, and preparing the report will be streamlined and project ranking will be discontinued. Project analysis will be targeted as determined by the Chief Information Officer (CIO) and the Secretary of Technology. Information on major information technology investments will continue to be provided General Assembly members and staff. Specifically, the following tasks will not be required, though the task may be performed in a more streamlined fashion: (i) The annual report to the Governor, the Secretary, and the Joint Commission on Technology and Science; (ii) The annual report from the CIO for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report); (iii) The development by the CIO and regular update of a methodology for prioritizing projects based upon the allocation of points to defined criteria and the inclusion of this information in the RTIP Report; (iv) The indication by the CIO of the number of points and how they were awarded for each project recommended for funding in the RTIP Report; (v) The reporting, for each project listed in the RTIP, of all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation, a justification and description for each project baseline change, and whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data; and (vi) The reporting of trends in current projected information technology spending by state agencies and secretariats, including spending on projects, operations and maintenance, and payments to Virginia Information Technologies Agency.

2. Pursuant to §2.2-1509.3, Code of Virginia, the following major information technology projects are active and have been approved and recommended for funding by the Secretary of Technology. The data listed was self-reported to the Virginia Information Technologies Agency (VITA) by the responsible agencies. These projects are supported by strong business cases and thus were considered as priorities for funding in this biennium. VITA shall make available on its website a listing of active and approved major information technology programs updated on a quarterly basis. Notwithstanding any other provision of law and effective July 1, 2015, the Virginia Information Technologies Agency (VITA) shall maintain and update quarterly a list of major information technology projects that are active or are expected to become active in the next fiscal year and have been approved and recommended for funding by the Secretary of Technology. Such list shall serve as the official repository for all ongoing information technology projects in the Commonwealth and shall include all information required by § 2.2-1509.3 (B)(1)-(8), Code of Virginia. VITA shall make such list publically available on its website, updated on a quarterly basis, and shall submit electronically such quarterly update to the Chairmen of the House Appropriations and Senate Finance Committees and the Director,

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*Department of Planning and Budget, in a format mutually agreeable to them. To ensure such list can be maintained and updated quarterly, state agencies with major information technology projects that are active or are expected to become active in the next fiscal year shall provide in a timely manner all data and other information requested by VITA.*

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Secretary of Health and Human Resources (188) — Birth Registry Interface (BRI)</b> This project will establish a birth reporting service/interface between the birth registry and the ESB. The system of record for all birth records will be VVESTS (Virginia Vital Events and Screening Tracking System). The proposed functionality must support a HITSAC approved data standard which should align with the EDM standards. The project requires use of HITSAC endorsed messaging standards.	Feb 14, 2013	Mar 31, 2014	\$1,000,985

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Virginia Department of Transportation (501) - Construction Documentation Management</b> This project is to implement a consistent way of managing construction documents, and in particular electronic documents, across all districts. Part of this initiative is to also to automate the Advertisement and Award process workflow to optimize its document management during the initial stages of the construction management lifecycle.	Jan 17, 2013	Apr 30, 2014	\$1,100,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Virginia Department of Transportation (501) - CSC System 2.0</b>	Jan 24, 2013	Dec 31, 2014	\$5,910,333

Project Approach: The approach for the CSC System 2.0 project is comprised of five key activities that include Project Initiation and Planning, Requirements Gathering, System Procurement, System Design and Implementation (Phase 3), and Project Closeout. Project Initiation and Planning comprises a key set of project activities designed to ensure that the project team is fully aligned with the client's project objectives and to establish the project management structures that will assist in achieving client business objectives for the project. To that end, a key task of Project Initiation and Planning is working with the VDOT's Project Sponsor and Project Manager to define and finalize the project scope, approach, and timeline and is reflected in this document. Project Schedule Development and Maintenance Project schedules are critical tools used to keep projects under control. We will use Microsoft (MS) Project 2002 as the project scheduling software and will provide initial and all subsequent versions of the project schedule in this format. It is our belief that the most detailed level of work defined in a project schedule should have clearly recognizable end point, where all can agree that the activity planned has, in fact, been successfully completed. Normally, this is done by assigning either well-defined milestones or well-defined deliverables to each activity. The CSC System 2.0 project team will work with VDOT's Project Manager(s) at project kickoff to develop a schedule for meeting the project objectives in accordance with VDOT's needs. The initial version of the project schedule has estimated start and end dates, which in turn will define the expected duration of the activity. Where dependencies and/or linkages between tasks exist, these will be specifically identified. It will be possible to identify the critical path within the project for those tasks that have been entered into Project Server and also view and manage multiple critical paths for each series of tasks. Specifically, the anticipated benefits of the CSC System 2.0 project include but are not limited to: 1) Provide better access to all VDOT information, 2) Provide better and more efficient service to internal and external customers with technology enabled systems that are integrated with appropriate VDOT systems, 3) Enable self-service and better customer follow-up, 4) Offer additional automated communications channels to customers, 5) Provide ability to track customer interactions, 6) Provide ability to close the loop with customers on their requests, and 7) Provide management reporting to enable better decision making.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Secretary of Health and Human Resources (188) — Death Registry Interface (DRI)</b>	Feb 14, 2013	Apr 30, 2014	\$1,052,969

This project is designed to establish a death reporting service/interfaces between the death registry and the ESB. The service will be supported by an extract of the minimum required fields to identify a death record. Additional development may be required to add a match code (Yes/No) and an MPI placeholder. In addition to supporting an inquiry death service on the ESB, a publish and subscribe model will be developed so the registry can actively publish new death notices as they occur. This will allow subscribers to trigger appropriate processing based on the notification.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Behavioral Health and Development Services (720) - DOJ - Data Warehouse</b>	Sep 16, 2013	Jun 30, 2014	\$3,200,000

Under the terms of federal Department of Justice (DOJ) settlement agreement, the Department of Behavioral Health and Developmental Services (DBHDS) must collect and report data relating to compliance with the agreement. DBHDS must purchase or develop a data warehouse application for the storage, aggregation and reporting of this data.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$1,000,000	\$700,000
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Professional and Occupational Regulation (222) - EAGLES closing out in Dec or Jan</b>	Aug 1, 2007	Jan 31, 2014	\$7,977,793

EAGLES will be a web enabled application to replace the two legacy systems, CLES and ETS, and will also support the agency's new business requirements. These new requirements include the filing of applications for initial licensure and consumer complaints via the Internet.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b> <b>Department of Social Services (765) - EDSP - Eligibility Modernization - Conversion</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
	Apr 25, 2013	Jul 10, 2014	\$10,569,816

The EDSP Eligibility Modernization Conversion project will focus its efforts on converting the data in the ADAPT legacy system and DMAS CHAMPS legacy system for the Families & Children’s Medicaid, CHIP, and FAMIS categories into VaCMS. The CMS federal requirement stipulates for these eligible ongoing Medicaid categories (starting April 2014) at the time of their renewal process, continued eligibility must be evaluated against the new MAGI Medicaid rules. This conversion project will move those existing cases into VaCMS and eligibility determination be performed by the external rules engine accomplished in the Eligibility Modernization MAGI project. Conversion will be performed on a month by month schedule (based on the Medicaid renewal date) until all cases for these categories have been converted from these two legacy systems, enabling the discontinuance of Medicaid from the ADAPT legacy system and the retirement of the CHAMPS legacy system. The Eligibility Modernization Conversion project will result in: The elimination of multiple Medicaid case management systems into a single case management system. Improve the use of technology for efficient case management. Consistency due to data consolidation. Reduction in fraud and errors through data consolidation.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$11,595	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<p><b>Department of Social Services (765) - EDSP - Eligibility Modernization - Program Migration Project</b></p> <p>The modernization and migration consists of MAPPER UNISYS system replacement for the ADAPT application and the Energy Assistance Program application. ADAPT is the current eligibility determination and case management system for SNAP, TANF, Employment Service. The Eligibility Modernization Program Migration Project will convert the cases that contain the programs in ADAPT and the Energy system into VaCMS along with accepting new applications for these programs via online (Customer Portal) and paper (manual data entry) processes. This project also involves the external rules engine (iLOG). All program rules will be incorporated into iLOG with the outcome of eligibility determination, authorization, and case management within this single case management solution. The EDSP Eligibility Modernization Program Migration Project anticipates minor changes to Customer Portal to accommodate VaCMS changes. All interfaces currently being performed by the legacy systems are included and must be performed by the single case management system. Work efforts will be performed to sunset the ADAPT and Energy legacy systems as all programs are converted to VaCMS. Leveraging the current web-based technology provided in the VaCMS solution and/or the technology in the Customer Portal will allow VDSS to work towards each state and local DSS employee having a single sign-on to access other VDSS systems. VDSS anticipates using a single authentication tool to allow users to sign into the VDSS "system" one time. VDSS has also researched other vendor solutions to resolve the challenge of having many different "terminal emulation" based legacy type applications. With single sign-on, workers will have improved capabilities for accessing various VDSS systems required to support benefit (Public Assistance) and service delivery. A state-wide document management and imaging solution is another deliverable of this project. Throughout the Virginia Social Service Systems (VSSS), vast amounts.</p>	Mar 18, 2013	Feb 1, 2016	\$75,197,063

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$5,619,304	\$4,471,788
Nongeneral Fund	\$0	\$0

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Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<p><b>Department of Health (601) — Electronic Death Registration (EDR)</b></p> <p>Project Approach: The Office of Information Management (OIM) has performed a feasibility analysis and considered options such as the availability of a Customer Off The Shelf (COTS) system or some form of "canned" software. After much research, it became readily apparent, that no related, customizable application exists or has been developed that DVR could use to perform their tasks regarding death registration. Several States such as Indiana and Nebraska have developed and deployed electronic death registration systems, but those systems are neither web-based nor available online. They remain client-server applications until now. Other States such as California, have developed a web-based electronic death registration system, but have significantly different requirements and lack the total automation that DVR desires. Additionally, some of the technologies used would not be compatible with other OIM systems which would make integration difficult and expensive. Furthermore, while standardization of death certificates throughout the United States is an objective, it might only be possible to a certain extent. The stakeholders of the applications for different States have different requirements. In order to best serve the requirements of the stakeholders (DVR, Funeral Directors, OCMEs, Physicians), the Office of Information Management along with the users of the Division of Vital Records, propose to develop an in-house, customized, web-based Electronic Death Registration system that will meet the needs of the Business Users and can be seamlessly integrated, with only nominal costs, into the current Virginia Vital Events and Screening Tracking System (VVESTS) which was also developed and created in-house by OIM. Therefore, OIM is proposing to add the (EDR) system as a new subsystem to VVESTS. Reducing many disparate systems into a single, central database will lower maintenance cost and as VVESTS has proven, will provide additional benefits of improved analysis capacity across programs, thus, permitting OIM to also utilize the existing infrastructure, advanced security features and existing Oracle software license. OIM will continue the same technology deployed with VVEST namely Oracle Web Technology, upgrading the current database to Oracle 11G, for the front end we will utilize Oracle Designer 2000 and web-toolkit and the web servers will utilize the Oracle Application Server powered by Apache v. 1.2 Furthermore, OIM is proposing to use some of the same IT team that so successfully developed the VVESTS application. This approach is also consistent with the strategic goal of OIM to develop enterprise architecture, rather than separate isolated systems. To reiterate, this new system shall be web-based, allowing all participating users to perform their duties and fulfill their responsibilities online, thereby, reducing and eventually eliminating any of the paperwork that is currently required.</p>	Mar 22, 2011	Dec 30, 2014	\$3,003,500

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<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Behavioral Health and Developmental Services (720) — Electronic Health Records (EHR)</b>	Jan 7, 2013	Apr 18, 2016	\$32,392,400
<p>This project involves the purchase of a comprehensive clinical information system for behavioral healthcare that manages the care data of thousands of patients in the facilities. In order to properly manage the care provided, clinical data in the form of thousands of transactions per facility per day needs to be collected, stored and analyzed using an electronic medical record. The system would be implemented at all sixteen facilities and Central Office and would help to eliminate the manual data processes still used in many clinical areas. An electronic medical record, supported by a suite of clinical applications will greatly reduce risk while greatly increasing operational efficiencies, cost savings and most important of all, patient satisfaction.</p>			

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Accounts (151) - Financial Management Enterprise Rollout (Cardinal Project Part 3)</b>	Mar 14, 2013	Dec 13, 2016	\$60,000,000
<p>The Cardinal Project - Part 3 will deploy the new Cardinal Base and will replace the DOA current financial system, Commonwealth Accounting and Reporting System (CARS). Out of scope agencies (such as restructured higher education) and agencies with agency based financial systems will develop an interface to the Base. The Solution is Oracle's PeopleSoft Enterprise Resource Planning (ERP) implementation of General Ledger, Accounts Payable, Expenses and Accounts Receivable - Funds Receipt. Additionally, the first release of Cardinal Business Intelligence Reporting will be included. The Base system will be deployed to all current CARS-only agencies and interfaced with the financial systems that currently interface to CARS. The scope of this project also includes the Change Leadership, Training required to migrate off of CARS.</p>			

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
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**Virginia Department of Transportation (501) — FMS Sun Set and Data Marts**

May 20, 2013	Feb 28, 2015	\$2,573,900
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The implementation of the Cardinal Project will necessitate the sunsetting of both the FMSI and FMSII Financial Systems and retention of business critical data. Sunsetting of these systems in an organized fashion will create greatly reduced operational expenses from VITA. The FMS Data Marts will retain critical data from the FMSI and FMSII Financial Systems and create a Financial Data Store for reporting purposes. The objective of this project is to have the data store information available to VDOT internal systems to merge with Cardinal financial data for business intelligence reporting.

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$121,000	\$0
Nongeneral Fund	\$0	\$0

**Agency Name / Project Title / Description  
Department of Medical Assistance Services (602) - HIPAA Upgrade Code Set (ICD-10)**

	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
	Feb 6, 2012	Jan 30, 2015	\$12,730,355

The Centers for Medicare and Medicaid Services (CMS) has passed regulation requiring that the ICD-10 version of Code Set be implemented. DMAS will have to plan and implement the new version in order to remain HIPAA compliant and continue to receive and send electronic data. Implementation of the changes will require modification to the MMIS for the ICD- 10 version, and extensive provider outreach and trading partner testing.

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<p><b>Virginia Department of Transportation (501) - HR ECM and Workflow Optimization</b></p> <p>The project will: 1. Develop a secure repository containing electronic personnel file information for current VDOT employees; 2. Develop standard business process and electronic content management for HR's three highest priority workflows: (a) Pay Action, (b) Annual Performance Management, and(c) Critical Hire; 3. Develop a solution that leverages the agency's SharePoint Server 2010 to meet VDOT HR's workflow improvement and electronic content management needs. The benefits of this project will increase the efficiency and effectiveness of Human Resources by converting three manual paper-based workflows into an electronic content management system with automated workflows. It will improve HR's overall productivity, service levels, and data accuracy while maintaining cost effectiveness and compliance with HR, IT, and records management's regulations, policies, and standards. Secure access to electronic personnel files regardless of time and location will enable a culture of collaboration across the enterprise. There is a huge opportunity for other organizations and agencies outside of VDOT to learn from this initiative. Other organizations who are interested in optimizing their HR processes have already expressed interest in learning about the benefits and results of this project effort. Identification of those agencies with potential interest (such as VITA and VCCS), and making recommendations and sharing project deliverables with those organizations will be made at the conclusion of this project or as requested.</p>	Mar 29, 2012	Mar 7, 2014	\$1,521,102

Estimated Project Expenditures	FY 2015	FY 2016
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<p><b>Secretary of Health and Human Resources (188) - Immunization Registry Interface (IRI)</b></p> <p>Participating organizations such as hospital providers create a file to include new and updated immunization activity for import into Virginia Immunization Information System (VIIS) and receive an acknowledgement of their transmission from VIIS. All content processing and data de-duplication will be performed by VIIS. Business partners may also create a query message to which VIIS will generate a response message. There will be a component to the Immunization Registry Interface project in which VDH is expected to participate in the HIE Pilot Phase. Current immunization service/interfaces include: Immunization DE - Immunization DE - Carilion Hospital, and Immunization DE - UVA. Current messaging partners: Sentara, Coventry, Airforce, CHKD, Fairfax County, Anthem, UVA, VA Premier, Carilion Hospital, and UVA.</p>	Mar 18, 2013	May 30, 2014	\$1,190,297

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<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Alcoholic Beverage Control (999) - Point of Sales Environment Upgrade</b>	Sep 30, 2013	May 30, 2014	\$3,500,000

Upgrade VABC's entire POS Software System to current OS and POS software. This will include having a third party meet SEC-501 and PCI-DSS requirements. Upgrades will include the following POS operating system to Windows 7 or Linux Server operating system upgrade to Windows Server 2008 R2 or 2012 version. POS application upgrade to version 2.3 which is downloadable under the current ABC support contract. New purchase of Scan guns compliant with SAP POS software which will reside and authenticate on active directory. Mobile POS upgrade to new third party software (Red Iron) compliant with SAP. Vendor support from SAP for software testing and special ABC configurations included from the current software version will be a portion of the allocated costs. Third party vendor support will also be needed for implementation of the image installation at each store during off hours of operations.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Virginia Department of Transportation (501) - PreConstruction/CRLMS</b>	Oct 31, 2012	Mar 16, 2015	\$2,507,500

Transport PreConstructions and civil rights Management System Implementation

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of State Police (156) — Replacement and Enhancement of the Central Criminal History (CCH) Application</b>	Oct 1, 2013	Jul 31,2015	\$4,762,000

This project is to replace the CCH application with software developed in a modern programming and database technology consistent with Virginia's Enterprise Architecture Standards. The current system is written in MFCOBOL and relies upon proprietary emulation technology for its operations. Money was appropriated in the 2008 General Assembly to begin the migration of this critical system.

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<b>Estimated Project Expenditures</b>				
General Fund	FY 2015 \$150,000	FY 2016 \$20,900		
Nongeneral Fund	\$1,783,000	\$427,100		

Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<b>Secretary of Health and Human Resources (188) — Rhapsody Connectivity (RC)</b>	Mar 1, 2013	Jan 31, 2014	\$1,656,000
<p>The Orion Rhapsody data integration engine is used by DGS Department of Consolidated Laboratory Services (DCLS) and VDH to facilitate the accurate and secure exchange of electronic data using with the COV Enterprise Service Bus (ESB). VDH and DCLS interfaces use Rhapsody for messaging. Rhapsody connectivity project is needed for DCLS and VDH to participate in the HIE Pilot Phase.</p>			

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<b>Virginia Employment Commission (182) — Unemployment Insurance Modernization</b>	Sep 17, 2009	Feb 28, 2015	\$58,540,154
<p>The modernization of the Unemployment Insurance System is a major initiative for the VEC in the Agency Strategic Plan. This client/server system will replace the VEC's decades-old IBM-mainframe Benefits, Tax, and Wage systems. Agency stakeholders will have direct leadership and governance responsibilities for the Investment. Customer stakeholders include employers of the Commonwealth as well as individual citizens who require support from the Unemployment Insurance program. Approach: Prior to selecting a solution the VEC reviewed the similar efforts in other states and conducted interviews with states engaged in UI Modernization. VEC documented lessons learned and developed decision tools to be used in the procurement process. VEC also went through a Business Process Reengineering effort and developed process flows for key business processes. The solution consists of replacing the Unemployment Insurance Benefits, Tax, and Wage systems with a modern, integrated system based on client/server and web-based technologies. The solution enhances and expands self-service, document management, workflow, and on-line processing with applications that are easy to use and minimize manual intervention. Phase 1 of the solution was an RFP and selection and IT vendor partner. Phase 2 was to develop a comprehensive Project Plan, for the IAOC, and procure an IV&amp;V vendor who will review project progress at key milestones. Phase 3 was to define and document the Architectural designs and Technology Architecture requirements. Phase 4 is system construction based on the above architectural designs followed by testing, training, rollout, and project closing.</p>			

<b>ITEM 424.</b>	<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
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	<b>FY2015</b>	<b>FY2016</b>	<b>FY2015</b>	<b>FY2016</b>

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of State Police (156) — Virginia Intelligence Management System (VIMS)</b>	May 15, 2013	Sep 25, 2014	\$2,210,672

VSP seeks to procure an intelligence management software system (Intelligence System) that can provide the Virginia Fusion Center with a means to track, link, and analyze persons, places, things, and events of interest to the Virginia Fusion Center. The Intelligence System will import data from a variety of disparate data sources including user input, commercial data sources, government data sources, and the Internet. The Intelligence System will convert all the data from TIPS Legacy System and enable VSP to decommission TIPS.

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<p><b>Department of Health (601) — Women, Infants, Children (WIC) Electronic Benefits Transfer (EBT) Project</b></p> <p>This project will develop and implement the business processes and associated technology to provide e-WIC issuance, redemption, payment, and reconciliation services to distribute food benefits in the Virginia and West Virginia WIC Programs, the states of the e-WIC Consortium. Virginia will act as the lead state and will perform Consortium level project management and administration activities. The project will require procurement of a number of services including support for the development of an Implementation Advanced Planning Document (IAPD), as required by the United States Department of Agriculture Food and Nutrition Service, Quality Assurance and Monitoring, and Design, Development, and Implementation of the selected e-WIC solution. During preliminary planning of the e-WIC project, the Virginia Division of WIC and Community Nutrition Services completed a baseline analysis of the current system and conducted a feasibility study and cost-benefit analysis to evaluate three e-WIC alternatives. The WIC EBT Feasibility Study and Cost Benefit Analysis found that the online, outsourced EBT technology received the highest ranking with respect to the evaluation criteria selected by the state. Online EBT requires a real-time connection to the host for transaction authorization, as the term off-line indicates, transactions at the point of sale (POS) do not require a real-time connection to the host for authorization, instead transactions are validated directly against data stored on a Smart card. Among other criteria, each alternative was evaluated with respect to its proven record of implementation, operation, and integration; its ability to increase accuracy and accountability; and its ability to minimize ongoing operations costs. Given the context of the Virginia WIC Program, including current IT development projects and in-house technology development support, the online, outsourced solution provides the greatest opportunity to meet project goals including, accomplishment of the proposed development schedule and implementation of proven technology.</p>	<p>Jan 8, 2009</p>	<p>Oct 13, 2014</p>	<p>\$6,619,018</p>

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In an effort to follow the consortium model in achieving economies of scale and at the request of USDA FNS, the Virginia WIC Program will jointly and concurrently conduct e-WIC planning activities with West Virginia. As members of the Crossroads Consortium to develop a new WIC management information system (MIS), Virginia and West Virginia have the opportunity to leverage shared knowledge and similar development environments while furthering the adoption of e-WIC. In order to expedite e-WIC project initiation and planning in West Virginia, the Virginia WIC Program modified the RFP for planning services, issued on February 23, 2009, to include West Virginia. Virginia, having completed pre-planning for e-WIC and as the RFP initiator for planning, will take the lead state role in project management and administration. Virginia will be responsible for project procurements and funding administration. In addition to IAPD development, the modified RFP requests a baseline analysis, feasibility study and cost benefit analysis for West Virginia. Once these preliminary items are completed, Virginia and West Virginia will proceed with the planning activities associated with the RFP. The states will combine their efforts to develop a joint IAPD including functional requirements based on the Crossroads SAM system. The states will also work together to define system telecommunication and architecture requirements, retailer implementation requirements, and procurement specifications. At the completion of planning, both states will be prepared to develop an e-WIC solution that will interface with the Crossroads MIS.

During project planning the e-WIC Consortium, with support from a qualified planning services vendor contracted through the planning RFP, will develop an IAPD as required by the USDA Food and Nutrition Service. This document will include a joint functional requirements study, a general system design, a capacity plan, a project management plan, a statement of resource requirements, a schedule of milestones and activities with deliverables, a proposed budget, a retailer management plan, a retailer implementation plan, a security plan, and a training plan. The feasibility study and cost benefit analysis completed for each state will be finalized and will also become a part of the completed IAPD. The e-WIC Consortium will also prepare procurement requests for Quality Assurance (QA) and Design, Development, and Implementation (DD&I) services. Quality Assurance services will provide a formal methodology to evaluate, assess, recommend, and track the progress of e-WIC project variables (including cost, schedule, scope, quality, accuracy, completeness, timeliness, and consistency of deliverables) throughout the project life cycle. The QA service provider will develop plans for Issues Management, Change Management, and Risk Management and maintain corresponding logs to track project developments. The QA project plans will be incorporated into the formal project plan including the activities of both the Consortium project team and the DD&I contractor.

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During project execution the e-WIC Consortium will work with a qualified EBT service developer to design, develop and implement the e-WIC system. Virginia, as the lead state of the Consortium, will be responsible for project management and contract administration throughout the duration of the project. The Consortium will submit regular status reports to the appropriate stakeholders including USDA FNS and other internal and external oversight authorities. At the completion of the e-WIC project the Consortium will manage the transition from project implementation to operations. Each state will contract for operations separately. The EBT service provider selected in each state will begin full operations as the State's EBT processor.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Jamestown-Yorktown Foundation (425) — Yorktown Museum Replacement Technology</b>	Mar 6, 2012	Dec 31, 2016	\$2,395,000
This project will install the requisite technology components for the Yorktown Museum replacement project, including exhibit technology, audio visual components, wireless, data and telecommunications. Project funding will be via bonds and no general funds allocated.			

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$731,000	\$765,000

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Alcoholic Beverage Control (999) - ABC Licensing and Compliance System</b>	Feb 3, 2014	Dec 31, 2014	\$1,000,000
This project is for the procurement and implementation of a software application to store and maintain all information related to the licensee applications, licensee records, and license compliance records. This system will replace the existing Core, Webcore, eLFI, Licensee Search, WebInvize, Invize, eBanquet, and CMS (Regulatory function only) applications.			

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$500,000	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
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**Department of Taxation (161) - Collection and Audit Case Management Mobile System**

Jul 1, 2014	Jun 30, 2018	\$3,000,000
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Mobile Collection and Case Management system will allow TAX field staff (auditors/collectors) to use tablets. The tablets would have an audit application that would encompass audit case management and audit workbench. Auditors could connect where ever a cell signal was available. The application would have the ability to work disconnected in the event there is no cell signal available. The system will have the ability to accept a credit/debit card or electronic check, and the ability to exchange encrypted electronic documents with taxpayers. The system will integrate directly with AR so audit returns could be loaded automatically w/the appropriate compliance code and no additional involvement by other staff. As technology moves to more mobile platforms, TAX needs to enable systems to interface with them. It also makes sense for TAX staff, especially those in the field to have the same tools as our customers. This solution will allow TAX staff the use of a tablet and/or smart phone in the field to assist taxpayers with filing returns and paying their taxes. The field rep would pull out his smart device and file the returns electronically, with the use of a Square which is an electronic device that is attached to a tablet or Smartphone that can process credit card payments. The rep will be able to take the payment electronically and have the confirmation of the filing and the payment emailed to the taxpayer. This presents an opportunity for educating the taxpayer and achieving the Commonwealth/TAX goals for electronic filing and payment. This would decrease paperwork for the agent and save TAX time and money because funds will be processed to the bank more efficiently, no delays or costs for mailing and there is no paper return or check process.

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$750,000	\$750,000
Nongeneral Fund	\$0	\$0

**Agency Name / Project Title / Description**

	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Virginia Department of Transportation (501) - Electronic Bulletin Board</b>	Dec 15, 2013	Jun 30, 2014	\$1,967,000

This project will entail the rollout of Electronic Bulletin Board agency wide. This will include hardware installation, setup, operational support, and content infrastructure development.

**Estimated Project Expenditures**

	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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<b>FY2015</b>	<b>FY2016</b>	<b>FY2015</b>	<b>FY2016</b>

<b>Agency Name / Project Title / Description</b> <b>Department of Motor Vehicles (154) - FACE - Business Logic Transformation</b>	<b>Start Date</b> Nov 1, 2013	<b>Completion Date</b> Jun 30, 2015	<b>Estimated Project Cost</b> \$1,800,000
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This precursor to the project is a proof-of-concept (POC) that will address a single transaction and determine the most effective method(s), tool(s) and solution(s) for accomplishing the overarching Business Layer Transformation project. Through the POC, DMV will evaluate several specific tools and determine the tasks necessary. The Project Description, will be updated to reflect the outcomes of the POC and fully describe the overall project for approval

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$1,200,000	\$0

<b>Agency Name / Project Title / Description</b> <b>Department of Motor Vehicles (154) - FACE - DMV Correspondence Transformation</b>	<b>Start Date</b> Dec 2, 2013	<b>Completion Date</b> Jun 30, 2015	<b>Estimated Project Cost</b> \$1,382,400
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DMV issues an average of 30,000 pieces of correspondence weekly (1.56 million annually), many of which are required by Virginia Code. The current solution for developing and modifying correspondence has reached its end of life and is no longer supported. It requires professional IT resources for every change. This FACE sub-project will replace all existing correspondence and transform the business logic which drives it. The resulting solution will allow business owners to self-service correspondence and play an expanded role in the creation of new artifacts.

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$594,432	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Secretary of Health and Human Resources (188) - HIT/MITA Program</b> The purpose of the HIT/MITA Program is to align the Commonwealth with Federal direction relative to the American Recovery and Reinvestment Act (ARRA) and the Patient Protection and Affordable Care Act of 2010 (PPACA). These acts present significant funding opportunities to improve the quality and value of American healthcare. PPACA mandates Medicaid expansion in 2014, which is predicted to increase Virginia’s Medicaid membership by 35-45%. Leveraging the Federal funding opportunities to offset the impact of expansion is an important investment in Virginia’s future. The Federal funding available under ARRA and PPACA provide opportunities to achieve the following outcomes for Virginia: Build on current health reform efforts; Modernize information technology infrastructure as an enabler for future business transformation; Provide a technical environment where standards-based interoperability is possible between new and legacy systems; Provide web based self-directed service options for human services; *Reduce the need for large administrative and operational staff for Federal and State programs; Reduce overall long-term technology costs for Federal and State programs; and Provide an enterprise technology environment that is accessible on a pay-for-use basis by Federal, State, and local governments as well as non-government organizations, community based-services, and commercial interests as allowed by policy.	Nov 14, 2011	Apr 29, 2014	\$7,453,994

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$299,845	\$200,005
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Virginia Department of Transportation (501) — Inventory Module (Cardinal)</b> The project will replace the WebIMS application with the PeopleSoft Inventory Module. This will integrate the inventory function at VDOT with the Cardinal system. This implementation is required because the current application technology is reaching the end of its productive life, and the business process warrants it be incorporated within the financial system. Microsoft Corporation ended support for Active Server Pages software in 2008. It is no longer possible to make changes to certain sections of the application.	May 1, 2014	Oct 31, 2015	\$9,000,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0

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Nongeneral Fund	\$2,000,000		\$0	

Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<b>Jamestown/Yorktown Foundation (425) - JS Exhibit Renovation Technology</b>	Aug 1, 2014	Oct 31, 2018	\$1,269,800
Planning and replacement of technology components in permanent museum galleries. Includes audio visual equipment such as projectors, monitors, touch panels, software, controllers, and related installation. This technology is essential to the museum operations.			

Estimated Project Expenditures	FY 2015	FY 2016
General Fund	\$50,000	\$50,000
Nongeneral Fund	\$69,600	\$89,600

Agency Name / Project Title / Description	Start Date	Completion Date	Estimated Project Cost
<b>Department of Taxation (161) - My Virginia TAX</b>	Jun 1, 2014	Dec 31, 2017	\$4,000,000
My Virginia TAX is the Department's version of "My Account" which will allow taxpayers (individuals and businesses) to access their data/information online with the use of a more robust single sign-on/ authentication portal with security questions to allow for self-service when they forget their password. Today TAX maintains multiple systems with multiple Login entry points. Taxpayers have long complained about not being able to go to one place on our website to access our online systems. The My Virginia TAX concept would include an improved version of the functionality we provide today, as well as provide new functionality that is not there today. Taxpayers would be able to electronically file and pay any tax. Taxpayers would be able to access a complete history of their account including past filings, payments made, refunds issued (including Where's My Refund status while pending), correspondence that was sent assessments/bills pending (and paid).			

Estimated Project Expenditures	FY 2015	FY 2016
General Fund	\$1,200,000	\$1,100,000
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Human Resource Management (129) - PMIS Migration from UNISYS</b> This project involves moving all DHRM applications off of the Unisys mainframe and into a server / web / relational database environment. This migration must be accomplished by June 30, 2016 in order for the Commonwealth to avoid approximately \$15 million in annual charges related to DHRM's use of the mainframe. NOTE: DHRM has submitted a budget request / decision package to DPB for \$5.5M for this project. The additional \$1.5M (that bring total project costs to \$7M) represent the monies that DHRM would already have in its base budget for existing personnel, office space, existing servers, etc. and would expend for the project over the FY15-16 biennium. At this stage of the cost estimation process DHRM anticipates that half of the \$5.5M requested in its decision package to DPB will be needed in FY15 and half in FY16. However, DHRM needs for any unused monies in FY15 to carryover and be available for project use in FY16.	Jul 1, 2014	Jun 30, 2016	\$7,000,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$3,500,000	\$3,500,000
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of State Police (156) - Replacement and Enhancement of the Statewide Incident-Based Reporting System</b> The current statewide Incident-Based Reporting System needs to be replaced because it is based on older legacy technology and does not meet the needs of the law enforcement community in Virginia. The current system is based on proprietary technology which relies upon support from a small firm and it is difficult to modify or enhance. In addition, personnel to support this system are not readily available in the marketplace due to the system platform (MFCobol). For these reasons, it is imperative that it be redeveloped consistent with Virginia's Enterprise Architecture standards.	Apr 1, 2014	Dec 31, 2015	\$1,200,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of State Police (156) - Replacement of Mapper HR System</b> This project will assist the Personnel Division in migrating from the current Mapper Human Resource Programs to the Oracle eBusiness Suite Human Resources application, convert legacy data, and establish the necessary interfaces required by other Virginia State Police (VSP) applications. This will move the HR system from a transitional technology to a strategic technology in accordance with the Commonwealth's enterprise architecture.	Jan 31, 2014	Dec 31, 2014	\$1,250,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$500,000	\$0
Nongeneral Fund	\$0	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of Transportation (501) - Safety Loss Control Data Management System</b> Global management of Safety and Health forms related to Injuries, Tort, Drug Testing, Training Certifications, etc. Internal resources would be required for data migration and interfaces to existing systems.	Dec 2, 2013	Sep 26, 2014	\$2,000,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$1,578,000	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<b>Department of State Police (156) — STARS Asset Management Tracking System</b> STARS needs an asset management and tracking system to provide up to date inventory information and historical tracking of radio and tower assets and equipment.	Jan 31, 2014	Jun 30, 2015	\$1,020,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$560,000	\$0
Nongeneral Fund	\$0	\$0

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<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<p><b>Virginia Information Technologies Agency (136) - Telecommunications Expense (Management) and Billing Systems (TEBS)</b></p> <p>Delivery with a modern integrated, user-friendly system that supports all of the existing TIBS functionality and providing additional telecommunication expense functionality. VITA will provide the functional leadership for the project with participation from agency personnel who will use the TEBS system. Additionally, VITA and agency personnel will participate in the requirements definition of the TEBS project to help determine the technological approach (in-house options, outsourcing, SaaS, COTS, etc) for a TEBS solution. The proposed solution will incorporate Telecommunications Expense Management. This is an integrated approach that extends beyond transaction processing to cover all aspects of telecommunications services to include: sourcing management, ordering and provisioning and user support, inventory management, invoice management, usage management, dispute resolution and executive information and decision support.</p>	Oct 25, 2013	Mar 31, 2015	\$3,000,000

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$1,180,000	\$0

<b>Agency Name / Project Title / Description</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Estimated Project Cost</b>
<p><b>Department of Motor Vehicles (154) - WebCAT Rewrite</b></p> <p>DMV has a highly sophisticated Motor Carrier operation that manages every aspect of driver and vehicle licensing, fuels tax, inter- and intra-state regulations and licensing. The Motor Carrier work centers work in a mixed application environment with outdated systems. DMV's commercial carrier customers also interface with DMV through up to three different systems depending upon the transaction. Each of the systems is at end-of-life. Among the key business strategies for the agency, is the recruitment of additional Motor Carrier customers. DMV has attracted several Top 100 carriers to Virginia in the past year representing millions in revenue and is need of system updates to remain competitive. Develop a single-point of entry for all Motor Carrier customer needs. This Phase will address the end-of-life WEBCat application</p>	Feb 1, 2014	Jun 30, 2015	\$1,797,120

<b>Estimated Project Expenditures</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Fund	\$0	\$0
Nongeneral Fund	\$0	\$0

2 4. The Health Care Reform program office has been established by the Secretary of Health and Human Resources to address the American Recovery and Reinvestment Act (ARRA), the Patient Protection and Patient Affordability Act (PPACA), and the Medicaid Information Technology Architecture (MITA). This program will be generating approximately 23 major as well as non-major projects and the total cost of the program over seven years is expected to be \$93,043,146 with a cost to the Commonwealth of \$9,773,220. Projects will be established over the next four years. The seven year costs include six years of operational expenses associated

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with the provider incentive program that sunsets in 2021. New recurring Medicaid expenses are also reflected in the seven year cost estimates. The projects and cost estimates in this paragraph include efforts to modernize eligibility determination systems within the Department of Social Services.

*E. The Information Technology Advisory Council shall make written recommendations to the Joint Legislative Audit and Review Commission as to how to improve agency involvement in the information technology decision making process. In making such recommendations, the Information Technology Advisory Council shall consider the appropriate level of agency involvement in decisions regarding governance, and shall balance the need to involve multiple stakeholders with the need to make timely decisions. Such recommendations may be policy recommendations that could be implemented immediately, or may be legislative recommendations concerning the statutory governance structure. The Information Technology Advisory Council shall submit its recommendations to the Joint Legislative Audit and Review Commission no later than November 1, 2015.*

425.	Administrative and Support Services (89900).....			\$23,736,795	\$23,882,173
				\$30,895,672	\$30,124,976
	General Management and Direction (89901).....	\$17,102,290	\$18,246,779		
		\$19,072,819	\$19,433,483		
	Accounting and Budgeting Services (89903) .....	\$5,907,127	\$4,908,016		
		\$6,120,553	\$5,108,442		
	Human Resources Services (89914).....	\$457,114	\$457,114		
		\$415,737	\$286,047		
	<i>Procurement and Contracting Services (89918) .....</i>	\$3,204,240	\$3,216,049		
	Audit Services (89931).....	\$270,264	\$270,264		
		\$277,948	\$275,948		
	<i>Web Development and Support Services (89940) .....</i>	\$1,804,375	\$1,805,007		
	Fund Sources: <i>Special</i> .....	\$7,778,099	\$7,243,005		
	Internal Service.....	\$23,736,795	\$23,882,173		
		\$23,117,573	\$22,881,971		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. ~~The~~ Out of this appropriation, \$23,117,573 the first year and \$23,215,967 the second year for Administrative and Support Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

2. In accordance with § 2.2-2013 D., Code of Virginia, the surcharge rate used to fund expenses for operations and staff of services administered by VITA shall be no more than 8.26% the first year and 7.91% the second year.

3. Included in the amounts for Administrative and Support Services are funds from the Acquisition Services Special Fund which is paid solely from receipts from vendor information technology contracts. These funds will be used to finance procurement and contracting activities and costs unallowable for federal fund reimbursement.

B. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the Virginia Port Authority.

C. The requirement that the Department of Behavioral Health and Developmental Services purchase information technology equipment or services from the Virginia Information Technologies Agency (VITA) according to the provisions of Chapters 981 and 1021 of the Acts of Assembly of 2003 shall not adversely impact the provision of services to mentally disabled clients.

D. The Chief Information Officer and the Secretary of Technology shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees with a report detailing any amendments or modifications to the comprehensive infrastructure agreement. The report shall include statements describing the fiscal impact of such amendments or modifications and shall be submitted within 30 days following the signing of any amended agreement.

ITEM 425.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

E. An annual assessment of the VITA organization and in-scope information technology and telecommunications costs will be provided to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by September 15 of each year. This assessment should (i) include a review of agency productivity, efficiency, and effectiveness, (ii) identify opportunities to reduce the number of retained employees, (iii) establish and update standards for hardware, such as the number of printers per employees and using docking stations instead of laptops and desktops, and (iv) offer options for decreasing agency overhead costs.

F. The Chief Information Officer shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no later than December 1, each year, an update to the December 1, 2013, assessment of the comprehensive infrastructure agreement. The updated assessment shall (i) include a detailed overview of all in-scope agency infrastructure transition timelines and costs, including untransformed agencies; (ii) describe all efforts undertaken to ensure the market competitiveness of the fees paid by the Commonwealth to Northrop Grumman; (iii) assess whether the financial and contractual terms of the comprehensive agreement ensure that the Commonwealth's needs are met, including whether any modifications thereto are required; and (iv) identify options available to the Commonwealth at the expiry of the current agreement including any anticipated steps required to plan for its expiration.

G.I. From the amounts appropriated in this Item, \$1,000,000 the second year from the internal service fund shall be allocated to develop an information technology (IT) sourcing strategy for contract transition in preparation for the expiration of the IT contract with Northrop Grumman.

*2. From the amounts appropriated in this Item, \$1,150,235 the first year and \$600,000 the second year from the Acquisitions Services Special Fund shall be allocated to develop an information technology sourcing strategy for contract transition in preparation for the expiration of the IT contract with Northrop Grumman.*

H. From the amounts appropriated in this Item, \$1,721,245 the first year and \$721,624 the second year from the internal service fund shall be allocated to implement a new telecommunications expense management (TEM) and billing solution system.

426.	Information Technology Security Oversight (82900).....			\$2,908,036	\$3,034,664
	Technology Security Oversight Services (82901) .....	\$2,908,036	\$3,034,664	\$2,739,661	\$2,857,271
		\$2,739,661	\$2,857,271		
	Fund Sources: General .....	\$139,000	\$139,000		
	<i>Special</i> .....	\$0	\$118,358		
	Internal Service.....	\$2,769,036	\$2,895,664		
		\$2,600,661	\$2,599,913		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

Out of this appropriation, ~~\$2,769,036~~ \$2,600,661 the first year and ~~\$2,895,664~~ \$2,599,913 the second year for Technology Oversight Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

	Total for Virginia Information Technologies Agency.....			\$384,694,956	\$402,195,658
				\$382,316,627	\$386,196,939
	General Fund Positions.....	26.00	26.00		
	Nongeneral Fund Positions.....	255.00	258.00		
		245.00	244.00		
	Position Level .....	281.00	284.00		
		271.00	270.00		
	Fund Sources: General.....	\$2,183,330	\$2,184,211		

ITEM 426.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$7,092,929	\$7,219,460		
	\$7,778,099	\$7,361,363		
Internal Service.....	\$347,864,760	\$362,989,471		
	\$347,077,163	\$349,824,751		
Dedicated Special Revenue.....	\$27,045,942	\$29,726,614		
	\$24,845,942	\$26,826,614		
Federal Trust.....	\$507,995	\$75,902		
	\$432,093	\$0		
<b>TOTAL FOR OFFICE OF TECHNOLOGY.....</b>			<b>\$393,527,811</b>	<b>\$411,040,444</b>
			<b>\$391,343,482</b>	<b>\$394,946,075</b>
General Fund Positions.....	31.00	31.00		
Nongeneral Fund Positions.....	255.00	258.00		
	245.00	244.00		
Position Level .....	286.00	289.00		
	276.00	275.00		
Fund Sources: General.....	\$11,016,185	\$11,028,997		
	\$11,210,185	\$10,933,347		
Special.....	\$7,092,929	\$7,219,460		
	\$7,778,099	\$7,361,363		
Internal Service.....	\$347,864,760	\$362,989,471		
	\$347,077,163	\$349,824,751		
Dedicated Special Revenue.....	\$27,045,942	\$29,726,614		
	\$24,845,942	\$26,826,614		
Federal Trust.....	\$507,995	\$75,902		
	\$432,093	\$0		

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**OFFICE OF TRANSPORTATION**

**§ 1-120. SECRETARY OF TRANSPORTATION (186)**

427.	Administrative and Support Services (79900).....			\$831,149	\$832,014
	General Management and Direction (79901).....	\$831,149	\$832,014		
	Fund Sources: Commonwealth Transportation .....	\$831,149	\$832,014		

Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of Virginia.

A. The transportation policy goals enumerated in this act shall be implemented by the Secretary of Transportation, including the Secretary acting as Chairman of the Commonwealth Transportation Board.

1. The maintenance of existing transportation assets to ensure the safety of the public shall be the first priority in budgeting, allocation, and spending. The highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

2. The efficient and cost-effective movement of people and goods will consider the needs in, and connectivity of, all modes of transportation, including bicycling, walking, public transportation, highways, freight and passenger rail, ports, and airports. The planning, development, construction, and operations of Virginia’s transportation facilities will reflect this goal.

3. To the greatest extent possible, the appropriation of transportation revenues shall reflect planned spending of such revenues by agency and by program. The maximization of all federal transportation funds available to the Commonwealth shall be paramount in the budgetary, spending, and allocation processes. Notwithstanding any provision of law to the contrary, the secretary and all agencies within the transportation secretariat are hereby authorized to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth, whether such actions or funds or both are authorized under P.L. 112-141 of the 112th Congress, or any successor or related federal transportation legislation, or regulation, rule, or guidance issued by the U.S. Department of Transportation or any federal agency.

B.1. The secretary shall ensure that the allocation of transportation funds apportioned and for which obligation authority is expected to be available under federal law shall be in accordance with such laws and in support of the transportation policy goals enumerated in this act. Furthermore, the secretary is authorized to take all actions necessary to allocate the required match for federal highway funds to ensure their appropriate and timely obligation and expenditure within the fiscal constraints of state transportation revenues. By June 1 of each year, the secretary, as Chairman of the Board, shall report to the Governor and General Assembly on the allocation of such federal transportation funds and the actions taken to provide the required match.

2. The board shall only make allocations providing the required match for federal Regional Surface Transportation Program funds to those Metropolitan Planning Organizations in urbanized areas greater than 200,000 that, in consultation with the Office of Intermodal Planning and Investment, have developed regional transportation and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and have been approved by the board.

3. Projects funded, in whole or part, from federal funds referred to as congestion mitigation and air quality improvement, shall be selected as directed by the board. Such funds shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by such agency or recipient, then the board shall use such federal funds for any other project eligible under 23 USC 149.

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
4.				
<p>Funds apportioned under federal law for the Surface Transportation Program shall be distributed and administered in accordance with federal requirements, including the 22 percent of the non-suballocated portion that is required to be allocated for public transportation purposes. <i>The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to the 22 percent share of the non-suballocated portion allocated for public transportation purposes.</i></p>				
5.				
<p>Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Program for urbanized areas greater than 200,000 shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.</p>				
6.				
<p>Notwithstanding paragraph B.1. of this Item, the required matching funds for Transportation Alternatives projects are to be provided by the project sponsor of the federal-aid funding.</p>				
7.a.				
<p>Federal funds provided to the National Highway Performance Program, Surface Transportation Program, and Congestion Mitigation and Air Quality categories as well as the required state matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate to local and regional public transit operators, for operating and/or capital purposes, state revenues designated by formula for primary, urban, and secondary highways.</p>				
b.				
<p>Federal funds used to fund bridge projects and the required state matching funds shall be allocated and obligated as required by federal law to eligible projects across the Commonwealth. The Commonwealth Transportation Board shall consider the sufficiency and deficiency ratings of such eligible projects in making their allocations.</p>				
c.				
<p>Funds apportioned under federal law to the National Highway Performance Program and Surface <del>Transportation</del> <i>Transportation</i> Program may be allocated by the Commonwealth Transportation Board as permitted by federal law for interstate construction projects. Such designated funds shall be treated, for state formulae matching purposes, as interstate funds pursuant to <del>§33.1-23.1</del> 33.2-358, Code of Virginia.</p>				
8.				
<p>If a regional area (or areas) of the Commonwealth is determined to be not in compliance with Clean Air Act rules regarding conformity and as a result federal and/or state allocations, apportionments or obligations cannot be used to fund or support transportation projects or programs in that area, such funds may be used to finance demand management, conformity, and congestion mitigation projects to the extent allowed by federal law. Any remaining amount of such allocations, apportionments, or obligations shall be set aside to the extent possible under law for use in that regional area.</p>				
9.				
<p>Appropriations in this act related to federal revenues outlined in this section may be adjusted by the Director, Department of Planning and Budget, upon request from the Secretary of Transportation, as needed to utilize and allocate additional federal funds that may become available.</p>				
C.				
<p>The secretary may ensure that appropriate action is taken to maintain a minimum cash balance and/or cash reserve in the Highway Maintenance and Operating fund.</p>				
D.1.				
<p>The Commonwealth Transportation Board is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995, as amended. Any such application, agreement and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.</p>				
2.				
<p>The Commonwealth Transportation Board is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this Act or other Acts of Assembly.</p>				

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

E. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall only be used to supplement, not supplant, any local funds provided for transportation programs within the localities authorized to impose the fees under the provisions of § 58.1-3221.3, Code of Virginia.

F. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were authorized in the prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the 2007 General Assembly Session.

G. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

H. Pursuant to the provisions of the Memorandum of Agreement between the Commonwealth of Virginia Department of Transportation and the Metropolitan Washington Airports Authority, in conjunction with the construction of rail mass transit in the right of way of the Dulles Access/Toll Road Connector (DATRC), sound walls shall be constructed along residential properties from the beginning of the DATRC to Interstate Route 66 with funding from the Commonwealth Transportation Fund.

I.1. Except as required by federal law, when engaged in procuring products or services or letting contracts for construction, maintenance, or operation of any transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, maintenance, or operation, neither the Commonwealth Transportation Board, any state transportation agency, nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents, provide an incentive in their scoring favoring entities entering into project labor agreements.

2. These provisions shall not apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private party is a signatory and is thus legally bound with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq. or the Railway Labor Act, 45 U.S.C. § 151 et seq.; prohibit an employer or any other person covered by the National Labor Relations Act or the Railway Labor Act, 45 U.S.C. § 151 et seq.; from entering into agreements or engaging in any other activity protected by law; or be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act.

J. Notwithstanding any provision of law, any agreement to transfer money from the Commonwealth Transportation Funds to the Metropolitan Washington Airports Authority (MWAA) in connection with Phase II of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County shall include provisions stating that the MWAA has addressed all of the recommendations included in the November 2012 report of the Inspector General of the U.S. Department of Transportation as a condition of transferring such money. The Governor may waive this requirement for one or more specific recommendations that have not been implemented by notifying the Chairmen of the House Appropriations and Senate Finance Committees of his reason for granting the waiver or waivers.

K. No later than December 1, 2014, the Secretary of Transportation shall provide recommendations to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees on methods to provide assistance for local transportation projects. The recommendations shall consider geographic equity as well as the needs of local governments, transit agencies, and metropolitan planning organizations.

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

L. 1. The Commonwealth Transportation Board shall direct the staff of the Virginia Department of Transportation's Bristol, Salem and Staunton districts to develop a list of potential improvements to address congestion and safety concerns along the Interstate 81 corridor as a part of the statewide prioritization process enacted by the 2014 General Assembly pursuant to § ~~33.1-23.5:5~~ 33.2-214.1, Code of Virginia.

2. In the identification of potential candidate projects for evaluation, the Board shall solicit input from local elected officials, state legislators, and other affected stakeholders. Further, the Board shall give priority to projects that minimize the impacts on adjacent communities, including historic battlefields, and to projects that can be implemented within the existing right-of-way or with minimal additional right-of-way. An interim report, including a listing of the identified projects and estimated costs shall be completed by November 1, 2014. By January 1, 2016, a final listing, developed pursuant to the provisions of House Bill 2, 2014 Session of the General Assembly, will list the prioritized candidate projects identified for potential inclusion in the Six Year Program adopted by the Commonwealth Transportation Board in June 2016.

M. The Secretary of Transportation shall assure that no funds appropriated to any transportation agency are expended directly or indirectly, including by a private contractor, for propaganda purposes in support of any proposed transportation project for which construction funding has not been allocated in the Six Year Improvement Program. This prohibition shall not extend to advertising legally required for public notifications.

*N. In programming funds for the reconstruction and rehabilitation of structurally deficient bridges pursuant to § 33.2-358 C.(i), Code of Virginia, the Commonwealth Transportation Board shall consider both state and locally-owned bridges.*

*O. No later than December 1, 2015, the Secretary of Transportation, in conjunction with the Department of Rail and Public Transportation, shall provide a comprehensive review to the Chairmen of the House and Senate Transportation Committees, House Appropriations Committee and Senate Finance Committee on the usage of monies deposited in the Rail Enhancement Fund since its establishment in fiscal year 2006. Such a review shall include the amounts of funds allocated to rail freight projects, the amounts allocated to rail passenger projects, and the outstanding commitments to each type of project by year. Also included in this review shall be an accounting of any funds transferred in or out of the fund for other purposes, and additional funds made available, by year, for rail projects in the Commonwealth. The review also shall include the uses of any funding deposited into the Intercity Passenger Rail Operating and Capital Fund, and the source of such funds. Finally, the review shall assess outstanding needs for rail improvement projects and any modifications to the Commonwealth's rail programs that would help better address those needs.*

Total for Secretary of Transportation.....			<b>\$831,149</b>	<b>\$832,014</b>
Nongeneral Fund Positions.....	6.00	6.00		
Position Level .....	6.00	6.00		
Fund Sources: Commonwealth Transportation .....	\$831,149	\$832,014		

**§ 1-121. VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY (509)**

428.	Space Flight Support Services (60800).....			\$21,600,000	\$15,800,000
	Maintenance and Operation of Space Flight Facilities (60801) .....	\$21,600,000	\$15,800,000		
	Fund Sources: Commonwealth Transportation .....	\$21,600,000	\$15,800,000		

Authority: Title 2.2, Chapter 22, Code of Virginia.

ITEM 428.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A. Pursuant to the provisions of Chapters 779 and 817, 2012 Session of the General Assembly, \$15,800,000 in the first year and \$15,800,000 in the second year shall be transferred to the Commonwealth Space Flight Fund as set forth in ~~§ 33.1-23.03:2~~ § 33.2-1526 to support the maintenance and operations of the Virginia Commercial Space Flight Authority. Included in this amount, *an amount estimated at* \$800,000 the first year and *an amount estimated at* \$800,000 the second year is directed to support shoreline protection activities at Wallops Island.

B. From the amounts of the Transportation Trust Fund, \$5,800,000 in the first year shall be transferred to the Virginia Commercial Space Flight Authority for the development of an unmanned aircraft system (UAS) test range on Wallops Island in support of activities designated by the Federal Aviation Administration. Prior to allocation of this funding, the Director, Virginia Commercial Space Flight Authority, shall negotiate appropriate terms and conditions with the National Aeronautical and Space Administration for the lease of property at Wallops Flight Facility by the Commonwealth for this activity.

Total for Virginia Commercial Space Flight Authority ....			<b>\$21,600,000</b>	<b>\$15,800,000</b>
Fund Sources: Commonwealth Transportation .....	\$21,600,000	\$15,800,000		

**§ 1-122. DEPARTMENT OF AVIATION (841)**

429.	Financial Assistance for Airports (65400).....			\$28,351,475	\$28,351,475
	Financial Assistance for Airport Maintenance (65401).....	\$1,000,000	\$1,000,000		
	Financial Assistance for Airport Development (65404)....	\$25,976,475	\$25,976,475		
	Financial Assistance for Aviation Promotion (65405).....	\$1,375,000	\$1,375,000		
	Fund Sources: Commonwealth Transportation .....	\$28,351,475	\$28,351,475		

Authority: Title 5.1, Chapters 1, 3, and 5; Title 58.1, Chapter 6, Code of Virginia.

A. It is the intent of the General Assembly that the Department of Aviation match federal funds for Airport Assistance to the maximum extent possible. In furtherance of this maximization, the Commonwealth Transportation Board may request funding from the Commonwealth Airport Fund for surface transportation projects that provide airport access. The Aviation Board shall consider such requests and provide funding as it so approves. However, the legislative intent expressed herein shall not be construed to prohibit the Virginia Aviation Board from allocating funds for promotional activities in the event that federal matching funds are unavailable.

B. The department is authorized to expend up to \$400,000 of Aviation Special Funds in each year to support a partnership between industry, academia, and Virginia Small Aircraft Transportation System. The project shall target research efforts to promote safety and greater access for rural airports.

C. The department is authorized to pay to the Civil Air Patrol from Aviation Special Funds \$100,000 the first year and \$100,000 the second year. The provisions of § 2.2-1505, Code of Virginia, and § 4-5.05 of this act shall not apply to the Civil Air Patrol.

D. Out of the amounts included in this Item \$500,000 the first year and \$500,000 the second year shall be paid to the Washington Airports Task Force.

430.	Air Transportation System Planning, Regulation, Communication and Education (65500).....			\$2,744,562	\$2,744,562
	Aviation Licensing and Regulation (65501).....	\$106,655	\$106,655		
	Aviation Communication and Education (65502).....	\$825,610	\$825,610		
	General Aviation Personnel Development (65503).....	\$26,400	\$26,400		
	Air Transportation Planning and Development (65504)...	\$1,785,897	\$1,785,897		
	Fund Sources: Commonwealth Transportation .....	\$2,244,562	\$2,244,562		
	Federal Trust.....	\$500,000	\$500,000		

Authority: Title 5.1, Chapter 1, Code of Virginia.

ITEM 431.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
431.	State Aircraft Flight Operations (65600).....			\$2,144,484	\$2,144,484
	State Aircraft Operations and Maintenance (65602).....	\$2,144,484	\$2,144,484		
	Fund Sources: General.....	\$30,246	\$30,246		
	Commonwealth Transportation.....	\$2,114,238	\$2,114,238		
	Authority: Title 5.1, Chapter 1, Code of Virginia.				
432.	Administrative and Support Services (69900).....			\$2,096,675	\$2,106,673
	General Management and Direction (69901).....	\$2,096,675	\$2,106,673		
	Fund Sources: General.....	\$6	\$7		
	Commonwealth Transportation.....	\$2,096,669	\$2,106,666		
	Authority: Title 5.1, Chapter 1, Code of Virginia.				
	A. The Director, Department of Aviation, shall prepare general guidelines regarding aircraft acquisition and use that shall include a requirement for state agencies to develop written policies on usage, charge rates and record-keeping. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need arises.				
	B. The Virginia Aviation Board and the Department of Aviation may obligate funds in excess of the current biennium appropriation for aviation financial assistance programs supported by the Commonwealth Transportation Fund provided 1) sufficient cash is available to cover projected costs in each year and 2) sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.				
	Total for Department of Aviation.....			<b>\$35,337,196</b>	<b>\$35,347,194</b>
	Nongeneral Fund Positions.....	34.00	34.00		
	Position Level.....	34.00	34.00		
	Fund Sources: General.....	\$30,252	\$30,253		
	Commonwealth Transportation.....	\$34,806,944	\$34,816,941		
	Federal Trust.....	\$500,000	\$500,000		

**§ 1-123. DEPARTMENT OF MOTOR VEHICLES (154)**

433.	Ground Transportation Regulation (60100).....			<del>\$164,129,131</del>	<del>\$165,035,241</del>
	Customer Service Centers Operations (60101).....	<del>\$112,564,857</del>	<del>\$113,470,967</del>	<del>\$166,482,775</del>	<del>\$171,109,999</del>
		<del>\$113,794,989</del>	<del>\$117,592,443</del>		
	Ground Transportation Regulation and Enforcement (60103).....	<del>\$38,851,150</del>	<del>\$38,851,150</del>		
		<del>\$39,974,662</del>	<del>\$40,486,684</del>		
	Motor Carrier Regulation Services (60105).....	<del>\$12,713,124</del>	<del>\$12,713,124</del>		
			<del>\$13,030,872</del>		
	Fund Sources: Commonwealth Transportation.....	<del>\$156,682,531</del>	<del>\$157,588,641</del>		
		<del>\$158,386,175</del>	<del>\$163,313,399</del>		
	Trust and Agency.....	<del>\$5,446,600</del>	<del>\$5,446,600</del>		
		<del>\$6,096,600</del>	<del>\$5,796,600</del>		
	Federal Trust.....	<del>\$2,000,000</del>	<del>\$2,000,000</del>		

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

ITEM 433.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.</p>				
<p>B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions.</p>				
<p>C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general law.</p>				
<p>D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such taxes and fees in place as a matter of law <del>on or before January 1, 2013</del>. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.</p>				
<p>E. Out of the amounts identified in this Item, \$299,991 the first year and \$299,991 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.</p>				
<p>F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$10 for all replacement and supplemental titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.</p>				
<p>2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.</p>				
<p>3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.</p>				
<p>G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.</p>				
<p>H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.</p>				

ITEM 433.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.</p> <p>J. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall report on the feasibility and advisability of entering into reciprocal agreements with other states for the purpose of toll enforcement. Such report shall be made to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees no later than December 1, 2014.</p> <p><i>K. Included in the amounts for this item is \$650,000 in the first year and \$350,000 in the second year to support the start-up and on-going costs associated with the regulation of Transportation Network Companies in Virginia pursuant to the provisions of House Bill 1662, 2015 Session of the General Assembly.</i></p>				
434.	Ground Transportation System Safety Services (60500) ..		\$6,829,294	\$6,829,294
			\$6,834,203	\$6,909,227
	Highway Safety Services (60508).....	\$6,829,294	\$6,829,294	
		\$6,834,203	\$6,909,227	
	Fund Sources: Commonwealth Transportation .....	\$5,096,970	\$5,096,970	
		\$5,101,879	\$5,176,903	
	Federal Trust.....	\$1,732,324	\$1,732,324	
	Authority: §§ 46.2-222 through 46.2-224, Code of Virginia; Chapter 4, United States Code.			
435.	Administrative and Support Services (69900).....		\$63,453,049	\$64,958,267
			\$63,709,976	\$66,216,982
	General Management and Direction (69901).....	\$25,793,793	\$26,344,812	
		\$25,900,164	\$26,918,978	
	Information Technology Services (69902).....	\$32,700,679	\$33,654,878	
		\$32,851,235	\$34,295,295	
	Facilities and Grounds Management Services (69915).....	\$4,958,577	\$4,958,577	
			\$5,002,709	
	Fund Sources: Commonwealth Transportation .....	\$61,216,049	\$62,721,267	
		\$61,472,976	\$63,979,982	
	Federal Trust.....	\$2,237,000	\$2,237,000	
	Authority: Title 46.2, Chapters 1 and 2, and § 46.2-697.1; Title 58.1, Chapters 17, 21, and 24, Code of Virginia.			
	The Department of Transportation shall reimburse the Department of Motor Vehicles for the operating costs of the Fuels Tax Evasion Program.			
	Total for Department of Motor Vehicles.....		\$234,411,474	\$236,822,802
			\$237,026,954	\$244,236,208
	Nongeneral Fund Positions.....	2,038.00	2,038.00	
	Position Level .....	2,038.00	2,038.00	
	Fund Sources: Commonwealth Transportation .....	\$222,995,550	\$225,406,878	
		\$224,961,030	\$232,470,284	
	Trust and Agency .....	\$5,446,600	\$5,446,600	
		\$6,096,600	\$5,796,600	
	Federal Trust.....	\$5,969,324	\$5,969,324	

ITEM 436.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Motor Vehicles Transfer Payments (530)</b>					
436.	Ground Transportation System Safety Services (60500) .. Financial Assistance for Transportation Safety (60507) ...	\$26,255,029	\$26,255,029	\$26,255,029	\$26,255,029
	Fund Sources: Federal Trust .....	\$26,255,029	\$26,255,029		
	Authority: §§ 46.2-222 through 46.2-224, Code of Virginia; Chapter 4, United States Code.				
437.	Financial Assistance to Localities - General (72800) .....			\$85,691,500	\$85,691,500
	Financial Assistance to Localities - Mobile Home Tax (72803) .....	\$5,500,000	\$5,500,000		
	Financial Assistance to Localities for the Disposal of Abandoned Vehicles (72814) .....	\$391,500	\$391,500		
	Distribution of Sales Tax on Fuel in Certain Transportation Districts (72815).....	\$79,800,000	\$79,800,000		
	Fund Sources: Commonwealth Transportation .....	\$391,500	\$391,500		
	Trust and Agency .....	\$5,500,000	\$5,500,000		
	Dedicated Special Revenue .....	\$79,800,000	\$79,800,000		
	Authority: §§ 46.2-416, 58.1-2402, and 58.1-2425, and 46.2-1200 through 46.2-1208, Code of Virginia.				
	Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions.				
	Total for Department of Motor Vehicles Transfer Payments.....			<b>\$111,946,529</b>	<b>\$111,946,529</b>
	Fund Sources: Commonwealth Transportation .....	\$391,500	\$391,500		
	Trust and Agency .....	\$5,500,000	\$5,500,000		
	Dedicated Special Revenue .....	\$79,800,000	\$79,800,000		
	Federal Trust .....	\$26,255,029	\$26,255,029		
	Grand Total for Department of Motor Vehicles.....			<b><del>\$346,358,003</del></b>	<b><del>\$348,769,331</del></b>
				<b>\$348,973,483</b>	<b>\$356,182,737</b>
	Nongeneral Fund Positions.....	2,038.00	2,038.00		
	Position Level .....	2,038.00	2,038.00		
	Fund Sources: Commonwealth Transportation .....	<del>\$223,387,050</del>	<del>\$225,798,378</del>		
		<del>\$225,352,530</del>	<del>\$232,861,784</del>		
	Trust and Agency .....	<del>\$10,946,600</del>	<del>\$10,946,600</del>		
		<del>\$11,596,600</del>	<del>\$11,296,600</del>		
	Dedicated Special Revenue .....	\$79,800,000	\$79,800,000		
	Federal Trust .....	\$32,224,353	\$32,224,353		

**§ 1-124. DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (505)**

438.	Ground Transportation Planning and Research (60200) ... Rail and Public Transportation Planning, Regulation, and Safety (60203).....	\$3,543,598	\$3,543,598	\$3,543,598	\$3,543,598
	Fund Sources: Commonwealth Transportation .....	\$3,543,598	\$3,543,598		
	Authority: Titles 33.1 and 58.1, Code of Virginia.				

ITEM 439.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
439. Financial Assistance for Public Transportation (60900) ...			\$396,860,779	<del>\$407,366,035</del> \$432,366,035
Public Transportation Programs (60901) .....	\$376,925,801	<del>\$387,414,287</del> \$412,414,287		
Congestion Management Programs (60902).....	\$13,344,000	\$13,344,000		
Human Service Transportation Programs (60903) .....	\$6,590,978	\$6,607,748		
Fund Sources: Special.....	\$838,520	\$855,290		
Commonwealth Transportation .....	\$396,022,259	<del>\$406,510,745</del> \$431,510,745		

Authority: Titles 33.1 and 58.1, Code of Virginia.

A.1. Except as provided in Item 441, the Commonwealth Transportation Board shall allocate all monies in the Commonwealth Mass Transit Fund, as provided in § 58.1-638, Code of Virginia. The total appropriation for the Commonwealth Mass Transit Fund is \$237,748,173 the first year and \$248,236,659 the second year from the Transportation Trust Fund. From these funds, the following estimated allocations shall be made:

a. \$177,424,325 the first year and \$184,983,594 the second year to statewide Operating Assistance as provided in § 58.1-638, Code of Virginia.

b. \$52,251,293 the first year and \$55,136,665 the second year from the Commonwealth Mass Transit Fund to statewide Capital Assistance.

c. Notwithstanding the provisions of paragraph A.1.a and A.1.b. of this Item, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the Commonwealth Mass Transit Fund to implement the transit and transportation demand management improvements identified for the I-95 corridor. Such costs shall include only direct transit capital and operating costs as well as transportation demand management activities. Costs associated with additional park and ride lots required to be funded by the Commonwealth under the provisions of the Comprehensive Agreement for the Interstate 95 High Occupancy Toll Lanes project shall be borne by the Department of Transportation as set out in Item 446 of this act.

2. Included in this Item is \$1,500,000 the first year and \$1,500,000 the second year from the Commonwealth Mass Transit Trust Fund. These allocations are designated for "paratransit" capital projects and enhanced transportation services for the elderly and disabled.

3. a. From the amounts appropriated in this Item from the Commonwealth Mass Transit Fund, \$6,302,555 the first year and \$6,616,400 the second year is the estimated allocation to statewide Special Programs as provided in § 58.1-638, Code of Virginia.

b. From the amounts provided for Special Programs, the Commonwealth Transportation Board shall operate a program entitled the Transportation Efficiency Improvement Fund (TEIF). The purpose of the TEIF program is to reduce traffic congestion by supporting transportation demand management programs and projects designed to reduce the movement of passengers and freight on Virginia's highway system.

4. Not included in this appropriation is an amount estimated at \$26,130,677 the first year and ~~\$26,130,677~~ \$25,515,973 the second year allocated to transit agencies from federal sources for the Surface Transportation Program (STP) and the Minimum Guarantee program.

B. I. Funds from a stable and reliable source, as required in Public Law 96-184, as amended, are to be provided to Metro from payments authorized and allocated in this program and pursuant to §§ 58.1-1720 and 58.1-2295, Code of Virginia. Notwithstanding any other provision of law, funds allocated to Metro under this program may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro as deemed appropriate by the Department. In appointing the Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA board of directors.

ITEM 439.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2. To ensure that all revenues provided to support the Washington Metropolitan Area Transit Authority (WMATA) are used efficiently and appropriately, the WMATA Board of Directors shall submit to the Director, Department of Rail and Public Transportation, and the Chairmen of the House and Senate Transportation Committees and the House Appropriations and Senate Finance Committees, a report on the actions taken to address all the recommendations cited in the Federal Transit Administration of the U. S. Department of Transportation's "Full Scope of Systems Review of the Washington Metropolitan Transit Authority" dated June 10, 2014. Such reports shall be submitted no more than 30 days after the close of each quarter of the fiscal year, and shall include any further findings issued by the appropriate compliance officer of the Federal Transit Administration. In addition, the WMATA Board of Directors shall provide, immediately upon its issuance, a copy of the audited financial statements for FY 2014 and shall submit a plan to remedy any deficiencies within 30 days of receipt of the report.

C. All Commonwealth Mass Transit Funds appropriated for Financial Assistance for Public Transportation shall be used only for public transportation purposes as defined by the Federal Transit Administration or outlined in § 58.1-638 A.4. or in § 58.1-638 A.5., Code of Virginia.

D. It is the intent of the General Assembly that no transit operating assistance funding be used to support any new transit system or route at a level higher than such project would be eligible for under the allocation formula set out in § 58.1-638 A 4. e., Code of Virginia, beyond the first two years of its operation.

E. Prior to November 15, 2015, the Director of the Department of Rail and Public Transportation shall report to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees on the feasibility of increasing utilization of private operators and independent contractors, including but not limited to transportation network companies, in the provision of paratransit services throughout the Commonwealth. Included in this assessment, the Department shall determine the potential costs and feasibility of, as well as identify potential liability and risks associated with, increasing the provision of paratransit services through private providers.

440.	Financial Assistance for Rail Programs (61000).....			\$100,586,869	\$103,044,470 \$144,539,969
	Rail Industrial Access (61001).....	\$3,000,000	\$3,000,000		
	Rail Preservation Programs (61002).....	\$7,580,644	\$7,583,720		
	Passenger and Freight Rail Financial Assistance Programs (61003).....	\$90,006,225	<del>\$92,460,750</del> \$133,956,249		
	Fund Sources: <i>Special</i> .....		\$0	\$900,000	
	Commonwealth Transportation.....	\$100,586,869	<del>\$103,044,470</del> \$143,639,969		

Authority: Title 33.1, Code of Virginia.

A. Except as provided in Item 441, the Commonwealth Transportation Board shall operate the Shortline Railway Preservation and Development Program in accordance with § 33.1-221.1:1.2, Code of Virginia. The board shall allocate funds pursuant to § 33.1-221.1:1.1, Code of Virginia, to the Shortline Railway Preservation and Development Fund.

B. The Commonwealth Transportation Board shall operate the Rail Industrial Access Program in accordance with § 33.1-221.1:1, Code of Virginia. The board may allocate funds pursuant to § 33.1-23.1, Code of Virginia, to the fund for construction of industrial access railroad tracks.

C. Of the funds appropriated pursuant to Chapters 1019 and 1044 of the 2000 Acts of Assembly for passenger rail capacity improvements in the I-95 passenger rail corridor between Richmond and the District of Columbia, the Director of the Department of Rail and Public Transportation is authorized to utilize any remaining funds along the described corridor for the development of intercity passenger rail enhancements to include rail improvements and passenger station facilities.

ITEM 441.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
441. Administrative and Support Services (69900).....			\$10,188,190	\$10,268,643 <i>\$11,910,450</i>
General Management and Direction (69901).....	\$10,188,190	<del>\$10,268,643</del> <i>\$11,910,450</i>		
Fund Sources: Commonwealth Transportation .....	\$10,188,190	<del>\$10,268,643</del> <i>\$11,910,450</i>		
Authority: Titles 33.1 and 58.1, Code of Virginia.				
A. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Department of Rail and Public Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.				
B. The Commonwealth Transportation Board may allocate up to 3.5 percent of the funds appropriated in Item 439 and Item 440 to support costs of project development, project administration and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants, programs set out in §§ 58.1-638, 33.1-221.1:1.1 and 33.1-221.1:1.2 and 33.1-221.1:1.3, Code of Virginia.				
Total for Department of Rail and Public Transportation..			<b>\$511,179,436</b>	<b>\$524,222,746</b> <i>\$592,360,052</i>
Nongeneral Fund Positions.....	53.00	53.00		
Position Level .....	53.00	53.00		
Fund Sources: Special.....	\$838,520	<del>\$855,290</del> <i>\$1,755,290</i>		
Commonwealth Transportation .....	\$510,340,916	<del>\$523,367,456</del> <i>\$590,604,762</i>		

**§ 1-125. DEPARTMENT OF TRANSPORTATION (501)**

442. Environmental Monitoring and Evaluation (51400).....			\$14,578,165	\$14,819,771 <i>\$12,534,800</i>
Environmental Monitoring and Compliance for Highway Projects (51408) .....	<del>\$12,264,839</del> <i>\$10,813,010</i>	<del>\$12,448,895</del> <i>\$10,211,305</i>		
Environmental Monitoring Program Management and Direction (51409).....	<del>\$2,313,326</del> <i>\$2,438,375</i>	<del>\$2,370,876</del> <i>\$2,323,495</i>		
Fund Sources: Commonwealth Transportation .....	<del>\$14,578,165</del> <i>\$13,251,385</i>	<del>\$14,819,771</del> <i>\$12,534,800</i>		

Authority: Title 33.1, Code of Virginia.

A. Included in the amounts for Environmental Monitoring and Evaluation is \$187,443 in the first year and \$55,717 in the second year to establish baseline air quality measures of nitrogen dioxide and fine particulate matter at the terminus of the I-395 express lane at Turkeycock Run. Funding shall be used for a two-phased study including a six-month baseline monitoring commencing as soon after July 1, 2014 as practicable, prior to the opening of the ramp, and twelve-month monitoring upon completion of the project; provided, however, that nothing required herein shall delay the opening of the ramp or the project or affect the continuing operation of the 95 Express lanes project. The study shall be conducted by the Department of Environmental Quality pursuant to a Memorandum of Agreement with the Department of Transportation.

443. Ground Transportation Planning and Research (60200)...			\$65,091,062	\$66,422,969
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ITEM 443.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
			\$67,936,320	\$68,490,623
Ground Transportation System Planning (60201) .....	\$49,181,414	\$50,228,800		
	\$51,771,702	\$53,153,011		
Ground Transportation System Research (60202).....	\$12,349,934	\$12,552,784		
	\$12,533,845	\$11,881,427		
Ground Transportation Program Management and Direction (60204).....	\$3,559,714	\$3,641,385		
	\$3,630,773	\$3,456,185		
Fund Sources: Commonwealth Transportation .....	\$65,091,062	\$66,422,969		
	\$67,936,320	\$68,490,623		

Authority: Title 33.42, Code of Virginia.

A. Included in the amount for ground transportation system planning and research is no less than \$4,500,000 the first year and no less than \$4,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs.

B. In addition, the Commonwealth Transportation Board may approve the expenditures of up to \$500,000 the first year and \$500,000 the second year from the highway share of the Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project's design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board's annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.

C.1. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth Transportation Board all allocations of such funds in this paragraph. The planning and evaluation may be conducted or managed by the Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.

2. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capita vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.

3. For allocation of funds under Paragraph 1, the office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the department.

D. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of Assembly, the Commonwealth Transportation Board shall not reallocate any funds from projects on roadways controlled by any county that has withdrawn or elects to withdraw from the secondary system of state highways, nor from any roadway controlled by a city or town as part of the state's urban roadway system, based on a determination of nonconformity with the Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways within their boundaries, the provisions of § ~~33-1-12, 9(f)~~ 33.2-214 shall apply only to highways controlled by the Department of Transportation.

ITEM 443.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>E. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from the federal apportionments in the State Planning and Research Program.</i>				
444.	Highway System Acquisition and Construction (60300) ..		\$1,617,367,425	\$1,848,738,099
			\$1,521,576,851	\$1,860,792,607
	Dedicated and Statewide Construction (60302).....	\$927,748,230	\$1,017,979,975	
		\$1,088,811,436	\$1,258,102,348	
	Interstate Construction (60303) .....	\$231,252,094	\$341,393,972	
		\$122,180,355	\$185,550,135	
	Primary Construction (60304) .....	\$305,982,622	\$319,692,647	
		\$177,800,309	\$254,653,082	
	Secondary Construction (60306) .....	\$76,438,702	\$93,750,872	
		\$65,028,986	\$90,332,246	
	Urban Construction (60307) .....	\$51,110,966	\$50,210,165	
		\$42,195,439	\$47,267,564	
	Highway Construction Program Management (60315) .....	\$24,834,811	\$25,710,468	
		\$25,560,326	\$24,887,232	
	Fund Sources: Commonwealth Transportation .....	\$1,166,505,444	\$1,284,228,933	
		\$1,071,314,483	\$1,259,235,059	
	Trust and Agency .....	\$450,861,981	\$564,509,166	
		\$450,262,368	\$601,557,548	

Authority: Title 33.42, Chapter 43; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

A. From the appropriation for dedicated and statewide construction, the Commonwealth Transportation Board shall determine an amount each year, not less than \$15,000,000 and not to exceed \$200,000,000 from the Commonwealth Transportation Fund, which shall be allocated to localities for revenue sharing. No additional amount shall be appropriated from the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds for this program.

B. Notwithstanding § ~~33.1-23.1~~ 33.2-358 of the Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the system and locality where the residue property is located. This funding shall be provided as an increase to the allocations distributed to the systems and localities according to § ~~33.1-23.1~~ 33.2-358 of the Code of Virginia.

C. The Director, Department of Planning and Budget, is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds.

D. Included in the amounts for dedicated and statewide construction is the reappropriation of \$448,300,000 the first year and ~~\$187,000,000~~ \$238,500,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Capital Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to FY 2015 and FY 2016 estimated revenues.

E. Projects being developed and procured through adopted state, local or regional design-build provisions, other than those required by § ~~33.1-12(2)(b)~~ 33.2-209 B., Code of Virginia, may be considered for funding from the Transportation Partnership Opportunity Fund. In addition, an application requesting funding from the fund shall be limited to requesting only one form of assistance and the limitations included in § ~~33.1-221.1-8(E)~~ 33.2-1508 (E), Code of Virginia.

F. Prior to annual adoption of the Six Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the highway portion of the Transportation Trust Fund to undertake any park and ride lot improvements for the I-95 Corridor required pursuant to the Comprehensive Agreement for the I-95 High Occupancy Toll Lanes project.

ITEM 444.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

G. Out of the amounts provided for dedicated and statewide construction, the Commonwealth Transportation Board is hereby directed to utilize any balances remaining of the amounts provided in Item 446 H, Chapter 806 of the 2013 Acts of Assembly for an environmental study for the replacement of the I-64 High Rise Bridge in Chesapeake, Virginia to begin preliminary engineering on such project.

H. The Commissioner is directed to investigate methods through which to fund the replacement of the Churchland Bridge in Portsmouth and report to the Chairmen of the House Appropriations and Senate Finance Committees on the feasibility of including federal and or state funding for the project in the Six Year Improvement Program by October 1, 2014.

I. Out of the funds provided for the Transportation Alternatives Program or other sources available to the Board, an amount estimated at \$90,000 shall be provided to remove the concrete barrier closing the middle of a tunnel in Crozet, Virginia to allow for the development of a trails project and \$50,000 in the first year and \$50,000 in the second year shall be provided for gateway signage along Interstates 95 and 64 in the Richmond Regional Planning District.

445.	Highway System Maintenance and Operations (60400)...			\$1,512,035,770	\$1,559,834,413
				\$1,580,560,866	\$1,558,118,156
	Interstate Maintenance (60401) .....	\$366,057,165	\$381,631,204		
		\$310,834,929	\$291,582,040		
	Primary Maintenance (60402) .....	\$415,773,687	\$440,988,325		
		\$404,959,326	\$367,369,215		
	Secondary Maintenance (60403) .....	\$432,945,973	\$438,432,419		
		\$602,861,755	\$625,258,391		
	Transportation Operations Services (60404).....	\$215,951,986	\$217,475,507		
		\$189,372,246	\$197,319,011		
	Highway Maintenance Operations, Program Management and Direction (60405).....	\$81,306,959	\$81,306,958		
		\$72,532,610	\$76,589,499		
	Fund Sources: Commonwealth Transportation .....	\$1,512,035,770	\$1,559,834,413		
		\$1,580,560,866	\$1,558,118,156		

Authority: Title 33.1, Chapter 1, Code of Virginia.

A. Out of the funds provided in this program, an amount estimated at \$195,445,757 \$332,900,000 the first year and \$240,643,000 the second year from federal funds shall be used to address the maintenance of pavements and bridges and the operations of the transportation system. These funds shall be matched by other funds appropriated to this Item.

B. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.

C. Should federal law be changed to permit privatization of rest area operations, the department is hereby authorized to accept or solicit proposals for their development and/or operation under the Public Private Transportation Act.

D. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.

E. The Department is hereby directed to utilize the data collected for its State of the Pavement Report to review the conditions of secondary pavements by county within the VDOT Richmond District. By October 15, 2014 the Department shall report to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees on the conditions of secondary pavements by county, and the expenditure of funds for secondary pavement maintenance in the Richmond District by county in fiscal year 2013. If the report indicates that there are significant disparities in the condition of secondary pavements between counties in the Richmond District then the Department is hereby directed to ensure that the expenditure of funds for secondary pavements maintenance within the Richmond District in fiscal year 2015 and fiscal year 2016 shall be adjusted to achieve a minimal level of disparity

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between the pavement conditions in each county, provided that the Department take all steps necessary to ensure the safety of the driving public in the event of unforeseen events that may require the expenditure of funds to deviate from this directive. An update to the report, which shall include an update on the availability of condition data on the secondary system and the Department's progress at implementing the requirements of Chapter 290 of the 2013 Acts of Assembly shall be presented to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees by October 15, 2015.

*F. Consistent with the provisions of § 33.2-232 and § 33.2-371, Code of Virginia, as amended by the 2015 General Assembly, the Commissioner of the Department of Transportation is hereby directed to publish for each construction district the amount of money expended for system maintenance and for secondary system improvements by jurisdiction for the preceding year. The report shall also include a calculation for each district of the amount that would be spent if such funds were distributed annually on the basis of population estimates by locality as updated by the Weldon Cooper Center for Public Service. Finally, the report shall include an assessment of whether the department has met its secondary road pavement targets, by district and on a statewide basis. An update to the report, which shall include an update on the availability of condition data on the secondary system and detail on the Department's proposed condition indices for the measurement of bridge and pavement condition, shall be provided to the Chairmen of the House Committees of Transportation and Appropriations and the Senate Committees on Transportation and Finance no later than November 15, 2015.*

446.	Commonwealth Toll Facilities (60600) .....			\$34,754,817	\$35,859,730
				\$33,871,726	\$35,121,166
	Toll Facility Debt Service (60602) .....	\$3,191,100	\$3,185,850		
	Toll Facility Maintenance and Operation (60603) .....	<del>\$13,691,991</del>	<del>\$13,813,465</del>		
		\$12,808,900	\$12,864,150		
	Toll Facilities Revolving Fund (60604).....	\$17,871,726	<del>\$18,860,415</del>		
			\$19,071,166		
	Fund Sources: Commonwealth Transportation .....	\$28,224,382	\$29,316,144		
		\$27,871,726	\$29,121,166		
	Trust and Agency .....	\$6,530,435	\$6,543,586		
		\$6,000,000	\$6,000,000		

Authority: §§ 33.1-23.03:1 and 33.1-267 through 33.1-295, Code of Virginia.

A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.

B. Funds as appropriated are provided for other toll facility initiatives as needed during the biennium including but not limited to funding activities to advance projects pursuant to the Public-Private Transportation Act.

447.	Financial Assistance to Localities for Ground Transportation (60700).....			\$879,231,037	\$931,807,016
				\$879,209,191	\$894,274,652
	Financial Assistance for City Road Maintenance (60701) .....	\$347,755,475	\$359,228,321		
		\$347,733,534	\$359,217,501		
	Financial Assistance for County Road Maintenance (60702) .....	\$62,009,769	\$64,055,568		
		\$62,006,002	\$64,053,678		
	Financial Assistance for Planning, Access Roads, and Special Projects (60704) .....	\$14,261,326	\$14,441,577		
		\$14,265,188	\$14,779,319		
	Distribution of Northern Virginia Transportation Authority Fund Revenues (60706).....	\$299,276,334	\$310,413,961		
			\$297,081,245		
	Construction Program Supported by the Hampton Roads Transportation Fund (60707).....	\$155,928,133	\$183,667,589		

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<i>Distribution of Hampton Roads Transportation Fund Revenues (60707).....</i>		\$159,142,909		
Fund Sources: Commonwealth Transportation .....	\$424,026,570	\$437,725,466		
	\$424,004,724	\$438,050,498		
Dedicated Special Revenue.....	\$455,204,467	\$494,081,550		
		\$456,224,154		

Authority: Title 33.12, Chapter 1, Code of Virginia.

A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ ~~33.1-221~~ 33.2-1509, ~~33.1-221.1+1~~ 33.2-1600, and ~~33.1-223~~ 33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second year.

B. For any city or town that assumes responsibility for its construction program as outlined in § ~~33.1-23.3 D~~ 33.2-362 E, Code of Virginia, the matching highway fund requirement contained in § ~~33.1-44~~ 33.2-348, Code of Virginia, shall be waived for all new projects approved on or after July 1, 2005.

C. The Department of Transportation is encouraged to promote the construction and improvement of primary and secondary highways by counties, consistent with § ~~33.1-75.3~~ 33.2-338 of the Code of Virginia, whether or not such improvements are contained in the Six-Year Improvement Program or Plan. If such improvements are not contained in the Six-Year Improvement Program or Plan, the counties may not seek reimbursement from the department for the improvements.

D. Distribution of Northern Virginia Transportation Authority Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Northern Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly. *Notwithstanding any other provision of law, moneys deposited into the Hampton Roads Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability Commission for use in accordance with § 33.2-2611, Code of Virginia, which use may include as a source of funds for administrative expenses of the Hampton Roads Transportation Accountability Commission.* ~~Construction Program Supported by Hampton Roads Transportation fund represents funding estimated to be received to support construction projects in the Hampton Roads region as provided for in Chapter 766, 2013 Acts of Assembly. Expenditures are incurred based on project selection and schedule.~~

E. *The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments in the Metropolitan Planning Program.*

448. Non-Toll Supported Transportation Debt Service (61200) .....			\$280,194,881	\$345,752,204
			\$315,173,181	\$352,307,131
Highway Transportation Improvement District Debt Service (61201).....	\$7,216,819	\$7,212,819		
Designated Highway Corridor Debt Service (61202) .....	\$37,848,749	\$93,829,896		
	\$62,327,049	\$81,591,946		
Federal Highway Revenue Anticipation Notes Debt Service (61203).....	\$31,717,220	\$7,925,392		
Commonwealth Transportation Capital Projects Bond Act Debt Service (61204).....	\$138,678,705	\$158,251,851		
	\$149,178,705	\$177,044,728		
Federal Transportation Grant Anticipation Revenue Notes Debt Service (61205) .....	\$64,733,388	\$78,532,246		
Fund Sources: General.....	\$12,000,000	\$68,000,000		

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Commonwealth Transportation .....	\$64,733,388	\$78,532,246		
	\$75,233,388	\$108,273,569		
Trust and Agency .....	\$195,777,573	\$191,536,038		
	\$220,255,872	\$168,384,759		
Federal Trust.....	\$7,683,920	\$7,683,920		
	\$7,683,921	\$7,648,803		

Authority: Titles 15, 33, and 58 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; ~~and~~ Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").

2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.

3. The contract payments may be supplemented from primary funds allocated to the highway construction district in which the project financed is located, or from the secondary system construction allocation to the county or counties in which the project financed is located, and from any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.

B.1. Out of the amounts for Designated Highway Corridor Construction, \$12,000,000 the first year and \$68,000,000 the second year from the general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 58.1-815, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at ~~\$12,000,000~~ \$9,000,000 the first year and ~~\$12,000,000~~ \$9,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.

2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

3. The Commissioner of Highways shall report on or before July 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the cash balances in the Route 58 Corridor Development Fund. In addition, the report shall include the following program-to-date information: (i) a comparison of actual spending to allocations by project and district; (ii) expenditures by project, district, and funding source; and (iii) a six-year plan for planned future expenditures from the Fund by project and district.

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C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 58.1-815.1, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:

- a. Amounts transferred from Item 261 of this act to this Item.
- b. An amount estimated at ~~\$7,000,000~~ \$6,000,000 the first year and ~~\$7,000,000~~ \$6,000,000 the second year, which shall be transferred from the highway share of the Transportation Trust Fund.
- c. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$4,786,250 the first year and \$4,786,250 the second year.
- d. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the first year and \$816,000 the second year.

2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for the purposes provided in the "Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.

3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

4. Should the actual distribution of recordation taxes to the localities set forth in § 58.1-815.1, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § ~~33.1-221.1:3~~ 33.2-2401, Code of Virginia.

5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.

D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds transferred from Item 265 of this act to this Item, and an amount estimated at \$1,500,000 the first year and \$1,500,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose provided in the "Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994," Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the "Oak Grove Connector Act").

2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.

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3. Should the actual distribution of recordation taxes and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.				
E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:				
		<b>FY 2015</b>		<b>FY 2016</b>
Transportation Contract Revenue Refund Bonds, Series 2012 (Refunding Route 28)		\$7,216,819		\$7,212,819
Commonwealth of Virginia Transportation Revenue Bonds:				
U.S. Route 58 Corridor Development Program:				
Series 2004B6C		\$26,850,750		\$26,844,500
		\$3,173,000		\$3,173,000
Series 2006C7B		\$3,173,000		\$3,173,000
		\$15,034,000		\$15,030,000
Series 2007B12B (Refunding)		\$15,034,000		\$15,030,000
		\$6,377,400		\$6,382,200
Series 20124B (Refunding)		\$6,377,400		\$6,382,200
		\$24,143,100		\$24,138,500
Northern Virginia Transportation District Program:				
Series 2004A6B		\$10,445,500		\$10,448,500
		\$2,778,363		\$2,776,650
Series 2006B7A		\$2,778,363		\$2,776,650
		\$4,563,900		\$4,575,650
Series 2007A9A-2		\$4,563,900		\$4,575,650
		\$5,515,719		\$5,484,609
Series 2009A-212A (Refunding)		\$5,515,719		\$5,484,609
		\$9,885,538		\$9,885,538
Series 20124A (Refunding)		\$9,885,538		\$9,885,538
		\$9,631,450		\$9,640,250
Transportation Program Revenue Bonds:				
Series 2006A (Oak Grove Connector, City of Chesapeake)		\$2,224,500		\$2,229,250
Capital Projects Revenue Bonds:				
Series 2010A-1		\$16,513,500		\$16,364,250
Series 2010A-2		\$20,351,593		\$20,351,593
Series 2011		\$42,112,363		\$42,112,363
Series 2012		\$40,276,250		\$40,280,250
Series 2014		\$8,201,923		\$18,224,950

F.1. Out of the amounts provided for in this Item, an estimated \$31,717,220 the first year and \$7,925,392 the second year from federal highway and highway assistance reimbursements shall be provided for the debt service payments on the Federal Highway Reimbursement Anticipation Notes.

2. Notwithstanding Chapters 1019 and 1044, Acts of Assembly of 2000, this act, or any other provision of law, any additional amounts needed to offset the debt service payment requirements on the Transportation Trust Fund attributable to the issuance of Federal Highway Reimbursement Anticipation Notes shall be provided from the Priority Transportation Fund to the extent available and then from the portion of the Transportation Trust Fund available for highway construction purposes prior to making the allocations required by § 33.1-23.1 B 33.2-358 C of the Code of Virginia.

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G. Out of the amounts provided for in this Item, an estimated \$64,733,388 the first year and \$78,532,246 the second year from federal reimbursements shall be provided for debt service payments on the Federal Transportation Grant Anticipation Revenue Notes.

H. Out of the amounts provided for this Item, an estimated ~~\$138,678,705~~ \$127,455,628 the first year and ~~\$158,251,854~~ \$147,303,405 the second year from the Priority Transportation Fund shall be provided for debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.

I. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the ~~State Transportation Development and Revenue Bond Act~~ (~~§ 33.1-267~~ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the bonds for a period during construction and not exceeding one year after completion of construction of the projects.

449.	Administrative and Support Services (69900).....			\$271,844,680	\$275,561,284
				\$261,807,836	\$246,598,956
	General Management and Direction (69901).....	\$146,396,299	\$147,987,680		
		\$136,552,026	\$125,526,832		
	Information Technology Services (69902).....	\$94,670,498	\$96,329,407		
		\$93,947,413	\$89,784,411		
	Facilities and Grounds Management Services (69915).....	\$15,088,329	\$15,363,123		
		\$15,477,227	\$15,735,092		
	Employee Training and Development (69924).....	\$15,689,554	\$15,881,074		
		\$15,831,170	\$15,552,621		
	Fund Sources: General.....	\$173,953	\$141,060		
	Commonwealth Transportation.....	\$271,670,727	\$275,420,224		
		\$261,633,883	\$246,457,896		

Authority: Title 33.12, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Transportation Trust Fund.

D. Notwithstanding any other provision of law, the department may assess and collect the costs of providing services to other entities, public and private. The department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the commissioner shall identify services, programs, or projects that will

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be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities.

F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency and approved by the Federal Highway Administration.

G. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.

H. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.

I. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.

*J. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments out of the Surface Transportation Program utilized for Employee Training and Development.*

*K. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction, erection, repair, upgrade, removal or demolition of any building, fixture or structure located or to be located on property of the Commonwealth of Virginia under the control of the Virginia Department of Transportation (VDOT) and within the secured area of a residency, area headquarters or district complex shall be subject to review or approval by the Art and Architectural Review Board as contemplated by that section. However, for changes to any building or fixture located on property owned or controlled by VDOT that has been designated or is under consideration for designation as a historic property, then VDOT shall submit such changes to the Art and Architectural Review Board for review and approval by the Board.*

450. A full accrual system of accounting shall be effected by the Department, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia.

Total for Department of Transportation.....			<b>\$4,675,097,837</b>	<b>\$5,078,795,486</b>
			<b>\$4,673,387,356</b>	<b>\$5,028,238,091</b>
Nongeneral Fund Positions.....	7,485.00	7,485.00		
Position Level .....	7,485.00	7,485.00		
Fund Sources: General .....	\$12,173,953	\$68,141,060		
Commonwealth Transportation .....	\$3,546,865,508	\$3,746,300,166		
	\$3,521,806,775	\$3,720,281,767		
Trust and Agency .....	\$653,169,989	\$762,588,790		
	\$676,518,240	\$775,942,307		
Dedicated Special Revenue .....	\$455,204,467	\$494,081,550		
		\$456,224,154		
Federal Trust.....	\$7,683,920	\$7,683,920		
	\$7,683,921	\$7,648,803		

**§ 1-126. MOTOR VEHICLE DEALER BOARD (506)**

451. Consumer Affairs Services (55000)..... \$240,642 \$240,642

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				\$249,268
Consumer Assistance (55002) .....	\$240,642	<del>\$240,642</del> \$249,268		
Fund Sources: Special.....	\$240,642	<del>\$240,642</del> \$249,268		
Authority: Title 46.2, Chapter 15, Code of Virginia.				
452. Regulation of Professions and Occupations (56000) .....			\$2,265,332	<del>\$2,272,810</del> \$2,459,204
Motor Vehicle Dealer and Salesman Regulation (56023) .....	\$1,159,254	<del>\$1,159,254</del> \$1,325,059		
Administrative Services (56048) .....	\$1,106,078	<del>\$1,113,556</del> \$1,134,145		
Fund Sources: Special.....	\$2,265,332	<del>\$2,272,810</del> \$2,459,204		
Authority: Title 46.2, Chapter 15, Code of Virginia.				
Total for Motor Vehicle Dealer Board .....			<b>\$2,505,974</b>	<b><del>\$2,513,452</del></b> <b>\$2,708,472</b>
Nongeneral Fund Positions.....	22.00	<del>22.00</del> 24.00		
Position Level .....	22.00	<del>22.00</del> 24.00		
Fund Sources: Special.....	\$2,505,974	<del>\$2,513,452</del> \$2,708,472		
<b>§ 1-127. VIRGINIA PORT AUTHORITY (407)</b>				
453. Economic Development Services (53400) .....			\$5,288,618	\$5,288,618
National and International Trade Services (53413).....	\$4,374,365	\$4,374,365		
Commerce Advertising (53426) .....	\$914,253	\$914,253		
Fund Sources: Special.....	\$5,288,618	\$5,288,618		
Authority: Title 62.1, Chapter 10, Code of Virginia.				
454. Port Facilities Planning, Maintenance, Acquisition, and Construction (62600) .....			\$83,927,638	\$82,225,159
Maintenance and Operations of Ports and Facilities (62601) .....	\$11,100,000	\$11,100,000		
Port Facilities Planning (62606).....	\$1,191,574	\$1,191,574		
Debt Service for Port Facilities (62607).....	\$71,636,064	\$69,933,585		
Fund Sources: Special.....	\$45,721,219	\$44,018,740		
Commonwealth Transportation .....	\$35,206,419	\$35,206,419		
Federal Trust.....	\$3,000,000	\$3,000,000		
Authority: Title 62.1, Chapter 10; Title 33.1, Chapter 1, Code of Virginia.				

A. 1. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority refunded bonds issued on October 22, 1996, in the amount of \$38,300,000 for the purposes of completing the Phase II Expansion at Norfolk International Terminals and replacing and improving equipment at other port facilities. The debt service on the 2006 refunding bonds is estimated to be \$3,118,750 the first year and \$1,440,075 the second year and all or a portion of such 2006 refunding bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on April 14, 2005, in the amount of \$60,000,000, for the purpose of regrading and reconstruction of Norfolk International Terminals (South), Phase III, land acquisition, and other improvements, Capital Project 407-16644. The debt service on bonds referenced in this paragraph is estimated to be \$2,008,856 the first year and \$4,033,856 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue Commonwealth Port Fund bonds up to the amount of \$125,000,000, for the purpose of developing the Craney Island Marine Terminal and creating road and rail access to such terminal, capital project 407-17513. Such bonds may also be used for the purpose of constructing warehouses at a facility owned by the Virginia Port Authority. All or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The debt service on the bonds referenced in this paragraph is estimated to be \$9,500,000 the first year and \$9,500,000 the second year.

It is hereby acknowledged that the Virginia Port Authority issued \$57,370,000 of such Commonwealth Port Fund bonds noted in the paragraph above in July 2011 for the purpose of developing the Craney Island Marine Terminal and creating road and rail access to such terminal, capital project 407-17513. The debt service on bonds referenced in this paragraph is estimated to be \$2,868,500 the first year and \$2,868,500 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

4. In the event revenues of the Commonwealth Port Fund are insufficient to provide for the debt service on the Virginia Port Authority Commonwealth Port Fund Revenue Bonds authorized by paragraphs A 1, A 2, A 3, and A 4; or any bonds payable from the revenues of the Commonwealth Port Fund, there is hereby appropriated a sum sufficient first from the legally available moneys in the Transportation Trust Fund and then from the general fund to provide for this debt service. Total debt service on the bonds referenced in paragraphs A 1, A 2, A 3, and A 4 is estimated at \$29,209,175 the first year and \$31,578,591 the second year.

5. Notwithstanding § 62.1-140, Code of Virginia, the aggregate principal amount of Commonwealth Port Fund bonds, and including any other long-term commitment that utilizes the Commonwealth Port Fund, shall not exceed \$420,000,000.

6. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on January 25, 2012 in the amount of \$108,015,000 to refund Commonwealth Port Fund bonds originally issued on July 11, 2002. Debt service on bonds referenced in this paragraph is estimated to be \$9,057,692 the first year and \$9,055,967 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

7. It is hereby acknowledged that, in accordance with § 61.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on September 26, 2012 in the amount of \$50,025,000 to refund a portion of Commonwealth Port Fund bonds originally issued on April 14, 2005. Debt service on bonds referenced in the paragraph is estimated to be \$2,655,377 the first year, and \$4,680,193 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

B.1. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority has issued Port Facilities Revenue Bonds, Series 1997, in the amount of \$98,065,000 to finance the cost of capital projects for the Virginia Port Authority marine and intermodal terminals. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority refunded certain maturities of the bonds in 2007. The debt service on the 2007 refunding bonds is estimated at \$6,345,750 the first year and \$6,347,500 the second year from special funds and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The Virginia Port Authority is authorized to transfer to the Virginia International Terminals Inc. (VIT), from the revenues of the authority's port facilities, funds that are available for the purpose under the Authority's applicable Bond Resolution.

2. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority on June 18, 2003, issued additional Port Facilities Revenue bonds in the amount of \$55,155,000 to regrade and reconstruct the Norfolk International Terminal (South) backlands (Phase II, capital outlay

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	FY2015	FY2016	FY2015	FY2016

project 407-16644), and to construct security related facilities at Norfolk International Terminals (North) and Portsmouth Marine Terminal (capital outlay project 407-16961). Total debt service on these bonds referenced in this paragraph is estimated at \$688,275 the first year and \$688,275 the second year from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue additional bonds, in an amount of up to \$90,000,000, for the purposes of the reconstruction and expansion of Norfolk International Terminals, and other improvements to port facilities (capital outlay project 407-17252). The debt service on these bonds, estimated to be \$3,983,188 the first year and \$3,983,188 the second year, will be paid from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

4. Prior to the 2006-2008 biennium, the Virginia Port Authority purchased, through their master equipment lease program, equipment at a total cost of \$60,163,170 (capital outlay projects 407-16962 and 407-16989). Total debt service on the equipment leases referenced in this paragraph is estimated at \$5,389,678 the first year and \$2,227,023 the second year from special funds, and such lease purchases may be refunded by the authority.

5. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total cost of \$41,493,035 (capital outlay project 407-16962). Total debt service referenced in this paragraph, including any interim financing issued in anticipation of such program, is estimated at \$4,705,242 the first year and \$4,705,242 the second year from special funds, and such lease purchases may be refunded by the authority.

6. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority on April 21, 2010, issued Port Facilities Revenue Refunding bonds in an amount of \$68,630,000, for the purposes of the reconstruction and expansion of Norfolk International Terminals (NIT), reconstruction and expansion of Portsmouth Marine Terminal (PMT), land acquisitions adjacent to NIT and PMT, and other improvements to port facilities (capital outlay project 407-16644). The debt service on these bonds, estimated to be \$3,308,319 the first year and \$4,823,319 the second year, will be paid from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

7. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue short-term debt on a revolving basis as interim or anticipation financing in order to cover costs of planning, design, and construction pending the receipt of bond or master equipment lease program proceeds authorized in paragraphs A 4, B 5, and B 6 in an amount not to exceed the authorized amount for the projects. In the aggregate, the short-term debt shall not exceed \$200,000,000 at any point in time and all or a portion of such debt may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia. The debt service, including associated fees, on the short-term debt may be paid, as recommended by the authority and approved by the Board, from the bond or master equipment lease proceeds, special funds, or other revenues or proceeds.

8. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue additional bonds, in an amount up to \$105,500,000 for purposes of expanding port terminal capacity (capital outlay project 407-17956). All or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The debt service on these bonds, estimated to be \$8,500,000 the first year and \$8,500,000 the second year, will be paid from special funds.

9. Total debt service paid from special funds for all bonds, lease agreements, and short-term debt noted herein shall not exceed \$45,000,000 the first year and \$45,000,000 the second year.

ITEM 454.	Item Details(\$)		Appropriations(\$)	
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10. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Port Facilities Revenue bonds on October 22, 3013, in the amount of \$37,945,000 to refund a portion of Port Facilities Revenue bonds originally issued on June 18, 2003 and October 17, 2006. Debt service on bonds referenced in this paragraph is estimated to be \$1,172,500 the first year and \$1,172,500 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

11. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total estimated cost of \$37,000,000. Total debt service referenced in this paragraph (including any interim financing issued in anticipation of such program), is estimated at \$5,000,000 the first year and \$5,000,000 the second year from special funds, and such lease purchases may be refunded by the Authority.

C. In order to remain consistent with the grant of authority as provided in Chapter 10, § 62.1-128 et seq. of the Code of Virginia, the Virginia Port Authority is authorized to maintain independent payroll and nonpayroll disbursement systems and, in connection with such systems, to open and maintain an appropriate account with a qualified public depository. As implementation occurs, these systems and related procedures shall be subject to review and approval by the State Comptroller. The Virginia Port Authority shall continue to provide nonpayroll transaction detail to the State Comptroller through the Commonwealth Accounting and Reporting System.

D. The Secretary of Transportation is hereby authorized to transfer up to \$3,100,000 the first year and \$3,100,000 the second year from the revenues of the Transportation Trust Fund available for highway construction for advancing the planning and preliminary engineering requirements of dredging the Norfolk Harbor channel to the maximum authorized depth of 55 feet and the Southern Branch of the Elizabeth River to the maximum authorized depth of 45 feet.

455.	Financial Assistance for Port Activities (62800).....			\$3,182,625	\$3,307,625
	Aid to Localities (62801) .....	\$1,000,000	\$1,000,000		
	Payment in Lieu of Taxes (62802) .....	\$2,182,625	\$2,307,625		
	Fund Sources: General .....	\$950,000	\$950,000		
	Special .....	\$1,232,625	\$1,357,625		
	Commonwealth Transportation .....	\$1,000,000	\$1,000,000		

Authority: Title 62.1, Chapter 10, Code of Virginia.

A. Of the amounts in this Item, \$950,000 the first year and \$950,000 the second year from the general fund is appropriated for service charges to be paid to localities in which the Virginia Port Authority owns tax-exempt real estate. The funds shall be transferred to Item 445 of this act for distribution by the Commonwealth Transportation Board for roadway maintenance activities in the jurisdictions hosting Virginia Port Authority facilities and shall be treated as other Commonwealth Transportation Board payments to localities for highway maintenance. These funds shall not be used for other activities nor shall they supplant other local government expenditures for roadway maintenance. These funds shall be distributed to the localities on a pro rata basis in accordance with the formula set out in § 58.1-3403 D, Code of Virginia; however, the proportion of the funds distributed based on cargo traveling through each port facility shall be distributed on a pro rata basis according to twenty-foot equivalent units.

B. Of the amounts in Item 101 A.1., \$1,500,000 the first year and \$2,000,000 the second year from the general fund shall be deposited in the Port of Virginia Economic and Infrastructure Development Zone Grant Fund, created pursuant to § 62.1-132.3:2, Code of Virginia. The Executive Director of the Virginia Port Authority shall disburse the funding in the form of grants to qualified companies in accordance with the provisions of § 62.1-132.3:2, Code of Virginia.

ITEM 456.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
456. Administrative and Support Services (69900).....			\$75,642,073	\$78,969,634
General Management and Direction (69901).....	\$65,170,961	<del>\$68,498,522</del> \$84,800,522		\$95,271,634
Security Services (69923).....	\$10,471,112	\$10,471,112		
Fund Sources: General.....	\$193	\$227		
Special.....	\$74,341,880	<del>\$77,669,407</del> \$93,971,407		
Commonwealth Transportation.....	\$1,300,000	\$1,300,000		
Authority: Title 62.1, Chapter 10, Code of Virginia.				
A. Out of the amounts in this Item, the Executive Director is authorized to expend from special funds amounts not to exceed \$37,500 the first year and \$37,500 the second year, for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.				
B. Prior to purchasing airline and hotel accommodations related to overseas travel, the Virginia Port Authority shall provide an itemized list of projected costs for review by the Secretary of Transportation.				
<i>C. It is hereby acknowledged that, in accordance with §§ 62.1-128 and 62.1-147.2, Code of Virginia, in FY 2010, the Port Authority entered into a 20-year lease to operate a privately owned marine terminal in Portsmouth. Included in this Item is an amount estimated at \$56,950,000 the first year and \$58,650,000 the second year from special funds to cover the costs of this lease.</i>				
Total for Virginia Port Authority.....			<b>\$168,040,954</b>	<b>\$169,791,036</b> <del>\$186,093,036</del>
Nongeneral Fund Positions.....	146.00	<del>146.00</del> 215.00		
Position Level.....	146.00	<del>146.00</del> 215.00		
Fund Sources: General.....	\$950,193	\$950,227		
Special.....	\$126,584,342	<del>\$128,334,390</del> \$144,636,390		
Commonwealth Transportation.....	\$37,506,419	\$37,506,419		
Federal Trust.....	\$3,000,000	\$3,000,000		
TOTAL FOR OFFICE OF TRANSPORTATION.....			<b>\$5,760,950,549</b>	<b>\$6,176,071,259</b> <del>\$5,761,855,548</del> <del>\$6,217,561,596</del>
Nongeneral Fund Positions.....	9,784.00	<del>9,784.00</del> 9,855.00		
Position Level.....	9,784.00	<del>9,784.00</del> 9,855.00		
Fund Sources: General.....	\$13,154,398	\$69,121,540		
Special.....	\$129,928,836	<del>\$131,703,132</del> \$149,100,152		
Commonwealth Transportation.....	<del>\$4,375,337,986</del> \$4,352,244,733	<del>\$4,584,421,374</del> \$4,632,703,687		
Trust and Agency.....	<del>\$664,116,589</del> \$688,114,840	<del>\$773,535,390</del> \$787,238,907		
Dedicated Special Revenue.....	\$535,004,467	<del>\$573,881,550</del> \$536,024,154		
Federal Trust.....	<del>\$43,408,273</del> \$43,408,273	<del>\$43,408,273</del> \$43,408,273		

ITEM 456.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	\$43,408,274	\$43,373,156		

ITEM 457.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF VETERANS AND DEFENSE AFFAIRS

~~§ 1-128. SECRETARY OF VETERANS AFFAIRS AND HOMELAND SECURITY (454)~~

~~§ 1-128.1. SECRETARY OF VETERANS AND DEFENSE AFFAIRS (454)~~

457.	Disaster Planning and Operations (72200).....			\$1,588,218	\$1,579,715 \$1,041,252
	Emergency Planning (72205).....	\$1,588,218	\$1,579,715 \$1,041,252		
	Fund Sources: General.....	\$699,823	\$691,320		
	Federal Trust.....	\$888,395	<del>\$888,395</del> \$349,932		

Authority: Title 2.2, Chapter 3.1, Code of Virginia.

Included in this Item is \$200,000 the first year and \$190,000 the second year from the general fund for the grant match required for an Office of Economic Adjustment (OEA) grants.

458.	Economic Development Services (53400).....			\$3,138,400	\$0 \$2,350,000
	Financial Assistance for Economic Development (53410).....	\$3,138,400	\$0 \$2,350,000		
	Fund Sources: Dedicated Special Revenue.....	\$3,138,400	\$0 \$2,350,000		

Authority: Discretionary Inclusion

A.1. In accordance with Chapter 653 of the 2008 Virginia Acts of Assembly, this item includes the Commonwealth's contribution to addressing the encroachment upon the United States Navy Master Jet Base and an auxiliary landing field used in connection with flight operations arising from such Master Jet Base. The Commonwealth's contribution consists of \$3,138,400 from nongeneral funds provided in this item.

2. The Commonwealth's contribution shall be only expensed for purchasing property or development rights and to otherwise convert such property to an appropriate compatible use and to prohibit new uses or development deemed incompatible with air operations at such facilities as established under Chapter 653.

3. Of the total amount provided by the Commonwealth, \$2,092,267 shall be initially allocated to the locality in which the Master Jet Base is located and \$1,046,133 shall be initially allocated to the locality in which the auxiliary landing field for the Master Jet Base is located. Should either locality advise the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~ and the Secretary of Finance that it will be unable to use all of its allocated amount during the term of the grant, then the portion that will not be used may be re-allocated to the other locality upon written application for such request to the Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~.

B.1. The Secretary of Veterans *and Defense Affairs* ~~and Homeland Security~~ shall develop an annual grant application which shall include, at a minimum, requirements for the Grantee to (1) report expenditures each quarter, (2) retain all invoices, bills, receipts, cancelled checks, proof of payment and similar documentation to substantiate expenditures of grant funding, (3) provide a 50 percent cash match from non-state funds, (4) return excess state grant funding within thirty (30) days after the term of the grant expires, and (5) return to the Commonwealth half of all proceeds received by the grantee from the sale of any properties acquired using grant funds pursuant to Chapter 653 of the 2008 Acts of Assembly or Chapter 266 of the 2006 Virginia Acts of Assembly.

ITEM 458.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2. Prior to the distribution of any funds, any grantee seeking funding under this Item shall submit a grant application to the Secretary of Veterans *and Defense Affairs* and ~~Homeland Security~~ for consideration.

3. Payments to grantees shall be made in equal quarterly installments. After the initial payment, the Secretary of Veterans *and Defense Affairs* and ~~Homeland Security~~ shall make additional quarterly payments to the grantee based on the quarterly expenditure reports. In making subsequent payments, the Secretary shall ensure the grantee's match funding is being expensed at the appropriate rate and adjust state quarterly payments, as appropriate, to account for any surplus state funding not yet spent from previous quarterly payments.

4. Notwithstanding the provisions of paragraph 3. above, the Secretary of Veterans *and Defense Affairs* and ~~Homeland Security~~ may approve a request by the grantee for additional state funding in a particular quarterly payment if supporting documentation is provided.

5. The Secretary of Veterans *and Defense Affairs* and ~~Homeland Security~~ may extend the term of the FY 2014 grant to June 30, 2015, if in the Secretary's opinion such extension is warranted to meet the purposes of this appropriation.

C. The Commonwealth shall have the right to make inspections and copies of the books and records of the grantees at any time. The grantees shall undergo an audit for the grant period and provide a copy of the audit report to the Secretary of Veterans *and Defense Affairs* and ~~Homeland Security~~.

*D. In addition to the amounts provided in paragraph A.1. of this item, an amount estimated at \$2,100,000 from dedicated special revenues shall be provided to the locality in which the United States Navy Master Jet Base auxiliary landing field is located, for the purpose of purchasing property or development rights and otherwise converting such property to an appropriate compatible use and prohibiting new uses or development which is deemed incompatible with air operations arising from such Master Jet Base. In addition, \$250,000 from dedicated special revenues shall be provided to a locality in which a U.S. Air Force Base is located to purchase property in the Clear Zone and Accident Potential Zones and mitigate adverse impacts on military operations and employment levels caused by encroachment of incompatible uses, in advance of further actions by the federal Base Realignment and Closure Commission or any similar federal actions. The provisions of paragraph B. of this item shall apply to the distribution of the funds in this paragraph.*

*E. The Secretary of Veterans and Defense Affairs may submit project requests that improve, expand, develop, or redevelop a federal or state military installation or its supporting infrastructure, to enhance its military value to the MEI Project Approval Commission established pursuant to § 30-309, Code of Virginia, for its consideration. The authority of the Commission to consider and evaluate such projects shall be in addition to the authorities provided to the MEI Project Approval Commission and § 30-310, Code of Virginia.*

Total for Secretary of Veterans Affairs and Homeland Security.....			\$4,726,618	\$1,579,715
Total for Secretary of Veterans and Defense Affairs.....				\$3,391,252
General Fund Positions.....	6.00	6.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level .....	9.00	9.00		
Fund Sources: General.....	\$699,823	\$691,320		
Dedicated Special Revenue.....	\$3,138,400	\$0		
Federal Trust.....	\$888,395	\$2,350,000		
			\$888,395	\$349,932

**§ 1-129. DEPARTMENT OF VETERANS SERVICES (912)**

459.	Higher Education Student Financial Assistance (10800) ..		\$708,562	\$708,562
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ITEM 459.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				\$817,652
Education Program Certification for Veterans (10814).....	\$708,562	<del>\$708,562</del> \$817,652		
Fund Sources: <i>General</i> .....	\$0	\$67,090		
Federal Trust.....	\$708,562	<del>\$708,562</del> \$750,562		

Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.

*A. Notwithstanding § 23-7.4:1, Code of Virginia, the department shall provide the State Council of Higher Education in Virginia the information these schools need to administer the Virginia Military Survivors and Dependent Education Program. The department shall retain the responsibility to certify the eligibility of those who apply for financial aid under this program.*

*B. No child may receive the education benefits provided by § 23-7.4:1, Code of Virginia, and funded by this or similar state appropriations, for more than four years or its equivalent.*

460.	State Health Services (43000) .....		\$44,094,638	\$43,894,638
	Veterans Care Center Operations (43013).....	\$44,094,638	\$43,894,638	
	Fund Sources: Special.....	\$29,735,526	\$29,535,526	
	Dedicated Special Revenue.....	\$70,000	\$70,000	
	Federal Trust.....	\$14,289,112	\$14,289,112	

Authority: § 51.5-73, Code of Virginia; P.L. 93-112, Federal Code.

461.	Veterans Benefit Services (46700).....		\$8,782,763	<del>\$8,793,390</del> \$11,797,591
	Case Management Services for Veterans Benefits (46701) .....	\$5,235,886	<del>\$5,235,886</del> \$6,286,087	
	Veteran and Wounded Warrior Support Services (46702) .....	\$3,546,877	<del>\$3,557,504</del> \$3,737,504	
	<i>Veterans Employment and Transition Services (46703) ...</i>	\$0	<del>\$1,774,000</del>	
	Fund Sources: General.....	\$7,604,463	<del>\$7,615,090</del> \$10,519,291	
	Special.....	\$25,000	<del>\$25,000</del> \$0	
	Dedicated Special Revenue.....	\$375,000	<del>\$375,000</del> \$600,000	
	Federal Trust.....	\$778,300	<del>\$778,300</del> \$678,300	

Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.

*A. Notwithstanding § 23-7.4:1, Code of Virginia, the department shall provide the State Council of Higher Education for Virginia the information these schools need to administer the Virginia Military Survivors and Dependent Education Program. The department shall retain the responsibility to certify the eligibility of those who apply for financial aid under this program.*

*B. No child may receive the education benefits provided by § 23-7.4:1, Code of Virginia, and funded by this or similar state appropriations, for more than four years or its equivalent.*

*C. Out of the amounts appropriated for this Item, \$150,000 the first year and \$150,000 the second year from the general fund is provided for the licensing fees associated with an automated claims processing system for the submission of veterans' benefit claims.*

ITEM 461.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

D.— Out of this appropriation, \$30,000 the first year and \$30,000 the second year from the general fund is appropriated to permit up to 20 benefit claims agents per year to attend training courses offered by national veterans service organizations.— Up to 10 benefit claims agents per year shall attend national training courses offered by the American Legion and up to 10 benefit claims agents shall attend national training courses offered by the Veterans of Foreign Wars.

E. Out of this appropriation, up to \$300,000 the first year and \$300,000 the second year from the general fund shall be provided for training and equipment purchases to support the Virginia Values Veterans Program.— The Department of Veterans Services shall develop program guidelines to ensure that the funding mechanism effectively attracts maximum participation of firms to increase the number of veterans hired.— Such funds may be used by companies hiring returning or disabled military veterans for new full-time jobs located in the Commonwealth that pay an annual salary of at least \$30,000 and for which the returning or disabled military veteran is employed continuously throughout the year.— A full-time job is defined as a minimum of either 35 hours per week for at least 48 weeks or 1,680 hours per year.

F. Included in the appropriation for this Item is \$264,218 the first year and \$264,218 the second year from the general fund to address the increased demand for services to veterans and their families provided by the Virginia Wounded Warrior Program.

G. The Department of Veterans Services shall assess the feasibility of expanding the number of field offices in locations where office space and other support services might be contributed on a cooperative basis through local governments, the Virginia Employment Commission, the Virginia Community College System, or other public or private entities, in order to encourage the most cost-effective delivery of benefits services to veterans in conjunction with other essential services.— The Department shall provide a report on such opportunities to the Secretary of Veterans and Military Affairs and the Chairmen of the Senate Finance and House Appropriations Committees by December 1, 2014.

A. 1. Out of this appropriation, up to \$500,000 from the general fund the second year shall be provided to address the costs associated with support of a grant program to create employment opportunities for veterans by assisting Virginia employers in hiring and retaining veterans. The Department of Veterans Services shall develop program guidelines to ensure that the funding mechanism effectively attracts maximum participation of firms to increase the number of veterans hired.

2. Such funds shall be used to provide grants beginning July 1, 2015, to any business located in Virginia with 300 or fewer employees which has hired a veteran on or after July 1, 2014, with the following additional requirements: (a) each such veteran shall have been hired within one year of the date of his or her discharge from active military service; (b) each such veteran shall have been continuously employed by the business in a full-time job for at least one year; and (c) each such veteran shall have been paid at least the prevailing average wage of the jurisdiction in which the job is located. The grant shall equal \$1,000 per qualifying business for each veteran who has been hired, and who qualifies under the provisions of this item, up to a maximum grant of \$10,000 per business in the fiscal year.

3. Grants shall be issued in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

4. The Department shall report no later than October 1 of each fiscal year after the program is implemented on the demand for the program, and any shortage of funding resulting from requests in excess of the available appropriation.

462.	Historic and Commemorative Attraction Management (50200) .....			\$2,650,812	\$2,650,812
	State Veterans Cemetery Management and Operations (50206) .....	\$1,837,004	\$1,837,004		\$2,758,145
	Virginia War Memorial Management and Operations (50209) .....	\$813,808	\$813,808		



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Federal Trust.....	\$17,209,369	\$3,085,000 <del>\$17,209,369</del> \$16,612,906		

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**CENTRAL APPROPRIATIONS**

**§ 1-130. CENTRAL APPROPRIATIONS (995)**

464.	Omitted.				
464.10.	In-State Undergraduate Seats (10900).....			\$5,085,330	\$5,108,493
	In-State Undergraduate Seats (10901).....	\$5,085,330	\$5,108,493		
	Fund Sources: General.....	\$5,085,330	\$5,108,493		

A. Out of this appropriation, \$3,100,000 each year from the general fund is designated to complete the increase in access for in-state undergraduate students begun in the 2011 Session. The Director, Department of Planning and Budget shall allocate the funds each year as detailed below.

Institution	Annual Amount
College of William and Mary	\$440,000
University of Virginia	\$860,000
James Madison University	\$1,200,000
Virginia Tech	\$600,000

B. Out of this appropriation, \$1,985,330 the first year and \$2,008,493 the second year from the general fund is designated for operations and maintenance support. The Director, Department of Planning and Budget shall allocate the funds each year as detailed below.

Institution	FY 2015 Amount	FY 2016 Amount
New College Institute	\$440,037	\$440,037
Southwest Virginia Higher Education Center	\$95,327	\$95,327
Southern Virginia Higher Education Center	\$150,000	\$150,000
Roanoke Higher Education Authority	\$150,000	\$150,000
Virginia Tech Extension	\$1,149,966	\$1,173,129

465.	Revenue Administration Services (73200).....		a sum sufficient
	Designated Refunds for Taxes and Fees (73215).....	a sum sufficient	
	Fund Sources: General.....	a sum sufficient	

Authority: Discretionary Inclusion.

~~A. There is hereby appropriated from the affected funds in the state treasury, for refunds of taxes and fees, and the interest thereon, in accordance with law, a sum sufficient. There is hereby established a special fund in the state treasury to be known as the Refund Suspense Fund, hereinafter referred to as the Fund. The Tax Commissioner is hereby authorized to contract with nongovernmental entities for review of requests for refunds of taxes to enhance, expand and/or modify the administration of the refund review program, and to perform analysis of refund processing techniques. The amount of any refund identified by the nongovernmental entity as potentially erroneous shall be deposited to the Fund pending review of the refund request. Amounts in the Fund may be used to pay refunds subsequently determined to be valid, to pay the contracted nongovernmental entity for its services, to perform oversight of their operations, to upgrade necessary refund processing systems and data interfaces to facilitate the contractor's work, to offset any administrative or other costs related to any contracts authorized under this provision, and to retain experts to perform analysis of refund processing techniques. Any balance in the fund remaining after such payments, or provision therefore, shall be deposited into the appropriate general, nongeneral, or local fund.~~

B. There is hereby appropriated from the affected funds in the state treasury for, (1) refunds of previously paid taxes imposed by the Commonwealth at 100 percent of face value up to the amount of the coalfield employment enhancement tax credit authorized by § 58.1-439.2, Code

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of Virginia, (2) refunds of any remaining credit at 90 percent of face value for credits earned in taxable years beginning before January 1, 2002, and 85 percent of face value for credits earned in taxable years beginning on and after January 1, 2002, and (3) payment of the remaining 10 or 15 percent credit to the Coalfields Economic Development Authority, a sum sufficient.

~~C. Pursuant to § 2.2-1825, Code of Virginia, and notwithstanding § 59.1-479 et seq., Code of Virginia, beginning January 1, 2013, the State Comptroller shall issue individual income tax refunds only through debit cards, direct deposits, or other electronic means unless the Tax Commissioner determines that a check is more appropriate for a transaction or class of transactions.~~

466.	Distribution of Tobacco Settlement (74500)				
	a sum sufficient, estimated at.....				\$119,423,439      \$119,327,905
	Payments to Tobacco Producers and Tobacco Growing Communities (74501) .....	\$110,000,000	\$110,000,000		
	Payments for Tobacco Usage Prevention (74502) .....	\$9,423,439	\$9,327,905		
	Fund Sources: Trust and Agency .....	\$119,423,439	\$119,327,905		

Authority: Title 3.2, Chapters 42 and 46, and Title 32.1, Chapter 14, Code of Virginia.

A.1. There is hereby appropriated a sum sufficient estimated at \$110,000,000 the first year and \$110,000,000 the second year from nongeneral funds for expenditures of securitized proceeds and earnings up to the amount transferred from the endowment to the Tobacco Indemnification and Community Revitalization Fund in accordance with § 3.2-3104, Code of Virginia. Such expenditures shall be made pursuant to § 3.2-3108, Code of Virginia.

2. From the amount deposited into the Tobacco Indemnification and Community Revitalization Fund pursuant to § 3.2-3106, Code of Virginia, shall be paid 50 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 56, Paragraph B of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.1, of this act.

B.1. Notwithstanding the provisions of §§ 32.1-354, 32.1-360 and 32.1-361.1, Code of Virginia, the State Comptroller shall deposit 8.5 percent of the Commonwealth's Allocation pursuant to the Master Settlement Agreement with tobacco product manufacturers to the Virginia Tobacco Settlement Fund. There is hereby appropriated a sum sufficient estimated at \$9,423,439 the first year and \$9,327,905 the second year from available balances in the fund for the purposes set forth in § 32.1-361, Code of Virginia. No less than \$1,000,000 the first year and \$1,000,000 the second year shall be allocated for obesity prevention activities.

2. From the amount deposited into the Virginia Tobacco Settlement Fund shall be paid 8.5 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 56, Paragraph B, of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.2, of this act.

3. Beginning November 1, 2010, and each year thereafter, the Director, Virginia Healthy Youth Foundation, shall report to the Chairmen of the House Appropriations and Senate Finance Committees on funding provided to community-based organizations for obesity prevention activities pursuant to § 32.1-355, Code of Virginia.

C. The amounts deposited by the State Comptroller pursuant to paragraph B.1. of this Item shall be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

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467. Compensation and Benefit Adjustments (75700).....			\$100,997,810	\$135,673,760
<i>Adjustments to Employee Compensation (75701) .....</i>	\$0	\$85,746,009	\$98,525,081	\$228,923,535
Adjustments to Employee Benefits (75702).....	\$100,997,810	\$135,673,760		
	\$98,525,081	\$143,177,526		
Fund Sources: General.....	\$100,997,810	\$135,673,760		
	\$98,525,081	\$228,923,535		

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

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1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.

2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.

4. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

G.1. Out of the appropriation for this Item, amounts estimated at ~~\$24,584,583~~ \$22,997,759 the first year and ~~\$59,260,533~~ \$36,539,221 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

2. Out of the amounts included in subparagraph 1of this paragraph, \$327,646 the first year and \$341,891 the second year from the general fund shall be transferred to the University of Virginia to cover the state share of the increases in employer premiums for state employees participating in the University of Virginia's health care plan.

3. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.

4. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.

5. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.

6. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.

7. *The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.*

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H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.				
2. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be: 14.50 percent <i>in the first year and 14.06 percent in the second year</i> , for public school teachers, 12.33 percent for state employees, 25.82 percent for state police officers, 17.67 percent for the Virginia Law Officers Retirement System, and 51.66 percent <i>the first year and 49.62 percent the second year</i> for the Judicial Retirement System. These rates include both the regular contribution rate and the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium.				
3. Payments to the Virginia Retirement System shall be made no later than the tenth day following the close of each month of the fiscal year.				
4.a. Out of the general fund appropriation for this Item is included <del>\$72,159,917</del> \$71,597,876 the first year and <del>\$72,159,917</del> \$70,367,427 the second year to support the general fund portion of the net costs resulting from changes in employer contributions for state employee retirement as provided for in this paragraph.				
b. Out of the amounts included in subparagraph 4.a of this paragraph, \$23,374,502 the first year and \$23,374,502 the second year is included for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium.				
5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.				
6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.				
I.1. Except as authorized in Paragraph I.2. of this Item, rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.				
2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions may, at each participating employers option, be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.				
3. Every participating employer must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it: has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as provided for in paragraph I.2.				
4. Prior to electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as authorized in paragraph I.2, local public school divisions must receive the concurrence of the local governing body. Such concurrence must be documented by a resolution of the governing body.				

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5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph K.2, and the alternate employer contribution rates set out in paragraph I.1

J.1. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for subsequent biennia, the board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of such board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly.

2. For purposes of setting rates for the 2014-16 biennium, and future biennia, the board shall treat any lump-sum deposits into the retirement system as an expedited repayment of the 2010-2012 deferred contributions for the appropriate system. Should these deposits exceed the remaining amounts owed for the deferred contributions, the balance shall remain in these specific systems to address the overall unfunded liability.

K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be set at 90 percent of the rate based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System in the first year and the second year shall be: 1.19 percent for the state employee group life insurance program, 0.48 percent for the employer share of the public school teacher group life insurance program, 1.05 percent for the state employee retiree health insurance credit, and 1.06 percent for the public school teacher retiree health insurance credit. The contribution rate paid on behalf of public employees for the Virginia Sickness and Disability Program shall be 0.66 percent of covered payroll. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

3. Out of the general fund appropriation for this Item is included ~~\$3,083,637~~ \$3,065,528 the first year and ~~\$3,083,637~~ \$3,065,528 the second year to support the general fund portion of the net costs resulting from changes in employer contributions for state employee benefits as provided for in this paragraph.

4. Out of the general fund appropriation for this Item is included ~~\$1,169,673~~ \$863,918 the first year and ~~\$1,169,673~~ \$863,918 the second year to support the general fund portion of the net costs resulting from changes in the retiree health insurance credit contributions for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery

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provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

M. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

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d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.

e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.

f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and 51.1-205, and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.

c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.

d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.

N. The final sentence of § 51.1-145 (N), Code of Virginia providing that the employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in optional defined contribution retirement plans, shall not apply to optional defined retirement plans established under § 51.1-126 for employees engaged in teaching, administrative or research duties at institutions of higher education, § 51.1-126.1 for employees of teaching hospitals other than VCU and UVA Medical Centers, and § 51.1-126.3 for University of Virginia Medical Center employees.

*O.1. The Governor is hereby authorized to allocate a sum of up to \$113,912,441 from this appropriation to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2015 and 2016 after the enactment by the General Assembly of the 2015 Appropriation Act. If within 5 days of the preliminary close of the fiscal*

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<p>year ending on June 30, 2015, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs P., Q., R., S., T., and U. below.</p>				
<p>2. Furthermore, the \$52,865,368 allocated to support the state share of a one and one-half percent salary adjustment for SOQ funded positions authorized in Item 136 of this act shall be unallotted if the provisions of paragraph O.1. are not met and the actions authorized in paragraphs P., Q., R., S., T., and U. of this item are not effectuated.</p>				
<p>P.1. Contingent on the provisions of paragraph O.1. above, the base salary of the following employees shall be increased by two percent on August 10, 2015, for state employees:</p>				
<p>a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;</p>				
<p>b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;</p>				
<p>c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c; and</p>				
<p>d. Full-time professional staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office.</p>				
<p>e. Heads of agencies in the Legislative Department;</p>				
<p>f. Full-time employees in the Legislative Department, other than officials elected by popular vote; and</p>				
<p>g. Secretaries and administrative assistants as provided for in Item 1 of this act.</p>				
<p>h. Judges and Justices in the Judicial Department;</p>				
<p>i. Heads of agencies in the Judicial Department; and,</p>				
<p>j. Full-time employees in the Judicial Department.</p>				
<p>k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System;</p>				
<p>l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.</p>				
<p>2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.</p>				
<p>b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.</p>				

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<p>3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by two percent on August 10, 2015. The Department of Human Resource Management shall increase the maximum salary for each band within the Commonwealth's Classified Compensation Plan by two percent plus an additional \$2,400 on August 10, 2015, for purposes of implementing the salary compression compensation adjustment authorized in paragraph Q. of this item. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances where employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.</p>				
<p>4. Out of the amounts for Supplements to Employee Compensation is included \$37,847,008 the second year from the general fund to support the general fund portion of costs associated with the salary increase provided in this paragraph.</p>				
<p>5. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:</p>				
<p>a. The heads of agencies in the Legislative and Judicial Departments;</p>				
<p>b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;</p>				
<p>c. The Attorney General;</p>				
<p>d. The Director of the Virginia Retirement System;</p>				
<p>e. The Director of the Virginia Lottery;</p>				
<p>f. The Director of the University of Virginia Medical Center;</p>				
<p>g. The Executive Director of the Virginia College Savings Plan; and</p>				
<p>h. The Executive Director of the Virginia Port Authority.</p>				
<p>6. The base rates of pay, and related employee benefits, for wage employees may be increased by up to two percent no earlier than August 10, 2015. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.</p>				
<p>7. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the two percent increase on average.</p>				
<p>Q. Contingent on the provisions of paragraph O.1. above and subsequent to effectuating the salary adjustment authorized in paragraphs P. and T. of this item, the base salary of employees listed in P.1. above, except those specifically excluded in subparagraph Q.1, shall be adjusted to address state employee salary compression effective August 10, 2015 as follows:</p>				
<p>1. Employees excluded from the compression adjustment include:</p>				
<p>a) Faculty at public institutions of higher education;</p>				
<p>b) Judges and Justices of the Judicial Department;</p>				
<p>c) Commissioners of the State Corporation Commission;</p>				
<p>d) Commissioners of the Virginia Workers' Compensation Commission;</p>				
<p>e) Employees of public institutions of higher education who are not faculty but are also not subject to the Virginia Personnel Act;</p>				
<p>f) Legislative Assistants who are employees of individual members of the General Assembly.</p>				

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<p>2. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$80 for each full year of service up to thirty years.</p>				
<p>3. Except for those listed in subparagraph 2. above, employees who have five years or more of continuous state service shall be increased by \$65 for each full year of service up to thirty years.</p>				
<p>4. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.</p>				
<p>5. The Department of Human Resource Management shall develop guidelines and procedures for implementation of this salary compression compensation adjustment.</p>				
<p>6. Out of the appropriation Employee Compensation Supplements, \$26,277,547 the second year from the general fund is included to support the general fund costs associated with the salary adjustment authorized in this paragraph.</p>				
<p>R.1. Contingent on the provisions of paragraph O.1. above, the base salary of the following employees shall be increased by two percent on September 1, 2015:</p>				
<p>a. Locally elected constitutional officers;</p>				
<p>b. General Registrars and members of local electoral boards;</p>				
<p>c. Full-time employees of locally elected constitutional officers and,</p>				
<p>d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.</p>				
<p>2. Out of the appropriation for Supplements to Employee Compensation is included \$13,302,324 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.</p>				
<p>S. Contingent on the provisions of paragraph O.1. above, \$357,664 from the general fund is provided to support the general fund costs associated with increases in the internal service fund rates for the Virginia Information Technology Agency and the Department of General Services to reflect the impact of the salary actions authorized in paragraphs P and Q of this Item.</p>				
<p>T.1. Contingent on the provisions of paragraph O.1. above, and pursuant to the recommendation of the state employee compensation work group established by paragraph B of Item 255, Chapter 806 of the Acts of Assembly of 2013, there is herewith appropriated a sum of \$3,786,466 to be used exclusively for a two percent adjustment to the base salary of state employees in the following high turnover job roles effective August 10, 2015 for the purposes of relieving salary compression and maintaining market relevance:</p>				
<p>a. Law Enforcement Officer I</p>				
<p>b. Direct Service Associate I</p>				
<p>c. Direct Service Associate II</p>				
<p>d. Direct Service Associate III</p>				
<p>e. Housekeeping and/or Apparel Worker I</p>				
<p>f. Probation Officer Assistant</p>				
<p>g. Emergency Coordinator I</p>				

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<i>h. Emergency Coordinator II</i>				
<i>i. Registered Nurse I</i>				
<i>j. Registered Nurse II/Nurse Practitioner I/Physician's Assistant</i>				
<i>k. Licensed Practical Nurse</i>				
<i>l. Therapy Assistant/Therapist I</i>				
<i>m. Therapist II</i>				
<i>n. Compliance / Safety Officer II</i>				
<i>o. District Court Deputy Clerk, Grade 6</i>				
<i>p. District Court Deputy Clerk, Grade 7</i>				
<i>q. District Court Deputy Clerk, Grade 8</i>				
<i>2.a Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.</i>				
<i>b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. The governing authorities of those agencies and state institutions of higher education with employees not subject to the Virginia Personnel Act shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.</i>				
<i>3. The salary increase authorized in this paragraph is intended to be in addition to any other salary increase authorized in this act.</i>				
<i>U. Contingent on the provisions of subparagraph O.1. above, included in the amounts appropriated for employee benefits in this item is \$32,341,432 from the general fund the second year to increase the employer retirement contribution rates authorized in paragraph H.2. of this item, effective August 10, 2015, up to ninety percent of the board certified rate for state employees (14.22%), state police officers (27.83%), members of the Virginia Law Officers Retirement System (19.00%), and members of the judicial retirement system (50.02%).</i>				
<i>V. Out of the appropriation for this item, \$3,675,000 the second year shall be transferred to the Department of State Police for salary supplements, subject to the approval by the Secretary of Public Safety and Homeland Security of a salary compression plan for fiscal year 2016. No funds shall be included within such plan for employees of the Department of State Police with less than three years of service as of July 1, 2015. The plan shall be implemented effective August 10, 2015 and the total annualized cost of the pay plan shall not exceed \$4,410,000. No employee receiving an adjustment under this plan shall receive a salary adjustment pursuant to the funding provided in this paragraph of more than seven percent. Prior to the implementation of this plan, copies of the approved plan shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees.</i>				
<i>W. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.</i>				

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2. Out of the general fund appropriation for this Item, \$500,000 is included in the second year to support the costs resulting from the changes in the per diem amounts provided for in paragraph W.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.

468.	Payments for Special or Unanticipated Expenditures (75800) .....			\$2,800,000	\$3,800,000
				\$7,660,169	\$9,783,298
	Miscellaneous Contingency Reserve Account (75801).....	\$1,800,000	\$1,800,000		
	Undistributed Support for Designated State Agency Activities (75806).....	\$1,000,000	\$2,000,000		
		\$5,860,169	\$7,983,298		
	Fund Sources: General .....	\$2,800,000	\$3,800,000		
		\$7,660,169	\$9,783,298		

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$2,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

a. Agencies in the Legislative and Judicial Departments;

b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the ~~State Virginia Lottery Department~~, Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These

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indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this item is included \$1,500,000 the first year and \$1,500,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

1. To address the six conditions listed in § 4-1.03 c 5 of this act.
2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.
3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.
4. To make additional payments to public institutions of higher education pursuant to Item 464 of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that purpose are insufficient.
5. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.
6. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the *Commonwealth's Governor's Opportunity Fund* for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.
7. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.
8. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.
9. *Out of this appropriation, the Director, Department of Planning and Budget is authorized to transfer an amount up to \$300,000 in the second year, to the Department of Behavioral Health and Developmental Services for the purpose of paying for community-based services for current residents of any state operated Intellectual Disability Training Center who request community placement and who are also not eligible for Medicaid funded Intellectual Disability Waiver services.*

E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 56, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 56, Paragraph B of this act.

F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.

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G.1.a. The Federal Action Contingency Trust (FACT) Fund will have a balance estimated at \$5,998,093 from the amounts appropriated in Item 470 K.1 of Chapter 2, 2012 Special Session I. This balance is hereby appropriated for the following purposes:

b. Up to \$1,199,495 the first year and \$436,998 the second year from the FACT Fund shall be provided to the Virginia Polytechnic Institute and State University for unmanned aircraft systems research and development.

**I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

c. The Director, Department of Planning and Budget shall revert the first year the undesignated and unobligated balances of the FACT Fund, estimated at \$4,361,600, to the General Fund.

2. There is hereby created an advisory commission to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Advisory Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory commission.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Advisory Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve.

H. Out of this appropriation, up to \$1,000,000 the first year from the general fund is provided to reimburse the Department of General Services for the costs incurred to relocate the Department of Small Business and Supplier Diversity from private-leased space to a state-owned facility.

I.1. Out of this appropriation, \$2,000,000 the second year from the general fund shall be provided to the City of Richmond for expenses incurred for the development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Of this amount, \$1,000,000 shall be used for improvements to the Slave Trail, and \$1,000,000 for costs associated with Lumpkin's Pavilion.

2. Prior to the receipt of state funds for the purpose set out in paragraph I.1., the Richmond City Council shall pass a resolution outlining its approval of and financial commitment to the proposed project and local matching funds in an amount totaling at least \$5,000,000 which shall be appropriated by the City of Richmond for the project prior to receipt of any state funds. Release of state funding for Lumpkin's Pavilion shall also require evidence that the City of Richmond has raised at least fifty percent of the remaining funding required for that portion of the project from private or other sources.

3. At such time that the City of Richmond has completed construction of the respective improvements, the City of Richmond shall be eligible for reimbursement from the Commonwealth of an amount not to exceed \$9,000,000, or up to twenty five percent of the total costs of each project.

4. State funding appropriated in paragraph I.1 and future appropriations considered in paragraph I.3, shall be allocated only as follows: no more than \$5,000,000 shall be allocated for the planning, design, and construction of the Pavilion at Lumpkin's Jail, no more than \$1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and no more than \$5,000,000 shall be allocated for the planning, design and construction of a slavery museum.

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5. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.				
6. In addition to the matching requirements set out in paragraph I.2, the City of Richmond shall provide and dedicate appropriate contiguous real estate prior to the receipt of any state funding for the purposes outlined in paragraph I.1 above.				
7. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs I.1 and I.4. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.				
8. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.				
5L. The State Comptroller shall revert to the general fund savings that are realized as a result of vacant judgeships. The reversion is estimated to be <del>\$1,000,000</del> \$1,500,000 on or before June 30, 2015 and <del>\$1,000,000</del> on or before June 30, 2016.				
<i>M. The Director, Department of Planning and Budget, shall transfer from this item, general fund amounts estimated at \$4,860,169 the first year and \$5,983,298 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.</i>				
469. A. The Oil Overcharge Expendable Trust Fund shall be established on the books of the Comptroller and the interest earned by investment of funds credited to the Oil Overcharge Expendable Trust Fund shall be allocated to such fund periodically. This fund represents the Commonwealth's proportionate share of the recoveries from the Exxon Corporation, Diamond Shamrock Refining and Marketing Company, Stripper Well and the Texaco Corporation litigations, for petroleum pricing violations between 1973 and 1981.				
B.1. Any expenditure involving oil overcharges by the Exxon Corporation shall be utilized according to regulations and procedures of the five state energy conservation and benefits programs specified in the Warner Amendment (Section 155, P.L. 97-377) to provide restitution to the broad class of parties injured by the alleged overcharges. These programs are:				
a. Low Income Home Energy Assistance Program, 42 U.S.C. § 8621 et seq.				
b. State Energy Conservation Program, 42 U.S.C. § 6321 et seq.				
c. Energy Extension Service, 42 U.S.C. § 7001 et seq.				
d. Institutional Conservation Program, 42 U.S.C. § 6371 et seq.				
e. Weatherization Assistance Program, 42 U.S.C. § 6861 et seq.				
2. Any expenditure involving oil overcharges from the approved settlement In Re: The Department of Energy Stripper Well Litigation (MDL No. 378) or the approved settlement in the case of the Diamond Shamrock Refining and Marketing Company (Civil Action No. C2-84-1432) shall be utilized to fund one or more energy-related programs which are designed to benefit, directly or indirectly, consumers of petroleum products. These programs shall be limited to:				
a. Administration and operation of the five energy conservation and benefit programs specified under the Warner Amendment (Section 155, P.L. 97-377),				
b. Those programs approved by the U.S. Department of Energy's Office of Hearings and Appeals in Subpart V Refund Proceedings,				
c. Those programs referenced in the Chevron consent order (46 FR 52221), and				

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d. Such other restitutionary programs approved by the District Court or the U.S. Department of Energy's Office of Hearings and Appeals.

C. Before appropriations to the Oil Overcharge Expendable Trust Fund can be expended, approval for the use of the funds must be obtained from the United States Department of Energy. Applications to the United States Department of Energy must be made through the Department of Mines, Minerals and Energy.

D. The Governor shall submit such statements and reports as are required by court orders, settlements, or the Departments of Energy or Health and Human Services regarding use(s) of these funds and shall also report ~~annually~~ to the Chairmen of the House Appropriations and Senate Finance Committees on the activities funded by transfers from this Item *only in fiscal years in which activities have occurred.*

470.	Miscellaneous Reversion Clearing Account (22600) .....		(\$1,738,071)	(\$3,562,457)
	Fund Sources: General.....	(\$1,738,071)	(\$3,562,457)	

Authority: Discretionary Inclusion.

A. After June 30, 2012, no Executive Branch agency may use appropriations in Part 1 of this act to pay dues to any of the organizations listed in below, subject to consultation with legal counsel regarding any legal requirements involved or to pay dues or fees to new trade or other membership organizations without prior authorization of the Governor's Chief of Staff.

**Agency Name / Organization**

**Department of Motor Vehicles (154)**

- Governor's Highway Safety Representatives
- Federation of Tax Administrators

**Department of Education (201)**

- Marketing Education Resource Center
- Council of Chief State School Officers State Consortium on Educator Effectiveness
- Education Commission of the States

**Department of Rehabilitative Services (262)**

- Council of State Administrators of Vocational Rehabilitation

**Virginia Tourism Authority (320)**

- Virginia Hospitality and Travel Association

**Department of Transportation (501)**

- Appraisal Institute
- Intelligent Transportation Society of Virginia
- Virginia Tech Foundation

**Department of Behavioral Health and Developmental Services (720)**

- National Association of State Alcohol and Drug Abuse Directors

**Innovation and Entrepreneurship Investment Authority (934)**

- Rich Tech
- Fredericksburg Regional Technology Council
- Technology Hampton Roads
- Roanoke-Blacksburg Technology Council
- Region 2000 Technology Council
- Shenandoah Valley Technology Council
- Southwestern Virginia Technology Council
- Southern Piedmont Technology Council
- Charlottesville Business Innovation Council

B. The Director, Department of Planning and Budget, shall withhold and transfer to this item amounts estimated at \$1,738,071 the first year and \$3,562,457 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.

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471. Executive Management (71300).....			(\$3,352,799)	(\$3,629,749) \$0
Savings From Management Actions (71301) .....	(\$3,352,799)	(\$3,629,749) \$0		
Fund Sources: General .....	(\$3,352,799)	(\$3,629,749) \$0		

Authority: Discretionary Inclusion.

1. To accomplish savings estimated at \$3,422,799 the first year and ~~\$3,699,749~~ the second year, the Department of Planning and Budget is hereby authorized to transfer amounts to this item from the general fund appropriation for operating expenses of the agencies listed in subparagraph 4 below.

2. Notwithstanding the provisions of any item in Part 1 of this act or any other contrary provision of law, actions required on the part of agencies to implement the savings enumerated in subparagraph 4 below are hereby authorized.

3. Any nongeneral fund appropriation change or changes in the appropriation of agency authorized positions required to implement the savings enumerated in subparagraph 4 below are hereby authorized.

4. Savings strategies and totals by agency:

	FY 2015	FY 2016
<b>Department of General Services (194)</b>		
Eliminate vacant position in the director's office	\$45,500	\$45,500
Reduce administrative support to the Office of the Secretary of Administration	\$139,793	\$139,793
Reduce discretionary expenses	\$112,884	\$112,884
<b>Department of General Services (194) Total</b>	<b>\$298,177</b>	<b>\$298,177</b>
<b>Department of Human Resource Management (129)</b>		
Eliminate general fund support for survey software licensing	\$3,000	\$3,000
Move server room to the Commonwealth Enterprise Solutions Center	\$8,095	\$8,095
<b>Department of Human Resource Management (129) Total</b>	<b>\$11,095</b>	<b>\$11,095</b>
<b>Department of Elections (132)</b>		
Capture savings from agency reorganization	\$25,344	\$25,344
<b>Department of Elections (132) Total</b>	<b>\$25,344</b>	<b>\$25,344</b>
<b>Department of Agriculture and Consumer Services (301)</b>		
Eliminate new inspector positions in the Charitable Gaming program	\$150,000	\$150,000
Supplant general fund support for grain marketing positions	\$132,000	\$132,000
<b>Department of Agriculture and Consumer Services (301) Total</b>	<b>\$282,000</b>	<b>\$282,000</b>
<b>Department of Forestry (411)</b>		
Consolidate physical servers	\$20,000	\$20,000
<b>Department of Forestry (411) Total</b>	<b>\$20,000</b>	<b>\$20,000</b>
<b>Department of Small Business and Supplier Diversity (350)</b>		

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Reduce funding for the Small Business Investment Grant Fund	\$500,000		\$500,000	
<b>Department of Small Business and Supplier Diversity (350) Total</b>	<b>\$500,000</b>		<b>\$500,000</b>	
<b>Department of Mines, Minerals and Energy (409)</b>				
Reduce replacement cost for administrative services service area	\$69,002		\$69,002	
Reduce replacement cost for the Coal Environmental Protection and Land Reclamation Program	\$65,752		\$65,752	
<b>Department of Mines, Minerals and Energy (409) Total</b>	<b>\$134,754</b>		<b>\$134,754</b>	
<b>Virginia Economic Development Partnership (310)</b>				
Reduce appropriation for information technology replacement	\$52,476		\$52,476	
Reduce appropriation for the administration division	\$90,298		\$90,298	
Reduce appropriation for the business attraction division	\$68,184		\$68,184	
Reduce appropriation for the research division	\$86,574		\$86,574	
<b>Virginia Economic Development Partnership (310) Total</b>	<b>\$297,532</b>		<b>\$297,532</b>	
<b>Virginia Tourism Authority (320)</b>				
Eliminate funding for outdoor advertising	\$75,000		\$75,000	
<b>Virginia Tourism Authority (320) Total</b>	<b>\$75,000</b>		<b>\$75,000</b>	
<b>Jamestown-Yorktown Foundation (425)</b>				
Operational Efficiencies	\$30,000		\$30,000	
Reduce Advertising	\$31,000		\$31,000	
<b>Jamestown-Yorktown Foundation (425) Total</b>	<b>\$61,000</b>		<b>\$61,000</b>	
<b>Virginia Museum of Fine Arts (238)</b>				
Decommission Old Wireless System	\$5,664		\$5,664	
Eliminate Off-Site Storage	\$13,440		\$13,440	
Eliminate Stockroom Manager	\$26,122		\$26,122	
Find Administrative Efficiencies	\$17,000		\$17,000	
Reduce Library Subscriptions	\$2,915		\$2,915	
Reduce Travel Budget	\$10,000		\$10,000	
Switch Reservation System to Less Expensive System	\$11,000		\$11,000	
<b>Virginia Museum of Fine Arts (238) Total</b>	<b>\$86,141</b>		<b>\$86,141</b>	
<b>Department of Taxation (161)</b>				
Eliminate the corporate income tax preferences report	\$7,000		\$7,000	
Implement option to receive Form 1099 electronically	\$35,000		\$125,000	
Increase individual and fiduciary estimated income tax processing efficiency	\$43,000		\$43,000	
<b>Department of Taxation (161) Total</b>	<b>\$85,000</b>		<b>\$175,000</b>	
<b>Department of Health (601)</b>				
Eliminate the Nursing Scholarship and Loan Repayment Program		\$0	\$125,000	
Supplant general fund support for the Health Space System	\$115,000		\$115,000	

ITEM 471.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Health (601) Total</b>	<b>\$115,000</b>		<b>\$240,000</b>	
<b>Department of Behavioral Health and Developmental Services (720)</b>				
Contract out the Juvenile Competency Restoration Program	\$24,800		\$181,250	
Decrease the number of printed copies of the Code of Virginia	\$1,863		\$1,863	
Eliminate information technology servers	\$192,706		\$192,706	
Eliminate vacant project manager position	\$112,500		\$0	
Reduce central office printer and printing costs	\$34,000		\$34,000	
Reduce hourly positions in the central office	\$24,300		\$24,300	
Reduce number of agency vehicles under fleet management	\$14,704		\$14,704	
Reduce reimbursement for the use of personal cars	\$14,238		\$14,238	
Reduce travel costs for State Board and State Human Rights Council Meetings	\$10,000		\$10,000	
Restrict paying for business meals	\$3,745		\$3,745	
<b>Department of Behavioral Health and Developmental Services (720) Total</b>	<b>\$432,856</b>		<b>\$476,806</b>	
<b>Department for Aging and Rehabilitative Services (262)</b>				
Reduce administrative expenses	\$20,000		\$20,000	
<b>Department for Aging and Rehabilitative Services (262) Total</b>	<b>\$20,000</b>		<b>\$20,000</b>	
<b>Woodrow Wilson Rehabilitation Center (203)</b>				
Manage staff costs through turnover and vacancy	\$194,278		\$194,278	
<b>Woodrow Wilson Rehabilitation Center (203) Total</b>	<b>\$194,278</b>		<b>\$194,278</b>	
<b>Department for the Blind and Vision Impaired (702)</b>				
Redirect food service program revenue to support oversight position	\$62,508		\$62,508	
<b>Department for the Blind and Vision Impaired (702) Total</b>	<b>\$62,508</b>		<b>\$62,508</b>	
<b>Department of Conservation and Recreation (199)</b>				
Participate in a central motor pool	\$25,000		\$25,000	
Eliminate administrative "at will" position	\$119,000		\$119,000	
Eliminate administrative position in Planning and Recreational Resources	\$57,624		\$57,624	
Reduce the number of IT servers	\$48,000		\$48,000	
<b>Department of Conservation and Recreation (199) Total</b>	<b>\$249,624</b>		<b>\$249,624</b>	
<b>Department of Historic Resources (423)</b>				
Eliminate the Deputy Director of Policy and Planning position	\$87,202		\$87,202	
Eliminate the Western Region Preservation Office Director position	\$45,202		\$45,202	
<b>Department of Historic Resources (423) Total</b>	<b>\$132,404</b>		<b>\$132,404</b>	
<b>Marine Resources Commission (402)</b>				
Shift funding of Artificial Reef program	\$144,520		\$144,520	
<b>Marine Resources Commission (402) Total</b>	<b>\$144,520</b>		<b>\$144,520</b>	

ITEM 471.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Emergency Management (127)</b>				
Capture savings by reducing discretionary expenses	\$29,916		\$29,916	
Capture savings by reducing training costs	\$0		\$18,000	
<b>Department of Emergency Management (127)</b>				
<b>Total</b>	<b>\$29,916</b>		<b>\$47,916</b>	
<b>Innovation and Entrepreneurship Investment Authority (934)</b>				
Transition a portion of Senior Broadband Executive to billable projects	\$68,078		\$68,078	
Transition connect personnel to billable projects	\$27,572		\$27,572	
<b>Innovation and Entrepreneurship Investment Authority (934) Total</b>				
	<b>\$95,650</b>		<b>\$95,650</b>	

471.10.	Reversion Clearing Account - State Agency Savings (23500) .....			(\$92,400,000)	(\$100,000,000)
				(\$55,825,664)	(\$80,046,891)
	Fund Sources: General .....	(\$92,400,000)	(\$100,000,000)		
		(\$55,825,664)	(\$80,046,891)		

Authority: Discretionary Inclusion.

A.1. To accomplish savings estimated at ~~\$92,400,000~~ \$54,825,664 the first year and ~~\$100,000,000~~ \$79,046,891 the second year, the Department of Planning and Budget is hereby authorized to transfer amounts to this Item from the general fund appropriation for operating expenses of the executive branch agencies listed in subparagraph A.2 below.

2. Savings strategies and appropriation reduction totals by agency:

	FY 2015	FY 2016
<b>Compensation Board (157)</b>		
Capture savings from agency reorganization	\$0	\$121,674
Capture savings from system redesign and conversion from mainframe to web-based	\$0	\$50,000
<b>Compensation Board (157) Total</b>	<b>\$0</b>	<b>\$171,674</b>
<b>Department of General Services (194)</b>		
Capture operational efficiency savings	\$0	\$20,000
Capture savings from retirements	\$0	\$30,000
Eliminate vacant buyer procurement position	\$65,000	\$65,000
Fund vacant lab positions with new federal grant	\$224,121	\$224,121
Increase commercial lab certification fees	\$0	\$250,000
Reduce mail service frequency	\$30,000	\$50,000
Remove general fund support for Lottery testing	\$0	\$89,250
Replace manager position with entry level position	\$33,107	\$60,000
Shift lab nonpersonal service costs from general fund to nongeneral fund	\$0	\$311,383
Shift new lab position from general fund to nongeneral fund	\$83,021	\$83,021
Shift nonpersonal service costs to eVA	\$301,200	\$301,200
<b>Department of General Services (194) Total</b>	<b>\$736,449</b>	<b>\$1,483,975</b>
<b>Department of Human Resource Management (129)</b>		
Eliminate vacant positions in the Office of Equal Employment Services	\$127,735	\$228,563
Shift fund source for the Commonwealth of Virginia Knowledge Center	\$120,268	\$120,268
<b>Department of Human Resource Management (129) Total</b>	<b>\$248,003</b>	<b>\$348,831</b>

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Elections (132)</b>				
Capture vacancy savings	\$70,621		\$0	
Consolidate administrative duties and automation of services	\$1,783		\$147,293	
Fund policy analyst position with federal funds	\$21,962		\$50,010	
Reduce information technology costs for legacy servers	\$20,748		\$0	
<b>Department of Elections (132) Total</b>	<b>\$115,114</b>		<b>\$197,303</b>	
<b>Department of Agriculture and Consumer Services (301)</b>				
Capture efficiency and turnover and vacancy savings in Charitable Gaming	\$0		\$150,000	
Close the Warrenton office	\$0		\$51,382	
Discontinue participation in the Payroll Service Bureau	\$30,000		\$30,000	
Eliminate funding for laboratory accreditation	\$0		\$203,774	
Eliminate part-time database support	\$0		\$42,000	
Reduce state fair funding	\$7,900		\$7,900	
Reduce Hong Kong Office operating costs	\$77,000		\$75,000	
Reduce support for the Purchase of Development Rights program	\$0		\$250,000	
Replace a portion of marketing general fund support with Wine Board funding	\$28,000		\$0	
Restructure domestic marketing program	\$0		\$104,006	
<b>Department of Agriculture and Consumer Services (301) Total</b>	<b>\$142,900</b>		<b>\$914,062</b>	
<b>Department of Forestry (411)</b>				
Defer emergency response equipment	\$337,508		\$500,000	
Eliminate positions	\$151,494		\$362,695	
Realize turnover and vacancy savings	\$0		\$145,489	
Replace general fund dollars with nongeneral funds	\$40,000		\$75,000	
<b>Department of Forestry (411) Total</b>	<b>\$529,002</b>		<b>\$1,083,184</b>	
<b>Department of Housing and Community Development (165)</b>				
Capture savings by reducing duplicative services	\$330,453		\$330,453	
Reduce funding provided for Southwest Virginia Water and Wastewater Construction Grants	\$750,000		\$0	
Reduce mobility counseling grant funding	\$50,000		\$49,058	
<b>Department of Housing and Community Development (165) Total</b>	<b>\$1,130,453</b>		<b>\$379,511</b>	
<b>Department of Labor and Industry (181)</b>				
Achieve one-time savings from prepayments	\$100,000		\$0	
Reduce funding for discretionary services	\$20,899		\$20,899	
<b>Department of Labor and Industry (181) Total</b>	<b>\$120,899</b>		<b>\$20,899</b>	
<b>Department of Mines, Minerals and Energy (409)</b>				
Delay funding of positions to realign the workforce	\$50,000		\$100,000	
Fund a portion of personnel costs from nongeneral fund sources	\$92,795		\$232,014	
Recognize savings for IT expenses	\$36,000		\$36,000	
Recognize savings of retirements	\$50,000		\$50,000	
Reduce funding for Wind Energy Research	\$50,000		\$0	
<b>Department of Mines, Minerals and Energy (409) Total</b>	<b>\$278,795</b>		<b>\$418,014</b>	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Small Business and Supplier Diversity (350)</b>				
Capture efficiency and turnover and vacancy savings		\$0	\$256,655	
<b>Department of Small Business and Supplier Diversity (350) Total</b>		<b>\$0</b>	<b>\$256,655</b>	
<b>Fort Monroe Authority (360)</b>				
Defer elevator repair		\$0	\$40,000	
Reduce contractor expenses		\$69,180	\$75,531	
Reduce discretionary expenses and improve business practices to gain efficiencies		\$124,780	\$94,780	
Reduce legal fees		\$35,000	\$25,000	
Reduce personnel costs		\$57,750	\$80,044	
<b>Fort Monroe Authority (360) Total</b>		<b>\$286,710</b>	<b>\$315,355</b>	
<b>Virginia Economic Development Partnership (310)</b>				
Reduce funding for domestic and international marketing initiatives		\$929,509	\$1,267,607	
<b>Virginia Economic Development Partnership (310) Total</b>		<b>\$929,509</b>	<b>\$1,267,607</b>	
<b>Virginia Tourism Authority (320)</b>				
Postpone upgrades to Virginia.org website		\$368,733	\$2,983	
Reduce funding for marketing activities		\$0	\$300,000	
Reduce funding for research activities		\$0	\$205,000	
Reduce funding for the City of Portsmouth for a regional tourism entity		\$250,000	\$500,000	
Reduce funding for various sponsorships		\$75,000	\$75,000	
<b>Virginia Tourism Authority (320) Total</b>		<b>\$693,733</b>	<b>\$1,082,983</b>	
<b>Virginia Community College System (260)</b>				
Reduce general fund support that was designated for Seat of Government rent		\$0	\$443,420	
<b>Virginia Community College System (260) Total</b>		<b>\$0</b>	<b>\$443,420</b>	
<b>Frontier Culture Museum of Virginia (239)</b>				
Leave vacant full-time staff positions unfilled		\$65,418	\$86,752	
Reduce part-time staff		\$12,839	\$22,896	
<b>Frontier Culture Museum of Virginia (239) Total</b>		<b>\$78,257</b>	<b>\$109,648</b>	
<b>Gunston Hall (417)</b>				
Provide savings through energy efficiencies		\$0	\$1,500	
Provide savings through energy efficiencies		\$25,476	\$25,476	
Provide savings through landscape management efficiencies		\$0	\$4,000	
Provide savings through security system efficiencies		\$0	\$4,000	
Provide savings through waste management efficiencies		\$840	\$840	
<b>Gunston Hall (417) Total</b>		<b>\$26,316</b>	<b>\$35,816</b>	
<b>Jamestown-Yorktown Foundation (425)</b>				
Reduce administrative support services and maintenance		\$56,530	\$96,434	
Reduce funding for K-12 Initiatives		\$77,168	\$91,605	
Reduce statewide outreach service sevels		\$59,099	\$96,477	
Reduce support for museum operations		\$99,289	\$177,711	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Reduction spending to media advertising and sales initiatives</i>	\$15,000		\$35,125	
<i>Utilize savings from turnover and vacancies</i>	\$60,277		\$60,277	
<b><i>Jamestown-Yorktown Foundation (425) Total</i></b>	<b>\$367,363</b>		<b>\$557,629</b>	
<b><i>The Library Of Virginia (202)</i></b>				
<i>Reduce number of conservation projects</i>	\$32,546		\$0	
<i>Reduce personnel spending</i>	\$261,753		\$365,560	
<b><i>The Library Of Virginia (202) Total</i></b>	<b>\$294,299</b>		<b>\$365,560</b>	
<b><i>The Science Museum of Virginia (146)</i></b>				
<i>Abandon plan to purchase new exhibits/films</i>	\$6,106		\$0	
<i>Personnel Savings</i>	\$93,818		\$191,251	
<i>Reduce general maintenance expenses</i>	\$75,000		\$75,000	
<i>Vacant positions savings</i>	\$59,494		\$111,179	
<i>Wage personnel savings</i>	\$25,000		\$1,516	
<b><i>The Science Museum of Virginia (146) Total</i></b>	<b>\$259,418</b>		<b>\$378,946</b>	
<b><i>Virginia Commission for the Arts (148)</i></b>				
<i>Cancel artist fellowships</i>	\$20,000		\$20,000	
<i>Cancel statewide art conference</i>	\$40,000		\$40,000	
<i>Delay membership dues payment until next year</i>	\$36,000		\$0	
<i>Eliminate special recognition awards</i>	\$0		\$5,000	
<i>Reduce grant allocations</i>	\$69,373		\$168,741	
<i>Reduce spending in touring assistance</i>	\$20,000		\$20,000	
<i>Reduce technical assistance grant allocation</i>	\$10,000		\$20,000	
<b><i>Virginia Commission for the Arts (148) Total</i></b>	<b>\$195,373</b>		<b>\$273,741</b>	
<b><i>Virginia Museum of Fine Arts (238)</i></b>				
<i>Postpone the Making America exhibition for FY 2016</i>	\$156,295		\$296,012	
<i>Prioritize funds for gallery rotations, art and sculpture</i>	\$78,240		\$74,474	
<i>Realize savings by holding vacant positions and reduce nonpersonal service expenditures</i>	\$172,818		\$184,788	
<i>Realize savings by not replacing equipment and reducing nonpersonal services</i>	\$65,363		\$36,300	
<i>Reorganize marketing department to realize savings</i>	\$15,440		\$14,550	
<i>Stop efforts to expand art educational offerings</i>	\$16,000		\$100,000	
<b><i>Virginia Museum of Fine Arts (238) Total</i></b>	<b>\$504,156</b>		<b>\$706,124</b>	
<b><i>Eastern Virginia Medical School (274)</i></b>				
<i>Hold faculty and staff positions vacant</i>	\$821,129		\$821,129	
<i>Implement administrative efficiencies for non-clinical program support</i>	\$35,977		\$35,977	
<i>Implement administrative efficiencies in family practice support</i>	\$36,107		\$36,107	
<b><i>Eastern Virginia Medical School (274) Total</i></b>	<b>\$893,213</b>		<b>\$893,213</b>	
<b><i>New College Institute (938)</i></b>				
<i>Reduction in Personal Services</i>	\$75,952		\$75,952	
<b><i>New College Institute (938) Total</i></b>	<b>\$75,952</b>		<b>\$75,952</b>	
<b><i>Institute for Advanced Learning and Research (885)</i></b>				
<i>Reduce expenses for existing maintenance/technology contracts</i>	\$35,000		\$35,000	
<i>Reduce general fund operating budget for general maintenance projects</i>	\$130,000		\$130,000	
<i>Reduce spending for reconfiguration of existing facilities for economic development and R&amp;D activities</i>	\$140,000		\$140,000	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Reduce spending on professional development and travel</i>		\$1,179		\$1,179
<b><i>Institute for Advanced Learning and Research (885) Total</i></b>		<b>\$306,179</b>		<b>\$306,179</b>
<b><i>Roanoke Higher Education Authority (935)</i></b>				
<i>Defer maintenance and repair of buildings and grounds</i>		\$3,000		\$3,000
<i>Eliminate member program development incentive</i>		\$10,000		\$10,000
<i>Eliminate subscription to FICAS system</i>		\$3,000		\$3,000
<i>Increase revenue by instituting parking fees</i>		\$4,100		\$4,100
<i>Recruit new educational member</i>		\$10,000		\$10,000
<i>Reduce employee education tuition reimbursement</i>		\$2,000		\$2,000
<i>Reduce spending on internet services</i>		\$16,000		\$16,000
<i>Reduce subscriptions to library databases</i>		\$3,000		\$3,000
<i>Reduce wage salary expenses</i>		\$5,001		\$5,001
<b><i>Roanoke Higher Education Authority (935) Total</i></b>		<b>\$56,101</b>		<b>\$56,101</b>
<b><i>Southern Virginia Higher Education Center (937)</i></b>				
<i>Reduce general fund operating costs</i>		\$67,395		\$67,395
<i>Reduce general fund personnel costs</i>		\$50,000		\$50,000
<b><i>Southern Virginia Higher Education Center (937) Total</i></b>		<b>\$117,395</b>		<b>\$117,395</b>
<b><i>Southwest Virginia Higher Education Center (948)</i></b>				
<i>Discontinue opening the center on Saturday except for scheduled classes and large events.</i>		\$10,215		\$13,620
<i>Elimination of paid student internships</i>		\$28,404		\$10,000
<i>Elimination of two positions</i>		\$44,997		\$59,996
<i>Reduction of hours for 4 wage employees</i>		\$17,000		\$17,000
<b><i>Southwest Virginia Higher Education Center (948) Total</i></b>		<b>\$100,616</b>		<b>\$100,616</b>
<b><i>Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC (936)</i></b>				
<i>Reduce research support in FY 2015</i>		\$57,500		\$0
<i>Reduce research support in FY 2016</i>		\$0		\$57,500
<b><i>Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC (936) Total</i></b>		<b>\$57,500</b>		<b>\$57,500</b>
<b><i>Department of Education, Central Office Operations (201)</i></b>				
<i>Eliminate Education Commission of the States Funds</i>		\$0		\$91,800
<i>Eliminate statewide digital content and online learning funds</i>		\$0		\$500,000
<i>Eliminate Virginia Center for Excellence in Teaching funds</i>		\$0		\$220,191
<i>Reduce performance evaluation training funds</i>		\$0		\$69,250
<i>Reduce training funds</i>		\$0		\$204,584
<i>Remove discretionary funds</i>		\$0		\$100,000
<b><i>Department of Education, Central Office Operations (201) Total</i></b>		<b>\$0</b>		<b>\$1,185,825</b>
<b><i>State Council of Higher Education for Virginia (245)</i></b>				

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Reduce funding for the Virginia Women's Leadership (VWIL) program at Mary Baldwin College</i>	\$15,395		\$0	
<i>Reduce funding for the Virtual Library of Virginia (VIVA)</i>	\$370,158		\$370,158	
<i>Utilize savings from turnover and vacancies</i>	\$128,644		\$298,851	
<b>State Council of Higher Education for Virginia (245) Total</b>	<b>\$514,197</b>		<b>\$669,009</b>	
<b>Department of Accounts (151)</b>				
<i>Capture vacancy savings</i>	\$0		\$428,528	
<i>Change schedule of Full Costing Indirect Cost Plan from annual to biennial</i>	\$0		\$22,500	
<i>Eliminate expansion of Accounts Receivable collection oversight</i>	\$0		\$153,200	
<i>Recognize savings from unit consolidation</i>	\$0		\$119,624	
<b>Department of Accounts (151) Total</b>	<b>\$0</b>		<b>\$723,852</b>	
<b>Department of Planning and Budget (122)</b>				
<i>Eliminate funding for the school efficiency review program</i>	\$0		\$200,000	
<i>Eliminate vacant position</i>	\$0		\$66,600	
<i>Reduce general fund support for the Council on Virginia's Future</i>	\$0		\$38,360	
<b>Department of Planning and Budget (122) Total</b>	<b>\$0</b>		<b>\$304,960</b>	
<b>Department of Taxation (161)</b>				
<i>Cease sending paper schedules to localities</i>	\$0		\$20,426	
<i>Change agency remote access solution</i>	\$50,000		\$150,000	
<i>Consolidate administrative staff</i>	\$32,415		\$32,415	
<i>Convert contractors to full-time positions and reduce professional services support</i>	\$437,972		\$350,000	
<i>Eliminate funding for the purchase of customer service software</i>	\$252,000		\$60,000	
<i>Eliminate Live Chat</i>	\$139,884		\$139,884	
<i>Reduce disaster recovery coverage</i>	\$56,000		\$200,000	
<i>Reduce funding for outside legal counsel</i>	\$300,000		\$0	
<i>Reduce server costs</i>	\$410,000		\$475,000	
<i>Reduce technology costs</i>	\$220,500		\$297,500	
<i>Reduce training costs</i>	\$139,570		\$0	
<i>Reorganize agency staff</i>	\$171,072		\$422,142	
<i>Reorganize the Special Tax Unit</i>	\$60,128		\$74,460	
<b>Department of Taxation (161) Total</b>	<b>\$2,269,541</b>		<b>\$2,221,827</b>	
<b>Department of the Treasury (152)</b>				
<i>Reallocate technology costs based on agency usage</i>	\$0		\$50,000	
<i>Recognize savings from software upgrade efficiencies</i>	\$0		\$17,000	
<i>Reduce agency discretionary spending</i>	\$0		\$12,000	
<i>Reduce appropriation for banking services</i>	\$139,755		\$418,888	
<b>Department of the Treasury (152) Total</b>	<b>\$139,755</b>		<b>\$497,888</b>	
<b>Comprehensive Services for At-Risk Youth and Families (200)</b>				
<i>Reduce funds for data analytics and program evaluation</i>	\$82,853		\$116,019	
<b>Comprehensive Services for At-Risk Youth and Families (200) Total</b>	<b>\$82,853</b>		<b>\$116,019</b>	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department for the Deaf and Hard-Of-Hearing (751)</b>				
Capture savings from one-time administrative actions	\$15,000		\$0	
Reduce interpreter services	\$14,373		\$0	
<b>Department for the Deaf and Hard-Of-Hearing (751) Total</b>	<b>\$29,373</b>		<b>\$0</b>	
<b>Department of Health (601)</b>				
Accelerate the transition of school health services from state support to local responsibility	\$101,850		\$423,344	
Capture savings associated with abolishing vacant positions	\$145,916		\$145,916	
Change criteria for transporting cases to Chief Medical Examiners Office	\$0		\$100,000	
Consolidate health districts	\$0		\$565,445	
Eliminate deputy director in the Office of Family Health Services	\$0		\$200,933	
Eliminate East Central Field Office	\$0		\$155,113	
Eliminate funding for contract administrative position in disease prevention	\$0		\$93,600	
Eliminate general fund match for federal abstinence grant	\$191,344		\$382,688	
Eliminate radon grant match	\$0		\$53,614	
Eliminate wage human resource support position in the Office of Epidemiology	\$0		\$23,349	
Fund a pathologist position with revenue	\$0		\$200,000	
Implement operational modifications in the Office of Drinking Water	\$0		\$89,736	
Reduce general fund appropriation for locally operated health departments	\$0		\$886,919	
Reduce general fund support in the STD prevention programs	\$0		\$38,316	
Reduce general fund support of the Tuberculosis (TB) Program	\$0		\$98,140	
Reduce staff in the Office of Information Management	\$0		\$95,000	
Reduce use of wage autopsy technicians and wage pathologists	\$0		\$88,092	
Reduce vaccine inventory	\$0		\$422,548	
Replace general fund support for the Resource Mothers Program	\$0		\$614,914	
Replace general fund support of a plan management position with existing nongeneral fund revenues	\$0		\$96,150	
Use federal funds to provide vaccinations	\$280,110		\$280,110	
Use nongeneral fund revenue to support Office of Radiological Health operating costs	\$361,366		\$361,366	
<b>Department of Health (601) Total</b>	<b>\$1,080,586</b>		<b>\$5,415,293</b>	
<b>Department of Medical Assistance Services (602)</b>				
Capture savings from eHHR program	\$53,771		\$107,542	
Convert in-house fiscal agent contractors to agency staff	\$30,198		\$60,395	
Eliminate funding for additional community mental health audits	\$375,000		\$375,000	
Eliminate funding for the Virginia Center for Health Innovation	\$100,000		\$0	
Reduce contractor costs	\$1,866,042		\$2,342,298	
Require electronic notification of most Medicaid communications	\$50,000		\$500,000	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Medical Assistance Services (602)</b>				
<b>Total</b>	<b>\$2,475,011</b>		<b>\$3,385,235</b>	
<b>Department of Behavioral Health and Developmental Services (720)</b>				
Capture SIS assessment contract and personnel savings	\$14,386		\$702,237	
Capture turnover and vacancy savings	\$350,423		\$0	
Charge facilities for Avatar/NetSmart and Ability Contracts	\$202,000		\$202,000	
Consolidate agency planning functions and eliminate two positions	\$141,222		\$243,486	
Eliminate one clerical position in Finance Division	\$33,930		\$58,500	
Eliminate one position in Human Resources Department	\$86,323		\$148,833	
Eliminate one position in Office Administrative Services	\$40,914		\$70,541	
Eliminate vacant deputy director of legislative services position	\$62,000		\$62,000	
Eliminate vacant project manager position in architecture and engineering office	\$0		\$112,500	
Increase fees for background checks	\$92,056		\$138,024	
Institute fees for use of knowledge center	\$58,500		\$0	
Limit Training for Direct Support Professional career pathway program facilities to mental health facilities	\$250,000		\$250,000	
Reduce appropriation to reflect administrative efficiencies	\$147,058		\$170,500	
<b>Department of Behavioral Health and Developmental Services (720) Total</b>	<b>\$1,478,812</b>		<b>\$2,158,621</b>	
<b>Mental Health Treatment Centers (792)</b>				
Capture reductions in Dental Department staff at Hiram Davis Medical Center	\$40,635		\$40,635	
Capture savings from general administrative reductions at Southwestern Virginia Mental Health Institute	\$43,500		\$7,000	
Capture Southern Virginia Mental Health Institute turnover and vacancy savings	\$130,000		\$0	
Change current staffing patterns at Eastern State Hospital to better align with current services	\$325,000		\$515,000	
Consolidate and regionalize financial and accounting systems and purchasing functions	\$25,000		\$100,000	
Eliminate a general administrative Supervisor at Central State Hospital	\$0		\$71,804	
Eliminate one housekeeping position at Central State Hospital	\$0		\$27,440	
Eliminate one housekeeping supervisor position at Central State Hospital	\$0		\$46,754	
Eliminate positions in administration facility management at Western State Hospital	\$245,000		\$500,000	
Eliminate senior administrative position at Central State Hospital	\$75,000		\$119,000	
Eliminate temporary office trailer at Piedmont Geriatric Facility	\$0		\$5,250	
Recover funds from delay in opening beds at Southwestern Virginia Mental Health Institute	\$364,363		\$0	
Reduce after hours Primary Care Physician coverage at Northern Virginia Mental Health Institute	\$0		\$128,700	
Reduce appropriation to reflect general administrative efficiencies at Catawba Hospital	\$166,922		\$316,216	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Reduce food service staff at Central State Hospital</i>	\$80,000		\$275,000	
<i>Restructure Rehabilitative Department at Hiram Davis Medical Center</i>	\$66,931		\$66,931	
<i>Streamline and retrofit food service production and delivery</i>	\$50,000		\$200,000	
<b><i>Mental Health Treatment Centers (792) Total</i></b>	<b>\$1,612,351</b>		<b>\$2,419,730</b>	
<b><i>Intellectual Disabilities Training Centers (793)</i></b>				
<i>Reduction in office equipment rentals</i>	\$0		\$1,796	
<b><i>Intellectual Disabilities Training Centers (793) Total</i></b>	<b>\$0</b>		<b>\$1,796</b>	
<b><i>Virginia Center for Behavioral Rehabilitation (794)</i></b>				
<i>Achieve operational reductions</i>	\$360,570		\$543,044	
<i>Eliminate accreditation fee</i>	\$10,840		\$10,840	
<i>Reduce apparel for staff by 15 percent</i>	\$0		\$4,950	
<i>Reduce office supply expenses</i>	\$0		\$1,941	
<i>Reduce personal care supplies for residents</i>	\$2,262		\$2,262	
<i>Reduce physical therapy costs</i>	\$20,000		\$20,000	
<i>Reduce residential clothing</i>	\$8,000		\$8,000	
<b><i>Virginia Center for Behavioral Rehabilitation (794) Total</i></b>	<b>\$401,672</b>		<b>\$591,037</b>	
<b><i>Department for Aging and Rehabilitative Services (262)</i></b>				
<i>Reduce administrative expenses</i>	\$177,016		\$250,417	
<i>Reduce funding for brain injury programs</i>	\$426,997		\$0	
<i>Reduce funding for Centers for Independent Living</i>	\$230,250		\$0	
<i>Reduce funding for employment services support</i>	\$302,666		\$0	
<b><i>Department for Aging and Rehabilitative Services (262) Total</i></b>	<b>\$1,136,929</b>		<b>\$250,417</b>	
<b><i>Woodrow Wilson Rehabilitation Center (203)</i></b>				
<i>Capture turnover and vacancy savings from direct services staff</i>	\$140,675		\$196,946	
<i>Capture turnover and vacancy savings from support services staff</i>	\$106,223		\$148,908	
<b><i>Woodrow Wilson Rehabilitation Center (203) Total</i></b>	<b>\$246,898</b>		<b>\$345,854</b>	
<b><i>Department of Social Services (765)</i></b>				
<i>Capture anticipated balance in the Unemployed Parent (UP) program</i>	\$1,133,219		\$1,133,219	
<i>Convert contractors to classified state positions</i>	\$125,000		\$262,400	
<i>Cut administrative services</i>	\$383,166		\$385,067	
<i>Eliminate new information technology system development contract</i>	\$850,000		\$0	
<i>Increase fee for national background checks</i>	\$0		\$82,000	
<i>Increase the fee for child protective services (CPS) registry checks</i>	\$0		\$225,000	
<i>Use nongeneral funds to support Earned Income Tax Credit (EITC) grants</i>	\$0		\$185,725	
<i>Use nongeneral funds to support Healthy Families of Virginia</i>	\$951,896		\$951,896	
<i>Utilize one-time child care nongeneral fund balance</i>	\$2,700,000		\$0	
<b><i>Department of Social Services (765) Total</i></b>	<b>\$6,143,281</b>		<b>\$3,225,307</b>	
<b><i>Department of Conservation and Recreation (199)</i></b>				

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Consolidate and reconfigure office space</i>		\$0	\$100,000	
<i>Eliminate one position</i>		\$0	\$91,987	
<i>Eliminate rental space in Charlottesville</i>		\$4,300	\$8,600	
<i>Fund administration cost using federal Planning and Resource funds</i>	\$104,000		\$0	
<i>Increase state park fees</i>	\$0		\$870,144	
<i>Reduce administration support</i>	\$64,442		\$92,200	
<i>Reduce amount payable to the Office of the Attorney General</i>	\$25,000		\$25,000	
<i>Replace funding with federal funds related to the elimination of a contract</i>	\$15,000		\$35,000	
<i>Shut down file servers and move data</i>	\$50,000		\$102,000	
<i>Support general fund wage staff using the Dam Safety Administration Fund</i>	\$0		\$70,000	
<b>Department of Conservation and Recreation (199) Total</b>	<b>\$262,742</b>		<b>\$1,394,931</b>	
<b>Department of Historic Resources (423)</b>				
<i>Eliminate vacant positions</i>	\$82,651		\$167,588	
<i>Reduce funding for wage/contract personnel</i>	\$70,012		\$70,012	
<b>Department of Historic Resources (423) Total</b>	<b>\$152,663</b>		<b>\$237,600</b>	
<b>Marine Resources Commission (402)</b>				
<i>Use nongeneral funds to support Artificial Reef Program</i>	\$75,000		\$75,000	
<i>Use nongeneral funds to support Law Enforcement Program</i>	\$592,654		\$0	
<b>Marine Resources Commission (402) Total</b>	<b>\$667,654</b>		<b>\$75,000</b>	
<b>Virginia Museum of Natural History (942)</b>				
<i>Capture personnel savings</i>	\$30,500		\$0	
<i>Eliminate positions</i>	\$0		\$76,006	
<i>Reduce discretionary spending</i>	\$60,000		\$66,289	
<i>Reduce personnel costs</i>	\$26,000		\$26,000	
<i>Replace general fund with nongeneral funds</i>	\$28,128		\$35,000	
<b>Virginia Museum of Natural History (942) Total</b>	<b>\$144,628</b>		<b>\$203,295</b>	
<b>Commonwealth's Attorneys' Services Council (957)</b>				
<i>Reduce legal training programs</i>	\$41,448		\$58,071	
<b>Commonwealth's Attorneys' Services Council (957) Total</b>	<b>\$41,448</b>		<b>\$58,071</b>	
<b>Department of Corrections (799)</b>				
<i>Capture savings from department reorganization</i>	\$481,893		\$790,247	
<i>Capture vacancy savings from non-security positions</i>	\$0		\$687,496	
<i>Close Cold Springs Work Center</i>	\$539,856		\$3,206,607	
<i>Close Powhatan Correctional Center (Main)</i>	\$1,278,397		\$14,651,165	
<i>Close White Post Diversion Center</i>	\$161,873		\$2,280,179	
<i>Delay filling 29 positions</i>	\$1,365,733		\$0	
<i>Delay opening of Culpeper Correctional Center</i>	\$2,098,477		\$11,211,580	
<i>Eliminate equipment funding</i>	\$4,100,000		\$0	
<i>Increase turnover/vacancy savings</i>	\$3,272,601		\$0	
<i>Realize administrative savings</i>	\$500,000		\$2,000,000	
<b>Department of Corrections (799) Total</b>	<b>\$13,798,830</b>		<b>\$34,827,274</b>	
<b>Department of Criminal Justice Services (140)</b>				
<i>Reduce administrative costs</i>	\$0		\$271,390	
<i>Reduce agency administrative overhead</i>	\$0		\$63,723	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Department of Criminal Justice Services (140)</b>				
<b>Total</b>		\$0	\$335,113	
<b>Department of Emergency Management (127)</b>				
Capture turnover and vacancy savings		\$0	\$100,000	
Identify and implement efficiencies		\$0	\$37,686	
Reduce funding for conferences and related travel expenses	\$3,000		\$5,000	
Reduce transformation support	\$0		\$250,000	
<b>Department of Emergency Management (127) Total</b>	<b>\$3,000</b>		<b>\$392,686</b>	
<b>Department of Fire Programs (960)</b>				
Replace general fund with fees collected from explosive permits	\$18,424		\$20,000	
Replace general fund with fees from inspection of buildings	\$50,000		\$65,000	
Replace general fund with fees generated from life safety inspections	\$50,000		\$80,907	
<b>Department of Fire Programs (960) Total</b>	<b>\$118,424</b>		<b>\$165,907</b>	
<b>Department of Forensic Science (778)</b>				
Capture savings from anticipated personnel attrition	\$28,000		\$37,000	
Capture savings from anticipated personnel attrition	\$26,000		\$6,100	
Delay filling a vacant scientist position until FY 2016	\$61,000		\$0	
Delay filling a vacant scientist position until FY 2016	\$61,000		\$0	
Delay filling positions to produce turnover/vacancy savings	\$100,000		\$0	
Delay hiring support staff	\$131,000		\$184,500	
Discontinue analysis of marijuana plant material in simple possession cases when not mandated by court order	\$25,000		\$32,600	
Eliminate general fund support for discretionary personnel training	\$30,000		\$30,000	
Eliminate special project coordinator wage position	\$60,000		\$73,000	
Eliminate wage administrative support position in the Central Toxicology section	\$20,370		\$22,633	
Fill a vacant scientist positions in FY 2016	\$256,000		\$20,667	
Reduce administrative support at laboratories in FY 2016	\$0		\$211,380	
Reduce digital and multimedia evidence services provided	\$68,292		\$8,052	
Reduce external photography services	\$2,891		\$113,791	
Reduce frequency of scientific instrumentation replacement	\$110,000		\$110,000	
Reduce information technology support	\$5,600		\$87,600	
Reduce trace evidence services provided	\$167,917		\$49,128	
<b>Department of Forensic Science (778) Total</b>	<b>\$1,153,070</b>		<b>\$986,451</b>	
<b>Department of Juvenile Justice (777)</b>				
Adjust funding to meet program capacity	\$0		\$250,385	
Adjust payment schedule for insurance premiums	\$2,041,368		\$0	
Decrease rent costs	\$0		\$103,022	
Eliminate agency leadership summit	\$48,000		\$48,000	
Reduce and consolidate central office positions for effective delivery of services	\$0		\$2,444,425	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Reduce drug testing costs</i>		\$0	\$40,000	
<i>Reduce employee recognition</i>		\$10,000	\$65,860	
<i>Reduce employee tuition reimbursement benefits</i>		\$24,053	\$40,000	
<i>Reduce scope of existing employee physicals contract</i>		\$0	\$50,000	
<i>Reduce travel costs</i>		\$0	\$397,983	
<i>Revert Workforce Transition Act funding from the repurposing of Culpeper Juvenile Correctional Center</i>		\$3,100,000	\$0	
<b>Department of Juvenile Justice (777) Total</b>		<b>\$5,223,421</b>	<b>\$3,439,675</b>	
<b>Department of Military Affairs (123)</b>				
<i>Capture discretionary funding</i>		\$7,500	\$0	
<i>Reduce facility maintenance and repair support</i>		\$0	\$96,694	
<b>Department of Military Affairs (123) Total</b>		<b>\$7,500</b>	<b>\$96,694</b>	
<b>Department of State Police (156)</b>				
<i>Capture general fund savings from operational efficiencies</i>		\$1,225,328	\$0	
<i>Fill 27 out of 68 vacant trooper positions in FY 2015, hold 11 trooper positions vacant in FY 2016</i>		\$2,669,354	\$0	
<b>Department of State Police (156) Total</b>		<b>\$3,894,682</b>	<b>\$0</b>	
<b>Virginia Parole Board (766)</b>				
<i>Reduce discretionary spending</i>		\$41,548	\$58,185	
<b>Virginia Parole Board (766) Total</b>		<b>\$41,548</b>	<b>\$58,185</b>	
<b>Innovation and Entrepreneurship Investment Authority (934)</b>				
<i>Eliminate printed version of annual report</i>		\$12,000	\$12,000	
<i>Fund modeling and simulation program with prior year balances</i>		\$500,000	\$0	
<i>Reduce funding for additive manufacturing industry development initiative</i>		\$0	\$118,939	
<i>Reduce funding for cyber security conference</i>		\$87,500	\$87,500	
<i>Reduce funding for outside consultants</i>		\$30,000	\$76,279	
<i>Reduce funding for Threat Data Sharing Initiative</i>		\$175,052	\$175,052	
<i>Reduce outside advocacy services</i>		\$26,000	\$26,000	
<i>Shift administrative staff to billable projects</i>		\$80,509	\$80,509	
<i>Supplant Growth Accelerator Program appropriation with prior year balances</i>		\$2,000,000	\$0	
<b>Innovation and Entrepreneurship Investment Authority (934) Total</b>		<b>\$2,911,061</b>	<b>\$576,279</b>	
<b>Virginia Information Technologies Agency (136)</b>				
<i>Eliminate spending on contractor</i>		\$109,167	\$135,769	
<i>Reduce spending on training and travel</i>		\$0	\$17,126	
<b>Virginia Information Technologies Agency (136) Total</b>		<b>\$109,167</b>	<b>\$152,895</b>	
<b>Department of Veterans Services (912)</b>				
<i>Remove funding for VITA network connectivity</i>		\$140,862	\$116,272	
<b>Department of Veterans Services (912) Total</b>		<b>\$140,862</b>	<b>\$116,272</b>	
		<b>\$54,825,664</b>	<b>\$79,046,891</b>	

B. Notwithstanding the amounts appropriated in any item in Part 1, appropriation reductions required on the part of agencies to implement the savings enumerated in this Item are hereby authorized provided that such actions do not conflict with the provisions of § 4-1.02 of this act.

C. Any nongeneral fund appropriation change or changes in the appropriation of agency authorized positions required to implement the savings enumerated in this Item are hereby authorized.

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>D.1. On or before June 30, 2015, the Director, Department of Planning and Budget shall authorize the reversion to the general fund of amounts estimated at \$9,364,019 from the agencies listed in subparagraph D.2.</i></p>				
<p><i>2. Agency general fund reversions:</i></p>				
		<b><i>FY 2015</i></b>		
<b><i>Compensation Board (157)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$119,464</i>	
<b><i>Department of General Services (194)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$321,425</i>	
<b><i>Department of Elections (132)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$31,714</i>	
<b><i>Department of Agriculture and Consumer Services (301)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$200,000</i>	
<b><i>Department of Forestry (411)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$39,998</i>	
<b><i>Department of Mines, Minerals and Energy (409)</i></b>				
<i>Recognize 2014 Pledged Balances</i>			<i>\$90,000</i>	
<b><i>Department of Small Business and Supplier Diversity (350)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$182,693</i>	
<b><i>Department of Education, Central Office Operations (201)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$1,295,454</i>	
<b><i>State Council of Higher Education for Virginia (245)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$83,782</i>	
<b><i>Department of Accounts (151)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$593,329</i>	
<b><i>Department of Planning and Budget (122)</i></b>				
<i>Recognize 2014 pledged balance</i>			<i>\$359,111</i>	
<b><i>Department of Taxation (161)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$506,626</i>	
<b><i>Department of the Treasury (152)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$250,000</i>	
<b><i>Department for the Deaf and Hard-Of-Hearing (751)</i></b>				
<i>Recognize 2014 Pledged Balances</i>			<i>\$17,000</i>	
<b><i>Department of Health (601)</i></b>				
<i>Recognize 2014 pledged balances</i>			<i>\$1,043,051</i>	
<b><i>Department of Behavioral Health and Developmental Services (720)</i></b>				
<i>Recognize 2014 Pledged Balances</i>			<i>\$207,588</i>	

ITEM 471.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Department for Aging and Rehabilitative Services (262)</i>				
		\$25,000		
<i>Department of Social Services (765)</i>				
		\$2,250,000		
<i>Department for the Blind and Vision Impaired (702)</i>				
		\$75,000		
<i>Department of Historic Resources (423)</i>				
		\$16,536		
<i>Marine Resources Commission (402)</i>				
		\$64,700		
<i>Department of Corrections (799)</i>				
		\$165,624		
		\$4,168		
<i>Department of Criminal Justice Services (140)</i>				
		\$396,531		
<i>Department of Emergency Management (127)</i>				
		\$282,982		
<i>Department of Forensic Science (778)</i>				
		\$13,965		
<i>Department of Military Affairs (123)</i>				
		\$371,349		
<i>Department of Veterans Services (912)</i>				
		\$356,929		
		<b>\$9,364,019</b>		

E. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert \$300,000 to the general fund from the Department of General Services, Agency 194, Program 799, Fund 0100, representing unobligated balances from prior year appropriation.

F. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert \$210,745 to the general fund from the Office of the Attorney General, Agency 141, Program 552 and 704, Fund 0100, representing unobligated balances from prior year appropriation.

G. The Director, Department of Planning and Budget, shall withhold and transfer to this item, an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year from the general fund appropriations of state agencies representing savings from reduced expenditures on motor vehicle fuels. The Secretary of Finance shall establish the procedures to be used in determining the amounts to be reverted from impacted agencies.

471.20.	<del>Reversion Clearing Account - Higher Education Savings (H1700)</del> .....			(\$45,000,000)	(\$45,000,000)
	Fund Sources: <del>General</del> .....	(\$45,000,000)	(\$45,000,000)		
	<del>Authority: Discretionary Inclusion.</del>				

ITEM 471.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A. To accomplish savings estimated at \$45,000,000 each year, the Department of Planning and Budget is hereby authorized to transfer amounts to this Item from the general fund appropriation for educational and general programs of public colleges and universities as follows:

Institution	Annual Reduction
Christopher Newport University	\$601,975
College of William and Mary	2,338,873
George Mason University	4,705,571
James Madison University	3,113,308
Longwood University	542,707
Norfolk State University	550,089
Old Dominion University	2,230,669
Radford University	1,113,249
University of Mary Washington	635,447
University of Virginia	8,160,065
University of Virginia at Wise	126,330
Virginia Commonwealth University	5,377,759
Virginia Military Institute	441,825
Virginia State University	637,174
Virginia Tech	6,133,525
Richard Bland College	64,754
Virginia Community College System	8,226,680
<b>Total</b>	<b>\$45,000,000</b>

B. It is the intent of the General Assembly that these savings are to be achieved through productivity and operating efficiencies and not through new rate increases on tuition, fees, or other nongeneral fund enhancements imposed by the Boards of Visitors after September 1, 2014.

C. Notwithstanding the amounts appropriated in any item in Part 1, appropriation reductions required on the part of agencies to implement the savings enumerated in this Item are hereby authorized provided that such actions do not conflict with the provisions of § 4-1.02 of this act.

D. Any nongeneral fund appropriation change or changes in the appropriation of agency authorized positions required to implement the savings enumerated in this Item are hereby authorized.

471.30.	Reversion Clearing Account - Aid to Local Government (23400).....	(\$30,000,000)	(\$30,000,000) \$0
	Fund Sources: General.....	(\$30,000,000)	(\$30,000,000) \$0

Authority: Discretionary Inclusion.

A. To accomplish savings estimated at \$30,000,000 the first year and ~~\$30,000,000 the second year~~, the Department of Planning and Budget is hereby authorized to transfer to this Item from the general fund appropriation for state aid to local government programs or receive reimbursement payments in a manner that provides localities flexibility in how such savings are implemented.

B. The Director of the Department of Planning and Budget shall provide the chief operating officer of each city and county in the Commonwealth a list of certain state aid to local government programs along with an estimate of the general fund amount for each program that each county and city could expect to receive from the state during ~~each the first~~ year of the biennium. The total amount listed for these programs will serve as the basis for calculating the savings apportioned to each city and county for this Item. The pro rata savings apportionment will be equal to the percentage of the aggregate general fund amount for all of these state aid programs in each city and county, with such savings totaling \$30,000,000 the first year and ~~\$30,000,000 the second year~~.

ITEM 471.30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

C. Each city and county in the Commonwealth shall have flexibility in determining how it will implement the savings apportioned to it. Each city and county can choose to (i) take the total savings out of one program included on the list provided by the Department of Planning and Budget, (ii) reduce multiple state aid programs on a proportional basis or by a specified percentage reduction, or (iii) reimburse the Commonwealth in aggregate for its share of the savings, thereby keeping the state aid programs at an unreduced level. Each locality may also use option (iii) in combination with option (i) or (ii). The governing body of each city and county shall make its selection and certify its choice to the Director, Department of Planning and Budget, within 30 days of receipt of the savings amount apportioned to it from the Department of Planning and Budget. Within 10 days of receipt, the Director of the Department of Planning and Budget shall review such certification for accuracy to ascertain that the required savings amount apportioned to the city or county is obtainable using the selected option(s) submitted on the certification. Unless the Director of the Department of Planning and Budget finds a certification to include savings that are not obtainable or sustainable, the certification shall be approved and implemented without further delay. In the event that a city or county has not submitted or obtained an approved certification by January 1, 2015, the Director of the Department of Planning and Budget is hereby authorized to withhold an amount equivalent to the savings amount apportioned to the affected city or county from the aid to local government programs that the Director determines are most discretionary and represent general purpose aid to the local government in question before he begins to withhold any funds from categorical grants serving a particular functional area or public service.

D. The savings in state aid to local government programs identified by each city or county on its approved certification (or by the Director of the Department of Planning and Budget in absence of an approved certification) shall be transferred from the other items where such amounts are appropriated in this act to offset the reversion amount listed in this Item. Payments from local governments electing to use option (iii) in Paragraph C. shall be deposited to a suspense account which shall be administered pursuant to § 3-1.03 Part 3.

471.40. Reversion Clearing Account - Miscellaneous (23600)..... (\$40,620,360) (\$284,881,274)

Fund Sources: General..... (\$40,620,360) (\$284,881,274)

Authority: Discretionary Inclusion.

A. The Director of the Department of Planning and Budget shall withhold and transfer to this Item amounts estimated at \$46,300,000 the first year and \$23,000,000 the second year from the general fund appropriations included in this act as described in Paragraphs 1 through 7 of this Paragraph A. reflecting savings generated by utilizing nongeneral fund resources to offset general fund expenses and from other actions to reduce spending.

1. In recognition of additional fiscal year 2014 Lottery Proceeds Funds and Literary Funds, and to accomplish general fund savings estimated at \$43,100,000 the first year, the Department of Planning and Budget is hereby authorized to transfer amounts to this Item from the general fund appropriation for Direct Aid to Public Education, Agency 197, Item 136 of this general appropriation act as follows: a) \$26,200,288 from Textbooks, b) \$1,899,712 from Remedial Summer School, and c) \$15,000,000 from payment of teacher retirement costs. There is hereby appropriated \$28,100,000 of additional Lottery Fund proceeds to Direct Aid to Public Education, Agency 197, Item 136, as follows: a) \$26,200,288 for Textbooks, and b) \$1,899,712 for Remedial Summer School. There is hereby appropriated \$15,000,000 from additional Literary Fund revenues to Direct Aid to Public Education, Agency 197, Item 136 of this general appropriation act for the appropriation set out for the payment of teacher retirement costs in FY 2015.

2. To accomplish savings estimated at \$3,200,000 the first year and \$23,000,000 the second year, the Department of Planning and Budget is hereby authorized to transfer amounts to this Item from the general fund appropriation for debt service payments in Item 276 of this general appropriation act. These savings reflect reduced payment requirements due to bond refinancings.

ITEM 471.40.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

3. Notwithstanding the provisions of ~~§ 10.1-2128.1~~ of the Code of Virginia, to accomplish savings estimated at \$1,000,000 the first year and \$1,000,000 the second year, the Department of Planning and Budget is hereby authorized to transfer amounts to this Item from the nongeneral funds deposited into the Natural Resources Commitment Fund in Item 357 D.2.

4. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount estimated at \$151,800,000 to the general fund from unobligated balances from executive branch agencies.

5. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount estimated at \$700,000 from Judicial agency balances.

6. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount estimated at \$2,850,000 from legislative agency balances, \$500,000 from the House of Delegates, and \$500,000 from the Senate of Virginia.

7. On or before June 30, 2015, the Director of the Department of Planning and Budget shall transfer to the general fund an amount estimated at \$950,000 from balances of the Virginia Alcohol Safety Action Program.

B. Notwithstanding the amounts appropriated in any item in Part 1, appropriation reductions required on the part of agencies to implement the savings enumerated in this Item are hereby authorized provided that such actions do not conflict with the provisions of § 4-1.02 of this act.

C. Any nongeneral fund appropriation change or changes in the appropriation of agency authorized positions required to implement the savings enumerated in this Item are hereby authorized.

D. Included in this appropriation is \$5,679,640 the first year and \$10,118,726 the second year to be transferred by the Director of the Department of Planning and Budget to Items 39, 40, and 41 to effectuate the filling of judgeships. The amounts appropriated in this paragraph for each year of the biennium to effectuate the filling of judgeships shall be the maximum amounts transferred to Items 39, 40, and 41 for such purposes notwithstanding any relevant provision to the contrary. In addition, all conditions and restrictions relating to the filling of judgeships shall be as provided in Items, 39, 40, and 41.

E.1. For purposes of determining a transfer from the Revenue Stabilization Fund to the general fund as a result of a downward revision in general fund revenues, the term "total general fund revenues appropriated" shall mean the general fund operating and capital appropriations for each year of the biennium contained in the Appropriation Act which is in effect at the time when such downward revision in general fund revenues is made.

2. In accordance with Article 10, § 8, Virginia Constitution, and § 2.2-1830, Code of Virginia, the amount of the transfer shall not exceed the lesser of one-half of the balance of the Revenue Stabilization Fund or one-half of the forecasted shortfall in revenues.

3. The anticipated shortfalls in general fund revenues for fiscal years ending June 30, 2015, and June 30, 2016, shall be computed by comparing the revised forecast for "Total General Fund Resources Available for Appropriation" as shown in § 3 of the first enactment to the total general fund revenues appropriated for each year of the biennium as contained in the general appropriation act as it became effective on July 1, 2014 (Chapter 2 of the Acts of Assembly of 2014, Special Session I).

4. One-half of the shortfall in revenues is estimated at \$648,650,000, which is more than one-half of the balance in the Revenue Stabilization Fund as of September 15, 2014. Of this shortfall amount, \$470,000,000 is hereby appropriated in FY 2015, pursuant to § 2.2-1830, Code of Virginia. Upon completion of the Auditor of Public Accounts' report on certified tax revenues for FY 2014 pursuant to § 2.2-1829, Code of Virginia, the State Comptroller shall deposit this sum into the general fund of the state treasury on or before June 30, 2015.

ITEM 471.40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

5. One-half of the balance of the Revenue Stabilization Fund, estimated at \$235,000,000, is hereby appropriated in FY 2016, pursuant to § 2.2-1830, Code of Virginia. Upon completion of the Auditor of Public Accounts' report on certified tax revenues for FY 2015 pursuant to § 2.2-1829, Code of Virginia, the State Comptroller shall deposit this sum into the general fund of the state treasury on or before June 30, 2016.

F. To accomplish savings estimated at \$272,000,000 in fiscal year 2016, the Governor shall develop budget reduction plans and other strategies for submission to the 2015 General Assembly as part of the requirements of § 2.2-1509, Code of Virginia. In developing these plans, the Governor shall take into consideration any further adjustments to the revenues pursuant to § 2.2-1503, Code of Virginia.

G.1. The Governor is hereby authorized to reallocate up to \$5,000,000 from existing appropriations from programs in the Executive Department that foster economic development during each year of the current biennium to enhance economic development efforts in the Commonwealth if he determines that all or a portion of that amount is needed and better used to take advantage of the availability of job creation or workforce development opportunities in order to further diversify and grow the economy of Virginia.

2. At least five days prior to any action to implement the provisions contained in paragraph 1, the Governor shall submit a notice of his intended action to the Chairmen of the House Appropriations and Senate Finance Committees which itemizes the source or sources of such funding and the specific purposes or uses of any disbursements he intends to authorize pursuant to the provisions of this item.

H. Pursuant to the provisions of subsection G of § 58.1-638 of the Code of Virginia, the increase in the portion of the general sales and use tax revenue required to be deposited into the Highway Maintenance and Operating Fund in fiscal year 2015, estimated at an additional \$49,800,000, shall be deposited to the Highway Maintenance and Operating Fund in fiscal year 2015.

I. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202) and Chapter 766 of the Acts of Assembly of 2013 (HB 2313) that were dedicated to transportation-related funds have been appropriated in conformity with the requirements of those respective chapters.

Total for Central Appropriations.....			<b>\$15,195,349</b>	<b>(\$203,163,322)</b>
			<b>\$139,777,485</b>	<b>\$279,533,883</b>
Fund Sources: General.....	(\$104,228,090)	(\$322,491,227)		
	\$20,354,046	\$160,205,978		
Trust and Agency.....	\$119,423,439	\$119,327,905		
<b>TOTAL FOR CENTRAL APPROPRIATIONS.....</b>			<b>\$15,195,349</b>	<b>(\$203,163,322)</b>
			<b>\$139,777,485</b>	<b>\$279,533,883</b>
Fund Sources: General.....	(\$104,228,090)	(\$322,491,227)		
	\$20,354,046	\$160,205,978		
Trust and Agency.....	\$119,423,439	\$119,327,905		
<b>TOTAL FOR EXECUTIVE DEPARTMENT.....</b>			<b>\$45,733,347,872</b>	<b>\$46,183,296,949</b>
			<b>\$45,928,393,158</b>	<b>\$47,432,073,327</b>
General Fund Positions.....	48,771.21	48,788.81		
	48,850.51	48,967.06		
Nongeneral Fund Positions.....	62,490.03	62,649.43		
	62,518.27	62,839.52		
Position Level.....	111,261.24	111,438.24		

ITEM 471.40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	<i>111,368.78</i>	<i>111,806.58</i>		
Fund Sources: General.....	\$17,747,984,630	\$17,609,609,705		
	\$17,710,185,367	\$18,091,284,346		
Special.....	\$1,704,871,086	\$1,694,657,510		
	\$1,649,764,832	\$1,657,543,565		
Higher Education Operating.....	\$7,659,991,658	\$7,758,481,347		
	\$7,919,651,888	\$8,029,624,917		
Commonwealth Transportation.....	\$4,391,315,257	\$4,600,399,683		
	\$4,366,904,031	\$4,647,312,774		
Enterprise.....	\$954,372,198	\$977,814,436		
	\$1,015,359,274	\$1,090,913,246		
Internal Service.....	\$1,596,634,680	\$1,613,569,778		
	\$1,771,892,976	\$1,801,509,481		
Trust and Agency.....	\$2,189,720,968	\$2,275,325,212		
	\$2,300,134,969	\$2,561,088,909		
Debt Service.....	\$336,574,360	\$338,300,896		
	\$326,199,813	\$328,161,549		
Dedicated Special Revenue.....	\$1,749,481,330	\$1,777,007,297		
	\$1,793,007,919	\$1,740,019,625		
Federal Trust.....	\$7,402,401,705	\$7,538,131,085		
	\$7,075,292,089	\$7,484,614,915		

ITEM 472.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

INDEPENDENT AGENCIES

§ 1-131. STATE CORPORATION COMMISSION (171)

472.	Regulation of Business Practices (55200) .....			\$59,562,955	\$59,295,037
	Corporation Commission Clerk’s Services (55203).....	\$11,416,068	\$10,691,068		
	Regulation of Investment Companies, Products and Services (55210).....	\$6,954,104	\$6,954,104		
	Regulation of Financial Institutions (55215).....	\$14,416,560	\$14,580,440		
	Regulation of Insurance Industry (55216).....	\$26,776,223	\$27,069,425		
	Fund Sources: Special.....	\$59,562,955	\$59,295,037		

Authority: Article IX, Constitution of Virginia; Title 8.9A, Part 4; Title 12.1, Chapter 4; Title 13.1; Title 55, Chapter 6, Article 6; Title 56, Chapter 15, Article 5; Title 58.1, Chapter 28; Title 59.1, Chapter 6.1, Code of Virginia; Title 13.1, Chapter 3.1; Title 38.2; Title 58.1, Chapter 25; and Title 65.2, Chapter 8, Code of Virginia.

A. Out of this appropriation, the State Corporation Commission is authorized to expend an amount not to exceed \$10,000 the first year and \$10,000 the second year for the payment of annual membership dues to the National Conference of Insurance Legislators.

B. Out of this appropriation, \$2,713,585 the first year and \$2,445,667 the second year is designated for replacement of the Clerk’s Information System and business process improvement.

473.	Regulation of Public Utilities (56300).....			\$27,991,707	\$28,259,625
	Regulation of Utility Companies (56301).....	\$27,991,707	\$28,259,625		
	Fund Sources: Special.....	\$22,859,540	\$23,127,458		
	Dedicated Special Revenue.....	\$1,782,167	\$1,782,167		
	Federal Trust.....	\$3,350,000	\$3,350,000		

Authority: Title 56, Chapter 10, Code of Virginia.

Out of this appropriation, \$286,415 the first year and \$554,333 the second year is designated for replacement of the Clerk’s Information System and business process improvement.

474.	Distribution of Fees From and to Regulated Entities and Localities (56400).....			\$6,856,941	\$6,856,941
	Distribution of Uninsured Motorist Fee (56401).....	\$6,340,845	\$6,340,845		
	Distribution of Rolling Stock Taxes (56402).....	\$516,096	\$516,096		
	Fund Sources: Trust and Agency.....	\$6,856,941	\$6,856,941		

Authority: § 58.1-2652, Code of Virginia.

475.	Administrative and Support Services (59900).....			\$0	\$0
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Authority: Title 12.1, Code of Virginia; Article IV, Section 14 and Article IX, Constitution of Virginia.

A. Operational costs for this program shall be paid solely from charges to agency programs.

B. Out of the amounts for this Item, shall be paid the annual salary of the chairman, ~~\$168,588~~ \$168,558 from July 1, 2014, to June 30, 2016, and for the other two Commissioners of the State Corporation Commission, each at \$166,712 from July 1, 2014, to June 30, 2016.

C. Notwithstanding the provisions of § 13.1-775 1, Code of Virginia, the State Corporation Commission shall continue the following annual registration fees for domestic and foreign corporations. ~~to be collected on or after July 1, 2014.~~ The new annual rates shall be \$100 for every foreign and domestic corporation authorized to do business in the Commonwealth whose number of authorized shares is 5,000 shares or less. Any such corporation whose number of

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

authorized shares is more than 5,000 shall pay an annual registration fee of \$100 plus \$30 for each 5,000 shares or fraction thereof in excess of 5,000 up to a maximum of \$1,700. The commission shall deposit these funds into a special fund and transfer three-fourths of the receipts to the general fund semiannually.

476.	Plan Management (40800).....			\$1,200,133	\$1,200,446
	Federal Health Benefit Exchange Plan Management (40801) .....	\$1,200,133	\$1,200,446		
	Fund Sources: General.....	\$1,200,133	\$1,200,446		

Authority: §§ 38.2-316.1 and 38.2-326, Code of Virginia; §42.18041 c, United States Code.

A. There is hereby appropriated to the State Corporation Commission an amount not to exceed \$1,200,133 the first year and \$1,200,446 the second year from the general fund to pay for the plan management functions authorized in Chapter 670 of the Acts of Assembly of 2013. The commission shall reimburse the general fund for the plan management activities performed by the commission, as part of the Federal Health Benefit Exchange, only for those funds that have been reimbursed by the U.S. Department of Health and Human Services for carrying out the plan management activities as part of the Federal Health Benefit Exchange.

B. On or before June 30, 2015 and June 30, 2016, the Director, Department of Planning and Budget shall authorize the reversion to the general fund of \$1,200,133 the first year and \$1,200,446 the second year representing the reimbursement from federal funds received by the State Corporation Commission (commission) for the plan management activities performed by the Commission as part of the Federal Health Benefit Exchange as specified in Item 476.10 of Chapter 806, 2013 Acts of Assembly.

Total for State Corporation Commission.....			<b>\$95,611,736</b>	<b>\$95,612,049</b>
General Fund Positions.....	13.00	13.00		
Nongeneral Fund Positions.....	665.00	665.00		
Position Level .....	678.00	678.00		
Fund Sources: General.....	\$1,200,133	\$1,200,446		
Special.....	\$82,422,495	\$82,422,495		
Trust and Agency .....	\$6,856,941	\$6,856,941		
Dedicated Special Revenue.....	\$1,782,167	\$1,782,167		
Federal Trust.....	\$3,350,000	\$3,350,000		

**§ 1-132. STATE LOTTERY DEPARTMENT (172)**

**§ 1-132.1. VIRGINIA LOTTERY (172)**

477.	State Lottery Operations (81100).....			<del>\$85,982,947</del>	<del>\$86,009,501</del>
				\$97,292,647	\$97,319,201
	Regulation and Law Enforcement (81105).....	\$2,939,484	\$2,939,484		
	Gaming Operations (81106) .....	<del>\$76,653,393</del>	<del>\$76,657,234</del>		
		\$81,253,393	\$81,257,234		
	Administrative Services (81107).....	<del>\$6,390,070</del>	<del>\$6,412,783</del>		
		\$13,099,770	\$13,122,483		
	Fund Sources: Enterprise .....	<del>\$85,982,947</del>	<del>\$86,009,501</del>		
		\$97,292,647	\$97,319,201		

Authority: Title 58.1, Chapter 40, Code of Virginia.

Out of the amounts for ~~State~~ Virginia Lottery Operations shall be paid:

1. Reimbursement for compensation and reasonable expenses of the members of the ~~State~~ Virginia Lottery Board in the performance of their duties, as provided in § 2.2-2813, Code of Virginia.

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. The total costs for the operation and administration of the state lottery, pursuant to § 58.1-4022, Code of Virginia.				
3. The costs of informing the public of the purposes of the Lottery Proceeds Fund, established pursuant to Article X, Section 7-A, Constitution of Virginia.				
478. Disbursement of Lottery Prize Payments (81200) .....			a sum	sufficient
Payment of Lottery Prizes (81201).....	a sum	sufficient		
Fund Sources: Enterprise .....	a sum	sufficient		
Authority: Title 58.1, Chapter 40, Code of Virginia.				
There is hereby appropriated from affected funds in the state treasury, for payment of prizes awarded by the state lottery and of commissions to lottery sales agents, in accordance with law, a sum sufficient.				
Total for State Lottery Department.....			<b>\$85,982,947</b>	<b>\$86,009,501</b>
Total for Virginia Lottery.....			<b>\$97,292,647</b>	<b>\$97,319,201</b>
Nongeneral Fund Positions.....	308.00	308.00		
Position Level .....	308.00	308.00		
Fund Sources: Enterprise .....	<del>\$85,982,947</del>	<del>\$86,009,501</del>		
	\$97,292,647	\$97,319,201		

**§ 1-133. VIRGINIA COLLEGE SAVINGS PLAN (174)**

479. Investment, Trust, and Insurance Services (72500)				
a sum sufficient, estimated at.....			\$423,540,967	\$527,326,809
			\$165,540,967	\$192,326,809
Payments for Tuition and Educational Expense Benefits (72505) .....	\$414,300,000	\$518,300,000		
	\$156,300,000	\$183,000,000		
Investment, Trust and Related Services for Virginia Prepaid Education Program (72506).....	\$4,701,300	\$4,577,684		
Investment, Trust and Related Services for Virginia529 prePAID Program (72506).....		\$4,769,504		
Investment, Trust and Related Services for Virginia Education Savings Trust and other Higher Education Savings Programs (72507).....	\$4,539,667	\$4,449,125		
Investment, Trust and Related Services for Virginia529 inVEST Program and other Higher Education Savings Programs (72507).....		\$4,557,305		
Fund Sources: Enterprise .....	\$423,540,967	\$527,326,809		
	\$165,540,967	\$192,326,809		

Authority: Title 23, Chapter 4.9, Code of Virginia.

A. Amounts for Payments for Tuition and Educational Expense Benefits represent the payment of benefits to postsecondary educational institutions on behalf of program participants under the Virginia529 ~~prePAID Prepaid Education~~ Program, estimated at \$156,000,000 the first year and \$183,000,000 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.

B.1. Amounts for Payments for Tuition and Educational Expense Benefits represent the payment of educational expenses benefits to participants, postsecondary educational institutions, and beneficiaries under the Virginia Education Savings Trust and other higher education savings programs, estimated at \$258,000,000 the first year and \$335,000,000 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

2- Any moneys collected, distributed or held for the benefit of participants under the Virginia529 *inVEST Program Education Savings Trust* and other higher education savings programs, including any income from such funds, are not subject to the provisions of §§ 2.2-1800 through 2.2-1825, inclusive, or §23-38.76 (A) of the Code of Virginia requiring deposit in the State Treasury. This provision does not apply to the Virginia529 *prePAID Prepaid Education* Program, or Plan administrative fee revenue.

C. Amounts for Payments for Tuition and Educational Expense Benefits cover the current obligations of the fund as provided for in Title 23, Chapter 4.9, Code of Virginia.

D. Amounts for Investment, Trust and Related Services cover variable or unpredictable costs of the Virginia529 *prePAID Prepaid Education* Program, estimated at \$4,701,300 the first year and ~~\$4,577,684~~ \$4,769,504 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.

E. Amounts for Investment, Trust and Related Services cover variable and unpredictable costs of the Virginia529 *inVEST Program Education Savings Trust* and other higher education savings programs, estimated at \$4,539,667 the first year and ~~\$4,449,125~~ \$4,557,305 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.

480.	Information Technology Development and Operations (82000) .....			\$1,739,104	<del>\$1,736,462</del> \$1,820,790
	Information Systems Development Services (82004) .....	\$1,739,104	<del>\$1,736,462</del> \$1,820,790		
	Fund Sources: Enterprise .....	\$1,739,104	<del>\$1,736,462</del> \$1,820,790		

Authority: Title 23, Chapter 4.9, Code of Virginia.

The Virginia College Savings Plan is authorized to establish a self-supporting "operational enterprise" fund to account for the revenues and expenditures of providing services to other college savings plans operated under § 529 of the Internal Revenue Code, as amended, at locations outside of the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," revenues from operations performed for programs outside of Virginia shall exceed all direct and indirect costs of providing these services. The board shall set rates charged to meet this requirement and shall set other policies as may be appropriate. Revenues and expenses of the fund shall be accounted for in such a manner as to be auditable by the Auditor of Public Accounts. Revenues in excess of expenses shall be retained in the fund to support the entire program. Additionally, revenues that remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

481.	Administrative and Support Services (79900) .....			\$11,318,823	<del>\$11,274,011</del> \$11,189,683
	General Management and Direction (79901) .....	\$11,318,823	<del>\$11,274,011</del> \$11,189,683		
	Fund Sources: Enterprise .....	\$11,318,823	<del>\$11,274,011</del> \$11,189,683		

Authority: Title 23, Chapter 4.9, Code of Virginia.

Out of the amounts appropriated to this Item, \$650,000 the first year and \$650,000 the second year from nongeneral funds are designated for a comprehensive compensation plan to link pay to performance.

Total for Virginia College Savings Plan.....				<del>\$436,598,894</del> \$178,598,894	<del>\$540,337,282</del> \$205,337,282
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ITEM 481.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Nongeneral Fund Positions.....	105.00	105.00		
Position Level .....	105.00	105.00		
Fund Sources: Enterprise .....	\$436,598,894	\$540,337,282		
	<del>\$178,598,894</del>	<del>\$205,337,282</del>		

**§ 1-134. VIRGINIA RETIREMENT SYSTEM (158)**

482.	Personnel Management Services (70400).....			\$12,386,585	\$12,386,585
	Administration of Retirement and Insurance Programs (70415) .....	\$12,386,585	\$12,386,585		
	Fund Sources: Trust and Agency .....	\$12,386,585	\$12,386,585		

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. The Board of Trustees of the Virginia Retirement System is hereby authorized to charge a participation fee to each employer served by the Virginia Retirement System for any services provided pursuant to Title 51.1, Code of Virginia. The fee shall be utilized to pay the administrative expenses of all administrative services, including non-retirement programs. Retirement contributions required by the Board shall be reduced to pay such fees in a manner prescribed by the Board of Trustees.

B. State agencies and institutions of higher education shall make payments to the Virginia Retirement System (VRS) for VRS-administered benefits no less often than monthly.

C.1. The Virginia Retirement System shall make those changes to administrative policies, procedures, and systems as are necessary for implementation of the public employee retirement reforms provided for in Chapter 701 of the Acts of Assembly of 2012.

2. Out of the amounts appropriated to this Item, \$1,420,956 the first year and \$1,420,956 the second year is designated to implement the employee retirement reforms provided for in Chapter 701 of the Acts of Assembly of 2012.

483.	Investment, Trust, and Insurance Services (72500).....			\$29,134,974	\$29,134,974
	Investment Management Services (72504) .....	\$29,134,974	\$29,134,974		
	Fund Sources: Trust and Agency .....	\$29,134,974	\$29,134,974		

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

By September 30 of each year, the Board of Trustees of the Virginia Retirement System shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the prior fiscal year's results obtained by the internal investment management program. The report shall include a comparison of investment performance against the board's benchmarks and an estimate of the program's fee savings when compared to similar assets managed externally.

484.	Administrative and Support Services (79900).....			\$29,120,424	<del>\$28,759,424</del> \$29,801,924
	General Management and Direction (79901).....	\$15,651,563	<del>\$15,651,563</del> \$16,254,063		
	Information Technology Services (79902).....	\$13,468,861	<del>\$13,107,861</del> \$13,547,861		
	Fund Sources: Trust and Agency .....	\$29,120,424	<del>\$28,759,424</del> \$29,801,924		

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

Out of the amounts appropriated to this Item, the director is authorized to expend an amount not to exceed \$25,000 the first year and \$25,000 the second year for expenses commonly borne by business enterprises. Such expenses shall be recorded separately by the agency.

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485.	In the event any political subdivision of the Commonwealth of Virginia participating in the programs administered by the Virginia Retirement System fails to remit contributions or other fees and costs of the programs as duly prescribed, the Board of Trustees of the Virginia Retirement System shall inform the State Comptroller and the participating political subdivision of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the appropriate fund from any non earmarked moneys otherwise distributable to such political subdivision by any department or agency of the state.			
	Total for Virginia Retirement System.....		<b>\$70,641,983</b>	<b>\$70,280,983</b> <b>\$71,323,483</b>
	Nongeneral Fund Positions.....	335.00	335.00	
	Position Level .....	335.00	335.00	
	Fund Sources: Trust and Agency .....	\$70,641,983	<del>\$70,280,983</del> \$71,323,483	
<b>§ 1-135. VIRGINIA WORKERS' COMPENSATION COMMISSION (191)</b>				
486.	Employment Assistance Services (46200).....		<del>\$33,223,915</del> \$34,707,771	<del>\$33,223,932</del> \$35,754,130
	Workers Compensation Services (46204).....	<del>\$33,223,915</del> \$34,707,771	<del>\$33,223,932</del> \$35,754,130	
	Fund Sources: Dedicated Special Revenue .....	<del>\$33,223,915</del> \$34,707,771	<del>\$33,223,932</del> \$35,754,130	
	Authority: Title 19.2, Chapters 21.1 and 21.2, Code of Virginia.			
	Out of the amounts appropriated for this Item, beginning July 1, 2010, and ending June 30, 2020, payments of \$20,000 per year shall be paid to Kurt E. Beach to offset the continuing costs of his health care.			
487.	Financial Assistance for Supplemental Assistance Services (49100).....		<del>\$7,676,018</del> \$7,728,508	<del>\$8,056,021</del> \$8,108,511
	Crime Victim Compensation (49104).....	<del>\$7,676,018</del> \$7,728,508	<del>\$8,056,021</del> \$8,108,511	
	Fund Sources: Dedicated Special Revenue .....	<del>\$7,106,018</del> \$7,158,508	<del>\$6,556,021</del> \$6,608,511	
	Federal Trust.....	\$570,000	\$1,500,000	
	Authority: Title 65.2, Chapter 2; Title 38.2, Chapter 50, Code of Virginia.			
	A. Out of the amounts for Workers' Compensation Services shall be paid the annual salary of the chairman, \$166,328 from July 1, 2014 to June 30, 2016, and for each of the other two Commissioners of the Virginia Workers' Compensation Commission, \$162,911 from July 1, 2014 to June 30, 2016.			
	B. In addition, retired Commissioners recalled to active duty will be paid as authorized by § 17.1-327, Code of Virginia.			
	Total for Virginia Workers' Compensation Commission .		<del>\$40,899,933</del> <b>\$42,436,279</b>	<del>\$41,279,953</del> <b>\$43,862,641</b>
	Nongeneral Fund Positions.....	275.00	275.00	
	Position Level .....	275.00	275.00	
	Fund Sources: Dedicated Special Revenue.....	<del>\$40,329,933</del>	<del>\$39,779,953</del>	

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Federal Trust.....	\$41,866,279	\$42,362,641		
	\$570,000	\$1,500,000		
TOTAL FOR INDEPENDENT AGENCIES.....			<b>\$729,735,493</b>	<b>\$833,519,768</b>
			<b>\$484,581,539</b>	<b>\$513,454,656</b>
General Fund Positions.....	13.00	13.00		
Nongeneral Fund Positions.....	1,688.00	1,688.00		
Position Level .....	1,701.00	1,701.00		
Fund Sources: General .....	\$1,200,133	\$1,200,446		
Special .....	\$82,422,495	\$82,422,495		
Enterprise .....	<del>\$522,581,841</del>	<del>\$626,346,783</del>		
	\$275,891,541	\$302,656,483		
Trust and Agency .....	\$77,498,924	<del>\$77,137,924</del>		
		\$78,180,424		
Dedicated Special Revenue .....	\$42,112,100	\$41,562,120		
	<del>\$43,648,446</del>	<del>\$44,144,808</del>		
Federal Trust.....	\$3,920,000	\$4,850,000		

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STATE GRANTS TO NONSTATE ENTITIES

§ 1-136. STATE GRANTS TO NONSTATE ENTITIES-NONSTATE AGENCIES (986)

488.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$0	\$0
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Authority: Discretionary Inclusion.

A. Grants provided for in this Item shall be administered by the Department of Historic Resources. As determined by the department, projects of museums and historic sites, as provided for in § 10.1-2211, 10.1-2212, and 10.1-2213 of the Code of Virginia, shall be administered under the provisions of those sections. Others listed in this Item shall be administered under the provisions of § 4-5.05 of this act.

B. Prior to the distribution of any funds, the organization or entity shall make application to the department in a format prescribed by the department. The application shall state whether grant funds provided under this item will be used for purposes of operating support or capital outlay and shall include project and spending plans. Unless otherwise specified in this item, the matching share for grants funded from this Item may be cash or in-kind contributions as requested by the nonstate organization in its application for state grant funds, but must be concurrent with the grant period. The department shall use applicable federal guidelines assessing the value and eligibility of in-kind contributions to be used as matching amounts.

C. The appropriation to those entities in this Item that are marked with an asterisk (\*) shall not be subject to the matching requirements of § 4-5.05 of this act.

D. Grants are hereby made to each of the following organizations and entities subject to the conditions set forth in paragraphs A., B., and C. of this Item:

Total for State Grants to Nonstate Entities-Nonstate Agencies .....		\$0	\$0
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TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....		\$0	\$0
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TOTAL FOR PART 1: OPERATING EXPENSES.....		<b>\$47,013,163,377</b>	<b>\$47,563,883,725</b>
		<del>\$46,979,567,188</del>	<del>\$48,513,056,758</del>

General Fund Positions.....	52,625.42	52,645.02	
	52,704.72	52,826.27	
Nongeneral Fund Positions.....	64,310.53	64,469.93	
	64,338.77	64,660.02	
Position Level .....	116,935.95	117,114.95	
	117,043.49	117,486.29	

Fund Sources: General.....	\$18,261,589,769	\$18,120,611,070	
	\$18,240,038,523	\$18,622,747,478	
Special.....	\$1,800,288,240	\$1,789,575,761	
	\$1,745,446,448	\$1,752,461,816	
Higher Education Operating.....	\$7,659,991,658	\$7,758,481,347	
	\$7,919,651,888	\$8,029,624,917	
Commonwealth Transportation .....	\$4,391,315,257	\$4,600,399,683	
	\$4,366,904,031	\$4,647,312,774	
Enterprise .....	\$1,476,954,039	\$1,604,161,219	
	\$1,291,250,815	\$1,393,569,729	
Internal Service .....	\$1,596,634,680	\$1,613,569,778	
	\$1,771,892,976	\$1,801,509,481	
Trust and Agency .....	\$2,267,335,600	\$2,352,578,853	

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	\$2,377,749,601	\$2,639,385,050		
Debt Service.....	\$336,574,360	\$338,300,896		
	\$326,199,813	\$328,161,549		
Dedicated Special Revenue.....	\$1,814,594,632	\$1,841,656,094		
	\$1,859,657,567	\$1,807,251,110		
Federal Trust.....	\$7,407,885,142	\$7,544,549,024		
	\$7,080,775,526	\$7,491,032,854		

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## PART 2: CAPITAL PROJECT EXPENSES

### § 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$1,000,000 for a single repair or project through the maintenance reserve appropriation without a separate appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold or state agency has identified a potential project that exceeds the threshold prescribed in the rules or regulations, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

#### F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-23 and 2-24 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-23 and 2-24 is hereby authorized.

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2. The issuance of bonds for any project listed in § 2-23 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-23 or 2-24 shall be authorized pursuant to § 23-19, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-23 and 2-24 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-23 and 2-24 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-23 and 2-24 for such capital project.

5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-23 of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the authorization of § 2-24 of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.

H. The Department of Planning and Budget is hereby authorized to administratively appropriate any nongeneral fund component of any capital project authorized in Chapters 859/827 (2002), Chapters 884/854 (2002), or Chapters 887/855 (2002).

I. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

- a. a description of the purpose to be achieved by the proposal;

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- b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;
- c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and
- e. a recommendation and planned course of action based on this analysis.

J. Conditions Applicable to Alternative Financing

The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:

1. James Madison University

- a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.
- b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.
- c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

2. Longwood University

- a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.
- b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

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c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

### 3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

### 4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.

b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

### 5. University of Mary Washington

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a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related facilities through alternative financing agreements including public-private partnerships.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

8. Virginia State University

a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation (VSUREF), and other entities owned or controlled by the university for the development, design,

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construction, financing, and management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing, parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

9. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

a. A member of the agency or institution's governing body;

b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or

c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

K. The budget bill submitted by the Governor shall include a synopsis of previous appropriations for capital projects from the General Assembly and authorizations by the Governor for such projects.

L. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

M. Any capital project that has received a supplemental appropriation due to cost overruns must be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

N. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

O. The Governor shall provide the Chairmen of the Senate Finance and House Appropriations Committees an opportunity to review the six year capital improvement plan prior to the beginning of each new biennial budget cycle.

P. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

Q. All Agencies of the Commonwealth and Institutions of Higher Education shall provide information and/or use systems and processes in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

ITEM C-1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

R. Notwithstanding any other provision of law, the following shall govern the real estate purchase and exchange agreement for Western State Hospital between the Commonwealth of Virginia and the City of Staunton. The City of Staunton shall remit the \$15 million for the property sale as follows:

- 1) the first payment of \$5 million on October 1, 2012;
- 2) the second payment of \$5 million on January 1, 2013; and,
- 3) the final payment of \$5 million on April 1, 2013.

Further, this item eliminates the requirement that the City of Staunton maintain a \$15 million line of credit to ensure its payment.

S. Working in collaboration with the members of the Supreme Court of Virginia and the members of the Court of Appeals of Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director of the Department of General Services, is directed to develop a comprehensive plan that meets the future space needs around Capitol Square of both courts, and which is acceptable to the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of Appeals of Virginia.

**OFFICE OF ADMINISTRATION**

**§ 2-1. DEPARTMENT OF GENERAL SERVICES (194)**

C-1. The Department of General Services is authorized to acquire from the City of Richmond the land comprising that portion of Governor Street lying between the northern right-of-way line of Bank Street and the southern right-of-way line of E. Broad Street; and Grace Street lying between Governor Street and Old 14th Street; and Old 14th Street lying between Broad Street and Franklin Street; and in exchange to convey to the City of Richmond the land comprising that portion of 15th Street lying between the southern right-of-way line of East Franklin Street and the northern right-of-way line of East Main Street.

Total for Department of General Services.....			<b>\$0</b>	<b>\$0</b>
<b>TOTAL FOR OFFICE OF ADMINISTRATION .....</b>			<b>\$0</b>	<b>\$0</b>

**OFFICE OF AGRICULTURE AND FORESTRY**

**§ 2-1.1. DEPARTMENT OF FORESTRY (411)**

C-1.05.	<i>New Construction: Construct Matthews State Forest Education and Conference Center (17932) .....</i>			<i>\$0</i>	<i>\$1,821,000</i>
	<i>Fund Sources: Special .....</i>	<i>\$0</i>	<i>\$1,821,000</i>		
	<i>Total for Department of Forestry .....</i>			<b><i>\$0</i></b>	<b><i>\$1,821,000</i></b>
	<i>Fund Sources: Special .....</i>	<i>\$0</i>	<i>\$1,821,000</i>		
	<b><i>TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY .....</i></b>			<b><i>\$0</i></b>	<b><i>\$1,821,000</i></b>
	<i>Fund Sources: Special .....</i>	<i>\$0</i>	<i>\$1,821,000</i>		

**OFFICE OF EDUCATION**

**§ 2-2. CHRISTOPHER NEWPORT UNIVERSITY (242)**

C-2.	<i>New Construction: Construct Residential Housing (17632) .....</i>			<i>\$42,020,000</i>	<i>\$0</i>
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ITEM C-2.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Fund Sources: Bond Proceeds .....	\$42,020,000	\$0	
C-3.	Improvements: Renovate Residence Halls (18098).....		\$5,000,000	\$0
	Fund Sources: Bond Proceeds .....	\$5,000,000	\$0	
C-4.	Improvements: Expand Dining Facility (18118).....		\$9,500,000	\$0
	Fund Sources: Bond Proceeds .....	\$9,500,000	\$0	
C-4.10.	<i>New Construction: Expand Athletic Facilities II (17361)</i> .....		\$4,730,000	\$0
	<i>Fund Sources: Bond Proceeds</i> .....	\$4,730,000	\$0	
	Total for Christopher Newport University.....		<b>\$56,520,000</b>	<b>\$0</b>
			<b>\$61,250,000</b>	
	Fund Sources: Bond Proceeds .....	\$56,520,000	\$0	
		\$61,250,000		

**§ 2-3. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)**

C-5.	Improvements: Renovate Dormitories (18100).....		\$16,000,000	\$0
	Fund Sources: Bond Proceeds .....	\$16,000,000	\$0	
C-6.	Improvements: Improve Auxilliary Facilities (18112).....		\$10,000,000	\$0
	Fund Sources: Bond Proceeds .....	\$10,000,000	\$0	
C-6.50.	<i>New Construction: Wellness Center (18192)</i> .....		\$0	\$10,000,000
	<i>Fund Sources: Bond Proceeds</i> .....	\$0	\$10,000,000	
	Total for The College of William and Mary in Virginia..		<b>\$26,000,000</b>	<b>\$0</b>
				<b>\$10,000,000</b>
	Fund Sources: Bond Proceeds .....	\$26,000,000	\$0	
			\$10,000,000	

**§ 2-4. GEORGE MASON UNIVERSITY (247)**

C-7.	Acquire and Construct Mixed-Use Facilities (PPEA) (18117)			
	Subject to the provisions of this act, George Mason University is authorized to explore opportunities with private partners to construct a mixed use residential, retail, dining facility on approximately 60 acres on university-owned property located on the east side of the Fairfax Campus. The project could also include supporting site work and infrastructure (road work, heating and cooling). The university is also authorized to acquire and construct a project or projects under the provisions of the Public-Private Educational Facilities and Infrastructure Act (2002). During development discussion with private partners, the university may explore options with developers for construction of other auxiliary-supported facilities as part of a mixed use development.			
C-7.10.	<i>New Construction: Construct Academic VII, Research III, Phase I (17999)</i> .....		\$0	\$8,935,000
	<i>Fund Sources: Bond Proceeds</i> .....	\$0	\$8,935,000	
C-7.20.	<i>Improvements: Renovate Johnson Center Dining, Phase II (18172)</i> .....		\$0	\$4,198,000

ITEM C-7.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Fund Sources: Higher Education Operating.....</i>	\$0	\$4,198,000		
<i>Total for George Mason University.....</i>			\$0	\$13,133,000
<i>Fund Sources: Higher Education Operating.....</i>	\$0	\$4,198,000		
<i>Bond Proceeds.....</i>	\$0	\$8,935,000		

**§ 2-5. JAMES MADISON UNIVERSITY (216)**

C-8.	Acquisition: Blanket Property Acquisition (17821).....			\$3,000,000	\$0
				\$8,000,000	
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
		\$8,000,000			
C-8.10.	<del>New Construction: Dining Hall (18143).....</del> <i>New Construction: Construct New Dining Facility (18143)</i>			\$80,736,705	\$0
	Fund Sources: Bond Proceeds.....	\$80,736,705	\$0		
C-8.20.	The project authorized in Item C-39.05, H.1., Chapter 1, 2014 Special Session I Acts of Assembly titled James Madison University, Renovate Madison Hall is changed to read James Madison University, Renovate / Addition Madison Hall.				
C-8.30.	<i>Acquisition: Acquire East Campus Chiller Plant (18173).....</i>			\$2,200,000	\$2,800,000
	<i>Fund Sources: General.....</i>	\$0	\$2,800,000		
	<i>Higher Education Operating.....</i>	\$2,200,000	\$0		
C-8.35.	<i>New Construction: Student Housing (18197).....</i>			\$55,000,000	\$0
	<i>Fund Sources: Bond Proceeds.....</i>	\$55,000,000	\$0		
	Total for James Madison University.....			<del>\$83,736,705</del>	<del>\$0</del>
				\$145,936,705	\$2,800,000
	Fund Sources: <i>General.....</i>	\$0	\$2,800,000		
	<i>Higher Education Operating.....</i>	\$3,000,000	\$0		
		\$10,200,000			
	<i>Bond Proceeds.....</i>	\$80,736,705	\$0		
		\$135,736,705			

**§ 2-5.1. LONGWOOD UNIVERSITY (214)**

C-8.40.	<i>New Construction: Construct University Center (17893).....</i>			\$0	\$11,012,000
	<i>Fund Sources: Bond Proceeds.....</i>	\$0	\$11,012,000		
	Total for Longwood University.....			\$0	\$11,012,000
	<i>Fund Sources: Bond Proceeds.....</i>	\$0	\$11,012,000		

**§ 2-5.2. NORFOLK STATE UNIVERSITY (213)**

C-8.50.	<i>Acquisition: Acquire Property (18188).....</i>			\$0	\$3,250,000
	<i>Fund Sources: Higher Education Operating.....</i>	\$0	\$3,250,000		

ITEM C-8.50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Total for Norfolk State University .....</i>			<b>\$0</b>	<b>\$3,250,000</b>
<i>Fund Sources: Higher Education Operating.....</i>	<i>\$0</i>	<i>\$3,250,000</i>		
<b>§ 2-6. OLD DOMINION UNIVERSITY (221)</b>				
C-9.	New Construction: Construct New Residence Halls, Phase I (18101).....		\$76,464,000	\$0
	Fund Sources: Bond Proceeds .....	\$76,464,000	\$0	
C-10.	Acquisition: Acquire Additional Land, Phase I (17935)...		\$5,364,000	\$0
	Fund Sources: Higher Education Operating.....	\$5,364,000	\$0	
C-11.	Planning: Conduct Preliminary Design of A New Football Stadium (18113).....		\$1,500,000	\$0
	Fund Sources: Higher Education Operating.....	\$1,500,000	\$0	
C-12.	New Construction: Replace the Webb University Center (17947) .....		\$78,695,000	\$0
	Fund Sources: Bond Proceeds .....	\$78,695,000	\$0	
	Total for Old Dominion University .....		<b>\$162,023,000</b>	<b>\$0</b>
	Fund Sources: Higher Education Operating.....	\$6,864,000	\$0	
	Bond Proceeds .....	\$155,159,000	\$0	
<b>§ 2-7. RADFORD UNIVERSITY (217)</b>				
C-13.	Improvements: Renovate Athletics Complex Umbrella Project (18120).....		\$9,500,000	\$0
	Fund Sources: Higher Education Operating.....	\$1,500,000	\$0	
	Bond Proceeds .....	\$8,000,000	\$0	
C-13.05.	<i>Maintenance Reserve (12731) .....</i>		<i>\$0</i>	<i>\$2,000,000</i>
	<i>Fund Sources: Higher Education Operating.....</i>	<i>\$0</i>	<i>\$2,000,000</i>	
	Total for Radford University .....		<b>\$9,500,000</b>	<b>\$0</b>
				<b>\$2,000,000</b>
	Fund Sources: Higher Education Operating.....	\$1,500,000	\$0	
	Bond Proceeds .....	\$8,000,000	\$2,000,000	\$0
<b>§ 2-8. UNIVERSITY OF MARY WASHINGTON (215)</b>				
C-13.10.	Improvements: Improve Battleground Athletic Complex Fields and Facility (18133) .....		\$10,142,000	\$0
	Fund Sources: Bond Proceeds .....	\$10,142,000	\$0	
C-13.20.	<i>Improvements: Renovate Residence Halls (18177) .....</i>		<i>\$0</i>	<i>\$15,175,000</i>
	<i>Fund Sources: Bond Proceeds .....</i>	<i>\$0</i>	<i>\$15,175,000</i>	

ITEM C-13.30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
C-13.30. <i>Improvements: Renovate Amphitheater (18181)</i> .....			\$0	\$3,074,000
<i>Fund Sources: Higher Education Operating</i> .....	\$0	\$3,074,000		
Total for University of Mary Washington.....			<b>\$10,142,000</b>	<b>\$0</b>
				<b>\$18,249,000</b>
<i>Fund Sources: Higher Education Operating</i> .....	\$0	\$3,074,000		
<i>Bond Proceeds</i> .....	\$10,142,000	\$0		
		\$15,175,000		

**§ 2-9. UNIVERSITY OF VIRGINIA (207)**

C-14. Acquisition: Acquire and Renovate 560 Ray C. Hunt (18114).....			\$26,230,000	\$0
Fund Sources: Higher Education Operating.....	\$26,230,000	\$0		
C-14.10. <i>Improvements: Renovate the Rotunda (17915)</i> .....			\$0	\$10,633,351
<i>Fund Sources: General</i> .....	\$0	\$5,638,013		
<i>Higher Education Operating</i> .....	\$0	\$4,995,338		
Total for University of Virginia.....			<b>\$26,230,000</b>	<b>\$0</b>
				<b>\$10,633,351</b>
<i>Fund Sources: General</i> .....	\$0	\$5,638,013		
<i>Higher Education Operating</i> .....	\$26,230,000	\$0		
		\$4,995,338		

**§ 2-10. VIRGINIA COMMONWEALTH UNIVERSITY (236)**

C-15. New Construction: Expand Ackell Residence Center (18102).....			\$15,300,000	\$0
Fund Sources: Bond Proceeds.....	\$15,300,000	\$0		
C-16. New Construction: Expand Main Street Parking Deck (18115).....			\$5,600,000	\$0
Fund Sources: Bond Proceeds.....	\$5,600,000	\$0		
C-17. Improvements: Upgrade Siegel Center (18116).....			\$12,000,000	\$0
Fund Sources: Bond Proceeds.....	\$12,000,000	\$0		
C-17.10. Improvements: Renovate Sanger Hall, Phase II (18070)..			\$7,500,000	\$0
Fund Sources: Bond Proceeds.....	\$7,500,000	\$0		
<p>Virginia Commonwealth University is authorized to proceed with the renovation of lab and support space for the Department of Pathology on the 4th Floor in Sanger Hall using \$7,500,000 of (9d) nongeneral fund bond authority. Upon full funding of the Sanger Hall project, Virginia Commonwealth University shall be reimbursed for the appropriate general fund share of this project.</p>				
Total for Virginia Commonwealth University.....			<b>\$40,400,000</b>	<b>\$0</b>
Fund Sources: Bond Proceeds.....	\$40,400,000	\$0		

ITEM C-18.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>§ 2-11. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)</b>					
C-18.	New Construction: Construct Parking Garage, Blue Ridge (18096) .....			\$4,850,000	\$0
	Fund Sources: Bond Proceeds .....	\$4,850,000	\$0		
	Total for Virginia Community College System .....			<b>\$4,850,000</b>	<b>\$0</b>
	Fund Sources: Bond Proceeds .....	\$4,850,000	\$0		
<b>§ 2-11.1. VIRGINIA MILITARY INSTITUTE (211)</b>					
C-19.01.	Stonewall Jackson Improvements and Truman House Renovation (18175).....			\$0	\$1,600,000
	Fund Sources: Higher Education Operating.....	\$0	\$1,600,000		
C-19.02.	Improvements: Replace Crozet Hall Floor (18176).....			\$0	\$1,475,000
	Fund Sources: Bond Proceeds.....	\$0	\$1,475,000		
C-19.03.	Improvements: Improve Post Facilities, Phase III (18185) .....			\$4,000,000	\$0
	Fund Sources: Bond Proceeds .....	\$4,000,000	\$0		
	Total for Virginia Military Institute.....			<b>\$4,000,000</b>	<b>\$3,075,000</b>
	Fund Sources: Higher Education Operating.....	\$0	\$1,600,000		
	Bond Proceeds .....	\$4,000,000	\$1,475,000		
<b>§ 2-11.2. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)</b>					
C-19.04.	New Construction: Construct Upper Quad Residential Facilities (18182).....			\$0	\$92,000,000
	Fund Sources: Higher Education Operating.....	\$0	\$24,500,000		
	Bond Proceeds.....	\$0	\$67,500,000		
C-19.05.	Improvements: Replace Unified Communications System and Network (18183).....			\$0	\$16,508,000
	Fund Sources: Higher Education Operating.....	\$0	\$7,705,000		
	Bond Proceeds.....	\$0	\$8,803,000		
C-19.06.	A. Virginia Polytechnic Institute and State University, with the approval of the Governor, as otherwise provided by law, is hereby authorized to convey, at no cost to the Commonwealth, certain real property described generally as 1.5 acres, more or less, to Carol Flynn Hoge and James Tyler Otey Hoge, in exchange for the conveyance from the Hoges of certain real property generally described as 22.903 acres more or less, situated on 2250 Walnut Springs Road in Montgomery County, Virginia; said exchange being for the beneficial purpose of the expansion of the institution's agricultural programs.				
	B. Prior to the acceptance of said property, assurances satisfactory to the Virginia Polytechnic Institute and State University and the Governor shall be made indicating that the property is free from hazardous materials and conditions.				
	Total for Virginia Polytechnic Institute and State University .....			<b>\$0</b>	<b>\$108,508,000</b>

ITEM C-19.06.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>Fund Sources: Higher Education Operating.....</i>	\$0	\$32,205,000		
<i>Bond Proceeds.....</i>	\$0	\$76,303,000		

**§ 2-12. VIRGINIA STATE UNIVERSITY (212)**

C-19.10. Chesterfield Avenue Project (18144)

1. The General Assembly authorizes Virginia State University to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation (VSUREF), and other entities owned or controlled by the University, VSUF and/or VSUREF (Affiliated Entities) for the development, design, construction, financing, and management of a mixed-use facility or facilities (Chesterfield Avenue Project) in the Village of Etrick in Chesterfield County comprised of commercial, retail and residential space. The Chesterfield Avenue Project is adjacent to the main campus of the University and development of this mixed use facility or facilities is in accord with the University's approved Master Plan. VSUF and VSUREF, through Affiliated Entities, plan to develop a mixed use facility or facilities of approximately 24,000 square feet of commercial space targeted for university and commercial office space, food services and retail outlets as well as 62 market rate housing units above the commercial / retail space on property owned by or conveyed to the VSUF or VSUREF. Commercial financing and New Market Tax Credits will finance the project. No state or university funds or financing are authorized for this project.

2. Virginia State University is further authorized to enter into written agreements with the VSUREF, VSUF, Affiliated Entities and other entities owned or controlled by the University to support such a mixed use facility or facilities, which support may include agreement to (i) use the facilities built in the corridor for such projects as University-related offices, student housing, parking, and dining facilities by including these projects in the University's facility inventory; (ii) manage the operation and maintenance of the facilities used for student housing, including collection of rental fees as if those students occupied University-owned housing; (iii) assign parking authorizations, students and/or offices for University operations to the facility or facilities in preference to other University-owned facilities; (iv) restrict construction of competing mixed use projects; (v) seek to obtain police power over the mixed use facility or facilities as provided by law; and (vi) otherwise support the mixed use facility or facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

3. Virginia State University is further authorized to convey parcels of land generally described as 11 parcels on the east side of Chesterfield Avenue with property addresses ranging from 21003 to 21109 Chesterfield Avenue, comprising approximately 3.1485 acres.

Total for Virginia State University .....			<b>\$0</b>	<b>\$0</b>
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C-20. Omitted.

**§ 2-12.1. FRONTIER CULTURE MUSEUM OF VIRGINIA (239)**

C-20.10.	<i>New Construction: Construct English Barn (18179).....</i>			\$0	\$95,000
	<i>Fund Sources: Special.....</i>	\$0	\$95,000		
C-20.20.	<i>New Construction: Construct 1820s American Barn (18178).....</i>			\$0	\$95,000
	<i>Fund Sources: Special.....</i>	\$0	\$95,000		
	<i>Total for Frontier Culture Museum of Virginia.....</i>			<b>\$0</b>	<b>\$190,000</b>
	<i>Fund Sources: Special.....</i>	\$0	\$190,000		

ITEM C-21.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

**§ 2-13. THE SCIENCE MUSEUM OF VIRGINIA (146)**

C-21.	Acquisition: Accept Rice House Property Transfer (18119)			
	The Science Museum of Virginia is hereby authorized to accept, in donation, The Rice House property from the Science Museum of Virginia Foundation.			
	Total for The Science Museum of Virginia .....		\$0	\$0
	TOTAL FOR OFFICE OF EDUCATION.....		\$419,401,705	\$0
			\$490,331,705	\$182,850,351
	Fund Sources: <i>General</i> .....	\$0	\$8,438,013	
	<i>Special</i> .....	\$0	\$190,000	
	Higher Education Operating.....	\$37,594,000	\$0	
		\$44,794,000	\$51,322,338	
	Bond Proceeds .....	\$381,807,705	\$0	
		\$445,537,705	\$122,900,000	

**OFFICE OF HEALTH AND HUMAN RESOURCES**

C-21.05.	Omitted.			
	TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES .....		\$0	\$0

**OFFICE OF NATURAL RESOURCES**

**§ 2-14. DEPARTMENT OF GAME AND INLAND FISHERIES (403)**

C-22.	Improvements: Improve Wildlife Management Areas (18103) .....		\$1,000,000	\$1,000,000
	Fund Sources: Dedicated Special Revenue .....	\$637,835	\$637,835	
	Federal Trust.....	\$362,165	\$362,165	
C-23.	Acquisition: Acquire Additional Land (18104).....		\$250,000	\$250,000
			\$1,580,000	
	Fund Sources: Dedicated Special Revenue .....	\$139,626	\$139,626	
		\$472,126		
	Federal Trust.....	\$110,374	\$110,374	
		\$1,107,874		
C-24.	Improvements: Repair and Upgrade Dams to Comply with the Dam Safety Act (18105).....		\$500,000	\$500,000
	Fund Sources: Dedicated Special Revenue .....	\$438,427	\$438,427	
	Federal Trust.....	\$61,573	\$61,573	
C-25.	Improvements: Improve Boating Access (18106) .....		\$1,000,000	\$1,000,000
	Fund Sources: Dedicated Special Revenue .....	\$648,134	\$648,134	
	Federal Trust.....	\$351,866	\$351,866	
C-25.10.	A. <i>The authorization of Virginia Public Building Authority bonds contained in Item C-76.82, Chapter 890, 2011 Acts of Assembly is hereby rescinded following the return of any bond proceeds received by the Department of Game and Inland Fisheries for project 17783.</i>			
	B. <i>The purposes and any remaining authorization of dedicated special revenue contained in Item C-113.05, Chapter 872, 2010 Acts of Assembly are hereby rescinded.</i>			

ITEM C-25.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>C. The Director of the Department of Game and Inland Fisheries shall immediately declare as surplus in accordance with state surplus property regulations two parcels of property located at and adjacent to 10267 Telegraph Road, Ashland, Virginia, known as the "Ailee Maintenance Lot" and "OFF RT 623 ADJ HWY PROP", Hanover County PID #7787-34-5666 and PID #7787-34-5925, respectively, totaling approximately 5.67 acres, provided that Hanover County shall be offered the right of first refusal to purchase at fair market value the two parcels for economic development purposes.</i></p>				
Total for Department of Game and Inland Fisheries .....			<b>\$2,750,000</b>	<b>\$2,750,000</b>
			<b>\$4,080,000</b>	
Fund Sources: Dedicated Special Revenue .....	\$1,864,022	\$1,864,022		
	\$2,196,522			
Federal Trust .....	\$885,978	\$885,978		
	\$1,883,478			
<b>§ 2-14.1. DEPARTMENT OF CONSERVATION AND RECREATION (199)</b>				
C-25.20. <i>New Construction: Develop Seven Bends State Park (18174) .....</i>			\$0	\$2,242,000
<i>Fund Sources: Special .....</i>	\$0	\$2,242,000		
C-25.30. <i>Improvements: Occoneechee State Park Spray Ground (18193) .....</i>			\$0	\$1,500,000
<i>Fund Sources: General .....</i>	\$0	\$1,500,000		
C-25.40. <i>Acquisition: Natural Tunnel State Park (18194) .....</i>			\$0	\$177,000
<i>Fund Sources: General .....</i>	\$0	\$177,000		
C-25.50. <i>Acquisition: State Park Yurts (18195) .....</i>			\$0	\$1,453,463
<i>Fund Sources: General .....</i>	\$0	\$1,453,463		
<i>Total for Department of Conservation and Recreation ...</i>			<b>\$0</b>	<b>\$5,372,463</b>
<i>Fund Sources: General .....</i>	\$0	\$3,130,463		
<i>Special .....</i>	\$0	\$2,242,000		
<b>TOTAL FOR OFFICE OF NATURAL RESOURCES ...</b>			<b>\$2,750,000</b>	<b>\$2,750,000</b>
			<b>\$4,080,000</b>	<b>\$8,122,463</b>
Fund Sources: <i>General .....</i>	\$0	\$3,130,463		
<i>Special .....</i>	\$0	\$2,242,000		
Dedicated Special Revenue .....	\$1,864,022	\$1,864,022		
	\$2,196,522			
Federal Trust .....	\$885,978	\$885,978		
	\$1,883,478			

**OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY**

**§ 2-15. DEPARTMENT OF CORRECTIONS (799)**

C-26. <i>Improvements: Renovate Virginia Correctional Center for Women (17972) .....</i>			\$9,000,000	\$0
<i>Fund Sources: Bond Proceeds .....</i>	\$9,000,000	\$0		

A. A total of \$9,000,000 the first year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia, for the capital costs of this project as set out in this Item.

ITEM C-26.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>B. The scope of this project is expanded to include replacement of doors and locks, installation of an integrated fire alarm system, and upgrading of the electrical system.</p>				
C-26.10.	<p>A. There is hereby established a capital project for the Department of Corrections entitled, "Equipment: Equip correctional facility in Culpeper County (18136)." Furthermore, it is hereby authorized that unutilized Virginia Public Building Authority bond authorization and appropriation be transferred to this project from the following capital projects in the amounts listed:</p>			
	Project No.	Amount		
	15203	\$750,204		
	16991	\$235,000		
<p>B. The Director, Department of Planning and Budget, is authorized to transfer general fund appropriation from the following project in the amount shown to this new project: 17868 — \$40,000.</p>				
C-26.20.	<p><i>In order to enhance the Brunswick Correctional Center property for economic development, the Department of Corrections, in conjunction with Brunswick County and the Town of Lawrenceville, shall select specific buildings at the site for demolition. The Department of Corrections shall utilize inmate labor, to the maximum extent feasible, in site clearing and demolition of the property. The Department of Corrections shall be responsible for all costs associated with the selected building demolition.</i></p>			
	Total for Department of Corrections.....		<b>\$9,000,000</b>	<b>\$0</b>
	Fund Sources: Bond Proceeds .....	\$9,000,000	\$0	
<b>§ 2-16. DEPARTMENT OF MILITARY AFFAIRS (123)</b>				
C-27.	Improvements: Renovate Richmond Combined Support Maintenance Shop (18099).....		\$937,000	\$0
	Fund Sources: Federal Trust.....	\$937,000	\$0	
C-28.	Improvements: Renovate Rocky Mount Field Maintenance Shop (18107).....		\$407,000	\$0
	Fund Sources: Federal Trust.....	\$407,000	\$0	
C-29.	New Construction: Construct Virginia National Guard Joint Force Headquarters (18108).....		\$2,477,000	\$30,996,000
	Fund Sources: Federal Trust.....	\$2,477,000	\$30,996,000	
C-30.	Omitted.			
C-30.10.	<i>New Construction: Construct Bowling Green Field Maintenance Shop (18186).....</i>		\$0	\$8,527,400
	<i>Fund Sources: Federal Trust .....</i>	<i>\$0</i>	<i>\$8,527,400</i>	
C-30.20.	<i>Acquisition: Exchange Land with the City of Christiansburg (18187).....</i>		\$0	\$25,000
	<i>Fund Sources: Special.....</i>	<i>\$0</i>	<i>\$25,000</i>	

ITEM C-30.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>The Department of Military Affairs, with the approval of the Governor, as otherwise authorized by law, is authorized to transfer approximately 1.432 acres to the town of Christiansburg in exchange for approximately 0.35 acres owned by the town. The only cost to the department shall be any normal closing costs. The Office of the Attorney General shall review and approve all documents associated with the transaction.</i></p>				
Total for Department of Military Affairs.....			<b>\$3,821,000</b>	<b>\$30,996,000</b> <b>\$39,548,400</b>
Fund Sources: <i>Special</i> .....	\$0	\$25,000		
Federal Trust.....	\$3,821,000	<del>\$30,996,000</del> \$39,523,400		

**§ 2-17. DEPARTMENT OF STATE POLICE (156)**

C-31.	New Construction: Construct Target Practice Range (17805) .....			\$1,500,000	\$0
	Fund Sources: Special.....	\$1,500,000	\$0		
	<p>The authorized purpose of this project is hereby modified to include construction of a shoot house training facility.</p>				
	Total for Department of State Police.....			<b>\$1,500,000</b>	<b>\$0</b>
	Fund Sources: Special.....	\$1,500,000	\$0		
	TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY .....			<b>\$14,321,000</b>	<b>\$30,996,000</b> <b>\$39,548,400</b>
	Fund Sources: Special.....	\$1,500,000	\$0		
	Federal Trust.....	\$3,821,000	<del>\$30,996,000</del> \$39,523,400		
	Bond Proceeds .....	\$9,000,000	\$0		

**OFFICE OF VETERANS AND DEFENSE AFFAIRS**

**§ 2-18. DEPARTMENT OF VETERANS SERVICES (912)**

C-32.	Maintenance Reserve (17073) .....			\$561,539	\$561,539
	Fund Sources: Special.....	\$161,539	\$161,539		
	Federal Trust.....	\$400,000	\$400,000		
C-32.05.	<p><i>Upon confirmation of eligibility for federal grant funding for phased construction of additional cremated burial sites and associated landscaping and infrastructure work at the Suffolk veterans cemetery, the Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of \$500,000 to the Department of Veterans Services for the design phase of the project. The loan shall be repaid by the Department of Veterans Services upon receipt of the federal funds. Upon the availability of federal funds, the Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of \$3,500,000 to the Department of Veterans Services for construction and other project costs. The loan shall be repaid by the Department of Veterans Services upon receipt of the federal funds.</i></p>				
	Total for Department of Veterans Services .....			<b>\$561,539</b>	<b>\$561,539</b>

ITEM C-32.05.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: Special.....	\$161,539	\$161,539		
Federal Trust.....	\$400,000	\$400,000		
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			<b>\$561,539</b>	<b>\$561,539</b>
Fund Sources: Special.....	\$161,539	\$161,539		
Federal Trust.....	\$400,000	\$400,000		
<b>OFFICE OF TRANSPORTATION</b>				
<b>§ 2-19. DEPARTMENT OF MOTOR VEHICLES (154)</b>				
C-33. Relocate Sandston Weigh Station (18097).....			\$2,079,500	\$0
Fund Sources: Commonwealth Transportation .....	\$2,079,500	\$0		
C-34. Maintenance Reserve (15021).....			\$803,000	\$835,000
Fund Sources: Commonwealth Transportation .....	\$803,000	\$835,000		
C-34.10. <i>New Construction: Replace Williamsburg Customer Service Center (18180)</i> .....			\$0	\$1,862,000
<i>Fund Sources: Commonwealth Transportation .....</i>	<i>\$0</i>	<i>\$1,862,000</i>		
Total for Department of Motor Vehicles.....			<b>\$2,882,500</b>	<b>\$835,000</b> <b>\$2,697,000</b>
Fund Sources: Commonwealth Transportation .....	\$2,882,500	<del>\$835,000</del> \$2,697,000		
<b>§ 2-20. DEPARTMENT OF TRANSPORTATION (501)</b>				
C-35. Improvements: Acquire, Design, Construct and Renovate Agency Facilities (18130).....			\$30,000,000	\$30,000,000
Fund Sources: Commonwealth Transportation .....	\$30,000,000	\$30,000,000		
C-36. Improvements: Acquire, Design, Construct and Renovate Facilities at the Central Office (18040).....			\$2,004,317	\$3,085,683
Fund Sources: Commonwealth Transportation .....	\$2,004,317	\$3,085,683		
C-37. Maintenance Reserve (15732).....			\$6,005,000	\$6,005,000
Fund Sources: Commonwealth Transportation .....	\$6,005,000	\$6,005,000		
Total for Department of Transportation.....			<b>\$38,009,317</b>	<b>\$39,090,683</b>
Fund Sources: Commonwealth Transportation .....	\$38,009,317	\$39,090,683		
<b>§ 2-21. VIRGINIA PORT AUTHORITY (407)</b>				
C-38. Omitted.				
C-39. Omitted.				
C-40. Stand-Alone Equipment Acquisition: Procure Equipment (18125) .....			\$37,000,000	\$0

ITEM C-40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: Special.....	\$37,000,000	\$0		
This item contains funding to purchase terminal operating equipment as a result of increased container volumes. Debt service for the purchase of these items through the agency's equipment lease program is provided in Item 454.				
C-40.10.	<i>The Virginia Port Authority is hereby granted approval to pursue a capital lease to operate the Virginia International Gateway Terminal in Portsmouth, Virginia. The Authority may renew or extend the existing lease currently due to expire June 30, 2030. Such renewals or extensions may not exceed fifty years, and may provide that the Authority take possession of the facility on or prior to the expiration of such lease. Any such renewal, extension or modification of the existing lease that converts the existing lease to a capital lease as described above shall not occur prior to the approval of the Secretary of Finance and the Secretary of Transportation.</i>			
C-40.20.	<i>New Construction: Upgrade Terminal Facilities</i>			
	<i>The authorized purpose of project 407-17513, originally authorized in Chapter 879, 2009 Acts of Assembly, to construct the Craney Island marine terminal, is hereby renamed and modified to include expansion projects at additional owned or leased port facilities, allowing the use of authorized but unissued bond proceeds.</i>			
Total for Virginia Port Authority .....			<b>\$37,000,000</b>	<b>\$0</b>
Fund Sources: Special.....	\$37,000,000	\$0		
TOTAL FOR OFFICE OF TRANSPORTATION .....			<b>\$77,891,817</b>	<b><del>\$39,925,683</del> \$41,787,683</b>
Fund Sources: Special.....	\$37,000,000	\$0		
Commonwealth Transportation .....	\$40,891,817	<del>\$39,925,683</del> \$41,787,683		

**CENTRAL APPROPRIATIONS**

**§ 2-22. CENTRAL CAPITAL OUTLAY (949)**

C-41.	Central Maintenance Reserve (15776) .....		\$75,200,000	<del>\$75,000,000</del> \$84,500,000
	Fund Sources: General.....	\$200,000	\$0	
			\$9,500,000	
	Bond Proceeds .....	\$75,000,000	\$75,000,000	

A.1. A total of \$75,000,000 the first year and \$75,000,000 the second year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 Code of Virginia, and/or the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia, for capital costs of maintenance reserve projects.

2. Out of this appropriation \$9,500,000 the second year from the general fund is designated for capital costs of maintenance reserve projects.

B. The proceeds of such bonds previously authorized in paragraph A.1. and the general fund provided from paragraph A.2. are hereby appropriated for the capital costs of the following maintenance reserve projects:

Agency Name/Code	Project Code	FY 2015	FY 2016
Department of Military Affairs (123)	10893	\$626,652	<del>\$626,652</del> \$666,528
Department of Emergency Management (127)	15989	\$100,000	\$100,000

ITEM C-41.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	The Science Museum of Virginia (146)	13634	\$404,353	<del>\$404,353</del> \$633,655	
	Department of State Police (156)	10886	\$313,964	<del>\$313,964</del> \$537,514	
	Department of General Services (194)	14260	\$5,450,537	<del>\$5,450,537</del> \$6,577,729	
	Department of Conservation and Recreation (199)	16646	\$2,285,849	<del>\$2,285,849</del> \$2,431,305	
	The Library of Virginia (202)	17423	\$100,000	<del>\$100,000</del> \$167,857	
	Woodrow Wilson Rehabilitation Center (203)	10885	\$381,197	<del>\$381,197</del> \$473,311	
	The College of William and Mary (204)	12713	\$1,948,551	<del>\$1,948,551</del> \$2,072,544	
	University of Virginia (207)	12704	\$7,231,247	<del>\$7,231,247</del> \$7,691,395	
	Virginia Polytechnic Institute and State University (208)	12707	\$8,021,374	<del>\$8,021,374</del> \$8,531,800	
	Virginia Military Institute (211)	12732	\$1,146,150	<del>\$1,146,150</del> \$1,219,083	
	Virginia State University (212)	12733	\$2,858,055	<del>\$2,858,055</del> \$3,039,923	
	Norfolk State University (213)	12724	\$3,065,618	<del>\$3,065,618</del> \$3,260,693	
	Longwood University (214)	12722	\$1,105,456	<del>\$1,105,456</del> \$1,175,800	
	University of Mary Washington (215)	12723	\$723,046	<del>\$723,046</del> \$1,108,341	
	James Madison University (216)	12718	\$2,830,846	<del>\$2,830,846</del> \$3,010,983	
	Radford University (217)	12731	\$1,272,534	<del>\$1,272,534</del> \$1,353,509	
	Virginia School for the Deaf and Blind (218)	14082	\$230,604	<del>\$230,604</del> \$380,992	
	Old Dominion University (221)	12710	\$1,952,035	<del>\$1,952,035</del> \$2,076,249	
	Virginia Commonwealth University (236)	12708	\$3,326,873	<del>\$3,326,873</del> \$3,538,573	
	Virginia Museum of Fine Arts (238)	13633	\$673,496	<del>\$673,496</del> \$716,353	
	Frontier Culture Museum of Virginia (239)	15045	\$362,633	<del>\$362,633</del> \$521,423	

ITEM C-41.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Richard Bland College (241)	12716	\$112,928	<del>\$112,928</del> \$391,543	
	Christopher Newport University (242)	12719	\$479,371	<del>\$479,371</del> \$577,732	
	University of Virginia's College at Wise (246)	12706	\$259,728	<del>\$259,728</del> \$445,898	
	George Mason University (247)	12712	\$3,200,463	<del>\$3,200,463</del> \$3,404,119	
	Virginia Community College System (260)	12611	\$6,046,516	<del>\$6,046,516</del> \$6,431,276	
	Virginia Institute of Marine Science (268)	12331	\$286,612	<del>\$286,612</del> \$508,422	
	<i>Eastern Virginia Medical School (274)</i>	18190	\$0	\$318,929	
	Department of Agriculture and Consumer Services (301)	12253	\$332,386	<del>\$332,386</del> \$353,537	
	Marine Resources Commission (402)	16498	\$100,000	\$100,000	
	Department of Mines, Minerals, and Energy (409)	13096	\$100,000	\$100,000	
	Department of Forestry (411)	13986	\$321,572	<del>\$321,572</del> \$342,035	
	Gunston Hall (417)	12382	\$100,000	<del>\$100,000</del> \$167,857	
	Jamestown-Yorktown Foundation (425)	13605	\$1,377,273	<del>\$1,377,273</del> \$1,600,628	
	Department for the Blind and Vision Impaired (702)	13942	\$210,555	<del>\$210,555</del> \$359,668	
	Department of Behavioral Health and Developmental Services (720)	10880	\$4,413,719	<del>\$4,413,719</del> \$4,694,578	
	Department of Juvenile Justice (777)	15081	\$827,786	<del>\$827,786</del> \$880,461	
	Department of Forensic Science (778)	16320	\$278,282	<del>\$278,282</del> \$431,705	
	Department of Corrections (799)	10887	\$9,156,497	<del>\$9,156,497</del> \$9,739,155	
	Institute for Advanced Learning and Research (885)	18044	\$100,000	<del>\$100,000</del> \$303,571	
	Department of Veterans Services (912)	17073	\$249,315	<del>\$249,315</del> \$400,894	
	Innovation and Entrepreneurship Investment Authority (934)	17943	\$100,000	\$100,000	
	Roanoke Higher Education Center (935)	17916	\$135,927	<del>\$135,927</del>	

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
			\$348,148	
Southern Virginia Higher Education Center (937)	18131	\$100,000	\$100,000	\$303,571
New College Institute (938)	18132	\$100,000	\$100,000	\$303,571
Virginia Museum of Natural History (942)	14439	\$100,000	\$100,000	\$303,571
Southwest Virginia Higher Education Center (948)	16499	\$100,000	\$100,000	\$303,571
Total		\$75,000,000	\$75,000,000	\$84,500,000

C. Expenditures for amounts appropriated in this Item are subject to conditions defined in §2-0 E of this act.

D. Agencies and institutions of higher education may use maintenance reserve funds to finance the following capital costs: to repair or replace damaged or inoperable equipment, components of plant, and utility systems; to correct deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; to correct deficiencies in fire protection, energy conservation and handicapped access; and to address such other physical plant deficiencies as the Director, Department of Planning and Budget may approve. Agencies and institutions of higher education may also use maintenance reserve funds to make other necessary improvements that do not meet the criteria for maintenance reserve funding with the prior approval of the Director, Department of Planning and Budget.

E. 1. The Department of General Services is authorized to use these funds from its maintenance reserve allocation for necessary repairs and improvements in and around Capitol Square for items such as repair and conservation of the historic fence, repair and improvements to the grounds, upkeep and ongoing repairs to the exterior of the Capitol and Bell Tower, and conservation and maintenance of monuments and statues. The use of and allocation of these funds shall be as deemed appropriate by the Director, Department of General Services.

2. A total of \$200,000 the first year from the general fund is hereby authorized for the planning and other costs associated with the construction of permanent monuments for the Women's Monument Commission and the Virginia Indian Commemorative Commission.

3. The Department of General Services shall provide support to both groups in implementing this project, as provided for in paragraph E.2.

4. The Commissions and the Department of General Services shall report quarterly to the General Assembly on the progress made on site selection, project design, projected costs, and project finances associated with these monuments as specified in paragraph E.2.

F.1. The Jamestown-Yorktown Foundation may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art and artifacts.

2. The Virginia Museum of Fine Arts may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art works owned by the Museum.

G. The Department of Corrections may use a portion of its annual maintenance reserve allocation to make modifications to correctional facilities needed to enable the agency to meet the requirements of the federal Prison Rape Elimination Act.

H. The Department of Conservation and Recreation shall give priority in the use of maintenance reserve funds for roof replacements, or other improvements, to help preserve historic buildings at Walnut Valley Farms, located at Chippokes Plantation State Park, with an

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

estimated cost of \$200,000. The historic buildings consist of a 1785 farmhouse, summer kitchen, and slave quarters. It is the intent that the buildings be preserved and protected from further decay, to the extent possible, until planning, and building restorations can be initiated. Item C-44 in this act contains funds for detailed planning.

I. The Frontier Culture Museum may use its maintenance reserve allocation to pave the loop roads, paths, and parking lots, *repair and replace restroom facilities, improve public entrance accessibility, and improve the grounds* at the museum.

J. 1. Any balances remaining from the maintenance reserve allocation identified in this item for the Jamestown-Yorktown Foundation shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Jamestown-Yorktown Foundation for the purposes of the maintenance reserve program in the subsequent fiscal year.

2. Any balances remaining from the maintenance reserve allocation identified in this item for the Virginia Museum of Fine Art shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Virginia Museum of Fine Art for the purposes of the maintenance reserve program in the subsequent fiscal year.

K. The Jamestown-Yorktown Foundation may utilize its annual maintenance reserve allocation to restore, repair or renew exhibits.

L. The Department of Corrections may use up to \$1,500,000 of its annual maintenance reserve allocation to retrofit the correctional facility in Culpeper County that has been used in the past by the Department of Juvenile Justice to house juvenile defenders, but will, effective July 1, 2014, be used to house adult offenders.

C-42.	Central Reserve for Capital Equipment Funding (17954) .....			\$21,050,000	\$0
					\$50,708,000
	Fund Sources: Bond Proceeds .....	\$21,050,000	\$0		\$50,708,000

A.1. The capital projects in paragraph B of this Item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia or the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principle amounts will not exceed the amounts listed in paragraph B below plus amounts to fund related issuance costs, and other financing expenses, in accordance with § 2.2-2263 of the Code of Virginia.

2. From the list of projects included in paragraph B of this Item, the Director of the Department of Planning and Budget shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

4. The appropriations for said capital projects in this Item are subject to the conditions in § 2-0 F of this act.

B. There is hereby appropriated \$21,050,000 the first year *and \$50,708,000 the second year* from bond proceeds of the Virginia College Building Authority or the Virginia Public Building Authority to provide funds for equipment for the following projects for which construction was previously provided, or to maintain existing operational capability.

ITEM C-42.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Agency Name / Project Title</b>				
<i>Department of General Services (194)</i>				
<i>Renovate the 9th Street Office Building (17091)</i>				
<i>Department of Conservation and Recreation (199)</i>				
<i>New Cabins Various State Parks (18057)</i>				
<b>Woodrow Wilson Rehabilitation Center (203)</b>				
<i>Renovate Anderson Vocational Building, Phase I (17976)</i>				
<b>The College of William and Mary in Virginia (204)</b>				
<i>Renovate Tyler Hall (17994)</i>				
<b>Virginia Polytechnic Institute and State University (208)</b>				
<i>Construct Classroom Building (17995)</i>				
<b>University of Virginia (207)</b>				
<i>Renovate the Rotunda (17915)</i>				
<b>Virginia Military Institute (211)</b>				
<i>Construct Corps Physical Training Facilities, Phase I and II (17966)</i>				
<b>Norfolk State University (213)</b>				
<i>Replace Brown Hall (17981)</i>				
<b>Longwood University (214)</b>				
<i>Construct University Technology Center (17668)</i>				
<b>University of Mary Washington (215)</b>				
<i>Renovate Mercer and Woodward Halls (17983)</i>				
<b>James Madison University (216)</b>				
<i>Renovate West Wing, Rockingham Hospital (17674)</i>				
<i>Health &amp; Engineering Academic Facility-East Tower Replacement (17997)</i>				
<b>Radford University (217)</b>				
<i>Construct New Academic Building, Phase I and II (17984)</i>				
<b>Old Dominion University (221)</b>				
<i>Construct New School of Education (17875)</i>				
<b>Virginia Commonwealth University (236)</b>				
<i>Construct and Renovate Information Commons and Libraries (17998)</i>				
<i>Construct Replacement Facility for the Virginia Treatment Center for Children (18060)</i>				
<b>Virginia Museum of Fine Arts (238)</b>				
<i>Renovate Carpenter Shop (17582)</i>				
<b>Richard Bland College (241)</b>				
<i>Renovate Ernst Hall (17985)</i>				
<b>Christopher Newport University (242)</b>				
<i>Construct Student Success Center (17872)</i>				
<b>George Mason University (247)</b>				
<i>Expand the Central Utility Plant, Fairfax Campus (18043)</i>				
<b>Virginia Community College System (260)</b>				
<i>Acquire/Construct Motorsports/Workforce Development Center, Patrick Henry (17706)</i>				
<i>Renovate Main Hall, Middletown Campus, Lord Fairfax (17986)</i>				
<i>Renovate Building B, Parham Road Campus, J. Sargeant Reynolds (17988)</i>				
<i>Renovate Reynolds Academic Building, Loudoun Campus, Northern Virginia (17989)</i>				
<i>Renovate Bayside Building, Virginia Beach Campus, Tidewater (17990)</i>				
<i>Construct Phase III Academic Building, Midlothian Campus, John Tyler (17992)</i>				
<i>Construct New Classroom and Administration Building, Blue Ridge (17987)</i>				
<b>Virginia Institute of Marine Science (268)</b>				
<i>Construct a Consolidated Scientific Research Facility (17993)</i>				
<b>Department of Forensic Science (778)</b>				
<i>Expand Western Forensic Laboratory and Office of the Chief Medical Examiner Facility (17978)</i>				
C-43.	Capital Outlay Project Pool (17967).....		\$119,421,164	\$0
	Fund Sources: Trust and Agency .....	\$400,000	\$0	
	Federal Trust.....	\$1,885,500	\$0	
	Bond Proceeds .....	\$117,135,664	\$0	

A. 1. The capital projects in paragraph B. of this item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to

ITEM C-43.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

§ 2.2-2263, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amounts will not exceed ~~\$53,473,000~~ \$55,135,664 plus amounts to fund related issuance costs, and other financing expenses, in accordance with § 2.2-2263 of the Code of Virginia.

2. From the list of projects included in paragraph B of this item, the Director of the Department of Planning and Budget shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this item shall be provided from appropriations to the Treasury Board.

4. The appropriations for said capital projects are contained in this item and are subject to the conditions in § 2-0 F of this act.

B. 1. It is hereby appropriated \$55,135,664 from bond proceeds and \$2,285,500 from nongeneral fund sources in the first year for the projects listed in this section.

Agency	Project Title
Department of General Services	Make Critical Repairs and Improvements to Consolidated Lab
Department of General Services	Replace Roof on DGS Westmoreland Plaza Building
Department of State Police	Rehabilitate or replace South Hill and Emporia Area Offices
Department of Forestry	Construct Garages for Fire Dozers and Transports
Department of Behavioral Health and Developmental Services	Abate Environmental Hazards
Department of Behavioral Health and Developmental Services	Replace Facility Roofs and Building Envelopes
Department of Corrections	Upgrade Operational and Security Systems - Keen Mountain Correctional Center
Department of Corrections	Replace and Enhance Security Controls and Surveillance Systems - Sussex I and II
Department of Corrections	Replace Fire Alarm Systems
Department of Corrections	Replace James River Storage Tank on River Road
Department of Military Affairs	Renovate Waller Depot Complex
Gunston Hall	Renovate Ann Mason Visitor Center and Adjacent Buildings (Interior and Exterior)
Virginia Museum of Fine Arts	Renovate / Expand Faberge Gallery
Roanoke Higher Education Authority	Renovate / Expand Claude Moore Building
University of Virginia	Renovate Research Labs

2. The projects for the Department of Behavioral Health and Developmental Services in paragraph B.1. are authorized for Eastern State Hospital, Catawba Hospital, Piedmont Geriatric Hospital, Central Virginia Training Center, Commonwealth Center for Children and Adolescents, Southwest Virginia Mental Health Institute, and Hiram W. Davis Medical Center.

C. 1. A total of \$20,000,000 plus amounts to fund related issuance costs, and other financing expenses is hereby authorized for issuance in the first year by the Virginia Public Building Authority pursuant to § 2.2-2263, Code of Virginia for water quality projects as set out in this paragraph.

2. There is hereby appropriated \$20,000,000 in the first year from such bond proceeds, for the Stormwater Local Assistance Fund, established in Item 363 of this act and administered by the Department of Environmental Quality. In accordance with the purpose of the Fund, the bond proceeds shall be used to provide grants solely for capital projects, including: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the Department of Environmental Quality.

3. This appropriation is subject to the conditions in § 2-0 F of this act.

ITEM C-43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

4. Except as provided for in paragraph C.3. of this item, the provisions of §§ 2.0 and 4-4.01 of this act and the provisions of §2.2-1132, Code of Virginia, shall not apply to projects supported in the program.

D. 1. A total of \$22,500,000 plus amounts to fund related issuance costs, and other financing expenses is hereby authorized for issuance in the first year by the Virginia Public Building Authority pursuant to Sec. 2.2-2263, Code of Virginia, for improvements to the Fort Monroe property as set out in this paragraph.

2. There is hereby appropriated \$22,500,000 in the first year from such bond proceeds for improvements to Fort Monroe. The Department of General Services shall act as fiscal agent for the bond proceeds allocated to this capital project. The Fort Monroe Authority is authorized to use a portion of these proceeds to secure the services of a project manager for overseeing and coordinating the on-site efforts involving the various repairs and renovation activities at Fort Monroe. The project manager shall work in consultation and coordination with the Department of General Services as this project proceeds towards completion.

3. This appropriation is subject to the conditions in § 2-0 F of this act.

4. Except as provided for in paragraph D.3. of this item, the provisions of §§ 2.0 and 4-4.01 of this act and the provisions of §2.2-1132, Code of Virginia, shall not apply to activity executed under this project.

E. 1. The Virginia College Building Authority, pursuant to § 23-30.24 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 22-2263, Code of Virginia, is authorized to issue bonds to finance in whole or in part capital projects authorized in Item C-38.10, Chapter 1, 2014 Special Session I Acts of Assembly. The aggregate principal amounts will not exceed \$19,500,000 plus amounts to fund related issuance costs and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.

2. From the list of projects in Item C-38.10, Chapter 1, 2014 Special Session I Acts of Assembly, the Director of the Department of Planning and Budget shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limits established by this authorization.

3. Debt service on the bonds issued under the authorization in this paragraph shall be provided from appropriations to the Treasury Board.

F. It is hereby appropriated \$19,500,000 from bond proceeds in the first year for the projects listed in Item C-38.10, Chapter 1, 2014 Special Session I Acts of Assembly. The appropriations for these projects are subject to the conditions in § 2.0 F. of this act.

G. The Director of the Department of Planning and Budget shall revert \$19,500,000 in general fund appropriation in this project on or before June 30, 2015.

C-44.	Planning: Detail Planning for Capital Projects (17968)....		\$13,276,000	\$0
				\$14,250,000

Fund Sources: <i>General</i> .....	\$0	\$14,250,000
Dedicated Special Revenue.....	\$13,276,000	\$0

A.I. The following projects shall be funded for planning entirely from amounts in the Central Capital Planning Fund established under § 2.2-1520 of the Code of Virginia and any general funds provided.

**Pre-Planning**

Agency Code	Agency	Project Title
720	Department of Behavioral Health and Developmental Services	Replace Central State Hospital

ITEM C-44.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	<i>Department of Behavioral Health and Developmental Services</i>				
720	Southwest Virginia				
948	Higher Education Center				
	<i>Department of Conservation and Recreation</i>				
199					

**Detailed Planning**

Agency Code	Agency	Project Title
199	Department of Conservation and Recreation	Renovate Historic Buildings, Walnut Valley Farm, Chippokes Plantation State Park
203	Woodrow Wilson Rehabilitation Center	<del>Life Safety Improvements</del> , Renovate and Expand Anderson Vocational Training Building, Phase II
204	College of William and Mary	Construct West Utilities Plant
211	Virginia Military Institute	Renovate Preston Library
211	Virginia Military Institute	Improve Post Infrastructure Phase I, II and III
236	Virginia Commonwealth University	Construct Commonwealth Center for Advanced Logistics Systems
236	Virginia Commonwealth University	Construct New Allied Health Professions Building
260	Virginia Community College System	Construct Academic Building, Fauquier Campus, Lord Fairfax
260	Virginia Community College System	Renovate Seefeldt Building, Woodbridge Campus, Northern Virginia
260	Virginia Community College System	Renovate Howsmon Building, Manassas Campus, Northern Virginia
702	Department for the Blind and Vision Impaired	Renovate the Departmental Headquarters Building
720	Department of Behavioral Health and Developmental Services	Construct New Sexually Violent Predator Facility
778	Department of Forensic Science	Expand Central Forensic Laboratory and Office of the Chief Medical Examiner Facility
799	Department of Corrections	Renovate Buckingham Wastewater Treatment Plant
799	Department of Corrections	Replace Generators Multiple Facilities

2. Out of this appropriation, \$7,250,000 the second year from the general fund and any nongeneral fund required by the institution or agency is designated for the following projects:

Agency Code	Agency	Project Title
146	Science Museum of Virginia	Construct Parking Facility / Master Site Plan (Preplanning)
247	George Mason University	Construct / Renovate Robinson Hall, New Academic and Research Facility and Harris Theater Site
247	George Mason University	Construct Utilities Distribution System
260	Virginia Community College System	Renovate Bird Hall and Renovate / Expand Nicholas Center, Chester Campus, John Tyler

B. In accordance with Title 2.2, Chapter 15.1, each institution and agency shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation.

C. 1. Each public college and university is authorized to use additional higher education operating nongeneral funds to move to working drawings for the projects listed in paragraph A.

ITEM C-44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2. Each agency may utilize other nongeneral funds to move to working drawings for the projects authorized in paragraph A.				
D. Each agency or institution shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.				
E. In accordance with § 2.2-1520, the Director, Department of Planning and Budget, shall reimburse the Central Capital Planning Fund for the amounts provided for detailed planning when the project is funded to move into the construction phase.				
F. Due to the availability of private donations for the new academic building on the Fauquier campus of Lord Fairfax Community College, half of the costs of detailed planning shall be paid with donated funds.				
G. Authorization for the Virginia Community College System to proceed to detailed planning on the project, "Construct Phase VII Academic Building, Annandale Campus, Northern Virginia", as provided in Item C-39.05 of Chapter 1, Special Session I of the 2014 General Assembly is hereby revoked.				
<i>H. 1. Projects contained in Item C-39.05, paragraph H.2., Chapter 1, 2014 Special Session I and projects authorized for Detailed Planning shall have first priority for allocations from the Central Capital Planning Fund established under § 2.2-1520.</i>				
<i>2. State agencies and institutions of higher education may utilize nongeneral fund sources and are authorized to proceed to complete all planning for projects contained in Item C-39.05, paragraphs H.1. and H.2., Chapter 1, 2014 Special Session I and for projects contained in this item except for those authorized for pre-planning for which they will be reimbursed upon approval of construction funding for their project. The Director, Department of Planning and Budget shall appropriate additional nongeneral funds upon request from agencies and institutions for this purpose.</i>				
C-45. A. The Department of General Services, on behalf of the Department of Social Services, is hereby authorized to enter a capital lease in Abingdon to address lease space needs for the Child Support Enforcement District Office, the Regional Administrative Office and the Regional Training Offices.				
B. The Department of General Services, on behalf of the Department of Social Services, is hereby authorized to enter a capital lease in Roanoke to address lease space needs for the Child Support Enforcement District Office and the Child Support Enforcement Regional Office.				
C. The Department of General Services, on behalf of the Department of Social Services, is hereby authorized to enter a capital lease in Warrenton to address lease space needs for the Regional Administrative Office and the Regional Training Office.				
D. The Department of General Services, on behalf of the Department of Corrections, is hereby authorized to enter into a capital lease for a probation and parole office to replace or renew the lease for existing facilities in Richmond.				
E. The Department of General Services, on behalf of the Department of Corrections, is hereby authorized to enter into a capital lease for a probation and parole office to replace or renew the lease for existing facilities in Virginia Beach.				
F. The Department of General Services, on behalf of the Department of Behavioral Health and Developmental Services, is hereby authorized to enter into a capital lease for an administrative support facility to be used for those services that will be displaced from the Southeastern Virginia Training Center surplus property sale.				
C-46. Omitted.				
C-46.10. Comprehensive Capital Outlay Program (18049).....			\$45,000,000	\$0

ITEM C-46.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

\$112,000,000

Fund Sources: Bond Proceeds ..... \$45,000,000 \$0  
 \$112,000,000

Comprehensive Capital Outlay Program (18049)

A. In addition to amounts previously authorized for this program, the Virginia College Building Authority, pursuant to § 23-30.24 et seq., Code of Virginia, and the Virginia Public Building Authority, pursuant to § 2.2-2263, Code of Virginia, are authorized to issue bonds to finance projects listed in this Item. The aggregate principal amounts shall not exceed ~~\$45,000,000~~ \$112,000,000 plus amounts to fund related issuance costs, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.

B. The General Assembly hereby appropriates ~~\$45,000,000~~ \$112,000,000 in the first year from bond proceeds for the George Mason University Academic VII / Research III project previously authorized in Item C-39.40, Chapter 806, 2013 Acts of Assembly, and the Advanced Manufacturing Apprentice Academy Center and four Regional Centers of Excellence and supplements for previously approved projects in Item C-39.40, Chapter 806, 2013 Acts of Assembly.

C. Out of the appropriation for this Item, \$20,000,000 in bond proceeds issued by the Virginia College Building Authority is designated for a previously authorized project of George Mason University in Item C-39.40, Chapter 806, 2013 Acts of Assembly. This funding may be used in lieu of other nongeneral fund support for this project.

D. Upon certification from the Virginia Economic Development Partnership and the Commonwealth Center for Advanced Manufacturing that a federal grant has been awarded for the Advanced Manufacturing Apprentice Academy Center and Regional Centers of Excellence, the Director, Department of Planning and Budget shall release no more than \$25 million from this Item to the Virginia Economic Development Partnership (VEDP) for the Commonwealth Center for Advanced Manufacturing to develop an Advanced Manufacturing Apprentice Academy Center as well as four Regional Centers of Excellence.

C-46.15. Capital Outlay Renovation Pool (18196) ..... \$0 \$106,100,000

Fund Sources: General..... \$0 \$106,100,000

Out of this appropriation, \$106,100,000 the second year from the general fund is designated for the projects listed in this section.

Agency	Project Title
James Madison University	Renovate Madison Hall
Longwood University	Supplement Biomass Boiler
Radford University	Renovate Whitt Hall
Virginia Commonwealth University	Renovate Raleigh Building
Virginia Commonwealth University	Renovate Sanger Hall, Phase II
Virginia Community College System	Renovate Engineering and Industrial Technology Building, Danville
Virginia Polytechnic Institute and State University	Renovate/Renew Academic Buildings
Virginia Cooperative Extension and Agricultural Experiment Station	Improve Kentland Facilities

C-46.20. Supplements to Previously Authorized Capital Projects (18145) ..... \$13,151,217 \$0

Fund Sources: Bond Proceeds ..... \$13,151,217 \$0

ITEM C-46.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

A total of \$13,151,217 the first year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 Code of Virginia to repay a treasury loan authorized to cover the costs of construction and administration of previously approved capital project 16881 authorized in Item C-1.10, Chapter 951, 2005 Acts of Assembly.

C-46.30. Omitted.

Total for Central Capital Outlay .....			<b>\$287,098,381</b>	<b>\$75,000,000</b>
			<b>\$354,098,381</b>	<b>\$255,558,000</b>

Fund Sources: General .....	\$200,000	\$0		
		\$129,850,000		
Trust and Agency .....	\$400,000	\$0		
Dedicated Special Revenue .....	\$13,276,000	\$0		
Federal Trust .....	\$1,885,500	\$0		
Bond Proceeds .....	<del>\$271,336,881</del>	<del>\$75,000,000</del>		
	<b>\$338,336,881</b>	<b>\$125,708,000</b>		

**§ 2-23. 9(C) REVENUE BONDS (950)**

C-47. A.1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(c), Constitution of Virginia.

2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.

3. The total amount listed in this Item includes ~~\$245,020,705~~ \$312,520,705 in bond proceeds.

Agency Name/ Project Title	Item #	Project Code	Section 9(c) Bonds
<b>College of William and Mary (204)</b>			
Renovate Dormitories	C-5	18100	\$16,000,000
<b>Virginia Polytechnic Institute and State University (208)</b>			
Construct Upper Quad Residential Facilities	C-19.04	18182	\$67,500,000
<b>Old Dominion University (221)</b>			
Construct New Residence Halls, Phase I	C-9	18101	\$76,464,000
<b>Virginia Commonwealth University (236)</b>			
Expand Ackell Residence Center	C-15	18102	\$15,300,000
<b>James Madison University (216)</b>			
<b>Christopher Newport University (242)</b>			
Expand Dining Facility	C-4	18118	\$9,500,000
Renovate Residence Halls	C-3	18098	\$5,000,000
Construct Residential Housing	C-2	17632	\$42,020,000
<b>James Madison University (216)</b>			
Construct New Dining Hall	C-8.10	18143	\$80,736,705
<b>Total for Nongeneral Fund Obligation Bonds 9(c)</b>			<b>\$245,020,705</b>
			<b>\$312,520,705</b>

Total for 9(C) Revenue Bonds .....			<b>\$0</b>	<b>\$0</b>
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**§ 2-24. 9(D) REVENUE BONDS (951)**

C-48. 1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(d), Constitution of Virginia.

2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.

3. The total amount listed in this Item includes ~~\$136,787,000~~ \$257,309,000 in bond proceeds.

ITEM C-48.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<b>Agency Name/ Project Title</b>	<b>Item #</b>	<b>Project Code</b>	<b>Section 9(e d) Bonds</b>	
<b>College of William and Mary (204)</b>				
Improve Auxiliary Facilities	C-6	18112	\$10,000,000	
Construct Wellness Center	C-6.50	18192	\$10,000,000	
<b>Virginia Polytechnic Institute and State University (208)</b>				
Replace Unified Communications System and Network	C-19.05	18183	\$8,803,000	
<b>Virginia Military Institute (211)</b>				
Renovate and Enlarge Stonewall Jackson House Museum Facilities	C-19.01	18175	\$1,392,000	
Replace Crozet Hall Floor	C-19.02	18176	\$1,475,000	
Improve Post Facilities, Phase III	C-19.03	18185	\$4,000,000	
<b>Longwood University (214)</b>				
Construct University Center	C-8.40	17893	\$11,012,000	
<b>University of Mary Washington (215)</b>				
Improve Battleground Athletic Complex Fields and Facilities	C-13.10	18133	\$10,142,000	
Renovate Residence Halls	C-13.20	18177	\$15,175,000	
<b>James Madison University (216)</b>				
Construct Student Housing	C-8.35	18197	\$55,000,000	
<b>Radford University (217)</b>				
Renovate Athletics Complex	C-13	18120	\$8,000,000	
<b>Old Dominion University (221)</b>				
Replace the Webb University Center	C-12	17947	\$78,695,000	
<b>Virginia Commonwealth University (236)</b>				
Expand Main Street Parking Deck	C-16	18115	\$5,600,000	
Upgrade Siegel Center	C-17	18116	\$12,000,000	
Sanger Hall Phase II (Department of Pathology)	C-17.10	18070	\$7,500,000	
<b>Christopher Newport University (242)</b>				
Expand Athletic Facilities II	C-4.10	17361	\$4,730,000	
<b>George Mason University (247)</b>				
Construct Academic VII/Research III, Phase I	C-7.10	17999	\$8,935,000	
<b>Virginia Community College System (260)</b>				
Construct Parking Garage, Blue Ridge	C-18	18096	\$4,850,000	
<b>Total for Nongeneral Fund Obligation Bonds 9(d)</b>			<b>\$136,787,000</b>	
			<b>\$257,309,000</b>	
Total for 9(D) Revenue Bonds.....			\$0	\$0
TOTAL FOR CENTRAL APPROPRIATIONS.....			<b>\$287,098,381</b>	<b>\$75,000,000</b>
			<b>\$354,098,381</b>	<b>\$255,558,000</b>
Fund Sources: General.....	\$200,000	\$0		
		\$129,850,000		
Trust and Agency .....	\$400,000	\$0		
Dedicated Special Revenue.....	\$13,276,000	\$0		
Federal Trust.....	\$1,885,500	\$0		
Bond Proceeds .....	\$271,336,881	\$75,000,000		
	\$338,336,881	\$125,708,000		
TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES .....			<b>\$802,024,442</b>	<b>\$149,233,222</b>
			<b>\$941,284,442</b>	<b>\$530,249,436</b>
Fund Sources: General.....	\$200,000	\$0		
		\$141,418,476		

ITEM C-48.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$38,661,539	\$161,539		
		\$4,439,539		
Higher Education Operating.....	\$37,594,000	\$0		
	\$44,794,000	\$51,322,338		
Commonwealth Transportation .....	\$40,891,817	\$39,925,683		
		\$41,787,683		
Trust and Agency .....	\$400,000	\$0		
Dedicated Special Revenue .....	\$15,140,022	\$1,864,022		
	\$15,472,522			
Federal Trust.....	\$6,992,478	\$32,281,978		
	\$7,989,978	\$40,809,378		
Bond Proceeds .....	\$662,144,586	\$75,000,000		
	\$792,874,586	\$248,608,000		

PART 3: MISCELLANEOUS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2015	FY 2016
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia) For collection by Department of Taxation	\$30,757	\$30,757
3. Peanut Fund (§3.2-1906, Code of Virginia) For collection by Department of Taxation:	\$4,003 \$2,646	\$4,003 \$2,646
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$86,913	\$86,913
b) Soft Drink Excise Tax	\$2,935	\$2,935
c) Virginia Litter Tax	\$12,748	\$12,748
5. Proceeds of the Tax on Motor Vehicle Fuels For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency) For postage by the Department of the Treasury	\$34,500	\$34,500
7. Department of Alcoholic Beverage Control (Enterprise) For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
<b>TOTAL</b>	<b>\$74,974,330</b> <b>\$74,972,973</b>	<b>\$74,974,330</b> <b>\$74,972,973</b>

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at ~~\$74,800,000~~ \$83,300,000 the first year and ~~\$78,200,000~~ \$80,200,000 the second year.

b. Pursuant to § 4.1-116 B, Code of Virginia, the Department of Alcoholic Beverage Control shall notify the State Comptroller of the amount to be deducted quarterly from the net profits for transfer to the reserve fund established by the cited section.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$7,416,469	\$7,416,469
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at ~~\$5,839,598~~ \$5,540,285 the first year and ~~\$5,839,598~~ \$5,540,285 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at ~~\$2,883,627~~ \$2,765,777 the first year and ~~\$2,883,627~~ \$2,765,777 the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer ~~\$6,309,188~~ \$6,233,551 the first year and ~~\$6,309,188~~ \$6,116,866 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2015	FY 2016
<del>Department of Agriculture and Consumer Services (301)</del>	0900	\$75,637	\$75,637
Department of Forestry (411)	0200	\$24,698	<del>\$24,698</del> \$7,574
Board of Accountancy (226)	0900	\$6,828	<del>\$6,828</del> \$4,810
Department of Labor and Industry (181)	0200	\$3,392	<del>\$3,392</del> \$0
Tobacco Indemnification and Community Revitalization Commission (851)	0900	\$81,802	<del>\$81,802</del> \$0
Virginia Museum of Fine Arts (238)	0200	\$8,561	<del>\$8,561</del> \$23,816
Southwest Virginia Higher Education Center (948)	0200	\$23,778	<del>\$23,778</del> \$21,582
Department for the Deaf and Hard-Of-Hearing (751)	0200	\$15,730	<del>\$15,730</del> \$16,552
Department of Health Professions (223)	0900	\$41,588	<del>\$41,588</del> \$0
<i>Department of Behavioral Health and Developmental Services (720)</i>	0200	\$0	\$55,173
Department of Behavioral Health and Developmental Services (720)	0900	\$1,214	<del>\$1,214</del> \$0
Department for Aging and Rehabilitative Services (262)	0200	\$62,397	<del>\$62,397</del> \$43,316
Department for Aging and Rehabilitative Services (262)	0900	\$7,896	<del>\$7,896</del> \$0

Department of Conservation and Recreation (199)	0200	\$90,143	<del>\$90,143</del> \$108,837
Department of Game and Inland Fisheries (403)	0900	\$627,000	<del>\$627,000</del> \$696,215
Marine Resources Commission (402)	0200	\$23,833	<del>\$23,833</del> \$4,373
Department of Criminal Justice Services (140)	0200	\$58,422	<del>\$58,422</del> \$56,643
Department of Fire Programs (960)	0200	\$14,376	<del>\$14,376</del> \$12,856
Department of Aviation (841)	0400	\$72,030	<del>\$72,030</del> \$68,030
Department of Motor Vehicles (154)	0400	\$1,034,919	<del>\$1,034,919</del> \$0
Department of Rail and Public Transportation (505)	0400	\$488,769	<del>\$488,769</del> \$537,977
Department of Transportation (501)	0400	\$3,028,317	<del>\$3,028,317</del> \$3,849,441
Motor Vehicle Dealer Board (506)	0200	\$4,312	<del>\$4,312</del> \$6,448
Virginia Port Authority (407)	0200	\$124,297	<del>\$124,297</del> \$140,436
Virginia Port Authority (407)	0400	\$52,693	<del>\$52,693</del> \$47,742
Virginia College Savings Plan (174)	0500	\$336,556	<del>\$336,556</del> \$415,045
		<b>\$6,309,188</b>	<b>\$6,309,188</b>
		<b>\$6,233,551</b>	<b>\$6,116,866</b>

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at ~~\$525,000,000~~ \$557,555,450 the first year and ~~\$510,000,000~~ \$531,667,925 the second year, from the ~~State~~ Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the ~~State~~ Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis. Prior to June 20 of each year, the ~~State~~ Virginia Lottery Director shall estimate the amount of profits in the ~~State~~ Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the ~~State~~ Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the ~~State~~ Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$1,700,000 the first year and ~~\$3,700,000~~ \$2,000,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$8,270,640 the first year and ~~\$10,635,320~~ \$8,000,000 the second year.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$4,589,914 the first year and ~~\$4,589,914~~ \$5,089,914 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund ~~\$7,400,000~~ \$8,900,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$6,500,000 the first year and an amount estimated at \$6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of §2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be \$12,500,000, shall be deposited into the general fund no later than June 30, 2015.

S. On or before June 30 each year, the State Comptroller shall transfer to the general fund ~~\$1,550,385~~ \$1,901,785 the first year and ~~\$1,550,385~~ \$2,464,585 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

T. The State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed \$9,055,000 the first year, and \$9,055,000 the second year from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

U. On or before June 30 each year, the State Comptroller shall transfer \$600,000 the first year and \$600,000 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

V. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

W.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The estimated amount of the proceeds to be received is \$20,000,000. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2.-1156, Code of Virginia or any other provisions of law, up to \$10,000,000 from the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund and any amount above \$10,000,000 shall be paid into the Federal Action Contingency Trust (FACT) Fund contained in Central Appropriations. Any proceeds deposited into the Federal Action Contingency Trust (FACT) Fund pursuant to this paragraph are hereby appropriated.

X. On or before June 30 each year the State Comptroller shall transfer ~~an estimated \$2,450,000 from all amounts collected for~~ the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 339, 389, and 414 of this act, for the purposes enumerated in Section 17.1-275.12.

Y. On or before June 30 each year, the State Comptroller shall transfer \$10,518,587 the first year and \$10,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

Z. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at ~~\$114,413~~ \$127,864 the first year and ~~\$114,413~~ \$127,864 the second year.

AA. Any amount designated by the State Comptroller from the June 30, 2014, or June 30, 2015, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

BB. The State Comptroller shall transfer balances from the Foundation for Virginia's Natural Resources Trust Fund to the Virginia Land Conservation Fund to promote environmental education, pollution prevention, and citizen monitoring by fostering and supporting collaborative efforts among businesses, citizens, communities, local governments, and state agencies.

CC. The Department of General Services, with the cooperation and support of the Department of Behavioral Health and Developmental Services, is authorized to sell to Virginia Electric and Power Company, a Virginia corporation d/b/a Dominion Virginia Power, for such consideration as the Governor may approve, a parcel of land containing approximately 15 acres along the northern property line of Southside Virginia Training Center. After deduction of the expenses incurred by the Department of General Services in the sale of the property, the proceeds of the sale shall be deposited to the Behavioral Health and Developmental Services Trust Fund established pursuant to § 37.2-318, Code of Virginia. Any conveyance shall be approved by the Governor or his designee in the manner set forth in § 2.2-1150, Code of Virginia.

DD. On or before June 30, 2015, and June 30, 2016, the State Comptroller shall transfer amounts estimated at ~~\$3,000,000~~ \$5,000,000 the first year and \$3,000,000 the second year to the general fund from unobligated nongeneral fund balances at the State Corporation Commission.

EE. On or before June 30 of each year, the State Comptroller shall transfer an additional \$439,180 to the general fund from the fees generated by the Firearms Transaction Program.

FF. ~~Contingent upon federal approval, the State Comptroller shall transfer in the first year \$18,000,000 in nongeneral fund cash balances from the Commonwealth's Attorneys' Services Council (Fund 0282 Agency 957) to the Virginia Retirement System for deposits into the State Police Officer Retirement System and the Virginia Law Enforcement Officer Retirement System to be applied towards each systems unfunded liabilities. The Virginia Retirement System shall deposit \$9,000,000 in each of the two systems. The State Comptroller shall transfer in the second year \$18,000,000 in nongeneral fund cash to the Virginia Retirement System, to be managed by VRS for the benefit of the Commonwealth's Attorneys Services Council, pursuant to Senate Bill 1360 and House Bill 2222 of the 2015 General Assembly.~~

GG.2I. ~~In addition, on~~ On or before June 30 the first year, the State Comptroller shall transfer to the general fund \$31,070,647 from the Transportation Trust Fund, an amount equivalent to the unexpended balances remaining from the 2007 Transportation Initiative authorized in Chapter 847, 2007 Acts of Assembly.

HH. Notwithstanding the provisions of § 10.1-2128.1 of the Code of Virginia, on or before June 30 each year, the State Comptroller shall transfer to the general fund amounts estimated at \$1,000,000 the first year and \$1,000,000 the second year, from the nongeneral funds deposited into the Natural Resources Commitment Fund as provided for in Item 357 D.2.

II. On or before June 30, 2015, the State Comptroller shall transfer to the general fund an amount estimated at \$950,000 from Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program.

JJ.1. As required by §4-1.05 b of Chapter 3, 2014 Special Session I, \$105,062 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year.

2. On or before June 30, 2015, the State Comptroller shall restore \$7,500 to the Public-Private Education Act Fund (Fund 0275) in George Mason University, pursuant to Section 4-1.05 b. of this act.

KK. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at \$1,600,000 the first year and \$300,000 the second year to the general fund from the Vehicle Emissions Inspection Program Fund (Fund 0919) at the Department of Environmental Quality.

LL. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$300,000 from the Department of General Services' State Surplus Property Suspense Fund (0260) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

MM. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at \$240,160 the first year and \$240,160 the second year to the general fund from Fund 0200 in the Department of Agriculture and Consumer Services.

NN. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$4,518,234 from the Virginia Information Technologies Agency's internal service fund (0600) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

OO. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$663,799 from the Department of General Services' State Surplus Property Program Fund (0603) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

PP. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$1,729,626 from the Department of General Services' Fleet Management Fund (0610) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

QQ. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$3,116,527 from the Department of General Services' eVA Procurement Program Fund (0505) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

RR. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$247,117 from the Training and Forms Recovery Fund (Fund 0202) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

SS. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$91,179 from the Employee Dispute Resolution Services Fund (Fund 0250) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient

to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

TT. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$507,787 from the Workers' Compensation Funding Account (Fund 0711) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

UU.1. On or before June 30, 2015 the State Comptroller shall transfer \$1,763,697 from the Department of Human Resource Management's Special Fund (Fund 0200) to the State Health Insurance Fund (Fund 0620).

2. On or before June 30, 2015 the State Comptroller shall transfer \$10,979,143 from the Administration of Health Insurance's Health Insurance Fund - State Restricted (Fund 0621) to the State Health Insurance Fund (Fund 0620)

3. On or before June 30, 2016, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 0620) the balance from the Special Fund (Fund 0200) at the Department of Human Resource Management. The balance in the Department of Human Resource's Special Fund represents a portion of the payments deposited into the State Health Insurance Fund used to pay the state health insurance program's administrative expenses.

VV. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds, estimated at \$20,000,000, from the sale of the following properties currently owned by the Department of Corrections shall be deposited into the general fund no later than June 30, 2016: Pulaski Correctional Center, Botetourt Correctional Center, and White Post Detention and Diversion Center.

WW. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at \$50,000, from the sale by the Department of State Police of the airplane based in Richmond, Virginia, shall be deposited into the general fund no later than June 30, 2015.

XX.1. The Department of Agriculture and Consumer Services is authorized to sell the Southwest Virginia Farmers' Market, located at 497 Farmers Market Drive, Hillsville, Virginia 24343. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

2. The Department of Agriculture and Consumer Services is authorized to sell the Warrenton office building located at 234 West Shirley Avenue, Warrenton, Virginia 22186. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

3. The Department of Agriculture and Consumer Services is authorized to sell the Northern Neck of Virginia Farmers Market, located at 1647 Kings Highway, Oak Grove, Virginia, 22443. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

YY. The Department of Forestry is authorized to sell property located at 8818 Courthouse Road, Spotsylvania, Virginia. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at \$177,146, shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

ZZ.1. On or before June 30 of each year, the State Comptroller shall transfer amounts estimated at \$33,195,521 the first year and \$2,075,000 the second year from the agencies and fund sources listed below to the general fund of the state treasury.

	<b>Fund</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Compensation Board (157)</b>			

Capture unspent nongeneral funding	0708	\$30,068	\$0
<b>Department of General Services (194)</b>			
Revert excess nongeneral fund program balances	0261	\$246,043	\$0
Revert excess nongeneral fund program balances	0502	\$347,781	\$0
Revert Office Depot rebate funds	0700	\$159,262	\$0
<b>Department of Agriculture and Consumer Services (301)</b>			
Transfer Beehive Grant Fund balance to the general fund	0215	\$77,000	\$0
Transfer Fire Safe Cigarette Fund balance to the general fund	0933	\$215,000	\$0
<b>Department of Forestry (411)</b>			
Transfer one-time nongeneral fund cash to the general fund	0212	\$3,000	\$0
<b>Department of Housing and Community Development (165)</b>			
Transfer one-time cash balance to the general fund	0200	\$484,408	\$0
<b>Department of Mines, Minerals and Energy (409)</b>			
Transfer special fund cash balance to the general fund	0200	\$15,820	\$0
<b>Department of Small Business and Supplier Diversity (350)</b>			
Transfer a one-time cash balance to the general fund	0245	\$1,000,000	\$0
<b>Virginia Employment Commission (182)</b>			
Transfer cash balances from the Special Fund	0200	\$105,000	\$0
<b>State Council of Higher Education for Virginia (245)</b>			
Sweep nongeneral fund cash	0200	\$0	\$250,000
<b>Department of Taxation (161)</b>			
Revert excess nongeneral fund balances	0287	\$4,930	\$0
Revert excess nongeneral fund balances	0200	\$61,958	\$0
Revert excess nongeneral fund balances	0251	\$30,000	\$0
Transfer one-time nongeneral fund balances to the general fund	0214	\$1,800,000	\$0
<b>Department of Health (601)</b>			
Capture balance from indirect cost recoveries	0280	\$6,600,000	\$0
Capture balance from the Emergency Medical Services Fund	0213	\$4,000,000	\$1,000,000
Capture excess revenue from bedding and upholstery fund	0203	\$650,000	\$225,000
Capture excess revenue from radioactive materials fund	0931	\$500,000	\$0
Capture Trauma Center fund nongeneral fund balances	0902	\$500,000	\$0
<b>Department of Conservation and Recreation (199)</b>			
Transfer cash balance from the Dam Safety/Flood Prevention Assistance Fund	0910	\$500,000	\$0
Transfer cash balances from the State Parks Acquisition and Development Fund	0265	\$590,000	\$0
Transfer cash balances from the Virginia Land Conservation Fund	0918	\$300,000	\$0

**Department of Environmental Quality (440)**

Transfer cash balances from the Environmental Covenants Fund	0904	\$36,364	\$0
Transfer cash balances from the Fish Killing Investigation Fund	0232	\$51,639	\$0
Transfer cash balances from the Surplus Supplies and Equipment Sales Fund	0287	\$70,395	\$0
Transfer cash from the Waste Tire Trust Fund	0906	\$997,630	\$0
Transfer cash in the Hazardous Waste Management Fund	0245	\$800,000	\$0

**Department of Corrections (799)**

Capture nongeneral fund balance from local supplements	0205	\$95,000	\$0
Transfer out-of-state inmate revenue to general fund	0255	\$7,294,971	\$0

**Department of Emergency Management (127)**

Capture surplus special fund balances	0218	\$151	\$0
Capture surplus special fund balances	0246	\$38,669	\$0
Capture surplus special fund balances	0286	\$723	\$0

**Department of Forensic Science (778)**

Revert nongeneral fund cash balances from sale of surplus property	0287	\$1,157	\$0
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**Department of Military Affairs (123)**

Capture nongeneral fund balances	0287	\$1,116	\$0
Capture nongeneral fund balances	0901	\$37,800	\$0

**Department of State Police (156)**

Transfer various FY 2014 nongeneral fund cash balances	0261	\$1,394,168	\$0
Transfer various FY 2014 nongeneral fund cash balances	0916	\$1,852,215	\$0
Transfer various FY 2014 nongeneral fund cash balances	0914	\$1,586,280	\$0
Transfer various FY 2014 nongeneral fund cash balances	0290	\$5,527	\$0
Transfer various FY 2014 nongeneral fund cash balances	0280	\$110,858	\$0
Transfer various FY 2014 nongeneral fund cash balances	0246	\$20,342	\$0
Transfer various FY 2014 nongeneral fund cash balances	0227	\$179,865	\$0
Transfer various FY 2014 nongeneral fund cash balances	0206	\$41,085	\$0
Transfer various FY 2014 nongeneral fund cash balances	0287	\$438	\$0
Transfer FY 2016 balance from the insurance fraud fund	0916	\$0	\$600,000

**Virginia Information Technologies Agency (136)**

Revert nongeneral fund balances	0905	\$139,897	\$0
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**Department of Veterans Services (912)**

Capture surplus nongeneral fund support	0200	\$218,961	\$0
		<b>\$33,195,521</b>	<b>\$2,075,000</b>

2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the above-cited amounts between fund/fund detail amounts, so as to increase or decrease the amounts for a designated fund/fund detail code, provided, however, that such adjustments shall not increase the total transfers amount for an agency in excess of the sums cited above. The Department of Planning and Budget shall notify the State Comptroller of such adjustments.

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance	\$150,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Department of Accounts, for Enterprise Applications	\$90,000,000
Department of Alcoholic Beverage Control	\$60,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Emergency Management	\$150,000

Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Motor Vehicles	\$5,000,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
<del>State Virginia Lottery Department</del>	\$40,000,000
Virginia Information Technologies Agency	\$40,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
<i>Department of Conservation and Recreation</i>	<i>\$4,000,000</i>
<i>Department of Military Affairs</i>	<i>\$5,000,000</i>
<i>Innovation and Entrepreneurship Authority</i>	<i>\$2,500,000</i>

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The ~~Virginia State Lottery Department~~ is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the ~~State Virginia Lottery~~ Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The ~~State Virginia Lottery Department~~ shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the ~~State Virginia Lottery Department~~ if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department Motor Vehicles to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.

g. *The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.*

h. *The Innovation and Entrepreneurship Investment Authority is hereby authorized to use its line of credit to meet cash flow needs at any time during the year in support of operational costs in anticipation of reimbursement of said expenditures from signed contracts and grant awards. The Innovation and Entrepreneurship Investment Authority shall repay the line of credit by June 30 of each fiscal year.*

### § 3-3.00 GENERAL FUND DEPOSITS

#### § 3-3.01 PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

The Virginia Public School Authority shall transfer to the general fund an amount estimated at \$201,000 on or before June 30, 2015 ~~and an amount estimated at \$201,000 on or before June 30, 2016~~, to reimburse the Commonwealth for staff and other administrative services provided to the Authority by the Department of the Treasury.

#### § 3-3.02 PAYMENT BY THE STATE TREASURER

The state Treasurer shall transfer an amount estimated at ~~\$18,000~~ \$2,000 on or before June 30, 2015 and an amount estimated at ~~\$52,000~~ \$2,000 on or before June 30, 2016, to the general fund from excess 9(c) sinking fund balances.

§ 3-3.03 INTEREST EARNINGS

A. Notwithstanding any other provision of law, the State Comptroller shall not allocate interest earnings to the following agencies and funds in *either* the first year *or the second year* of the biennium. The estimated amount of interest earnings that shall remain in the general fund as a result of this provision is ~~\$11,389,754~~ \$9,967,081 the first year and ~~\$11,389,754~~ \$9,898,738 the second year.

Agency	Agency Code	Fund Name	Fund/Fund Detail
Supreme Court	111	Pro Hac Vice Fund	0254
Supreme Court	111	Court Technology Fund	0905
Department of Military Affairs	123	Armory Control Board Fund	0901
Department of Military Affairs	123	Virginia Military Family Relief Fund	0916
Department of Human Resource Management	129	Worker's Compensation Funding Account	0700
Department of Human Resource Management	129	Worker's Compensation Trust Fund	0742
Virginia Information Technologies Agency	136	GIS Fund	0905
Virginia Information Technologies Agency	136	Wireless E-911 Fund	0928
Virginia Information Technologies Agency	136	Virginia Technology Infrastructure Fund	0931
Department of Criminal Justice Services	140	School Resource Officer Incentive Grants Fund	0903
Department of Criminal Justice Services	140	Virginia Domestic Violence Victim Fund	0912
Department of Criminal Justice Services	140	Virginia Crime Victim - Witness Fund	0930
Department of Criminal Justice Services	140	Intensified Drug Enforcement Jurisdictions Fund	0935
Department of Criminal Justice Services	140	Regional Criminal Justice Academy Training Fund	0940
Department of Criminal Justice Services	140	Court Fees Suspense Fund	0975
Attorney General and Department of Law	141	Youth Internet Safety Fund	0237
Attorney General and Department of Law	141	Regulatory And Consumer Advocacy Revolving Trust	0239
Virginia Commission for the Arts	148	Virginia Arts Foundation Fund	0910
<del>Administration of Health Insurance</del>	<del>149</del>	<del>Health Insurance Fund - Local</del>	<del>0520</del>
<del>Administration of Health Insurance</del>	<del>149</del>	<del>Health Insurance Fund - State</del>	<del>0620</del>
<del>Administration of Health Insurance</del>	<del>149</del>	<del>Health Insurance Fund - State Restricted</del>	<del>0621</del>
Administration of Health Insurance	149	Pre-Medicare Eligible Retiree Health Benefits Trust Fund	0720
Department of Accounts	151	Commonwealth Health Research Fund	0936
Department of Treasury	152	Property Insurance Trust Fund	0740
Department of Treasury	152	Miscellaneous Insurance Trust Fund	0741
Department of Treasury	152	Liability Trust Fund	0743
Department of Treasury	152	Automobile Trust Fund	0744
Department of Treasury	152	Local Entities Bond Program	0745
Department of Treasury	152	Public Officials Insurance	0746
Department of Treasury	152	Law Enforcement Insurance	0747
Department of Treasury	152	George Washington Regional Commission	0748
Department of Treasury	152	Commuter Rail Trust Fund ( <i>First year only</i> )	0749
Department of Treasury	152	Workforce Training Access Fund	0901

Department of Motor Vehicles	154	State Asset Forfeiture Fund	0430
Department of State Police	156	State Asset Forfeiture Fund	0233
		Drug Investigation Trust Account -	
Department of State Police	156	Federal	0236
Department of State Police	156	Insurance Fraud	0250
		Drug Investigation Trust	
Department of State Police	156	Account-State	0253
Department of State Police	156	State Asset Forfeiture Suspense Fund	0733
Department of State Police	156	Wireless E-911 Fund	0928
Compensation Board	157	Wireless E-911 Fund	0928
		Communications Sales And Use Tax	
Department of Taxation	161	Trust Fund	
			0926
		Governor's Motion Picture	
Department of Taxation	161	Opportunity Fund	0902
Department of Accounts Transfer			
Payments	162	Edvantage Reserve Fund	0708
Department of Accounts Transfer		Line Of Duty Death And Health	
Payments	162	Benefits Trust Fund	0742
Department of Housing and Community			
Development	165	Derelict Structure Fund	0916
Department of Housing and Community		Virginia Manufactured Housing	
Development	165	Transaction Recovery Fund	0925
Department of Housing and Community		Virginia Water Quality Improvement	
Development	165	Fund	0934
State Corporation Commission	171	Fire Programs Fund	0218
		Underground Utility Damage	
State Corporation Commission	171	Prevention Fund	0902
		Virginia State Police-Insurance Fraud	
State Corporation Commission	171	Fund	0905
Virginia College Savings Plan	174	Special Revenue	0500
		Workforce Development Training	
Virginia Employment Commission	182	Fund	0910
Secretary of Finance	190	Workforce Training Access Fund	0901
		Governor's Motion Picture	
Secretary of Commerce and Trade	192	Opportunity Fund	0902
		<del>Governor's Commonwealth's</del>	
Secretary of Commerce & Trade	192	Development Opportunity Fund	0910
Department of General Services	194	Main Street Station Property	0922
Department of Education - Direct Aid to			
Public Education	197	School Nurse Incentive Grants Fund	0905
Department of Education - Direct Aid to		Va Public School Educational	
Public Education	197	Technology Trust Fund	0928
Department of Education - Direct Aid to		Va Public School Construction Grants	
Public Education	197	Fund	0930
Department of Education - Direct Aid to		Public Ed SOQ/Local Re Property Tax	
Public Education	197	Relief Fund	0931
Department of Conservation and			
Recreation	199	Natural Area Preservation Fund	0215
Department of Conservation and			
Recreation	199	Chesapeake Bay Restoration Fund	0252
Department of Conservation and		Flood Prevention And Protection	
Recreation	199	Assistance Fund	0910
Department of Conservation and		Va Land Conservation Fund -	
Recreation	199	Restricted	0917
Department of Conservation and		Virginia Land Conservation Fund -	
Recreation	199	Unrestricted	0918
Department of Conservation and		Soil/Water Conservation District Dam	
Recreation	199	Maintenance Fund	0925
Department of Conservation and		Virginia Water Quality Improvement	
Recreation	199	Fund	0934

Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund Reserve	0935
Department of Conservation and Recreation	199	Virginia Natural Resources Commitment Fund	0936
Department of Conservation and Recreation	199	VOF - Open-Space Lands Preservation Trust Fund	0958
Department of Education - Central Office Operations	201	Virginia Teaching Scholarship Loan Fund	0908
Department of Education - Central Office Operations	201	Families In Education Incentive Grants Fund	0912
Department of Education - Central Office Operations	201	Community-Based Intervention-Susp/Expelled Student	0915
Department of Education - Central Office Operations	201	Artists In The Classroom Grants Fund	0916
Department of Education - Central Office Operations	201	School-To-Work Transition Grants Fund	0932
Department of Education - Central Office Operations	201	National Teacher Certification Incentive Reward Pg	0940
Department of Professional and Occupational Regulation	222	Common Interest Community Management Information Fund	0259
Board of Accountancy	226	Board Of Accountancy Trust Fund	0202
Board of Accountancy	226	Dedicated Special Revenue	0900
State Board of Bar Examiners	233	Special Revenue	0200
State Council of Higher Education for Virginia	245	VA Undergrad/Vocational Incentive Scholarship Fund	0905
State Council of Higher Education for Virginia	245	Brown V Board Of Education Scholarship Pgm Fund	0912
Department of Rehabilitative Services	262	Statewide Independent Living Fund	0903
Department of Rehabilitative Services	262	Commonwealth Neurotrauma Initiative Trust Fund	0915
Department of Agriculture and Consumer Services	301	Contested Pesticide Penalties Tobacco Loss Assistance Program Fund	0708
Department of Agriculture and Consumer Services	301	Virginia Farm Loan Revolving Account	0716
Department of Agriculture and Consumer Services	301	Certification Of Agricultural Products Trust Fund	0729
Virginia Agricultural Council	307	Dedicated Special Revenue	0900
Department of Small Business and Supplier Diversity	350	Capital Access Fund For Disadvantaged Businesses	0901
Department of Small Business and Supplier Diversity	350	Small Business Environmental Compliance Assistance Fund	0930
Department of Small Business and Supplier Diversity	350	Virginia Small Business Growth Fund	0957
Marine Resources Commission	402	Forfeited Asset Sharing Program Fund	0265
Marine Resources Commission	402	Marine Habitat And Waterways Improvement Fund	0916
Department of Game and Inland Fisheries	403	Boating Safety And Regulation	0902
Department of Game and Inland Fisheries	403	Non Game Cash Fund	0904
Department of Game and Inland Fisheries	403	Feed The Hungry Fund	0913
Department of Game and Inland Fisheries	403	Virginia Fish Passage Grant And Revolving Loan Fund	0922
Virginia Racing Commission	405	Special Revenue	0200
Virginia Racing Commission	405	Virginia Breeders Fund	0220
Department of Mines, Minerals and Energy	409	Exxon Oil Overcharge Fund	0738
Department of Mines, Minerals and Energy	409	Moto Pool Surety Bonds	0751
Department of Mines, Minerals and Energy	409	Coal Surface Mining Cont'l & Reclamation Act Cvl	0754

Department of Mines, Minerals and Energy	409	Gas And Oil Plugging And Restoration Fund	0755
Department of Mines, Minerals and Energy	409	Orphaned Well Fund	0952
Department of Forestry	411	Forfeited Asset Sharing Program Fund	0265
Department of Forestry	411	State Forests System Fund	0901
Department of Forestry	411	Virginia's Natural Resources Trust Fund	0909
Department of Forestry	411	Virginia Forest Water Quality Fund	0926
Department of Historic Resources	423	Historic Resources Fund	0910
Department of Environmental Quality	440	Operating Permits Program	0510
Department of Environmental Quality	440	Underground Petroleum Storage Tank Fund	0748
Department of Environmental Quality	440	Dupont Shenandoah River Mercury Monitoring	0755
Department of Environmental Quality	440	Virginia Stormwater Management Fund	0902
Department of Environmental Quality	440	Waste Tire Trust Fund	0906
Department of Environmental Quality	440	Virginia Environmental Emergency Response Fund	0907
Department of Environmental Quality	440	Air Pollution Permit Program	0909
Department of Environmental Quality	440	Virginia Waste Management Board Permit Program Fund	0911
Department of Environmental Quality	440	State Water Control Board Permit Program Fund	0914
Department of Environmental Quality	440	Marine Habitat And Waterways Improvement Fund	0916
Department of Environmental Quality	440	Vehicle Emissions Inspection Program Fund	0919
Department of Environmental Quality	440	VA Motor Vehicle Emission Reduction Program Fund	0924
Department of Environmental Quality	440	Litter Control And Recycling Fund	0925
Department of Environmental Quality	440	Small Business Environmental Compliance Assistance Fund	0930
Department of Environmental Quality	440	Virginia Water Quality Improvement Fund	0934
Department of Environmental Quality	440	Virginia Water Quality Improvement Fund Reserve	0935
Motor Vehicle Dealer Board	506	Motor Vehicle Dealer Board Fund	0212
Department of Health	601	Waterworks Technical Assistance Fund	0248
Department of Health	601	Virginia Pregnant Women Support Fund	0276
Department of Health	601	Donations - Local Health Departments	0901
Department of Health	601	Trauma Center Fund	0902
Department of Health	601	Virginia Transplant Council Education Fund	0905
Department of Health	601	Virginia Rescue Squads Assistance Fund	0910
Department of Health	601	Water Supply Assistance Grant Fund	0922
Department of Health	601	Radioactive Materials Facility Licensure/Inspec Fd	0931
Department of Health	601	Medical And Physicans Assistant Scholarship And Loan Repayment Fund	0932
Department of Health	601	Nursing Scholarship And Loan Repayment Fund	0934
Department of Health	601	Nurse Practitioner Scholarship And Loan Repayment Fund	0936
Department of Health	601	Dental Scholarship & Loan Repayment Fd	0938

Department of Medical Assistance Services	602	Uninsured Medical Catastrophe Fund	0910
Department of Behavioral Health and Developmental Services	720	Mental Health/Retard Substance Abuse Srvs Trust Fd	0908
Department of Social Services	765	Putative Father Registry Fund	0914
Department of Social Services	765	Home Energy Assistance Fund	0925
Department of Corrections	767	Drug Offender Access Fund	0953
Department of Corrections	795	Corrections Special Reserve Fund	0230
Department of Corrections	799	Ded Impact Funds	0230
Department of Corrections	799	Drug Offender Access Fund	0953
		Tobacco Indemnification/Community Revitalization	0942
Tobacco Indemnification & Revitalization	851		
Virginia Tobacco Settlement Fund	852	Virginia Tobacco Settlement Fund	0943
Virginia Commission on Energy and Environment	868	Virginia Commission On Energy & Environment Fund	0223
Dept of Veterans Services	912	Veterans Services Fund	0941
Sitter-Barfoot Veterans Care Center	922	Veterans Services Fund	0941
		Advanced Communications Assistance Fund	0265
Innovative Technology Authority	934		
Department of Fire Programs	960	Fire Programs Fund	0218
DPB - Central Appropriations - Admin	995	Texaco Oil Overcharge Fund	0734
DPB - Central Appropriations - Admin	995	Stripper Well Oil Overcharge Fund	0739
		Diamond Shamrock Oil Overcharge Fund	0740
DPB - Central Appropriations - Admin	995		
		Commonwealth Technology Research Fund	0951
Central Appropriations	995		
Department of Accounts-Statewide Activity	997	Drug Offender Access Fund	0953
Department of Alcoholic Beverage Control	999	Enterprise	0500
Department of Alcoholic Beverage Control	999	State Asset Forfeiture Fund	0533

B. If actual general fund transfers in any year exceed the amount shown for "transfers" in the resources available for appropriation from the general fund in the first enactment of this act, the interest earnings retained by the general fund as a result of this provision shall be capped at \$11,389,754 the first year and \$11,389,754 the second year. Any interest earnings above this amount will be distributed proportionately back to the nongeneral funds shown in this item.

C. Notwithstanding any other provision of law, on or before June 30 of each year, the State Comptroller shall transfer \$1,243,189 the first year and \$1,243,819 the second year to the general fund, from the College of William and Mary, the University of Virginia, the University of Virginia's College at Wise, Virginia Commonwealth University, Virginia Tech and Virginia Tech Extension for the estimated payments of interest earned on tuition and fees from Educational and General Revenues deposited in the state treasury.

### **§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION**

#### **§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS**

A. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public accounts. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

### **§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS**

#### **§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT**

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

#### **§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND**

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

#### § 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are ~~\$350,570,294~~ \$350,300,000 the first year and ~~\$362,970,294~~ \$362,900,000 the second year.

#### § 3-5.04 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

A. The \$125,000 limit on donations for which tax credits may be issued for taxable year 2014 pursuant to § 58.1-439.24 of the Code of Virginia shall not apply if, after an equitable allocation of tax credits for Fiscal Year 2015 under the Neighborhood Assistance Act Tax Credit Program, the total amount of tax credits allocated for all programs approved under the Act was less than \$16 million.

The \$125,000 limit on donations for which tax credits may be issued for taxable year 2015 pursuant to § 58.1-439.24 of the Code of Virginia shall not apply if, after an equitable allocation of tax credits for Fiscal Year 2016 under the Neighborhood Assistance Act Tax Credit Program, the total amount of tax credits allocated for all programs approved under the Act was less than \$17 million. However, in no event shall (i) more than \$16 million in tax credits be issued for Fiscal Year 2015 and (ii) more than \$17 million in tax credits be issued for Fiscal Year 2016 under the Act.

B. Notwithstanding § 58.1-439.20 or any other provision of law, for Fiscal Year 2015, the amount of the Neighborhood Assistance Act Tax Credit available under § 58.1-439.18 et seq., Code of Virginia, shall be limited to \$16 million allocated as follows: \$8.5 million for education proposals for approval by the Superintendent of Public Instruction and \$7.5 million for all other proposals for approval by the Commissioner of the State Department of Social Services. For Fiscal Year 2016, the amount of the Neighborhood Assistance Act Tax Credit available under § 58.1-439.18 et seq., Code of Virginia, shall be limited to \$17 million allocated as follows: \$9 million for education proposals for approval by the Superintendent of Public Instruction and \$8 million for all other proposals for approval by the Commissioner of the State Department of Social Services.

C. For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any individual included in the definition of a "business firm" as such term is defined in § 58.1-439.18.

#### § 3-5.05 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

#### § 3-5.06 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283. In making the calculations of excess fees required by this paragraph the Compensation Board shall exclude, in the first year, courts in the thirty-first judicial circuit, but pay them in accordance with § 17.1-285 in the first year.

#### § 3-5.07 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, ~~and 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3~~ of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, ~~and 58.1-638.1, 58.1-638.2 and 58.1-638.3~~ of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month. If the Governor determines on July 31 of each year, that funds are available to transfer such collections in accordance with §§ 58.1-638(B)-(F) and 58.1-638.1, Code of Virginia, he shall direct the State Comptroller to make such allocation. The ~~Governor~~ *Secretary of Finance* will report ~~his~~ *the Governor's* determination to the Chairman of the House Appropriations and Senate Finance Committees on August 15 of each year.

~~G. Beginning with the tax payment that would be remitted on or before June 25, 2015, if the payment is made by other than electronic fund transfers, the provisions of § 3.5-08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$26,000,000 \$2,500,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.~~

~~2. Beginning with the tax payment that would be remitted on or before June 25, 2016, if the payment is made by other than electronic transfer, and by June 30, 2016, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$48,500,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.~~

~~3. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2013 and the payment amount should continue to be reduced until fully eliminated not later than June 2021.~~

#### § 3-5.08 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

#### § 3-5.09 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

#### § 3-5.10 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited and apply only to the portion of such income received by the related member, which portion is attributed to a state or foreign government in which the related member has sufficient nexus to be subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply only to the portion of such income derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that the related member has actually entered into with unrelated entities.

#### § 3-5.11 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.12 Omitted.

§ 3-5.13 Omitted.

§ 3-5.14 Omitted.

§ 3-5.15 Omitted.

§ 3-5.16 Omitted.

§ 3-5.17 Omitted.

§ 3-5.18 Omitted.

§ 3-5.19 Omitted.

#### § 3-5.20 ADMISSIONS TAX

*Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at last 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon which the tax authorized is imposed.*

### § 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

#### § 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1 - 2128.1, Code of Virginia.

#### § 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

#### § 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

#### § 3-6.04 QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

Notwithstanding any other provision of law, for taxable years beginning on or after January 1, 2006, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000 for calendar years 2006 and thereafter, except that for taxable years beginning on or after January 1, 2010, and before December 31, 2010, the credit shall be capped at \$5,000,000. For taxable years beginning on and after January 1, 2011, and before December 31, 2011, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000. For taxable years beginning on and after January 1, 2012, and before December 31, 2012, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$4,000,000. For taxable years beginning on or after January 1, 2013, and before December 31, 2013 the amount of the Qualified Equity and Subordinated Debt Investment Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$4,500,000. For taxable years beginning on or after January 1, 2014, and before December 31, 2014 the amount of the Qualified Equity and Subordinated Debt Investment Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$5,000,000.

§ 3-6.05 DEPOSIT OF FINES AND FEES

A.1. The Auditor of Public Accounts shall annually during fiscal year 2015 calculate the amount of total fines and fees collected by the District Courts. The Auditor of Public Accounts will determine those localities in which total local fines and fee collections exceed 50 percent of the total collections. Using the Auditor of Public Accounts' calculation for fiscal year 2011, the State Comptroller shall deduct half of the amount in excess of 50 percent from any current payment of local fines and fees before remitting to the localities their remaining collections. When the State Comptroller has recovered in total, the half of the amount exceeding 50 percent, he shall pay all local collections monthly directly to the locality's treasury. The State Comptroller shall promptly and without delay transmit any and all non-withheld local fees and fines to the locality's treasury not later than sixty (60) days after these fines and fees were deposited and recorded in the state treasury by the District Courts. Furthermore, the State Comptroller and the Executive Secretary of the Supreme Court shall work with the District Courts and the localities to develop a process to provide the localities a complete accounting of when these fees were collected. The State Comptroller shall deposit the withheld funds in the Literary Fund, as they become available.

2. *By May 1, 2015 the Auditor of Public Accounts shall calculate the fines reversion amount defined as equal to one-quarter of (i) the total of the local fines and forfeitures collected by the District Courts in the immediately preceding fiscal year less (ii) 65 percent of the total fines and forfeitures collected by the District Courts for such prior fiscal year for each locality.*

3. *It is the intent of the General Assembly to increase the reversion amount from one-quarter of the excess fees calculation in the fiscal year ending June 30, 2016, to one-third of the excess for the calculation in the fiscal year ending June 30, 2017, and to one-half of the excess for the calculation in the fiscal year ending June 30, 2018.*

B. The Auditor of Public Accounts shall provide the State Comptroller the annual calculation by May 1 ~~of each year~~ in the first year for future withholdings. The State Comptroller will act as a fiscal agent, holding the amounts of local fine and fee collections in an agency fund.

C. *Effective July 1, 2015, the Auditor of Public Accounts shall provide written notice to each locality year the amount of its fines reversion as defined in A. above and shall provide a copy of the notice to the State Comptroller.*

D. *Effective July 1, 2015, each locality receiving notice that it has a fines reversion as defined in A. above shall submit a payment to the State Comptroller for the entire amount of the reversion by August 1 for deposit into the Literary Fund.*

§ 3-6.06 Omitted.

**PART 4: GENERAL PROVISIONS****§ 4-0.00 OPERATING POLICIES****§ 4-0.01 OPERATING POLICIES**

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

**§ 4-1.00 APPROPRIATIONS****§ 4-1.01 PREREQUISITES FOR PAYMENT**

- a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.
- b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.
- c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

**§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY**

- a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.
  - b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.
  - 2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.
- c. Increased Nongeneral Fund Revenue:
  - 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or

intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

#### § 4-1.03 APPROPRIATION TRANSFERS

##### GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

- 1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;
- 2) distribution of pass-through grants or other funds held by an agency as fiscal agent;
- 3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;
- 4) proper accounting between fund sources 0100 and 0300 in higher education institutions;
- 5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;
- 6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or
- 7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

- a) address a threat to life, safety, health or property, or
- b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or
- c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or
- e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or
- f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

#### § 4-1.04 APPROPRIATION INCREASES

##### a. UNAPPROPRIATED NONGENERAL FUNDS:

##### 1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

##### 2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

##### 3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 2.2-5005, Code of Virginia.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

**§ 4-2.00 REVENUES**

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War

Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

#### b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond five percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

#### c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

#### § 4-2.02 GENERAL FUND REVENUE

##### a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:
  - a) Marine Resources Commission, from all sources, except:
    - 1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.
    - 2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.
    - 3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.
    - 4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.
    - 5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.
  - b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.
    - 2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.
  - c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.
  - d) Secretary of the Commonwealth, from all sources.
  - e) The Departments of Corrections, Juvenile Justice, and Correctional Education, as required by law, including revenues from sales of dairy and other farm products.
  - f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.
  - g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.
  - h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.
  - i) Attorney General, from recoveries of attorneys' fees and costs of litigation.
  - j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.
  - k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.
  - l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections, Juvenile Justice and Correctional Education for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Department of Correctional Education for work performed shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.
  - m) the Department of State Police, from the fees generated by the Firearms Transaction Program Fund, the Concealed Weapons Program, and the Conservator of the Peace Program pursuant to §§ 18.2-308, 18.2-308.2:2 and 19.2-13, Code of Virginia
2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds - Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

n) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

**I VETO THIS ITEM WHICH CONTINUES ON PAGE 2091. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

d. SETTLEMENTS NEGOTIATED BY THE OFFICE OF THE ATTORNEY GENERAL:

1. There is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; the Chairman of the House Committee on Appropriations and one Delegate appointed by him, or their designees; the Chairman of the Senate Committee on Finance and one Senator appointed by him, or their designees; and two individuals appointed by the Governor. Whenever the Attorney General reasonably expects that there will be money or any real, tangible, or intangible property ("money or property"), or both, other than criminal fines (which would go to the Literary Fund) or attorney's fees (i) due or available to the Commonwealth as a result of any civil or criminal dispute or (ii) available to the Commonwealth or to any state or local governmental entity in the Commonwealth from any federal entity pursuant to an asset forfeiture equitable sharing agreement or other legal action, including a compromise, settlement, or agreement in a multistate action in which the Attorney General has participated on behalf of the Commonwealth or an agency of the Commonwealth, he shall forthwith notify all members of the Committee of the pertinent facts, and may convene a meeting of the Committee, but shall convene a meeting of the Committee at the request of any member.

2. For a compromise, settlement, or agreement under subdivision 1(i) above, the Attorney General shall prepare and recommend to the Committee a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both, to be received by the Commonwealth as a result of any such compromise, settlement, or agreement. The Committee may propose the same or a modified Plan to the General Assembly for the distribution or use, or both, of such money or property, or both.

3. For a compromise, settlement, or agreement under subdivision 1(ii) above, if the distribution or use, or both, of any money or property, or both, to be received by the Commonwealth is determined by a court order, federal law, or by a federal entity pursuant to federal law (such as a federal asset forfeiture sharing agreement), the Attorney General shall prepare and provide to the Committee a proposed Plan for the distribution and use of any such money or property, or both, that is consistent with such court order, federal law, or regulations or policies of such federal agency. If the permissible purpose(s) for the distribution or use, or both, of such money or property, or both, is described in general terms (for example, it must be used for "law enforcement purposes" or for "consumer education"), the Committee may propose a modified Plan with a more particular distribution or use, or both, that falls within such general permissible purpose(s). If a federal entity must approve the final Plan for such distribution or use, or both, and does not approve the Plan submitted to it by the Attorney General, he shall so inform the Committee, and the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall so inform the Committee, and the Committee shall recommend to the General Assembly distribution or use, or both, of such money or property, or both, that is consistent with the Plan approved by the federal entity.

4. The Attorney General shall not enter into any compromise, settlement, or agreement for the distribution of money or property, or both, to be received by the Commonwealth under subdivision 1(i) or 1(ii) unless the compromise, settlement, or agreement provides that such money or property, or both, is to be deposited into the state treasury. No such distribution shall occur without a specific appropriation by the General Assembly that is consistent with the permissible purpose(s) set forth in the court order or federal law or by the federal entity. If a federal entity must approve the final Plan for such distribution or use, or both, and the General Assembly's appropriation in an appropriation act differs from the Plan approved by the federal entity, the appropriation shall be submitted to the federal entity for approval. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller in order to ensure proper accounting on the books of the Commonwealth.

**ITEM VETO CONTINUED FROM PAGE 2090. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

5. The provisions of subdivisions 1) through 4) shall not apply to any negotiation, compromise, settlement, or agreement involving money or property, or both (a) where the distribution and use of such money or property, or both, is governed specifically by this act or by the constitution or other law of the Commonwealth, (b) in which the total value of such moneys or property does not exceed \$250,000, or (c) in which the entire amount of the settlement is for services provided, or for property sold or provided, under a contract with a governmental entity. "Governmental entity" shall include, without limitation, public institutions of higher education. The General Assembly hereby appropriates a sum sufficient amount for any settlement or agreement authorized solely by virtue of this subdivision 5. The provisions of this § 4-2.02.d. shall not apply to state teaching hospitals.

## § 4-2.03 INDIRECT COSTS

## a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

## b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

## c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

## d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

## e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

**§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS**

## § 4-3.01 DEFICITS

## a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

#### § 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS: Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) **REPORTING:** All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

#### § 4-3.03 CAPITAL LEASES

##### a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the annual Debt Capacity Advisory Committee reports.

##### b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. **REPORTS:** Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements.

d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into capital leases for executive branch agencies provided that the resulting capital lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

#### § 4-4.00 CAPITAL PROJECTS

#### § 4-4.01 GENERAL

##### a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.1-93, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. It is the intent of the General Assembly that the Department of Conservation and Recreation shall be authorized to initiate and accept by gift or purchase with nongeneral fund dollars any lands for State Park or Natural Area purposes which may become available, and that are not specifically appropriated by the General Assembly, when such acquisitions are made in accordance with the provisions of this section and other applicable provisions of state law including approval by the Governor.

g. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and

2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.

3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

h. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

i. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor or his designee.

2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.

3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

j. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

k. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

1.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

m. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

- 2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully funded by revenues of auxiliary enterprises or sponsored programs.
  - 3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.
  - 4) The project consists of plant or property which has become available or has been received as a gift.
  - 5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.
- b) The foregoing conditions are subject to the following criteria:
- 1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.
  - 2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.
  - 3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.
  - 4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.
  - 5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.
2. Authorization by Director, Department of Planning and Budget:
- a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.
3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:
- a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.
  - b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.
  - c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.
- n. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:
1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.
  2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.
  3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.
  4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$2,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$2,000,000 maximum.

2. All institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$2,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$2,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

o. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

p. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

q. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

r. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

s.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

t.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

u. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the project has been reviewed by the Department of Planning and Budget; and

e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

v. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

w. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

x. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

y. Any new construction project developed by or for the Chippokes Plantation Farm Foundation, with an estimated cost of \$750,000 or less, shall be exempt from the capital outlay review and approval process.

z. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

~~aa. Any bridge structure constructed and operated in accordance with the provisions of Chapter 581, 2009 Acts of Assembly, shall not be deemed to be within any locality to which it is attached pursuant to § 15.2-3105, Code of Virginia. This is declarative of existing law.~~

#### § 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

### § 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

#### § 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate, *industry-based certification and related programs that do not qualify for other sources of student financial assistance* or diploma program; grants to full-time graduate students; graduate assistantships; grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree in a timely manner.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to

the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil scientist scholarships authorized under § 23-38.3, Code of Virginia and (2) *need-based financial aid programs for industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to guidelines developed by the State Council of Higher Education for Virginia.*

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

#### 2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

#### 3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

#### C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

#### § 4-5.02 THIRD PARTY TRANSACTIONS

##### a. EMPLOYMENT OF ATTORNEYS:

1.a. All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b. For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the

Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

#### § 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1. No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

2. ~~State agencies shall submit any proposed modifications in rates to be charged by internal service funds, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that impact on agency expenditures to the Department of Planning and Budget for review prior to approval by the Joint Legislative Audit and Review Commission. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions and report its findings to the Commission prior to the approval of the rate request. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.~~

3. ~~Notwithstanding any other provision of law, the Joint Legislative Audit and Review Commission, in coordination with the Department of Planning and Budget, shall establish policies and procedures for annually reviewing internal service fund revenues, expenditures, and approval of rates. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.~~

4. ~~State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.~~

5. ~~State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.~~

6. ~~As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.~~

7. *The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the emergency and the impact on state agencies.*

8. *Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.*

9. *State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.*

**b. NEW SERVICES:**

1. No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

**c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:**

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

**d. PERFORMANCE MEASUREMENT**

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

#### § 4-5.04 GOODS AND SERVICES

##### a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

##### b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the *State Virginia* Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the *State Virginia* Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2427, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. **SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT:** The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. **PURCHASES OF APPLIANCES AND EQUIPMENT:** State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. **ELECTRONIC PAYMENTS:** Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. **LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES:** It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. **MEDICAL SERVICES:** No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except as otherwise required by federal law or state statute.

k. **TELECOMMUNICATION SERVICES AND DEVICES:**

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

1. ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

#### § 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

#### § 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

#### § 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23-38.88, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

#### § 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

#### § 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or 44-146.28, Code of Virginia, or
2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.
3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the ~~Governor's~~ Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

<b>July 1, 2014</b>	<b>June 25, 2015</b>	<b>November 25, 2015</b>
<b>to</b>	<b>to</b>	<b>to</b>
<b>June 24, 2015</b>	<b>November 24, 2015</b>	<b>June 30, 2016</b>

Chief of Staff	\$164,448	\$164,448	\$164,448
Secretary of Administration	\$156,629	\$156,629	\$156,629
Secretary of Agriculture and Forestry	\$156,174	\$156,174	\$156,174
Secretary of Commerce and Trade	\$163,642	\$163,642	\$163,642
Secretary of the Commonwealth	\$155,849	\$155,849	\$155,849
Secretary of Education	\$156,824	\$156,824	\$156,824
Secretary of Finance	\$165,592	\$165,592	\$165,592
Secretary of Health and Human Resources	\$155,849	\$155,849	\$155,849
Secretary of Natural Resources	\$155,849	\$155,849	\$155,849
Secretary of Public Safety <i>and Homeland Security</i>	\$165,527	\$165,527	\$165,527
Secretary of Technology	\$155,849	\$155,849	\$155,849
Secretary of Transportation	\$163,642	\$163,642	\$163,642
Secretary of Veterans <i>and Defense Affairs and Homeland Security</i>	\$160,433	\$160,433	\$160,433

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Level I Range</b>	<b>\$146,318 - \$204,044</b>	<b>\$146,318 - \$204,044</b>	<b>\$146,318 - \$204,044</b>
<b>Midpoint</b>	<b>\$175,181</b>	<b>\$175,181</b>	<b>\$175,181</b>
Chief Information Officer, Virginia Information Technologies Agency	\$160,650	\$160,650	\$160,650
Commissioner, Department of Motor Vehicles	\$156,706	\$156,706	\$156,706
Commissioner, Department of Social Services	\$147,000	\$147,000	\$147,000
Commissioner, Department of Behavioral Health and Developmental Services	\$196,090	\$196,090	\$196,090
Commonwealth Transportation Commissioner	\$204,044	\$204,044	\$204,044
Director, Department of Corrections	\$153,000	\$153,000	\$153,000
Director, Department of Environmental Quality	\$162,834	\$162,834	\$162,834
Director, Department of Medical Assistance Services	\$170,932	\$170,932	\$170,932
Director, Department of Planning and Budget	\$162,470	\$162,470	\$162,470

State Health Commissioner	\$185,130	\$185,130	\$185,130
State Tax Commissioner	\$148,144	<del>\$148,144</del> \$155,000	<del>\$148,144</del> \$155,000
Superintendent of Public Instruction	\$180,796	\$180,796	\$180,796
Superintendent of State Police	\$158,088	\$158,088	\$158,088
	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Level II Range</b>	<b>\$103,153 - \$162,344</b>	<b>\$103,153 - \$162,344</b>	<b>\$103,153 - \$162,344</b>
<b>Midpoint</b>	<b>\$132,749</b>	<b>\$132,749</b>	<b>\$132,749</b>
Alcoholic Beverage Control Commissioner	\$124,440	\$124,440	\$124,440
Alcoholic Beverage Control Commissioner	\$124,440	\$124,440	\$124,440
Chairman, Alcoholic Beverage Control Board	\$133,598	\$133,598	\$133,598
Commissioner, Department for Aging and Rehabilitative Services	\$147,558	\$147,558	\$147,558
Commissioner, Department of Agriculture and Consumer Services	\$122,400	\$122,400	\$122,400
Commissioner, Department of Veterans Services	\$122,400	\$122,400	\$122,400
Commissioner, Virginia Employment Commission	\$130,662	\$130,662	\$130,662
Executive Director, Department of Game and Inland Fisheries	\$135,547	\$135,547	\$135,547
Commissioner, Marine Resources Commission	\$119,653	\$119,653	\$119,653
Director, Department of Forensic Science	\$158,221	\$158,221	\$158,221
Director, Department of General Services	\$152,104	\$152,104	\$152,104

Director, Department of Human Resource Management	\$141,689	\$141,689	\$141,689
Director, Department of Juvenile Justice	\$123,165	\$123,165	\$123,165
Director, Department of Mines, Minerals and Energy	\$129,336	\$129,336	\$129,336
Director, Department of Rail and Public Transportation	\$134,775	\$134,775	\$134,775
Director, Department of Small Business and Supplier Diversity	\$103,153	\$103,153	\$103,153
Executive Director, DMV Dealer Board	\$119,509	\$119,509	\$119,509
Executive Director, Virginia Port Authority	\$137,186	\$137,186	\$137,186
State Comptroller	\$162,344	\$162,344	\$162,344
State Treasurer	\$162,214	\$162,214	\$162,214
	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Level III Range</b>	<b>\$104,173- \$144,276</b>	<b>\$104,173- \$144,276</b>	<b>\$104,173- \$144,276</b>
<b>Midpoint</b>	<b>\$124,225</b>	<b>\$124,225</b>	<b>\$124,225</b>
Adjutant General	\$135,548	\$135,548	\$135,548
Chairman, Virginia Parole Board	\$124,985	\$124,985	\$124,985
Commissioner, Department of Labor and Industry	\$113,040	\$113,040	\$113,040
Coordinator, Department of Emergency Management	\$124,741	\$124,741	\$124,741
Director, Department of Aviation	\$131,016	\$131,016	\$131,016
Director, Department of Conservation and Recreation	\$130,560	\$130,560	\$130,560
Director, Department of Criminal Justice Services	\$115,668	\$115,668	\$115,668

Director, Department of Health Professions	\$128,650	\$128,650	\$128,650
Director, Department of Historic Resources	\$108,463	\$108,463	\$108,463
Director, Department of Housing and Community Development	\$128,772	\$128,772	\$128,772
Director, Department of Professional and Occupational Regulation	\$114,240	\$114,240	\$114,240
Director, The Science Museum of Virginia	\$131,667	\$131,667	\$131,667
Director, Virginia Museum of Fine Arts	\$136,791	\$136,791	\$136,791
Director, Virginia Museum of Natural History	\$112,455	\$112,455	\$112,455
Executive Director, Jamestown-Yorktown Foundation	\$132,254	\$132,254	\$132,254
Executive Secretary, Virginia Racing Commission	\$110,641	\$110,641	\$110,641
Librarian of Virginia	\$144,276	\$144,276	\$144,276
State Forester, Department of Forestry	\$104,173	\$104,173	\$104,173
	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Level IV Range</b>	<b>\$101,933 - \$113,009</b>	<b>\$101,933 - \$113,009</b>	<b>\$101,933 - \$113,009</b>
<b>Midpoint</b>	<b>\$107,471</b>	<b>\$107,471</b>	<b>\$107,471</b>
Administrator, Commonwealth's Attorneys' Services Council	\$101,933	\$101,933	\$101,933
Commissioner, Virginia Department for the Blind and Vision Impaired	\$112,245	\$112,245	\$112,245
Executive Director, Board of Accountancy	\$113,009	\$113,009	\$113,009
Executive Director, Frontier Culture Museum of Virginia	\$108,977	\$108,977	\$108,977

Commissioner, Department of Elections	\$106,080	\$106,080	\$106,080
	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Level V Range</b>	<b>\$22,383 - \$92,045</b>	<b>\$22,383 - \$92,045</b>	<b>\$22,383 - \$92,045</b>
<b>Midpoint</b>	<b>\$57,214</b>	<b>\$57,214</b>	<b>\$57,214</b>
Director, Gunston Hall	\$86,176	\$86,176	\$86,176
Director, Virginia Department for the Deaf and Hard-of-Hearing	\$92,045	\$92,045	\$92,045
Executive Director, Department of Fire Programs	\$89,887	\$89,887	\$89,887
Executive Director, Virginia Commission for the Arts	\$88,724	\$88,724	\$88,724
Chairman of Board Chairman, Compensation Board	\$22,383	\$22,383	\$22,383

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>Independent Range</b>	<b>\$147,198 - \$175,709</b>	<b>\$147,198 - \$175,709</b>	<b>\$147,198 - \$175,709</b>
<b>Midpoint</b>	<b>\$161,453</b>	<b>\$161,453</b>	<b>\$161,453</b>
Director, <del>State</del> Virginia Lottery <del>Department</del>	\$147,198	\$147,198	\$147,198
Director, Virginia Retirement System	\$175,709	\$175,709	\$175,709
Chief Executive Officer, Virginia College Savings Plan	\$174,084	\$174,084	\$174,084

8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	<b>July 1, 2014 to June 24, 2015</b>	<b>June 25, 2015 to November 24, 2015</b>	<b>November 25, 2015 to June 30, 2016</b>
<b>NEW COLLEGE INSTITUTE</b>			
Executive Director, New College Institute	\$173,759	\$173,759	\$173,759
<b>STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA</b>			
Director, State Council of Higher Education for Virginia	\$187,960	\$187,960	\$187,960
<b>SOUTHERN VIRGINIA HIGHER EDUCATION CENTER</b>			
Director, Southern Virginia Higher Education Center	\$127,424	\$127,424	\$127,424
<b>SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER</b>			
Director, Southwest Virginia Higher Education Center	\$128,300	\$128,300	\$128,300

**VIRGINIA  
COMMUNITY  
COLLEGE SYSTEM**

Chancellor of Community  
Colleges

\$171,368	\$171,368	\$171,368
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**SENIOR COLLEGE  
PRESIDENTS'  
SALARIES**

Chancellor, University of  
Virginia's College at Wise

\$127,213	\$127,213	\$127,213
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President, Christopher  
Newport University

\$134,526	\$134,526	\$134,526
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President, The College of  
William and Mary in  
Virginia

\$160,394	\$160,394	\$160,394
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President, George Mason  
University

\$151,273	\$151,273	\$151,273
-----------	-----------	-----------

President, James Madison  
University

\$156,247	\$156,247	\$156,247
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President, Longwood  
University

\$150,395	\$150,395	\$150,395
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President, Norfolk State  
University

\$143,627	\$143, 627	\$143, 627
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President, Old Dominion  
University

\$170,328	\$170,328	\$170,328
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President, Radford  
University

\$154,991	\$154,991	\$154,991
-----------	-----------	-----------

President, Richard Bland  
College

\$131,784	\$131,784	\$131,784
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President, University of  
Mary Washington

\$145,011	\$145,011	\$145,011
-----------	-----------	-----------

President, University of  
Virginia

\$179,635	\$179,635	\$179,635
-----------	-----------	-----------

President, Virginia  
Commonwealth University

\$181,369	\$181,369	\$181,369
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President, Virginia  
Polytechnic Institute and  
State University

\$190,567	\$190,567	\$190,567
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President, Virginia State  
University

\$146,496	\$146,496	\$146,496
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Superintendent, Virginia  
Military Institute

\$146,566	\$146,566	\$146,566
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e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

- g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.
- h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201-42, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.
- i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.
- j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.
2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.
- k.1. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.
2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.
3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.
- l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.
- m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.
2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.
- n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in Item 468 of this Act.

r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

*s. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in Item 467 of this Act.*

#### § 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

#### § 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

l. Notwithstanding the provisions of subsection B of § 51.1-155, any person who (i) has attained age 62, (ii) is receiving a service retirement allowance under Chapter 1 of Title 51.1, and (iii) was employed in an otherwise covered position as interim president and chief executive officer of an institution of higher education, who were appointed prior to January 1, 2014, for a period necessary to rectify significant management deficiencies, may elect to continue to receive the retirement allowance during such employment. If the person elects to continue to receive the retirement allowance, then his service performed and compensation received during the period of time he receives the retirement allowance will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

#### § 4-6.04 CHARGES

a. **FOOD SERVICES:** Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES:

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. –

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23-38.114 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

**§ 4-7.00 STATEWIDE PLANS**

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on

wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

**§ 4-8.00 REPORTING REQUIREMENTS**

**§ 4-8.01 GOVERNOR**

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

<b>Agency</b>	<b>Report Title of Descriptor</b>	<b>Authority</b>	<b>Action</b>
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive — Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive—Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.

Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report — goals, strategies, and results	Agency Directive — Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive — Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 1 of Title 33.1, Code of Virginia, on behalf of the Commonwealth Transportation Commissioner, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

**I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees, including all attachments that were submitted separately as part of these budget requests, amendment briefs, or requests for amendments and are not fully incorporated into the electronic submission by the Director, Department of Planning and Budget.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

**§ 4-9.00 HIGHER EDUCATION RESTRUCTURING**

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no

later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 2.2-5005 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

#### a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.
2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.
3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.
4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time equivalent students.
5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.
6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

#### b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.
2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.  
b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.
3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

#### c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23-9.2:3.02.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

## 2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

## 3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

## 4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

## 5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;
- b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and
- c) The institution shall pay competitive rates for leased office space - the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

## 6. Information Technology

- a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and
- b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

## f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

## g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23-9.6:1.01.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

#### § 4-9.02 LEVEL II AUTHORITY

a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;
2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia and shall become part of the certification required by § 23-9.6:1.01.

#### § 4-9.03 LEVEL III AUTHORITY

The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

#### § 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. *The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:*

1. *require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;*

2. *assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;*

3. *direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure. Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;*

4. *require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;*

5. *direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,*

6. *direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;*

7. *consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases.*

b. *The State Council on Higher Education for Virginia, to the extent practicable, shall:*

1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;
  2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;
  3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;
  4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning.
- c. Notwithstanding the provisions of § 23-9.14:1, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.
- d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use. Beginning with fiscal year 2016, the Department of Planning and Budget shall submit these recommendations to the Governor and General Assembly no later than November 1 of each year.
- e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.
- f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

#### **§ 4-11.00 STATEMENT OF FINANCIAL CONDITION**

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

#### **§ 4-12.00 SEVERABILITY**

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

#### **§ 4-13.00 CONFLICT WITH OTHER LAWS**

Notwithstanding any other provision of law, and until June 30, 2016, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

#### **§ 4-14.00 EFFECTIVE DATE**

This act is effective ~~July 1, 2014~~ on its passage as provided in §1-214, Code of Virginia.

#### ADDITIONAL ENACTMENTS

23. No provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter.

34. That (i) for taxable years including those implicated by § 3-5.10 of this Act but notwithstanding any other provision of that section and in addition to the exemptions provided pursuant to §§ 58.1-402(B)(8)(a)(1) and (2) of the Code of Virginia, any applicable addition that might otherwise be required pursuant to § 58.1-402(B)(8)(a) of the Code shall not be required if (a) during each of the five taxable years commencing after July 1, 2004, and also during the then current taxable year, the related member or members conducted substantial business operations relating to protecting the assets of the related member or members, pursuant to which, in each such taxable year, the related member or members paid payroll and consulting expenses in excess of \$600,000 and employed at least three full-time equivalent employees whose sole responsibility was to maintain, manage, defend or otherwise be responsible for operations or administration relating to protecting the assets of the related member, (b) during each of the five taxable years commencing after July 1, 2004, and also during the then current taxable year, the corporation and its wholly owned subsidiaries collectively employed more than 25,000 employees, and (c) the corporation is a fully integrated agriculture production manufacturer such that it or its wholly owned subsidiary produces a product that is related to the core business of such corporation, processes such product, and sells the product both at wholesale and retail; (ii) nothing in this enactment, or in § 3-5.10, shall be construed to open the statute of limitations of an otherwise closed taxable year; and (iii) each of the provisions of this enactment is integral to its purpose and, therefore, shall not be deemed severable from the remainder of the enactment.

45. That the provisions of the first *and second* enactment of this act shall expire at midnight on June 30, 2016. The provisions of the ~~second and~~ third *and fourth* enactments of this act shall have no expiration date.

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## CHAPTER 666

*An Act to amend and reenact § 22.1-260 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-287.02, relating to student identification numbers.*

[H 1307]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-260 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-287.02 as follows:**

**§ 22.1-260. Reports of children enrolled and not enrolled; nonattendance.**

A. Within 10 days after the opening of the school, each public school principal shall report to the division superintendent:

1. The name, age and grade of each student enrolled in the school, and the name and address of the student's parent or guardian; and

2. To the best of the principal's information, the name of each child subject to the provisions of this article who is not enrolled in school, with the name and address of the child's parent or guardian.

B. At the end of each school year, each public school principal shall report to the division superintendent the number of students by grade level for whom a conference was scheduled as required by § 22.1-258. The division superintendent shall compile such grade level information for the division and provide such information to the Superintendent of Public Instruction annually.

~~C. For the purposes of this section, each student shall present a federal social security number within 90 days of his enrollment. The Board of Education shall, after consulting with the Social Security Administration, promulgate guidelines for determining which students are eligible to obtain social security numbers. In any case in which a student is ineligible, pursuant to these guidelines, to obtain a social security number or the parent is unwilling to present such number, the superintendent or his designee may assign another identifying number to the student or waive this requirement.~~

**§ 22.1-287.02. Unique student identification numbers.**

A. ~~Neither the Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction pursuant to § 22.1-254.1, or his parent, to provide the student's federal social security number.~~

B. ~~The Department of Education shall develop a system of unique student identification numbers. Each local school board shall assign such a number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.~~

**2. That the provisions of this act shall become effective on August 1, 2015.**

## CHAPTER 667

*An Act to amend and reenact §§ 24.2-115 and 24.2-627 of the Code of Virginia, relating to presidential elections; number of officers of election and ballot scanner machines.*

[S 1062]

Approved March 26, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-115 and 24.2-627 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct ~~and, insofar as practicable, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement.~~ *Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do*

not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the electoral board may designate as the chief officer and the assistant chief officer citizens who do not represent any political party. In such case, the electoral board shall provide notice to representatives of both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election, and shall conduct training of the officers of election consistent with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted every four years.

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed *or as required by law*.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board shall inform the political parties of its decision to make such appointments and the party shall file its nominations with the secretary of the electoral board within five business days.

The secretary of the electoral board shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

#### **§ 24.2-627. Electronic voting or counting machines; number required.**

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

- In each precinct having not more than 750 registered voters, 1;
- In each precinct having more than 750 but not more than 1,500 registered voters, 2;
- In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;
- In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;
- In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;
- In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;
- In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. *However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.*

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines it determines is appropriate for each precinct, notwithstanding the provisions of subsections A and B.

D. For purposes of applying this section, an electoral board may exclude persons voting absentee in its calculations, and if it does so, the electoral board shall send to the State Board a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the local board to use more voting systems.

## CHAPTER 668

*An Act to amend the Code of Virginia by adding a section numbered 32.1-162.5:1, relating to hospices; notice to dispenser of hospice patient's death.*

[H 1738]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 32.1-162.5:1 as follows:**

**§ 32.1-162.5:1. Notice to dispenser of patient's death.**

*Any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death shall notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.*

## CHAPTER 669

*An Act to require the Virginia Retirement System to convene a work group to develop recommendations to encourage and facilitate saving for retirement.*

[H 1998]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That the Virginia Retirement System shall convene a work group to review current state and federal programs that encourage citizens of the Commonwealth to save for retirement by participating in retirement savings plans including, but not limited to, plans pursuant to §§ 401(k), 403(b), 408(k), 408(p), and 457(b) of the Internal Revenue Code. Such review shall include an examination of retirement savings options for self-employed individuals, part-time employees, full-time employees whose employers do not offer a retirement savings plan, and groups with a low savings rate. The membership of the work group shall include representatives of the Virginia Retirement System, the Department of Taxation, small business, the self-employed, the Virginia College Savings Plan, and other stakeholders. The findings may include recommendations for statutory changes or amendments to the general appropriation act. The Virginia Retirement System shall report the findings of the work group to the Governor and the General Assembly by January 1, 2017, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports, and the report shall be posted on the General Assembly's website.**

## CHAPTER 670

*An Act to amend and reenact §§ 32.1-309.1, 32.1-309.2, 54.1-2800, and 54.1-2818.1 of the Code of Virginia, relating to disposition of dead bodies.*

[S 951]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-309.1, 32.1-309.2, 54.1-2800, and 54.1-2818.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.**

A. As used in this chapter, ~~next~~ unless the context requires a different meaning:

*"Disposition" means the burial, interment, entombment, cremation, or other authorized disposition of a dead body permitted by law.*

*"Next of kin" has the same meaning assigned to it in § 54.1-2800.*

B. In the absence of a next of kin, a person designated to make arrangements for *disposition* of the decedent's ~~burial or the disposition of his~~ remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

~~B- C.~~ Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains* is willing and able to claim the body, the body may be claimed by the next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains* fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

~~C- D.~~ If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains*, and the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains* is willing and able to claim the body, the body may be claimed by the next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* but the next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

~~D- E.~~ In cases in which a dead body is claimed by the decedent's next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* but the next of kin *or other person authorized by law to make arrangements for disposition of the decedent's remains* is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which ~~burial~~ *disposition* expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

~~E- F.~~ No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

~~F- G.~~ Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

~~G- H.~~ Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

#### **§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.**

A. In any case in which (i) the primary law-enforcement agency is unable to identify and notify the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains* within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent *or other person authorized by law to make arrangements for disposition of the decedent's remains* fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify the attorney for the county or city in which the person or institution is located or, if there is no county or city attorney, the attorney for the Commonwealth, and such attorney shall without delay request an order authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (a) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (b) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be

determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which ~~burial~~ disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

**§ 54.1-2800. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the preservation and disinfection of the human dead by external or internal application of chemicals.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch or chapel which is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child ~~over aged 18 years of age or older~~, parent of a decedent aged 18 years or older, custodial parent, or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

**§ 54.1-2818.1. Prerequisites for cremation.**

No dead human body shall be cremated without permission of the Office of the Chief Medical Examiner as required by § 32.1-309.3 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the ~~decedent's burial or the~~ disposition of ~~his~~ *the decedent's* remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, *or, in cases in which the next of kin or his representative fails or refuses to provide visual identification of the deceased, by any other person 18 years of age or older who is able to provide positive identification of the deceased.* If no ~~such next of kin, designated person, agent, or guardian~~ *or his representative or other person 18 years of age or older* is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, sheriff, county, or city shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

**CHAPTER 671**

*An Act to require the Department of Medical Assistance Services to amend waiver eligibility criteria to allow dependents of active duty military members to remain on waiting lists for services when stationed outside the Commonwealth.*

[S 1036]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. That the Department of Medical Assistance Services shall amend eligibility criteria for waivers supporting individuals with intellectual and developmental disabilities to allow the dependent of an active duty member of the military who was added to the waiting list for services through such waivers while he was a resident of the Commonwealth to maintain his position on the waiting list following a transfer of the active duty military member to an assignment outside of the Commonwealth, so long as the active duty military member maintains the Commonwealth as his legal residence to which he intends to return following completion of military service.*

**CHAPTER 672**

*An Act to amend and reenact § 19.2-69 of the Code of Virginia, relating to privacy in communications; confidential relationship; civil action.*

[H 1308]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-69 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-69. Civil action for unlawful interception, disclosure or use.**

Any person whose wire, electronic or oral communication is intercepted, disclosed or used in violation of this chapter shall (i) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose or use such communications, and (ii) be entitled to recover from any such person:

1. Actual damages but not less than liquidated damages computed at the rate of \$400 a day for each day of violation or \$4,000, whichever is higher, *provided that liquidated damages shall be computed at the rate of \$800 a day for each day of*

violation or \$8,000, whichever is higher; if the wire, electronic, or oral communication intercepted, disclosed, or used is between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice;

2. Punitive damages; and

3. A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.

### CHAPTER 673

*An Act to amend the Code of Virginia by adding a section numbered 2.2-4350.1, relating to payment by the Commonwealth and its agencies for goods and services; debts.*

[H 1790]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-4350.1 as follows:**

**§ 2.2-4350.1. Prohibition on payment without an appropriation; prohibition on IOUs.**

A. As used in this section, "IOU" means a document issued by a governmental entity or representative (i) that acknowledges a debt but that does not specify all repayment terms, such as the repayment date, and (ii) when moneys are not available to pay a current debt.

B. 1. Notwithstanding any other provision of law, unless the General Assembly has appropriated funds to pay for a good or service or to make payment on a debt, no state department, agency, or other state entity nor any state official, officer, employee, or agent shall (i) attempt to pay for the good or service or attempt to make payment on the debt; (ii) issue any document or paper that guarantees payment, or purports to pay, for the good or service or guarantees payment, or purports to make payment, on the debt; or (iii) in any other way attempt to pay, guarantee payment, or purport to pay for the same.

2. The prohibition on payment under subdivision 1 shall not apply (i) to payments required by federal law or (ii) if funds are lawfully available.

C. In addition, in no case shall any (i) state department, agency, or other state entity or (ii) state official, officer, or employee in performing the duties of his position furnish an IOU in exchange for any good or service, as a means to pay for any good or service, or in lieu of a payment on a debt.

### CHAPTER 674

*An Act to amend and reenact §§ 62.1-44.15:68 and 62.1-44.15:72 of the Code of Virginia, relating to daylighting of streams.*

[H 2067]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-44.15:68 and 62.1-44.15:72 of the Code of Virginia are amended and reenacted as follows:**

**§ 62.1-44.15:68. Definitions.**

For the purposes of this article, the following words shall have the meanings respectively ascribed to them:

"Chesapeake Bay Preservation Area" means an area delineated by a local government in accordance with criteria established pursuant to § 62.1-44.15:72.

"Criteria" means criteria developed by the Board pursuant to § 62.1-44.15:72 for the purpose of determining the ecological and geographic extent of Chesapeake Bay Preservation Areas and for use by local governments in permitting, denying, or modifying requests to rezone, subdivide, or use and develop land in Chesapeake Bay Preservation Areas.

"Daylighted stream" means a stream that had been previously diverted into an underground drainage system, has been redirected into an aboveground channel using natural channel design concepts as defined in § 62.1-44.15:51, and would meet the criteria for being designated as a Resource Protection Area (RPA) as defined by the Board under this article.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Secretary" means the Secretary of Natural Resources.

"Tidewater Virginia" means the following jurisdictions:

The Counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York, and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church,

Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg.

**§ 62.1-44.15:72. Board to develop criteria.**

A. In order to implement the provisions of this article and to assist counties, cities, and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations that establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or use and develop land in these areas.

B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.

C. Prior to the development or amendment of criteria, the Board shall give due consideration to, among other things, the economic and social costs and benefits which can reasonably be expected to obtain as a result of the adoption or amendment of the criteria.

D. In developing such criteria the Board may consult with and obtain the comments of any federal, state, regional, or local agency that has jurisdiction by law or special expertise with respect to the use and development of land or the protection of water. The Board shall give due consideration to the comments submitted by such federal, state, regional, or local agencies.

E. In developing such criteria, the Board shall provide that any locality in a Chesapeake Bay Preservation Area that allows the owner of an on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit to submit documentation in lieu of proof of septic tank pump-out shall require such owner to have such documentation certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems.

F. *In developing such criteria, the Board shall not require the designation of a Resource Protection Area (RPA) as defined according to the criteria developed by the Board, adjacent to a daylighted stream. However, a locality that elects not to designate an RPA adjacent to a daylighted stream shall use a water quality impact assessment to ensure that proposed development on properties adjacent to the daylighted stream does not result in the degradation of the stream. The water quality impact assessment shall (i) be consistent with the Board's criteria for water quality assessments in RPAs, (ii) identify the impacts of the proposed development on water quality, and (iii) determine specific measures for the mitigation of those impacts. The objective of this assessment is to ensure that practices on properties adjacent to daylighted streams are effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution. The specific content for the water quality impact assessment shall be established and implemented by any locality that chooses not to designate an RPA adjacent to a daylighted stream. Nothing in this subsection shall limit a locality's authority to include a daylighted stream within the extent of an RPA.*

G. Effective July 1, 2014, requirements promulgated under this article directly related to compliance with the erosion and sediment control and stormwater management provisions of this chapter and regulated under the authority of those provisions shall cease to have effect.

## CHAPTER 675

*An Act to amend and reenact § 28.2-520 of the Code of Virginia, relating to authorizing the use of a handheld hydraulic device for harvesting cultured clams.*

[H 1811]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 28.2-520 of the Code of Virginia is amended and reenacted as follows:**

**§ 28.2-520. Use of hydraulic dredges prohibited; exceptions; penalty.**

A. It shall be unlawful for any person, unless he has been issued a permit by the Commission pursuant to subsection B, to (i) take or catch clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood.

B. The Commission may issue a permit authorizing the possession and use of a (i) hydraulic dredge for the purpose of (a) transiting state waters or (b) conducting legitimate aquaculture research and (ii) handheld hydraulically operated device for harvesting cultured clams from leased grounds.

C. Notwithstanding the provisions of clause (ii) of subsection A, a person may have on board his boat a hydraulic dredge designed for harvesting seafood when traveling to or from docks for maintenance or repair of the boat or equipment, or when off-loading catches made in federal waters.

D. The Commission and the Virginia Institute of Marine Science may possess and use hydraulic dredges to take and catch shellfish on an experimental basis.

E. Any person who violates this section is guilty of a Class 1 misdemeanor.

## CHAPTER 676

*An Act to amend and reenact § 33.2-358 of the Code of Virginia, relating to allocation of highway funds by the Commonwealth Transportation Board.*

[H 2391]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 33.2-358 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 33.2-358. Allocation of funds among highway systems.**

A. For the purposes of this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

B. The Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System, the primary state highway system, and the secondary state highway system and for city and town street maintenance payments made pursuant to § 33.2-319 and payments made to counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.

C. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25 percent to reconstructing deteriorated Interstate System, primary state highway system, and municipality maintained primary extension pavements determined to have a Combined Condition Index of less than 60; (iv) 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); (v) five percent to paving *or improving* unpaved highways carrying more than 50 vehicles per day; and (vi) five percent to the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 for high-tech infrastructure improvements, provided that at the discretion of the Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that in the Board's determination will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the Interstate System, among the highway systems for construction first pursuant to §§ 33.2-359 and 33.2-360 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the primary state highway system, including the arterial network, and in addition, an amount shall be allocated to the primary state highway system as interstate matching funds as provided in subsection B of § 33.2-361.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to urban highways for state aid pursuant to § 33.2-348.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the secondary state highway system.

D. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

E. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

#### **2. That the provisions of this act shall become effective on July 1, 2016.**

## CHAPTER 677

*An Act to amend and reenact §§ 62.1-44.3, 62.1-44.16, and 62.1-44.19:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-44.16:1, relating to fees for the land application of industrial wastes.*

[H 1364]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-44.3, 62.1-44.16, and 62.1-44.19:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-44.16:1 as follows:**

**§ 62.1-44.3. Definitions.**

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Certificate" means any certificate issued by the Board.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under § 62.1-44.15 (10).

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to § 62.1-44.15 (7).

"Ruling" means a ruling issued under § 62.1-44.15 (9).

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

#### **§ 62.1-44.16. Industrial wastes.**

(+) A. Any owner who erects, constructs, opens, reopens, expands or employs new processes in or operates any establishment from which there is a potential or actual discharge of industrial wastes or other wastes to state waters shall first provide facilities approved by the Board for the treatment or control of such industrial wastes or other wastes.

Application for such discharge shall be made to the Board and shall be accompanied by pertinent plans, specifications, maps, and such other relevant information as may be required, in scope and details satisfactory to the Board.

(+) 1. Public notice of every such application shall be given by notice published once a week for two successive weeks in a newspaper of general circulation in the county or city where the certificate is applied for or by such other means as the Board may prescribe.

(+) 2. The Board shall review the application and the information that accompanies it as soon as practicable and making a ruling within a period of four months from the date the application is filed with the Board approving or disapproving the application and stating the grounds for conditional approval or disapproval. If the application is approved, the Board shall grant a certificate for the discharge of the industrial wastes or other wastes into state waters or for the other alteration of the physical, chemical or biological properties of state waters, as the case may be. If the application is disapproved, the Board shall notify the owner as to what measures, if any, the owner may take to secure approval.

(-) (+) B. Any owner operating under a valid certificate issued by the Board who fails to meet water quality standards established by the Board solely as a result of a change in water quality standards or in the law shall provide the necessary facilities approved by the Board within a reasonable time to meet such new requirements; provided, however, that such facilities shall be reasonable and practicable of attainment giving consideration to the public interest and the equities of the case. The Board may amend such certificate, or revoke it and issue a new one to reflect such facilities after proper hearing, with at least thirty days' notice to the owner of the time, place and purpose thereof. If such revocation or amendment of a certificate is mutually agreeable to the Board and the owner involved, the hearing and notice may be dispensed with.

(+) C. The Board shall revoke the certificate in case of a failure to comply with all such requirements and may issue a special order under subdivisions (8a), (8b), and (8c) of § 62.1-44.15 (8).

*D. Any locality may adopt an ordinance that provides for the testing and monitoring of the land application of solid or semisolid industrial wastes within its political boundaries to ensure compliance with applicable laws and regulations.*

*E. The Board shall adopt regulations requiring the payment of a fee for the land application of solid or semisolid industrial wastes, pursuant to permits issued under this section, in localities that have adopted ordinances in accordance*

with subsection D. The person land applying industrial wastes shall (i) provide advance notice of the estimated fee to the generator of the industrial wastes unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department of Environmental Quality as provided by regulation. The fee shall be imposed on each dry ton of solid or semisolid industrial wastes that is land applied in a locality in accordance with the regulations adopted by the Board. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department of Environmental Quality;
2. The deposit of collected fees into the Sludge Management Fund established by subsection G of § 62.1-44.19:3; and
3. Disbursement of proceeds from the Sludge Management Fund by the Department of Environmental Quality pursuant to subsection G of § 62.1-44.19:3.

F. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of industrial wastes. The program shall include, at a minimum, instruction in (i) the provisions of the Virginia Pollution Abatement Permit Regulation; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of industrial wastes that are land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G of § 62.1-44.19:3. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of solid or semisolid industrial wastes performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to subsection G of § 62.1-44.19:3; and
2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

**§ 62.1-44.16:1. Local enforcement of industrial waste permits.**

A. Any locality that has adopted an ordinance for the testing and monitoring of the land application of industrial wastes pursuant to § 62.1-44.16 shall have the authority to order the abatement of any violation of § 62.1-44.16 or of any violation of any permit or certificate issued under that section. Such abatement order shall identify the activity constituting the violation, specify the provision of the Code of Virginia or permit condition violated by the activity, and order that the activity cease immediately.

B. In the event of any dispute concerning the existence of a violation, the activity alleged to be in violation shall be halted pending a determination by the Director, whose decision shall be final and binding unless reversed on judicial appeal pursuant to § 2.2-4026. Any person who fails or refuses to halt such activity may be compelled to do so by injunction issued by a court having competent jurisdiction. Upon determination by the Director that there has been a violation of § 62.1-44.16 or of any permit or certificate issued under that section and that such violation poses an imminent threat to public health, safety, or welfare, the Department shall commence appropriate action to abate the violation and immediately notify the chief administrative officer of any locality potentially affected by the violation. Neither the Board, the Commonwealth, nor any employee of the Commonwealth shall be liable for failing to provide the notification required by this section.

C. Local governments shall promptly notify the Department of all results from the testing and monitoring of the land application of industrial wastes performed by persons employed by local governments and any violation of § 62.1-44.16 or of any violation of any permit or certificate issued under that section, discovered by local governments.

**§ 62.1-44.19:3. Prohibition on land application, marketing and distribution of sewage sludge without permit; ordinances; notice requirement; fees.**

A. 1. No owner of a sewage treatment works shall land apply, market or distribute sewage sludge from such treatment works except in compliance with a valid Virginia Pollutant Discharge Elimination System Permit or valid Virginia Pollution Abatement Permit.

2. Sewage sludge shall be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. No person shall alter the composition of sewage sludge at a site approved for land application of sewage sludge under a Virginia Pollution Abatement Permit or a Virginia Pollutant Discharge Elimination System. Any person who engages in the alteration of such sewage sludge shall be subject to the penalties provided in Article 6 (§ 62.1-44.31 et seq.) of this chapter. The addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition of sewage sludge. The Department may authorize public institutions of higher education to conduct scientific research on the composition of sewage sludge that may be applied to land.

3. No person shall contract or propose to contract, with the owner of a sewage treatment works, to land apply, market or distribute sewage sludge in the Commonwealth, nor shall any person land apply, market or distribute sewage sludge in the Commonwealth without a current Virginia Pollution Abatement Permit authorizing land application, marketing or distribution of sewage sludge and specifying the location or locations, and the terms and conditions of such land application, marketing or distribution. The permit application shall not be complete unless it includes the landowner's written consent to apply sewage sludge on his property.

4. The land disposal of lime-stabilized septage and unstabilized septage is prohibited.

5. Beginning July 1, 2007, no application for a permit or variance to authorize the storage of sewage sludge shall be complete unless it contains certification from the governing body of the locality in which the sewage sludge is to be stored that the storage site is consistent with all applicable ordinances. The governing body shall confirm or deny consistency within 30 days of receiving a request for certification. If the governing body does not so respond, the site shall be deemed consistent.

B. The Board, with the assistance of the Department of Conservation and Recreation and the Department of Health, shall adopt regulations to ensure that (i) sewage sludge permitted for land application, marketing, or distribution is properly treated or stabilized; (ii) land application, marketing, and distribution of sewage sludge is performed in a manner that will protect public health and the environment; and (iii) the escape, flow or discharge of sewage sludge into state waters, in a manner that would cause pollution of state waters, as those terms are defined in § 62.1-44.3, shall be prevented.

C. Regulations adopted by the Board, with the assistance of the Department of Conservation and Recreation and the Department of Health pursuant to subsection B, shall include:

1. Requirements and procedures for the issuance and amendment of permits, including general permits, authorizing the land application, marketing or distribution of sewage sludge;

2. Procedures for amending land application permits to include additional application sites and sewage sludge types;

3. Standards for treatment or stabilization of sewage sludge prior to land application, marketing or distribution;

4. Requirements for determining the suitability of land application sites and facilities used in land application, marketing or distribution of sewage sludge;

5. Required procedures for land application, marketing, and distribution of sewage sludge;

6. Requirements for sampling, analysis, recordkeeping, and reporting in connection with land application, marketing, and distribution of sewage sludge;

7. Provisions for notification of local governing bodies to ensure compliance with §§ 62.1-44.15:3 and 62.1-44.19:3.4;

8. Requirements for site-specific nutrient management plans, which shall be developed by persons certified in accordance with § 10.1-104.2 prior to land application for all sites where sewage sludge is land applied, and approved by the Department of Conservation and Recreation prior to permit issuance under specific conditions, including but not limited to, sites operated by an owner or lessee of a Confined Animal Feeding Operation, as defined in subsection A of § 62.1-44.17:1, or Confined Poultry Feeding Operation, as defined in § 62.1-44.17:1.1, sites where the permit authorizes land application more frequently than once every three years at greater than 50 percent of the annual agronomic rate, and other sites based on site-specific conditions that increase the risk that land application may adversely impact state waters;

9. Procedures for the prompt investigation and disposition of complaints concerning land application of sewage sludge, including the requirements that (i) holders of permits issued under this section shall report all complaints received by them to the Department and to the local governing body of the jurisdiction in which the complaint originates, and (ii) localities receiving complaints concerning land application of sewage sludge shall notify the Department and the permit holder. The Department shall maintain a searchable electronic database of complaints received during the current and preceding calendar year, which shall include information detailing each complaint and how it was resolved; and

10. Procedures for receiving and responding to public comments on applications for permits and for permit amendments authorizing land application at additional sites. Such procedures shall provide that an application for any permit amendments to increase the acreage authorized by the initial permit by 50 percent or more shall be treated as a new application for purposes of public notice and public hearings.

D. Prior to issuance of a permit authorizing the land application, marketing or distribution of sewage sludge, the Department shall consult with, and give full consideration to the written recommendations of the Department of Health and the Department of Conservation and Recreation. Such consultation shall include any public health risks or water quality impacts associated with the permitted activity. The Department of Health and the Department of Conservation and Recreation may submit written comments on proposed permits within 30 days after notification by the Department.

E. Where, because of site-specific conditions, including soil type, identified during the permit application review process, the Department determines that special requirements are necessary to protect the environment or the health, safety or welfare of persons residing in the vicinity of a proposed land application site, the Department may incorporate in the permit at the time it is issued reasonable special conditions regarding buffering, transportation routes, slope, material source, methods of handling and application, and time of day restrictions exceeding those required by the regulations adopted under this section. Before incorporating any such conditions into the permit, the Department shall provide written notice to the permit applicant, specifying the reasons therefor and identifying the site-specific conditions justifying the additional requirements. The Department shall incorporate into the notice any written requests or recommendations concerning such site-specific conditions submitted by the local governing body where the land application is to take place. The permit applicant shall have at least 14 days in which to review and respond to the proposed conditions.

F. The Board shall adopt regulations prescribing a fee to be charged to all permit holders and persons applying for permits and permit modifications pursuant to this section. All fees collected pursuant to this subsection shall be deposited into the Sludge Management Fund. The fee for the initial issuance of a permit shall be \$5,000. The fee for the reissuance, amendment, or modification of a permit for an existing site shall not exceed \$1,000 and shall be charged only for permit actions initiated by the permit holder. Fees collected under this section shall be exempt from statewide indirect costs charged and collected by the Department of Accounts and shall not supplant or reduce the general fund appropriation to the Department.

G. There is hereby established in the treasury a special fund to be known as the Sludge Management Fund, hereinafter referred to as the Fund. The fees required by this section *and by subsection E of § 62.1-44.16* shall be transmitted to the Comptroller to be deposited into the Fund. The income and principal of the Fund shall be used only and exclusively (i) for the Department's direct and indirect costs associated with the processing of an application to issue, reissue, amend, or modify any permit to land apply, distribute, or market sewage sludge, *or industrial wastes*, the administration and management of the Department's sewage sludge *and industrial wastes* land application ~~program~~ *programs*, including ~~but not limited to~~, monitoring and inspecting, *and* the Department of Conservation and Recreation's costs for implementation of the sewage sludge application program; and (ii) to reimburse localities with duly adopted ordinances providing for the testing and monitoring of the land application of sewage sludge *or solid or semisolid industrial wastes*. The State Treasurer shall be the custodian of the moneys deposited in the Fund. No part of the Fund, either principal or interest earned thereon, shall revert to the general fund of the state treasury.

H. All persons holding or applying for a permit authorizing the land application of sewage sludge shall provide to the Board written evidence of financial responsibility, which shall be available to pay claims for cleanup costs, personal injury, and property damages resulting from the transportation, storage or land application of sewage sludge. The Board shall, by regulation, establish and prescribe mechanisms for meeting the financial responsibility requirements of this section.

I. Any county, city or town may adopt an ordinance that provides for the testing and monitoring of the land application of sewage sludge within its political boundaries to ensure compliance with applicable laws and regulations.

J. The Department, upon the timely request of any individual to test the sewage sludge at a specific site, shall collect samples of the sewage sludge at the site prior to the land application and submit such samples to a laboratory. The testing shall include an analysis of the (i) concentration of trace elements, (ii) coliform count, and (iii) pH level. The results of the laboratory analysis shall be (a) furnished to the individual requesting that the test be conducted and (b) reviewed by the Department. The person requesting the test and analysis of the sewage sludge shall pay the costs of sampling, testing, and analysis.

K. At least 100 days prior to commencing land application of sewage sludge at a permitted site, the permit holder shall deliver or cause to be delivered written notification to the chief executive officer or his designee for the local government where the site is located. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. This requirement shall not apply to any application commenced prior to October 10, 2005. If the site is located in more than one county, the notice shall be provided to all jurisdictions where the site is located.

L. The permit holder shall deliver or cause to be delivered written notification to the Department at least 14 days prior to commencing land application of sewage sludge at a permitted site. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site.

M. The Department shall randomly conduct unannounced site inspections while land application of sewage sludge is in progress at a sufficient frequency to determine compliance with the requirements of this section, § 62.1-44.19:3.1, or regulations adopted under those sections.

N. Surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service.

O. The Board shall develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestlands; or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. Such extended buffers may be included by the Department as site specific permit conditions pursuant to subsection E, as an alternative to surface incorporation when necessary to protect odor sensitive receptors as determined by the Department or the local monitor.

P. The Board shall adopt regulations requiring the payment of a fee for the land application of sewage sludge, pursuant to permits issued under this section. The person land applying sewage sludge shall (i) provide advance notice of the estimated fee to the generator of the sewage sludge unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department as provided for by regulation. The fee shall be imposed on each dry ton of sewage sludge that is land applied in the Commonwealth. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department;
2. Deposit of the fees into the Fund; and
3. Disbursement of proceeds by the Department pursuant to subsection G.

Q. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of sewage sludge. The program shall include, at a minimum, instruction in: (i) the provisions of the Virginia Biosolids Use Regulations; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of sewage sludge that is land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of sewage sludge performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to this section; and
2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

R. Localities, as part of their zoning ordinances, may designate or reasonably restrict the storage of sewage sludge based on criteria directly related to the public health, safety, and welfare of its citizens and the environment. Notwithstanding any contrary provision of law, a locality may by ordinance require that a special exception or a special use permit be obtained to begin the storage of sewage sludge on any property in its jurisdiction, including any area that is zoned as an agricultural district or classification. Such ordinances shall not restrict the storage of sewage sludge on a farm as long as such sludge is being stored (i) solely for land application on that farm and (ii) for a period no longer than 45 days. No person shall apply to the State Health Commissioner or the Department of Environmental Quality for a permit, a variance, or a permit modification authorizing such storage without first complying with all requirements adopted pursuant to this subsection.

**2. That the State Water Control Board shall promulgate regulations to implement the provisions of this act to be effective no later than January 1, 2016. The State Water Control Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, except that the Department of Environmental Quality shall utilize a regulatory advisory panel to assist in the development of necessary regulations and shall provide an opportunity for public comment on the regulations prior to adoption.**

**3. That upon the effective date of this act, the fee imposed on each dry ton of solid or semisolid industrial waste that is land applied pursuant to subsection E of § 62.1-44.16 of the Code of Virginia, as created by this act, shall be \$5 until altered, amended, or rescinded by the State Water Control Board.**

## CHAPTER 678

*An Act to amend and reenact § 29.1-319 of the Code of Virginia, relating to state resident licenses; dependents of members of the armed forces.*

[S 838]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-319 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-319. Persons entitled to county, city, or state resident licenses.**

The following persons shall be entitled to a state resident license or to a county or a city license to hunt, trap, or fish provided that applications for a county or city license shall be made in the county or city in which the person meets the following criteria:

1. Any person born in the United States or who has been naturalized and who has been a bona fide resident of the county or city for six months next preceding the date of application for license in the county or city;
2. All persons who are and for two or more months next preceding the date of the application have been domiciliary residents of Virginia, upon execution of a certificate of residence prescribed by the Director;
3. Any legal voter of the county or city in which the license is applied for;
4. Any unnaturalized person who owns real estate in the county or city and who has actually resided there not less than five years next preceding the date of the application for the license in the county or city;
5. ~~Members~~ *Any member of the armed forces of the United States, or a member of the immediate family of such a member as defined in § 2.2-3101, upon execution of a certificate of residence if they (i) reside the member (i) resides in the*

Commonwealth and (ii) are, (ii) is on active duty, and (iii) are is stationed at a military installations installation within, or in ships a ship based in, the Commonwealth;

6. Any member of the armed forces of the United States, on active duty, when authorized by the commanding officer of a military reservation. The privileges of this license shall be limited to hunting, trapping, or fishing only within the boundaries of that military reservation;

7. Any student, a resident of this the Commonwealth, regularly enrolled in any bona fide preparatory school, college, or university in the Commonwealth; and any student, not a resident of the Commonwealth, regularly enrolled in and boarding at any such school, college, or university who presents a certificate of enrollment for the current year to the clerk or any license agent in the county or city in which the school, college, or university is located;

8. Residents of cities whose limits are wholly within the county where the license is applied for, provided the residents have physically resided within the city for a period of six consecutive months before applying for a license.

## CHAPTER 679

*An Act to amend and reenact § 3.2-6511.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6508.1, relating to the sale of certain pets.*

[S 1001]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-6511.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6508.1 as follows:**

**§ 3.2-6508.1. Sale of dogs or cats prohibited in certain places.**

A. It is unlawful for any person to sell, exchange, trade, barter, lease, or display for a commercial purpose any dog or cat on or in any roadside, public right-of-way, parkway, median, park, or recreation area; flea market or other outdoor market; or commercial parking lot, regardless of whether such act is authorized by the landowner.

B. This section shall not apply to:

1. The display of dogs or cats by or the adoption of dogs or cats from a humane society or private or public animal shelter as those terms are defined in § 3.2-6500;

2. The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibition or educational program;

3. The sale, exchange, or trade of dogs that are sold primarily for use in commonly-accepted hunting or livestock farming activities; or

4. A prearranged sale between a dog breeder and a specific individual purchaser. Such prearranged sale shall not take place at a regularly-occurring event such as a flea market or other organized trade venue.

**§ 3.2-6511.1. Pet shops; procurement of dogs; penalty.**

A. ~~It is unlawful for a pet shop to~~ A pet shop shall sell or offer for sale any dog procured from adoption a dog procured only from a humane society or private or public animal shelter as those terms are defined in § 3.2-6500 or from a person who is not a dealer or licensed by has not received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct violation or citations for three or more indirect violations for at least two years prior to the procurement of the dog or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog.

B. It shall be unlawful for any commercial dog breeder who is not licensed by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder to sell any dog to a pet shop; ~~unless such commercial dog breeder maintains a valid and current USDA dealer's permit.~~

C. A pet shop shall retain records verifying compliance with this section for a minimum of two years after the disposition of any dog.

D. Any person violating any provision of this section is guilty of a Class 1 misdemeanor for each dog sold or offered for sale.

## CHAPTER 680

*An Act to amend and reenact § 58.1-512 of the Code of Virginia, relating to the land preservation tax credit.*

[S 1019]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-512 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-512. Land preservation tax credits for individuals and corporations.**

A. For taxable years beginning on or after January 1, 2000, there shall be allowed as a credit against the tax liability imposed by §§ 58.1-320 and 58.1-400, an amount equal to 50 percent of the fair market value of any land or interest in land

located in Virginia which is conveyed for the purpose of agricultural and forestal use, open space, natural resource, and/or biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. For such conveyances made on or after January 1, 2007, the tax credit shall be 40 percent of the fair market value of the land or interest in land so conveyed.

B. The fair market value of qualified donations made under this section shall be determined in accordance with § 58.1-512.1 and substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions. The value of the donated interest in land that qualifies for credit under this section, as determined according to appropriate federal law and regulations, shall be subject to the limits established by United States Internal Revenue Code § 170(e). In order to qualify for a tax credit under this section, the qualified appraisal shall be signed by the qualified appraiser, who must be licensed in the Commonwealth of Virginia as provided in § 54.1-2011, and a copy of the appraisal shall be submitted to the Department. In the event that any appraiser falsely or fraudulently overstates the value of the contributed property in an appraisal that the appraiser has signed, the Department may disallow further appraisals signed by the appraiser and shall refer the appraiser to the Real Estate Appraiser Board for appropriate disciplinary action pursuant to § 54.1-2013, which may include, but need not be limited to, revocation of the appraiser's license. Any appraisal that, upon audit by the Department, is determined to be false or fraudulent, may be disregarded by the Department in determining the fair market value of the property and the amount of tax credit to be allowed under this section.

C. 1. The amount of the credit that may be claimed by each taxpayer, including credit claimed by applying unused credits as provided under subsection C of § 58.1-513, shall not exceed \$50,000 for 2000 taxable years; \$75,000 for 2001 taxable years; \$100,000 for each of 2002 through 2008 taxable years; \$50,000 for each of 2009, 2010, and 2011 taxable years; ~~and~~; \$100,000 for *each of 2012, 2013, and 2014* taxable years; *\$20,000 for each of 2015 and 2016 taxable years; and \$50,000 for 2017 taxable years* and for each taxable year thereafter. *However, for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed \$100,000 for each taxable year, provided that no part of the charitable contributions deduction under § 170 of the Internal Revenue Code related to such fee simple donation is allowable by reason of a sale or exchange of property.* In addition, for each taxpayer, in any one taxable year the credit used may not exceed the amount of individual, fiduciary or corporate income tax otherwise due. Any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 10 consecutive taxable years following the taxable year in which the credit originated until fully expended. A credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. For taxpayers affected by the credit reduction for taxable years 2009, 2010, ~~and 2011~~, *and 2015 and thereafter*, any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 13 consecutive taxable years following the taxable year in which the credit originated until fully expended.

2. Qualified donations shall include the conveyance of a fee interest in real property or the conveyance in perpetuity of a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction, provided that such less-than-fee interest qualifies as a charitable deduction under § 170(h) of the United States Internal Revenue Code of 1986, as amended.

The Department of Conservation and Recreation shall compile an annual report on qualified donations of less-than-fee interests accepted by any public or private conservation agency in the respective calendar year and shall submit the report by December 1 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate Committee on Finance. In preparing such report, the Department of Conservation and Recreation shall consult and coordinate with the Department of Taxation and the Departments of Forestry and Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" as defined in § 3.2-300 that have been protected by qualified donations of less-than-fee interests. This report shall include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters. In addition, the report shall include information, when available, on riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality. This information shall be reported in summary fashion as appropriate to preserve confidentiality of information. Qualified donations shall not include the conveyance of a fee interest, or a less-than-fee interest, in real property by a charitable organization that (i) meets the definition of "holder" in § 10.1-1009 and (ii) holds one or more conservation easements acquired pursuant to the authority conferred on a "holder" by § 10.1-1010.

3. Any fee interest, or a less-than-fee interest, in real property that has been dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits shall not be a qualified donation under this article.

4. Qualified donations shall be eligible for the tax credit herein described if such donations are made to the Commonwealth of Virginia, an instrumentality thereof, or a charitable organization described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, if such charitable organization (i) meets the requirements of § 509(a)(2) or (ii) meets the requirements of § 509(a)(3) and is controlled by an organization described in § 509(a)(2).

5. The preservation, agricultural preservation, historic preservation or similar use and purpose of such property shall be assured in perpetuity. In the case of conveyances of a fee interest to a charitable organization that is a "holder" as defined in § 10.1-1009, the credit shall not be allowed until the charitable organization agrees that subsequent conveyances of the fee interest in the property will be (i) subject to a previous conveyance in perpetuity of a conservation easement, as that term is defined in § 10.1-1009, or subject to the conveyance in perpetuity of an open-space easement, as that term is defined in § 10.1-1700, or (ii) conveyed to the Commonwealth of Virginia or to a federal conservation agency. No credit shall be allowed with respect to any subsequent conveyances by the charitable organization.

D. The issuance of tax credits under this article for donations made on and after January 1, 2007, shall be in accordance with procedures and deadlines established by the Department and shall be administered under the following conditions:

1. The taxpayer shall apply for a credit after completing the donation by submitting a form or forms prescribed by the Department in consultation with the Department of Conservation and Recreation. If the application requests a credit of \$1 million or more or if the donation meets the conditions of subdivision 3 c, then a copy of the application shall also be filed with the Department of Conservation and Recreation by the taxpayer. The application shall include, but not be limited to:

- a. A description of the conservation purpose or purposes being served by the donation;
- b. The fair market value of land being donated in the absence of any easement or other restriction;
- c. The public benefit derived from the donation;
- d. The extent to which water quality best management practices will be implemented on the property; and
- e. Whether the property is fully or partially forested and a forest management plan is included in the terms of the donation.

2. Applications for otherwise qualified donations of a less-than-fee interest shall be accompanied by an affidavit describing how the donated interest in land meets the requirements of § 170(h) of the United States Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder. The application with accompanying affidavit shall be submitted to the Department of Taxation, with a copy also provided to the Department of Conservation and Recreation.

3. a. No credit in the amount of \$1 million or more shall be issued with respect to a donation unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation, based on the criteria adopted by the Virginia Land Conservation Foundation for this purpose. Such criteria and subsequent amendments shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), but the Virginia Land Conservation Foundation shall provide for adequate public participation, including adequate notice and opportunity to provide comments on the proposed criteria. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action.

b. For purposes of determining whether a credit requires verification of the conservation value, the credits allowed under this article with respect to donations of any other portion of a recorded parcel of land within the preceding 11 years shall be aggregated with the credit claimed for the current donation. This subdivision shall not apply if (i) all owners of the parcel who have been allowed credit for a qualified donation are not affiliated with the person or entity seeking credit for the current donation of a different portion of the parcel and (ii) in the case of an individual seeking credit, the individual has not previously made a qualified donation for any portion of the parcel and is not an immediate family member of any such owners.

c. If (i) the real property that is the subject of the donation was partitioned from or part of another parcel of land and any other portion of such parcel, or any land partitioned from such parcel of land, has been allowed a tax credit under this article (or an application for tax credit is pending) within three years of such donation and (ii) the tax credit that would otherwise be allowed to the donor for such donation is at least \$250,000, then no credit under this article shall be issued with respect to such donation described in clause (i) unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action. Nothing in this subdivision shall be construed or interpreted (a) as allowing additional tax credit for any land or interest in land previously conveyed for which tax credit has already been allowed under this article or (b) affecting the validity of any tax credit allowed under this article for a prior conveyance of any land or interest in land.

4. a. Tax credits shall be issued on a calendar year basis, and in no case shall the Department issue more than the maximum allowed for the calendar year. The maximum amount of credits that may be issued in a calendar year shall be \$100 million plus any credits previously issued under this article but subsequently disallowed or invalidated by the Department. Credits previously issued but subsequently disallowed or invalidated shall be reissued in a subsequent calendar year. All credits shall be issued in the order that each complete application is ~~received~~ *filed*. *For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing.* If within 30 days after an application for credits has been filed the Tax Commissioner provides written notice to the donor that he has determined that the preparation of a second qualified appraisal is warranted, the application shall not be deemed complete until the fair market value of the donation has been finally determined by the Tax Commissioner. The Tax Commissioner shall make a final determination within 180 days of notifying the donor, unless the donor has filed an appeal. The donor shall have the right to appeal any decision of the Department in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.). If more than one complete application is ~~received~~ *filed* at the same time, the credits with respect to those applications shall be issued in the order that the conveyances were recorded in the appropriate circuit court of the Commonwealth. In the event that a credit requires verification of the conservation value by the Department of Conservation

and Recreation and such verification has not been received at the time the maximum \$100 million allowed is reached for the calendar year of the donation, such credit shall not be issued for that calendar year but shall be issued in the calendar year that the conservation value of the credit is verified by the Department of Conservation and Recreation.

*No credit shall be allowed for any land or interest in land conveyed on or after July 1, 2015, unless a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the year following the calendar year of the conveyance. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. Solely for purposes of this condition, any application for which the Tax Commissioner has given written notice to the donor that the preparation of a second qualified appraisal is warranted shall be deemed timely filed, provided that the application was otherwise complete as of such filing deadline.*

b. Beginning with calendar year 2008, the \$100 million amount contained in subdivision 4 a shall be increased by an amount equal to \$100 million multiplied by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending August 31 of the preceding year exceeds the CPI-U for the 12-month period ending August 31, 2006.

c. Beginning with calendar year ~~2013~~ 2015, the maximum amount of credits that may be issued in a calendar year shall not exceed ~~\$100~~ \$75 million. *In no case shall the Department issue any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.*

Beginning with the submission due on or before December 20, ~~2013~~ 2015, and in each year thereafter, the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund equal to the difference between the amount calculated pursuant to subdivision b and ~~\$100~~ \$75 million, but not more than \$20 million, to be allocated as follows: 80 percent to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent to the Civil War Site Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent to the Virginia Farmland Preservation Fund to be used in accordance with § 3.2-201.

5. a. Any taxpayer that has been issued a tax credit by the Department shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 10 consecutive taxable year carryforward provisions of this article, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, ~~and~~ 2011, *and 2015 and taxable years thereafter.* Such a taxpayer shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 13 consecutive taxable year carryforward provisions of this article.

b. Any taxpayer to whom a credit has been transferred may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 11 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, ~~and~~ 2011, *and 2015 and taxable years thereafter.* Such a taxpayer may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 14 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer.

6. Neither the verification of conservation value by the Department of Conservation and Recreation nor the issuance of a credit by the Department of Taxation shall in any way be construed or interpreted as prohibiting the Department of Taxation or the Tax Commissioner from auditing any credit claimed pursuant to the provisions of this article or from assessing tax relating to the claiming of any credit under this article.

E. In any review or appeal before the Tax Commissioner or in any court in the Commonwealth the burden of proof shall be on the taxpayer to show that the fair market value and conservation value at the time of the qualified donation is consistent with this section and that all requirements of this article have been satisfied.

## CHAPTER 681

*An Act to amend and reenact §§ 33.2-309 and 33.2-1807 of the Code of Virginia, relating to tolling of Interstate highways.*

[S 1451]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-309 and 33.2-1807 of the Code of Virginia are amended and reenacted as follows:**

**§ 33.2-309. Tolls for use of Interstate System components.**

A. Notwithstanding any contrary provision of this title and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General

Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate ~~Route~~ 81. *Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program.* Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation by the Board as provided in this section.

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

**§ 33.2-1807. Powers and duties of the private entity.**

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. However, no tolls or user fees may be imposed by the private entity on Interstate 81 without the prior approval of the General Assembly. *Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program.*

B. The private entity may own, lease, or acquire any other right to use or develop and/or operate the qualifying transportation facility.

C. Subject to applicable permit requirements, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current navigation and use of the waterway.

D. In operating the qualifying transportation facility, the private entity may:

1. Make classifications according to reasonable categories for assessment of user fees; and

2. With the consent of the responsible public entity, make and enforce reasonable rules to the same extent that the responsible public entity may make and enforce rules with respect to a similar transportation facility.

E. The private entity shall:

1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards of the responsible public entity for transportation facilities operated and maintained by such responsible public entity, all in accordance with the provisions of the interim agreement or the comprehensive agreement;

2. Keep the qualifying transportation facility open for use by the members of the public in accordance with the terms and conditions of the interim or comprehensive agreement after its initial opening upon payment of the applicable user fees and/or service payments, provided that the qualifying transportation facility may be temporarily closed because of emergencies or, with the consent of the responsible public entity, to protect the safety of the public or for reasonable construction or maintenance procedures;

3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying transportation facility requested by the responsible public entity; and

5. Comply with the provisions of the interim or comprehensive agreement and any service contract.

## CHAPTER 682

*An Act to amend and reenact § 46.2-1530 of the Code of Virginia, relating to motor vehicle dealer buyer's orders.*

[S 878]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1530 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1530. Buyer's order.**

A. Every motor vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a motor vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of five years in accordance with § 46.2-1529, and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

1. The name and address of the person to whom the vehicle was sold or traded.
2. The date of the sale or trade.
3. The name and address of the motor vehicle dealer selling or trading the vehicle.
4. The make, model year, vehicle identification number and body style of the vehicle.
5. The sale price of the vehicle.
6. The amount of any cash deposit made by the buyer.
7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. The description of the trade-in shall be the same as outlined in subdivision 4.
8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, purchaser's on-line systems filing fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.
9. The net balance due at settlement.
10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in § 46.2-1530.1 or any "dealer's manual transaction fee" as defined in § 46.2-1530.2.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.

12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE: YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."

13. For sales of used motor vehicles, the disclosure required by § 46.2-1529.1.

If the transaction does not include a policy of motor vehicle liability insurance, the seller shall stamp or mark on the face of the bill of sale in boldface letters no smaller than 18 point type the following words: "No Liability Insurance Included."

A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

B. The Board shall approve a buyer's order form and each dealer shall file with each original license application its buyer's order form, on which the processing fee amount is stated.

C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the dealership. The sign shall be no smaller than eight and one-half inches by 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Board.

D. If the buyer's order is for a new motor vehicle ~~having a gross vehicle weight rating of less than 16,000 pounds~~ that had accumulated, at the time of the sale, mileage in excess of 750 miles as a demonstrator or as a result of delivery to a prospective purchaser who never took title to the new motor vehicle and returned it, the vehicle may be sold as new, provided the dealer delivers this disclosure in writing on the buyer's order containing type of no smaller than 10 point or in a separate document containing only the disclosure in type of no smaller than 14 point: "Notice: This new motor vehicle has accumulated mileage in excess of 750 miles as the result of use as a demonstrator and/or as the result of delivery to a prior

prospective purchaser who never took title to it and who returned it." When delivered as a separate document, this disclosure shall also contain the actual odometer reading for the vehicle and shall be signed by the purchaser.

*E. The provisions of this section shall not apply to the sale or exchange of (i) a tractor truck, (ii) a truck having a gross vehicle weight rating of 16,000 pounds or more, or (iii) a semitrailer.*

## CHAPTER 683

*An Act to amend and reenact § 15.2-2114 of the Code of Virginia, relating to stormwater utility fees.*

[S 1047]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 15.2-2114 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 15.2-2114. Regulation of stormwater.**

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring; and
6. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication. However, prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of charges shall apply only to property covered by any such permit; and
2. Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to provision 1 of subsection C, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

## CHAPTER 684

An Act to amend and reenact §§ 33.2-200, 33.2-214, 33.2-214.1, 33.2-221, 33.2-228, 33.2-232, 33.2-318, 33.2-319, 33.2-328, 33.2-331, 33.2-337, 33.2-338, 33.2-349, 33.2-352, 33.2-357 through 33.2-360, 33.2-363, 33.2-365, 33.2-366, 33.2-1501, 33.2-1502, 33.2-1503, 33.2-1505, 33.2-1510, 33.2-1526, 33.2-1529, 33.2-1530, 33.2-1531, 33.2-2400, 58.1-638, 58.1-815.4, 58.1-1741, and 58.1-2289 of the Code of Virginia; to amend the Code of Virginia by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-369, 33.2-370, and 33.2-371 and by adding in Article 5 of Chapter 15 of Title 33.2 a section numbered 33.2-1529.1; and to repeal §§ 33.2-348, 33.2-361, 33.2-362, and 33.2-364 and Article 2 (§ 33.2-1508) of Chapter 15 of Title 33.2 of the Code of Virginia, relating to the Commonwealth Transportation Board and transportation funding.

[H 1887]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-200, 33.2-214, 33.2-214.1, 33.2-221, 33.2-228, 33.2-232, 33.2-318, 33.2-319, 33.2-328, 33.2-331, 33.2-337, 33.2-338, 33.2-349, 33.2-352, 33.2-357 through 33.2-360, 33.2-363, 33.2-365, 33.2-366, 33.2-1501, 33.2-1502, 33.2-1503, 33.2-1505, 33.2-1510, 33.2-1526, 33.2-1529, 33.2-1530, 33.2-1531, 33.2-2400, 58.1-638, 58.1-815.4, 58.1-1741, and 58.1-2289 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-369, 33.2-370, and 33.2-371 and by adding in Article 5 of Chapter 15 of Title 33.2 a section numbered 33.2-1529.1 as follows:**

**§ 33.2-200. Commonwealth Transportation Board; membership; terms; vacancies.**

The Board shall have a total membership of ~~18~~ 17 members that shall consist of 14 nonlegislative citizen members and ~~four~~ three ex officio members as follows: the Secretary of Transportation, the Commissioner of Highways, and the Director of the Department of Rail and Public Transportation; ~~and the Executive Director of the Virginia Port Authority~~. The nonlegislative citizen members shall be appointed by the Governor as provided in § 33.2-201, subject to confirmation by the General Assembly; ~~and shall serve at the pleasure of the Governor~~. Appointments of nonlegislative citizen members shall be for terms of four years commencing on July 1, upon the expiration of the terms of the existing members, respectively. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No nonlegislative citizen member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. Ex officio members of the Board shall serve terms coincident with their terms of office.

The Secretary shall serve as chairman of the Board and shall have voting privileges only in the event of a tie. The ~~Commissioner of Highways~~ senior nonlegislative citizen member shall serve as vice-chairman of the Board ~~and shall have voting privileges only in the event of a tie when he is presiding~~ and shall preside during the absence of the chairman. *In the event that more than one nonlegislative citizen member of the Board may be considered the senior nonlegislative citizen member, the Board shall elect the vice-chairman from such senior nonlegislative citizen members.* The Director of the Department of Rail and Public Transportation and the ~~Executive Director of the Virginia Port Authority~~ Commissioner of Highways shall not have voting privileges.

**§ 33.2-214. Transportation; Six-Year Improvement Program.**

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and set aside funds as provided in § 33.2-1524. To allocate funds for these needs pursuant to §§ 33.2-358 and 58.1-638, the Board shall adopt a Six-Year Improvement

Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

E. The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds. If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate any funds allocated pursuant to § 33.2-319; ~~33.2-348; 33.2-362;~~ or 33.2-366, based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board reallocate any funds, allocated pursuant to ~~subdivision C 3 of subsection C or D of~~ § 33.2-358, from any projects on highways controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the termination of a project, and the Department does not agree to the termination, or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the Board and the Department has expended state or federal funds, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a locality or metropolitan planning organization requests alterations to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

**§ 33.2-214.1. Statewide prioritization process for project selection.**

A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.

B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to §§ 33.2-358, 33.2-370, and 33.2-371 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.2-214 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.

1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.

2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.2-353.

3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.

4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.

C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.2-352; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the

Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; ~~projects funded pursuant to subdivisions C 2 and 3 of § 33.2-358~~; projects funded by the revenue-sharing program pursuant to § 33.2-357; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law. ~~However, the Board shall defer to individual local governments for projects funded pursuant to subdivisions C 2 and 3 of § 33.2-358.~~

D. The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors, in a timely fashion.

**§ 33.2-221. Other powers, duties, and responsibilities.**

A. The Board shall have the power and duty to comply fully with the provisions of the present or future federal aid acts. The Board may enter into all contracts or agreements with the United States government and may do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation.

B. The Board shall have the power and duty to enter into all contracts with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems, including the systems of state highways with the highways of such other states, and where necessary, seek the approval of such contracts by the Congress of the United States.

C. The Board shall have the power and duty to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law. The Board shall ensure that the total funds allocated to any highway construction project are equal to total expenditures within 12 months following completion of the project. ~~However, this requirement shall not apply to debt service apportionments pursuant to § 33.2-362 or 33.2-364.~~

D. The Board shall have the power and duty, with the advice of the Secretary of Finance and the State Treasurer, to engage a financial advisor and investment advisor who may be anyone within or without the government of the Commonwealth to assist in planning and making decisions concerning the investment of funds and the use of bonds for transportation purposes. The work of these advisors shall be coordinated with the Secretary of Finance and the State Treasurer.

E. The Board shall have the power and duty to enter into payment agreements with the Treasury Board related to payments on bonds issued by the Commonwealth Transportation Board.

F. When the traffic-carrying capacity of any of the systems of state highways or a portion thereof is increased by construction or improvement, the Board may enter into agreements with localities, authorities, and transportation districts to establish highway user fees for such system of state highways or portion thereof that the localities, authorities, and transportation districts maintain.

**§ 33.2-228. Agreements between Commissioner of Highways and certain localities.**

Notwithstanding the provisions of §§ 33.2-209, 33.2-214, ~~and 33.2-221, and 33.2-362~~, the Commissioner of Highways, pursuant to a resolution adopted by the Board and following receipt of a resolution adopted by the governing body of a city or town to which funds are apportioned pursuant to § 33.2-362 locality, may enter into an agreement with any such city or town locality pursuant to which the city or town locality assumes responsibility for the design, right-of-way acquisition, and construction of urban system highways or portions thereof in such city or town locality, using funds allocated pursuant to subdivision C 2 of § 33.2-358 § 33.2-371.

**§ 33.2-232. Annual report by Commissioner of Highways.**

The Commissioner of Highways shall annually report in writing to the Governor ~~and, the General Assembly, the Joint Legislative Audit and Review Commission, and the Board~~ no later than November 30 each year; ~~on (i) the condition and performance of the existing transportation infrastructure, using an asset management methodology and generally accepted engineering principles and business practices to identify and prioritize maintenance and operations needs and to identify performance standards to be used to determine those needs, and funding required to meet those needs; (ii) the Department's strategies for improving safety and security, increasing efficiency in agency programs and projects, and collaborating with the private sector and local government in the delivery of services; (iii) the operating and financial activities of the Department, including the construction and maintenance programs, transportation costs and revenue, and federal allocations; (iv) the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1534; and (v) other such matters of importance to transportation in the Commonwealth. The content of such report shall be specified by the Board and shall contain, at a minimum:~~

1. The condition of existing transportation assets, using asset management methodology pursuant to § 33.2-352;

2. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;

3. Beginning with the November 2015 report through the November 2019 report, the allocations to the reconstruction and rehabilitation of functionally obsolete or structurally deficient bridges and to the reconstruction of pavements determined to have a combined condition index of less than 60 and beginning with the November 2020 report, the methodology used to determine allocations of construction funds for state of good repair purposes as defined in § 33.2-369 and any waiver of the cap provided for in subsection B of § 33.2-369;

4. The performance targets and outcomes for (i) the current two-year period starting July 1 of even-numbered years and (ii) the following two-year period starting July 1 of the next even-numbered year. The targets and outcomes shall state what is expected to be achieved, based on funding identified for maintenance and state of good repair purposes, over each two-year period;

5. Beginning with the November 2016 report, a listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;

6. The Department's (i) strategies for improving safety and security and (ii) strategies and activities to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 and improved incident management; and

7. A review of the Department's collaboration with the private sector in delivering services.

**§ 33.2-318. Bypasses through or around cities and towns.**

A. The Commissioner of Highways may acquire by gift, purchase, exchange, condemnation, or otherwise such lands or interest therein necessary or proper for the purpose and may construct and improve thereon such bypasses or extensions and connections of the primary state highway system through or around cities and towns as the Board deems necessary for the uses of the primary state highway system, provided that the respective cities and towns with populations of 3,500 or more by action of their governing bodies agree to participate ~~in accordance with the provisions of § 33.2-348~~ in all costs of such construction and improvement, including the cost of rights-of-way, on that portion of any such bypass or extension that is located within any such city or town. The maintenance of that portion of a bypass or extension located within a city or town shall be borne by the city or town. However, the Board shall contribute to such maintenance in accordance with the provisions of law governing its contribution to the maintenance of highways, bridges, and streets in such cities and towns. The location, form, and character of informational, regulatory, and warning signs, curb and pavement, or other markings and traffic signals installed or placed by any public authority shall be subject to the approval of the Commissioner of Highways. At both ends of bypasses through or around cities and towns, the Commissioner of Highways shall erect and maintain adequate directional signs of sufficient size and suitable design to indicate clearly the main route leading directly into such cities and towns.

B. Notwithstanding the provisions of subsection A, in any case in which a municipality refuses to contribute to the construction of a bypass or an extension or connection of the primary state highway system within said municipality, the Commissioner of Highways may construct such bypass or extension and connection without any contribution by the municipality when the Board determines that such bypass or extension and connection is primarily rural in character and that the most desirable and economical location is within the municipality. Any bypass or extension and connection built under this subsection shall be maintained by the Commissioner of Highways as a part of the primary state highway system, and the municipality shall receive no payment for such bypass or extension and connection under § 33.2-319.

C. All the provisions of general law relating to the exercise of eminent domain by the Commissioner of Highways are applicable to such bypasses, extensions, and connections of the primary state highway system.

D. The Board may expend out of funds appropriated to the Board *and allocated to an applicable project* under ~~subsection B and subdivision C~~ of § 33.2-358, 33.2-370, or 33.2-371 such funds as may be necessary to carry out the provisions of this section.

**§ 33.2-319. Payments to cities and certain towns for maintenance of certain highways.**

The Commissioner of Highways, subject to the approval of the Board, shall make payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for ~~allocation of construction funds for urban highways~~ under § 33.2-362 *this section*. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Department. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. ~~All allocations made prior to July 1, 2001, to cities and towns meeting the criteria of the foregoing provisions of this section are hereby confirmed.~~

*Funds are allocated to urban highways in (i) all towns that have a population of more than 3,500 according to the last preceding United States census; (ii) all towns that, according to evidence satisfactory to the Board, have attained a population of more than 3,500 since the last preceding United States census; (iii) Chase City, Elkton, Grottoes, Narrows, Pearisburg, and Saltville, which, on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect; (iv) all cities regardless of their populations; and (v) the Towns of Altavista, Lebanon, and Wise.*

No payments shall be made to any such city or town unless the portion of the highway for which such payment is made either ~~(i)~~ (a) has ~~(1)~~ (1) an unrestricted right-of-way at least 50 feet wide and ~~(2)~~ (2) a hard-surface width of at least 30 feet; ~~(ii)~~ (b) has ~~(a)~~ (1) an unrestricted right-of-way at least 80 feet wide, ~~(b)~~ (2) a hard-surface width of at least 24 feet, and ~~(c)~~ (3) approved engineering plans for the ultimate construction of an additional hard-surface width of at least 24 feet within the same right-of-way; ~~(iii)~~ (c) (1) is a cul-de-sac, ~~(b)~~ (2) has an unrestricted right-of-way at least 40 feet wide, and ~~(c)~~ (3) has a turnaround that meets applicable standards set by the Department; ~~(iv)~~ (d) either ~~(a)~~ (1) has been paved and has constituted part of the primary or secondary state highway system prior to annexation or incorporation or ~~(b)~~ (2) has constituted part of the secondary state highway system prior to annexation or incorporation and is paved to a minimum width of 16 feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof that have previously been maintained under the provisions of § 33.2-339 or 33.2-340; ~~(v)~~ (e) was eligible for and receiving

such payments under the laws of the Commonwealth in effect on June 30, 1985; ~~(vi)~~ (f) is a street established prior to July 1, 1950, that has an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 16 feet; ~~(vii)~~ (g) is a street functionally classified as a local street that was constructed on or after January 1, 1996, and that at the time of approval by the city or town met the criteria for pavement width and right-of-way of the then-current design standards for subdivision streets as set forth in regulations adopted by the Board; ~~(viii)~~ (h) is a street previously eligible to receive street payments that is located in the City of Norfolk or the City of Richmond and is closed to public travel, pursuant to legislation enacted by the governing body of the locality in which it is located, for public safety reasons, within the boundaries of a publicly funded housing development owned and operated by the local housing authority; or ~~(ix)~~ (i) is a local street, otherwise eligible, containing one or more physical protuberances placed within the right-of-way for the purpose of controlling the speed of traffic.

However, the Commissioner of Highways may waive the requirements as to hard-surface pavement or right-of-way width for highways where the width modification is at the request of the governing body of the locality and is to protect the quality of the affected locality's drinking water supply or, for highways constructed on or after July 1, 1994, to accommodate some other special circumstance where such action would not compromise the health, safety, or welfare of the public. The modification is subject to such conditions as the Commissioner of Highways may prescribe.

For the purpose of calculating allocations and making payments under this section, the Department shall divide affected highways into two categories, which shall be distinct from but based on functional classifications established by the Federal Highway Administration: ~~(1)~~ (A) principal and minor arterial roads and ~~(2)~~ (B) collector roads and local streets. Payments made to affected localities shall be based on the number of moving-lane-miles of highways or portions thereof available to peak-hour traffic in that locality.

The Department shall recommend to the Board an annual rate per category to be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations program. The Board shall establish the annual rates of such payments as part of its allocation for such purpose, and the Department shall use those rates to calculate and put into effect annual changes in each qualifying city's or town's payment under this section.

The payments by the Department shall be paid in equal sums in each quarter of the fiscal year, and payments shall not exceed the allocation of the Board.

The chief administrative officer of the city or town receiving ~~this fund~~ *these funds* shall make annual categorical reports of expenditures to the Department, in such form as the Board shall prescribe, accounting for all expenditures, certifying that none of the money received has been expended for other than maintenance, construction, or reconstruction of the streets, and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each municipality conducted by independent certified public accountants.

**§ 33.2-328. Department of Transportation to install and maintain certain signs.**

Whenever so requested by the governing body of a county, the Department shall install a system of highway name signs on state-maintained highways at such time and upon such terms and conditions as may be mutually agreed to between the county and the Commissioner of Highways.

The Department shall install, using state forces or contract, the initial signing system, and the county shall be responsible for continuing maintenance of the signs. Supply of the signs by the Department, either by manufacture or purchase, and initial installation shall be paid for from ~~appropriate secondary construction funds allocated to the county or from primary construction funds available to the Department~~ *funds available to the Department for highway maintenance*.

No highway funds shall be used by the county for the cost of maintaining the signing system.

**§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.**

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice in a newspaper published in or having general circulation in the county once a week for two successive weeks and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall

jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. Such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, shall update the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing required for revision of a six-year plan with the public hearing required for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the Department the net amount of all funds expended by the Department for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date on which project development was initiated and the date of cancellation. To the extent that funds from secondary highway allocations pursuant to ~~§ 33.2-364~~ have been expended to pay for a highway construction or improvement project, all revenues generated from a reimbursement by the county shall be deposited into that same county's secondary highway allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his discretion.

The provisions of this section shall not apply in instances where less than 100 percent of the right-of-way is available for donation for unpaved highway improvements.

**§ 33.2-337. Contributions to primary or secondary state highway construction by counties.**

Notwithstanding any other provision of law, any county having highways in the primary or secondary state highway system may contribute funds annually for the construction of primary or secondary highways. The funds contributed by such county shall be appropriated from the county's general revenues for use by the Department on the primary or secondary state highway system within such county as may be determined by the board of supervisors of such county in cooperation with the Department. The funds to which any county may be entitled under the provisions of §§ § 33.2-358; ~~33.2-361, and 33.2-364~~ for construction, improvement, or maintenance of primary or secondary highways shall not be diminished by reason of any funds contributed for that purpose by such county or by any person or entity, regardless of whether such contributions are matched by state or federal funds.

**§ 33.2-338. Construction and improvement of primary or secondary highways by counties.**

A. Notwithstanding any other provisions of this article, the governing body of any county may expend general revenues or revenues derived from the sale of bonds for the purpose of constructing or improving highways, including curbs, gutters, drainageways, sound barriers, sidewalks, and all other features or appurtenances conducive to the public safety and convenience, that either have been or may be taken into the primary or secondary state highway system. Project planning and the acquisition of rights-of-way shall be under the control and at the direction of the county, subject to the approval of project plans and specifications by the Department. All costs incurred by the Department in administering such contracts shall be reimbursed from the county's general revenues or from revenues derived from the sale of bonds or such costs may be charged against the funds that the county may be entitled to under the provisions of § 33.2-358; ~~33.2-361, or 33.2-364.~~

B. Projects undertaken under the authority of subsection A shall not diminish the funds to which a county may be entitled under the provisions of § 33.2-357; ~~or 33.2-358; 33.2-361, or 33.2-364.~~

C. At the request of the county, the Department may agree to undertake the design, right-of-way acquisition, or construction of projects funded by the county. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the county. The county shall reimburse the Department for all costs incurred by the Department in carrying out the aforesaid activities from general revenues or revenues derived from the sale of bonds.

D. Notwithstanding any contrary provision of law, any county may undertake activities toward the design, land acquisition, or construction of primary or secondary state highway projects that have been included in the six-year plan pursuant to § 33.2-331, or in the case of a primary state highway, an approved project included in the six-year improvement program of the Board. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the Department. Such activities shall be undertaken with the prior concurrence of the Department, and the Department shall reimburse the county for expenses incurred in carrying out these activities. Such reimbursement shall be derived from primary or secondary highway funds that the county may be entitled to under the provisions of this chapter. The county may undertake these activities in accordance with all applicable county procedures, provided the Commissioner of Highways finds that those county procedures are substantially similar to departmental procedures and specifications.

E. If funding for the construction of a primary or interstate project is scheduled in the Board's Six-Year Improvement Program as defined in § 33.2-214, a locality may choose to advance funds to the project. If such advance is offered, the Board may consider such request and agree to such advancement and the subsequent reimbursement of the locality of the advance in accordance with terms agreed upon by the Board or its designee and the locality.

F. Any county carrying out any construction project as authorized in this section may, in so doing, exercise the powers granted the Commissioner of Highways under Article 1 (§ 33.2-1000 et seq.) of Chapter 10 to enter property for the purpose of making an examination and survey thereof, with a view to ascertainment of its suitability for highway purposes and any other purpose incidental thereto.

G. For the purposes of this section, any county without an existing franchise agreement, when administering a Department-sanctioned project under a land-use permit or transportation project agreement, shall have the same authority as the Department pertaining to the relocation of utilities.

H. Whenever so requested by any county, funding of any project undertaken as provided in this section may be supplemented solely by state funds in order to avoid the necessity of complying with additional federal requirements, provided a determination has been made by the Department that (i) adequate state funds are available to fully match available federal transportation funds and (ii) the Department can meet its federal obligation authority, as permitted by federal law.

**§ 33.2-349. Character of signs, markings, and signals.**

On any urban highway upon which the Board has expended funds ~~in the manner provided in §§ 33.2-348 and 33.2-362~~, the location, form, and character of informational, regulatory, and warning signs, curb and pavement, or other markings and traffic signals installed or placed by any public authority shall be subject to the approval of the Commissioner of Highways.

**§ 33.2-352. Asset management practices; report.**

A. The Department shall develop asset management practices in the operation and maintenance of the systems of state highways. *Such practices shall include a transparent methodology for the allocation of funds from the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 to highway systems maintenance and operations programs, including the allocations among the highway construction districts and among the Interstate System and primary and secondary state highway systems.*

B. The Commissioner of Highways shall advise the Board on or before June 30 of even-numbered years of performance targets and outcomes that are expected to be achieved, based on the funding identified for maintenance, over the biennium beginning July 1 of that year. In addition, not later than September 30 of even-numbered years, the Commissioner of Highways shall advise the Board on the Department's accomplishments relative to the expected outcomes and budget expenditures for the biennium ending June 30 of that year and also advise the Board as to the methodology used to determine maintenance needs and the justification as to the maintenance funding by source.

**§ 33.2-357. Revenue-sharing funds for systems in certain localities.**

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Board may make an equivalent matching allocation to any locality for designations by the governing body of up to \$10 million for use by the locality to improve, construct, or reconstruct the highway systems within such locality with up to \$5 million for use by the locality to maintain the highway systems within such locality. After adopting a resolution supporting the action, the governing body of the locality may request revenue-sharing funds to improve, construct, reconstruct, or maintain a highway system located in another locality or between two or more localities or to bring subdivision streets, used as such prior to the date specified in § 33.2-335, up to standards sufficient to qualify them for inclusion in the primary or secondary state highway system. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority ~~first to allocations that will accelerate projects in the Board's Six-Year Improvement Program or the locality's capital plan and next to those to projects as follows:~~ *first, to projects that have previously received an allocation of funds pursuant to this section; second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan pursuant to § 33.2-353 or (ii) accelerate a project in a locality's capital plan; and third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure is below does not meet the Department's maintenance performance targets.*

C. The Department shall contract with the locality for the implementation of the project. Such contract may cover either a single project or may provide for the locality's implementation of several projects. The locality shall undertake implementation of the particular project by obtaining the necessary permits from the Department in order to ensure that the improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, construction, or maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body of the locality pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion that at least a portion of such funds have been expended within one year of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Board.

D. Total Commonwealth funds allocated by the Board under this section shall be no less than \$15 million and no more than \$200 million in each fiscal year, subject to appropriation for such purpose. For any fiscal year in which less than the full program allocation has been allocated by the Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.

E. The funds allocated by the Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

**§ 33.2-358. Allocation of funds among highway systems.**

A. For the purposes of this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

B. The Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System, the primary state highway system, and the secondary state highway system and for city and town street maintenance payments pursuant to § 33.2-319 and payments made to counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.

C. ~~After~~ *Until July 1, 2020, after* funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25 percent to reconstructing deteriorated Interstate System, primary state highway system, and municipality maintained primary extension pavements determined to have a Combined Condition Index of less than 60; (iv) 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); (v) five percent to paving unpaved highways carrying more than 50 vehicles per day; and (vi) five percent to the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 for high-tech infrastructure improvements, provided that at the discretion of the Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations ~~and provided that such allocations shall cease beginning July 1, 2020.~~ After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that in the Board's determination will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the Interstate System, ~~among the highway systems for construction first~~ pursuant to §§ ~~33.2-359 and~~ § 33.2-360 and ~~then any funds not allocated to a project in the Six-Year Improvement Program~~ as follows:

~~1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the primary state highway system, including the arterial network, and in addition, an amount shall be allocated to the primary state highway system as interstate matching funds as provided in subsection B of § 33.2-361.~~

~~2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to urban highways for state aid pursuant to § 33.2-348.~~

~~3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the Interstate System shall be allocated to the secondary state highway system 50 percent for the high-priority projects program established pursuant to § 33.2-370 and 50 percent for the highway construction district grant programs established pursuant to § 33.2-371.~~

D. *For funds allocated for fiscal years beginning on and after July 1, 2020, after funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104, as follows:*

*1. Forty-five percent of the remaining funds to state of good repair purposes as set forth in § 33.2-369;*

2. Twenty-seven and one-half percent of the remaining funds to the high-priority projects program established pursuant to § 33.2-370; and

3. Twenty-seven and one-half percent of the remaining funds to the highway construction district grant programs established pursuant to § 33.2-371.

E. The funds allocated in subsection C or D shall not include any federal funds and related state match for federal funds with restrictions regarding the construction of general capacity expansion of roadways, or federal funds not under the control of the Board. Such exclusion shall not include restrictions on the location of projects to specific road classifications.

F. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

E. G. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

**§ 33.2-359. Unpaved secondary highway funds.**

~~A. Before funds are allocated for distribution for highway construction pursuant to subdivisions C 1, 2, and 3 of § 33.2-358, a fund shall be established for the paving of nonsurface treated secondary highways that carry 50 vehicles or more per day. Such fund shall contain 5-67 percent of the total funds available for highway construction under subdivisions C 1, 2, and 3 of § 33.2-358. Funds from the highway construction district grant programs established pursuant to § 33.2-371 shall be allocated for the improvement of nonsurface treated secondary highways that carry 50 or more vehicles per day. Funds shall be deducted from the allocation made to each highway construction district pursuant to subsection D of § 33.2-371 and such deduction shall be based on the ratio of nonsurface treated secondary highways in each highway construction district that carry 50 or more vehicles per day to the total number of such nonsurface treated secondary highways in the Commonwealth.~~

~~Total funds of the Commonwealth allocated by the Board under this section shall not exceed \$25 million annually.~~

~~B. Such funds shall be distributed to counties in the secondary state highway system based on the ratio of nonsurface treated roads in each county carrying 50 vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth.~~

~~C. The governing body of any county may have funds allocated to the county under this section added to the county's secondary system construction funds allocated pursuant to § 33.2-364. For each \$250,000 or portion thereof added to secondary construction funds under this provision, the amount of the county's nonsurface treated roads used to distribute funds under this section in subsequent years shall be reduced by one mile or proportional part of one mile.~~

**§ 33.2-360. Allocation of funds for interstate match.**

~~After Until July 1, 2020, after making the allocations provided for in subsection B of § 33.2-358; but before making any allocations under subdivisions C 1, 2, and 3 of § 33.2-358, a fund shall be established for matching federal-aid interstate funds.~~

~~This fund shall be established annually by allocating to it all federal-aid interstate matching funds needed for the year; less the total amount of highway construction district primary allocations for the interstate federal-aid match allocated under subsection B of § 33.2-364.~~

**§ 33.2-363. Construction of U.S. Route 29 bypass.**

~~If the construction of a U.S. Route 29 bypass around any city located in any county that both (i) is located outside Planning District 8 and (ii) operates under the county executive form of government is not constructed because of opposition from a metropolitan planning organization, and the Federal Highway Administration requires the Commonwealth to reimburse the federal government for federal funds expended in connection with such project, an amount equal to the amount of such reimbursement shall be deducted by the Board from primary state highway system construction funds allocated or allocable to the highway construction district in which the project was located. Furthermore, in the event of such nonconstruction, an amount equal to the total of all state funds expended on such project shall be deducted by the Board from primary state highway system construction funds allocated or allocable to the highway construction district in which the project was located.~~

**§ 33.2-365. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.**

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, as follows:

1. A minimum of 20 percent of the bond proceeds shall be used for transit capital as further described in subdivision A 4 c of § 58.1-638.

2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the provisions of §§ 33.2-1601 and 33.2-1602.

3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be incurred for construction of transportation projects with such bond proceeds used or allocated as follows: (i) first, to match federal highway funds projected to be made available and allocated to highway and public transportation capital projects to the extent determined by the Board, for purposes of allowing additional state construction funds to be allocated to the primary, urban, and

secondary highway systems pursuant to subdivisions C 1, 2, and 3 of § 33.2-358; (ii) second, to provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant to § 33.2-357 to the extent determined by the Board; and (iii) third, to pay or fund the costs of statewide or regional projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation projects shall include environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction, and related improvements; and any financing costs or other financing expenses relating to such bonds. Such costs may include the payment of interest on such bonds for a period during construction and not exceeding one year after completion of construction of the relevant project.

4. The total amount of bonds authorized shall be used for purposes of applying the percentages in subdivisions 1, 2, and 3.

**§ 33.2-366. Funds for counties that have withdrawn or elect to withdraw from the secondary state highway system.**

Pursuant to subsection B of § 33.2-358, the Board shall make the following payments to counties that have withdrawn or elect to withdraw from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and that have not elected to return: to any county having withdrawn prior to June 30, 1985, and having an area greater than 100 square miles, an amount equal to \$12,529 per lane-mile for fiscal year 2014, and to any county having an area less than 100 square miles, an amount equal to \$17,218 per lane-mile for fiscal year 2014; to any county that elects to withdraw after June 30, 1985, the Board shall establish a rate per lane-mile for the first year using (i) an amount for maintenance based on maintenance standards and unit costs used by the Department to prepare its secondary state highway system maintenance budget for the year in which the county withdraws and (ii) an amount for administration equal to five percent of the maintenance figure determined in clause (i). The payment rates shall be adjusted annually by the Board in accordance with procedures established for adjusting payments to cities and towns under § 33.2-319, and lane mileage shall be adjusted annually to include (a) streets and highways accepted for maintenance in the county system by the local governing body or (b) streets and highways constructed according to standards set forth in the county subdivision ordinance or county thoroughfare plan, and being not less than the standards set by the Department. Such counties shall, ~~in addition, each receive for construction from funds allocated pursuant to subdivision C 3 of § 33.2-358 an annual amount calculated in the same manner as payments for construction in the secondary state highway system are calculated~~ be eligible to receive allocations pursuant to subsection C or D of § 33.2-358.

Payment of the funds shall be made in four equal sums, one in each quarter of the fiscal year, ~~and shall be reduced in the case of each such county by the amount of federal aid construction funds credited to each such county.~~

The chief administrative officer of such counties receiving such funds shall make annual reports of expenditures to the Board, in such form as the Board shall prescribe, accounting for all expenditures, including delineation between construction and maintenance expenditures and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

**§ 33.2-369. State of good repair.**

A. As used in this section, "state of good repair purposes" means improvement of deficient pavement conditions and improvement of structurally deficient bridges.

B. The Board shall use funds allocated in § 33.2-358 and § 58.1-1741 to state of good repair purposes for reconstruction and replacement of structurally deficient state and locally owned bridges and reconstruction and rehabilitation of pavement on the Interstate System and primary state highway system determined to be deteriorated by the Board, including municipality-maintained primary extensions.

The Board shall allocate these funds to projects in all nine highway construction districts for state of good repair purposes based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements. The Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year. The Board may, by a duly adopted resolution, waive the cap provided in this section for a fiscal year only when it determines that due to extraordinary circumstances or needs the cap inhibits the ability of the Department to address a key pavement or bridge need that has been identified.

C. In any year in which the Department has not met the established targets for secondary pavements developed in accordance with § 33.2-232 and before making the allocations in subsection B, the Board may allocate up to 20 percent of these funds to all nine highway construction districts to improve the condition of secondary pavements. The Board shall ensure an equitable needs-based distribution of funds among highway construction districts based on the mileage, condition, and cost to improve secondary pavements.

**§ 33.2-370. High-priority projects program.**

A. As used in this section, "high-priority projects" means those projects of regional or statewide significance, such as projects that reduce congestion or increase safety, accessibility, environmental quality, or economic development.

B. The Board shall establish a high-priority projects program and shall use funds allocated in § 33.2-358 to the program for projects and strategies that address a transportation need identified for a corridor of statewide significance or a regional network in the Statewide Transportation Plan pursuant to § 33.2-353. From funds allocated to this program, the

Board shall allocate funds to the Innovation and Technology Transportation Fund, provided that the allocation shall not exceed \$25 million annually.

In selecting projects and strategies for funding under this program, the Board shall screen, evaluate, and select candidate projects and strategies according to the process established pursuant to subsection B of § 33.2-214.1.

**§ 33.2-371. Highway construction district grant programs.**

A. As used in this section:

"Land area" means the total land area of the counties within a highway construction district reduced by the area of any military reservations and state or national parks or forests within its boundaries and such other similar areas and facilities of five square miles in area or more, as may be determined by the Board.

"Population" means the population according to the latest U.S. census or the latest population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia, whichever is more recent.

B. The Board shall establish a grant program in each highway construction district to fund projects and strategies that address a need in the Statewide Transportation Plan developed pursuant to § 33.2-353.

C. The Board shall solicit candidate projects and strategies from local governments for consideration in the applicable highway construction district's grant program. Candidate projects and strategies shall be screened, evaluated, and selected by the Board according to the process established pursuant to subsection B of § 33.2-214.1 but shall be within a highway construction district and not outside such highway construction district. Candidate projects and strategies from localities within a highway construction district shall be scored against projects and strategies within the same highway construction district. Only those candidate projects and strategies submitted by a locality shall be funded.

D. Funds allocated to this program under § 33.2-358 shall be distributed to each highway construction district for that district's grant program as follows:

1. Thirty percent based on the ratio of the population of the cities and towns eligible to receive payments pursuant to § 33.2-319 within a highway construction district to the total population of the cities and towns eligible to receive payments pursuant to § 33.2-319 within the Commonwealth;

2. Twenty-eight percent based on the ratio of vehicle miles traveled on primary highways within the highway construction district to the total vehicle miles traveled on primary highways in the Commonwealth;

3. Twenty-four percent based on the ratio of the population of counties within a highway construction district to the total population of all counties within the Commonwealth;

4. Ten percent based on the ratio of the number of primary lane-miles in the highway construction district to the total number of primary lane-miles within the Commonwealth;

5. Six percent based on the ratio of the land area of counties within the highway construction district to the total land area of counties within the Commonwealth; and

6. Two percent based on a primary need factor based on addressing the largest under-allocation to highway construction districts relative to primary needs.

E. Projects awarded funds under a grant program established by this section may be administered by the local government pursuant to § 33.2-228 or by the Department.

**§ 33.2-1501. Definitions.**

As used in this article, unless the context requires a different meaning:

"Bank" means the Virginia Transportation Infrastructure Bank created in § 33.2-1502.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs, including the costs of planning, design, right-of-way acquisition, engineering, and construction, incurred by an eligible borrower or other project sponsor as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. "Cost" also includes capitalized interest; reasonably required reserve funds; and financing, credit enhancement, and issuance costs.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees, and other forms of collateral or security.

"Creditworthiness" means attributes such as revenue stability, debt service coverage, reserves, and other factors commonly considered in assessing the strength of the security for indebtedness.

"Eligible borrower" means any (i) private entity; (ii) governmental entity; (iii) instrumentality, corporation, or entity established by any of the foregoing pursuant to § 33.2-1505; or (iv) combination of two or more of the foregoing.

"Finance" and any variation of the term, when used in connection with a cost or a project, includes both the initial financing and any refinancing of the cost or project and any variation of such terms. "Finance" does not include a grant.

"Governmental entity" means any (i) locality; (ii) local, regional, state, or federal entity; transportation authority, planning district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth; or public transportation entity owned, operated, or controlled by one or more local entities; (iii) entity established by interstate compact; (iv) instrumentality, corporation, or entity established by any of the foregoing pursuant to § 33.2-1505; or (v) combination of two or more of the foregoing.

"Grant" means a transfer of moneys or property that does not impose any obligation or condition on the grantee to repay any amount to the transferor other than in connection with assuring that the transferred moneys or property will be spent or used in accordance with the governmental purpose of the transfer. "Grant" includes direct cash payments made to

pay or reimburse all or a portion of interest payments made by a grantee on a debt obligation. As provided in §§ 33.2-1502 and 33.2-1503, only governmental entities may receive grants of moneys or property held in or for the credit of the Bank.

"Loan" means an obligation subject to repayment that is provided by the Bank to an eligible borrower to finance all or a part of the eligible cost of a project incurred by the eligible borrower or other project sponsor. A loan may be disbursed (i) in anticipation of reimbursement (including an advance or draw under a credit enhancement instrument), (ii) as direct payment of eligible costs, or (iii) to redeem or defease a prior obligation incurred by the eligible borrower or other project sponsor to finance the eligible costs of a project.

"Management agreement" means the memorandum of understanding or interagency agreement among the manager, the Secretary of Finance, and the Board as authorized under subsection B of § 33.2-1502.

"Manager" means the Virginia Resources Authority serving as the manager, administrator, and trustee of funds disbursed from the Bank in accordance with the provisions of this article and the management agreement.

"Other financial assistance" means, but is not limited to, grants, includes capital, or debt reserves for bonds or debt instrument financing, provision of letters of credit and other forms of credit enhancement, and other lawful forms of financing and methods of leveraging funds that are approved by the manager.

"Private entity" means any private or nongovernmental entity that has executed an interim or comprehensive agreement to develop and construct a transportation infrastructure project pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

"Project" means (i) the construction, reconstruction, rehabilitation, or replacement of any interstate, state highway, toll road, tunnel, local street or road, or bridge; (ii) the construction, reconstruction, rehabilitation, or replacement of any (a) mass transit, (b) commuter, passenger, or freight rail, (c) port, (d) airport, or (e) commercial space flight facility; or (iii) the acquisition of any rolling stock, vehicle, or equipment to be used in conjunction with clause (i) or (ii).

"Project obligation" means any bond, note, debenture, interim certificate, grant or revenue anticipation note, lease or lease-purchase or installment sales agreement, or credit enhancements issued, incurred, or entered into by an eligible borrower to evidence a loan, or any financing agreements, reimbursement agreements, guarantees, or other evidences of an obligation of an eligible borrower or other project sponsor to pay or guarantee a loan.

"Project sponsor" means any private entity or governmental entity that is involved in the planning, design, right-of-way acquisition, engineering, construction, maintenance, or financing of a project.

"Reliable repayment source" means any means by which an eligible borrower or other project sponsor generates funds that are dedicated to the purpose of retiring a project obligation.

"Substantial project completion" means the opening of a project for vehicular or passenger traffic or the handling of cargo and freight.

### § 33.2-1502. Creation of the Virginia Transportation Infrastructure Bank.

A. There is hereby created in the state treasury a special nonreverting, revolving loan fund, known as the Virginia Transportation Infrastructure Bank, that is a subfund of the Transportation Trust Fund; established pursuant to § 33.2-1524. The Bank shall be established on the books of the Comptroller. The Bank shall be capitalized with (i) *two-thirds of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund* and (ii) moneys appropriated by the General Assembly and credited to the Bank. Disbursements from the Bank shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of Highways or his or her designee. Payments on project obligations and interest earned on the moneys in the Bank shall be credited to the Bank. Any moneys remaining in the Bank, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Bank. Notwithstanding anything to the contrary set forth in this article or in the management agreement, the Board will have the right to determine the projects for which loans or other financial assistance may be provided by the Bank. Moneys in the Bank shall be used solely for the purposes enumerated in ~~subsections~~ *subsection C and D.*

B. The Board, the manager, and the Secretary of Finance are authorized to enter into a management agreement which may include provisions (i) setting forth the terms and conditions under which the manager will advise the Board on the financial propriety of providing particular loans or other financial assistance; (ii) setting forth the terms and conditions under which the substantive requirements of subsections C ~~through F~~, *D, and E* and § 33.2-1505 will be applied and administered; and (iii) authorizing the manager to request the Board to disburse from the moneys in the Bank the reasonable costs and expenses the manager may incur in the management and administration of the Bank and a reasonable fee to be approved by the Board for the manager's management and administrative services.

C. 1. Moneys deposited in the Bank shall be used for the purpose of making loans and other financial assistance to finance projects.

2. Each project obligation shall be payable, in whole or in part, from reliable repayment sources pledged for such purpose.

3. The interest rate on a project obligation shall be determined by reference to the current market rates for comparable obligations, the nature of the project and the financing structure therefor, and the creditworthiness of the eligible borrower and other project sponsors.

4. The repayment schedule for each project obligation shall require (i) the amortization of principal beginning within five years following the later of substantial project completion or the date of incurrence of the project obligation and (ii) a final maturity date of not more than 35 years following substantial project completion.

~~D. A portion not to exceed 20 percent of the capitalization of the Bank may be used for grants to governmental entities to finance projects.~~

~~E.~~ The pledge of reliable repayment sources and other property securing any project obligation may be subordinate to the pledge securing any other senior debt obligations incurred to finance the project.

~~F. E.~~ Notwithstanding subdivision C 4, the manager may at any time following substantial project completion defer payments on a project obligation if the project is unable to generate sufficient revenues to pay the scheduled payments.

~~G. F.~~ No loan or other financial assistance may be provided or committed to be provided by the Bank in a manner that would cause such loan or other financial assistance to be tax-supported debt within the meaning of § 2.2-2713 or be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but shall be payable solely from legally available moneys held by the Bank.

~~H. G.~~ Neither the Bank nor the manager is authorized or empowered to be or to constitute (i) a bank or trust company within the jurisdiction or under the control of the Commonwealth or an agency thereof or the Comptroller of Currency of the U.S. Treasury Department or (ii) a bank, banker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers law of the United States or of the Commonwealth.

~~I. H.~~ The Board or the manager may establish or direct the establishment of federal and state accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the Bank in accordance with this article.

### **§ 33.2-1503. Eligibility and project selection.**

A. Any entity constituting an eligible borrower or other project sponsor is eligible to apply to the Board for project financing from the Bank.

~~B. Notwithstanding subsection A, only governmental entities are eligible to apply for a grant from the Bank.~~

~~C. Any governmental entity applying for a grant must demonstrate, among other things as determined by the manager, that the project cannot be financed on reasonable terms or would otherwise be financially infeasible without the grant.~~

~~D.~~ All applicants for a loan or other financial assistance (~~other than a grant~~) must file an application with the Board, which must include all items determined by the Board in consultation with the manager to be necessary and appropriate for the Board to determine whether or not to approve the loan, including the availability of reliable repayment sources to retire the project obligation as well as creditworthiness.

~~E. C.~~ Each applicant for a loan or other financial assistance must demonstrate that the project is of local, regional, or statewide significance and ~~that it meets the goal of generating economic benefits, improving air quality, reducing congestion, or improving safety through enhancement of the state transportation network meets the public interest identified in subsection A of § 33.2-214.1.~~ Another criterion to be considered is whether or not the loan or other financial assistance will enable the project to be completed at an earlier date than would otherwise be feasible. The Board shall issue guidelines for scoring projects in accordance with ~~the criteria set out in this subsection B of § 33.2-214.1~~ and any other criteria deemed necessary and appropriate for evaluating projects as determined by the Board in consultation with the manager and shall apply the scoring guidelines to each proposed project. Further, the Board shall promptly publish each proposed project and its score using the scoring guidelines.

~~F. D.~~ All projects for which a loan or other financial assistance is provided must meet and remain in compliance with the policies and guidelines established by the Board and the manager.

### **§ 33.2-1505. Project obligations.**

A. Subject to the terms determined by the manager in accordance with the management agreement, each loan or other financial assistance (~~which for purposes of this section shall not include grants~~) shall be evidenced or guaranteed by project obligations provided to finance the costs of any project. The manager may also sell any project obligations so acquired and apply the proceeds of such a sale to the making of additional loans and the provision of other financial assistance for financing the cost of any project or for any other corporate purpose of the Bank.

B. The manager may require, as a condition to provision of a loan or other financial assistance and the acquisition of any project obligations, that the eligible borrower or any other project sponsor covenant to perform any of the following:

1. Establish and collect tolls, rents, rates, fees, and other charges to produce revenue sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, replacement, renewal, and repairs of the project; (ii) any outstanding indebtedness incurred for the purposes of the project, including the principal of and premium, if any, and interest on the project obligations; and (iii) any amounts necessary to create and maintain any required reserve, including any rate stabilization fund deemed necessary or appropriate by the manager to offset the need, in whole or part, for future increases in tolls, rents, rates, fees, or charges;

2. Create and maintain a special fund or funds as security for or the source of the scheduled payments on the project obligations or for the operation, maintenance, repair, or replacement of the project or any portions thereof or other property of the eligible borrower or any other project sponsor and deposit into any fund or funds amounts sufficient to make any payments as they become due and payable;

3. Create and maintain other special funds as required by the manager; and

4. Perform other acts, including the conveyance or mortgaging of real and personal property together with all right, title, and interest therein to secure project obligations, or take other actions as may be deemed necessary or desirable by the manager to secure payment of the project obligations and to provide for remedies in the event of any default or nonpayment by the eligible borrower or any other project sponsor, including any of the following:

a. The procurement of credit enhancements or liquidity arrangements for project obligations from any source, public or private, and the payment therefor of premiums, fees, or other charges.

b. The combination of one or more projects, or the combination of one or more projects with one or more other undertakings, facilities, or systems, for the purpose of operations and financing, and the pledging of the revenues from such combined projects, undertakings, facilities, and systems to secure project obligations issued in connection with such combination or any part or parts thereof.

c. The payment of such fees and charges in connection with the acquisition of the project obligations as may be determined by the manager.

C. All eligible borrowers and other project sponsors, including any governmental entities, providing project obligations to the Bank are authorized to perform any acts, take any action, adopt any proceedings, and make and carry out any contracts with the Bank, the manager, or the Board that are contemplated by this article. Such contracts need not be identical among all eligible borrowers or other project sponsors, but may be structured as determined by the manager according to the needs of the contracting eligible borrowers and other project sponsors and the purposes of the Bank.

In addition, subject to the approval of the manager, any project sponsor is authorized to establish and contract with a special purpose or limited purpose instrumentality, corporation, or other entity for the purpose of having such entity serve as the eligible borrower with respect to a particular project.

**§ 33.2-1510. Fund for access roads and bikeways to public recreational areas and historical sites; construction, maintenance, etc., of such facilities.**

A. The General Assembly finds and declares that there is an increasing demand by the public for more public recreational areas throughout the Commonwealth, therefore creating a need for more access to these areas. There are also many sites of historical significance to which access is needed.

The General Assembly hereby declares it to be in the public interest that access roads and bikeways to public recreational areas and historical sites be provided by using funds obtained from motor fuel tax collections on motor fuel used for propelling boats and ships and funds contained in the highway portion of the Transportation Trust Fund.

B. ~~The~~ *Prior to making allocations pursuant to subsection D of § 33.2-358, the Board shall, from funds allocated to the primary system, secondary system, or urban system,* set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

C. Upon the setting aside of the funds as provided in this section, the Board shall construct, reconstruct, maintain, or improve access roads and bikeways to public recreational areas and historical sites upon the following conditions:

1. When the Director of the Department of Conservation and Recreation has designated a public recreational area as such or when the Director of the Department of Historic Resources has determined a site or area to be historic and recommends to the Board that an access road or bikeway be provided or maintained to that area;

2. When the Board pursuant to the recommendation from the Director of the Department of Conservation and Recreation declares by resolution that the access road or bikeway be provided or maintained;

3. When the governing body of the locality in which the access road or bikeway is to be provided or maintained passes a resolution requesting the road; and

4. When the governing body of the locality in which the bikeway is to be provided or maintained adopts an ordinance pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2.

No access road or bikeway shall be constructed, reconstructed, maintained, or improved on privately owned property.

D. Any access road constructed, reconstructed, maintained, or improved pursuant to the provisions of this section shall become part of the primary state highway system, the secondary state highway system, or the road system of the locality in which it is located in the manner provided by law and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such systems. Any bikeway path constructed, reconstructed, maintained, or improved pursuant to the provisions of this section that is not situated within the right-of-way limits of an access road that has become, or which is to become, part of the primary state highway system, the secondary state highway system, or the road system of the locality shall, upon completion, become part of and be regulated and maintained by the authority or agency maintaining the public recreational area or historical site. It shall be the responsibility of the authority, agency, or locality requesting that a bikeway be provided for a public recreational or historical site to provide the right-of-way needed for the construction, reconstruction, maintenance, or improvement of the bikeway if such is to be situated outside the right-of-way limits of an access road.

To maximize the impact of the Fund, not more than \$400,000 of recreational access funds may be allocated for each individual access road project to or within any public recreational area or historical site operated by a state agency and not more than \$250,000 of recreational access funds may be allocated for each individual access road project to or within a public recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than \$75,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a state agency and not more than \$60,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

The Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to establish guidelines to carry out the provisions of this section.

**§ 33.2-1526. Commonwealth Space Flight Fund, Commonwealth Port Fund, Commonwealth Airport Fund, and Commonwealth Mass Transit Fund.**

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's 2016-2017 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer \$9.5 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

**§ 33.2-1529. Toll Facilities Revolving Account.**

A. All definitions of terms in this section shall be as set forth in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

B. Subject to any obligations to existing bondholders, but notwithstanding §§ 2.2-1806 and 58.1-13, funds deposited into the Transportation Trust Fund pursuant to subdivision 3 of § 33.2-1524 shall be held in a separate subaccount to be designated the Toll Facilities Revolving Account; ~~(the Account) together with all interest, dividends, and appreciation that accrue to the Transportation Trust Fund and that are not otherwise specifically directed by law or reserved by the Board in the resolution authorizing issuance of bonds to finance toll facilities.~~ In addition, any funds received from the federal government or any agency or instrumentality thereof that, pursuant to federal law, may be made available, as loans or otherwise, to private persons or entities for transportation purposes, hereinafter referred to as "federal funds," shall be deposited in a segregated subaccount within the Account. Payments received with respect to any loan made from such segregated subaccount pursuant to subdivision D 2 shall also be deposited into such segregated subaccount in the Account.

C. User fees collected in excess of the annual debt service, operations, and maintenance expenses and necessary administrative costs including any obligations to the Account and any other obligations for qualifying facilities with respect to which an agency of the Commonwealth is the responsible public entity shall be deposited and held in the Regional Toll Facilities Revolving Subaccount, (the Regional Account), together with all interest, dividends, and appreciation for use within the metropolitan planning organization region within which the facility exists. Payments received with respect to any loan made from such Regional Account pursuant to subdivision D 3 shall also be deposited into the Regional Account.

D. The Board may make allocations upon such terms and subject to such conditions as the Board deems appropriate from the following funds for the following purposes:

1. From any funds in the Account, exclusive of those in the Regional Account, to pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements, incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that any such funds allocated from the Account for a planned or operating toll facility shall be considered as an advance of funding for which the Account shall be reimbursed;

2. From funds in the segregated subaccount in the Account into which federal funds are deposited in conjunction with the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and pursuant to the terms of a comprehensive agreement between a responsible public entity and a private operator as provided for in that act:

a. To make a loan to such operator to pay any cost of a qualifying transportation facility, provided that (i) the operator's return on its investment is limited to a reasonable rate and (ii) such loan is limited to a reasonable term; or

b. To pay the Commonwealth's or its agency's portion of costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility;

3. From funds in the Regional Account:

a. To pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that (i) allocations from the Regional Account shall be limited to projects located within the same metropolitan planning organization region as the facility that generated the excess revenue and (ii) any such funds allocated from the Regional Account for a planned or operating toll facility shall be considered as an advance of funding for which the Regional Account shall be reimbursed; or

b. To pay the Commonwealth's, its agency's, or its political subdivision's costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility within the same metropolitan planning organization region as the facility that generated the excess revenue; and

4. From any funds in the Account or Regional Account, to pay the Board's reasonable costs and expenses incurred in (i) the administration and management of the Account, (ii) its program of financing or refinancing costs of toll facilities, and (iii) the making of loans and paying of costs described in subdivisions 1 and 2.

E. The Board may transfer from the Account to the Transportation Trust Fund for allocation pursuant to ~~subsection C of § 33.2-358~~ or the Virginia Transportation Infrastructure Bank pursuant to Article I (§ 33.2-1500 et seq.) any interest revenues and, subject to applicable federal limitations, federal funds not committed by the Board to the purposes provided for in subsection D.

F. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

G. If any provision of this section or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

**§ 33.2-1529.1. Transportation Partnership Opportunity Fund.**

A. There is hereby created the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities. The Fund shall consist of (i) one-third of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund and (ii) any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. All interest and dividends that are earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation as funds are awarded in accordance with this section.

B. The Fund shall be a subfund of the Transportation Trust Fund. Provisions of this title and Title 58.1 relating to the allocations or disbursements of proceeds of the Commonwealth Transportation Fund, the Transportation Trust Fund, or the Highway Maintenance and Operating Fund shall not apply to the Fund.

C. Funds shall be awarded from the Fund by the Governor as grants, revolving loans, or other financing tools and equity contributions to an agency or political subdivision of the Commonwealth. Loans shall be approved by the Governor and made in accordance with procedures established by the Board and approved by the Comptroller. Loans shall be interest-free and shall be repaid to the Fund. The Governor may establish the duration of any loan, but such term shall not exceed seven years. The Department shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

D. Grants or revolving loans may be used for transportation capacity development on and off site; road, rail, mass transit, or other transportation access costs beyond the funding capability of existing programs; studies of transportation projects, including environmental analysis, geotechnical assessment, survey, design and engineering, advance right-of-way acquisition, traffic analysis, toll sensitivity studies, and financial analysis; or anything else permitted by law. Funds may be used for any transportation project or any transportation facility. Any transportation infrastructure completed with moneys from the Fund shall not become private property, and the results of any studies or analysis completed as a result of a grant or loan from the Fund shall be property of the Commonwealth.

E. The Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from the Fund; however, no grant shall exceed \$5 million and no loan shall exceed \$30 million. No grant or loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation. The guidelines and criteria shall include provisions including the number of jobs and amounts of investment that must be committed in the event moneys are being used for an economic development project, a statement of how the studies and analysis to be completed using moneys from the Fund will advance the development of a transportation facility, a process for the application for and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit resulting from the development of a transportation project, assessment of the ability of the recipient to repay any loan funds, and other criteria as necessary to support the timely development of transportation projects. The criteria shall also include incentives to encourage matching funds from any other local, federal, or private source.

F. Within 30 days of each six-month period ending June 30 and December 31, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation that shall include the following information: the locality in which the project is being developed, the amount of the grant or loan made or committed from the Fund and the purpose for which it will be used, the number of jobs created or projected to be created, and the amount of a company's investment in the Commonwealth if the project is part of an economic development opportunity.

G. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the total value of the moneys contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds set aside and reserved shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

**§ 33.2-1530. Highway Maintenance and Operating Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Highway Maintenance and Operating Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The sources of funds for the Fund shall be paid into the state treasury and credited to the Fund and, in addition to all funds appropriated by the General Assembly, includes the following:

1. Revenues generated pursuant to § 33.2-213;
2. Civil penalties collected pursuant to § 33.2-216;
3. Civil penalties collected pursuant to § 33.2-1224;
4. Civil penalties collected pursuant to § 33.2-1229;
5. Permit fees as outlined in § 46.2-652.1;
6. Revenues generated pursuant to § 46.2-702.1;
7. Permit fees pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1, 46.2-1143, 46.2-1148, and 46.2-1149.1;
8. Applicable portions of emissions inspection fees from on-road emissions inspectors as designated in § 46.2-1182;
9. Revenues from subsection G of § 58.1-638 and § 58.1-638.3;
10. ~~Revenues from subdivision 2 of § 58.1-815.4;~~
- ~~11.~~ Revenues generated pursuant to subsection B of § 58.1-2249;
- ~~12.~~ Revenues as apportioned in subsection E of § 58.1-2289;
- ~~13.~~ Revenues as outlined in subsection A of § 58.1-2425; and
- ~~14.~~ 13. Taxes and fees pursuant to § 58.1-2701.

**§ 33.2-1531. Innovation and Technology Transportation Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Innovation and Technology Transportation Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. The amount allocated to the Fund pursuant to ~~subsection C of § 33.2-358 and § 33.2-370~~ and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding pilot programs and fully developed initiatives pertaining to high-tech infrastructure improvements. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Transportation. "High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response. No later than November 30 each year, the Commissioner of Highways shall report in writing to the Governor and General Assembly on the use of moneys in the Fund.

**§ 33.2-2400. Northern Virginia Transportation District Fund.**

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to ~~§ 33.2-362, 33.2-364, or 33.2-366~~, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Transportation

Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

**§ 58.1-638. Disposition of state sales and use tax revenue.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be

used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. *If funds in subdivision 4 b (1) (c) or 4 b (2) (d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1.* Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee.

Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. *If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1.* The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual

local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local

Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

**§ 58.1-815.4. (Contingent expiration) Distribution of recordation tax for certain transportation-related purposes.**

~~Effective July 1, 2008, of~~ Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller as follows:

1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth Mass Transit Fund pursuant to subdivision A 4 b (1) (b) of § 58.1-638; and

2. The revenues collected from \$0.01 of the total tax shall be deposited into the ~~Highway Maintenance and Operating Fund established pursuant to § 33.2-1530~~ *Commonwealth Transit Capital Fund established pursuant to subdivision A 4 c of § 58.1-638.*

**§ 58.1-1741. Disposition of revenues.**

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause (iii) of this sentence, an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation

Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and *two-thirds of which* shall be paid into the Rail Enhancement Fund established by § 33.2-1601 *and one-third of which shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524 and set aside for state of good repair purposes pursuant to § 33.2-369*; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A ~~of this section~~, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.

**§ 58.1-2289. Disposition of tax revenue generally.**

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) ~~11.3~~ 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, ~~and~~ (iv) ~~3.11 percent shall be deposited into the Commonwealth Transit Capital Fund established pursuant to subdivision A 4 c of § 58.1-638~~, (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, (vi) ~~0.35 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1) (b)~~, and (vii) ~~0.24 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1) (a)~~.

2. That the Commonwealth Transportation Board shall develop the priority ranking system pursuant to § 33.2-369 as added by this act by July 1, 2016.
3. That the provisions of this act amending §§ 33.2-200, 33.2-1530, 58.1-815.4, 58.1-1741, and 58.1-2289 of the Code of Virginia shall become effective on July 1, 2016.
4. That the provisions of this act amending § 33.2-1510 shall become effective on July 1, 2020.
5. That §§ 33.2-361, 33.2-362, and 33.2-364 of the Code of Virginia are repealed.
6. That § 33.2-348 of the Code of Virginia is repealed effective July 1, 2016.
7. That the repeal of §§ 33.2-348, 33.2-361, 33.2-362, and 33.2-364 of the Code of Virginia shall not affect the expenditure of funds that are allocated pursuant to those sections by July 1, 2016.
8. That the provisions of this act amending §§ 33.2-214 and 33.2-214.1 of the Code of Virginia shall not affect the expenditure of funds that are allocated by July 1, 2016.
9. That Article 2 (§ 33.2-1508) of Chapter 15 of Title 33.2 of the Code of Virginia is repealed and that such repeal shall not affect the validity, enforceability, or legality of any loan agreement or other contract, or any right established or accrued under such loan agreement or contract, that existed prior to such repeal.
10. That prior to January 1, 2018, the Department of Rail and Public Transportation is authorized to enter into an agreement with a private entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia) to improve passenger rail service within the Commonwealth wherein the private entity finances the improvements in return for annual payments from funds allocated by the Commonwealth Transportation Board pursuant to §§ 33.2-1601 and 33.2-1603 of the Code of Virginia for a period not to exceed 20 years, provided that such annual payments shall be apportioned by the Commonwealth Transportation Board between the Intercity Passenger Rail Operating and Capital Fund and the Rail Enhancement Fund on the basis of the annual revenues of and proportional benefit incurred to each fund.
11. That the Commonwealth Transportation Board shall develop no later than December 1, 2015, a legislative proposal to revise the public benefit requirements of the Rail Enhancement Fund established pursuant to § 33.2-1601 of the Code of Virginia.
12. That the provisions of this act amending §§ 33.2-1530, 58.1-815.4, 58.1-1741, and 58.1-2289 of the Code of Virginia shall expire if the Commonwealth collects sales and use tax from remote retailers on sales made into the Commonwealth pursuant to legislation enacted by the federal government that grants states that meet minimum simplification requirements specified in such legislation the authority to compel remote retailers to collect sales and use tax on sales made into the respective state.

## CHAPTER 685

*An Act to amend and reenact §§ 2.2-2220, 2.2-2221, and 2.2-2221.1 of the Code of Virginia, relating to the Innovation and Entrepreneurship Investment Authority; quorum; powers and duties.*

[H 1799]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 2.2-2220, 2.2-2221, and 2.2-2221.1 of the Code of Virginia are amended and reenacted as follows:  
**§ 2.2-2220. Board of directors; members; President.**

The Authority shall be governed by a board of directors consisting of ~~45~~ 17 members appointed as follows: (i) two presidents of the major research state institutions of higher education, and one president representing the other state institutions of higher education, appointed by the Governor; (ii) three nonlegislative citizen members appointed by the Governor; (iii) ~~six~~ eight nonlegislative citizen members appointed by the General Assembly as follows: ~~three~~ four nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science; ~~three~~ and four nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science; and (iv) the Secretary of Technology, the Secretary of Commerce and Trade, and the Secretary of Education, who shall serve ex officio with full voting privileges.

One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a founding member of a technology company based upon intellectual property that has ~~successfully~~ secured a ~~minimum of \$5 million of institutional venture private investment~~ capital. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as an institutional venture capital investment partner in a fund with a ~~minimum of \$250 million of limited partner investment and a minimum of five years of fund operations~~. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a senior executive in a technology or scientific research and development company with annual revenues in excess of ~~\$50~~ \$5 million. *One nonlegislative citizen member appointed by the Speaker of the House and*

*one nonlegislative citizen member appointed by the Senate Committee on Rules shall be from rural areas of the Commonwealth.*

The Secretary of Technology, Secretary of Commerce and Trade, and Secretary of Education shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members and presidents shall be appointed for terms of two years. Vacancies in the membership of the Board shall be filled in the same manner as the original appointments for the unexpired portion of the term. No nonlegislative citizen member or president shall be eligible to serve for more than three successive two-year terms; however, after the expiration of a term of one year, or after the expiration of the remainder of a term to which appointed to fill a vacancy, three additional terms may be served by such member if appointed thereto. Members of the Board shall be subject to removal from office in like manner as are state, county, town and district officers under the provisions of §§ 24.2-230 through 24.2-238. Immediately after appointment, the members of the Board shall enter upon the performance of their duties.

The Board shall annually elect from among its members a chairman and a vice-chairman. The Board shall also elect annually a secretary, who need not be a member of the Board, and may also elect such other subordinate officers who need not be members of the Board, as it deems proper. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings. *Nine members shall constitute a quorum of the Board.*

The Board shall employ a President of the Authority, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out such of the powers and duties conferred upon him by the Board. The President and employees of the Authority shall be compensated in the manner provided by the Board and shall not be subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) ~~of this title.~~

#### **§ 2.2-2221. Powers of the Authority.**

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts.
2. Adopt, use, and alter at will a corporate seal.
3. Acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the board of the Authority.
4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.
5. Adopt bylaws for the management and regulation of its affairs.
6. Establish and maintain satellite offices within the Commonwealth.
7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2219, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
8. Borrow money, make and issue bonds including bonds the Authority may determine to issue for the purpose of accomplishing the purposes set forth in § 2.2-2219 or of refunding bonds previously issued by the Authority, and to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts or of any project or property, real, personal or mixed, tangible or intangible, or any interest therein, and to make agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority deems advisable, and in general to provide for the security for the bonds and the rights of holders thereof.
9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes and the execution of its powers under this article, including agreements with any person or federal agency.
10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.
11. Receive and accept from any federal or private agency, foundation, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

12. Render advice and assistance, and to provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.

13. Develop, undertake and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education and in-service training, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; to foster the utilization of scientific and technological research information, discoveries and data and to obtain patents, copyrights and trademarks thereon; to coordinate the scientific and technological research efforts of public institutions and private industry and to collect and maintain data on the development and utilization of scientific and technological research capabilities. The universities set forth in § 2.2-2220 shall be the principal leading universities in the research institutes.

14. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

15. Receive, administer, and market any interest in patents, copyrights and materials that were potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education and political subdivisions of the Commonwealth. The Authority shall return to the agency, institution or political subdivision any revenue in excess of its administrative and marketing costs. When general funds are used to develop the patent or copyright or material that was potentially patentable or copyrightable, any state agency, except a public institution of higher education in Virginia, shall return any revenues it receives from the Authority to the general fund unless the Governor authorizes a percentage of the net royalties to be shared with the developer of the patented, copyrighted, or potentially patentable or copyrightable property.

16. Develop the Commonwealth Research and Technology Strategic Roadmap, pursuant to § 2.2-2221.2 for the Commonwealth to use to identify research areas worthy of institutional focus and Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

17. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's state institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development commercialization efforts.

18. Receive and review annual reports from state institutions of higher education regarding the progress of projects funded through the Commonwealth Research Initiative or the Commonwealth Research and Commercialization Fund. The Authority shall develop guidelines, methodologies, and criteria for the reports. The Authority shall aggregate the reports and submit an annual omnibus report on the status of research and development initiatives in the Commonwealth to the Governor and the chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on General Laws and Technology, the House Committee on Science and Technology, and the Joint Commission on Technology and Science.

19. ~~Develop~~ *In consultation with the Secretary of Technology, develop* guidelines for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1. These guidelines shall address, at a minimum, the application process and shall give special emphasis to fostering collaboration between institutions of higher education and partnerships between institutions of higher education and business and industry.

20. Appoint the citizen members of the Research and Technology Investment Advisory Committee pursuant to § 2.2-2220.1.

21. *Exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of, or any combination thereof, separate legal entities, on any such terms and conditions and in any such manner as may be determined by the Board, provided that such separate legal entities shall be formed solely for the purpose of managing and administering any assets disposed of by the Authority. These legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations. Any entities created by the Authority shall be operated under the governance of the Authority. The Board shall be provided with quarterly performance reports for all governed entities. The articles of incorporation, partnership, or organization for these entities shall provide that, upon dissolution, the assets of the entities that are owned on behalf of the Commonwealth shall be transferred to the Authority. The legal entity shall ensure that the economic benefits attributable to the income and property rights arising from any transactions in which the entity is involved are allocated on a basis that is equitable in the reasonable business judgment of the Board, with due account being given to the interest of the citizens of the Commonwealth and the needs of the formed entity. No legal entity shall be deemed to be a state or governmental agency, advisory agency, or public body or instrumentality. No director, officer, or employee of any such entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Notwithstanding the foregoing, the Auditor of Public Accounts or his legally authorized representatives shall annually audit the financial accounts of the Authority and any such entity, provided that the working papers and records of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

22. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

**§ 2.2-2221.1. Reporting and transparency requirement for the Center for Innovative Technology.**

A. The president of the Center for Innovative Technology shall report annually to the Joint Commission on Technology and Science, created pursuant to § 30-85, regarding a review of the Center's initiatives and projects, its work plan for the year and the expected results therefrom, and an overview of the results that it has achieved to date, to assist the Commission in its effort to stimulate, encourage, and promote the development of technology and science in the Commonwealth and sound public policies related thereto.

B. *No later than July 15 of each year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Technology, and the Director of the Department of Planning and Budget a report of its operating plan for each year of the biennium. Within three months after the end of the fiscal year, the Center shall submit to the same persons a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the format as approved by the Director of the Department of Planning and Budget and include, but not be limited to, the following:*

1. *All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources, of both the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

2. *A listing of the salaries, bonuses, and benefits of all employees of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

3. *By program, total grants made and investments awarded for each grant and investment program, to include the Commonwealth Research Commercialization Fund;*

4. *By program, the projected economic impact on the Commonwealth and recoveries of previous grants or investments and sales of equity positions; and*

5. *Cash balances by funding source, and report, by program, available, committed, and projected expenditures of all cash balances.*

C. *The president of the Center for Innovative Technology shall report quarterly to the Center's board of directors, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Technology, and the Director of the Department of Planning and Budget in a format approved by the Board the following:*

1. *The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures with planned revenues and expenditures for the fiscal year;*

2. *All investments and grants executed compared with projected investment closings and the return on prior investments and grants including all gains and losses; and*

3. *The financial and programmatic performance of all operating entities owned by the Center.*

D. *The president of the Center for Innovative Technology shall provide an annual report describing key programs and their economic performance for the Commonwealth in a format understandable by the citizens of the Commonwealth and available on the Center's website.*

**2. That the provisions of this act authorize any nonstock corporation (i) specifically authorized by the Governor pursuant to § 2.2-2232 of the Code of Virginia and (ii) currently managing the cybersecurity accelerator known as MACH37 and the investment funds known as the CIT GAP Funds to establish such cybersecurity accelerator and investment funds as separate legal entities that are not under the control of the nonstock corporation. The separate legal entities shall be authorized to raise such funds as may be necessary for the purposes for which they are established.**

## CHAPTER 686

*An Act to amend and reenact § 34-26 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 34 a section numbered 34-28.2, relating to bankruptcy proceeding exemptions.*

[H 2015]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 34-26 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 34 a section numbered 34-28.2 as follows:**

**§ 34-26. Poor debtor's exemption; exempt articles enumerated.**

In addition to the exemptions provided in Chapter 2 (§ 34-4 et seq.), every householder shall be entitled to hold exempt from creditor process the following enumerated items:

1. The family Bible.

1a. Wedding and engagement rings.

2. Family portraits and family heirlooms not to exceed \$5,000 in value.

3. (i) A lot in a burial ground, and (ii) any preneed funeral contract not to exceed \$5,000.

4. All wearing apparel of the householder not to exceed \$1,000 in value.

4a. All household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed \$5,000 in value.

4b. ~~One firearm~~ Firearms, not to exceed a total of \$3,000 in value.

5. All animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit.

6. Medically prescribed health aids.

7. Tools, books, instruments, implements, equipment, and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding \$10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this section. A motor vehicle, vessel or aircraft used to commute to and from a place of occupation or trade and not otherwise necessary for use in the course of such occupation or trade shall not be exempt under this subdivision. "Occupation," as used in this subdivision, includes enrollment in any public or private elementary, secondary, or career and technical education school or institution of higher education.

8. ~~A motor vehicle~~ *Motor vehicles*, not held as exempt under subdivision 7, owned by the householder, not to exceed a total of \$6,000 in value, except that a perfected security interest on ~~the~~ a motor vehicle shall have priority over the claim of exemption under this subdivision.

9. *Those portions of a tax refund or governmental payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended.*

10. *Unpaid spousal or child support.*

The value of an item claimed as exempt under this section shall be the fair market value of the item less any prior security interest.

The monetary limits, where provided, are applicable to the total value of property claimed as exempt under that subdivision.

The purchase of an item claimed as exempt under this section with nonexempt property in contemplation of bankruptcy or creditor process shall not be deemed to be in fraud of creditors.

No officer or other person shall levy or distrain upon, or attach, such articles, or otherwise seek to subject such articles to any lien or process. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption.

**§ 34-28.2. Spousal and child support exempt.**

*The debtor's right to receive spousal or child support, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, shall be exempt from creditor process.*

## CHAPTER 687

*An Act to amend and reenact §§ 2.2-2220, 2.2-2221, and 2.2-2221.1 of the Code of Virginia, relating to the Innovation and Entrepreneurship Investment Authority; quorum; powers and duties.*

[S 1385]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2220, 2.2-2221, and 2.2-2221.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2220. Board of directors; members; President.**

The Authority shall be governed by a board of directors consisting of ~~45~~ 17 members appointed as follows: (i) two presidents of the major research state institutions of higher education, and one president representing the other state institutions of higher education, appointed by the Governor; (ii) three nonlegislative citizen members appointed by the Governor; (iii) ~~six~~ eight nonlegislative citizen members appointed by the General Assembly as follows: ~~three~~ four nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science; ~~three~~ and four nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science; and (iv) the Secretary of Technology, the Secretary of Commerce and Trade, and the Secretary of Education, who shall serve ex officio with full voting privileges.

One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a founding member of a technology company based upon intellectual property that has ~~successfully~~ secured a ~~minimum of \$5 million of institutional venture~~ private investment capital. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as an institutional venture capital investment partner in a fund with a ~~minimum of \$250 million of limited partner investment and a minimum of five years of fund operations~~. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a senior executive in a technology or scientific research and development company with annual revenues in excess of ~~\$50~~ \$5 million. *One nonlegislative citizen member appointed by the Governor, one*

*nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall be from rural areas of the Commonwealth.*

The Secretary of Technology, Secretary of Commerce and Trade, and Secretary of Education shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members and presidents shall be appointed for terms of two years. Vacancies in the membership of the Board shall be filled in the same manner as the original appointments for the unexpired portion of the term. No nonlegislative citizen member or president shall be eligible to serve for more than three successive two-year terms; however, after the expiration of a term of one year, or after the expiration of the remainder of a term to which appointed to fill a vacancy, three additional terms may be served by such member if appointed thereto. Members of the Board shall be subject to removal from office in like manner as are state, county, town and district officers under the provisions of §§ 24.2-230 through 24.2-238. Immediately after appointment, the members of the Board shall enter upon the performance of their duties.

The Board shall annually elect from among its members a chairman and a vice-chairman. The Board shall also elect annually a secretary, who need not be a member of the Board, and may also elect such other subordinate officers who need not be members of the Board, as it deems proper. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings. *Nine members shall constitute a quorum of the Board.*

The Board shall employ a President of the Authority, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out such of the powers and duties conferred upon him by the Board. The President and employees of the Authority shall be compensated in the manner provided by the Board and shall not be subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) ~~of this title.~~

**§ 2.2-2221. Powers of the Authority.**

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts.
2. Adopt, use, and alter at will a corporate seal.
3. Acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the board of the Authority.
4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.
5. Adopt bylaws for the management and regulation of its affairs.
6. Establish and maintain satellite offices within the Commonwealth.
7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2219, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
8. Borrow money, make and issue bonds including bonds as the Authority may determine to issue for the purpose of accomplishing the purposes set forth in § 2.2-2219 or of refunding bonds previously issued by the Authority, and to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts or of any project or property, real, personal or mixed, tangible or intangible, or any interest therein, and to make agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority deems advisable, and in general to provide for the security for the bonds and the rights of holders thereof.
9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes and the execution of its powers under this article, including agreements with any person or federal agency.
10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.
11. Receive and accept from any federal or private agency, foundation, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

12. Render advice and assistance, and to provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.

13. Develop, undertake and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education and in-service training, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; to foster the utilization of scientific and technological research information, discoveries and data and to obtain patents, copyrights and trademarks thereon; to coordinate the scientific and technological research efforts of public institutions and private industry and to collect and maintain data on the development and utilization of scientific and technological research capabilities. The universities set forth in § 2.2-2220 shall be the principal leading universities in the research institutes.

14. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

15. Receive, administer, and market any interest in patents, copyrights and materials that were potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education and political subdivisions of the Commonwealth. The Authority shall return to the agency, institution or political subdivision any revenue in excess of its administrative and marketing costs. When general funds are used to develop the patent or copyright or material that was potentially patentable or copyrightable, any state agency, except a public institution of higher education in Virginia, shall return any revenues it receives from the Authority to the general fund unless the Governor authorizes a percentage of the net royalties to be shared with the developer of the patented, copyrighted, or potentially patentable or copyrightable property.

16. Develop the Commonwealth Research and Technology Strategic Roadmap, pursuant to § 2.2-2221.2 for the Commonwealth to use to identify research areas worthy of institutional focus and Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

17. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's state institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development commercialization efforts.

18. Receive and review annual reports from state institutions of higher education regarding the progress of projects funded through the Commonwealth Research Initiative or the Commonwealth Research and Commercialization Fund. The Authority shall develop guidelines, methodologies, and criteria for the reports. The Authority shall aggregate the reports and submit an annual omnibus report on the status of research and development initiatives in the Commonwealth to the Governor and the chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on General Laws and Technology, the House Committee on Science and Technology, and the Joint Commission on Technology and Science.

19. ~~Develop~~ *In consultation with the Secretary of Technology, develop* guidelines for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1. These guidelines shall address, at a minimum, the application process and shall give special emphasis to fostering collaboration between institutions of higher education and partnerships between institutions of higher education and business and industry.

20. Appoint the citizen members of the Research and Technology Investment Advisory Committee pursuant to § 2.2-2220.1.

21. *Exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of, or any combination thereof, separate legal entities, on any such terms and conditions and in any such manner as may be determined by the Board, provided that such separate legal entities shall be formed solely for the purpose of managing and administering any assets disposed of by the Authority. These legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations. Any entities created by the Authority shall be operated under the governance of the Authority. The Board shall be provided with quarterly performance reports for all governed entities. The articles of incorporation, partnership, or organization for these entities shall provide that, upon dissolution, the assets of the entities that are owned on behalf of the Commonwealth shall be transferred to the Authority. The legal entity shall ensure that the economic benefits attributable to the income and property rights arising from any transactions in which the entity is involved are allocated on a basis that is equitable in the reasonable business judgment of the Board, with due account being given to the interest of the citizens of the Commonwealth and the needs of the formed entity. No legal entity shall be deemed to be a state or governmental agency, advisory agency, or public body or instrumentality. No director, officer, or employee of any such entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Notwithstanding the foregoing, the Auditor of Public Accounts or his legally authorized representatives shall annually audit the financial accounts of the Authority and any such entity, provided that the working papers and records of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

22. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

**§ 2.2-2221.1. Reporting and transparency requirement for the Center for Innovative Technology.**

A. The president of the Center for Innovative Technology shall report annually to the Joint Commission on Technology and Science, created pursuant to § 30-85, regarding a review of the Center's initiatives and projects, its work plan for the year and the expected results therefrom, and an overview of the results that it has achieved to date, to assist the Commission in its effort to stimulate, encourage, and promote the development of technology and science in the Commonwealth and sound public policies related thereto.

B. *No later than July 15 of each year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Technology, and the Director of the Department of Planning and Budget a report of its operating plan for each year of the biennium. Within three months after the end of the fiscal year, the Center shall submit to the same persons a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the format as approved by the Director of the Department of Planning and Budget and include, but not be limited to, the following:*

1. *All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources, of both the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

2. *A listing of the salaries, bonuses, and benefits of all employees of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;*

3. *By program, total grants made and investments awarded for each grant and investment program, to include the Commonwealth Research Commercialization Fund;*

4. *By program, the projected economic impact on the Commonwealth and recoveries of previous grants or investments and sales of equity positions; and*

5. *Cash balances by funding source, and report, by program, available, committed, and projected expenditures of all cash balances.*

C. *The president of the Center for Innovative Technology shall report quarterly to the Center's board of directors, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Technology, and the Director of the Department of Planning and Budget in a format approved by the Board the following:*

1. *The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures with planned revenues and expenditures for the fiscal year;*

2. *All investments and grants executed compared with projected investment closings and the return on prior investments and grants including all gains and losses; and*

3. *The financial and programmatic performance of all operating entities owned by the Center.*

D. *The president of the Center for Innovative Technology shall provide an annual report describing key programs and their economic performance for the Commonwealth in a format understandable by the citizens of the Commonwealth and available on the Center's website.*

**2. That the provisions of this act authorize any nonstock corporation (i) specifically authorized by the Governor pursuant to § 2.2-2232 of the Code of Virginia and (ii) currently managing the cybersecurity accelerator known as MACH37 and the investment funds known as the CIT GAP Funds to establish such cybersecurity accelerator and investment funds as separate legal entities that are not under the control of the nonstock corporation. The separate legal entities shall be authorized to raise such funds as may be necessary for the purposes for which they are established.**

## CHAPTER 688

*An Act to amend and reenact § 18.2-370.5 of the Code of Virginia, relating to sex offenses prohibiting entry onto school or other property; hearing.*

[H 1366]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-370.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-370.5. Sex offenses prohibiting entry onto school or other property; penalty.**

A. Every adult who is convicted of a sexually violent offense, as defined in § 9.1-902, shall be prohibited from entering or being present (i) during school hours, and during school-related or school-sponsored activities upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property; (ii) on any school bus as defined in § 46.2-100; or (iii) upon any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

B. The provisions of clauses (i) and (iii) of subsection A shall not apply to such adult if (i) he is a lawfully registered and qualified voter, and is coming upon such property solely for purposes of casting his vote; (ii) he is a student enrolled at the school; or (iii) he has obtained a court order pursuant to subsection C allowing him to enter and be present upon such property, has obtained the permission of the school board or of the owner of the private school or child day center or their designee for entry within all or part of the scope of the lifted ban, and is in compliance with such school board's, school's or center's terms and conditions and those of the court order.

C. Every adult who is prohibited from entering upon school or child day center property pursuant to subsection A may after notice to the attorney for the Commonwealth and either (i) the proprietor of the child day center, (ii) the Superintendent of Public Instruction *and the chairman of the school board* of the school division in which the school is located, or (iii) the chief administrator of the school if such school is not a public school, petition the circuit court in the county or city where the school or child day center is located for permission to enter such property. *The court shall direct that the petitioner shall cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper meeting the requirements of § 8.01-324. The newspaper notice shall contain a provision stating that written comments regarding the petition may be submitted to the clerk of court at least five days prior to the hearing.* For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to whatever restrictions of area, reasons for being present, or time limits the court deems appropriate.

D. A violation of this section is punishable as a Class 6 felony.

## CHAPTER 689

*An Act to amend and reenact §§ 8, 9, 21, 23, 25.1, 33, and 56, as amended, of Chapter 216 of the Acts of Assembly of 1952, which provided a charter for the City of Roanoke, relating to the director of finance.*

[H 1532]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8, 9, 21, 23, 25.1, 33, and 56, as amended, of Chapter 216 of the Acts of Assembly of 1952 are amended and reenacted as follows:**

§ 8. Officers elective by council; rules; journal of council proceedings; quorum of council.

The council shall elect a city manager, a city clerk, ~~a director of finance~~, a municipal auditor, and a city attorney, none of whom need be a resident of the city at the time of their election but who shall take up residence within the city within three months of their election if not already a resident. Unless herein otherwise specifically provided, the council shall also appoint the members of such boards and commissions as are hereafter provided for. *Pursuant to § 21 of this charter, the city manager shall appoint a director of finance.* All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure; may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal or its proceedings. A majority of all of the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an acting city manager, city clerk, ~~director of finance~~, municipal auditor, or city attorney to hold such office for such lesser term and for such compensation as the council shall then determine; and any person so elected shall have, during the term for which he was elected, all of the authority and shall be charged with all of the duties and responsibilities of the office for which he was elected.

§ 9. Elections by council, when held, terms, et cetera.

During the month of September 1974 and during the month of September of every second year thereafter, *through and including during the month of September 2014*, the council shall elect a city clerk, a director of finance, a municipal auditor, and a city attorney, each of whom shall serve for a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified. *However, the term of the director of finance elected in 2014 shall end in July, 2015. Thereafter, the director of finance shall be appointed by the city manager pursuant to § 21 of this charter.*

*During the month of September 2016 and during the month of September of every second year thereafter, the council shall elect a city clerk, a municipal auditor, and a city attorney, each of whom shall serve a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified.*

§ 21. Powers and duties of city manager.

The city manager shall be responsible to the council for the efficient administration of all offices of the city. The city manager shall have the power and the duty:

(a) To see that all laws and ordinances are enforced.

(b) Subject to the limitations contained in § 7 of this charter and except as otherwise provided in this charter, the city manager or his or her designees shall appoint *a director of finance and* such *other* city officers and employees as the council shall determine are necessary for the proper administration of the affairs of the city, and the city manager or his or her designees shall have the power to discipline and remove any such officer and employee.

(c) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(e) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.

(f) To be responsible for the day-to-day operation of the city, and to execute such documents as may be necessary to accomplish the same.

(g) To appoint in writing a city officer reporting to the city manager as acting city manager for a time period not to exceed thirty days when the city manager will be absent from the city.

(h) To acquire on behalf of the city easements, licenses, permits, privileges or other rights of any kind to use property for nominal consideration.

(i) To perform such other duties as are prescribed by this charter or as may be prescribed by the council.

§ 23. Creation of departments and department heads; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. The council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, ~~the director of finance~~, the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter.

§ 25.1. Director of finance.

The director of finance shall be ~~elected by the council at the time, in the manner, and for the term provided by § 9 of this charter~~ *appointed by the city manager in accordance with § 21 of this charter. The director of finance shall be a person skilled in municipal accounting and financial control.*

(a) The director of finance shall have charge ~~and shall maintain control of the keeping of all accounts and financial records of the city, in accordance with generally accepted principles of accounting, wherein shall be stated, among other things, the appropriations for the year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue, so far as it can be ascertained. All such accounts and financial records shall be public records, and shall be subject to the examination of the city manager and members of the city council, or other person or persons required by order of the city manager or ordinance of the council to make such examination of the financial affairs of the city, including such powers and duties as set forth in this charter and as may be assigned by the council by ordinance not inconsistent with the Constitution of Virginia and the general laws of the Commonwealth of Virginia.~~

(b) The director of finance ~~shall be charged with~~ and shall exercise a general fiscal supervision over all the officers, departments, offices, agencies and employees of the city charged in any manner with the assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of such revenues into the city treasury; and the director of finance shall prescribe such system and regulation as is necessary for the proper reporting and accounting for all city revenues and receipts.

(c) The director of finance shall have the power to and shall examine and audit all accounts, claims and demands for or against the city; and, ~~unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or be paid by the city to any person unless the balance due and payable by the city be first settled and adjusted by the director of finance.~~

(d) The director of finance shall draw a check on the treasury for such money as is determined by the director to be due and payable to any person; stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the check of the director of finance as aforesaid, countersigned by the city manager. The director of finance is forbidden to issue a check for the payment of any money in excess of the appropriation on account of which such money is drawn.

(e) It shall be the duty of the director of finance to charge all officers in receipt of revenues or moneys of the city with the whole amount, from time to time, of such receipts. The director shall also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment of his accounts, when required, and to pay over such moneys as received, it shall then be the duty of the director of finance to issue notice in writing, directed to such officer and such officer's surety or sureties, requiring him or them within ten days to make settlement of his or their accounts with the director of finance, and to pay over the balance of moneys found to be due and in his or their hands belonging to the city, according to the books of the director of finance; and in case of the refusal or neglect of such officer to adjust his accounts or to pay over such balance into the treasury of the city, as required, it shall be the duty of the director of finance to make report of the delinquency of such officer to the council; the city manager, the municipal auditor and the city attorney. For good cause appearing, the city attorney shall at once take action to have such officer suspended from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and shall institute suit in the name of the city against such officer and his surety or sureties to recover the balance of moneys so found by the director of finance to be due belonging to the city.

(f) The director of finance shall prepare an annual statement, promptly after the end of each fiscal year, giving full and detailed statement of all the receipts and expenditures during the year, which statement the director shall forthwith file with the city manager and shall lay the same before the next meeting of the council. When required by the council, such annual statement shall be certified by independent certified public accountants.

~~(g)~~ (d) It shall be the duty of the director of finance, each and every month, to prepare a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn by check by the director, and on what account the same have been paid; and the director shall deliver such statement to the city manager, and shall lay the same before the council at its next meeting.

(h) No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance of the council or order of any officer of the city authorizing the city's obligation for expenditure of money be effective until and unless the director of finance shall have certified in writing that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the contract, agreement or other instrument creating such obligation or upon such order, or may be contained in separate certification filed and preserved in the office of the city clerk; provided, however, that requirement of such certification shall not be applicable to the city's execution or issuance of bonds or notes under §§ 47, 48 and 49 of this charter. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation.

(i) For the purpose of the certification required in subsection (h) of this section, all moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees or from sales of property or of services, products, or by-products of any city undertaking and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(j) Unless otherwise provided in this charter, the director of finance shall have all of the duties, responsibilities, powers and authority heretofore imposed upon or lodged in the city auditor by this charter or by the ordinances and resolutions of the council heretofore or hereafter adopted prior to the council's election of a director of finance.

~~(k)~~ (e) The director of finance shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the director of finance by ordinance adopted by city council.

### § 33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the ~~director of finance~~ city manager by March 15 of each year estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the ~~director of finance~~ city manager and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information required to be submitted thereon. ~~The director of finance shall assemble and compile all such estimates and supply such additional information relating to the financial transactions of the city as may be necessary and present them to the city manager~~ for the timely preparation of the budget. The city manager, with the assistance of the director of finance, shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

(a) An itemized statement of the appropriations recommended with comparative statements showing appropriations made for the current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) A fund statement showing a condition of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(d) An explanation of the estimates for the ensuing year; also a work program showing the undertakings to be begun and those to be completed during the next year and each of several years in advance.

(e) A statement of the financial condition of the city.

(f) Such other information as may be required by the council.

(g) Such other information as the city manager deems appropriate or advisable.

~~In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, unless the city manager shall recommend new or increased revenues within the power of the city to levy and collect in the ensuing fiscal year. For any fund, the total proposed expenditures shall not exceed estimated income plus available fund balances that council has specifically approved for designated purposes.~~

The city manager shall submit to the council with the budget a budget message which shall incorporate the most current statement of the financial condition of the city, shall explain the budget and shall describe its important features. It shall set forth the reasons for salient changes from the previous year in cost and revenue items. As a part of the budget message, with relation to the proposed expenditures for capital projects included in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

§ 56. Powers and duties of the school board.

The school board members of the city school board shall be a body corporate under the name and style of the School Board of the city of Roanoke, and shall have all of the powers, perform all of the duties and be subject to all of the limitations now provided, or which may hereafter be provided by law in regard to school boards of cities and except that all real estate with the buildings and improvements thereon heretofore or hereafter purchased with money received from the sale of bonds of this city, appropriated by the council or received from any other source for the purpose of public education, shall be the property of the city of Roanoke, unless such money so received from any other source be received on other conditions. The school board shall transmit to the council and to the city ~~director of finance~~ *manager* a detailed statement of all moneys received by the board or placed to its credit. Separate accounts shall be kept by the board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of the board as of the date thereof.

The school board shall on or before March 15 each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as the council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by the board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council.

### CHAPTER 690

*An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-357.1, relating to commercial sex trafficking; penalties.*

[H 1964]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-357.1 as follows:**

**§ 9.1-902. Offenses requiring registration.**

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; *any violation of subsection C of § 18.2-357.1*; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; ~~or~~ subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder

is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, ~~or~~ § 18.2-370.1, or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

#### **§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery, shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in

cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II controlled substance shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years, and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90, 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any violation of subdivision (2) or (3) of § 18.2-355; any violation of § 18.2-357.1; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368, 18.2-370, or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any violation of § 52-48; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and any substantially similar offense under the laws of any state, the District of Columbia, the United States or its territories.

#### **§ 18.2-46.1. Definitions.**

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

"Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42, 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, ~~or 18.2-357~~, or 18.2-357.1; (iii) a felony violation of § 18.2-60.3; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

### Article 3.

~~Sexual Offenses, Commercial Sex Trafficking, Prostitution, etc.~~

#### § 18.2-356. Receiving money for procuring person; penalties.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361 or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. *Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.*

#### § 18.2-357. Receiving money from earnings of male or female prostitute; penalties.

Any person who shall knowingly receive any money or other valuable thing from the earnings of any male or female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, punishable as a Class 4 felony. *Any person who violates this section by receiving money or other valuable thing from a person under the age of 18 is guilty of a Class 3 felony.*

##### § 18.2-357.1. Commercial sex trafficking; penalties.

A. Any person who, with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of a person from prostitution or unlawful sexual intercourse in violation of subsection A of § 18.2-346, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to violate subsection A of § 18.2-346 is guilty of a Class 5 felony.

B. Any person who violates subsection A through the use of force, intimidation, or deception is guilty of a Class 4 felony.

C. Any adult who violates subsection A with a person under the age of 18 is guilty of a Class 3 felony.

#### § 18.2-513. Definitions.

As used in this chapter, the term:

"Criminal street gang" shall be as defined in § 18.2-46.1.

"Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business trust, criminal street gang; or other group of three or more individuals associated for the purpose of criminal activity.

"Proceeds" shall be as defined in § 18.2-246.2.

"Racketeering activity" means to commit, attempt to commit, conspire to commit, or to solicit, coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1 (§ 18.2-46.1 et seq.) of Chapter 4 of this title, § 18.2-460; a felony offense of §§ 3.2-4212, 3.2-4219, 10.1-1455, 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of this title, §§ 18.2-47, 18.2-48, 18.2-48.1, 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55, 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, 18.2-95, Article 4 (§ 18.2-111 et seq.) of Chapter 5 of this title, Article 1 (§ 18.2-168 et seq.) of Chapter 6 of this title, §§ 18.2-178, 18.2-186, Article 6 (§ 18.2-191 et seq.) of Chapter 6 of this title, Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of this title, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title, §§ 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-348, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 18.2-368, 18.2-369, 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of Chapter 9 of this title, Article 1 (§ 18.2-434 et seq.) of Chapter 10 of this title, Article 2 (§ 18.2-438 et seq.) of Chapter 10 of this title, Article 3 (§ 18.2-446 et seq.) of Chapter 10 of this title, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of this title, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2, 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District of Columbia, the United States or its territories.

#### § 19.2-215.1. Functions of a multijurisdiction grand jury.

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

i. § 18.2-434, when violations occur before a multijurisdiction grand jury;

j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 for which punishment as a felony is authorized;

l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;

m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;

n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;

o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;

p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;

r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;

s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;

t. § 18.2-178 where the violation involves insurance fraud;

u. § 18.2-346 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;

v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;

w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;

x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;

z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;

cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and

dd. Any other provision of law when such condition is discovered in the course of an investigation that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.

4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

**§ 19.2-386.35. Seizure of property used in connection with certain offenses.**

All money, equipment, motor vehicles, and other personal and real property of any kind or character together with any interest or profits derived from the investment of such proceeds or other property that (i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the proceeds of some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; or (iii) was used to or intended to be used to promote some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.). Any forfeiture action under this section shall be stayed until conviction, and property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final judgment of conviction for an offense listed in this section; if no such judgment is entered, all property seized pursuant to this section shall be released from seizure.

Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than five years.

All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 691

*An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-357.1, relating to commercial sex trafficking; penalties.*

[S 1188]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-356, 18.2-357, 18.2-513, 19.2-215.1, and 19.2-386.35 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-357.1 as follows:**

**§ 9.1-902. Offenses requiring registration.**

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63; unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; *any violation of subsection C of § 18.2-357.1*; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; ~~or~~ subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, ~~or~~ § 18.2-370.1, or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has

been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

#### **§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery, shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II controlled substance shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years, and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90, 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any violation of subdivision (2) or (3) of § 18.2-355; *any violation of § 18.2-357.1*; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368, 18.2-370, or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any violation of § 52-48; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and any substantially similar offense under the laws of any state, the District of Columbia, the United States or its territories.

#### § 18.2-46.1. Definitions.

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

"Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42, 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, ~~or~~ 18.2-357, *or 18.2-357.1*; (iii) a felony violation of § 18.2-60.3; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

#### Article 3.

~~Sexual Offenses, Commercial Sex Trafficking, Prostitution, etc.~~

#### § 18.2-356. Receiving money for procuring person; penalties.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361 or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. *Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.*

#### § 18.2-357. Receiving money from earnings of male or female prostitute; penalties.

Any person who shall knowingly receive any money or other valuable thing from the earnings of any male or female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, punishable as a Class 4 felony. *Any person who violates this section by receiving money or other valuable thing from a person under the age of 18 is guilty of a Class 3 felony.*

**§ 18.2-357.1. Commercial sex trafficking; penalties.**

A. *Any person who, with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of a person from prostitution or unlawful sexual intercourse in violation of subsection A of § 18.2-346, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to violate subsection A of § 18.2-346 is guilty of a Class 5 felony.*

B. *Any person who violates subsection A through the use of force, intimidation, or deception is guilty of a Class 4 felony.*

C. *Any adult who violates subsection A with a person under the age of 18 is guilty of a Class 3 felony.*

**§ 18.2-513. Definitions.**

As used in this chapter, the term:

"Criminal street gang" shall be as defined in § 18.2-46.1.

"Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business trust, criminal street gang; or other group of three or more individuals associated for the purpose of criminal activity.

"Proceeds" shall be as defined in § 18.2-246.2.

"Racketeering activity" means to commit, attempt to commit, conspire to commit, or to solicit, coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1 (§ 18.2-46.1 et seq.) of Chapter 4 of this title, § 18.2-460; a felony offense of §§ 3.2-4212, 3.2-4219, 10.1-1455, 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of this title, §§ 18.2-47, 18.2-48, 18.2-48.1, 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55, 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, 18.2-95, Article 4 (§ 18.2-111 et seq.) of Chapter 5 of this title, Article 1 (§ 18.2-168 et seq.) of Chapter 6 of this title, §§ 18.2-178, 18.2-186, Article 6 (§ 18.2-191 et seq.) of Chapter 6 of this title, Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of this title, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title, §§ 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-348, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 18.2-368, 18.2-369, 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of Chapter 9 of this title, Article 1 (§ 18.2-434 et seq.) of Chapter 10 of this title, Article 2 (§ 18.2-438 et seq.) of Chapter 10 of this title, Article 3 (§ 18.2-446 et seq.) of Chapter 10 of this title, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of this title, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2, 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District of Columbia, the United States or its territories.

**§ 19.2-215.1. Functions of a multijurisdiction grand jury.**

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:
  - a. Title 10.1 for which punishment as a felony is authorized;
  - b. § 13.1-520;
  - c. §§ 18.2-47 and 18.2-48;
  - d. §§ 18.2-111 and 18.2-112;
  - e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
  - f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
  - g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
  - h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;
    - i. § 18.2-434, when violations occur before a multijurisdiction grand jury;
    - j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
    - k. § 18.2-460 for which punishment as a felony is authorized;
    - l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
    - m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
    - n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
    - o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
    - p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
    - q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
    - r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
    - s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
    - t. § 18.2-178 where the violation involves insurance fraud;
    - u. § 18.2-346 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;
    - v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
    - w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;

x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;

z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

bb. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;

cc. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and

dd. Any other provision of law when such condition is discovered in the course of an investigation that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.

4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

**§ 19.2-386.35. Seizure of property used in connection with certain offenses.**

All money, equipment, motor vehicles, and other personal and real property of any kind or character together with any interest or profits derived from the investment of such proceeds or other property that (i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the proceeds of some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; or (iii) was used to or intended to be used to promote some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.). Any forfeiture action under this section shall be stayed until conviction, and property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final judgment of conviction for an offense listed in this section; if no such judgment is entered, all property seized pursuant to this section shall be released from seizure.

Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than five years.

All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 692

*An Act to amend and reenact §§ 54.1-2105.01 and 54.1-2105.03 of the Code of Virginia, relating to the Real Estate Board; educational requirements for salespersons.*

[H 2295]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2105.01 and 54.1-2105.03 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2105.01. Educational requirements for all salespersons within one year of licensure.**

A. The Board shall establish guidelines for an educational curriculum of at least 30 hours of classroom, or correspondence or other distance learning, instruction, in specified areas, which shall be required of all salespersons within one year of issuance of a license by the Board. Failure of a new licensee to complete the 30-hour curriculum within one year of obtaining a real estate salesperson's license shall result in the license being placed on inactive status by the Board until the curriculum has been completed.

B. To establish the guidelines required by this section, the Board shall establish an industry advisory group composed of representatives of the practices of (i) residential real estate, (ii) commercial real estate, and (iii) property management. The industry advisory group shall consist of licensed real estate salespersons and real estate brokers who shall be appointed by and shall meet at the direction of the Board, at least annually, to update the guidelines. The Board shall review and may approve educational curricula developed by an approved school or other provider of real estate education authorized by this chapter. The industry advisory group shall serve at no cost to the Board.

C. The curricula for new licensees shall include topics that new licensees need to know in their practices, including contract writing, handling customer deposits, listing property, leasing property, agency, current industry issues and trends, *flood hazard areas and the National Flood Insurance Program*, property owners' and condominium association law, landlord-tenant law, Board regulations, and such other topics as designated by the Board. The continuing education requirements of this section for new licensees shall be in lieu of the continuing education requirements otherwise specified in this chapter and Board regulations.

**§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.**

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, *flood hazard areas and the National Flood Insurance Program*, real estate agency, and real estate contracts;

b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board; and

c. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, real estate agency, ~~and~~ real estate contracts, *and flood hazard areas and the National Flood Insurance Program*; and

b. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to

inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

**2. That the provisions of this act shall become effective on January 1, 2016.**

### CHAPTER 693

*An Act to amend and reenact § 46.2-345.1 of the Code of Virginia, relating to veterans identification card; definition of "veteran."*

[S 931]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-345.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-345.1. Veterans identification card; fee.**

In cooperation with the Department of Veterans Services and the Department of Military Affairs, the Department may issue veterans identification cards. The fee for the issuance or replacement of such cards shall be \$10. Veterans identification cards shall not be special identification cards as provided for in § 46.2-345.

*For the purposes of this section, "veteran" means (i) a Virginia resident who has served in the active military, naval, or air service and whose final discharge or release therefrom under honorable conditions or (ii) a Virginia resident who has served honorably for greater than 180 days in the Virginia National Guard or the reserves of the United States armed forces.*

*The veterans identification card shall not be used for determination of any federal benefit.*

### CHAPTER 694

*An Act to amend and reenact § 56-600 of the Code of Virginia, relating to the Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs.*

[S 1331]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-600 of the Code of Virginia is amended and reenacted as follows:**

**§ 56-600. Definitions.**

As used in this chapter:

"Allowed distribution revenue" means the average annual, weather-normalized, nongas commodity revenue per customer associated with the rates in effect as adopted in the applicable utility's last Commission-approved rate case or performance-based regulation plan, multiplied by the average number of customers served.

"Conservation and ratemaking efficiency plan" means a plan filed by a natural gas utility pursuant to this chapter that includes a decoupling mechanism.

"Cost-effective conservation and energy efficiency program" means a program approved by the Commission that is designed to decrease the average customer's annual, weather-normalized consumption or total gas bill, for gas and nongas elements combined, or avoid energy costs or consumption the customer may otherwise have incurred, and is determined by the Commission to be cost-effective upon consideration, among other factors, that the net present value of the benefits exceeds the net present value of the costs under the following four tests: the Total Resource Cost Test, the Program Administrator Test (also referred to as the Utility Cost Test), the Participant Test, and the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. *Such determination shall also be made (i) with the assignment of administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole and (ii) with the assignment of education and outreach costs associated with each program in a portfolio of programs to such program and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable.* Without limitation, rate designs or rate mechanisms, customer education, customer incentives, and weatherization programs are examples of conservation and energy efficiency programs that the Commission may consider. Energy efficiency programs that provide measurable and verifiable energy savings to low-income customers or elderly customers may also be deemed cost effective. *A cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas.*

"Decoupling mechanism" means a rate, tariff design or mechanism that decouples the recovery of a utility's allowed distribution revenue from the level of consumption of natural gas by its customers, including (i) a mechanism that adjusts actual nongas distribution revenues per customer to allowed distribution revenues per customer, such as a sales adjustment

clause, (ii) rate design changes that substantially align the percentage of fixed charge revenue recovery with the percentage of the utility's fixed costs, such as straight fixed variable rates, provided such mechanism includes a substantial demand component based on a customer's peak usage, or (iii) a combination of clauses (i) and (ii) that substantially decreases the relative amount of nongas distribution revenue affected by changes in per customer consumption of gas.

"Fixed costs" means any and all of the utility's nongas costs of service, together with an authorized return thereon, that are not associated with the cost of the natural gas commodity flowing through and measured by the customer's meter.

"Measure" means an individual item, service, offering, or rebate available to a customer of a natural gas utility as part of the utility's conservation and ratemaking efficiency plan.

"Natural gas utility" or "utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Portfolio" means the program or programs included in a natural gas utility's conservation and ratemaking efficiency plan.

"Program" means a group of one or more related measures for a customer class.

"Revenue-neutral" means a change in a rate, tariff design or mechanism as a component of a conservation and ratemaking efficiency plan that does not shift annualized allowed distribution revenue between customer classes, and does not increase or decrease the utility's average, weather-normalized nongas utility revenue per customer for any given rate class by more than 0.25 percent when compared to (i) the rate, tariff design or mechanism in effect at the time a conservation and ratemaking efficiency plan is filed pursuant to this chapter or (ii) the allocation of costs approved by the Commission in a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, where a plan is filed in conjunction with such case.

## CHAPTER 695

*An Act to amend and reenact §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.3:2, relating to alcoholic beverage control; limited distiller's license.*

[S 1272]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.3:2 as follows:**

**§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distillers' licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distillers' licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

~~3.~~ 4. Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

~~4.~~ 5. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

~~5.~~ 6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of

featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

~~6-~~ 7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

~~7-~~ 8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

~~8-~~ 9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

~~9-~~ 10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

~~10-~~ 11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

~~11-~~ 12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

~~12-~~ 13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

#### **§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; *if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500*; and if more than ~~5,000~~ 36,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100; and

l. Annual arts venue event license, \$100.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, \$95; and

g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, \$95; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;

f. Gourmet brewing shop license, \$230;

g. Wine and beer shipper's license, \$95;

h. Annual banquet license, \$150;

i. Fulfillment warehouse license, \$120;

j. Marketing portal license, \$150; and

k. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

- c. Mixed beverage caterer's license, \$1,860;
  - d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

**§ 4.1-233. Taxes on local licenses.**

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

- 1. Alcoholic beverages. - For each:
  - a. Distiller's license, *if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;*
  - b. Fruit distiller's license, \$1,500;
  - c. Bed and breakfast establishment license, \$40;
  - d. Museum license, \$10;
  - e. Tasting license, \$5 per license granted;
  - f. Equine sporting event license, \$10;
  - g. Day spa license, \$20;
  - h. Motor car sporting event facility license, \$10;
  - i. Meal-assembly kitchen license, \$20;
  - j. Canal boat operator license, \$20; and
  - k. Annual arts venue event license, \$20.

2. Beer. - For each:
- a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;
  - b. Bottler's license, \$500;
  - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
  - d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
  - e. Beer shipper's license, \$10.
3. Wine. - For each:
- a. Winery license, \$50;
  - b. Wholesale wine license, \$50;
  - c. Farm winery license, \$50; and
  - d. Wine shipper's license, \$10.
4. Wine and beer. - For each:
- a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
  - b. Hospital license, \$10;
  - c. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$20 per license;
  - d. Gourmet brewing shop license, \$150;
  - e. Wine and beer shipper's license, \$10;
  - f. Annual banquet license, \$15; and
  - g. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
5. Mixed beverages. - For each:
- a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$200;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$500.
  - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
  - c. Mixed beverage caterer's license, \$500;
  - d. Mixed beverage limited caterer's license, \$100;
  - e. Mixed beverage special events licenses, \$10 for each day of each event;
  - f. Mixed beverage club events licenses, \$10 for each day of each event;
  - g. Annual mixed beverage amphitheater license, \$300;
  - h. Annual mixed beverage motor sports race track license, \$300;
  - i. Annual mixed beverage banquet license, \$75;
  - j. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$100;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
    - (iii) With a seating capacity at tables for more than 150 persons, \$400;
  - k. Annual mixed beverage motor sports facility license, \$300; and
  - l. Annual mixed beverage performing arts facility license, \$300.
- B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.
- C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.
- The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated

amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

**§ 15.2-2288.3:2. Limited distiller's license; local regulation of certain activities.**

A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § 4.1-206 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed distillery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed distilleries. Usual and customary activities and events at such licensed distilleries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public.

B. No locality shall regulate any of the following activities of a distillery licensed under subdivision 2 of § 4.1-206:

1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;

2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of subsection D of § 4.1-119;

3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;

4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § 4.1-206 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

## CHAPTER 696

*An Act to amend and reenact §§ 2.2-1605, 2.2-3705.6, and 18.2-213.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-2311.1; and to repeal § 2.2-2311 of the Code of Virginia, relating to the Virginia Small Business Financing Authority; establishment of the Small, Women-owned, and Minority-owned Business Loan Fund; repeal.*

[H 1757]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1605, 2.2-3705.6, and 18.2-213.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2311.1 as follows:**

**§ 2.2-1605. Powers and duties of Department.**

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. ~~Manage the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311 and, in cooperation with~~ Advise the Small Business Financing Authority, ~~determine the qualifications, terms, and conditions for the use of such Fund~~ on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1; and

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund described in Article 2 (§ 2.2-1611 et seq.).

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

**§ 2.2-2311.1. Creation, administration, and management of the Small, Women-owned, and Minority-owned Business Loan Fund.**

A. For the purposes of this section:

*"Eligible small business" means any person engaged in a for-profit business enterprise in the Commonwealth and such enterprise has (i) \$10 million or less in annual gross income under generally accepted accounting principles for up to each of its last three fiscal years or lesser time period if it has been in existence less than three years, (ii) fewer than 250 employees, or (iii) a net worth of \$1 million or less, or such business enterprise meets such other satisfactory requirements as the Board shall determine from time to time upon a finding that such business enterprise is in need of assistance.*

*"Fund" means the Small, Women-owned, and Minority-owned Business Loan Fund.*

*"Minority-owned business" means a for-profit small business concern that is majority-owned by one or more individuals of an ethnic or racial minority. In the case of a corporation, a majority of the stock shall be owned by one or more such individuals and the management and daily business operations shall be controlled by one or more of the individuals of an ethnic or racial minority who own it.*

*"Women-owned business" means a for-profit small business concern that is majority-owned by one or more women. In the case of a corporation, a majority of the stock shall be owned by one or more women and the management and daily business operations shall be controlled by one or more of the women who own it.*

B. There is created in the state treasury a permanent nonreverting fund to be known as the Small, Women-owned, and Minority-owned Business Loan Fund. The Fund shall be established on the books of the Comptroller. The Fund shall be comprised of (i) moneys appropriated to the Fund by the General Assembly, (ii) all income from the investment of moneys held by the Fund, and (iii) any other moneys designated for deposit to the Fund from any source, public or private. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to provide direct loans to eligible small, women-owned, and minority-owned businesses. The Fund shall be managed and administered by the Authority with guidance from the Director of the Department of Small Business and Supplier Diversity. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.

C. The Authority, or its designated agents, shall determine the qualifications, terms, and conditions for the use of the Fund and the accounts thereof.

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for ~~(i)~~ certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.) ~~or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311.~~ In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall ~~(i)~~ (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, ~~(ii)~~ (ii) identify the data or other materials for which protection is sought, and ~~(iii)~~ (iii) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the

State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Records submitted as a grant application, or accompanying a grant application, to the Virginia Tobacco Indemnification and Community Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data, records or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial records or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of the public-use airport would be adversely affected.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

**§ 18.2-213.1. Obtaining certification as small, women-owned, or minority-owned business by deception; penalty.**

A. Except as otherwise provided by § 18.2-498.3, a person shall be guilty of a Class 1 misdemeanor if, in the course of business, he:

1. Fraudulently obtains or retains certification as a small, women-owned, or minority-owned business ~~or disadvantaged business;~~

2. Willfully makes a false statement knowing it to be untrue, whether by affidavit, report or other representation, to an official or employee of a public body for the purpose of influencing the certification or denial of certification of any business entity as a small, women-owned, or minority-owned business; ~~or disadvantaged business;~~

3. Willfully obstructs or impedes any agency official or employee who is investigating the qualifications of a business entity which has requested certification as a small, women-owned, or minority-owned business; ~~or disadvantaged business;~~ or

4. Fraudulently obtains public moneys reserved for or allocated or available to small, women-owned, or minority-owned businesses ~~or disadvantaged business.~~

B. For the purposes of this section, "minority-owned business," and "small business" and "women-owned business" shall have the same meaning as those terms are defined in § 2.2-1604 ~~and "disadvantaged business" shall mean the same as that term is defined in § 2.2-2311.~~

**2. That § 2.2-2311 of the Code of Virginia is repealed.**

**3. That the Small Business Financing Authority and the Department of Small Business and Supplier Diversity shall transfer cash balances in the Capital Access Fund for Disadvantaged Businesses eliminated by this act to the Small, Women-owned, and Minority-owned Business Loan Fund established in this act.**

## CHAPTER 697

*An Act to amend and reenact §§ 2.2-1605, 2.2-3705.6, and 18.2-213.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-2311.1; and to repeal § 2.2-2311 of the Code of Virginia, relating to the Virginia Small Business Financing Authority; establishment of the Small, Women-owned, and Minority-owned Business Loan Fund; repeal.*

[S 854]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1605, 2.2-3705.6, and 18.2-213.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2311.1 as follows:**

**§ 2.2-1605. Powers and duties of Department.**

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. ~~Manage the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311 and, in cooperation with~~ Advise the Small Business Financing Authority; ~~determine the qualifications, terms, and conditions for the use of such Fund on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1; and~~

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund described in Article 2 (§ 2.2-1611 et seq.).

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

**§ 2.2-2311.1. Creation, administration, and management of the Small, Women-owned, and Minority-owned Business Loan Fund.**

A. For the purposes of this section:

"Eligible small business" means any person engaged in a for-profit business enterprise in the Commonwealth and such enterprise has (i) \$10 million or less in annual gross income under generally accepted accounting principles for up to each of its last three fiscal years or lesser time period if it has been in existence less than three years, (ii) fewer than 250 employees, or (iii) a net worth of \$1 million or less, or such business enterprise meets such other satisfactory requirements as the Board shall determine from time to time upon a finding that such business enterprise is in need of assistance.

"Fund" means the Small, Women-owned, and Minority-owned Business Loan Fund.

"Minority-owned business" means a for-profit small business concern that is majority-owned by one or more individuals of an ethnic or racial minority. In the case of a corporation, a majority of the stock shall be owned by one or more such individuals and the management and daily business operations shall be controlled by one or more of the individuals of an ethnic or racial minority who own it.

"Women-owned business" means a for-profit small business concern that is majority-owned by one or more women. In the case of a corporation, a majority of the stock shall be owned by one or more women and the management and daily business operations shall be controlled by one or more of the women who own it.

B. There is created in the state treasury a permanent nonreverting fund to be known as the Small, Women-owned, and Minority-owned Business Loan Fund. The Fund shall be established on the books of the Comptroller. The Fund shall be comprised of (i) moneys appropriated to the Fund by the General Assembly, (ii) all income from the investment of moneys held by the Fund, and (iii) any other moneys designated for deposit to the Fund from any source, public or private. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to provide direct loans to eligible small, women-owned, and minority-owned businesses. The Fund shall be managed and administered by the Authority with guidance from the Director of the Department of Small Business and Supplier Diversity. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.

C. The Authority, or its designated agents, shall determine the qualifications, terms, and conditions for the use of the Fund and the accounts thereof.

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for ~~(i) certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.)~~ or ~~(ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2314.~~ In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall ~~(a)~~ (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, ~~(b)~~ (ii) identify the data or other materials for which protection is sought, and ~~(c)~~ (iii) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the

State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Records submitted as a grant application, or accompanying a grant application, to the Virginia Tobacco Indemnification and Community Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data, records or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial records or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of the public-use airport would be adversely affected.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

**§ 18.2-213.1. Obtaining certification as small, women-owned, or minority-owned business by deception; penalty.**

A. Except as otherwise provided by § 18.2-498.3, a person shall be guilty of a Class 1 misdemeanor if, in the course of business, he:

1. Fraudulently obtains or retains certification as a small, women-owned, or minority-owned business ~~or disadvantaged business;~~

2. Willfully makes a false statement knowing it to be untrue, whether by affidavit, report or other representation, to an official or employee of a public body for the purpose of influencing the certification or denial of certification of any business entity as a small, women-owned, or minority-owned business; ~~or disadvantaged business;~~

3. Willfully obstructs or impedes any agency official or employee who is investigating the qualifications of a business entity which has requested certification as a small, women-owned, or minority-owned business; ~~or disadvantaged business;~~ or

4. Fraudulently obtains public moneys reserved for or allocated or available to small, women-owned, or minority-owned businesses ~~or disadvantaged business.~~

B. For the purposes of this section, "minority-owned business," and "small business" and "women-owned business" shall have the same meaning as those terms are defined in § 2.2-1604 ~~and "disadvantaged business" shall mean the same as that term is defined in § 2.2-2311.~~

**2. That § 2.2-2311 of the Code of Virginia is repealed.**

**3. That the Small Business Financing Authority and the Department of Small Business and Supplier Diversity shall transfer cash balances in the Capital Access Fund for Disadvantaged Businesses eliminated by this act to the Small, Women-owned, and Minority-owned Business Loan Fund established in this act.**

## CHAPTER 698

*An Act to amend and reenact §§ 30-342, 30-343, and 30-344 of the Code of Virginia, relating to the Health Insurance Reform Commission.*

[H 2026]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 30-342, 30-343, and 30-344 of the Code of Virginia are amended and reenacted as follows:**

**§ 30-342. (Expires July 1, 2017) Powers and duties.**

The Commission shall have the following powers and duties:

1. Monitor the work of appropriate federal and state agencies in implementing the provisions of the federal Patient Protection and Affordable Care Act (*the Act*), including amendments thereto and regulations promulgated thereunder ~~(the Act)~~;

2. ~~Assess~~ Receive information provided to the Commission pursuant to § 30-343 and, on the basis of such information, assess the implications of the Act's implementation on residents of the Commonwealth, businesses operating within the Commonwealth, and the general fund of the Commonwealth;

3. Consider the ~~recommendations of the Virginia Health Reform Initiative to the Governor regarding~~ the development of a comprehensive strategy for implementing health reform in Virginia, including recommendations for innovative health care solutions independent of the approach embodied in the Act that meet the needs of Virginia's citizens and government by creating an improved health system that will serve as an economic driver for the Commonwealth while allowing for more effective and efficient delivery of high quality care at lower cost;

4. ~~Determine whether, when, and under what conditions the Commonwealth should establish a state-run health benefit exchange, partner with the federal government to implement a health benefit exchange, or acquiesce in the establishment of a federally operated health benefit exchange within Virginia~~ Receive periodic reports from the Bureau of Insurance of the State Corporation Commission pursuant to § 30-343 and recommend health benefits required to be included within the scope of the essential health benefits provided under health insurance products offered in the Commonwealth, including any benefits that are not required to be provided by the terms of the Act;

5. ~~Recommend what health benefits should be required to be included within the scope of the essential health benefits provided under health insurance products offered in the Commonwealth, including any benefits that are not required to be provided by the terms of the Act~~ Upon request of the Chairman of the House or Senate Committee on Commerce and Labor, assess proposed mandated benefits and providers as provided in § 30-343 and recommend whether, on the basis of such

assessments, mandated benefits and providers be providers under health care plans offered through a health benefit exchange, outside a health benefit exchange, neither, or both;

6. ~~Provide assessments of existing and proposed mandated health insurance benefits and providers, including assessments of whether such a mandate (i) is included in the essential health benefits required by federal law to be provided under a health care plan and (ii) should be provided under health care plans offered through a health benefit exchange, outside a health benefit exchange, neither, or both;~~

7. Conduct other studies of mandated benefits and provider issues as requested by the General Assembly; and

8. 7. Develop such recommendations as may be appropriate for legislative and administrative consideration in order to increase access to health insurance coverage, ensure that the costs to business and individual purchasers of health insurance coverage are reasonable, and encourage a robust market for health insurance products in the Commonwealth.

**§ 30-343. (Expires July 1, 2017) Standing committees to request Commission study.**

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed *that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly*, the ~~standing committee~~ Chairman of the ~~General Assembly House or Senate Committee on Commerce and Labor~~ having jurisdiction over the proposal shall request that the Commission ~~prepare a study that assesses~~ *assess the proposal. The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's assessment shall be forwarded to the Chairman of the standing committee that requested the assessment.*

B. *Upon receipt of such a request, the Commission shall request the Bureau of Insurance of the State Corporation Commission (the Bureau) to prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether, on the basis of that analysis, the Exchange would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the Exchange, the Bureau, the State Corporation Commission, or any other parties.*

C. *Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Patient Protection and Affordable Care Act should the proposed mandate ultimately be determined by the Exchange to be a benefit that exceeds the scope of the essential health benefits. Upon completion of the assessment by the Bureau and the Joint Legislative Audit and Review Commission, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.*

The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

~~B. D.~~ D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then current session of the General Assembly, the standing committee may request the Commission to study as provided in subsection A.

**§ 30-344. (Expires July 1, 2017) Staffing.**

Administrative staff support for the Commission shall be provided by the Office of the Clerk of the Senate or the Office of Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. *The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission.* The Bureau of Insurance of the State Corporation Commission, ~~the Joint Legislative Audit and Review Commission~~, and such other state agencies as may be considered appropriate by the Commission shall provide staff assistance to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

## CHAPTER 699

*An Act to amend and reenact § 2.2-3109 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3109.1, relating to the State and Local Government Conflict of Interests Act; prohibited contracts by officers and employees of hospital authorities.*

[S 876]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3109 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3109.1 as follows:**

**§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.**

A. No other officer or employee of any governmental agency of local government, *including a hospital authority as defined in § 2.2-3109.1*, shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government, *including a hospital authority as defined in § 2.2-3109.1*, shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by ~~subdivisions~~ *subdivision A 10 or A 11* of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;

2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;

3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;

4. Members of local governing bodies who are subject to § 2.2-3107;

5. Members of local school boards who are subject to § 2.2-3108; or

6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

**§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.**

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member, has sole authority to supervise, evaluate, or make personnel decisions regarding the other;

2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;

3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before December 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before December 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital

authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

## CHAPTER 700

An Act to amend and reenact §§ 2.2-208, 2.2-2101, as it is currently effective and as it shall become effective, 22.1-212.23, 22.1-253.13:2, 23-14, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 19.1, consisting of sections numbered 22.1-349.1 through 22.1-349.5, relating to the creation of the Virginia Virtual School.

[H 324]

Approved March 27, 2015

### Be it enacted by the General Assembly of Virginia:

**1. That §§ 2.2-208, 2.2-2101, as it is currently effective and as it shall become effective, 22.1-212.23, 22.1-253.13:2, 23-14, and 58.1-638 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 19.1, consisting of sections numbered 22.1-349.1 through 22.1-349.5, as follows:**

#### **§ 2.2-208. Position established; agencies for which responsible; powers and duties.**

The position of Secretary of Education (the "Secretary") is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, the Commission for the Arts, ~~and~~ the Board of Visitors of the Virginia School for the Deaf and the Blind, *and the Board of the Virginia Virtual School*. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers for which he is responsible and to provide policy direction for programs involving more than a single agency. He is authorized to direct the preparation of alternative policies, plans and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible. He shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.

#### **§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who

shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; *to members of the Board of the Virginia Virtual School, who shall be appointed as provided for in § 22.1-349.1*; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

**§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Opportunity Educational Institution Board, who shall be appointed as provided for in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; *to members of the Board of the Virginia Virtual School, who shall be appointed as provided for in § 22.1-349.1*; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

**§ 22.1-212.23. Definitions.**

As used in this article:

"Multidivision online provider" means (i) a private or nonprofit organization that enters into a contract with a local school board to provide online courses or programs through that school board to students who reside in Virginia both within and outside the geographical boundaries of that school division; (ii) a private or nonprofit organization that enters into contracts with multiple local school boards to provide online courses or programs to students in grades K through 12 through those school boards; ~~or~~ (iii) a local school board that provides online courses or programs to students who reside in Virginia but outside the geographical boundaries of that school division; *or (iv) a private or nonprofit organization that enters into a contract with the Board of the Virginia Virtual School, as established in § 22.1-349.1, to provide full-time virtual school programs through the school to students who reside in Virginia.* However, "multidivision online provider" ~~shall~~ does not include (a) a local school board's online learning program in which fewer than 10 percent of the students

enrolled reside outside the geographical boundaries of that school division; (b) multiple local school boards that establish joint online courses or programs in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of those school divisions; (c) local school boards that provide online learning courses or programs for their students through an arrangement with a public or private institution of higher education; or (d) local school boards providing online courses or programs through a private or nonprofit organization that has been approved as a multidivision online provider.

"Online course" means a course or grade-level subject instruction that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods and (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both.

"Virtual school program" means a series of online courses with instructional content that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods; (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both; (iii) is delivered as a part-time or full-time program; and (iv) has an online component with online lessons and tools for student and data management.

An online course or virtual school program may be delivered to students at school as part of the regularly scheduled school day.

**§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unnumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home

school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, *neither the Virginia Virtual School nor a local school board shall* ~~not~~ be required to include full-time students of approved virtual school programs.

#### CHAPTER 19.1.

#### VIRGINIA VIRTUAL SCHOOL.

##### § 22.1-349.1. Board of the Virginia Virtual School established.

A. *There is hereby established the Board of the Virginia Virtual School, referred to in this chapter as "the Board," as a policy agency in the executive branch of government under the name of the "Board of the Virginia Virtual School," for the purpose of governing the full-time online educational programs and services provided to students enrolled in the Virginia Virtual School, referred to in this chapter as "the School." The members of the Board of the School shall be appointed by July 1, 2016. The Board shall be charged with the operational control of the School. In exercising this operational control, the Board shall include, in any budget recommendations to the Governor for state funding for the School, funding related to educational technology or other programs appropriate for implementation within the School. The School shall not be defined as a school division for constitutional purposes.*

B. *The Board shall have a total membership of 13 members that shall consist of six legislative members, the Superintendent of Public Instruction, and six nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; the Superintendent of Public Instruction; and six nonlegislative citizen members, one of whom shall be the parent of a student enrolled in a full-time online virtual school program, one of whom shall be a current member of the Board of Education, one of whom shall be an expert in distance or online learning, and all of whom shall be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. Legislative members of the Board and the Superintendent of Public Instruction shall serve terms coincident with their terms of office. After the initial staggering of terms, all other nonlegislative members shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. The Board shall elect a chairman and vice-chairman from among its membership. The Board shall elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the executive committee, if one is created by the Board, and such other officers*

as the Board deems appropriate. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request. A majority of the members shall constitute a quorum.

C. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from such funds as may be appropriated to the Board in accordance with the appropriation act.

D. The Superintendent of Public Instruction shall designate a member of the staff of the Department of Education to serve as a consultant to the Board on matters pertaining to instruction, federal and state special education requirements, and school accreditation and to provide technical assistance to the Board in meeting specific instructional and school accreditation needs.

E. The Board shall have the following powers and duties:

1. Establish rules, policies, and regulations for the governance of the School subject to such criteria and conditions as the General Assembly may prescribe;

2. Establish rules, policies, and regulations for all multidivision online providers that offer full-time virtual school programs to students through the School, in consultation with the Department of Education, that shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation;

3. Receive and disburse funds from any source for the purposes of providing education at the School; and

4. Prepare and submit to the Governor and General Assembly, beginning December 1, 2016, an annual report detailing the curricula and other educational programs and services of the School, including receipts and disbursements pertaining to the operation of the School for each fiscal year ending on June 30.

**§ 22.1-349.2. Persons eligible; educational programs to be provided; procedures for enrollment.**

A. Any school-age person in the Commonwealth, as determined pursuant to subsection A of § 22.1-254, shall be eligible to enroll full-time in the School. Participation in the full-time virtual school program of the School shall meet all attendance requirements pursuant to § 22.1-254.

B. A student may enroll in the School if his parent (i) determines that access to the educational services at the School is in the best interest of such student and (ii) completes the enrollment procedure through an approved multidivision online provider that provides full-time virtual school programs through the School. A student who attends the School shall only enroll with one multidivision online provider at a time.

C. Except in the case of any student whose parent is on active duty in any of the armed forces of the United States, students shall enroll no later than the June 15 immediately preceding the upcoming school year.

D. No more than two percent of any local school division's enrolled students, based on the previous school year's March 31 average daily membership, shall enroll in the School.

E. The School shall provide an educational program meeting the constitutionally required Standards of Quality for children in grades kindergarten through 12. The Board may approve such additional programs as it may deem appropriate. All educational programs shall be provided through an approved multidivision online provider as defined in § 22.1-212.23.

F. The School shall be eligible for accreditation as prescribed by the Board of Education pursuant to § 22.1-253.13:3.

G. The School shall not charge tuition.

**§ 22.1-349.3. Special education for students in the Virginia Virtual School.**

The School shall provide appropriate special education for students with disabilities participating in the School. The local school division of residence, as that term is defined in § 22.1-349.5, shall be released from the obligations under § 22.1-215 for the special education of students with disabilities. The Board shall modify special education program regulations in accordance with this section.

**§ 22.1-349.4. Multidivision online providers for the Virginia Virtual School.**

A. Multidivision online providers for the School must meet the criteria pursuant to subsections A and B of § 22.1-212.24 to provide full-time virtual school programs.

B. The School may enter into contracts, consistent with the criteria approved by the Board of Education pursuant to subsections A and B of § 22.1-212.24, with any approved multidivision online provider. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The Board of Education shall not limit the ability of an approved multidivision online provider to contract with the School.

C. Any multidivision online provider approved to provide full-time virtual school programs may provide full-time virtual school programs through the School. Any student may enroll with any one approved multidivision online provider, and the selection of an approved multidivision online provider shall be at the discretion of the student's parent. The Board, the Department of Education, and the Board of Education shall promote all approved multidivision online providers equally to students seeking enrollment in the School.

**§ 22.1-349.5. Funding.**

A. For the purposes of this section, "local school division of residence" means that school division in which a student enrolled full-time in the School resides.

B. Effective starting with the 2017-2018 school year, any student who enrolls full-time in the School shall have the average state share of Standards of Quality per pupil funding transferred to the School. The total per pupil funding transferred shall consist of the average per pupil amounts on the basis of March 31 average daily membership. The

*Department of Education shall pay the average state share of the Standards of Quality per pupil funding directly to the School semimonthly. Such state share per pupil funding shall be based on the Standards of Quality per pupil funding enacted in the current appropriation act.*

*The Department of Education shall transfer to the School all federal funds described in § 22.1-88 directly associated with any pupil served by the School, including funds for the Individualized Education Program (IEP) of any special education student in the School.*

*C. Students who enroll on a full-time basis in the School shall not be counted in the March 31 average daily membership of their local school division of residence. Such students shall not be counted in the calculation of the required local effort of the local school division of residence.*

*D. The School shall be responsible for all federal and state accountability requirements applicable to any student who enrolls full-time in the School.*

*E. Any costs or fees associated with the administration of the School, and approved by the Board, shall be borne proportionally by each of the School's approved multidivision online providers.*

**§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.**

The College of William and Mary in Virginia, at Williamsburg; Richard Bland College of the College of William and Mary at Dinwiddie and Prince George; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; *the Virginia Virtual School*; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Institute for Advanced Learning and Research; the New College Institute; and the Opportunity Educational Institution are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

**§ 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The

funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined

by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund,

but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind or the Virginia Virtual School within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as

shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date - see note) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date - see note) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

**2. That the initial appointments of nonlegislative citizen members shall be staggered as follows: three nonlegislative citizen members for terms of four years, two nonlegislative citizen members for terms of three years, and one nonlegislative citizen member for a term of two years, to be appointed by the Governor, subject to confirmation by the General Assembly. Thereafter, appointments shall be for terms of four years.**

3. That the provisions of this act shall become effective on July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly.

## CHAPTER 701

*An Act to amend and reenact §§ 22.1-79.1 and 22.1-253.13:4 of the Code of Virginia, relating to graduation requirements; local alternative paths to standard units of credit.*

[H 1675]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-79.1 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.**

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means:

1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;

2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;

3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or

4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division.

C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through twelve and 540 hours for kindergarten. ~~No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.~~

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and

technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

9. *Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.*

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

## CHAPTER 702

*An Act to amend and reenact §§ 22.1-79.1 and 22.1-253.13:4 of the Code of Virginia, relating to graduation requirements; local alternative paths to standard units of credit.*

[S 982]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 22.1-79.1 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.**

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means:

1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;

2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;

3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which

has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or

4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division.

C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through twelve and 540 hours for kindergarten. ~~No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.~~

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical education concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

9. *Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.*

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

## CHAPTER 703

*An Act to amend and reenact § 22.1-79.3 of the Code of Virginia, relating to student questionnaires and surveys; parental notification and consent.*

[H 1698]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-79.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-79.3. Policies regarding certain activities.**

A. ~~No later than January 1, 2001, local~~ Local school boards shall develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States.

~~This section~~ *Nothing in this subsection shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.*

B. Local school boards shall develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

C. In any case in which a questionnaire or survey requesting ~~sexual information of students~~ *that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to § 32.1-73.8, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature* is to be administered, the school board shall notify the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the *questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy,* and whether and how any findings or results will be disclosed. *In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the school board with all information required to be included in the notice to parents.* ~~Parents~~ *The parent shall have the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent and to exempt their his child from participating in the questionnaire or survey. However, no questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless* *Unless* required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

~~C. Local school boards shall develop and implement policies to notify parents of each student enrolled in a middle or high school selected for participation in the survey of student health risk behaviors pursuant to § 32.1-73.8; in writing and at least 30 days prior to administration of the survey, that their child may be randomly selected to participate in the survey unless the parent denies consent for the student's participation in writing prior to administration of the survey. The notice shall inform the parent regarding the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, whether and how any findings or results will be disclosed, and the steps that will be taken to protect students' privacy. Parents shall have the right to review the survey prior to administration of the survey.~~

~~D. No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.~~

E. Local school boards shall develop and implement policies to advise the parent of each student enrolled in the school division of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the

Internet website. Local school boards shall also develop protocols governing the release of children to persons who are not their parent.

~~E. F.~~ No local school board providing access and opportunity to use school facilities or to distribute literature may deny equal access or fair opportunity to use such school facilities or to distribute literature, or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.

Nothing in this subsection shall be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board policies governing access to and use of school facilities and distribution of literature.

~~F. G.~~ Local school boards shall develop and implement policies to allow a parent of twins or higher order multiples in the same grade level to request that the children be placed in the same classroom or in separate classrooms if they are at the same elementary school. Such policies shall also provide that: (i) schools may recommend classroom placement to the parent; (ii) schools must provide the placement requested by the children's parent, unless the division superintendent or his designee makes a classroom placement determination following the school principal's request in accordance with this subsection; (iii) a parent must request the classroom placement no later than three days after the first day of each school year or three days after the first day of attendance of the children during a school year; and (iv) at the end of the initial grading period, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress, the school principal may request that the division superintendent or his designee determine the children's classroom placement.

~~G. H.~~ Local school boards may adopt and implement policies pursuant to which electronic records and electronic signatures may be accepted from any parent, guardian, or other person having control or charge of a child enrolled in the relevant school division, provided such policies are consistent with the provisions of Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1.

~~H. I.~~ Local school boards may develop a single, standardized form to obtain parental consent for the release of student data. If developed by the local school board, such form shall be used by Community Policy and Management Teams and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Developmental Services.

## CHAPTER 704

*An Act to amend the Code of Virginia by adding a section numbered 23-1.2 and adding in Title 30 a chapter numbered 57, consisting of sections numbered 30-359 through 30-361, relating to intercollegiate athletics programs; Intercollegiate Athletics Review Commission.*

[H 1897]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 23-1.2 and adding in Title 30 a chapter numbered 57, consisting of sections numbered 30-359 through 30-361 as follows:**

#### **§ 23-1.2. Intercollegiate athletics programs.**

##### *A. For the purposes of this section:*

*"Athletics revenue" means the total revenue received by an institution that is generated by any of the institution's intercollegiate athletics programs. "Athletics revenue" includes contributions; game guarantees; income received from endowments and investments; income received from the sale of food, game programs, novelties, and other concessions at an intercollegiate athletics contest; income received from intercollegiate athletics conferences for participation in bowl games, tournaments, and other intercollegiate athletics contests; income received from the provision of parking at intercollegiate athletics contests or other events associated with intercollegiate athletics; rights and licensing; school funds; student fees; support from third parties guaranteed by the institution, such as income received from athletics camps, income received from television, and housing allowances; and all other income from any other source generated by the institution's intercollegiate athletics programs.*

*"Contributions" means any income received directly from individuals, corporations, associations, foundations, clubs, or other donors for the operation of an institution's intercollegiate athletics programs. "Contributions" includes amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with intercollegiate athletics; cash; marketable securities; income generated from preferential seating arrangements at intercollegiate athletics contests or other events associated with intercollegiate athletics; and in-kind contributions such as cars provided to an intercollegiate athletics program by car dealers at no cost and apparel and sports drink products provided to intercollegiate athletes and coaches at no cost.*

*"Generated revenue" means all athletics revenue with the exception of the subsidy.*

*"Institution" means a four-year public institution of higher education in the Commonwealth.*

*"Intercollegiate athletics program" means any athletics program for a particular sport that is operated by an institution and governed by the National Collegiate Athletic Association (NCAA).*

*"Rights and licensing" includes income from radio and television broadcasts; Internet and e-commerce rights resulting from institution-negotiated contracts; revenue-sharing agreements with the NCAA or an intercollegiate athletics*

conference; licensing; the sale of advertisements, trademarks, or royalties; corporate sponsorships; and the value of in-kind contributions of products and services provided to an intercollegiate athletics program at no cost as part of such corporate sponsorship, such as equipment, apparel, isotonic sports drinks, other sports drink products, or water.

"School funds" means the direct and indirect financial support provided by the institution to any of its intercollegiate athletics programs. "School funds" includes state funds, tuition, tuition waivers, federal work awards for student athletes, administrative costs, facilities and grounds maintenance, security, risk management, utilities, and depreciation and debt services.

"Student fees" means any fees assessed by an institution against a student that are used to support any of the institution's intercollegiate athletics programs.

"Subsidy" means the sum of school funds and student fees.

"Subsidy percentage" means the subsidy divided by the athletics revenue, provided that revenues allocated to (i) support spirit groups associated with any intercollegiate athletics program, (ii) meet any indirect cost policy requirements, or (iii) debt service for previously approved intercollegiate athletics capital outlay projects may be excluded from the subsidy for the purposes of such calculation.

"Ticket sales" means the sale of the right to gain admission to an intercollegiate athletics contest or any other event associated with intercollegiate athletics. "Ticket sales" includes sums received from any associated shipping and handling charges and includes sales to the public, faculty, and students. "Ticket sales" does not include (i) amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with intercollegiate athletics such as preferential seating arrangements or (ii) pass-through sales transactions such as sales for admission tickets to bowl games and conference and national tournaments.

B. No later than November 1, 2015, the Auditor of Public Accounts, in collaboration with the State Council of Higher Education for Virginia, the State Comptroller, the Department of Planning and Budget, and each institution, shall develop and implement a standardized reporting format for each institution to annually report its intercollegiate athletics revenue and expenses to the Auditor of Public Accounts that shall include treatment of student fees and classification of specific intercollegiate athletics programs and shall require expenses for spirit groups, indirect cost policy requirements, and debt service for previously approved intercollegiate athletics capital outlay projects and other intercollegiate athletics capital outlay projects to be reported on separate lines.

C. The subsidy percentage shall not exceed:

1. 20 percent for NCAA Division I-A institutions affiliated with the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

2. 55 percent for NCAA Division I-A institutions affiliated with conferences other than the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

3. 70 percent for NCAA Division I-AA institutions;

4. 78 percent for NCAA Division I-AAA institutions;

5. 81 percent for NCAA Division II institutions that operate intercollegiate football programs;

6. 85 percent for NCAA Division II institutions that do not operate intercollegiate football programs;

7. 89 percent for NCAA Division III institutions that operate intercollegiate football programs; and

8. 92 percent for NCAA Division III institutions that do not operate intercollegiate football programs.

D. Effective with the fiscal year beginning July 1, 2016, any percentage increase in the subsidy at an institution that complies with subsection C shall be matched by a like percentage increase in generated revenue, except that each such institution shall utilize a rolling average of the change in generated revenue and student fees over the immediately preceding five years for the purposes of such calculation.

E. When necessary, each institution shall submit to the Governor and the General Assembly for approval a plan that reduces the subsidy in accordance with targets outlined in the plan over a five-year period until the subsidy percentage complies with the requirements of subsection C.

F. The Auditor of Public Accounts shall annually review each institution's progress towards meeting the requirements of each plan approved pursuant to subsection E as part of his annual audit pursuant to § 30-133.

G. Failure to meet the progress requirements of each plan approved pursuant to subsection E for one year, as determined by the Auditor of Public Accounts, shall result in such reduction of the financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.) as the Governor or General Assembly determines.

H. Failure to meet the progress requirements of each plan approved pursuant to subsection E for two consecutive years, as determined by the Auditor of Public Accounts, shall result in revocation of all financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.).

I. The board of visitors of any institution that seeks to add a major intercollegiate athletics program such as football or basketball or change the division level of any of its existing intercollegiate athletics programs shall first submit to the Intercollegiate Athletics Review Commission (Commission) established pursuant to Chapter 57 (§ 30-359 et seq.) of Title 30 a plan and recommendations for financing the addition or change. The institution shall not in any way undertake any such addition or agree or commit to any such change until it has received the findings and recommendations of the Commission pursuant to § 30-360. Any such addition or change shall be subject to the approval of the General Assembly

expressed in the general appropriation act. The board of visitors of any institution that adds a non-major intercollegiate athletics program shall report such decision within 15 days of the board's action.

CHAPTER 57.

INTERCOLLEGIATE ATHLETICS REVIEW COMMISSION.

**§ 30-359. Intercollegiate Athletics Review Commission; purpose; membership; terms; compensation and expenses.**

A. As used in this chapter, "Commission" means the Intercollegiate Athletics Review Commission.

B. The Commission is established as an advisory commission in the legislative branch of state government. The purpose of the Commission is to review the plan and financing recommendations of the board of visitors of any public institution of higher education in the Commonwealth relating to the institution adding a major intercollegiate athletics program such as football or basketball or changing the division level of any of its existing intercollegiate athletics programs as set forth in subsection I of § 23-1.2.

C. The Commission shall consist of eleven members as follows: the chair of the House Committee on Appropriations, or his designee, and three members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Committee on Finance, or his designee, and two members of the Senate Committee on Finance appointed by the chair. In addition, the Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance, and the Director of the State Council of Higher Education for Virginia shall serve as *ex officio*, nonvoting members of the Commission.

D. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

E. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

F. Members of the Commission shall receive such compensation and reimbursement of expenses as provided in the general appropriation act.

**§ 30-360. Review of plans to add a major intercollegiate athletics program or change the division level of an existing intercollegiate athletics program.**

A. Within two business days of receipt of a plan and financing recommendations for changing the division level of any existing intercollegiate athletics program pursuant to subsection I of § 23-1.2, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

B. Within 45 business days of receipt of a plan and financing recommendations for adding a major intercollegiate athletics program such as football or basketball pursuant to subsection I of § 23-1.2, the Commission shall review the plan and notify the board of visitors of the public institution of higher education of its findings and recommendations.

C. Findings and recommendations of the Commission may relate to (i) the potential financial impact of the addition of a major intercollegiate athletics program or a change in the division level of an existing intercollegiate athletics program upon the Commonwealth and students, (ii) the potential impact on the subsidy percentage, as that term is defined in § 23-1.2, or (iii) the policy aspects of such an addition or change. Review by the Commission shall not be construed to constitute approval of any appropriations necessary to implement any portion of the plan.

D. Findings and recommendations of the Commission shall require an affirmative vote by three of the five members from the House Committee on Appropriations and two of the three members from the Senate Committee on Finance.

**§ 30-361. Staff; cooperation from other state agencies.**

Administrative staff support shall be provided by the staffs of the House Committee on Appropriations and the Senate Committee on Finance. Additional assistance as needed shall be provided by the State Council of Higher Education for Virginia.

**2. That for the purposes of this act, Old Dominion University (University) shall be considered a Division I-AA institution until July 1, 2020, and if the University continues to operate a Division I-A intercollegiate football program on July 1, 2020, the University shall subsequently be considered a Division I-A institution.**

**3. That for the purposes of this act, The University of Virginia's College at Wise (College) shall be considered a Division III institution until July 1, 2020, and if the College is made a full member of the NCAA Division II athletic program by July 1, 2020, the College shall subsequently be considered a Division II institution.**

**4. That the provisions of this act shall become effective on July 1, 2016.**

CHAPTER 705

An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to high school graduation rate formula; Standards of Accreditation; exclusions.

[H 2318]

Approved March 27, 2015

Be it enacted by the General Assembly of Virginia:

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified

credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, ~~and~~ report, *and make available to the public* high school graduation and dropout data using a formula prescribed by the Board.

*H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.*

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data *required by subsections G and H.*

**2. That the provisions of the first enactment of this act shall become effective on July 1, 2016.**

**3. That the Board of Education shall report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the Board's progress towards updating its formula for collecting, analyzing, and reporting high school graduation and dropout data pursuant to this act no later than December 1, 2015.**

## CHAPTER 706

An Act to amend and reenact § 22.1-98 of the Code of Virginia, relating to required instructional hours; waivers.

[S 1021]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-98 of the Code of Virginia is amended as follows:**

**§ 22.1-98. Reduction of state aid when length of school term below 180 days or 990 hours.**

A. For the purposes of this section:

1. "Declared state of emergency" means the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division.

2. "Severe weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

B. Except as provided in this section:

1. The length of every school's term in every school division shall be at least 180 teaching days or 990 teaching hours in any school year; and

2. If the length of the term of any school or the schools in a school division shall be less than 180 teaching days or 990 teaching hours in any school year, the amount paid by the Commonwealth from the Basic School Aid Fund shall, except as otherwise hereinafter provided or as otherwise provided by law, be reduced in the same proportion as the length of the school term has been reduced in any school or the schools in the school division from 180 teaching days or 990 teaching hours.

C. Notwithstanding the requirements of subsection B, in any case in which severe weather conditions or other emergency situations, as defined in this section, result in the closing of a school or the schools in a school division, the amount paid by the Commonwealth from the Basic School Aid Fund shall not be reduced if the following schedule of make-up days is followed:

1. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for five or fewer days, the school or the schools in the school division shall make up all missed days by adding teaching days to the school calendar or extending the length of the school day;

2. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for six days or more, the school or the schools in the school division shall make up the first five days plus one day for each two days missed in excess of the first five by adding teaching days to the school calendar or extending the length of the school day; or

3. When severe weather conditions or other emergency situations have resulted in the closing of any school in a school division and such school has been unable to meet the 180 teaching day requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

D. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall also not be proportionally reduced by any local governing body because of any reduction in the length of the term of any school or the schools in a school division authorized by subsection C.

E. The foregoing provisions of this section notwithstanding, the Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency or severe weather conditions or other emergency situations. If the local school board desires a waiver, it shall submit a request to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of this requirement. If the waiver is denied, the school division shall make up the missed instructional time in accordance with this section.

If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

F. If the professional personnel of any such school division actually render service for less than the contracted period for such school year and their compensation is reduced because of insufficient funds or other reason, the proportionate amount paid by the Commonwealth for the personnel component of the Basic School Aid Fund for such school year shall be reduced pro rata.

Notwithstanding any provision of law to the contrary, the school board of any school division in which the length of the term for any school or for the schools in the school division is reduced as provided in this section may pay its professional personnel such salary as they would have received if the term had not been so reduced.

G. In developing the school calendar as provided for in § 22.1-79.1, each local school board shall establish such calendars and teaching contracts in accordance with applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations described in this section. Historical data shall be used to determine the needs of the locality including scheduled holidays and breaks and work days.

H. The Board of Education may authorize the Superintendent of Public Instruction to approve, in compliance with this section, reductions in the school term for a school or the schools in a school division without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

I. With the exception of the Basic School Aid Fund as provided for above, the Commonwealth shall not distribute funds to a locality for costs not incurred when the school term is reduced below 180 teaching days or 990 teaching hours.

J. As part of the annual report required by § 22.1-81, the division superintendent and local school board chairman shall certify the total number of teaching days and teaching hours each year.

## CHAPTER 707

*An Act to amend and reenact § 23-234 of the Code of Virginia, relating to campus police departments; memoranda of understanding; sexual assaults; reporting to local attorney for the Commonwealth.*

[H 1785]

Approved March 27, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 23-234 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 23-234. Powers and duties; jurisdiction; mutual aid agreements; memoranda of understanding.**

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter ~~in~~ *into* and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. *Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require a campus police force or the agency with which it has established a mutual aid agreement to disclose identifying information about the victim.* The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

C. *All public or private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments, rely on municipal, county, or state police forces, or contract for security services from private parties pursuant to § 23-238 shall enter into and become a party to a memorandum of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require the law-enforcement agency or the Department to disclose identifying information about the victim.*

D. *For purposes of this section:*

*"Campus" means (i) any building or property owned or controlled by an institution of higher education located within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a*

manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization that is officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## CHAPTER 708

An Act to amend and reenact § 20-16 of the Code of Virginia, relating to issuance of marriage licenses and marriage certificates.

[H 1469]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 20-16 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-16. Issuance of marriage licenses and marriage certificates.**

The clerk issuing any marriage license shall ~~before issuing the license~~ require the parties contemplating marriage to state, under oath, ~~or by affidavit or affidavits filed with him, made by the parties for whom the application is made, before a person qualified to take acknowledgments or administer oaths,~~ the information required to complete the application for marriage ~~record~~ license. ~~Such~~ The parties shall be able to designate themselves on the application for marriage license as spouse, bride, or groom. The clerk shall ~~make~~ provide the parties with two certificates thereof and deliver them, together with the license, ~~to the person entitled thereto~~ copies of the marriage certificate to be completed by the marriage officiant, who shall return the completed certificates to the clerk after the marriage ceremony of the parties. The clerk shall retain one copy of the completed marriage certificate and provide the other copy to the State Registrar of Vital Records. The clerk may provide the parties with a commemorative marriage certificate and the parties may request a certified copy of the official marriage certificate as provided in Article 7 (§ 32.1-270 et seq.) of Chapter 7 of Title 32.1. For the purposes of this section any statement made by such applicant, under oath, concerning the information to be entered on the ~~record~~ application for marriage license is hereby declared to be a material matter or thing in any prosecution for perjury for any violation of this section.

## CHAPTER 709

An Act to amend and reenact §§ 2.2-2349, 3.2-4218, 9.1-920, 15.2-4617, 15.2-4715, 15.2-4814, 15.2-4919, 15.2-5364, 15.2-5431, 15.2-5508, 15.2-5515, 15.2-5522, 15.2-5615, 15.2-6320, 15.2-6622, 15.2-6648, 15.2-7226, 15.2-7422, 18.2-374.1, 23-9.10:3, 23-30.37, 23-30.58, 33.2-1528, 33.2-1529, 38.2-3407.12, 38.2-3407.15, and 64.2-741 of the Code of Virginia and to repeal §§ 5.1-176, 8.1A-105, 13.1-527.01, 13.1-780, 13.1-940, 13.1-1068, 18.2-76.2, 18.2-152.13, 23-38.19, 32.1-322, 33.2-1824, 33.2-2222, 33.2-2920, 36-85.15, 36-96.22, 38.2-2628, 38.2-5512, 40.1-51.18, 46.2-341.33, 50-73.74, 50-73.146, 53.1-95.23, 55-210.30, 55-297.1, 55-349, 55-422, 55-437, 56-265.27, 57-68, 59.1-9.18, 59.1-21.18, 59.1-261, 59.1-315, 59.1-342, 59.1-428, 59.1-509.1, 60.2-710, and 64.2-807 of the Code of Virginia, relating to severability.

[H 1609]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2349, 3.2-4218, 9.1-920, 15.2-4617, 15.2-4715, 15.2-4814, 15.2-4919, 15.2-5364, 15.2-5431, 15.2-5508, 15.2-5515, 15.2-5522, 15.2-5615, 15.2-6320, 15.2-6622, 15.2-6648, 15.2-7226, 15.2-7422, 18.2-374.1, 23-9.10:3, 23-30.37, 23-30.58, 33.2-1528, 33.2-1529, 38.2-3407.12, 38.2-3407.15, and 64.2-741 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2349. Powers conferred additional and supplemental; liberal construction.**

The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law. ~~The powers granted and the duties imposed in this article shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this article shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held unconstitutional or invalid.~~ This article shall be liberally construed to effect the purposes hereof.

**§ 3.2-4218. Conflicts.**

If an appropriate court finds that the provisions of this article and of Article 1 (§ 3.2-4200 et seq.) of this chapter conflict and cannot be harmonized, then the provisions of Article 1 shall control. If any section, subsection, subdivision,

paragraph, sentence, clause or phrase of this article causes Article 1 to no longer constitute a qualifying or model statute, as those terms are defined in the Master Settlement Agreement, then that portion of this article shall not be valid. ~~If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be invalid, unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this article or any part thereof.~~

**§ 9.1-920. Liberal construction.**

~~The provisions of this chapter are severable, and if any of its provisions shall be declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

**§ 15.2-4617. Chapter to constitute complete district for acts authorized; liberal construction.**

This chapter shall constitute full and complete authority for the district, without regard to the provisions of any other law, for the doing of the acts and things herein authorized. ~~The provisions of this chapter are severable and if any of its provisions are declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof. Any court test concerning the validity of any bonds which may be issued for transportation improvements made pursuant to this chapter may be determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26.

**§ 15.2-4715. Chapter to constitute complete district for acts authorized; liberal construction.**

This chapter shall constitute full and complete authority for the district, without regard to the provisions of any other law, for the doing of the acts and things herein authorized. ~~The provisions of this chapter are severable, and if any of its provisions are declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof. Any court test concerning the validity of any bonds which may be issued for transportation improvements made pursuant to this chapter may be determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26.

**§ 15.2-4814. Article to constitute complete authority for district for acts authorized; liberal construction.**

This article shall constitute full and complete authority for the district, without regard to the provisions of any other law, for doing the acts and things herein authorized. ~~The provisions of this article are severable, and if any of its provisions are declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this article.~~ This article, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof. Any court test concerning the validity of any bonds which may be issued for transportation improvements made pursuant to this article shall be determined pursuant to Article 6 (§ 15.2-2650 et seq.) of Chapter 26 of this title.

**§ 15.2-4919. Provisions of chapter controlling over other statutes and charters.**

~~The powers granted and the duties imposed in this chapter are independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

**§ 15.2-5364. Liberal construction.**

~~The provisions of this chapter are severable, and if any of its provisions shall be declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.~~ This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

**§ 15.2-5431. Provisions of chapter controlling over other statutes and charters.**

~~The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

**§ 15.2-5508. Provisions of chapter controlling over other statutes and charters.**

~~The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.~~ Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

**§ 15.2-5515. Provisions of chapter controlling over other statutes and charters.**

The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid. Any provision of this chapter that is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.

**§ 15.2-5522. Provisions of chapter controlling over other statutes and charters.**

~~The powers granted and the duties imposed in this chapter are independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid. Any provision of this chapter that is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict.~~

**§ 15.2-5615. Chapter to constitute complete authority for acts authorized; liberal construction.**

~~This chapter shall constitute full and complete authority, without regard to the provisions of any other law, for the doing of the acts and things herein authorized. The provisions of this chapter are severable, and if any of its provisions shall be declared unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter. This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.~~

**§ 15.2-6320. Powers conferred additional and supplemental; liberal construction.**

~~The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences or parts of any of this chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held unconstitutional or invalid. This chapter shall be liberally construed to effect the purposes hereof.~~

**§ 15.2-6622. Liberal construction.**

~~Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.~~

**§ 15.2-6648. Liberal construction.**

~~Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.~~

**§ 15.2-7226. Liberal construction.**

~~Neither this chapter nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this chapter is cumulative to any such powers; provided, however, that nothing in the foregoing provision shall be deemed to have expanded the powers of the Authority to provide and operate telecommunication and related services, including without limitation, cable television, internet, and all other services that might be rendered by use of the Authority's fiber optic system, beyond existing restrictions and limitations thereon. This chapter does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this Act are severable, and if any of its provisions shall be invalidated by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter unless said partial invalidation makes the continued operation of the Authority economically or operationally invariable, in which case, this chapter shall be deemed invalid as a whole.~~

**§ 15.2-7422. Liberal construction.**

~~Neither this act nor anything contained herein is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.~~

**§ 18.2-374.1. Production, publication, sale, financing, etc., of child pornography; presumption as to age.**

A. For purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, "child pornography" means sexually explicit visual material which utilizes or has as a subject an identifiable minor. An identifiable minor is a person who was a

minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and shall not be construed to require proof of the actual identity of the identifiable minor.

For the purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, the term "sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, digital image, including such material stored in a computer's temporary Internet cache when three or more images or streaming videos are present, or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, or a book, magazine or pamphlet which contains such a visual representation. An undeveloped photograph or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

B. A person shall be guilty of production of child pornography who:

1. Accosts, entices or solicits a person less than 18 years of age with intent to induce or force such person to perform in or be a subject of child pornography; or
2. Produces or makes or attempts or prepares to produce or make child pornography; or
3. Who knowingly takes part in or participates in the filming, photographing, or other production of child pornography by any means; or
4. Knowingly finances or attempts or prepares to finance child pornography.
5. [Repealed.]

B1. [Repealed.]

C1. Any person who violates this section, when the subject of the child pornography is a child less than 15 years of age, shall be punished by not less than five years nor more than 30 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by a term of imprisonment of not less than five years nor more than 30 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section where the person is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 15 years nor more than 40 years, 15 years of which shall be a mandatory minimum term of imprisonment.

C2. Any person who violates this section, when the subject of the child pornography is a person at least 15 but less than 18 years of age, shall be punished by not less than one year nor more than 20 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by term of imprisonment of not less than three years nor more than 30 years in a state correctional facility, three years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section when he is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 10 years nor more than 30 years, 10 years of which shall be a mandatory minimum term of imprisonment.

C3. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. For the purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

E. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with a violation of this section is produced, reproduced, found, stored, or possessed.

~~F. The provisions of this section shall be severable and, if any of its provisions shall be held unconstitutional by a court of competent jurisdiction, then the decision of such court shall not affect or impair any of the remaining provisions.~~

**§ 23-9.10:3. Authorization for Commonwealth or any political subdivision thereof to contract to furnish or to obtain educational or other related services to or from certain nonprofit institutions of higher education.**

A. For the purposes of this section:

1. "Private college" means a private, nonprofit institution of higher education in the Commonwealth approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

2. "Public college" means any of the institutions of higher education listed in § 23-9.5.

3. "Services" includes but is not limited to a program or course of study offered, or approved for offer, by a private college or by a public college; use of professional personnel; use of any real or personal property owned, controlled, or leased for educational or educationally related purposes by such private and public colleges; a study, research or investigation or the like by employees or students or both of such colleges; any other activity dealing with scientific, technological, humanistic, or other educational or related subjects, or providing public service or student service activities.

B. The Commonwealth and any of its political subdivisions may contract to obtain or furnish educational or related services from or to private colleges.

1. No contract for services between private colleges on the one hand and public colleges or educational agencies of the Commonwealth, including but not limited to the State Board of Education, on the other, shall be valid unless approved by the State Council of Higher Education.

2. Except as provided in paragraph B 1, contracts for services between private colleges on the one hand and the Commonwealth or any of its political subdivisions on the other may be entered into in any circumstances where the Commonwealth or its political subdivisions would, by virtue of law, have authority to contract with private contractors for educational or related services and with public institutions of higher education in Virginia.

C. When contracts covered by paragraph B 2 of this section are made by private colleges, such colleges shall report the contracts to the State Council of Higher Education for information.

D. The State Council shall provide continuing evaluation of the effectiveness of such contracts, whether made under paragraph B 1 or B 2 of this section, and shall make recommendations regarding such contracts.

E. The authority to contract for educational or related services shall include authority to accept gifts, donations, and matching funds to facilitate or advance programs.

F. Unless an appropriations act specifically provides otherwise, all appropriations shall be construed to authorize contracts with private colleges for the provision of educational or related services which may be the subject of or included in the appropriation. Nothing in this chapter shall be construed to restrict or prohibit the use of any federal, state, or local funds made available under any federal, state, or local appropriation or grant.

~~G. The provisions of this section shall be severable, and if any of its provisions shall be held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.~~

**§ 23-30.37. Chapter liberally construed; powers of Authority not subject to supervision by municipalities, etc.**

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose thereof. ~~The provisions of this chapter are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this chapter. It is hereby declared to be the legislative intent that this chapter would have been adopted had such unconstitutional provisions not been included therein.~~

Except as otherwise expressly provided in this chapter, none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any commission, board, bureau, official or agency thereof or of the Commonwealth.

**§ 23-30.58. Chapter controls inconsistent laws.**

~~The powers granted and the duties imposed in this chapter shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid. To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this chapter shall be deemed controlling.~~

**§ 33.2-1528. Concession Payments Account.**

A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund pursuant to subdivision 7 of § 33.2-1524 from qualifying transportation facilities developed and/or operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in a separate subaccount to be designated the Concession Payments Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.

B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the Account.

C. Concession payments to the Commonwealth for a qualifying transportation facility located within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall be held in a subaccount separate from the Concession Payments Account together with all interest, dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the subaccount as the Board deems appropriate to:

1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with the construction of such rapid rail project consistent with the issued federal Record of Decision, as may be revised; and

2. Upon determination by the Board that sufficient funds are or will be available to meet the schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with other highway and public transportation projects within the corridor of the rapid rail project or within the boundaries of the qualifying transportation facility. In the case of highway projects, the Board shall follow an approval process generally in accordance with subsection B of § 33.2-208.

D. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

~~E. If any provision of this section or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.~~

**§ 33.2-1529. Toll Facilities Revolving Account.**

A. All definitions of terms in this section shall be as set forth in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

B. Subject to any obligations to existing bondholders, but notwithstanding §§ 2.2-1806 and 58.1-13, funds deposited into the Transportation Trust Fund pursuant to subdivision 3 of § 33.2-1524 shall be held in a separate subaccount to be designated the Toll Facilities Revolving Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Transportation Trust Fund and that are not otherwise specifically directed by law or reserved by the Board in the resolution authorizing issuance of bonds to finance toll facilities. In addition, any funds received from the federal government or any agency or instrumentality thereof that, pursuant to federal law, may be made available, as loans or otherwise, to private persons or entities for transportation purposes, hereinafter referred to as "federal funds," shall be deposited in a segregated subaccount within the Account. Payments received with respect to any loan made from such segregated subaccount pursuant to subdivision D 2 shall also be deposited into such segregated subaccount in the Account.

C. User fees collected in excess of the annual debt service, operations, and maintenance expenses and necessary administrative costs including any obligations to the Account and any other obligations for qualifying facilities with respect to which an agency of the Commonwealth is the responsible public entity shall be deposited and held in the Regional Toll Facilities Revolving Subaccount, (the Regional Account), together with all interest, dividends, and appreciation for use within the metropolitan planning organization region within which the facility exists. Payments received with respect to any loan made from such Regional Account pursuant to subdivision D 3 shall also be deposited into the Regional Account.

D. The Board may make allocations upon such terms and subject to such conditions as the Board deems appropriate from the following funds for the following purposes:

1. From any funds in the Account, exclusive of those in the Regional Account, to pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements, incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that any such funds allocated from the Account for a planned or operating toll facility shall be considered as an advance of funding for which the Account shall be reimbursed;

2. From funds in the segregated subaccount in the Account into which federal funds are deposited in conjunction with the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and pursuant to the terms of a comprehensive agreement between a responsible public entity and a private operator as provided for in that act:

a. To make a loan to such operator to pay any cost of a qualifying transportation facility, provided that (i) the operator's return on its investment is limited to a reasonable rate and (ii) such loan is limited to a reasonable term; or

b. To pay the Commonwealth's or its agency's portion of costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility;

3. From funds in the Regional Account:

a. To pay or finance all or part of the costs, including the cost of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects financed in whole or in part as toll facilities or to refinance existing toll facilities, provided that (i) allocations from the Regional Account shall be limited to projects located within the same metropolitan planning organization region as the facility that generated the excess revenue and (ii) any such funds allocated from the Regional Account for a planned or operating toll facility shall be considered as an advance of funding for which the Regional Account shall be reimbursed; or

b. To pay the Commonwealth's, its agency's, or its political subdivision's costs incurred or to be incurred in accordance with a comprehensive agreement with respect to a transportation facility within the same metropolitan planning organization region as the facility that generated the excess revenue; and

4. From any funds in the Account or Regional Account, to pay the Board's reasonable costs and expenses incurred in (i) the administration and management of the Account, (ii) its program of financing or refinancing costs of toll facilities, and (iii) the making of loans and paying of costs described in subdivisions 1 and 2.

E. The Board may transfer from the Account to the Transportation Trust Fund for allocation pursuant to subsection C of § 33.2-358 any interest revenues and, subject to applicable federal limitations, federal funds not committed by the Board to the purposes provided for in subsection D.

F. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

~~G. If any provision of this section or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.~~

**§ 38.2-3407.12. Patient optional point-of-service benefit.**

A. As used in this section:

"Affiliate" shall have the meaning set forth in § 38.2-1322.

"Allowable charge" means the amount from which the carrier's payment to a provider for any covered item or service is determined before taking into account any cost-sharing arrangement.

"Carrier" means:

1. Any insurer licensed under this title proposing to offer or issue accident and sickness insurance policies which are subject to Chapter 34 (§ 38.2-3400 et seq.) or 39 (§ 38.2-3900 et seq.) of this title;

2. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more health services plans, medical or surgical services plans or hospital services plans which are subject to Chapter 42 (§ 38.2-4200 et seq.) of this title;

3. Any health maintenance organization licensed under this title which provides or arranges for the provision of one or more health care plans which are subject to Chapter 43 (§ 38.2-4300 et seq.) of this title;

4. Any nonstock corporation licensed under this title proposing to issue or deliver subscription contracts for one or more dental or optometric services plans which are subject to Chapter 45 (§ 38.2-4500 et seq.) of this title; and

5. Any other person licensed under this title which provides or arranges for the provision of health care coverage or benefits or health care plans or provider panels which are subject to regulation as the business of insurance under this title.

"Co-insurance" means the portion of the carrier's allowable charge for the covered item or service which is not paid by the carrier and for which the enrollee is responsible.

"Co-payment" means the out-of-pocket charge other than co-insurance or a deductible for an item or service to be paid by the enrollee to the provider towards the allowable charge as a condition of the receipt of specific health care items and services.

"Cost sharing arrangement" means any co-insurance, co-payment, deductible or similar arrangement imposed by the carrier on the enrollee as a condition to or consequence of the receipt of covered items or services.

"Deductible" means the dollar amount of a covered item or service which the enrollee is obligated to pay before benefits are payable under the carrier's policy or contract with the group contract holder.

"Enrollee" or "member" means any individual who is enrolled in a group health benefit plan provided or arranged by a health maintenance organization or other carrier. If a health maintenance organization arranges or contracts for the point-of-service benefit required under this section through another carrier, any enrollee selecting the point-of-service benefit shall be treated as an enrollee of that other carrier when receiving covered items or services under the point-of-service benefit.

"Group contract holder" means any contract holder of a group health benefit plan offered or arranged by a health maintenance organization or other carrier. For purposes of this section, the group contract holder shall be the person to which the group agreement or contract for the group health benefit plan is issued.

"Group health benefit plan" shall mean any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, offered, arranged or issued by a carrier to a group contract holder to cover all or a portion of the cost of enrollees (or their eligible dependents) receiving covered health care items or services. Group health benefit plan does not mean (i) health care plans, contracts or policies issued in the individual market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (TRICARE) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), TRICARE supplement, Medicare supplement, or workers' compensation coverages; or (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded.

"Group specific administrative cost" means the direct administrative cost incurred by a carrier related to the offer of the point-of-service benefit to a particular group contract holder.

"Health care plan" shall have the meaning set forth in § 38.2-4300.

"Person" means any individual, corporation, trust, association, partnership, limited liability company, organization or other entity.

"Point-of-service benefit" means a health maintenance organization's delivery system or covered benefits, or the delivery system or covered benefits of another carrier under contract or arrangement with the health maintenance organization, which permit an enrollee (and eligible dependents) to receive covered items and services outside of the provider panel, including optometrists and clinical psychologists, of the health maintenance organization under the terms and conditions of the group contract holder's group health benefit plan with the health maintenance organization or with another carrier arranged by or under contract with the health maintenance organization and which otherwise complies with this section. Without limiting the foregoing, the benefits offered or arranged by a carrier's indemnity group accident and sickness policy under Chapter 34 (§ 38.2-3400 et seq.) of this title, health services plan under Chapter 42 (§ 38.2-4200 et seq.) of this title or preferred provider organization plan under Chapter 34 (§ 38.2-3400 et seq.) or 42 (§ 38.2-4200 et seq.) of this title which permit an enrollee (and eligible dependents) to receive the full range of covered items and services

outside of a provider panel, including optometrists and clinical psychologists, and which are otherwise in compliance with applicable law and this section shall constitute a point-of-service benefit.

"Preferred provider organization plan" means a health benefit program offered pursuant to a preferred provider policy or contract under § 38.2-3407 or covered services offered under a preferred provider subscription contract under § 38.2-4209.

"Provider" means any physician, hospital or other person, including optometrists and clinical psychologists, that is licensed or otherwise authorized in the Commonwealth to deliver or furnish health care items or services.

"Provider panel" means the participating providers or referral providers who have a contract, agreement or arrangement with a health maintenance organization or other carrier, either directly or through an intermediary, and who have agreed to provide items or services to enrollees of the health maintenance organization or other carrier.

B. To the maximum extent permitted by applicable law, every health care plan offered or proposed to be offered in the large group market in the Commonwealth by a health maintenance organization licensed under this title to a group contract holder shall provide or include, or the health maintenance organization shall arrange for or contract with another carrier to provide or include, a point-of-service benefit to be provided or offered in conjunction with the health maintenance organization's health care plan as an additional benefit for the enrollee, at the enrollee's option, individually to accept or reject. In connection with its group enrollment application, every health maintenance organization shall, at no additional cost to the group contract holder, make available or arrange with a carrier to make available to the prospective group contract holder and to all prospective enrollees, in advance of initial enrollment and in advance of each reenrollment, a notice in form and substance acceptable to the Commission which accurately and completely explains to the group contract holder and prospective enrollee the point-of-service benefit and permits each enrollee to make his or her election. The form of notice provided in connection with any reenrollment may be the same as the approved form of notice used in connection with initial enrollment and may be made available to the group contract holder and prospective enrollee by the carrier in any reasonable manner.

C. To the extent permitted under applicable law, a health maintenance organization providing or arranging, or contracting with another carrier to provide, the point-of-service benefit under this section and a carrier providing the point-of-service benefit required under this section under arrangement or contract with a health maintenance organization:

1. May not impose, or permit to be imposed, a minimum enrollee participation level on the point-of-service benefit alone;

2. May not refuse to reimburse a provider of the type listed or referred to in § 38.2-3408 or 38.2-4221 for items or services provided under the point-of-service benefit required under this section solely on the basis of the license or certification of the provider to provide such items or services if the carrier otherwise covers the items or services provided and the provision of the items or services is within the provider's lawful scope of practice or authority; and

3. Shall rate and underwrite all prospective enrollees of the group contract holder as a single group prior to any enrollee electing to accept or reject the point-of-service benefit.

D. The premium imposed by a carrier with respect to enrollees who select the point-of-service benefit may be different from that imposed by the health maintenance organization with respect to enrollees who do not select the point-of-service benefit. Unless a group contract holder determines otherwise, any enrollee who accepts the point-of-service benefit shall be responsible for the payment of any premium over the amount of the premium applicable to an enrollee who selects the coverage offered by the health maintenance organization without the point-of-service benefit and for any identifiable group specific administrative cost incurred directly by the carrier or any administrative cost incurred by the group contract holder in offering the point-of-service benefit to the enrollee. If a carrier offers the point-of-service benefit to a group contract holder where no enrollees of the group contract holder elect to accept the point-of-service benefit and incurs an identifiable group specific administrative cost directly as a consequence of the offering to that group contract holder, the carrier may reflect that group specific administrative cost in the premium charged to other enrollees selecting the point-of-service benefit under this section. Unless the group contract holder otherwise directs or authorizes the carrier in writing, the carrier shall make reasonable efforts to ensure that no portion of the cost of offering or arranging the point-of-service benefit shall be reflected in the premium charged by the carrier to the group contract holder for a group health benefit plan without the point-of-service benefit. Any premium differential and any group specific administrative cost imposed by a carrier relating to the cost of offering or arranging the point-of-service benefit must be actuarially sound and supported by a sworn certification of an officer of each carrier offering or arranging the point-of-service benefit filed with the Commission certifying that the premiums are based on sound actuarial principles and otherwise comply with this section. The certifications shall be in a form, and shall be accompanied by such supporting information in a form acceptable to the Commission.

E. Any carrier may impose different co-insurance, co-payments, deductibles and other cost-sharing arrangements for the point-of-service benefit required under this section based on whether or not the item or service is provided through the provider panel of the health maintenance organization; provided that, except to the extent otherwise prohibited by applicable law, any such cost-sharing arrangement:

1. Shall not impose on the enrollee (or his or her eligible dependents, as appropriate) any co-insurance percentage obligation which is payable by the enrollee which exceeds the greater of: (i) thirty percent of the carrier's allowable charge for the items or services provided by the provider under the point-of-service benefit or (ii) the co-insurance amount which would have been required had the covered items or services been received through the provider panel;

2. Shall not impose on an enrollee (or his or her eligible dependents, as appropriate) a co-payment or deductible which exceeds the greatest co-payment or deductible, respectively, imposed by the carrier or its affiliate under one or more other group health benefit plans providing a point-of-service benefit which are currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and are subject to regulation under this title; and

3. Shall not result in annual aggregate cost-sharing payments to the enrollee (or his or her eligible dependents, as appropriate) which exceed the greatest annual aggregate cost-sharing payments which would apply had the covered items or services been received under another group health benefit plan providing a point-of-service benefit which is currently offered and actively marketed by the carrier or its affiliate in the Commonwealth and which is subject to regulation under this title.

F. Except to the extent otherwise required under applicable law, any carrier providing the point-of-service benefit required under this section may not utilize an allowable charge or basis for determining the amount to be reimbursed or paid to any provider from which covered items or services are received under the point-of-service benefit which is not at least as favorable to the provider as that used:

1. By the carrier or its affiliate in calculating the reimbursement or payment to be made to similarly situated providers under another group health benefit plan providing a point-of-service benefit which is subject to regulation under this title and which is currently offered or arranged by the carrier or its affiliate and actively marketed in the Commonwealth, if the carrier or its affiliate offers or arranges another such group health benefit plan providing a point-of-service benefit in the Commonwealth; or

2. By the health maintenance organization in calculating the reimbursement or payment to be made to similarly situated providers on its provider panel.

G. Except as expressly permitted in this section or required under applicable law, no carrier shall impose on any person receiving or providing health care items or services under the point-of-service benefit any condition or penalty designed to discourage the enrollee's selection or use of the point-of-service benefit, which is not otherwise similarly imposed either: (i) on enrollees in another group health benefit plan, if any, currently offered or arranged and actively marketed by the carrier or its affiliate in the Commonwealth or (ii) on enrollees who receive the covered items or services from the health maintenance organization's provider panel. Nothing in this section shall preclude a carrier offering or arranging a point-of-service benefit from imposing on enrollees selecting the point-of-service benefit reasonable utilization review, preadmission certification or precertification requirements or other utilization or cost control measures which are similarly imposed on enrollees participating in one or more other group health benefit plans which are subject to regulation under this title and are currently offered and actively marketed by the carrier or its affiliates in the Commonwealth or which are otherwise required under applicable law.

H. Except as expressly otherwise permitted in this section or as otherwise required under applicable law, the scope of the health care items and services which are covered under the point-of-service benefit required under this section shall at least include the same health care items and services which would be covered if provided under the health maintenance organization's health care plan, including without limitation any items or services covered under a rider or endorsement to the applicable health care plan. Carriers shall be required to disclose prominently in all group health benefit plans and in all marketing materials utilized with respect to such group health benefit plans that the scope of the benefits provided under the point-of-service option are at least as great as those provided through the HMO's health care plan for that group. Filings of point-of-service benefits submitted to the Commission shall be accompanied by a certification signed by an officer of the filing carrier certifying that the scope of the point-of-service benefits includes at a minimum the same health care items and services as are provided under the HMO's group health care plan for that group.

I. Nothing in this section shall prohibit a health maintenance organization from offering or arranging the point-of-service benefit (i) as a separate group health benefit plan or under a different name than the health maintenance organization's group health benefit plan which does not contain the point-of-service benefit or (ii) from managing a group health benefit plan under which the point-of-service benefit is offered in a manner which separates or otherwise differentiates it from the group health benefit plan which does not contain the point-of-service benefit.

J. Notwithstanding anything in this section to the contrary, to the extent permitted under applicable law, no health maintenance organization shall be required to offer or arrange a point-of-service benefit under this section with respect to any group health benefit plan offered to a group contract holder if the health maintenance organization determines in good faith that the group contract holder will be concurrently offering another group health benefit plan or a self-insured or self-funded health benefit plan which allows the enrollees to access care from their provider of choice whether or not the provider is a member of the health maintenance organization's panel.

K. This section shall apply only to group health benefit plans issued in the Commonwealth in the commercial large group market by carriers regulated by this title and shall not apply to (i) health care plans, contracts or policies issued in the individual or small group market; (ii) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), 10 U.S.C. § 1071 et seq. (TRICARE) or Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (iii) accident only, credit or disability insurance, or long-term care insurance, plans providing only limited health care services under § 38.2-4300 (unless offered by endorsement or rider to a group health benefit plan), TRICARE supplement, Medicare supplement, or workers' compensation coverages; (iv) an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement

Income Security Act of 1974, 29 U.S.C. § 1002 (1)), which is self-insured or self-funded; or (v) a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the federal Patient Protection and Affordable Care Act (P.L. 111-148).

L. Nothing in this section shall operate to limit any rights or obligations arising under § 38.2-3407, 38.2-3407.7, 38.2-3407.10, 38.2-3407.11, 38.2-4209, 38.2-4209.1, 38.2-4312, or 38.2-4312.1.

~~M. If any provision of this section or its application to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect the other provisions or any other application of this section which shall be given effect without the invalid provision or application, and for this purpose the provisions of this section are declared severable.~~

**§ 38.2-3407.15. Ethics and fairness in carrier business practices.**

A. As used in this section:

"Carrier," "enrollee" and "provider" shall have the meanings set forth in § 38.2-3407.10; however, a "carrier" shall also include any person required to be licensed under this title which offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) of this title or which provides or arranges for the provision of health care services, health plans, networks or provider panels which are subject to regulation as the business of insurance under this title.

"Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider to a carrier (or its intermediary, administrator or representative) with which the provider has a provider contract for payment for health care services under any health plan; however, a "claim" shall not include a request for payment of a capitation or a withhold.

"Clean claim" means a claim (i) that has no material defect or impropriety (including any lack of any reasonably required substantiation documentation) which substantially prevents timely payment from being made on the claim or (ii) with respect to which a carrier has failed timely to notify the person submitting the claim of any such defect or impropriety in accordance with this section.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, which is subject to state regulation and which is required to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages.

"Provider contract" means any contract between a provider and a carrier (or a carrier's network, provider panel, intermediary or representative) relating to the provision of health care services.

"Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim by reducing other payments currently owed to the provider, by withholding or setting off against future payments, or in any other manner reducing or affecting the future claim payments to the provider.

B. Subject to subsection H, every provider contract entered into by a carrier shall contain specific provisions which shall require the carrier to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

1. A carrier shall pay any claim within 40 days of receipt of the claim except where the obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis supported by specific information available for review by the person submitting the claim that:

a. The claim is determined by the carrier not to be a clean claim due to a good faith determination or dispute regarding (i) the manner in which the claim form was completed or submitted, (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered, or (vi) the manner in which services were accessed or provided; or

b. The claim was submitted fraudulently.

Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect such record on request and to rely on that record or on any other admissible evidence as proof of the fact of receipt of the claim, including without limitation electronic or facsimile confirmation of receipt of a claim.

2. A carrier shall, within 30 days after receipt of a claim, request electronically or in writing from the person submitting the claim the information and documentation that the carrier reasonably believes will be required to process and pay the claim or to determine if the claim is a clean claim. Upon receipt of the additional information requested under this subsection necessary to make the original claim a clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim of the matters identified above unless such failure was caused in material part by the person submitting the claims; however,

nothing herein shall preclude such a carrier from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate subdivision 6 of this subsection. Nothing in this subsection shall require a carrier to pay a claim which is not a clean claim.

3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1 of this title, under any provider contract or under any other applicable law, shall, if not sooner paid or required to be paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

4. a. Every carrier shall establish and implement reasonable policies to permit any provider with which there is a provider contract (i) to confirm in advance during normal business hours by free telephone or electronic means if available whether the health care services to be provided are medically necessary and a covered benefit and (ii) to determine the carrier's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that practice in each provider contract. Further, such carrier shall either (1) disclose in its provider contracts or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy or (2) disclose in each provider contract a telephone or facsimile number or e-mail address that a provider can use to request the specific bundling and downcoding policies that the carrier reasonably expects to be applied to that provider or provider's services on a routine basis as a matter of policy. If such request is made by or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10 business days following the date the request is received.

b. Every carrier shall make available to such providers within 10 business days of receipt of a request, copies of or reasonable electronic access to all such policies which are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the carrier may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

5. Every carrier shall pay a claim if the carrier has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

a. The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or

b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the provider has already been paid for the health care services identified on the claim, (iii) the claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or (iv) the person receiving the health care services was not eligible to receive them on the date of service and the carrier did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status.

6. No carrier may impose any retroactive denial of a previously paid claim unless the carrier has provided the reason for the retroactive denial and (i) the original claim was submitted fraudulently, (ii) the original claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services identified on the claim were not delivered by the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged claim does not exceed the lesser of (a) 12 months or (b) the number of days within which the carrier requires under its provider contract that a claim be submitted by the provider following the date on which a health care service is provided. Effective July 1, 2000, a carrier shall notify a provider at least 30 days in advance of any retroactive denial of a claim.

7. Notwithstanding subdivision 6 of this subsection, with respect to provider contracts entered into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive denial of payment or in any other way seek recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought. The written communication shall also contain an explanation of why the claim is being retroactively adjusted.

8. No provider contract may fail to include or attach at the time it is presented to the provider for execution (i) the fee schedule, reimbursement policy or statement as to the manner in which claims will be calculated and paid which is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material addenda, schedules and exhibits thereto and any policies (including those referred to in subdivision 4 of this subsection) applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

9. No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care services reasonably expected to be delivered by that type of provider) shall be effective as to the provider, unless the provider has been provided with the

applicable portion of the proposed amendment (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

10. In the event that the carrier's provision of a policy required to be provided under subdivision 8 or 9 of this subsection would violate any applicable copyright law, the carrier may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

11. All carriers shall establish, in writing, their claims payment dispute mechanism and shall make this information available to providers.

C. Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every carrier subject to regulation by this title shall adhere to and comply with the minimum fair business standards required under subsection B, and the Commission shall have the jurisdiction to determine if a carrier has violated the standards set forth in subsection B by failing to include the requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has failed to implement the minimum fair business standards set out in subdivisions B 1 and B 2 in the performance of its provider contracts.

D. No carrier shall be in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the carrier's compliance is rendered impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection, strike, fire, or power outages) which are not caused in material part by the carrier.

E. Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's breach of any provider contract provision required by this section shall be entitled to initiate an action to recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's gross negligence and willful conduct, it may increase damages to an amount not exceeding three times the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such provider also may be awarded reasonable attorney's fees and court costs. Each claim for payment which is paid or processed in violation of this section or with respect to which a violation of this section exists shall constitute a separate violation. The Commission shall not be deemed to be a "trier of fact" for purposes of this subsection.

F. No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the employment or other contractual relationship with a provider, or any provider contract, or otherwise penalize any provider, for invoking any of the provider's rights under this section or under the provider contract.

G. This section shall apply only to carriers subject to regulation under this title.

H. This section shall apply with respect to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

I. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

J. ~~If any provision of this section, or the application thereof to any person or circumstance, is held invalid or unenforceable, such determination shall not affect the provisions or applications of this section which can be given effect without the invalid or unenforceable provision or application; and to that end the provisions of this section are severable.~~

~~K.~~ The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

**§ 64.2-741. Powers of courts not impaired by §§ 64.2-736 through 64.2-740.**

Nothing in §§ 64.2-736 through 64.2-740 shall impair the power of a court of competent jurisdiction with respect to any such foundation or trust; ~~and the invalidity of any one or more of such sections shall not be deemed to affect the validity of the other sections.~~

2. That §§ 5.1-176, 8.1A-105, 13.1-527.01, 13.1-780, 13.1-940, 13.1-1068, 18.2-76.2, 18.2-152.13, 23-38.19, 32.1-322, 33.2-1824, 33.2-2222, 33.2-2920, 36-85.15, 36-96.22, 38.2-2628, 38.2-5512, 40.1-51.18, 46.2-341.33, 50-73.74, 50-73.146, 53.1-95.23, 55-210.30, 55-297.1, 55-349, 55-422, 55-437, 56-265.27, 57-68, 59.1-9.18, 59.1-21.18, 59.1-261, 59.1-315, 59.1-342, 59.1-428, 59.1-509.1, 60.2-710, and 64.2-807 of the Code of Virginia are repealed.

3. That the General Assembly has determined that all severability clauses removed from the Code of Virginia pursuant to this act are removed because the Code sections that they purport to make severable are already severable pursuant to § 1-243 of the Code of Virginia and shall continue to be severable after the passage of this act.

## CHAPTER 710

*An Act to amend and reenact §§ 8.01-40, 8.01-44.5, 8.01-622.1, 38.2-1501, 38.2-1603, 38.2-1701, 46.2-1527.5, 46.2-1527.10, 51.5-46, 54.1-1123, and 54.1-2116 of the Code of Virginia, relating to punitive damages.*

[H 1610]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 8.01-40, 8.01-44.5, 8.01-622.1, 38.2-1501, 38.2-1603, 38.2-1701, 46.2-1527.5, 46.2-1527.10, 51.5-46, 54.1-1123, and 54.1-2116 of the Code of Virginia are amended and reenacted as follows:

**§ 8.01-40. Unauthorized use of name or picture of any person; punitive damages; statute of limitations.**

A. Any person whose name, portrait, or picture is used without having first obtained the written consent of such person, or if dead, of the surviving consort and if none, of the next of kin, or if a minor, the written consent of his or her parent or guardian, for advertising purposes or for the purposes of trade, such persons may maintain a suit in equity against the person, firm, or corporation so using such person's name, portrait, or picture to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use. And if the defendant shall have knowingly used such person's name, portrait or picture in such manner as is forbidden or declared to be unlawful by this chapter, the jury, in its discretion, may award ~~exemplary~~ *exemplary* punitive damages.

B. No action shall be commenced under this section more than ~~twenty~~ 20 years after the death of such person.

**§ 8.01-44.5. Punitive damages for persons injured by intoxicated drivers.**

In any action for personal injury or death arising from the operation of a motor vehicle, engine or train, the finder of fact may, in its discretion, award ~~exemplary~~ *exemplary* punitive damages to the plaintiff if the evidence proves that the defendant acted with malice toward the plaintiff or the defendant's conduct was so willful or wanton as to show a conscious disregard for the rights of others.

A defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (i) when the incident causing the injury or death occurred, the defendant had a blood alcohol concentration of 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath; (ii) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired, or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle was impaired; and (iii) the defendant's intoxication was a proximate cause of the injury to or death of the plaintiff. For the purposes of clause (i), it shall be rebuttably presumed that the blood alcohol concentration at the time of the incident causing injury or death was at least as high as the test result as shown in a certificate issued pursuant to § 18.2-268.9 or in a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, provided that the test was administered within three hours of the incident causing injury or death. In addition to any other forms of proof, a party may submit a copy of a certificate issued pursuant to § 18.2-268.9 or a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, which shall be prima facie evidence of the facts contained therein.

However, when a defendant has unreasonably refused to submit to a test of his blood alcohol content as required by § 18.2-268.2, a defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (a) when the incident causing the injury or death occurred the defendant was intoxicated, which may be established by evidence concerning the conduct or condition of the defendant; (b) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle was impaired; and (c) the defendant's intoxication was a proximate cause of the injury to the plaintiff or death of the plaintiff's decedent. In addition to any other forms of proof, a party may submit a certified copy of a court's determination of unreasonable refusal pursuant to § 18.2-268.3, which shall be prima facie evidence that the defendant unreasonably refused to submit to the test.

**§ 8.01-622.1. Injunction against assisted suicide; damages; professional sanctions.**

A. Any person who knowingly and intentionally, with the purpose of assisting another person to commit or attempt to commit suicide, (i) provides the physical means by which another person commits or attempts to commit suicide or (ii) participates in a physical act by which another person commits or attempts to commit suicide shall be liable for damages as provided in this section and may be enjoined from such acts.

B. A cause of action for injunctive relief against any person who is reasonably expected to assist or attempt to assist a suicide may be maintained by any person who is the spouse, parent, child, sibling or guardian of, or a current or former licensed health care provider of, the person who would commit suicide; by a ~~Commonwealth's~~ *an attorney for the Commonwealth* with appropriate jurisdiction; or by the Attorney General. The injunction shall prevent the person from assisting any suicide in the Commonwealth.

C. A spouse, parent, child or sibling of a person who commits or attempts to commit suicide may recover compensatory and ~~exemplary~~ *exemplary* punitive damages in a civil action from any person who provided the physical means for the suicide or attempted suicide or who participated in a physical act by which the other person committed or attempted to commit suicide.

D. A licensed health care provider who assists or attempts to assist a suicide shall be considered to have engaged in unprofessional conduct for which his certificate or license to provide health care services in the Commonwealth shall be suspended or revoked by the licensing authority.

E. Nothing in this section shall be construed to limit or conflict with § 54.1-2971.01 or the Health Care Decisions Act (§ 54.1-2981 et seq.). This section shall not apply to a licensed health care provider who (i) administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort and without intent to cause death, even if the medication or procedure may hasten or increase the risk of death, or (ii) withholds or withdraws life-prolonging procedures as defined in § 54.1-2982. This section shall not apply to any person who properly administers a legally prescribed medication without intent to cause death, even if the medication may hasten or increase the risk of death.

F. For purposes of this section:

"Licensed health care provider" means a physician, surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist or pharmacist licensed under the laws of this Commonwealth.

"Suicide" means the act or instance of taking one's own life voluntarily and intentionally.

**§ 38.2-1501. Definitions.**

As used in this chapter:

"Actual direct compensatory damages" does not include punitive or exemplary damages, damages for lost profit or lost opportunity, or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities, or other market for the contract and agreement claims.

"Association" means the Virginia Property and Casualty Insurance Guaranty Association created by Chapter 16 of this title (§ 38.2-1600 *et seq.*) or the Virginia Life, Accident and Sickness Insurance Guaranty Association created by Chapter 17 of this title (§ 38.2-1700 *et seq.*) or any person performing a similar function in another state.

"Commodity contract" means:

1. A contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade or contract market under the Commodity Exchange Act (7 U.S.C. § 1 *et seq.*) or a board of trade outside the United States;

2. An agreement that is subject to regulation under § 19 of the Commodity Exchange Act (7 U.S.C. § 1 *et seq.*) and that is commonly known to the commodities trade as a margin account, margin contract, leverage account, or leverage contract;

3. An agreement or transaction that is subject to regulation under § 4c(b) of the Commodity Exchange Act (7 U.S.C. § 1 *et seq.*) and that is commonly known to the commodities trade as a commodity option;

4. Any combination of the agreements or transactions referred to in this definition; or

5. Any option to enter into an agreement or transaction referred to in this definition.

"Contractual right" as used in § 38.2-1522 includes any right set forth in a rule or bylaw of a derivatives clearing organization as defined in the Commodity Exchange Act, a multilateral clearing organization as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodities Exchange Act, or a board of trade as defined in the Commodity Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, under law merchant, or by reason of normal business practice.

"Delinquency proceeding" means any proceeding commenced against an insurance company for the purpose of liquidating, rehabilitating, reorganizing, or conserving an insurer.

"Forward contract," "repurchase agreement," "securities contract," and "swap agreement" have the meanings set forth with respect thereto in 12 U.S.C. § 1821(e)(8)(D), as amended.

"Insolvent" means (i) the condition of an insurer that has liabilities in excess of assets or (ii) the inability of an insurer to pay its obligations as they become due in the usual course of business.

"Netting agreement" means:

1. A contract or agreement, including terms and conditions incorporated by reference in it, including a master agreement, which master agreement, together with all schedules, confirmations, definitions, and addenda to it and transactions under any of them, shall be treated as one netting agreement, that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration, or close-out, under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment or delivery entitlements under it, including liquidation or close-out values relating to those obligations or entitlements, among the parties to the netting agreement;

2. Any master agreement or bridge agreement for one or more master agreements described in subdivision 1 of this definition; or

3. Any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation related to any contract or agreement described in subdivision 1 or 2 of this definition, provided that any contract or agreement described in subdivision 1 or 2 of this definition relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a netting agreement only with respect to those agreements or transactions that are qualified financial contracts.

"Qualified financial contract" means any commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, or any similar agreement that the Commission determines to be a qualified financial contract for the purposes of this chapter.

"Receiver" means the Commission or any person appointed to manage delinquency proceedings.

**§ 38.2-1603. Definitions.**

As used in this chapter:

"Account" means any one of the three accounts created by § 38.2-1604.

"Affiliate" means a person who directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with an insolvent insurer on December 31 of the year next preceding the date the insurer becomes an insolvent insurer.

"Association" means the Virginia Property and Casualty Insurance Guaranty Association created under § 38.2-1604.

"Claimant" means any insured making a first party claim or any person instituting a liability claim; provided that no person who is an affiliate of the insolvent insurer may be a claimant.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ~~ten~~ 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact.

"Covered claim" means an unpaid claim, including one for unearned premiums, submitted by a claimant, that (i) arises out of and is within the coverage and is subject to the applicable limits of a policy covered by this chapter and issued by an insurer who has been declared to be an insolvent insurer or (ii) arises out of and is within the coverage and is subject to the applicable limits of a policy that would not be excluded from the coverage of this chapter under the provisions of § 38.2-1601 if it were a policy of direct insurance and that has been assumed as a direct obligation by an insurer who has been declared to be an insolvent insurer, where such obligation is assumed through a merger or acquisition, or pursuant to an acquisition of assets and assumption of liabilities, an assumption under the provisions of subsection B or C of § 38.2-136 or a substantially similar law of another jurisdiction, or any other novation agreement. The claimant or insured shall be a resident of the Commonwealth at the time of the insured loss, provided that for entities other than an individual, the residence of a claimant or insured is the state in which its principal place of business is located at the time of the insured loss or the property from which the claim arises shall be permanently located in the Commonwealth. "Covered claim" shall not include any amount awarded as punitive ~~or exemplary~~ damages or sought as a return of premium under any retrospective rating plan; any amount due any reinsurer, insurer, insurance pool, or underwriting association as subrogation recoveries, reinsurance recoveries, contribution, indemnification, or otherwise; any amount due under any policy originally issued by a surplus lines carrier or risk retention group; any obligation assumed by an insolvent insurer after the commencement of any delinquency proceeding, as defined in Chapter 15 (§ 38.2-1500 et seq.) ~~of this title~~, involving the insolvent insurer or the original insurer, unless it would have been a "covered claim" absent such assumption; or any obligation assumed by an insolvent insurer in a transaction in which the original insurer remains separately liable. An obligation owing under a contract of reinsurance shall not be deemed a direct obligation for the purposes of this definition unless it shall have been assumed pursuant to the provisions of subsection B or C of § 38.2-136 or a substantially similar law of another jurisdiction. No claim for any amount due any reinsurer, insurer, insurance pool, or underwriting association may be asserted against a person insured under a policy issued by an insolvent insurer other than to the extent the claim exceeds the association obligation limitations set forth in § 38.2-1606.

"Insolvent insurer" means an insurer that is (i) licensed to transact the business of insurance in the Commonwealth either at the time the policy was issued, when the obligation with respect to the covered claim was assumed, or when the insured loss occurred and (ii) against whom an order of liquidation with a finding of insolvency has been entered after July 1, 1987, by a court of competent jurisdiction in the insurer's state of domicile or of the Commonwealth under the provisions of Chapter 15 (§ 38.2-1500 et seq.) ~~of this title~~, and which order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order.

"Member insurer" means any person who (i) writes any class of insurance to which this chapter applies under § 38.2-1601, including reciprocal insurance contracts, and (ii) is licensed to transact the business of insurance in the Commonwealth but shall not include persons listed in subdivision 9 of § 38.2-1601.

"Net direct written premiums" means direct gross premiums written in the Commonwealth on insurance policies applicable to this chapter, less return premiums and dividends paid or credited to policyholders on direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

#### **§ 38.2-1701. Definitions.**

As used in this chapter:

"Account" means any one of the two accounts created under § 38.2-1702.

"Association" means the Virginia Life, Accident and Sickness Insurance Guaranty Association created under § 38.2-1702.

"Authorized assessment" or the term "authorized" when used in the context of assessments means that a resolution by the board of directors has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

"Benefit plan" means a specific employee, union, or association of natural persons benefit plan.

"Called assessment" or the term "called" when used in the context of assessments means that a notice has been issued by the Association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the Association to member insurers.

"Contractual obligation" means an obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under § 38.2-1700.

"Covered policy" means a policy or contract or portion of a policy or contract for which coverage is provided under § 38.2-1700.

"Extra-contractual claims" shall include, for example, claims relating to bad faith in the payment of claims, punitive ~~or exemplary~~ damages, or attorney fees and costs.

"Impaired insurer" means a member insurer considered by the Commission to be potentially unable to fulfill its contractual obligations.

"Insolvent insurer" means a member insurer that is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

"Member insurer" means an insurer licensed to transact in this Commonwealth any class of insurance to which this chapter applies under § 38.2-1700, including an insurer whose license to transact the business of insurance in the Commonwealth has been suspended, revoked, not renewed or voluntarily withdrawn, but does not include cooperative nonprofit life benefit companies, health maintenance organizations, mutual assessment life, accident and sickness insurance companies, burial societies, fraternal benefit societies, dental and optometric services plans, and health services plans not subject to this chapter pursuant to § 38.2-4213.

"Moody's Corporate Bond Yield Average" means the Monthly Average Corporates as published by Moody's Investors Service, Inc., or any successor thereto.

"Owner" of a policy or contract or "policy owner" and "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. The terms "owner," "contract owner," and "policy owner" do not include persons with a mere beneficial interest in a policy or contract.

"Plan sponsor" means: (i) the employer, in the case of a benefit plan established or maintained by a single employer; (ii) the employee organization in the case of a benefit plan established or maintained by an employee organization; or (iii) in the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

"Premiums" means amounts or considerations, by whatever name called, received on covered policies or contracts, less any returned premiums, considerations, and deposits and less dividends and experience credits. "Premiums" does not include amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under subsection C of § 38.2-1700 except that assessable premium shall not be reduced on account of subdivision C 2 of § 38.2-1700 relating to interest limitations and ~~subsection~~ *subdivision* D 2 of § 38.2-1700 relating to limitations with respect to one individual, one participant, and one contract owner. "Premiums" shall not include (i) premiums for coverage in excess of \$5 million on an unallocated annuity contract covered under subdivision D 2 d of § 38.2-1700 or (ii) with respect to multiple nongroup policies of life insurance owned by one owner, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees or other persons, premiums for coverage in excess of \$5 million with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

"Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the Association in its reasonable judgment by considering the following factors: (i) the state in which the primary executive and administrative headquarters of the entity is located; (ii) the state in which the principal office of the chief executive officer of the entity is located; (iii) the state in which the board of directors (or similar governing person or persons) of the entity conducts the majority of its meetings; (iv) the state from which the management of the overall operations of the entity is directed; and in the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using these factors. However, in the case of a plan sponsor, if more than 50 percent of the participants in the benefit plan are employed in a single state, that state shall be deemed to be the principal place of business of the plan sponsor. The principal place of business of a plan sponsor described in clause (iii) of the definition of plan sponsor in this section shall be deemed to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

"Receivership court" means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the insurer.

"Resident" means a person to whom a contractual obligation is owed and who resides in the Commonwealth on the date a member insurer becomes an impaired insurer or a court order is entered that determines a member insurer to be an insolvent insurer. A person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business. Citizens of the United States that are either (i) residents of foreign countries, or (ii) residents of United States possessions, territories, or protectorates that do not have an association similar to the Association, shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts.

"Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury or sickness suffered by the plaintiff or other claimant.

"Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

"Unallocated annuity contract" means an annuity contract or group annuity certificate that is not issued to and owned by an individual or a trust created by an individual for the benefit of one or more individuals, except to the extent of any annuity benefits guaranteed to an individual or such a trust by an insurer under the contract or certificate.

**§ 46.2-1527.5. Limitations on recovery from Fund.**

The maximum claim of one judgment creditor against the Fund based on an unpaid final judgment arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.2 or 46.2-1527.3 involving a single transaction shall be limited to \$25,000, including any amount paid from the dealer's surety bond, regardless of the amount of the unpaid final judgment of one judgment creditor. Effective January 1, 2013, and on January 1 of each year thereafter, the amount that may be awarded to any person as a result of loss or damage to that person as provided in this section shall be increased by the percentage increase over the most recently available unadjusted 12-month period in the Consumer Price Index for used cars and trucks, as published by the U.S. Bureau of Labor Statistics or any successor index. In the event that this index decreases over any such 12-month period, there shall be no change in the amount which may be awarded.

The aggregate of claims against the Fund based on unpaid final judgments arising out of any loss or damage by reason of a claim submitted under § 46.2-1527.3 involving more than one transaction shall be limited to four times the amount that may be awarded to a single judgment creditor, regardless of the total amounts of the unpaid final judgments of judgment creditors.

However, aggregate claims against the Fund under § 46.2-1527.2 shall be limited to the amount that may be paid out of the Fund under the preceding paragraph less the amount of the dealer's bond and then only after the dealer's bond has been exhausted.

If a claim has been made against the Fund, and the Board has reason to believe that there may be additional claims against the Fund from other transactions involving the same licensee or registrant, the Board may withhold any payment from the Fund involving the licensee or registrant for a period not to exceed the end of the relevant license or registration period. After this period, if the aggregate of claims against the licensee or registrant exceeds the aggregate amount that may be paid from the Fund under this section, then such amount shall be prorated among the claimants and paid from the Fund in proportion to the amounts of their unpaid final judgments against the licensee or registrant.

However, claims against motor vehicle dealers and salespersons participating in the Motor Vehicle Transaction Recovery Fund pursuant to § 46.2-1527.2 shall be prorated when the aggregate exceeds \$50,000. Claims shall be prorated only after the dealer's \$50,000 bond has been exhausted.

On receipt of a verified claim filed against the Fund, the Board shall forthwith notify the licensee or registrant who is the subject of the unpaid judgment that a verified claim has been filed and that the licensee or registrant should satisfy the judgment debt. If the judgment debt is not fully satisfied 30 days following the date of the notification by the Board, the Board shall make payment from the Fund subject to the other limitations contained in this article.

Excluded from the amount of any unpaid final judgment on which a claim against the Fund is based shall be any sums representing (i) interest; (ii) and punitive damages; and (iii) ~~exemplary damages~~. Awards from the Fund shall be limited to reimbursement of costs paid to the dealer for all charges related to the vehicle including without limitation, the sales price, taxes, insurance, and repairs; other out of pocket costs related to the purchase, insuring and registration of the vehicle, and to the loss of use of the vehicle by the purchaser.

If at any time the Fund is insufficient to fully satisfy any claims or claim filed with the Board and authorized by this article, the Board shall pay such claims, claim, or portion thereof to the claimants in the order that the claims were filed with the Board. However, claims by retail purchasers shall take precedence over other claims.

**§ 46.2-1527.10. Recovery on bond.**

With respect to a motor vehicle dealer electing continuous bonding under § 46.2-1527.9, whenever any person is awarded a final ~~judgement~~ *judgment* in a court of competent jurisdiction in the Commonwealth against the dealer for (i) any loss or damage in connection with the purchase or lease of a motor vehicle by reason of fraud practiced on him or fraudulent representation made to him by the dealer or one of the dealer's salespersons acting within the scope of his employment, (ii) any loss or damage by reason of the violation by the dealer or salesperson of any provision of this chapter in connection with the purchase or lease of a motor vehicle, or (iii) any loss or damage resulting from a breach of an extended service contract, as defined in § 59.1-435, entered into on or after July 1, 2003, the ~~judgement~~ *judgment* creditor shall have a claim against the dealer bond for such damages as may be awarded such person in final ~~judgement~~ *judgment* and unpaid by the dealer, and may recover such unpaid damages up to but not exceeding the maximum liability of the surety as set forth in § 46.2-1527.9 from the surety who shall be subrogated to the rights of such person against the dealer or salesperson. The liability of such surety shall be limited to actual damages and ~~attorneys'~~ *attorney* fees assessed against the dealer or salesperson as part of the underlying ~~judgement~~ *judgment* but this section does not authorize the award of ~~attorneys'~~ *attorney* fees in the underlying ~~judgement~~ *judgment*. The liability of such surety shall not include any sums representing interest or punitive or ~~exemplary~~ damages assessed against the dealer or salesperson.

The dealer's surety shall notify the Board when a claim is made against a dealer's bond, when a claim is paid, and when the bond is cancelled. Such notification shall include the amount of claim and the circumstances surrounding the claim. Notification of cancellation shall include the effective date and reason for cancellation. The bond may be cancelled as to future liability by the dealer's surety upon 30 days' notice to the Board.

**§ 51.5-46. Remedies.**

A. Any circuit court having jurisdiction and venue pursuant to Title 8.01, on the petition of any person with a disability, shall have the right to enjoin the abridgement of rights set forth in this chapter and to order such affirmative equitable relief as is appropriate and to award compensatory damages and to award to a prevailing party reasonable ~~attorneys'~~ attorney fees, except that a defendant shall not be entitled to an award of ~~attorneys'~~ attorney fees unless the court finds that the claim was frivolous, unreasonable or groundless, or brought in bad faith. Compensatory damages shall not include damages for pain and suffering. Punitive or ~~exemplary~~ damages shall not be awarded.

B. An action may be commenced pursuant to this section any time within one year of the occurrence of any violation of rights under this chapter. However, such action shall be forever barred unless such claimant or his agent, attorney or representative has commenced such action or has filed by registered mail a written statement of the nature of the claim with the potential defendant or defendants within 180 days of the occurrence of the alleged violation. Any liability for back pay shall not accrue from a date more than 180 days prior to the filing of the notice or the initial pleading in such civil action and shall be limited to a total of 180 days, reduced by the amount of other earnings over the same period. The petitioner shall have a duty to mitigate damages.

C. The relief available for violations of this chapter shall be limited to the relief set forth in this section.

**§ 54.1-1123. Limitations upon recovery from Fund; certain actions not a bar to recovery.**

A. The maximum claim of one claimant against the Fund based upon an unpaid judgment arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving contracting, is limited to \$20,000, regardless of the amount of the unpaid judgment of the claimant.

B. The aggregate of claims against the Fund based upon unpaid judgments arising out of the improper or dishonest conduct of any one regulant involving contracting, is limited by the Board to \$40,000 during any biennium. If a claim has been made against the Fund, and the Board has reason to believe there may be additional claims against the Fund from other transactions involving the same regulant, the Board may withhold any payment(s) from the Fund involving such regulant for a period of not more than one year from the date on which the claimant is awarded in a court of competent jurisdiction in the Commonwealth the final judgment on which his claim against the Fund is based. After this one-year period, if the aggregate of claims against the regulant exceeds \$40,000, during a biennium, \$40,000 shall be prorated by the Board among the claimants and paid from the Fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

C. Excluded from the amount of any unpaid judgment upon which a claim against the Fund is based shall be any sums representing interest, or punitive or ~~exemplary~~ damages, or any amounts that do not constitute actual monetary loss to the claimants. Such claim against the Fund may include court costs and ~~attorneys'~~ attorney fees.

D. If, at any time, the amount of the Fund is insufficient to fully satisfy any claims or claim filed with the Board and authorized by this Act, the Board shall pay such claims, claim, or portion thereof to the claimants in the order that the claims were filed with the Board.

E. Failure of a claimant to comply with the provisions of subdivisions A 1 and A 2 and subsection B of § 54.1-1120 and the provisions of § 54.1-1124 shall not be a bar to recovery under this Act if the claimant is otherwise entitled to such recovery.

F. The Board shall have the authority to deny any claim which otherwise appears to meet the requirements of the Act if it finds by clear and convincing evidence that the claimant has presented false information or engaged in collusion to circumvent any of the requirements of the Act.

**§ 54.1-2116. Limitations upon recovery from fund; certain actions not a bar to recovery.**

A. The aggregate of claims by claimants against the fund based upon unpaid judgments arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving the sale, lease, or management of real property, is limited to \$50,000. If a claim has been made against the fund, and the Board has reason to believe that there may be additional claims against the fund arising out of the same transaction, the Board may withhold any payment(s) from the fund for a period of not more than one year. After such one-year period, if the aggregate of claims arising out of the same transaction exceeds \$50,000, such \$50,000 shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

B. The maximum claim of one claimant against the fund based upon an unpaid judgment arising out of the improper or dishonest conduct of one regulant in connection with a single transaction involving the sale, lease, or management of real property, shall be limited to \$20,000, regardless of the number of claimants and regardless of the amount of the unpaid judgment of the claimant.

C. The aggregate of claims against the fund based upon unpaid judgments arising out of the improper or dishonest conduct of one regulant in connection with more than a single transaction involving the sale, lease, or management of real property is limited to \$100,000 during any biennial license period, the biennial periods expiring on June 30 of each even-numbered year. If a claim has been made against the fund, and the Board has reason to believe that there may be additional claims against the fund from other transactions involving the same regulant, the Board may withhold any payment(s) from the fund involving such regulant for a period of not more than one year. After the one-year period, if the aggregate of claims against the regulant exceeds \$100,000, such \$100,000 shall be prorated by the Board among the claimants and paid from the fund in proportion to the amounts of their judgments against the regulant remaining unpaid.

D. Excluded from the amount of any unpaid judgment upon which a claim against the fund is based shall be any sums included in the judgment which represent interest, or punitive or ~~exemplary~~ damages. The claim against the fund may include court costs and ~~attorneys'~~ attorney fees.

E. If, at any time, the amount of the fund is insufficient to satisfy any claims, claim, or portion thereof filed with the Board and authorized by the act, the Board shall, when the amount of the fund is sufficient to satisfy some or all of such claims, claim, or portion thereof, pay the claimants in the order that such claims were filed with the Board.

F. Failure of a claimant to comply with the provisions of subdivisions A 1 and 2 of ~~subsection A~~ of § 54.1-2114 and the provisions of § 54.1-2117 shall not be a bar to recovery under this act if the claimant is otherwise entitled to such recovery.

## CHAPTER 711

*An Act to amend and reenact § 8.01-417 of the Code of Virginia, relating to personal injury and wrongful death actions; disclosure of address of insured person.*

[S 761]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him; copies of subpoenaed documents to be provided to other party; disclosure of insurance policy limits.**

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Unless otherwise ordered for good cause shown, when one party to a civil proceeding subpoenas documents, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested in writing, provide true and full copies of the same to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing the subpoenaed documents. This provision does not apply where the subpoenaed documents are returnable to and maintained by the clerk of court in which the action is pending.

C. After he gives written notice that he represents an injured person, an attorney, or an individual injured in a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for personal injuries sustained as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability or any personal injury liability insurance policy that may be applicable to the claim and (ii) the address of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The requesting party shall also submit to the insurer the injured person's medical records, medical bills, and wage-loss documentation, if applicable, pertaining to the claimed injury. If the total of all such the medical bills and wage losses submitted equals or exceeds \$12,500, the insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the injured person's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

D. After he gives written notice that he represents the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, an attorney, or the personal representative of the estate of the decedent who died as a result of a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for wrongful death as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability insurance policy or any personal injury liability insurance policy that may be applicable to the claim and (ii) the address of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The requesting party shall submit to the insurer the death certificate of the decedent; the certificate of qualification of the personal representative of the decedent's estate; the names and relationships of the statutory beneficiaries of the decedent; medical bills, if any, supporting a claim for damages under subdivision 3 of § 8.01-52; and, if at the time the request is made a claim for damages under clause (i) of subdivision 2 of § 8.01-52 is anticipated, a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the personal representative's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged death or other damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

E. For purposes of subsections C and D, if the alleged tortfeasor has insurance coverage from a self-insured locality for a motor vehicle accident, as described in this section, and the locality is authorized by the alleged tortfeasor to accept

service of process on behalf of the alleged tortfeasor and agrees to do so, the locality, in its discretion and instead of disclosing the alleged tortfeasor's home address, may disclose the insured's work address and the name and address of the person who shall accept service of process on behalf of the alleged tortfeasor. If the locality makes such a disclosure, the locality shall not be required to disclose the alleged tortfeasor's home address.

F. As used in subsections C and D, "insurer" does not include the insurance agency or the insurance agent representing the alleged tortfeasor as the authorized representative or agent with respect to the alleged tortfeasor's motor vehicle insurance policy.

## CHAPTER 712

An Act to amend and reenact §§ 24.2-405, 24.2-406, 24.2-407.1, and 24.2-653 of the Code of Virginia, relating to lists of registered voters and persons who voted in certain elections.

[H 2056]

Approved March 27, 2015

### Be it enacted by the General Assembly of Virginia:

#### 1. That §§ 24.2-405, 24.2-406, 24.2-407.1, and 24.2-653 of the Code of Virginia are amended and reenacted as follows:

##### § 24.2-405. Lists of registered voters.

A. The ~~State Board~~ Department of Elections shall ~~furnish~~ provide, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for election or political party nomination to further their candidacy, (iii) political party committees or officials thereof for political purposes only, (iv) political action committees that have filed a current statement of organization with the ~~State Board~~ Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (v) incumbent officeholders to report to their constituents, (vi) nonprofit organizations that promote voter participation and registration for that purpose only, and (vii) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. The lists shall be furnished to no one else and used for no other purpose. However, the ~~State Board~~ Department of Elections is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The ~~State Board~~ Department of Elections shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The ~~State Board~~ Department of Elections shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A ~~of this section~~ shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

##### § 24.2-406. Lists of persons voting at elections.

A. The ~~State Board~~ Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the ~~State Board~~ Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the electoral board shall submit the list of persons who voted to the ~~State Board~~ Department of Elections within ~~60~~ 14 days after each election, unless such lists are not available due to a pending recount or election contest. The electoral boards of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The

~~State Board~~ *Department of Elections* shall make available such lists no later than seven days after receiving them from the electoral board.

B. The ~~State Board~~ *Department of Elections* shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

**§ 24.2-407.1. Prohibition on disclosure of social security numbers or parts thereof.**

It shall be unlawful for any person who has obtained, under § 24.2-405 or 24.2-406 or any prior law, a list of persons registered or voting which contained social security numbers, or any parts thereof, to disclose any voter's social security number, or any part thereof, to any other person. Any person maintaining a system containing social security numbers, or any parts thereof, obtained from the Board or the *Department of Elections* shall delete or destroy the portion of his records containing those numbers, except for a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue, as defined in § 58.1-3100, or a treasurer, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes, or the Chief Election Officer of another state, permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for the purpose of matching voter registration lists.

**§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.**

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the ~~State Board~~ *Department of Elections*, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the ~~State Board~~ *Department of Elections* or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. *However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.*

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The ~~State Board~~ *Department of Elections* shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

### CHAPTER 713

*An Act to amend and reenact § 24.2-404.4 of the Code of Virginia, relating to voter list maintenance; use of interstate cross-check data.*

[H 2379]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-404.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-404.4. Exchange of registered voter lists with other states.**

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the State Board shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system. ~~Upon receipt of this data, the State Board shall compare it with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The State Board shall report to the House and Senate~~

~~Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the State Board and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists.~~

*B. Pursuant to its authority under subdivision 10 of § 24.2-404, the State Board shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.*

*C. The State Board shall compare the data received pursuant to subsections A and B with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The State Board shall report to the House and Senate Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the State Board and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists.*

## CHAPTER 714

*An Act to amend and reenact §§ 15.2-968.1 and 16.1-106 of the Code of Virginia, relating to use of photo-monitoring systems to enforce traffic light signals; appeals.*

[H 1355]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-968.1 and 16.1-106 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-968.1. Use of photo-monitoring systems to enforce traffic light signals.**

A. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall

exceed \$50, nor shall it include court costs. *Any finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.*

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic light signal violation monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection C. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

**§ 16.1-106. Appeals from courts not of record in civil cases.**

From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than ~~§50~~ \$20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55-79.80:2, or of an action filed by a property owners' association or lot owner pursuant to § 55-513, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

## CHAPTER 715

*An Act to amend and reenact § 1.02 of Chapter 323 of the Acts of Assembly of 1950, as amended by Chapter 292 of the Acts of Assembly of 1973, which provided a charter for the City of Falls Church, relating to boundaries.*

[S 755]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1.02 of Chapter 323 of the Acts of Assembly of 1950, as amended by Chapter 292 of the Acts of Assembly of 1973, is amended and reenacted as follows:**

**§ 1.02. Boundaries.**

The corporate limits of Falls Church, as heretofore established, are hereby reestablished as follows:

So much of the territories in the County of Fairfax, together with all the improvements and appurtenances thereunto belonging, as is contained in the following boundaries, to-wit: "Beginning at a large planted stone on the estate of the late J. C. DePutron, at the original Western corner of the District of Columbia, which is also at the corner of Fairfax and Arlington Counties and at the corner of the Town of Falls Church; thence North 73°50' West 4850 feet to a point; thence South 25°45' West 4014 feet to a point in the center of West Street; thence South 21° East 3185 feet to a point in the center line of Fairfax Street; thence with said center line North 67°15' East 418° feet; North 89°00' East 911 feet; North 87°50' East 1650 feet to a point; thence North 56°45' East 146 feet to a point in the middle of said street; thence South 77° East 1539 feet to a point near the Methodist Episcopal Church; thence South 62° East 5604 feet to a point in the North line of Georgetown Road; thence with said North line North 41°20' East 214° feet; thence North 87°30' East 567 feet; North 62° East 372 feet; North 88° East 371 feet; South 82°30' East 338° feet to a point; thence North 4°15' East to the boundary between Fairfax and Arlington Counties; thence with said boundary in a Northwesterly direction to the point of beginning" containing all that portion of the Town of Falls Church remaining after the separation of that portion lying in Arlington County, *and the area added to the City of Falls Church by a Final Agreed Order of the Special Court of the Circuit Court of Fairfax County in Case No. 2013-16489, recorded among the land records of the Circuit Court of Fairfax County in Deed Book 23555, Page 2115.*

## CHAPTER 716

*An Act to amend and reenact § 23-9.2:8 of the Code of Virginia, relating to public institutions of higher education; students exhibiting suicidal tendencies or behavior; institutional policies and procedures for notification of the student mental health or counseling center.*

[S 1122]

Approved March 27, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-9.2:8 of the Code of Virginia is amended and reenacted as follows:**

**§ 23-9.2:8. Student mental health policies.**

A. The governing board of each public institution of higher education shall develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and provide for training, where appropriate. *Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subsection C of § 23-9.2:3 when a student exhibits suicidal tendencies or behavior.*

B. The governing board of each public four-year institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified when a student is involuntarily committed, or when a student is discharged from a facility and consents to such notification. The memorandum shall also provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

## CHAPTER 717

### HOUSE JOINT RESOLUTION NO. 490

*Proposing an amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A, relating to the right to work.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 20, 2015

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

#### ARTICLE I BILL OF RIGHTS

*Section 11-A. Right to work.*

*Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.*

## CHAPTER 718

### HOUSE JOINT RESOLUTION NO. 597

*Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 6-B, relating to property tax exemptions.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 20, 2015

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article X a section numbered 6-B as follows:

#### ARTICLE X TAXATION AND FINANCE

*Section 6-B. Property tax exemptions for spouses of certain emergency services providers.*

*Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may provide for a local option to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, who occupies the real property as his or her principal place of residence. The exemption under this section shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in the line of duty prior to the effective date of this section, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel.*

## CHAPTER 719

## SENATE JOINT RESOLUTION NO. 256

*Proposing an amendment to Section 5 of Article VIII of the Constitution of Virginia, relating to the establishment of charter schools.*

Agreed to by the Senate, February 4, 2015

Agreed to by the House of Delegates, February 24, 2015

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 5 of Article VIII of the Constitution of Virginia as follows:

ARTICLE VIII  
EDUCATION

Section 5. Powers and duties of the Board of Education.

The powers and duties of the Board of Education shall be as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.

(b) It shall make annual reports to the Governor and the General Assembly concerning the condition and needs of public education in the Commonwealth, and shall in such report identify any school divisions which have failed to establish and maintain schools meeting the prescribed standards of quality.

(c) It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.

(d) It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

(e) *Subject to such criteria and conditions as the General Assembly may prescribe, it shall have authority to establish charter schools within the school divisions of the Commonwealth.*

(f) Subject to the ultimate authority of the General Assembly, the Board shall have primary responsibility and authority for effectuating the educational policy set forth in this Article, and it shall have such other powers and duties as may be prescribed by law.

## CHAPTER 720

*An Act to allocate funding for certain Veterans Care Center projects.*

[H 1275]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *In order to expedite the completion of certain Veterans Care Center projects, \$66.7 million in Virginia Public Building Authority Bonds authorized in Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I, shall be made available as a priority for the Hampton Roads Veterans Care Center project or the Northern Virginia Veterans Care Center project set forth in paragraph B of such Item. Bond proceeds may be used for, but are not limited to, the design, environmental assessments, and construction of one or both Veterans Care Centers. Prior to allocating bond proceeds to a project or projects, the Department of Veterans Services shall provide a plan of action to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and the Secretaries of Veterans and Defense Affairs and Finance. The Director of the Department of Planning and Budget shall allocate bond proceeds up to the amounts provided above, and the same shall be appropriated, to the Department of Veterans Services so that the project or projects may proceed without further action by the Commonwealth, in accordance with 38 C.F.R. § 59.50 and 38 C.F.R. § 59.70(b).*

**§ 2.** *In addition to such priority allocation of bonds under § 1, the General Assembly hereby appropriates nongeneral funds in an amount equal to any federal grant funds to the Department of Veterans Services for the Veterans Care Center projects described in § 1.*

**§ 3.** *Each Veterans Care Center project is authorized up to a 230-bed facility.*

## CHAPTER 721

*An Act to allocate funding for certain Veterans Care Center projects.*

[H 1276]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *In order to expedite the completion of certain Veterans Care Center projects, \$66.7 million in Virginia Public Building Authority Bonds authorized in Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I, shall be made available as a priority for the Hampton Roads Veterans Care Center project or the Northern Virginia Veterans Care Center project set forth in paragraph B of such Item. Bond proceeds may be used for, but are not limited to, the design, environmental assessments, and construction of one or both Veterans Care Centers. Prior to allocating bond proceeds to a project or projects, the Department of Veterans Services shall provide a plan of action to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and the Secretaries of Veterans and Defense Affairs and Finance. The Director of the Department of Planning and Budget shall allocate bond proceeds up to the amounts provided above, and the same shall be appropriated, to the Department of Veterans Services so that the project or projects may proceed without further action by the Commonwealth, in accordance with 38 C.F.R. § 59.50 and 38 C.F.R. § 59.70(b).*

§ 2. *In addition to such priority allocation of bonds under § 1, the General Assembly hereby appropriates nongeneral funds in an amount equal to any federal grant funds to the Department of Veterans Services for the Veterans Care Center projects described in § 1.*

§ 3. *Each Veterans Care Center project is authorized up to a 230-bed facility.*

**CHAPTER 722**

*An Act to amend and reenact § 33.2-319 of the Code of Virginia and to allow the City of Richmond to receive maintenance payments for moving-lanes converted to bicycle lanes, relating to highway maintenance payments to cities and towns.*

[H 1402]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

1. **That § 33.2-319 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-319. Payments to cities and certain towns for maintenance of certain highways.**

The Commissioner of Highways, subject to the approval of the Board, shall make payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for allocation of construction funds for urban highways under § 33.2-362. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Department. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. All allocations made prior to July 1, 2001, to cities and towns meeting the criteria of the foregoing provisions of this section are hereby confirmed.

No payments shall be made to any such city or town unless the portion of the highway for which such payment is made either (i) has (a) an unrestricted right-of-way at least 50 feet wide and (b) a hard-surface width of at least 30 feet; (ii) has (a) an unrestricted right-of-way at least 80 feet wide, (b) a hard-surface width of at least 24 feet, and (c) approved engineering plans for the ultimate construction of an additional hard-surface width of at least 24 feet within the same right-of-way; (iii) (a) is a cul-de-sac, (b) has an unrestricted right-of-way at least 40 feet wide, and (c) has a turnaround that meets applicable standards set by the Department; (iv) either (a) has been paved and has constituted part of the primary or secondary state highway system prior to annexation or incorporation or (b) has constituted part of the secondary state highway system prior to annexation or incorporation and is paved to a minimum width of 16 feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof that have previously been maintained under the provisions of § 33.2-339 or 33.2-340; (v) was eligible for and receiving such payments under the laws of the Commonwealth in effect on June 30, 1985; (vi) is a street established prior to July 1, 1950, that has an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 16 feet; (vii) is a street functionally classified as a local street that was constructed on or after January 1, 1996, and that at the time of approval by the city or town met the criteria for pavement width and right-of-way of the then-current design standards for subdivision streets as set forth in regulations adopted by the Board; (viii) is a street previously eligible to receive street payments that is located in the City of Norfolk or the City of Richmond and is closed to public travel, pursuant to legislation enacted by the governing body of the locality in which it is located, for public safety reasons, within the boundaries of a publicly funded housing development owned and operated by the local housing authority; or (ix) is a local street, otherwise eligible, containing one or more physical protuberances placed within the right-of-way for the purpose of controlling the speed of traffic.

However, the Commissioner of Highways may waive the requirements as to hard-surface pavement or right-of-way width for highways where the width modification is at the request of the governing body of the locality and is to protect the quality of the affected locality's drinking water supply or, for highways constructed on or after July 1, 1994, to accommodate some other special circumstance where such action would not compromise the health, safety, or welfare of the public. The modification is subject to such conditions as the Commissioner of Highways may prescribe.

For the purpose of calculating allocations and making payments under this section, the Department shall divide affected highways into two categories, which shall be distinct from but based on functional classifications established by the Federal Highway Administration: (1) principal and minor arterial roads and (2) collector roads and local streets. Payments

made to affected localities shall be based on the number of moving-lane-miles of highways or portions thereof available to peak-hour traffic in that locality. *Any city converting an existing moving-lane that qualifies for payments under this section to a transit-only lane after July 1, 2014, shall remain eligible for such payments but shall not receive additional funds as a result of such conversion.*

The Department shall recommend to the Board an annual rate per category to be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations program. The Board shall establish the annual rates of such payments as part of its allocation for such purpose, and the Department shall use those rates to calculate and put into effect annual changes in each qualifying city's or town's payment under this section.

The payments by the Department shall be paid in equal sums in each quarter of the fiscal year, and payments shall not exceed the allocation of the Board.

The chief administrative officer of the city or town receiving this fund shall make annual categorical reports of expenditures to the Department, in such form as the Board shall prescribe, accounting for all expenditures, certifying that none of the money received has been expended for other than maintenance, construction, or reconstruction of the streets, and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each municipality conducted by independent certified public accountants.

**2. § 1.** *That if the City of Richmond converts moving-lanes that qualified for maintenance payments pursuant to § 33.2-319 of the Code of Virginia on July 1, 2014, to bicycle-only lanes, such conversion shall not affect the City's maintenance payment, provided that such conversions are limited to no more than 20 moving-lane miles.*

**3. That the Secretary of Transportation shall report to the Chairmen of the House and Senate Transportation Committees by December 1, 2015, on an appropriate formula or allocation for the maintenance of bicycle-only lanes and how such conversion may reduce congestion, increase commuting options, and improve safety, mobility, and accessibility.**

## CHAPTER 723

*An Act to amend and reenact §§ 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.19, relating to payments for certain services provided by optometrists and ophthalmologists.*

[H 1444]

Approved April 15, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.19 as follows:**

#### **§ 38.2-3407.19. Payment for services by optometrists and ophthalmologists.**

A. *As used in this section, unless the context requires a different meaning:*

*"Covered materials" means lenses, devices containing lenses, prisms, lens treatments and coatings, contact lenses, and devices to correct, relieve, or treat defects or abnormal conditions of the human eye and its adnexa for which benefits under a policy, contract, or evidence of coverage are payable by a vision care plan carrier, including materials paid by the insureds, subscribers, or enrollees because the annual or periodic payment maximum established by the vision care plan has been met.*

*"Covered services" means the health care services for which benefits under a policy, contract, or evidence of coverage are payable by a vision care plan carrier, including services paid by the insureds, subscribers, or enrollees because the annual or periodic payment maximum established by the vision care plan has been met.*

*"Enrollee" means any person entitled to health care services under a vision care plan.*

*"Optometric services plan" has the same meaning ascribed thereto in § 38.2-4501.*

*"Participating provider agreement" means a contract or agreement between an optometrist or ophthalmologist and a vision care plan carrier in which the optometrist or ophthalmologist has agreed to provide vision-related health care services to enrollees and to hold those enrollees harmless from payment with an expectation of receiving payment, other than copayments or deductibles, directly or indirectly from a vision care plan.*

*"Vision care plan" means (i) an individual or group accident and sickness insurance policy providing hospital, medical, and surgical or major medical coverage on an expense-incurred basis; (ii) an individual or group accident and sickness subscription contract; (iii) an optometric services plan; (iv) a health care plan provided by a health maintenance organization; or (v) an integrated or stand-alone vision benefit plan or a vision care insurance policy or contract that provides vision benefits to an enrollee pertaining to the provision of covered services or covered materials, under which policy, contract, or plan an enrollee is eligible to receive a benefit for covered services or covered materials.*

*"Vision care plan carrier" means (i) an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical, and surgical or major medical coverage on an expense-incurred basis; (ii) a nonstock corporation providing individual or group accident and sickness subscription contracts; (iii) a nonstock corporation offering an optometric services plan; (iv) a health maintenance organization providing a health care plan; and (v) an entity that creates, promotes, sells, provides, advertises, or administers (a) an integrated or stand-alone vision benefit plan or*

(b) a vision care insurance policy or contract that provides vision benefits to an enrollee pertaining to the provision of covered services or covered materials.

B. No participating provider agreement shall establish the fee or rate that the optometrist or ophthalmologist is required to accept for the provision of health care materials or services, or require that an optometrist or ophthalmologist accept the reimbursement paid as payment in full, unless the health care materials and services are covered materials or covered services under the applicable vision care plan.

C. Reimbursement paid by the vision care plan carrier for covered services and covered materials shall be reasonable and shall not provide nominal reimbursement in order to claim that services and materials are covered services or covered materials under the applicable vision care plan. For the purposes of this subsection, "reasonable" means the negotiated fee or rate that is set forth in the participating provider agreement and is acceptable to the provider.

D. No vision care plan shall require an optometrist or ophthalmologist to use a particular optical laboratory, manufacturer of eyeglass frames or contact lenses, or third-party supplier as a condition of participation in a vision care plan.

E. Any changes to a participating provider agreement proposed by the vision care plan carrier shall be submitted in writing to the optometrist or ophthalmologist at least 30 days prior to the effective date of such proposed changes.

F. This section shall apply with respect to any participating provider agreement that is entered into, amended, extended, or renewed on or after January 1, 2016.

G. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

H. The provisions of subsections B through G, as related to covered materials only, shall be applicable to licensed opticians practicing in the Commonwealth.

**§ 38.2-4214. Application of certain provisions of law.**

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1444, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through ~~38.2-3407.18~~ 38.2-3407.19, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

**§ 38.2-4319. Statutory construction and relationship to other laws.**

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through ~~38.2-3407.18~~ 38.2-3407.19, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504,

§§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

**§ 38.2-4509. Application of certain laws.**

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1444, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

**2. That the provisions of this act shall become effective January 1, 2016.**

## CHAPTER 724

*An Act to amend and reenact §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia, relating to direct access to physical therapy.*

[H 1457]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-3482. Practice of physical therapy; certain experience and referrals required; physical therapist assistants.**

A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner ~~as authorized~~ practicing in accordance with his practice ~~protocol~~ agreement, or a licensed physician assistant acting under the supervision of a licensed physician, except as provided in this section.

B. A physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization pursuant to § 54.1-3482.1 may evaluate and treat a patient for no more than ~~14~~ 30 consecutive ~~business~~ days after an initial evaluation without a referral under the following conditions: (i) the patient is not receiving care from any licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation at the time of the presentation to the physical therapist for physical therapy services or (ii) the patient at the time of presentation to a physical therapist for physical therapy services is not being currently cared for, as attested to in writing by the patient, by is receiving care from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner ~~as~~

~~authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation; (ii) the patient identifies a practitioner from whom the patient intends to seek treatment if the condition for which he is seeking treatment does not improve after evaluation and treatment by the physical therapist during the 14-day period of treatment; (iii) from whom he is currently receiving care; (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) (c) the physical therapist notifies the practitioner identified by the patient no later than three 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. Evaluation and treatment may not be initiated by a physical therapist if the patient does not identify a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician to manage the patient's condition. Treatment for more than 14 30 consecutive business days after evaluation of such patient shall only be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician. A physical therapist may contact the practitioner identified by the patient at the end of the 14-day 30-day period to determine if the practitioner will authorize additional physical therapy services until such time as the patient can be seen by the practitioner. A physical therapist shall not perform an initial evaluation of a patient under this subsection if the physical therapist has performed an initial evaluation of the patient under this subsection for the same condition within the immediately preceding three months 60 days. For the purposes of this subsection, business days means Monday through Friday of each week excluding state holidays.~~

~~C. After completing a three-year period of active practice upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician, a~~ A physical therapist who has not completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has not obtained a certificate of authorization pursuant to § 54.1-3482.1 may conduct a one-time evaluation; that does not include treatment; of a patient who does not meet the conditions established in (i) through (iv) of subsection B without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall immediately refer such patient to the appropriate practitioner.

D. Invasive procedures within the scope of practice of physical therapy shall at all times be performed only under the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician.

E. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse practitioner as authorized practicing in accordance with his practice protocol, whose agreement when such patient's medical condition is determined, at the time of evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that the patient's medical condition is beyond the scope of practice of a physical therapist, a physical therapist shall immediately refer such patient to an appropriate practitioner.

F. Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist.

G. However, a licensed physical therapist may provide, without referral or supervision, physical therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such student is at such activity in a public, private, or religious elementary, middle or high school, or public or private institution of higher education when such services are rendered by a licensed physical therapist who is certified as an athletic trainer by the National Athletic Trainers' Association Board of Certification or as a sports certified specialist by the American Board of Physical Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics; (iii) special education students who, by virtue of their individualized education plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion and education; and (vi) the public for the purpose of prevention of impairments, functional limitations, and disabilities.

#### § 54.1-3482.1. Certain certification required.

A. The Board shall promulgate regulations establishing criteria for certification of physical therapists to provide certain physical therapy services pursuant to subsection B of § 54.1-3482; without referral from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician. The regulations shall include but not be limited to provisions for (i) the promotion of patient safety; (ii) an application process for a one-time certification to perform such procedures; and (iii) minimum education, training, and experience requirements for certification to perform such procedures; and (iv) continuing education requirements relating to carrying out direct access duties under § 54.1-3482.

B. The minimum education, training, and experience requirements for certification shall include evidence that the applicant has successfully completed (i) a ~~doctor of physical therapy program approved by the American Physical Therapy Association;~~ (ii) a transitional program in physical therapy as recognized by the Board; or (iii) ~~(ii)~~ (ii) at least three years of active practice with evidence of continuing education relating to carrying out direct access duties under § 54.1-3482.

~~C. In promulgating minimum education, training, and experience criteria, the Board shall consult with an advisory committee comprised of three members selected by the Medical Society of Virginia and three members selected by the Virginia Physical Therapy Association. All members of the advisory committee shall be licensed by the Board of Physical Therapy or the Board of Medicine and shall engage in clinical practice. The committee shall have a duty to act collaboratively and in good faith to recommend the education, training, and experience necessary to promote patient safety. The advisory committee shall prepare a written report of its recommendations and shall submit this report to the Board of Physical Therapy and shall also submit its recommendations to the Board of Medicine for such comments as may be deemed appropriate, prior to the promulgation of draft regulations. The advisory committee may meet periodically to advise the Board on the regulation of such procedures.~~

~~D. In promulgating the regulations required by this section, the Board shall take due consideration of the education, training, and experience requirements adopted by the American Physical Therapy Association and the American Medical Association.~~

## CHAPTER 725

*An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.*

[H 1458]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency

treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith ~~and without compensation~~, *prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal* in an emergency to an individual who is *believed to be* experiencing or ~~is~~ about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if ~~such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose acting in accordance with the provisions of subsection X of § 54.1-3408 or in his role as a member of an emergency medical services agency.~~

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. ~~Expired.~~

~~F.~~ For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom

glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for

such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentist that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose, pursuant to an oral, written or standing order issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose. Law-enforcement officers as defined in § 9.1-101 and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 726

*An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Schedule I drugs.*

[H 1564]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3446. Schedule I.**

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;  
Allylprodine;  
Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);  
Alphameprodine;  
Alphamethadol;  
Benzethidine;  
Betacetylmethadol;  
Betameprodine;  
Betamethadol;  
Betaprodine;  
Clonitazene;  
Dextromoramide;  
Diampromide;  
Diethylthiambutene;  
Difenoxin;  
Dimenoxadol;  
Dimepheptanol;  
Dimethylthiambutene;  
Dioxaphetylbutyrate;  
Dipipanone;  
Ethylmethylthiambutene;  
Etonitazene;  
Etoxidine;  
Furethidine;  
Hydroxypethidine;  
Ketobemidone;  
Levomoramide;  
Levophenacetylmorphan;  
Morpheridine;  
Noracetylmethadol;  
Norlevorphanol;  
Normethadone;  
Norpipanone;  
Phenadoxone;  
Phenampromide;  
Phenomorphane;  
Phenoperidine;  
Piritramide;  
Proheptazine;  
Propidine;  
Propiram;  
Racemoramide;  
Tilidine;  
Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;

Acetyldihydrocodeine;  
 Benzylmorphine;  
 Codeine methylbromide;  
 Codeine-N-Oxide;  
 Cyprenorphine;  
 Desomorphine;  
 Dihydromorphine;  
 Drotebanol;  
 Etorphine;  
 Heroin;  
 Hydromorphinol;  
 Methyldesorphine;  
 Methyldihydromorphine;  
 Morphine methylbromide;  
 Morphine methylsulfonate;  
 Morphine-N-Oxide;  
 Myrophine;  
 Nicocodeine;  
 Nicomorphine;  
 Normorphine;  
 Pholcodine;  
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);  
 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);  
 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);  
 3,4-methylenedioxy amphetamine;  
 5-methoxy-3,4-methylenedioxy amphetamine;  
 3,4,5-trimethoxy amphetamine;  
 Alpha-methyltryptamine (other name: AMT);  
 Bufotenine;  
 Diethyltryptamine;  
 Dimethyltryptamine;  
 4-methyl-2,5-dimethoxyamphetamine;  
 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
 Ibogaine;  
 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
 Lysergic acid diethylamide;  
 Mescaline;  
 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);  
 Peyote;  
 N-ethyl-3-piperidyl benzilate;  
 N-methyl-3-piperidyl benzilate;  
 Psilocybin;  
 Psilocyn;  
 Salvinorin A;  
 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);  
 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);  
 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);  
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);  
 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);  
 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);  
 3,4-methylenedioxypropylvalerone (other name: MDPV);  
 4-methylmethcathinone (other names: mephedrone, 4-MMC);  
 3,4-methylenedioxy-methcathinone (other name: methylone);  
 Naphthylpyrovalerone (other name: naphyrone);  
 4-fluoromethcathinone (other name: flephedrone, 4-FMC);  
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);  
 Ethcathinone (other name: N-ethylcathinone);  
 3,4-methylenedioxyethcathinone (other name: ethylone);  
 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);  
 N,N-dimethylcathinone (other name: metamfepramone);  
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);  
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);  
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);  
 Alpha-pyrrolidinoverophenone (other name: alpha-PVP);  
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);  
 3-fluoromethcathinone (other name: 3-FMC);  
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
 4-Methylethcathinone (other name: 4-MEC);  
 4-Ethylmethcathinone (other name: 4-EMC);  
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);  
 Alpha-methylamino-butyrophenone (other name: Buphedrone);  
 Alpha-methylamino-valerophenone (other name: Pentedrone);  
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);  
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);  
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);  
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);  
 4-Fluoromethamphetamine (other name: 4-FMA);  
 4-Fluoroamphetamine (other name: 4-FA);  
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);  
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);  
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);  
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);  
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);  
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);  
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);  
 (2-aminopropyl)benzofuran (other name: APB);  
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);  
 4-chloro-2,5-dimethoxy-N- [ 2-methoxyphenyl ] methyl ] -benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);  
 4-bromo-2,5-dimethoxy-N- [ 2-methoxyphenyl ] methyl ] benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);  
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);  
 Benocyclidine (other names: BCP, BTCP);  
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);  
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

Fenethylamine;

Ethylamphetamine;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Methcathinone (some other names: 2-(methylamino)-propionophenone; ~~alpha-(methylamino) propiophenone~~ *alpha-(methylamino)-propiophenone*; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

N,N-dimethylamphetamine (other names:

N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).

6. Any material, compound, mixture or preparation containing any quantity of the following substances:

N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;

N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);

N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

N-1-benzyl-4-piperidyl]-N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

~~N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide~~

*N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide* (other name: ~~beta-hydroxy-3-methylfentanyl~~ *beta-hydroxy-3-methylfentanyl*), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: ~~thiofentanyl~~ *thienylfentanyl*), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

~~N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl]-propanamide~~

*N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl]-propanamide* (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers.

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-(N-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA).

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 727

*An Act to amend and reenact §§ 20-88.32 through 20-88.35, 20-88.37, 20-88.38, 20-88.40 through 20-88.44, 20-88.47, 20-88.48, 20-88.50, 20-88.51, 20-88.53, 20-88.54, 20-88.56, 20-88.59 through 20-88.64, 20-88.64:3, 20-88.64:4, 20-88.65 through 20-88.73, 20-88.75, 20-88.76, and 20-88.77:3 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 20-88.32:1, by adding in Article 1 of Chapter 5.3 of Title 20 a section numbered 20-88.34:1, by adding in Article 6 of Chapter 5.3 of Title 20 a section numbered 20-88.63:1, by adding in Article 9 of Chapter 5.3 of Title 20 a section numbered 20-88.77:4, and by adding in Chapter 5.3 of Title 20 an article numbered 13, consisting of sections numbered 20-88.83 through 20-88.95; and to repeal Articles 10 (§ 20-88.78) and 12 (§§ 20-88.81 and 20-88.82) of Chapter 5.3 of Title 20 of the Code of Virginia, relating to the Uniform Interstate Family Support Act.*

[H 1601]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 20-88.32 through 20-88.35, 20-88.37, 20-88.38, 20-88.40 through 20-88.44, 20-88.47, 20-88.48, 20-88.50, 20-88.51, 20-88.53, 20-88.54, 20-88.56, 20-88.59 through 20-88.64, 20-88.64:3, 20-88.64:4, 20-88.65 through 20-88.73, 20-88.75, 20-88.76, and 20-88.77:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 20-88.32:1, by adding in Article 1 of Chapter 5.3 of Title 20 a section numbered 20-88.34:1, by adding in Article 6 of Chapter 5.3 of Title 20 a section numbered 20-88.63:1, by adding in Article 9 of Chapter 5.3 of Title 20 a section numbered 20-88.77:4, and by adding in Chapter 5.3 of Title 20 an article numbered 13, consisting of sections numbered 20-88.83 through 20-88.95, as follows:**

**§ 20-88.32. Definitions.**

In this chapter:

"Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state *or foreign country*.

"Convention" means the *Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007*.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

"Employer" means the source of any income as defined in § 63.2-1900.

"Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

1. That has been declared under the law of the United States to be a foreign reciprocating country;

2. That has established a reciprocal arrangement for child support with the Commonwealth as provided in § 20-88.50;

3. That has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter; or

4. In which the Convention is in force with respect to the United States.

"Foreign support order" means a support order of a foreign tribunal.

"Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

"Home state" means the state *or foreign country* in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state *or foreign country* in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

"Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the Commonwealth.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, to withhold support from the obligor's income as defined in § 63.2-1900.

~~"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or law or procedure substantially similar to this chapter.~~

"Initiating tribunal" means the ~~authorized~~ tribunal in an initiating of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

"Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

"Issuing state" means the state in which a tribunal issues a support order or ~~renders~~ a judgment determining parentage of a child.

"Issuing tribunal" means the tribunal *of a state or foreign country* that issues a support order or ~~renders~~ a judgment determining parentage *of a child*.

"Law" includes decisional and statutory law and rules and regulations having the force of law.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage *of a child* has been ~~rendered issued~~, (ii) a *foreign country*, state, or political subdivision *of a state* to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee *in place of child support*, ~~or~~ (iii) an individual seeking a judgment determining parentage of the individual's child, ~~or~~ (iv) *a person that is a creditor in a proceeding under Article 13 (§ 20-88.83 et seq.)*.

"Obligor" means an individual, or the estate of a decedent, ~~who that~~ (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, ~~or~~ (iii) is liable under a support order, ~~or~~ (iv) *is a debtor in a proceeding under Article 13 (§ 20-88.83 et seq.)*.

"Outside the Commonwealth" means a location in another state, political subdivision of a state, or a country other than the United States, whether or not the country is a foreign country.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Register" means to file a support order or judgment determining parentage in the juvenile and domestic relations district court ~~or with the Division of Child Support Enforcement of the Department of Social Services~~ in a tribunal of the Commonwealth a support order or judgment determining parentage of a child issued in another state or a foreign country.

"Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

"Responding state" means a state *or a foreign country* in which a proceeding is filed ~~or to which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from an initiating another state under this chapter or a law or procedure substantially similar to this chapter or a foreign country~~.

"Responding tribunal" means the authorized tribunal in a responding state *or foreign country*.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, ~~or any territory or insular possession subject to under the jurisdiction of the United States, or a Native American tribe~~. The term includes ~~any foreign country or political subdivision that has been declared to be a foreign reciprocating country or political subdivision under federal law, has established a child support reciprocity arrangement with the Commonwealth, or has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter an Indian nation or tribe~~.

"Support enforcement agency" means a public official, governmental entity, or private agency authorized to (i) seek enforcement of support orders or laws relating to the duty of support, (ii) seek establishment or modification of child support, (iii) request determination of parentage of a child, ~~location of~~ (iv) attempt to locate obligors or their assets, or (v) request determination of the controlling child support order. A support enforcement agency of the Commonwealth is not authorized to establish or enforce a support order for spousal support only.

"Support order" means a judgment, decree, ~~or~~ order, decision, or directive, whether temporary, final, or subject to modification, issued by a tribunal in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement, ~~and for financial assistance provided to an individual obligee in place of child support~~. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage *of a child*; however, the support enforcement agency of the Commonwealth has no authority to establish or enforce a support order for spousal support only.

**§ 20-88.32:1. Uniformity of application and construction.**

*In applying and construing this Uniform Interstate Family Support Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

**§ 20-88.33. Tribunals of the Commonwealth and support enforcement agency.**

A. The juvenile and domestic relations district courts, circuit courts, and the Department of Social Services are the tribunals of the Commonwealth.

B. *The Department of Social Services is the support enforcement agency of the Commonwealth.*

**§ 20-88.34. Remedies cumulative.**

A. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law, ~~including or the recognition of a foreign support order of a foreign country or political subdivision on the basis of comity~~.

B. This chapter does not provide the exclusive method of establishing or enforcing a support order under the law of the Commonwealth or grant a tribunal of the Commonwealth jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

**§ 20-88.34:1. Application of chapter to resident of foreign country and foreign support proceeding.**

A. A tribunal of the Commonwealth shall apply Articles 1 through 9 (§ 20-88.32 et seq.) and, as applicable, Article 13 (§ 20-88.83 et seq.) to a support proceeding involving a foreign support order, a foreign tribunal, or an obligee, obligor, or child residing in a foreign country.

B. A tribunal of the Commonwealth that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 9 (§ 20-88.32 et seq.).

C. Article 13 (§ 20-88.83 et seq.) applies only to a support proceeding under the Convention. In such a proceeding, if a provision of Article 13 is inconsistent with Articles 1 through 9 (§ 20-88.32 et seq.), Article 13 controls.

**§ 20-88.35. Bases for jurisdiction over nonresident.**

In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of the Commonwealth may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

1. The individual is personally served with process within the Commonwealth;
2. The individual submits to the jurisdiction of the Commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in the Commonwealth;
4. The individual resided in the Commonwealth and paid prenatal expenses or provided support for the child;
5. The child resides in the Commonwealth as a result of the acts or directives of the individual;
6. *The individual engaged in sexual intercourse in the Commonwealth and the child may have been conceived by the act of intercourse;*
7. *The individual asserted parentage of a child in the putative father registry maintained in the Commonwealth by the Department of Social Services;*
8. The exercise of personal jurisdiction is authorized under subdivision A 8 of § 8.01-328.1; or
- 7- 9. There is any other basis consistent with the constitutions of the Commonwealth and the United States for the exercise of personal jurisdiction.

The bases of personal jurisdiction set forth in this section or any other law of the Commonwealth may not be used to acquire personal jurisdiction for a tribunal of the Commonwealth to modify a child support order issued by a tribunal of another state unless the requirements of § 20-88.76 or 20-88.77:3 are met.

**§ 20-88.37. Initiating and responding tribunal of the Commonwealth.**

Under this chapter, a tribunal of ~~this~~ the Commonwealth may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

**§ 20-88.38. Simultaneous proceedings in another state.**

A. A tribunal of ~~this~~ the Commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or foreign country only if:

1. The petition or comparable pleading in ~~this~~ the Commonwealth is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;
2. The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and
3. If relevant, ~~this~~ the Commonwealth is the home state of the child.

B. A tribunal of ~~this~~ the Commonwealth may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or foreign country if:

1. The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in ~~this~~ the Commonwealth for filing a responsive pleading challenging the exercise of jurisdiction by ~~this~~ the Commonwealth;
2. The contesting party timely challenges the exercise of jurisdiction in ~~this~~ the Commonwealth; and
3. If relevant, the other state or foreign country is the home state of the child.

**§ 20-88.40. Continuing jurisdiction to enforce child support order.**

A. A tribunal of the Commonwealth that has issued a child support order consistent with the law of the Commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce:

1. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to this chapter; or
2. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

B. A tribunal of the Commonwealth having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

**§ 20-88.41. Determination of controlling child support order.**

A. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.

B. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of the Commonwealth or another state *or foreign country* with regard to the same obligor and same child, a tribunal of the Commonwealth having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls *and must be recognized*:

1. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls ~~and shall be so recognized~~.

2. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, (i) an order issued by a tribunal in the current home state of the child controls, ~~but~~ or (ii) if an order has not been issued in the current home state of the child, the order most recently issued controls.

3. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, a tribunal of the Commonwealth shall issue a child support order, which controls.

C. If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or a support enforcement agency, a tribunal of the Commonwealth having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection B. The request may be filed with a registration for enforcement or registration for modification pursuant to Articles 8 (§ 20-88.66 et seq.) and 9 (§ 20-88.74 et seq.) or may be filed as a separate proceeding.

D. A request to determine which is the controlling order shall be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

E. The tribunal that issued the controlling order under subsection A, B or C has continuing jurisdiction to the extent provided in § 20-88.39 or 20-88.40.

F. A tribunal of the Commonwealth that determines by order which is the controlling order under subdivision B 1 or B 2 or under subsection C or that issues a new controlling order under subdivision B 3 shall state in that order:

1. The basis upon which the tribunal made its determination;
2. The amount of prospective support, if any; and
3. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by § 20-88.43.

G. Within 30 days after issuance of an order determining which is the controlling order, the party obtaining that order shall file a certified copy of it in each tribunal that had issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure arises. The failure to file does not affect the validity or enforceability of the controlling order.

H. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under this chapter.

**§ 20-88.42. Child support orders for two or more obligees.**

In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state *or a foreign country*, a tribunal of the Commonwealth shall enforce those orders in the same manner as if the orders had been issued by a tribunal of the Commonwealth.

**§ 20-88.43. Credit for payments.**

A tribunal of the Commonwealth shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this or another state *or a foreign country*.

**§ 20-88.43:1. Application to nonresident subject to personal jurisdiction.**

A tribunal of the Commonwealth exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of the Commonwealth relating to a support order, or recognizing a *foreign* support order ~~of a foreign country or political subdivision on the basis of comity~~ may receive evidence from ~~another state~~ *outside the Commonwealth* pursuant to § 20-88.59, communicate with a tribunal of another state *outside the Commonwealth* pursuant to § 20-88.60 and obtain discovery through a tribunal of ~~another state outside the Commonwealth~~ *outside the Commonwealth* pursuant to § 20-88.61. In all other respects, Articles 5 (~~§ 20-88.44 et seq.~~) through 10 (~~§ 20-88.78~~) of ~~this chapter~~ 9 (~~§ 20-88.44 et seq.~~) do not apply and the tribunal shall apply the procedural and substantive law of the Commonwealth.

**§ 20-88.43:2. Continuing, exclusive jurisdiction to modify spousal support order.**

A. A court of the Commonwealth issuing a spousal support order consistent with the law of the Commonwealth has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

B. A court of the Commonwealth may not modify a spousal support order issued by a tribunal of another state *or a foreign country* having continuing, exclusive jurisdiction over that order under the law of that state *or foreign country*.

C. A court of the Commonwealth that has continuing, exclusive jurisdiction over a spousal support order may serve as:

1. An initiating court to request a tribunal of another state to enforce the spousal support order issued in the Commonwealth; or

2. A responding court to enforce or modify its own spousal support order.

**§ 20-88.44. Proceedings under this chapter.**

A. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

B. An individual or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state *or foreign country* that has or can obtain personal jurisdiction over the respondent.

**§ 20-88.47. Duties of initiating tribunal.**

A. Upon the filing of a petition authorized by this chapter, an initiating tribunal of the Commonwealth shall forward the petition and its accompanying documents (i) to the responding tribunal or appropriate support enforcement agency in the responding state or, (ii) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

B. If requested by the responding tribunal, a tribunal of the Commonwealth shall issue a certificate or other documents and make findings required by the law of the responding state. If the responding ~~state tribunal~~ *is in a foreign country or political subdivision*, upon request the tribunal *of the Commonwealth* shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding ~~state~~ *foreign tribunal*.

**§ 20-88.48. Duties and powers of responding tribunal.**

A. When a responding tribunal of the Commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection B of § 20-88.44, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed. An order for spousal support only shall be forwarded to the appropriate juvenile and domestic relations court.

B. A responding tribunal of the Commonwealth, to the extent not prohibited by other law, may do one or more of the following:

1. ~~Issue~~ *Establish* or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage *of a child*;
2. Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
3. Order income withholding;
4. Determine the amount of any arrearages, and specify a method of payment;
5. Enforce orders by civil or criminal contempt, or both;
6. Set aside property for satisfaction of the support order;
7. Place liens and order execution on the obligor's property;
8. Order an obligor to keep the tribunal informed of the obligor's current residential address, *electronic mail address*, telephone number, employer, address of employment, and telephone number at the place of employment;
9. Issue a *capias* for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the *capias* in any local and state computer systems for criminal warrants;
10. Order the obligor to seek appropriate employment by specified methods;
11. Award reasonable attorney's fees and other fees and costs; and
12. Grant any other available remedy.

C. A responding tribunal of the Commonwealth shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

D. A responding tribunal of the Commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

E. If a responding tribunal of the Commonwealth issues an order under this chapter, the tribunal shall promptly send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

F. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of the Commonwealth shall convert the amount stated in the foreign currency to the equivalent amount in U.S. dollars under the applicable official or market exchange rate as publicly reported.

**§ 20-88.50. Duties of support enforcement agency.**

A. A support enforcement agency of the Commonwealth, upon request, shall provide services to a petitioner in a proceeding under this chapter. **A**

B. *In a proceeding under this chapter*, a support enforcement agency of the Commonwealth that is providing services to the petitioner shall:

1. Take all steps necessary to enable an appropriate tribunal ~~in~~ *of the Commonwealth or, another state, or a foreign country* to obtain jurisdiction over the respondent;
2. Request an appropriate tribunal to set a date, time, and place for a hearing;
3. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
4. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;
5. Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
6. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

~~B. C.~~ A support enforcement agency of the Commonwealth that requests registration of a child support order in the Commonwealth for enforcement or for modification shall make reasonable efforts to ensure that:

1. The order to be registered is the controlling order; or
2. If two or more child support orders exist and the identity of the controlling order has not been determined, a request for such a determination is made in a tribunal having jurisdiction to do so.

~~C. D.~~ A support enforcement agency of the Commonwealth that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in U.S. dollars under the applicable official or market exchange rate as publicly reported.

~~D. E.~~ A support enforcement agency of the Commonwealth shall issue or request a tribunal of the Commonwealth to issue a child support order and an income-withholding order that redirects payment of current support, arrears, and interest to a support enforcement agency of the Commonwealth if requested to do so by a support enforcement agency of another state pursuant to § 20-88.62.

~~E. F.~~ This chapter does not create a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

**§ 20-88.51. Duty of Secretary of Health and Human Resources.**

A. If the Secretary of Health and Human Resources determines that the support enforcement agency is neglecting or refusing to provide services to an individual, he may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

B. The Secretary of Health and Human Resources may determine that a foreign country ~~or political subdivision~~ has established a reciprocal arrangement for child support with the Commonwealth and take appropriate action for notification of the determination.

**§ 20-88.53. Duties of state information agency.**

A. The Department of Social Services is the state information agency under this chapter.

B. The state information agency shall:

1. Compile and maintain a current list, including addresses, of the tribunals in the Commonwealth ~~which~~ *that* have jurisdiction under this chapter and any support enforcement agencies in the Commonwealth and transmit a copy to the state information agency of every other state;

2. Maintain a register of *names and addresses* of tribunals and support enforcement agencies received from other states;

3. Forward to the appropriate tribunal in the county or city in the Commonwealth in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating~~ *another state or a foreign country*; and

4. Obtain information concerning the location of the obligor and the obligor's property within the Commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

**§ 20-88.54. Pleadings and accompanying documents.**

A. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage *of a child*, or to register or modify a support order *of a tribunal of another state or a foreign country* shall file a petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying documents shall provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition shall be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

B. The petition shall specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

**§ 20-88.56. Costs and fees.**

A. The petitioner may not be required to pay a filing fee or other costs.

B. If an obligee prevails, a responding tribunal *of the Commonwealth* may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state *or foreign country*, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Articles 8 (§ 20-88.66 et seq.) and 9 (§ 20-88.74 et seq.) ~~of this chapter,~~

a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

**§ 20-88.59. Special rules of evidence and procedure.**

A. The physical presence of a nonresident party who is an individual in a tribunal of the Commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

B. An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing ~~in another state~~ *outside the Commonwealth*.

C. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

E. Documentary evidence transmitted from ~~another state~~ *outside the Commonwealth* to a tribunal of the Commonwealth by telephone, telecopier, or other *electronic* means that does not provide an original record may not be excluded from evidence upon an objection based on the means of transmission.

F. In a proceeding under this chapter, a tribunal of the Commonwealth shall permit a party or witness residing ~~in another state~~ *outside the Commonwealth* to be deposed or to testify *under penalty of perjury* by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of the Commonwealth shall cooperate with *other* tribunals of ~~other states~~ in designating an appropriate location for the deposition or testimony.

G. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

H. A privilege against disclosure of communication between spouses does not apply in a proceeding under this chapter.

I. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

J. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

**§ 20-88.60. Communications between tribunals.**

A tribunal of the Commonwealth may communicate with a tribunal of ~~another state or foreign country or political subdivision~~ *outside the Commonwealth* in a record, or by telephone, *electronic mail*, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal; and the status of a proceeding ~~in the other state or foreign country or political subdivision~~. A tribunal of the Commonwealth may furnish similar information by similar means to a tribunal of ~~another state or foreign country or political subdivision~~ *outside the Commonwealth*.

**§ 20-88.61. Assistance with discovery.**

A tribunal of ~~this~~ *the Commonwealth* may (i) request a tribunal of ~~another state~~ *outside the Commonwealth* to assist in obtaining discovery and (ii) upon request, compel a person over ~~whom~~ *which* it has jurisdiction to respond to a discovery order issued by a tribunal of ~~another state~~ *outside the Commonwealth*.

**§ 20-88.62. Receipt and disbursement of payments.**

A. A support enforcement agency or tribunal of the Commonwealth shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The support enforcement agency or tribunal shall furnish to a requesting party or tribunal of another state *or a foreign country* a certified statement by the custodian of the record of the amounts and dates of all payments received.

B. If neither the obligor, nor the obligee who is an individual, nor the child resides in the Commonwealth, upon request from the support enforcement agency of the Commonwealth or another state, the support enforcement agency of the Commonwealth or a tribunal of the Commonwealth shall:

1. Order that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

2. Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

C. The support enforcement agency of the Commonwealth receiving redirected payments from another state pursuant to a law similar to subsection B shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Article 6.

Establishment of Support Order or Determination of Parentage.

**§ 20-88.63. Establishment of support order.**

A. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of the Commonwealth *with personal jurisdiction over the parties* may issue a support order if (i) the individual seeking the order resides ~~in another state~~ *outside the Commonwealth* or (ii) the support enforcement agency seeking the order is located ~~in another state~~ *outside the Commonwealth*.

B. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

1. A presumed father of the child;
2. Petitioning to have his paternity adjudicated;
3. Identified as the father of the child through genetic testing;
4. An alleged father who has declined to submit to genetic testing;
5. Shown by clear and convincing evidence to be the father of the child;
6. An acknowledged father as provided by applicable state law;
7. The mother of the child; or
8. An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

C. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to § 20-88.48.

**§ 20-88.63:1. Proceeding to determine parentage.**

*A tribunal of the Commonwealth authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.*

Article 7.

Enforcement of Order of Another State Without Registration.

**§ 20-88.64. Employer's receipt of income-withholding order of another state.**

An income-withholding order issued ~~by a tribunal~~ in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person or entity defined as the obligor's employer as defined in § 63.2-1900 under the income-withholding law of the Commonwealth without first filing a petition or comparable pleading or registering the order with a tribunal of the Commonwealth.

**§ 20-88.64:3. Immunity from civil liability.**

An employer ~~who that~~ complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to ~~any~~ an individual or agency with regard to the employer's withholding child support from the obligor's income.

**§ 20-88.64:4. Penalties for noncompliance.**

An employer ~~who that~~ willfully fails to comply with an income-withholding order issued ~~by in~~ another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of ~~this the~~ Commonwealth.

**§ 20-88.65. Administrative enforcement of orders.**

A. A party or support enforcement agency seeking to enforce a *foreign support order*, or a support order or an income-withholding order, or both, issued ~~by a tribunal of in~~ another state, may send the documents required for registering the order to a support enforcement agency of ~~this the~~ Commonwealth.

B. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of ~~this the~~ Commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

**§ 20-88.66. Registration of order for enforcement.**

*A foreign support order*, or a support order or an income-withholding order issued ~~by a tribunal of in~~ another state, may be registered in ~~this the~~ Commonwealth for enforcement.

**§ 20-88.67. Procedure to register order for enforcement.**

A. ~~A~~ Except as provided in § 20-88.88, a *foreign support order* or a support order or income-withholding order of another state may be registered in the Commonwealth by sending the following records ~~and information~~ to the appropriate tribunal in the Commonwealth:

1. A letter of transmittal to the tribunal requesting registration and enforcement;
2. Two copies, including one certified copy, of the order to be registered, including any modification of the order;
3. A sworn statement by the party requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
4. The name of the obligor and, if known, (i) the obligor's address and social security number, (ii) the name and address of the obligor's employer and any other source of income of the obligor, and (iii) a description and the location of property of the obligor in the Commonwealth not exempt from execution; and
5. Except as otherwise provided in § 20-88.55, the name and address of the obligee and, if applicable, the support enforcement agency to whom support payments are to be remitted.

B. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as *an order of a tribunal of another state* or a foreign support order, together with one copy of the documents and information, regardless of their form.

C. A petition or comparable pleading seeking a remedy that shall be affirmatively sought under other law of the Commonwealth may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.

D. If two or more orders are in effect, the individual or support enforcement agency requesting registration shall:

1. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

2. Specify the order alleged to be the controlling order, if any; and

3. Specify the amount of consolidated arrears, if any.

E. A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The individual or support enforcement agency requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

**§ 20-88.68. Effect of registration for enforcement.**

A. A support order or income-withholding order issued in another state *or a foreign support order* is registered when the order is filed in the registering tribunal of ~~this the~~ Commonwealth.

B. A registered *support* order issued in another state *or in a foreign country* is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of ~~this the~~ Commonwealth.

C. Except as otherwise provided in this ~~article~~ *chapter*, a tribunal of ~~this the~~ Commonwealth shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

**§ 20-88.69. Choice of law; statute of limitations.**

A. Except as otherwise provided in subsection D, the law of the issuing state *or foreign country* governs (i) the nature, extent, amount, and duration of current payments under a registered support order; (ii) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and (iii) the existence and satisfaction of other obligations under the support order.

B. In a proceeding for arrears under a registered support order, the statute of limitations of the Commonwealth or of the issuing state *or foreign country*, whichever is longer, applies.

C. A responding tribunal of the Commonwealth shall apply the procedures and remedies of the Commonwealth to enforce current support and collect arrears and interest due on a support order of another state *or a foreign country* registered in the Commonwealth.

D. After a tribunal of the Commonwealth or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of the Commonwealth shall prospectively apply the law of the state *or foreign country* issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

**§ 20-88.70. Notice of registration of order; contest of validity or enforcement.**

A. When a support order or income-withholding order issued in another state *or a foreign support order* is registered, the registering tribunal *of the Commonwealth* shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

B. A notice shall inform the nonregistering party:

1. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the Commonwealth;

2. That a hearing to contest the validity or enforcement of the registered order shall be requested within 20 days after the notice *unless the registered order is under § 20-88.89*;

3. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

4. Of the amount of any alleged arrearages.

C. If the registering party asserts that two or more orders are in effect, a notice shall also:

1. Identify the two or more orders and the order alleged by the ~~registering individual or support enforcement agency or individual party~~ to be the controlling order and the consolidated arrears, if any;

2. Notify the nonregistering party of the right to a determination of which is the controlling order;

3. State that the procedures provided in subsection B apply to the determination of which is the controlling order; and

4. State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

D. Upon registration of an income-withholding order for enforcement, the *support enforcement agency or the* registering tribunal shall notify the obligor's employer pursuant to the income-withholding for support law of the Commonwealth.

**§ 20-88.71. Procedure to contest validity or enforcement of registered support order.**

A. A nonregistering party seeking to contest the validity or enforcement of a registered *support* order in ~~this the~~ Commonwealth shall request a hearing within ~~twenty days after notice of the registration~~ *the time required by § 20-88.70*. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 20-88.72.

B. If the nonregistering party fails to contest the validity or enforcement of the registered *support* order in a timely manner, the order is confirmed by operation of law.

C. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered *support* order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

**§ 20-88.72. Contest of registration or enforcement.**

A. A party contesting the validity or enforcement of a registered *support* order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

1. The issuing tribunal lacked personal jurisdiction over the contesting party;
2. The order was obtained by fraud;
3. The order has been vacated, suspended, or modified by a later order;
4. The issuing tribunal has stayed the order pending appeal;
5. There is a defense under the law of the Commonwealth to the remedy sought;
6. Full or partial payment has been made;
7. The statute of limitations under § 20-88.69 precludes enforcement of some or all of the alleged arrearages; or
8. The alleged controlling order is not the controlling order.

B. If a party presents evidence establishing a full or partial defense under subsection A, a tribunal may stay enforcement of ~~the~~ a registered *support* order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered *support* order may be enforced by all remedies available under the law of the Commonwealth.

C. If the contesting party does not establish a defense under subsection A to the validity or enforcement of ~~the~~ a registered *support* order, the registering tribunal shall issue an order confirming the order.

**§ 20-88.73. Confirmed order.**

Confirmation of a registered *support* order, whether by operation of law or after notice and hearing, precludes further contest of the *support* order with respect to any matter that could have been asserted at the time of registration.

**§ 20-88.75. Effect of registration for modification.**

A tribunal of the Commonwealth may enforce a child support order of another state, registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of the Commonwealth, but the registered *support* order may be modified only if the requirements of § 20-88.76; *or* 20-88.77:1 ~~or~~ 20-88.77:3 have been met.

**§ 20-88.76. Modification of child support order of another state.**

A. If § 20-88.77:1 does not apply, ~~except as otherwise provided in § 20-88.77:3~~, upon petition a tribunal of the Commonwealth may modify a child support order, issued in another state, that is registered in the Commonwealth if, after notice and hearing, the tribunal finds that:

1. The following requirements are met:
  - a. Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;
  - b. A petitioner who is a nonresident of the Commonwealth seeks modification; and
  - c. The respondent is subject to the personal jurisdiction of the tribunal of the Commonwealth; or
2. The Commonwealth is the ~~state~~ of residence of the child or a party who is an individual is subject to the personal jurisdiction of the tribunal of the Commonwealth and all of the individual parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of the Commonwealth to modify the support order and assume continuing, exclusive jurisdiction.

B. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the Commonwealth and the order may be enforced and satisfied in the same manner.

C. ~~Except as otherwise provided in § 20-88.77:3, a~~ A tribunal of the Commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under § 20-88.41 establishes the aspects of the support order which are nonmodifiable.

D. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of the Commonwealth.

E. On issuance of an order by a tribunal of the Commonwealth modifying a child support order issued in another state, the tribunal of the Commonwealth becomes the tribunal having continuing, exclusive jurisdiction.

F. *Notwithstanding subsections A through E and § 20-88.35, a tribunal of the Commonwealth retains jurisdiction to modify an order issued by a tribunal of the Commonwealth if one party resides in another state and the other party resides outside the United States.*

**§ 20-88.77:3. Jurisdiction to modify child support order of foreign country.**

A. ~~If~~ *Except as provided in § 20-88.93, if a foreign country or political subdivision that is a state will not or may not lack or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of the Commonwealth may assume jurisdiction, for good cause shown as ordered, to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support*

order otherwise required of the individual pursuant to § 20-88.76 has been given or whether the individual seeking modification is a resident of the Commonwealth or of the foreign country or political subdivision.

B. An order issued by a tribunal of the Commonwealth modifying a foreign child support order pursuant to this section is the controlling order.

**§ 20-88.77:4. Procedure to register child support order of foreign country for modification.**

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in the Commonwealth under Article 8 (§ 20-88.66 et seq.) if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or at another time. The petition must specify the grounds for modification.

Article 13.

Support Proceeding under Hague Convention.

**§ 20-88.83. Definitions.**

As used in this article:

"Application" means a request under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

"Central authority" means the entity designated by the United States or a foreign country described in § 20-88.32 to perform the functions specified in the Convention.

"Convention support order" means a support order of a tribunal of a foreign country described in § 20-88.32.

"Direct request" means a petition or similar pleading filed by an individual in a tribunal of the Commonwealth in a proceeding involving an obligee, obligor, or child residing outside the United States.

"Foreign central authority" means the entity designated by a foreign country described in § 20-88.32 to perform the functions specified in the Convention.

"Foreign support agreement" means an agreement for support in a record that (i) is enforceable as a support order in the country of origin; (ii) has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by or concluded, registered, or filed with a foreign tribunal; and (iii) may be reviewed and modified by a foreign tribunal. "Foreign support agreement" includes a maintenance arrangement or authentic instrument under the Convention.

"United States central authority" means the Secretary of the U.S. Department of Health and Human Services.

**§ 20-88.84. Applicability.**

This article applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through 9 (§ 20-88.32 et seq.), this article controls.

**§ 20-88.85. Relationship of Department of Social Services to United States central authority.**

The Department of Social Services of the Commonwealth is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

**§ 20-88.86. Initiation by Department of Social Services of support proceeding under convention.**

A. In a support proceeding under this chapter, the Department of Social Services of the Commonwealth shall:

1. Transmit and receive applications; and
2. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of the Commonwealth.

B. The following support proceedings are available to an obligee under the Convention:

1. Recognition or recognition and enforcement of a foreign support order;
2. Enforcement of a support order issued or recognized in the Commonwealth;
3. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

4. Establishment of a support order if recognition of a foreign support order is refused under subdivision B 2, 4, or 9 of § 20-88.90;

5. Modification of a support order of a tribunal of the Commonwealth; and

6. Modification of a support order of a tribunal of another state or a foreign country.

C. The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

1. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of the Commonwealth;

2. Modification of a support order of a tribunal of the Commonwealth; and

3. Modification of a support order of a tribunal of another state or a foreign country.

D. A tribunal of the Commonwealth may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

**§ 20-88.87. Direct request.**

A. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of the Commonwealth applies.

B. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, §§ 20-88.88 through 20-88.95 apply.

*C. In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:*

- 1. A security, bond, or deposit is not required to guarantee the payment of costs and expenses; and*
- 2. An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of the Commonwealth under the same circumstances.*

*D. A petitioner filing a direct request is not entitled to assistance from the Department of Social Services.*

*E. This chapter does not prevent the application of laws of the Commonwealth that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.*

**§ 20-88.88. Registration of Convention support order.**

*A. Except as otherwise provided in this chapter, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in the Commonwealth as provided in Article 9 (§ 20-88.74 et seq.).*

*B. Notwithstanding § 20-88.54 and subsection A of § 20-88.67, a request for registration of a Convention support order must be accompanied by:*

- 1. A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;*

- 2. A record stating that the support order is enforceable in the issuing country;*

- 3. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;*

- 4. A record showing the amount of arrears, if any, and the date the amount was calculated;*

- 5. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and*

- 6. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.*

*C. A request for registration of a Convention support order may seek recognition and partial enforcement of the order.*

*D. A tribunal of the Commonwealth may vacate the registration of a Convention support order without the filing of a contest under § 20-88.89 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.*

*E. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.*

**§ 20-88.89. Contest of registered convention support order.**

*A. Except as otherwise provided in this chapter, §§ 20-88.71, 20-88.72, and 20-88.73 apply to a contest of a registered Convention support order.*

*B. A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.*

*C. If the non-registering party fails to contest the registered Convention support order within the time period specified in subsection B, the order is enforceable.*

*D. A contest of a registered Convention support order may be based only on grounds set forth in § 20-88.90. The contesting party bears the burden of proof.*

*E. In a contest of a registered Convention support order, a tribunal of the Commonwealth:*

- 1. Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and*

- 2. May not review the merits of the order.*

*F. A tribunal of the Commonwealth deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.*

*G. A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.*

**§ 20-88.90. Recognition and enforcement of registered convention support order.**

*A. Except as otherwise provided in subsection B, a tribunal of the Commonwealth shall recognize and enforce a registered Convention support order.*

*B. The following grounds are the only grounds on which a tribunal of the Commonwealth may refuse recognition and enforcement of a registered Convention support order:*

- 1. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;*

- 2. The issuing tribunal lacked personal jurisdiction consistent with § 20-88.35;*

- 3. The order is not enforceable in the issuing country;*

- 4. The order was obtained by fraud in connection with a matter of procedure;*

- 5. A record transmitted in accordance with § 20-88.88 lacks authenticity or integrity;*

6. A proceeding between the same parties and having the same purpose is pending before a tribunal of the Commonwealth and that proceeding was the first to be filed;

7. The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in the Commonwealth;

8. Payment, to the extent alleged arrears have been paid in whole or in part;

9. In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

a. If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

b. If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

10. The order was made in violation of § 20-88.93.

C. If a tribunal of the Commonwealth does not recognize a Convention support order under subdivision B 2, 4, or 9:

1. The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and

2. The Department of Social Services shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under § 20-88.86.

**§ 20-88.91. Partial enforcement.**

If a tribunal of the Commonwealth does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

**§ 20-88.92. Foreign support agreement.**

A. Except as otherwise provided in subsections C and D, a tribunal of the Commonwealth shall recognize and enforce a foreign support agreement registered in the Commonwealth.

B. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

1. A complete text of the foreign support agreement; and

2. A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

C. A tribunal of the Commonwealth may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

D. In a contest of a foreign support agreement, a tribunal of the Commonwealth may refuse recognition and enforcement of the agreement if it finds that:

1. Recognition and enforcement of the agreement is manifestly incompatible with public policy;

2. The agreement was obtained by fraud or falsification;

3. The agreement is incompatible with a support order involving the same parties and having the same purpose in the Commonwealth, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in the Commonwealth; or

4. The record submitted under subsection B lacks authenticity or integrity.

E. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

**§ 20-88.93. Modification of Convention child support order.**

A. A tribunal of the Commonwealth may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

1. The obligee submits to the jurisdiction of a tribunal of the Commonwealth, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

2. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

B. If a tribunal of the Commonwealth does not modify a Convention child support order because the order is not recognized in the Commonwealth, subsection C of § 20-88.90 applies.

**§ 20-88.94. Personal information; limit on use.**

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

**§ 20-88.95. Record in original language; English translation.**

A record filed with a tribunal of the Commonwealth under this article must be in the original language and, if not in English, must be accompanied by an English translation.

**2. That Articles 10 (§ 20-88.78) and 12 (§§ 20-88.81 and 20-88.82) of Chapter 5.3 of Title 20 of the Code of Virginia are repealed.**

**3. That an emergency exists and this act is in force from its passage.**

## CHAPTER 728

*An Act to amend the Code of Virginia by adding in Article 5 of Chapter 14 of Title 22.1 a section numbered 22.1-289.01, relating to school service providers; student personal information.*

[H 1612]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 22.1 a section numbered 22.1-289.01 as follows:****§ 22.1-289.01. School service providers; student personal information.****A. For the purposes of this section:**

"School service" means a website, mobile application, or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used at the direction of teachers or other employees at elementary or secondary schools; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies an individual student or is linked to information that identifies an individual student.

**B. Each school service provider shall:**

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;

2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;

3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;

4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;

5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;

6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service; and

7. Ensure that any successor entity or third party with whom it contracts abides by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information.

**C. No school service provider shall:**

1. Use or share any student personal information for the purpose of behaviorally targeting advertisements to students;

2. Use or share any student personal information to create a personal profile of a student other than for supporting purposes authorized in the contract between the school division and the school service provider, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider;

3. Knowingly retain student personal information beyond the time period authorized in the contract between the school division and the school service provider, except with the consent of the student or, if the student is less than 18 years of age, his parent; or

4. Sell student personal information.

D. Nothing in this section shall be construed to prohibit school service providers from using student personal information for purposes of adaptive learning or customized education.

**2. That no school service provider in operation on June 30, 2015, shall be subject to the provisions of this act until such time as the contract to operate a school service is renewed.**

## CHAPTER 729

*An Act to amend and reenact §§ 18.2-271.1 and 46.2-391.01 of the Code of Virginia, relating to DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock.*

[H 1639]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 18.2-271.1 and 46.2-391.01 of the Code of Virginia are amended and reenacted as follows:****§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law.**

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E of this section. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E of this section, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted ~~in~~ *under the law of another state or the United States of the violation of a law of such state* an offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A of this section and that, upon entry into such program, he be issued an order in accordance with subsection E of this section. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E of this section as to the period of

license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. *The court shall, as a condition of a restricted license, prohibit such person from operating a motor vehicle that is not equipped with a functioning certified ignition interlock system for a period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of interlock requirements.* Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense ~~in any~~ *under the law of another state or the United States*, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; or (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A of this section. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund.

F. The court shall have jurisdiction over any person entering such program under any provision of this section until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice

shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court which has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, town, or any combination thereof may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

**§ 46.2-391.01. Administrative enforcement of ignition interlock requirements.**

If the court, as a condition of license restoration or as a condition of a restricted license under subsection C or D of § 18.2-271.1 or § 46.2-391, or when required by § 18.2-270.1, fails to prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system, the Commissioner shall enforce the requirements relating to installation of such systems in accordance with the provisions of § 18.2-270.1.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**3. That an emergency exists and this act is in force from its passage.**

**CHAPTER 730**

*An Act to amend and reenact §§ 1-404, 2.2-221, 2.2-507, 2.2-509.1, 2.2-1119, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4024, 2.2-4345, 3.2-1010, 4.1-100, 4.1-101, 4.1-103, 4.1-103.1, 4.1-119, 4.1-121, 4.1-124, 4.1-128, 4.1-209.1, 4.1-212.1, 4.1-325, 9.1-101, 9.1-102, 9.1-400, 9.1-500, 9.1-801, 15.2-2288.3, 15.2-2288.3:1, 18.2-57, 18.2-246.6, 18.2-308, 18.2-308.03, 18.2-308.012, 18.2-371.2, 19.2-81, 19.2-386.21, 19.2-389, 22.1-206, 23-7.4:1, 32.1-357, 33.2-613, 48-17.1, 51.1-212, 58.1-3, 58.1-3651, 59.1-148.3, 65.2-402, and 65.2-402.1 of the Code of Virginia; to amend and reenact the fourth enactments of Chapters 870 and 932 of the Acts of Assembly of 2007; to amend the Code of Virginia by adding sections numbered 4.1-101.01 through 4.1-101.011; and to repeal § 4.1-102 of the Code of Virginia, relating to alcoholic beverage control; Virginia Alcoholic Beverage Control Authority Act of 2015.*

[H 1776]

Approved April 15, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-404, 2.2-221, 2.2-507, 2.2-509.1, 2.2-1119, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.3, 2.2-3705.7, 2.2-3711, 2.2-3802, 2.2-4024, 2.2-4345, 3.2-1010, 4.1-100, 4.1-101, 4.1-103, 4.1-103.1, 4.1-119, 4.1-121, 4.1-124, 4.1-128, 4.1-209.1, 4.1-212.1, 4.1-325, 9.1-101, 9.1-102, 9.1-400, 9.1-500, 9.1-801, 15.2-2288.3, 15.2-2288.3:1, 18.2-57, 18.2-246.6, 18.2-308, 18.2-308.03, 18.2-308.012, 18.2-371.2, 19.2-81, 19.2-386.21, 19.2-389, 22.1-206, 23-7.4:1, 32.1-357, 33.2-613, 48-17.1, 51.1-212, 58.1-3, 58.1-3651, 59.1-148.3, 65.2-402, and 65.2-402.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-101.01 through 4.1-101.011 as follows:

**§ 1-404. Licensing sale of mixed alcoholic beverages on lands ceded to or owned by United States.**

The Virginia Alcoholic Beverage Control ~~Board~~ *Authority* may license the sale of mixed alcoholic beverages as defined in Chapter 1 (§ 4.1-100 et seq.) of Title 4.1 at places primarily engaged in the sale of meals on lands ceded by the Commonwealth to the United States or owned by the government of the United States or any agency thereof provided that such lands are used as ports of entry or egress to and from the United States, and provided that such lands lie within or partly within the boundaries of any county in this Commonwealth which permits the lawful dispensing of mixed alcoholic beverages. The Board ~~is hereby authorized to~~ *of Directors of the Authority* may adopt rules and regulations governing the sale of such spirits, and to fix the fees for such licenses, within the limits fixed by general law.

**§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.**

A. The position of Secretary of Public Safety and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: ~~Department of the Virginia~~ *Alcoholic Beverage Control Authority*, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency Management, Department of Military Affairs, Department of State Police, Department of Fire Programs, and the Commonwealth's Attorneys' Services Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. The Secretary shall by reason of professional background have knowledge of military affairs, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.
2. Serve as the point of contact with the federal Department of Homeland Security.
3. Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.
4. Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.
5. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens.
6. Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related preparedness federal grant requests from state agencies and localities are used to enhance interoperability. The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.
7. Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the federal Urban Areas Security Initiative.
8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.
9. Educate the public on homeland security and overall preparedness issues in coordination with applicable state agencies.
10. Serve as chairman of the Secure Commonwealth Panel.
11. Encourage homeland security volunteer efforts throughout the state.
12. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.
13. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.

14. Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.

15. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and fix their compensation to be payable from funds made available for that purpose.

16. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

18. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

19. *Provide oversight and review of the law-enforcement operations of the Alcoholic Beverage Control Authority.*

20. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

#### **§ 2.2-507. Legal service in civil matters.**

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the *Virginia Alcoholic Beverage Control Board Authority*;

2. Agents inspecting or investigators appointed by the State Corporation Commission;

3. Agents, investigators, or auditors employed by the Department of Taxation;

4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;

5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;

6. Persons employed by the Commissioner of Motor Vehicles;

7. Persons appointed by the Commissioner of Marine Resources;

8. Police officers appointed by the Superintendent of State Police;

9. Conservation police officers appointed by the Department of Game and Inland Fisheries;

10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;

11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;

13. Conservation officers of the Department of Conservation and Recreation; or

14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

**§ 2.2-509.1. Powers of investigators; enforcement of certain tobacco laws.**

Investigators with the Office of the Attorney General as designated by the Attorney General shall be authorized to seize cigarettes as defined in § 3.2-4200, which are sold, possessed, distributed, transported, imported, or otherwise held in violation of § 3.2-4207 or 58.1-1037. In addition, such investigators shall be authorized to accompany and participate with special agents of the Virginia Alcoholic Beverage Control Board Authority or other law-enforcement officials engaging in an enforcement action under § 3.2-4207 or 58.1-1037.

**§ 2.2-1119. Cases in which purchasing through Division not mandatory.**

A. Unless otherwise ordered by the Governor, the purchasing of materials, equipment, supplies, and nonprofessional services through the Division shall not be mandatory in the following cases:

1. Materials, equipment and supplies incident to the performance of a contract for labor or for labor and materials;
2. Manuscripts, maps, audiovisual materials, books, pamphlets and periodicals purchased for the use of The Library of Virginia or any other library in the Commonwealth supported in whole or in part by state funds;
3. Perishable articles, provided that no article except fresh vegetables, fish, eggs or milk shall be considered perishable within the meaning of this subdivision, unless so classified by the Division;
4. Materials, equipment and supplies needed by the Commonwealth Transportation Board; however, this exception may include, office stationery and supplies, office equipment, janitorial equipment and supplies, and coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;
5. Materials, equipment, and supplies needed by the Virginia Alcoholic Beverage Control Board; however, this exception may include Authority, including office stationery and supplies, office equipment, and janitorial equipment and supplies and, however, coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;
6. Binding and rebinding of the books and other literary materials of libraries operated by the Commonwealth or under its authority;
7. Printing of the records of the Supreme Court; and
8. Financial services, including without limitation, underwriters, financial advisors, investment advisors and banking services.

B. Telecommunications and information technology goods and services of every description shall be procured as provided by § 2.2-2012.

**§ 2.2-2696. Substance Abuse Services Council.**

A. The Substance Abuse Services Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise and make recommendations to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control substance abuse, as defined in § 37.2-100.

B. The Council shall consist of 29 members. Four members of the House of Delegates shall be appointed by the Speaker of the House of Delegates, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, and two members of the Senate shall be appointed by the Senate Committee on Rules. The Governor shall appoint one member representing the Virginia Sheriffs' Association, one member representing the Virginia Drug Courts Association, one member representing the Substance Abuse Certification Alliance of Virginia, two members representing the Virginia Association of Community Services Boards, and two members representing statewide consumer and advocacy organizations. The Council shall also include the Commissioner of Behavioral Health and Developmental Services; the Commissioner of Health; the Commissioner of the Department of Motor Vehicles; the Superintendent of Public Instruction; the Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, Medical Assistance Services, and Social Services; the Chief Operating Executive Officer of the Department of Virginia Alcoholic Beverage Control Authority; the Executive Director of the Virginia Foundation for Healthy Youth or his designee; the Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his designee; and the chairs or their designees of the Virginia Association of Drug and Alcohol Programs, the Virginia Association of Alcoholism and Drug Abuse Counselors, and the Substance Abuse Council and the Prevention Task Force of the Virginia Association of Community Services Boards.

C. Appointments of legislative members and heads of agencies or representatives of organizations shall be for terms consistent with their terms of office. Beginning July 1, 2011, the Governor's appointments of the seven nonlegislative citizen members shall be staggered as follows: two members for a term of one year, three members for a term of two years, and two members for a term of three years. Thereafter, appointments of nonlegislative members shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. The Governor shall appoint a

chairman from among the members for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman.

No person shall be eligible to serve more than two successive terms, provided that a person appointed to fill a vacancy may serve two full successive terms.

D. The Council shall meet at least four times annually and more often if deemed necessary or advisable by the chairman.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses shall be provided by the Department of Behavioral Health and Developmental Services.

F. The duties of the Council shall be:

1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services;

2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine all agency plans into a comprehensive interagency state plan for substance abuse services;

3. To review and comment on annual state agency budget requests regarding substance abuse and on all applications for state or federal funds or services to be used in substance abuse programs;

4. To define responsibilities among state agencies for various programs for persons with substance abuse and to encourage cooperation among agencies; and

5. To make investigations, issue annual reports to the Governor and the General Assembly, and make recommendations relevant to substance abuse upon the request of the Governor.

G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the Department of Behavioral Health and Developmental Services.

#### **§ 2.2-2818. Health and related insurance for state employees.**

A. The Department of Human Resource Management shall establish a plan, subject to the approval of the Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees. The Department of Human Resource Management shall administer this section. The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. Except for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

Such contribution shall be financed through appropriations provided by law.

B. The plan shall:

1. Include coverage for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over and may be limited to a benefit of \$50 per mammogram subject to such dollar limits, deductibles, and coinsurance factors as are no less favorable than for physical illness generally.

The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast.

In order to be considered a screening mammogram for which coverage shall be made available under this section:

a. The mammogram shall be (i) ordered by a health care practitioner acting within the scope of his licensure and, in the case of an enrollee of a health maintenance organization, by the health maintenance organization provider; (ii) performed by a registered technologist; (iii) interpreted by a qualified radiologist; and (iv) performed under the direction of a person licensed to practice medicine and surgery and certified by the American Board of Radiology or an equivalent examining body. A copy of the mammogram report shall be sent or delivered to the health care practitioner who ordered it;

b. The equipment used to perform the mammogram shall meet the standards set forth by the Virginia Department of Health in its radiation protection regulations; and

c. The mammography film shall be retained by the radiologic facility performing the examination in accordance with the American College of Radiology guidelines or state law.

2. Include coverage for postpartum services providing inpatient care and a home visit or visits that shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

3. Include an appeals process for resolution of complaints that shall provide reasonable procedures for the resolution of such complaints and shall be published and disseminated to all covered state employees. The appeals process shall be compliant with federal rules and regulations governing nonfederal, self-insured governmental health plans. The appeals

process shall include a separate expedited emergency appeals procedure that shall provide resolution within time frames established by federal law. For appeals involving adverse decisions as defined in § 32.1-137.7, the Department shall contract with one or more independent review organizations to review such decisions. Independent review organizations are entities that conduct independent external review of adverse benefit determinations. The Department shall adopt regulations to assure that the independent review organization conducting the reviews has adequate standards, credentials and experience for such review. The independent review organization shall examine the final denial of claims to determine whether the decision is objective, clinically valid, and compatible with established principles of health care. The decision of the independent review organization shall (i) be in writing, (ii) contain findings of fact as to the material issues in the case and the basis for those findings, and (iii) be final and binding if consistent with law and policy.

Prior to assigning an appeal to an independent review organization, the Department shall verify that the independent review organization conducting the review of a denial of claims has no relationship or association with (i) the covered person or the covered person's authorized representative; (ii) the treating health care provider, or any of its employees or affiliates; (iii) the medical care facility at which the covered service would be provided, or any of its employees or affiliates; or (iv) the development or manufacture of the drug, device, procedure or other therapy that is the subject of the final denial of a claim. The independent review organization shall not be a subsidiary of, nor owned or controlled by, a health plan, a trade association of health plans, or a professional association of health care providers. There shall be no liability on the part of and no cause of action shall arise against any officer or employee of an independent review organization for any actions taken or not taken or statements made by such officer or employee in good faith in the performance of his powers and duties.

4. Include coverage for early intervention services. For purposes of this section, "early intervention services" means medically necessary speech and language therapy, occupational therapy, physical therapy and assistive technology services and devices for dependents from birth to age three who are certified by the Department of Behavioral Health and Developmental Services as eligible for services under Part H of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention services for the population certified by the Department of Behavioral Health and Developmental Services shall mean those services designed to help an individual attain or retain the capability to function age-appropriately within his environment, and shall include services that enhance functional ability without effecting a cure.

For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition. The cost of early intervention services shall not be applied to any contractual provision limiting the total amount of coverage paid by the insurer to or on behalf of the insured during the insured's lifetime.

5. Include coverage for prescription drugs and devices approved by the United States Food and Drug Administration for use as contraceptives.

6. Not deny coverage for any drug approved by the United States Food and Drug Administration for use in the treatment of cancer on the basis that the drug has not been approved by the United States Food and Drug Administration for the treatment of the specific type of cancer for which the drug has been prescribed, if the drug has been recognized as safe and effective for treatment of that specific type of cancer in one of the standard reference compendia.

7. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has been approved by the United States Food and Drug Administration for at least one indication and the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature.

8. Include coverage for equipment, supplies and outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes and noninsulin-using diabetes if prescribed by a health care professional legally authorized to prescribe such items under law. To qualify for coverage under this subdivision, diabetes outpatient self-management training and education shall be provided by a certified, registered or licensed health care professional.

9. Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive breast surgery" means surgery performed on and after July 1, 1998, (i) coincident with a mastectomy performed for breast cancer or (ii) following a mastectomy performed for breast cancer to reestablish symmetry between the two breasts. For persons previously covered under the plan, there shall be no denial of coverage due to preexisting conditions.

10. Include coverage for annual pap smears, including coverage, on and after July 1, 1999, for annual testing performed by any FDA-approved gynecologic cytology screening technologies.

11. Include coverage providing a minimum stay in the hospital of not less than 48 hours for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of breast cancer. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

12. Include coverage (i) to persons age 50 and over and (ii) to persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen.

13. Permit any individual covered under the plan direct access to the health care services of a participating specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The plan shall have a procedure

by which an individual who has an ongoing special condition may, after consultation with the primary care physician, receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care related to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by such a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision, "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii) requires specialized medical care over a prolonged period of time. Within the treatment period authorized by the referral, such specialist shall be permitted to treat the individual without a further referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services related to the initial referral as the individual's primary care provider would otherwise be permitted to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the treatment of the special condition. If the primary care provider, in consultation with the plan and the specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating specialist to provide written notification to the covered individual's primary care physician of any visit to such specialist. Such notification may include a description of the health care services rendered at the time of the visit.

14. Include provisions allowing employees to continue receiving health care services for a period of up to 90 days from the date of the primary care physician's notice of termination from any of the plan's provider panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider, except when the provider is terminated for cause.

For a period of at least 90 days from the date of the notice of a provider's termination from any of the plan's provider panels, except when a provider is terminated for cause, a provider shall be permitted by the plan to render health care services to any of the covered employees who (i) were in an active course of treatment from the provider prior to the notice of termination and (ii) request to continue receiving health care services from the provider.

Notwithstanding the provisions of this subdivision, any provider shall be permitted by the plan to continue rendering health services to any covered employee who has entered the second trimester of pregnancy at the time of the provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue through the provision of postpartum care directly related to the delivery.

Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering health services to any covered employee who is determined to be terminally ill (as defined under § 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for the remainder of the employee's life for care directly related to the treatment of the terminal illness.

A provider who continues to render health care services pursuant to this subdivision shall be reimbursed in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation.

15. Include coverage for patient costs incurred during participation in clinical trials for treatment studies on cancer, including ovarian cancer trials.

The reimbursement for patient costs incurred during participation in clinical trials for treatment studies on cancer shall be determined in the same manner as reimbursement is determined for other medical and surgical procedures. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally.

For purposes of this subdivision:

"Cooperative group" means a formal network of facilities that collaborate on research projects and have an established NIH-approved peer review program operating within the group. "Cooperative group" includes (i) the National Cancer Institute Clinical Cooperative Group and (ii) the National Cancer Institute Community Clinical Oncology Program.

"FDA" means the Federal Food and Drug Administration.

"Multiple project assurance contract" means a contract between an institution and the federal Department of Health and Human Services that defines the relationship of the institution to the federal Department of Health and Human Services and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects.

"NCI" means the National Cancer Institute.

"NIH" means the National Institutes of Health.

"Patient" means a person covered under the plan established pursuant to this section.

"Patient cost" means the cost of a medically necessary health care service that is incurred as a result of the treatment being provided to a patient for purposes of a clinical trial. "Patient cost" does not include (i) the cost of nonhealth care services that a patient may be required to receive as a result of the treatment being provided for purposes of a clinical trial, (ii) costs associated with managing the research associated with the clinical trial, or (iii) the cost of the investigational drug or device.

Coverage for patient costs incurred during clinical trials for treatment studies on cancer shall be provided if the treatment is being conducted in a Phase II, Phase III, or Phase IV clinical trial. Such treatment may, however, be provided on a case-by-case basis if the treatment is being provided in a Phase I clinical trial.

The treatment described in the previous paragraph shall be provided by a clinical trial approved by:

- a. The National Cancer Institute;
- b. An NCI cooperative group or an NCI center;
- c. The FDA in the form of an investigational new drug application;
- d. The federal Department of Veterans Affairs; or
- e. An institutional review board of an institution in the Commonwealth that has a multiple project assurance contract approved by the Office of Protection from Research Risks of the NCI.

The facility and personnel providing the treatment shall be capable of doing so by virtue of their experience, training, and expertise.

Coverage under this subdivision shall apply only if:

- (1) There is no clearly superior, noninvestigational treatment alternative;
- (2) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as effective as the noninvestigational alternative; and
- (3) The patient and the physician or health care provider who provides services to the patient under the plan conclude that the patient's participation in the clinical trial would be appropriate, pursuant to procedures established by the plan.

16. Include coverage providing a minimum stay in the hospital of not less than 23 hours for a covered employee following a laparoscopy-assisted vaginal hysterectomy and 48 hours for a covered employee following a vaginal hysterectomy, as outlined in Milliman & Robertson's nationally recognized guidelines. Nothing in this subdivision shall be construed as requiring the provision of the total hours referenced when the attending physician, in consultation with the covered employee, determines that a shorter hospital stay is appropriate.

17. Include coverage for biologically based mental illness.

For purposes of this subdivision, a "biologically based mental illness" is any mental or nervous condition caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially limits the person's functioning; specifically, the following diagnoses are defined as biologically based mental illness as they apply to adults and children: schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, panic disorder, obsessive-compulsive disorder, attention deficit hyperactivity disorder, autism, and drug and alcoholism addiction.

Coverage for biologically based mental illnesses shall neither be different nor separate from coverage for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

Nothing shall preclude the undertaking of usual and customary procedures to determine the appropriateness of, and medical necessity for, treatment of biologically based mental illnesses under this option, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations made for the treatment of any other illness, condition or disorder covered by such policy or contract.

18. Offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. Such coverage shall have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. Access to surgery for morbid obesity shall not be restricted based upon dietary or any other criteria not approved by the National Institutes of Health. For purposes of this subdivision, "morbid obesity" means (i) a weight that is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes, or (iii) a BMI of 40 kilograms per meter squared without such comorbidity. As used herein, "BMI" equals weight in kilograms divided by height in meters squared.

19. Include coverage for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations. The coverage for colorectal cancer screening shall not be more restrictive than or separate from coverage provided for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayments and coinsurance factors.

20. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each employee provided coverage pursuant to this section, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide employees covered under the plan such corrective information as may be required to electronically process a prescription claim.

21. Include coverage for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such coverage shall include follow-up audiological examinations as recommended by a physician,

physician assistant, nurse practitioner or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss.

22. Notwithstanding any provision of this section to the contrary, every plan established in accordance with this section shall comply with the provisions of § 2.2-2818.2.

C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from such funds as shall be appropriated by law. Appropriations, premiums and other payments shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs and administrative expenses shall be withdrawn from time to time. The funds of the health insurance fund shall be deemed separate and independent trust funds, shall be segregated from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the employees and their beneficiaries. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight of the health insurance fund.

D. For the purposes of this section:

"Peer-reviewed medical literature" means a scientific study published only after having been critically reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal that has been determined by the International Committee of Medical Journal Editors to have met the Uniform Requirements for Manuscripts submitted to biomedical journals. Peer-reviewed medical literature does not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier.

"Standard reference compendia" means:

1. American Hospital Formulary Service - Drug Information;
2. National Comprehensive Cancer Network's Drugs & Biologics Compendium; or
3. Elsevier Gold Standard's Clinical Pharmacology.

"State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201; the Governor, Lieutenant Governor and Attorney General; judge as defined in § 51.1-301 and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and district courts of the Commonwealth; ~~and~~ interns and residents employed by the School of Medicine and Hospital of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth University Health System Authority as provided in § 23-50.16:24; *and employees of the Virginia Alcoholic Beverage Control Authority as provided in § 4.1-101.05.*

E. Provisions shall be made for retired employees to obtain coverage under the above plan, including, as an option, coverage for vision and dental care. The Commonwealth may, but shall not be obligated to, pay all or any portion of the cost thereof.

F. Any self-insured group health insurance plan established by the Department of Human Resource Management that utilizes a network of preferred providers shall not exclude any physician solely on the basis of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets the plan criteria established by the Department.

G. The plan shall include, in each planning district, at least two health coverage options, each sponsored by unrelated entities. No later than July 1, 2006, one of the health coverage options to be available in each planning district shall be a high deductible health plan that would qualify for a health savings account pursuant to § 223 of the Internal Revenue Code of 1986, as amended.

In each planning district that does not have an available health coverage alternative, the Department shall voluntarily enter into negotiations at any time with any health coverage provider who seeks to provide coverage under the plan.

This subsection shall not apply to any state agency authorized by the Department to establish and administer its own health insurance coverage plan separate from the plan established by the Department.

H. Any self-insured group health insurance plan established by the Department of Human Resource Management that includes coverage for prescription drugs on an outpatient basis may apply a formulary to the prescription drug benefits provided by the plan if the formulary is developed, reviewed at least annually, and updated as necessary in consultation with and with the approval of a pharmacy and therapeutics committee, a majority of whose members are actively practicing licensed (i) pharmacists, (ii) physicians, and (iii) other health care providers.

If the plan maintains one or more drug formularies, the plan shall establish a process to allow a person to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the plan, a specific, medically necessary nonformulary prescription drug if, after reasonable investigation and consultation with the prescriber, the formulary drug is determined to be an inappropriate therapy for the medical condition of the person. The plan shall act on such requests within one business day of receipt of the request.

Any plan established in accordance with this section shall be authorized to provide for the selection of a single mail order pharmacy provider as the exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. As used in this subsection, "mail order pharmacy provider" means a pharmacy permitted to conduct business in the Commonwealth whose primary business is to dispense a prescription drug or device under a prescriptive drug order and to deliver the drug or device to a patient primarily by mail, common carrier, or delivery service.

I. Any plan established in accordance with this section requiring preauthorization prior to rendering medical treatment shall have personnel available to provide authorization at all times when such preauthorization is required.

J. Any plan established in accordance with this section shall provide to all covered employees written notice of any benefit reductions during the contract period at least 30 days before such reductions become effective.

K. No contract between a provider and any plan established in accordance with this section shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a covered employee with similar medical conditions.

L. The Department of Human Resource Management shall appoint an Ombudsman to promote and protect the interests of covered employees under any state employee's health plan.

The Ombudsman shall:

1. Assist covered employees in understanding their rights and the processes available to them according to their state health plan.

2. Answer inquiries from covered employees by telephone and electronic mail.

3. Provide to covered employees information concerning the state health plans.

4. Develop information on the types of health plans available, including benefits and complaint procedures and appeals.

5. Make available, either separately or through an existing Internet web site utilized by the Department of Human Resource Management, information as set forth in subdivision 4 and such additional information as he deems appropriate.

6. Maintain data on inquiries received, the types of assistance requested, any actions taken and the disposition of each such matter.

7. Upon request, assist covered employees in using the procedures and processes available to them from their health plan, including all appeal procedures. Such assistance may require the review of health care records of a covered employee, which shall be done only in accordance with the federal Health Insurance Portability and Accountability Act privacy rules. The confidentiality of any such medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

8. Ensure that covered employees have access to the services provided by the Ombudsman and that the covered employees receive timely responses from the Ombudsman or his representatives to the inquiries.

9. Report annually on his activities to the standing committees of the General Assembly having jurisdiction over insurance and over health and the Joint Commission on Health Care by December 1 of each year.

M. The plan established in accordance with this section shall not refuse to accept or make reimbursement pursuant to an assignment of benefits made to a dentist or oral surgeon by a covered employee.

For purposes of this subsection, "assignment of benefits" means the transfer of dental care coverage reimbursement benefits or other rights under the plan. The assignment of benefits shall not be effective until the covered employee notifies the plan in writing of the assignment.

N. Beginning July 1, 2006, any plan established pursuant to this section shall provide for an identification number, which shall be assigned to the covered employee and shall not be the same as the employee's social security number.

O. Any group health insurance plan established by the Department of Human Resource Management that contains a coordination of benefits provision shall provide written notification to any eligible employee as a prominent part of its enrollment materials that if such eligible employee is covered under another group accident and sickness insurance policy, group accident and sickness subscription contract, or group health care plan for health care services, that insurance policy, subscription contract or health care plan may have primary responsibility for the covered expenses of other family members enrolled with the eligible employee. Such written notification shall describe generally the conditions upon which the other coverage would be primary for dependent children enrolled under the eligible employee's coverage and the method by which the eligible enrollee may verify from the plan that coverage would have primary responsibility for the covered expenses of each family member.

P. Any plan established by the Department of Human Resource Management pursuant to this section shall provide that coverage under such plan for family members enrolled under a participating state employee's coverage shall continue for a period of at least 30 days following the death of such state employee.

Q. The plan established in accordance with this section that follows a policy of sending its payment to the covered employee or covered family member for a claim for services received from a nonparticipating physician or osteopath shall (i) include language in the member handbook that notifies the covered employee of the responsibility to apply the plan payment to the claim from such nonparticipating provider, (ii) include this language with any such payment sent to the covered employee or covered family member, and (iii) include the name and any last known address of the nonparticipating provider on the explanation of benefits statement.

R. The Department of Human Resource Management shall report annually, by November 30 of each year, on cost and utilization information for each of the mandated benefits set forth in subsection B, including any mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this section. The report shall be in the same detail and form as required of reports submitted pursuant to § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the costs and benefits, of the particular mandated benefit.

**§ 2.2-2905. Certain officers and employees exempt from chapter.**

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;

2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
10. Student employees in institutions of learning and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission; ~~and~~
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23-232; *and*
28. *The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority.*

**§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Board Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.
2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.
3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this section shall

prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person.

No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game

design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records

reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal

confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. *Records of the Virginia Alcoholic Beverage Control Authority to the extent such records contain (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial records of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.*

*In order for the records identified in clauses (i) through (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:*

*a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*

*b. Identifying with specificity the data or other materials for which protection is sought; and*

*c. Stating the reasons why protection is necessary.*

*The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such records of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of

a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or

marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Indemnification and Community Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. *Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

#### **§ 2.2-3802. Systems to which chapter inapplicable.**

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;
4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;
5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;
6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the ~~Department of~~ Virginia Alcoholic Beverage Control Authority;
7. Maintained by the Department of State Police; the police department of the Chesapeake Bay Bridge and Tunnel Commission; police departments of cities, counties, and towns; and the campus police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23, and that deal with investigations and intelligence gathering relating to criminal activity; and maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;
8. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;
9. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;

10. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

11. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);

12. Maintained by (i) the Office of the State Inspector General or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a school board that deals with local investigations required by § 15.2-2511.2;

13. Maintained by the Department of Social Services or any local department of social services relating to public assistance fraud investigations; and

14. Maintained by the Department of Social Services related to child welfare, adult services or adult protective services, or public assistance programs when requests for personal information are made to the Department of Social Services. Requests for information from these systems shall be made to the appropriate local department of social services, which is the custodian of that record. Notwithstanding the language in this section, an individual shall not be prohibited from obtaining information from the central registry in accordance with the provisions of § 63.2-1515.

#### § 2.2-4024. Hearing officers.

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;

2. Active practice of law for at least five years; and

3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law in the Commonwealth. Any party may request the disqualification of a hearing officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary of the Supreme Court.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency. If the hearing officer does not render a decision within 90 days, then the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Board Authority, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A.

Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

**§ 2.2-4345. Exemptions from competitive sealed bidding and competitive negotiation for certain transactions; limitations.**

A. The following public bodies may enter into contracts without competitive sealed bidding or competitive negotiation:

1. The Director of the Department of Medical Assistance Services for special services provided for eligible recipients pursuant to subsection H of § 32.1-325, provided that the Director has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public, or would constitute an imminent threat to the health or welfare of such recipients. The writing shall document the basis for this determination.

2. The State Health Commissioner for the compilation, storage, analysis, evaluation, and publication of certain data submitted by health care providers and for the development of a methodology to measure the efficiency and productivity of health care providers pursuant to Chapter 7.2 (§ 32.1-276.2 et seq.) of Title 32.1, if the Commissioner has made a determination in advance, after reasonable notice to the public and set forth in writing, that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public. The writing shall document the basis for this determination. Such agreements and contracts shall be based on competitive principles.

3. The Virginia Code Commission when procuring the services of a publisher, pursuant to §§ 30-146 and 30-148, to publish the Code of Virginia or the Virginia Administrative Code.

4. The ~~Department of~~ Virginia Alcoholic Beverage Control Authority for the purchase of alcoholic beverages.

5. The Department for Aging and Rehabilitative Services, for the administration of elder rights programs, with (i) nonprofit Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code with statewide experience in Virginia in conducting a state long-term care ombudsman program or (ii) designated area agencies on aging.

6. The Department of Health for (a) child restraint devices, pursuant to § 46.2-1097; (b) health care services with Virginia corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services in a community (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge; or (c) contracts with laboratories providing cytology and related services if competitive sealed bidding and competitive negotiations are not fiscally advantageous to the public to provide quality control as prescribed in writing by the Commissioner of Health.

7. Virginia Correctional Enterprises, when procuring materials, supplies, or services for use in and support of its production facilities, provided the procurement is accomplished using procedures that ensure as efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such procedures shall require documentation of the basis for awarding contracts under this section.

8. The Virginia Baseball Stadium Authority for the operation of any facilities developed under the provisions of Chapter 58 (§ 15.2-5800 et seq.) of Title 15.2, including contracts or agreements with respect to the sale of food, beverages and souvenirs at such facilities.

9. With the consent of the Governor, the Jamestown-Yorktown Foundation for the promotion of tourism through marketing with private entities provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles.

10. The Chesapeake Hospital Authority in the exercise of any power conferred under Chapter 271, as amended, of the Acts of Assembly of 1966, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

11. Richmond Eye and Ear Hospital Authority, any authorities created under Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 and any hospital or health center commission created under Chapter 52 (§ 15.2-5200 et seq.) of Title 15.2 in the exercise of any power conferred under their respective authorizing legislation, provided that these entities shall not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

12. The Patrick Hospital Authority sealed in the exercise of any power conferred under the Acts of Assembly of 2000, provided that it does not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability in the procurement of goods and services.

13. Public bodies for insurance or electric utility services if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance or electric utility services by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

14. Public bodies administering public assistance and social services programs as defined in § 63.2-100, community services boards as defined in § 37.2-100, or any public body purchasing services under the Comprehensive Services Act for At-Risk Youth and Families (§ 2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.) for goods or personal services for direct use by the recipients of such programs if the procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for the use of recipients shall not be exempted from the requirements of § 2.2-4303.

15. The Eastern Virginia Medical School in the exercise of any power conferred pursuant to Chapter 471, as amended, of the Acts of Assembly of 1964.

B. No contract for the construction of any building or for an addition to or improvement of an existing building by any local government or subdivision of local government for which state funds of not more than \$50,000 in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under of subsection D of § 2.2-4303. The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this chapter.

**§ 3.2-1010. Enforcement of chapter; summons.**

Any conservation police officer or law-enforcement officer as defined in § 9.1-101, excluding certain *members of the Virginia Alcoholic Beverage Control Board members Authority*, may enforce the provisions of this chapter and the regulations adopted hereunder as well as those who are so designated by the Commissioner. Those designated by the Commissioner may issue a summons to any person who violates any provision of this chapter to appear at a time and place to be specified in such summons.

**§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the *Virginia Alcoholic Beverage Control Authority created pursuant to this title*.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority*.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the ~~Board~~ *Authority* for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license ~~issued~~ *granted* by the ~~Board~~ *Authority*.

"Licensee" means any person to whom a license has been granted by the ~~Board~~ *Authority*.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not

approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

*"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.*

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the ~~Board~~ Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The ~~Board~~ Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-101. Virginia Alcoholic Beverage Control Authority created; public purpose.**

A. *The General Assembly has determined that there exists in the Commonwealth a need to control the possession, sale, transportation, distribution, and delivery of alcoholic beverages in the Commonwealth. Further, the General Assembly determines that the creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. To achieve this objective, there is hereby created an independent political subdivision of the Commonwealth, exclusive of the legislative, executive, or judicial branches of state government, to be known as the Virginia Alcoholic Beverage Control Authority. The Authority's exercise of powers and duties conferred by this title shall be deemed the performance of an essential governmental function and a matter of public necessity for which public moneys may be spent. The Board of Directors of the Authority is vested with control of the possession, sale, transportation, distribution, and delivery of alcoholic beverages in the Commonwealth, with plenary power to prescribe and enforce regulations and conditions under which alcoholic beverages are possessed, sold, transported, distributed, and delivered, so as to prevent any corrupt, incompetent, dishonest, or unprincipled practices and to promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. The exercise of the powers granted by this title shall be in all respects for the benefit of the citizens of the Commonwealth and for the promotion of their safety, health, welfare, and convenience. No part of the assets or net earnings of the Authority shall inure to the benefit of, or be distributable to, any private individual, except that reasonable compensation may be paid for services rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Authority.*

B. ~~The Department of Virginia Alcoholic Beverage Control is created and~~ Authority shall consist of the Virginia Alcoholic Beverage Control Board of Directors, the Chief Executive Officer, and the agents and employees of the Authority. *The Virginia Alcoholic Beverage Control Authority shall be deemed successor in interest to the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board.*

C. *Nothing contained in this title shall be construed as a restriction or limitation upon any powers that the Board of Directors of the Authority might otherwise have under any other law of the Commonwealth.*

#### **§ 4.1-101.01. Board of Directors; membership; terms; compensation.**

A. *The Authority shall be governed by a Board of Directors, which shall consist of five citizens at large appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. Each appointee shall (i) have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office; (ii) hold, at a minimum, a baccalaureate degree in business or a related field of study; and (iii) possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. Appointees shall be subject to a background check in accordance with § 4.1-101.03.*

B. *After the initial staggering of terms, members shall be appointed for a term of five years. All members shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired term. No member appointed by the Governor shall be eligible to serve more than two consecutive terms; however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the Board may be removed from office by the Governor for cause, including the improper use of its police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of*

duty, absenteeism, conflict of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

C. The Governor shall appoint the chairman and vice-chairman of the Board from among the membership of the Board. The Board may elect other subordinate officers, who need not be members of the Board. The Board may also form committees and advisory councils, which may include representatives who are not members of the Board, to undertake more extensive study and discussion of the issues before the Board. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority.

D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written request of a majority of the Board members.

E. Members of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of their official duties as set forth in the general appropriation act for members of the House of Delegates when the General Assembly is not in session, except that the chairman of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when the General Assembly is not in session.

F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the Authority.

**§ 4.1-101.02. Appointment, salary, and powers of Chief Executive Officer; appointment of confidential assistant to the Chief Executive Officer.**

A. The Chief Executive Officer of the Authority shall be appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Chief Executive Officer shall not be a member of the Board; shall hold, at a minimum, a baccalaureate degree in business or a related field of study; and shall possess a minimum of seven years of demonstrated experience or expertise in the direct management, supervision, or control of a business or legal affairs. The Chief Executive Officer shall receive such compensation as determined by the Board and approved by the Governor, including any performance bonuses or incentives as the Board deems advisable. The Chief Executive Officer shall be subject to a background check in accordance with § 4.1-101.03. The Chief Executive Officer shall (i) carry out the powers and duties conferred upon him by the Board or imposed upon him by law and (ii) meet performance measures or targets set by the Board and approved by the Governor. The Chief Executive Officer may be removed from office by the Governor for cause, including the improper use of the Authority's police powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests, failure to meet performance measures or targets as set by the Board and approved by the Governor, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

B. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

C. The Chief Executive Officer shall supervise and administer the operations of the Authority in accordance with this title.

D. The Chief Executive Officer shall:

1. Serve as the secretary to the Board and keep a true and full record of all proceedings of the Authority and preserve at the Authority's general office all books, documents, and papers of the Authority;

2. Exercise and perform such powers and duties as may be delegated to him by the Board or as may be conferred or imposed upon him by law;

3. Appoint a chief financial officer and employ or retain such agents or employees subordinate to the Chief Executive Officer as may be necessary to fulfill the duties of the Authority conferred upon the Chief Executive Officer, subject to the Board's approval; and

4. Make recommendations to the Board for legislative and regulatory changes.

E. Neither the Chief Executive Officer nor the spouse or any member of the immediate family of the Chief Executive Officer shall make any contribution to a candidate for office or officeholder at the local or state level or cause such a contribution to be made on his behalf.

F. To assist the Chief Executive Officer in the performance of his duties, the Governor shall also appoint one confidential assistant for administration who shall be deemed to serve on an employment-at-will basis.

**§ 4.1-101.03. Background investigations of Board members and Chief Executive Officer.**

All members of the Board and the Chief Executive Officer shall be fingerprinted before, and as a condition of, appointment. These fingerprints shall be submitted to the Federal Bureau of Investigation for a national criminal history records search and to the Department of State Police for a Virginia criminal history records search. The Department of State Police shall be reimbursed by the Authority for the cost of investigations conducted pursuant to this section. No person shall be appointed to the Board or appointed by the Board who (i) has defrauded or attempted to defraud any federal, state, or local government or governmental agency or authority by making or filing any report, document, or tax return required by statute or regulation that is fraudulent or contains a false representation of a material fact; (ii) has willfully deceived or attempted to deceive any federal, state, or local government or governmental agency or governmental authority by making or maintaining business records required by statute or regulation that are false and fraudulent; or (iii) has been convicted of

(a) a felony or a crime involving moral turpitude or (b) a violation of any law applicable to the manufacture, transportation, possession, use, or sale of alcoholic beverages within the five years immediately preceding appointment.

**§ 4.1-101.04. Financial interests of Board, employees, and family members prohibited.**

No Board member or employee of the Authority shall (i) be a principal stockholder or (ii) otherwise have any financial interest, direct or indirect, in any licensee subject to the provisions of this title or in any entity that has submitted an application for a license under Chapter 2 (§ 4.1-200 et seq.). No Board member and no spouse or immediate family member of a Board member shall make any contribution to a candidate for office or officeholder at the local or state level or cause such a contribution to be made on his behalf.

**§ 4.1-101.05. Employees of the Authority.**

A. Employees of the Authority shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System and participation in all health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law. Employees of the Authority shall be employed on such terms and conditions as established by the Board. The Board shall develop and adopt policies and procedures that afford its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants, and prohibit discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

B. Notwithstanding any other provision of law, the Authority shall give preference in hiring to employees of the former Department of Alcoholic Beverage Control. The Authority shall issue a written notice to all persons whose employment at the former Department of Alcoholic Beverage Control will be transferred to the Authority. The date upon which such written notice is issued shall be referred to herein as the "Option Date." Each person whose employment will be transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of the former Department of Alcoholic Beverage Control who (i) elects not to become employed by the Authority and who is not reemployed by any department, institution, board, commission, or agency of the Commonwealth; (ii) is not offered the opportunity to transfer to employment by the Authority; or (iii) is not offered a position with the Authority for which the employee is qualified or is offered a position that requires relocation or a reduction in salary, shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority shall not be considered to be involuntarily separated from state employment and shall not be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act.

C. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred.

D. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 shall continue to be a member of the Virginia Retirement System or other such authorized retirement plan under the same terms and conditions as if no transfer had occurred.

**§ 4.1-101.06. Moneys of Authority.**

All moneys of the Authority, from whatever source derived, shall be paid in accordance with § 4.1-116.

**§ 4.1-101.07. Forms of accounts and records; audit; annual report.**

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts or his legally authorized representatives shall annually examine the accounts and books of the Authority. The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain the audited annual financial statements of the Authority for the year ending the previous June 30. The Authority shall also submit a six-year plan detailing its assumed revenue forecast, assumed operating costs, number of retail facilities, capital costs, including lease payments, major acquisitions of services and tangible or intangible property, any material changes to the policies and procedures issued by the Authority related to procurement or personnel, and any proposed marketing activities.

**§ 4.1-101.08. Leases of property.**

The Authority shall be exempt from the provisions of § 2.2-1149 and from any rules, regulations, and guidelines of the Division of Engineering and Buildings in relation to leases of real property into which it enters.

**§ 4.1-101.09. Exemptions from taxes or assessments.**

The exercise of the powers granted by this title shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their living conditions, and as the undertaking of activities in the furtherance of the purposes of the Authority constitutes the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any property acquired or used by the Authority under the provisions of this title or upon the income therefrom, including sales and use taxes on the tangible personal property used in the operations of the Authority. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of any property of the Authority businesses for which local or state taxes would otherwise be required.

**§ 4.1-101.010. Exemption of Authority from personnel and procurement procedures; information systems.**

*The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this title. Nor shall the provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 apply to the Authority in the exercise of any power conferred under this title.*

**§ 4.1-101.011. Reversion to the Commonwealth.**

*In the event of the dissolution of the Authority, all assets of the Authority, after satisfaction of creditors, shall revert to the Commonwealth.*

**§ 4.1-103. General powers of Board.**

The Board shall have the power to:

1. *Sue and be sued, implead and be impleaded, and complain and defend in all courts;*
2. *Adopt, use, and alter at will a common seal;*
3. *Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;*
4. *Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;*
5. *Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;*
6. *Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;*
7. *Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed;*
8. *Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;*
9. *Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;*
10. *Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;*
11. *Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;*
- ~~12. Buy and sell any mixers;~~
- ~~13. Control the possession, sale, transportation and delivery of alcoholic beverages;~~
- ~~14. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;~~
- ~~15. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;~~
- ~~16. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;~~
- ~~17. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;~~
- ~~18. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;~~
- ~~19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon;~~
- ~~20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;~~

~~11-~~ 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

~~12-~~ 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

~~13-~~ 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

~~14-~~ 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~15-~~ 25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~16-~~ 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~17-~~ 27. Establish minimum food sale requirements for all retail licensees; and

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title; and

~~18-~~ 30. Do all acts necessary or advisable to carry out the purposes of this title.

**§ 4.1-103.1. Criminal history records check required on certain employees; reimbursement of costs.**

~~On or after July 1, 1994, all~~ All persons hired by the Board Authority whose job duties involve access to or handling of departmental the Authority's funds or merchandise shall be subject to a criminal history records check before, and as a condition of, employment.

*No person who has been convicted of a felony or a crime involving moral turpitude shall be employed or appointed by the Authority.*

The Department of State Police shall be reimbursed by the Board Authority for the cost of investigations conducted pursuant to this section.

**§ 4.1-119. Operation of government stores.**

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. *Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.*

D. Alcoholic beverages at government stores shall be sold by employees of the Board Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises, provided:

1. At least 51 percent of the agricultural products used by such licensee to manufacture the spirits are grown on the licensee's farm or land in Virginia leased by the licensee and no more than 25 percent of the agricultural products are grown or produced outside the Commonwealth. However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use of a lesser percentage of products grown on the licensee's farm if unusually severe weather or disease conditions cause a significant reduction in the availability of agricultural products grown on the farm to manufacture the spirits during a given license year;

2. Such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds;

3. Such licensee operates a museum whose licensed premises is located on the grounds of a local historic building or site;

4. Such licensee is an independently certified organic distillery, with such certification by a USDA-accredited certification agency;

5. Such licensee is employing traditional distilling techniques, including the use of copper or stainless steel pot stills to blend or produce spirits in any county with a population of less than 20,000; or

6. Such licensee is employing traditional techniques, including the maceration of natural fruits, nuts, grains, beans, and spices in neutral grain spirits to extract natural flavors used to produce or blend liqueurs and spirits.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the ~~Board~~ *Authority* and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304. The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the ~~Board~~ *Authority* shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the ~~Board~~ *Authority*, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the ~~Board~~ *Authority* shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

*J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.*

#### **§ 4.1-121. Referendum on establishment of government stores.**

A. The qualified voters of any county, city, or town having a population of 1,000 or more may file a petition with the circuit court of the county or city, or of the county wherein the town or the greater part thereof is situated, asking that a referendum be held on the question of whether the sale by the ~~Board of Virginia~~ *Alcoholic Beverages Beverage Control Authority*, other than beer and wine not produced by farm wineries, should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least ~~ten~~ 10 percent of the number registered in the jurisdiction on January 1 preceding its filing or by at least 100 qualified voters, whichever is greater. Upon the filing of a petition, the court shall order the election officials of the county, city, or town, on the date fixed in the order, to conduct a referendum on the question. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in the county, city, or town once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale by the *Virginia Alcoholic Beverage Control* ~~Board~~ *Authority* of alcoholic beverages, other than beer and wine not produced by farm wineries, be permitted in ..... (name of county, city, or town)?"

The referendum shall be ordered and held and the results certified as provided in § 24.2-684. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the county, city, or town.

B. Once a referendum has been held, no other referendum on the same question shall be held in the county, city, or town within four years of the date of the prior referendum. However, a town shall not be prescribed from holding a referendum within such period although an election has been held in the county in which the town or a part thereof is located less than four years prior thereto.

#### **§ 4.1-124. Referendum on the sale of mixed beverages.**

A. The provisions of this title relating to the sale of mixed beverages shall not become effective in any town, county, or supervisor's election district of a county until a majority of the voters voting in a referendum vote affirmatively on the question of whether mixed alcoholic beverages should be sold by restaurants licensed under this title. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the *Virginia* Alcoholic Beverage Control ~~Board~~ Authority be permitted in ..... (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages permitted to be sold by such referendum may in accordance with this title be sold by restaurants licensed by the Board within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

The provisions of this section shall not require any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 to hold a referendum on the same question if a majority of the voters voting in the former city had previously approved the sale of mixed beverages by restaurants licensed by the Board in such city.

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § 4.1-210. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin or sex.

#### **§ 4.1-128. Local ordinances or resolutions regulating or taxing alcoholic beverages.**

A. No county, city, or town shall, except as provided in § 4.1-205 or § 4.1-129, adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, wholesale distribution, handling, transportation, drinking, use, advertising or dispensing of alcoholic beverages in the Commonwealth. Nor shall any county, city, or town adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the ~~Alcoholic Beverage Control~~ Board, and federal law at a licensed farm winery.

No provision of law, general or special, shall be construed to authorize any county, city or town to adopt any ordinance or resolution that imposes a sales or excise tax on alcoholic beverages, other than the taxes authorized by §§ 58.1-605, 58.1-3833 or § 58.1-3840. The foregoing limitation shall not affect the authority of any county, city or town to impose a license or privilege tax or fee on a business engaged in whole or in part in the sale of alcoholic beverages if the license or privilege tax or fee (i) is based on an annual or per event flat fee specifically authorized by general law or (ii) is an annual

license or privilege tax specifically authorized by general law, which includes alcoholic beverages in its taxable measure and treats alcoholic beverages the same as if they were nonalcoholic beverages.

B. However, the governing body of any county, city, or town may adopt an ordinance which (i) prohibits the acts described in subsection A of § 4.1-308 subject to the provisions of subsection B of § 4.1-308, or the acts described in § 4.1-309 and may provide a penalty for violation thereof and (ii) subject to subsection C of § 4.1-308, regulates or prohibits the possession of opened alcoholic beverage containers in its local public parks, playgrounds, public streets, and any sidewalk adjoining any public street.

C. Except as provided in this section, all local acts, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this title, are repealed to the extent of such inconsistency.

**§ 4.1-209.1. Direct shipment of wine and beer; shipper's license.**

A. Holders of wine shippers' licenses and beer shippers' licenses issued pursuant to this section may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or farm winery located within or outside the Commonwealth may apply to the Board for issuance of a wine shipper's license that shall authorize the shipment of brands of wine and farm wine identified in such application. Any brewery located within or outside the Commonwealth may apply to the Board for issuance of a beer shipper's license that shall authorize the shipment of brands of beer identified in such application. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine or beer shipper's license, or both, if such person satisfies the requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. The notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section, including regulations that permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or beer identified in such shipper's license.

B. Any applicant for a wine or beer shipper's license that does not own or have the right to control the distribution of the brands of wine, farm wine, or beer identified in such person's application may be issued a shipper's license for wine or beer or both, if the applicant has obtained and filed with its application for a shipper's license, and with any subsequent application for renewal thereof, the written consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor, that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery, or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw from such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or brands from the shipper's license.

C. The direct shipment of beer and wine by holders of licenses issued pursuant to this section shall be by approved common carrier only. The Board shall develop regulations pursuant to which common carriers may apply for approval to provide common carriage of wine or beer, or both, shipped by holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to submit to the Board such information as the Board may prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their independent acts.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each shipment of wine or beer by a wine shipper licensee or a beer shipper licensee shall constitute a sale in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the ~~Department of Alcoholic Beverage Control~~ *Authority* and any sales taxes to the Department of Taxation.

E. Notwithstanding the provisions of § 4.1-203, the holder of a wine shipper license or beer shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. For the purposes of this subsection, "wine-of-the-month club" or

"beer-of-the-month club" shall mean an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

F. Notwithstanding the provisions of § 4.1-203, a wine or beer shipper licensee may ship wine or beer as authorized by this section through the use of the services of an approved fulfillment warehouse. For the purposes of this section, a "fulfillment warehouse" means a business operating a warehouse and providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop regulations pursuant to which fulfillment warehouses may apply for approval to provide storage, packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved fulfillment warehouse to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the fulfillment warehouse and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the provisions of this section.

G. Notwithstanding the provisions of § 4.1-203, a wine or beer shipper licensee may sell wine or beer as authorized by this section through the use of the services of an approved marketing portal. For the purposes of this section, a "marketing portal" means a business organized as an agricultural cooperative association under the laws of a state, soliciting and receiving orders for wine or beer and accepting and processing payment of such orders as the agent of a licensed wine or beer shipper. The Board shall develop regulations pursuant to which marketing portals may apply for approval to provide marketing services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the marketing portal to demonstrate that it is appropriately organized as an agricultural cooperative association and licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the marketing portal and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes of complying with the provisions of this section.

#### **§ 4.1-212.1. Permits; delivery of wine and beer; regulations of Board.**

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal consumption.

B. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal consumption.

C. All such deliveries shall be to consumers within the Commonwealth for personal consumption only, and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by the owner or any agent, officer, director, shareholder or employee of the permittee. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold; except that the permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Department in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; and (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the ~~Department of Alcoholic Beverage Control~~ *Authority* and any sales taxes to the Department of Taxation.

#### **§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit

any mixed beverage licensee from pre-mixing containers of sangria to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to *subdivision B 11 of § 4.1-111 B H*;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-210.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this ~~clause~~ *subdivision*, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; or (iv) pursuant to subdivision A 12 of § 4.1-201. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

#### **§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the ~~Department of~~ Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; or (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Board Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117; and  
 57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of such county, city or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control ~~Board~~ Authority; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

**§ 9.1-500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, the Department of Conservation and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a nonprobationary officer of one of the following agencies:

a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, the Department of Motor Vehicles, or the Department of Conservation and Recreation;

b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has ~~ten~~ 10 or more law-enforcement officers; or

c. Any conservation police officer as defined in § 9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county.

**§ 9.1-801. Public safety officer defined.**

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of this Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or rescue squad that has been recognized by an ordinance or resolution of the governing body of any county, city or town of this Commonwealth as an integral part of the official safety program of such county, city

or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control ~~Board~~ Authority; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

**§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-207:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority;
4. The sale and shipment of wine to the *Virginia Alcoholic Beverage Control* ~~Board~~ Authority, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the *Board of Directors of the Virginia Alcoholic Beverage Control* ~~Board~~ Authority, and federal law; or
6. The sale of wine-related items that are incidental to the sale of wine.

**§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;

3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*;

4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*, and federal law;

5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the *Board of Directors of the Alcoholic Beverage Control Board Authority*, and federal law; or

6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

**§ 18.2-57. Assault and battery; penalty.**

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, and full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

**§ 18.2-246.6. Definitions.**

For purposes of this article:

"Adult" means a person who is at least the legal minimum purchasing age.

"Board" means the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority*.

"Consumer" means an individual who is not permitted as a wholesaler pursuant to § 58.1-1011 or who is not a retailer.

"Delivery sale" means any sale of cigarettes to a consumer in the Commonwealth regardless of whether the seller is located in the Commonwealth where either (i) the purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the Internet or other online service; or (ii) the cigarettes are delivered by use of the mails or a delivery service. A sale of cigarettes not for personal consumption to a person who is a wholesale dealer or retail dealer, as such terms are defined in § 58.1-1000, shall not be a delivery sale. A delivery of cigarettes, not through the mail or by a common carrier, to a consumer performed by the owner, employee or other individual acting on behalf of a retailer authorized to sell such cigarettes shall not be a delivery sale.

"Delivery service" means any person who is engaged in the commercial delivery of letters, packages, or other containers.

"Legal minimum purchasing age" is the minimum age at which an individual may legally purchase cigarettes in the Commonwealth.

"Mails" or "mailing" means the shipment of cigarettes through the United States Postal Service.

"Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.

"Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

**§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that

possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the *Virginia Alcoholic Beverage Control Board Authority*. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States, national guard, or naval militia, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

**§ 18.2-308.03. Fees for concealed handgun permits.**

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the *Virginia Alcoholic Beverage Control Board Authority* or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

**§ 18.2-308.012. Prohibited conduct.**

A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a period of five years.

B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control *Board Authority* under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

**§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.**

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product.

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a

place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 18 years of age making a delivery of tobacco products, nicotine vapor products, or alternative nicotine products in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, or alternative nicotine products to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control ~~Board~~ Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

**§ 19.2-81. Arrest without warrant authorized in certain cases.**

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;
2. Sheriffs of the various counties and cities, and their deputies;
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;
4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;
5. Regular conservation police officers appointed pursuant to § 29.1-200;
6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;
7. Conservation officers appointed pursuant to § 10.1-115;
8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
9. Special agents of the ~~Department of Virginia~~ *Alcoholic Beverage Control Authority*; and
10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or *capias* for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

**§ 19.2-386.21. Forfeiture of counterfeit and contraband cigarettes.**

Counterfeit cigarettes possessed in violation of § 18.2-246.14 and cigarettes possessed in violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure, forfeiture, and destruction or court-ordered assignment for use by a law-enforcement undercover operation by the Virginia Alcoholic Beverage Control ~~Board~~ Authority or any law-enforcement officer of the Commonwealth. However, any undercover operation that makes use of counterfeit cigarettes shall ensure that the counterfeit cigarettes remain under the control and command of law enforcement and shall not be distributed to a member of the general public who is not the subject of a criminal investigation. All fixtures, equipment, materials, and personal property used in substantial connection with (i) the sale or possession of counterfeit cigarettes in a knowing and intentional violation of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2 or (ii) the sale or possession of cigarettes in a knowing and intentional violation of § 58.1-1017 or 58.1-1017.1 shall be subject to seizure and forfeiture according to the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.), applied *mutatis mutandis*.

**§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control ~~Board~~ Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, licensed district homes for adults, and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

**§ 22.1-206. Instruction concerning drugs, alcohol, and substance abuse.**

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The ~~Department of Virginia~~ *Alcoholic Beverage Control Authority* shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

**§ 23-7.4:1. Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety personnel, and certain foreign students.**

A. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a prisoner of war, or of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a bona fide domiciliary of Virginia at the time of entering such active military service or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to, or has had a physical presence in Virginia for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death or had a physical presence in Virginia on the date of his death and has had a physical presence in Virginia for at least five years immediately prior to his death; (iv) in the case of a qualified child, is deceased and the surviving parent had been, at some time previous to marrying the deceased parent, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to or has had a physical presence in Virginia for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years or has had a physical presence in Virginia for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia Military Survivors and Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution.

The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

The maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

4. The Commissioner of the Department of Veterans Services shall designate a senior-level official who shall be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of the Department of Veterans Services shall report annually to the Governor and the General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program. The report shall also include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the ~~Department of Virginia~~ *Alcoholic Beverage Control Authority*, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

1. The ~~chief administrative officer~~ *Chief Executive Officer* of the *Virginia Alcoholic Beverage Control Board Authority*, emergency medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was killed in the line of duty while serving or living in the Commonwealth; and

2. The child or spouse shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that

the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, institutional charges and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

C. For the purposes of subsection B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided the number of foreign students does not exceed the number of students paying full tuition and required fees to the institution under the provisions of the exchange program for a given three-year period.

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.

**§ 32.1-357. Board of Trustees; appointment; officers; quorum; executive committee; compensation and expenses.**

A. The Foundation shall be governed and administered by a Board of Trustees consisting of 23 members. Two members shall be appointed by the Speaker of the House of Delegates from among the membership of the House of Delegates, one representing rural interests and one representing urban interests; two members shall be appointed by the Senate Committee on Rules, one representing rural interests and one representing urban interests, from among the membership of the Senate; two members shall be the Commissioner of the Department of Health or his designee and the Chairman of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* or his designee; and 17 nonlegislative citizen members shall be appointed by the Governor, subject to confirmation by the General Assembly, as follows: (i) five designated representatives of public health organizations, such as the American Cancer Society, American Heart Association, Virginia Pediatric Society, Virginia Academy of Family Physicians, Virginia Dental Association, American Lung Association of Virginia, Medical Society of Virginia, Virginia Association of School Nurses, Virginia Nurses Association, and the Virginia Thoracic Society; (ii) four health professionals in the fields of oncology, cardiology, pulmonary medicine, and pediatrics; and (iii) eight citizens at large, including two youths. Of the eight citizen at large members, three adults shall be appointed by the Governor from a list of six provided by members of the General Assembly appointed to the Foundation and one member who is under the age of 18 years shall be appointed by the Governor from a list of three provided by the members of the General Assembly appointed to the Foundation.

Legislative members and the Commissioner of the Department of Health and the Chairman of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* shall serve terms coincident with their terms of office. Following the initial staggering of terms, nonlegislative citizen members shall serve four-year terms. Vacancies in the membership of the Board shall be filled by appointment for the unexpired portion of the term. Vacancies shall be filled in the same manner as the original appointments. Legislative members may be reappointed for successive terms. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms; however, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Immediately after such appointment, the members shall enter upon the performance of their duties.

B. The Foundation shall appoint from the membership of the Board a chairman and vice-chairman, both of whom shall serve in such capacities at the pleasure of the Foundation. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

The Board may establish an executive committee composed of the chairman, vice-chairman, and three additional members elected by the Board from its membership. The chairman of the Board shall serve as the chairman of the executive committee and shall preside over its meetings. In the absence of the chairman, the vice-chairman shall preside. The executive committee may exercise the powers and transact the business of the Board in the absence of the Board or when otherwise directed or authorized by the Board. A majority of the members of the executive committee shall constitute a quorum for the transaction of business. Any actions or business conducted by the executive committee shall be acted upon by the full board as soon as practicable.

C. Legislative members shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided by §§ 2.2-2813 and 2.2-2825. Such compensation and expenses shall be paid from the Fund.

D. Notwithstanding the provisions of any other law, no officer or employee of the Commonwealth shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the Board or his service to the Foundation.

E. Members of the Board and employees of the Foundation shall be subject to the standards of conduct set forth in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.

**§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority*;
7. Employees of the regulatory and hearings divisions of the *Department of Virginia Alcoholic Beverage Control Authority* and special agents of the *Department of Virginia Alcoholic Beverage Control Authority*;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

**§ 48-17.1. Temporary injunctions against alcoholic beverage sales.**

A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to temporarily enjoin the sale of alcohol at any establishment licensed by the *Virginia Alcoholic Beverage Control Board Authority*. The basis for such petition shall be the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol at the establishment, if it appears to the satisfaction of the court that the threat to public safety complained of exists and is likely to continue if such injunction is not granted. The court hearing on the petition shall be held within 10 days of service upon the respondent. The respondent shall be served with notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change of ownership, management, or business operations at the establishment, or other change in circumstance.

B. The *Virginia Alcoholic Beverage Control Board Authority* shall be given notice of any hearing under this section. In the event an injunction is granted, the *Virginia Alcoholic Beverage Control Board Authority* shall initiate an investigation into the activities at the establishment complained of and conduct an administrative hearing. After the *Virginia Alcoholic Beverage Control Board Authority* hearing and when a final determination has been issued by the *Virginia Alcoholic Beverage Control Board Authority*, regardless of disposition, any injunction issued hereunder shall be null, without further action by the complainant, respondent, or the court.

**§ 51.1-212. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23, (iii) conservation police officer in the Department of Game and Inland Fisheries appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the ~~Department of~~ *Virginia Alcoholic Beverage Control Authority* appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of *Title 4.1*, (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) any parole officer appointed pursuant to § 53.1-143, and (viii) any commercial vehicle enforcement officer employed by the Department of State Police.

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

**§ 58.1-3. Secrecy of information; penalties.**

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;

2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the *Virginia* Alcoholic Beverage Control ~~Board~~ Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of

charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; and (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation

that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

**§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.**

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the *Board of Directors of the Virginia Alcoholic Beverage Control Board Authority* to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

**§ 59.1-148.3. Purchase of handguns of certain officers.**

A. The Department of State Police, the Department of Game and Inland Fisheries, the ~~Department of Virginia~~ Alcoholic Beverage Control *Authority*, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service

after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with 5 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

**§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.**

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is

covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer lifesaving and rescue squad members, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, the term "firefighter" shall include special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

#### **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, paramedic or emergency medical technician, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the ~~Department of Virginia~~ Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits

pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

**2. That the fourth enactments of Chapters 870 and 932 of the Acts of Assembly of 2007 are amended and reenacted as follows:**

**4. That the Virginia Alcoholic Beverage Control Board Authority shall assist the Commissioner of Agriculture and Consumer Services in the formation and operation of the nonprofit, nonstock corporation established pursuant to § 3.1-14.01 of this act.**

**3. That § 4.1-102 of the Code of Virginia is repealed.**

**4. That the provisions of this act shall become effective on July 1, 2018, except that the provisions of the thirteenth, fourteenth, and fifteenth enactments of this act shall become effective on July 1, 2015.**

**5. That the Alcoholic Beverage Control Board or its successor in interest shall continue to receive IT infrastructure and security services pursuant to Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 of the Code of Virginia until July 1, 2019, unless otherwise provided for as part of the Commonwealth's disentanglement plan pursuant to the Comprehensive Infrastructure Agreement with Northrop Grumman. However, in no event shall the Virginia Alcoholic Beverage Control Authority be disentangled prior to October 1, 2018.**

**6. That the initial appointments of the members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority shall be staggered as follows: one member for a term of five years, one member for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year.**

**7. That the regulations of the Alcoholic Beverage Control Board promulgated pursuant to Title 4.1 of the Code of Virginia shall be administered by the Virginia Alcoholic Beverage Control Authority and shall remain in full force and effect until altered, amended, or rescinded by the Board of Directors of the Virginia Alcoholic Beverage Control Authority.**

**8. That in the event that ex officio membership on any board, commission, council, committee, or other body is affected by the provisions of this act, the Governor shall designate an appropriate successor officer, employee, or member of a board or agency established pursuant to the provisions of this act as a replacement.**

**9. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.**

**10. That the Virginia Alcoholic Beverage Control Authority shall be deemed successor in interest to the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board to the extent this act transfers powers and duties. All right, title, and interest in and to real or tangible personal property vested in the Department of Alcoholic Beverage Control or the Alcoholic Beverage Control Board to the extent that this act transfers powers and duties as of the effective date of this act shall be transferred and taken as standing in the name of the Virginia Alcoholic Beverage Control Authority.**

**11. That wherever in the Code of Virginia the term "Department of Alcoholic Beverage Control" is used, it shall be deemed to mean the Virginia Alcoholic Beverage Control Authority and wherever in the Code of Virginia the term "Alcoholic Beverage Control Board" is used, it shall mean the Board of Directors of the Virginia Alcoholic Beverage Control Authority.**

12. That any accrued sick leave or annual leave of any employee of the Department of Alcoholic Beverage Control who transfers to the Virginia Alcoholic Beverage Control Authority in accordance with the provisions of this act shall transfer with the employee.

13. That the Virginia Freedom of Information Advisory Council shall include in its study of the Virginia Freedom of Information Act in accordance with House Joint Resolution No. 96 of the Acts of Assembly of 2014 a review of the provisions of § 2.2-3705.7 of the Code of Virginia as amended by this act and make any recommendations it deems necessary and appropriate.

14. That by October 15 each year, the Department of Alcoholic Beverage Control or its successor shall, for the purposes of identifying the total costs of the operation and administration of the Department or its successors to be funded from the revenues generated by such entity, submit to the General Assembly a report detailing the total percentage of gross revenues required for the operation and administration of the Department, excluding expenditures made for the purchase of distilled spirits, for the prior fiscal year, and a relative comparison to the three prior fiscal years.

15. That by January 1, 2017, the Department of Alcoholic Beverage Control shall submit to the General Assembly for its review the proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Virginia Alcoholic Beverage Control Authority's procurement process, that are developed for the use of the Authority in place of Department policies currently governing personnel and procurement. The submission shall detail all instances in which the proposed policies and procedures materially differ from those governing state agencies.

### CHAPTER 731

*An Act to amend and reenact §§ 59.1-365, 59.1-369, 59.1-376, 59.1-378, 59.1-378.1, and 59.1-392 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-392.1, relating to the Virginia Racing Commission; powers.*

[H 1826]

Approved April 15, 2015

#### Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-365, 59.1-369, 59.1-376, 59.1-378, 59.1-378.1, and 59.1-392 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-392.1 as follows:

#### § 59.1-365. Definitions.

~~Unless another meaning is required by As used in this chapter, unless the context, the following words shall have the meanings prescribed by this section requires a different meaning:~~

"Advance deposit account wagering" means a method of pari-mutuel wagering conducted in the Commonwealth that is permissible under the Interstate Horseracing Act, § 3001 et seq. of Chapter 57 of Title 15 of the United States Code, and in which an individual may establish an account with an entity, licensed by the Commission, to place pari-mutuel wagers in person or electronically.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of \$0.10.

"Commission" means the Virginia Racing Commission.

"Dependent" means a son, daughter, father, mother, brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his financial support.

"Drug" shall have the meaning prescribed by § 54.1-3401. The Commission shall by regulation define and designate those drugs the use of which is prohibited or restricted.

"Enclosure" means all areas of the property of a track to which admission can be obtained only by payment of an admission fee or upon presentation of authorized credentials, and any additional areas designated by the Commission.

"Handle" means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

"Horse racing" means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

~~"Licensee" includes any person holding an owner's; or operator's or limited license under §§ Article 2 (§ 59.1-375 through 59.1-386 of this chapter et seq.). The licensee under a limited license shall not be deemed an owner for the purposes of owning or operating a satellite facility.~~

"Member" includes any person designated a member of a nonstock corporation, and any person who by means of a pecuniary or other interest in such corporation exercises the power of a member.

"Pari-mutuel wagering" means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by ~~an~~ ~~unlimited~~ a licensee, less deductions required or permitted by law and includes pari-mutuel wagering on simulcast horse racing originating within the Commonwealth or from any other jurisdiction.

"Participant" means any person who (i) has an ownership interest in any horse entered to race in the Commonwealth or who acts as the trainer, jockey, or driver of any horse entered to race in the Commonwealth or (ii) takes part in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering there, including but not limited to a horse owner, trainer, jockey, or driver, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or other position the Commission deems necessary to regulate to ensure the integrity of horse racing in Virginia.

"Permit holder" includes any person holding a permit to participate in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering thereon as provided in § 59.1-387.

"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"Pool" means the amount wagered during a race meeting or during a specified period thereof.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members, beneficially owns or controls, directly or indirectly, five percent or more of the stock of any person which is a licensee, or who in concert with his spouse and immediate family members, has the power to vote or cause the vote of five percent or more of any such stock. However, "principal stockholder" shall not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, which holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Commission.

"Race meeting" means the whole consecutive period of time during which horse racing with pari-mutuel wagering is conducted by a licensee.

"Racetrack" means an outdoor course located in Virginia which is laid out for horse racing and is licensed by the Commission.

*"Recognized majority horsemen's group" means the organization recognized by the Commission as the representative of the majority of owners and trainers racing at race meetings subject to the Commission's jurisdiction.*

"Retainage" means the total amount deducted from the pari-mutuel wagering pool for (i) a license fee to the Commission and localities, (ii) the ~~unlimited license~~ licensee, (iii) purse money for the participants, (iv) the Virginia Breeders Fund, and (v) certain enumerated organizations as required or permitted by law, regulation or contract approved by the Commission.

"Satellite facility" means all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering, and any additional areas designated by the Commission.

*"Significant infrastructure facility" means a horse racing facility that has been approved by a local referendum pursuant to § 59.1-391 and has a minimum racing infrastructure consisting of (i) a one-mile dirt track for flat racing, (ii) a seven-eighths-mile turf course for flat or jump racing, (iii) covered seating for no fewer than 500 persons, and (iv) barns with no fewer than 400 permanent stalls.*

*"Significant infrastructure limited licensee" means a person who owns or operates a significant infrastructure facility and holds a limited license under § 59.1-376.*

"Simulcast horse racing" means the simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

"Steward" means a racing official, duly appointed by the Commission, with powers and duties prescribed by Commission regulations.

"Stock" includes all classes of stock, partnership interest, membership interest, or similar ownership interest of an applicant or licensee, and any debt or other obligation of such person or an affiliated person if the Commission finds that the holder of such interest or stock derives therefrom such control of or voice in the operation of the applicant or licensee that he should be deemed an owner of stock.

"Virginia Breeders Fund" means the fund established to foster the industry of breeding race horses in the Commonwealth of Virginia.

#### **§ 59.1-369. Powers and duties of the Commission.**

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in § 59.1-364. Such powers and duties shall include but not be limited to the following:

1. The Commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter including all persons conducting, participating in, or attending any race meeting. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity. It may eject or exclude from the enclosure or from any part thereof any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the office, track, facilities, satellite facilities or other places of business of any license or permit holder, and may compel the production of any of the books, documents, records, or memoranda of any license or permit holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Commission may require ~~the production of any~~

person granted a permit by the Commission and shall require any person licensed by the Commission, the recognized majority horsemen's group, and the nonprofit industry stakeholder organization recognized by the Commission under this chapter to produce an annual balance sheet and operating statement of any person licensed or granted a permit pursuant to the provisions of this chapter and prepared by a certified public accountant approved by the Commission. The Commission may require the production of any contract to which such person is or may be a party.

3. The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter, including a requirement that licensees post, in a conspicuous place in every place where pari-mutuel wagering is conducted, a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

4. The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing shall comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of ~~an~~ ~~unlimited~~ a license to schedule ~~not less~~ ~~no more than~~ ~~150~~ 125 live racing days in the Commonwealth each calendar year; however, the Commission shall have the authority to alter the required number of live racing days based on what the Commission deems to be in the best interest of the Virginia horse industry. Such regulations shall authorize up to 10 satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commission ~~which owns a horse racetrack in the Commonwealth~~ that is a significant infrastructure limited licensee, or if by August 1, 2015, there is no such licensee or a pending application for such license, then the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. If, however, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee pursuant to § 59.1-376, then such limited licensee may own or operate the remaining available satellite facilities authorized in accordance with this subdivision. In no event shall the Commission authorize any such entities to own or operate more than a combined total of 10 satellite facilities. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any satellite facility. Except as authorized pursuant to subdivision 5, wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

5. The Commission shall promulgate regulations and conditions regulating and controlling advance deposit account wagering. Such regulations shall include, but not be limited to, (i) standards, qualifications, and procedures for the issuance of a license to an entity for the operation of pari-mutuel wagering in the Commonwealth; except that the Commission shall not issue a license to, and shall revoke the license of, an entity that, either directly or through an entity under common control with it, withholds the sale at fair market value to ~~an unlimited~~ a licensee of simulcast horse racing signals that such entity or an entity under common control with it sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth; (ii) provisions regarding access to books, records, and memoranda, and submission to investigations and audits, as authorized by subdivisions 2 and 10 of this section; and (iii) provisions regarding the collection of all revenues due to the Commonwealth from the placing of such wagers. No pari-mutuel wager may be made on or with any computer owned or leased by the Commonwealth, or any of its subdivisions, or at any public elementary or secondary school, or any public college or university. The Commission also shall ensure that, except for this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

~~Notwithstanding the provisions of § 59.1-392, the allocation of revenue from advance deposit account wagering shall include (i) a licensee fee paid to the Commission; (ii) an additional fee equal to 10 percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, out of which shall be paid: (a) one-half to all unlimited licensees and (b) one-half to representatives of the recognized majority horsemen groups; and (iii) an additional fee equal to one percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, which shall be paid to the Virginia Breeders Fund.~~

Nothing in this subdivision shall be construed to limit the Commission's authority as set forth elsewhere in this section.

6. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

7. The Commission may compel any person holding a license or permit to file with the Commission such data as shall appear to the Commission to be necessary for the performance of its duties including but not limited to financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

8. The Commission may enter into arrangements with any foreign or domestic government or governmental agency, for the purposes of exchanging information or performing any other act to better ensure the proper conduct of horse racing.

9. The Commission shall report annually on or before March 1 to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission.

10. The Commission may order such audits, in addition to those required by § 59.1-394, as it deems necessary and desirable.

11. The Commission shall upon the receipt of a complaint of an alleged criminal violation of this chapter immediately report the complaint to the Attorney General of the Commonwealth and the State Police for appropriate action.

12. The Commission shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds for such withholdings.

13. The Commission, its representatives and employees may, within the enclosure, stable, or other facility related to the conduct of racing, and during regular or usual business hours, subject any (i) permit holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal property, and inspections of other property or premises under the control of such permit holder and (ii) horse eligible to race at a race meeting licensed by the Commission to testing for substances foreign to the natural horse within the racetrack enclosure or other place where such horse is kept. Any item, document or record indicative of a violation of any provision of this chapter or Commission regulations may be seized as evidence of such violation. All permit holders consent to the searches and seizures authorized by this subdivision, including breath, blood and urine sampling for alcohol and illegal drugs, by accepting the permit issued by the Commission. The Commission may revoke or suspend the permit of any person who fails or refuses to comply with this subdivision or any rules of the Commission. Commission regulations in effect on July 1, 1998, shall continue in full force and effect until modified by the Commission in accordance with law.

14. The Commission shall require the existence of a contract between ~~the~~ *each* licensee and the recognized majority ~~horseman's~~ *horsemen's* group ~~providing for purses and prizes for that licensee.~~ Such contract shall be subject to the approval of the Commission, which shall have the power to approve or disapprove any of its items, including but not limited to the provisions regarding purses and prizes. Such contracts shall provide that on pools generated by wagering on simulcast horse racing from outside the Commonwealth, (i) for the first \$75 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of five percent in the horsemen's purse account, (ii) for any amount in excess of \$75 million but less than \$150 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of six percent in the horsemen's purse account, (iii) for amounts in excess of \$150 million for each breed, the licensee shall deposit funds at the minimum rate of seven percent in the horsemen's purse account. Such deposits shall be made in the horsemen's purse accounts of the breed that generated the pools and such deposits shall be made within five days from the date on which the licensee receives wagers. *In the absence of the required contract between the licensee and the recognized majority horsemen's group, the Commission may permit wagering to proceed on simulcast horse racing from outside of the Commonwealth, provided that the licensee deposits into the State Racing Operations Fund created pursuant to § 59.1-370.1 an amount equal to the minimum percentage of the total pari-mutuel handles as required in clauses (i), (ii), and (iii) or such lesser amount as the Commission may approve. The deposits shall be made within five days from the date on which the licensee receives wagers. Once a contract between the licensee and the recognized majority horsemen's group is executed and approved by the Commission, the Commission shall transfer these funds to the licensee and the horsemen's purse accounts.*

15. Notwithstanding the provisions of § 59.1-391, the Commission may grant provisional limited licenses or provisional unlimited licenses to own or operate racetracks or satellite facilities to an applicant prior to the applicant securing the approval through the local referendum required by § 59.1-391. The provisional licenses issued by the Commission shall only become effective upon the approval of the racetrack or satellite wagering facilities in a referendum conducted pursuant to § 59.1-391 in the jurisdiction in which the racetrack or satellite wagering facility is to be located.

**§ 59.1-376. Limited licenses; transfer of meet; taxation; authority to issue; limitations.**

A. Notwithstanding the provisions of § 59.1-375 or § 59.1-378 but subject to such regulations and criteria as it may prescribe, the Commission is authorized to issue limited licenses, provided such licenses shall permit any holder to conduct a race meeting or meetings for a period not to exceed ~~fourteen~~ 14 days in any calendar year, *or in the case of a significant infrastructure limited licensee, 75 days in any calendar year.*

B. The Commission may at any time, in its discretion, authorize any organization or association licensed under this section to transfer its race meeting or meetings from its own track or place for holding races, to the track or place for holding races of any other organization or association licensed under this chapter upon the payment of any and all appropriate license fees. No such authority to transfer shall be granted without the express consent of the organization or association owning or leasing the track to which such transfer is made.

C. For any such meeting the licensee shall retain and pay from the pool the tax as provided in § 59.1-392.

D. No person to whom a limited license has been issued nor any officer, director, partner, or spouse or immediate family member thereof shall make any contribution to any candidate for public office or public office holder at the local or state level.

**§ 59.1-378. Issuance of owner's license.**

A. The Commission shall consider all applications for an owner's license and may grant a valid owner's license to applicants who meet the criteria set forth in this chapter and established by the Commission. The Commission shall deny a license to any applicant, unless it finds that the applicant's facilities are or will be appropriate for the finest quality of racing, ~~and meet or will meet the minimum standards that any track provided for standard breed racing be at least five-eighths of a~~

mile, that any dirt track provided for flat racing be at least one mile, and that any track provided for flat or jump racing on the turf be at least seven-eighths of a mile.

B. The Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would not be in the interest of the people of the Commonwealth or the horse racing industry in the Commonwealth, or would reflect adversely on the honesty and integrity of the horse racing industry in the Commonwealth, or that the applicant, or any officer, partner, principal stockholder, or director of the applicant:

1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any horse racing in this or any other state, or has been convicted of a felony;

3. Has at any time knowingly failed to comply with the provisions of this chapter or of any regulations of the Commission;

4. Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended, or revoked in any other state or country;

5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth;

6. Has constructed or caused to be constructed a racetrack or satellite facility for which a license was required under § 59.1-377 hereof without obtaining such license, or has deviated substantially, without the permission of the Commission, from the plans and specifications submitted to the Commission; or

7. Is not qualified to do business in Virginia or is not subject to the jurisdiction of the courts of this Commonwealth.

C. The Commission shall deny a license to any applicant unless it finds:

1. That, if the corporation is a stock corporation, that such stock is fully paid and nonassessable, has been subscribed and paid for only in cash or property to the exclusion of past services, and, if the corporation is a nonstock corporation, that there are at least twenty members;

2. That all principal stockholders or members have submitted to the jurisdiction of the Virginia courts, and all nonresident principal stockholders or members have designated the Executive Secretary of the Commission as their agent for receipt of process;

3. That the applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under § 59.1-379; and

4. That the applicant meets the criteria established by the Commission for the granting of an owner's license.

**§ 59.1-378.1. Licensing of owners or operators of certain pari-mutuel facilities.**

A. Notwithstanding the provisions of § 59.1-391, the Commission may grant a license, for a duration to be determined by the Commission, to the owner or operator of a ~~steeplechase~~ facility for the purpose of conducting pari-mutuel wagering on (i) ~~steeplechase thoroughbred and standard bred~~ race meetings and (ii) simulcast horse racing ~~that is limited to the transmission from Churchill Downs of the Kentucky Derby horse race~~ at that facility in conjunction with the ~~steeplechase~~ race meetings for a period not to exceed 14 days in any calendar year, provided that, prior to making application for such license, (a) the ~~steeplechase~~ facility has been ~~sanctioned by the Virginia Steeplechase Association or National Steeplechase Association approved by the Commission~~ and (b) the owner or operator of such facility has been granted tax-exempt status under § 501(c)(3) or (4) of the Internal Revenue Code.

~~For purposes of this section, "steeplechase facility" means a turf racecourse constructed over natural ground which is utilized primarily for races where horses jump over fences.~~

B. In deciding whether to grant any license pursuant to this section, the Commission shall consider (i) the results of, circumstances surrounding, and issues involved in any referendum conducted under the provisions of § 59.1-391 and (ii) whether the Commission had previously granted a license to such facility, owner, or operator.

C. In no event shall the Commission issue more than 12 licenses in a calendar year pursuant to this section.

**§ 59.1-392. Percentage retained; tax.**

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: one percent to the Commonwealth as a license tax and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D~~5~~; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: three-quarters

percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;
2. Seven and one-half percent, and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: two and one-quarter percent to the Commonwealth as a license tax, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;
2. Nine percent, and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, and one-half percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, and one percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N shall be subject to the approval of the Commission.

S. ~~The horsemen's organizations representing a majority of the horsemen~~ *recognized majority horsemen's group* racing at a licensed ~~unlimited~~ race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for both live racing and simulcast horse racing shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and
2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the ~~horsemen's organization representing a majority of the horsemen~~ *recognized majority horsemen's group* racing at a licensed ~~unlimited~~ race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational or other related programs.

**§ 59.1-392.1. Advance deposit account wagering revenues; distribution.**

A. *Notwithstanding the provisions of § 59.1-392, the allocation of revenue from advance deposit account wagering shall include (i) a licensee fee of 1.5 percent paid to the Commission; (ii) an additional fee equal to one percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, which shall be paid to the Virginia Breeders Fund, and (iii) an additional fee equal to nine percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, out of which shall be paid:*

1. Four percent to a nonprofit industry stakeholder organization recognized by, and with oversight from, the Commission to include the recognized majority horsemen's group, a breeder's organization, and a licensed track operator for the purpose of promoting, sustaining, and advancing horse racing within the Commonwealth; and

2. Five percent to representatives of the recognized majority horsemen's group by breed to be used for purse funds at races conducted in the Commonwealth, unless otherwise authorized by the Commission.

Notwithstanding the foregoing, if the advance deposit account wagering licensee is a significant infrastructure limited licensee, the additional fee equal to nine percent of the wagers placed through such advance deposit account wagering licensee since November 1, 2014, shall instead be retained by such licensee for operational expenses, including defraying the costs of live racing.

B. The Commission-recognized nonprofit industry stakeholder organization shall make distributions from fees received from advance deposit wagering to organizations within the Commonwealth providing care for retired race horses, the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association in the percentages of wagering handles set forth in subsections K and N of § 59.1-392, and shall make a distribution of thirty-five one-hundredths of one percent of all wagers made within the Commonwealth placed through such advance deposit account wagering licensee to the locality where live racing licensed by the Commission occurred prior to January 1, 2012, and beginning January 1, 2020, to the locality or localities where such live racing occurs to be shared in a ratio of the number of such annual live races in a locality to the total number of such annual live races in the Commonwealth. Distributions under this section from the Commission-recognized nonprofit stakeholder organization to the foregoing entities and locality or localities, when added to the distributions to such entities and locality or localities under § 59.1-392, shall be capped at the sum necessary to equal distributions made in the 2013 calendar year to each entity under § 59.1-392, and shall be capped at the sum necessary to equal \$400,000 for a locality or localities.

C. Any additional distribution of fees received from advance deposit account licensees by the Commission-recognized nonprofit industry stakeholder organization shall be approved by the Commission.

## CHAPTER 732

*An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.*

[H 1833]

Approved April 15, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

###### A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or

omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith ~~and without compensation~~, *prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal* in an emergency to an individual who is *believed to be* experiencing or ~~is~~ about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if ~~such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose acting in accordance with the provisions of subsection X of § 54.1-3408 or in his role as a member of an emergency medical services agency.~~

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. ~~Expired.~~

~~F.~~ For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of

emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. ~~Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose, pursuant to an oral, written, or standing order issued by a prescriber, and in accordance with protocols developed~~

by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose. Law-enforcement officers as defined in § 9.1-101 and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

**2. That an emergency exists and this act is in force from its passage.**

### CHAPTER 733

*An Act to amend and reenact §§ 2.2-1605 and 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.*

[H 1854]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1605 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-1605. Powers and duties of Department.**

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Manage the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311 and, in cooperation with the Small Business Financing Authority, determine the qualifications, terms, and conditions for the use of such Fund; ~~and~~

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; *and*

7. *Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation.*

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund described in Article 2 (§ 2.2-1611 et seq.).

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women-owned, and minority-owned business procurement and on service disabled veteran-owned business procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. *In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:*

*"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."*

E. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

E. F. As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

### CHAPTER 734

*An Act to amend and reenact § 4, as amended, of Chapter 583 of the Acts of Assembly of 1954, which provided a charter for the Town of Weber City, relating to town council elections.*

[H 1857]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4, as amended, of Chapter 583 of the Acts of Assembly of 1954 is amended and reenacted as follows:**

§ 4. Administration and government.

(1) That the Circuit Court of Scott County shall, within 30 days after this charter goes into effect, appoint the mayor, recorder, treasurer and six councilmen for the said town and the persons appointed by the court shall hold office until their successors in office shall be duly elected and qualified as hereinafter provided for.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, 1955, and every two years thereafter, on the first Tuesday in May there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. *However, beginning with an election to be held in May, 2018, the mayor and councilmen shall be elected for terms of four years.* They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars (\$100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of nine hundred dollars (\$900.00) per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall prescribe at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. He shall take care and see that the bylaws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. ~~He shall be ex officio a conservator of the peace within the town and within one mile of its corporate limits; and shall have jurisdiction to issue process for and try all cases for the violation of the town ordinances, subject to an appeal to the Circuit Court of Scott County, and impose such punishment and/or fines as may be prescribed for violation of the same, and he shall have power to issue executions for all fines and costs imposed by him, or he may require an immediate payment thereof, and in default of such payment he may commit the defaulting party to the town jail or the Scott County jail until such fine and costs shall be paid; such commitment, however, not to be for more than twelve months. He may release persons accused or convicted of the violation of a town ordinance upon the giving of sufficient bail to be fixed by him.~~ He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of

this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(9) The council shall, as soon as practicable after qualification, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the council or is elected.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum on \$100 be made, except by a recorded affirmative vote of a majority of all members elected to the council.

(13) There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of ~~two~~ four years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office for a term of ~~two~~ four years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in ~~September~~ July or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for ~~two~~ four years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(18) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

## CHAPTER 735

*An Act to amend and reenact §§ 4.1-100 and 4.1-103 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 4.1-302.2, relating to alcoholic beverage control; powdered or crystalline alcohol; penalty.*

[H 1908]

Approved April 15, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-100 and 4.1-103 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-302.2 as follows:**

#### **§ 4.1-100. Definitions.**

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, *powder or crystal*, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this

definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board

shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of

such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-103. General powers of Board.**

The Board shall have the power to:

1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;
2. Buy and sell any mixers;
3. Control the possession, sale, transportation and delivery of alcoholic beverages;
4. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;
5. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;
6. Lease, occupy and improve any land or building required for the purposes of this title;
7. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;
8. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

9. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; *however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;*

10. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

11. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

12. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

13. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

14. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

15. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

16. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

17. Establish minimum food sale requirements for all retail licensees; and

18. Do all acts necessary or advisable to carry out the purposes of this title.

**§ 4.1-302.2. Sale, purchase, use of powdered or crystalline alcohol prohibited; penalty.**

A. *No person shall purchase or possess, offer for sale or use, sell, or use any powdered or crystalline alcohol product.*

B. *As used in this section, "powdered or crystalline alcohol" means a product that is manufactured into a powdered or crystalline form and that contains any amount of alcohol.*

C. *A violation of this section is a Class 1 misdemeanor.*

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 736

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 2.2 a section numbered 2.2-614.4, relating to governmental agencies contracting for items listed on the commercial activities list.*

[H 1917]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 2.2 a section numbered 2.2-614.4 as follows:**

**§ 2.2-614.4. Commercial activities list; publication of notice; opportunity to comment.**

A. *As used in this section, unless the context requires a different meaning:*

*"Commercial activities list" means the list developed by the Department of Planning and Budget in accordance with § 2.2-1501.1.*

*"Governmental agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government and any county, city, or town or local or regional governmental authority.*

B. *Any state governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, shall post notice on the Department of General Services' central electronic procurement system under the "Future Procurement" listing.*

C. *Any local governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, shall post notice on its public government website where all public notices for procurement opportunities are located or on the Department of General Services' central electronic procurement system under the "Future Procurement" listing.*

D. *In addition to the notice requirement in subsection C, any such governmental agency shall provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase.*

E. *The provisions of this section shall not apply to mandatory purchases pursuant to § 53.1-47 or contracts specifically exempted pursuant to Article 3 (§ 2.2-4343 et seq.) of the Virginia Public Procurement Act.*

F. *The provisions of this section shall not apply to services provided by central service state agencies, activities operated as an internal service fund of the Commonwealth, or purchases from public institutions of higher education.*

**2. That the provisions of this act shall not apply to the purchase of services found on the commercial activities list from another governmental agency that occurred before July 1, 2015; however, any renewal of such purchase agreement shall be in accordance with the provisions of this act.**

## CHAPTER 737

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17, relating to institutions of higher education; reporting of acts of sexual violence; memoranda of understanding; policy review.

[H 1930]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17 as follows:**

**§ 23-9.2:15. Reporting of acts of sexual violence.**

A. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

"Responsible employee" means a person employed by a public institution of higher education or private nonprofit institution of higher education who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate institution designee, or whom a student could reasonably believe has this authority or duty.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

"Title IX coordinator" means an employee designated by a public institution of higher education or private nonprofit institution of higher education to coordinate the institution's efforts to comply with and carry out the institution's responsibilities under Title IX (20 U.S.C. § 1681 et seq.). If no such employee has been designated by the institution, the institution shall designate an employee who will be responsible for receiving information of alleged acts of sexual violence from responsible employees in accordance with subsection B.

B. Any responsible employee who in the course of his employment obtains information that an act of sexual violence may have been committed against a student attending the institution or may have occurred on campus, in or on a noncampus building or property, or on public property shall report such information to the Title IX coordinator as soon as practicable after addressing the immediate needs of the victim.

C. Upon receipt of information pursuant to subsection B, the Title IX coordinator or his designee shall promptly report the information, including any personally identifiable information, to a review committee established pursuant to subsection D. Nothing in this section shall prevent the Title IX coordinator or any other responsible employee from providing any information to law enforcement with the consent of the victim.

D. Each public institution of higher education or private nonprofit institution of higher education shall establish a review committee for the purposes of reviewing information related to acts of sexual violence, including information reported pursuant to subsection C. Such review committee shall consist of three or more persons and shall include the Title IX coordinator or his designee, a representative of law enforcement, and a student affairs representative. If the institution has established a campus police department pursuant to Chapter 17 (§ 23-232 et seq.) of this title, the representative of law enforcement shall be a member of such department, otherwise the representative of law enforcement shall be a representative of campus security. The review committee may be the threat assessment team established under § 23-9.2:10 or a separate body. The review committee may obtain law-enforcement records, criminal history record information as provided in §§ 19.2-389 and 19.2-389.1, health records as provided in § 32.1-127.1:03, available institutional conduct or personnel records, and known facts and circumstances of the information reported pursuant to subsection C or information or evidence known to the institution or to law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to § 23-9.2:10 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The review committee shall conduct its review in compliance with federal privacy law.

E. Upon receipt of information of an alleged act of sexual violence reported pursuant to subsection C, the review committee shall meet within 72 hours to review the information and shall meet again as necessary as new information becomes available.

F. If, based on consideration of all factors, the review committee, or if the committee cannot reach a consensus, the representative of law enforcement on the review committee, determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the student or other individuals as set forth in 34 C.F.R. § 99.36, the representative of law enforcement on the review committee shall immediately disclose such information to the law-enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX coordinator or his designee shall notify the victim that such disclosure is being made. The provisions of this subsection shall not apply if the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States.

G. In cases in which the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, the representative of law enforcement on the review committee shall inform the other members of the review committee and shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F. In addition, if such consultation does not occur and any other member of the review committee individually concludes that the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, that member shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F.

H. At the conclusion of the review, the Title IX coordinator and the law-enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review team's considerations, which shall be maintained under applicable state and federal law.

I. No responsible employee shall be required to make a report pursuant to subsection B if:

1. The responsible employee obtained the information through any communication considered privileged under state or federal law or the responsible employee obtained the information in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, a campus victim support personnel, a member of clergy, or an attorney; or

2. The responsible employee has actual knowledge that the same matter has already been reported to the Title IX coordinator or to the attorney for the Commonwealth or the law-enforcement agency responsible for investigating the alleged act of sexual violence.

J. Any responsible employee who makes a report required by this section or testifies in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

K. The provisions of this section shall not require a person who is the victim of an alleged act of sexual violence to report such violation.

L. The institution shall ensure that a victim of an alleged act of sexual violence is informed of (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the institution's policies; (v) the victim's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a victim; (vii) the available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services; and (viii) the importance of seeking appropriate medical attention.

**§ 23-9.2:16. Sexual assault; memorandum of understanding; policies.**

A. Each public institution of higher education or private nonprofit institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each community college to establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education or private nonprofit institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

**§ 23-9.2:17. Sexual violence policy review.**

By October 31 of each year, each public institution of higher education or private nonprofit institution of higher education and the State Board for Community Colleges shall certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy and updated it as appropriate. The State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The

State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each institution and the Virginia Community College System by November 30 of each year.

**2. That the Department of Criminal Justice Services shall monitor the impact of the provisions of this act on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016.**

### CHAPTER 738

*An Act to amend and reenact §§ 58.1-1000 and 58.1-1007 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-4206.01, relating to authorized holders of cigarettes.*

[H 1955]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-1000 and 58.1-1007 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-4206.01 as follows:**

**§ 3.2-4206.01. List of persons ineligible to be authorized holders.**

A. *The Attorney General shall develop and publish on its website a list of individuals who are ineligible to be authorized holders as defined in § 58.1-1000. The Attorney General shall update the list as necessary to add names of individuals who are no longer eligible to be authorized holders. Upon request, the Office of the Executive Secretary of the Supreme Court shall provide the Attorney General with assistance to ensure that the requirements of this section are met.*

B. *Any attorney for the Commonwealth, law-enforcement officer, or other person may submit a request to the Attorney General that a person be included on the list and shall submit a certified court order of the conviction that makes the person ineligible to be an authorized holder of cigarettes.*

C. *Nothing in this section shall impose an affirmative duty on the Attorney General to identify persons to be included on the list who are ineligible to be authorized holders of cigarettes due to a conviction in another state, in the absence of a request received from an attorney for the Commonwealth, law-enforcement officer, or other person.*

D. *No liability shall be imposed upon the Attorney General for any omissions or the incorrect inclusion of any individual on the listing required under subsection A. No liability shall be imposed upon any attorney for the Commonwealth or law-enforcement official who provides information to the Attorney General in accordance with subsection B. This provision shall not be construed to grant immunity for gross negligence or willful misconduct.*

**§ 58.1-1000. Definitions.**

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Authorized holder" means (i) a manufacturer; (ii) a wholesale dealer; (iii) a stamping agent; (iv) a retail dealer; (v) an exclusive distributor; (vi) an officer, employee, or other agent of the United States or a state, or any department, agency, or instrumentality of the United States, a state, or a political subdivision of a state, having possession of cigarettes in connection with the performance of official duties; (vii) a person properly holding cigarettes that do not require stamps or tax payment pursuant to § 58.1-1010; or (viii) a common or contract carrier transporting cigarettes under a proper bill of lading or other documentation indicating the true name and address of the consignor or seller and the consignee or purchaser of the brands and the quantities being transported. Any person convicted of (a) a violation of § 58.1-1017 or 58.1-1017.1; (b) any offense involving the forgery of any documents, forms, invoices, or receipts related to the purchase or sale of cigarettes or the purchase or sale of tobacco products as defined in § 58.1-1021.01; (c) any offense involving evasion or failure to pay a cigarette or tobacco product excise tax; or (d) any similar violation of an ordinance of any county, city, or town in the Commonwealth or the laws of any other state or of the United States is ineligible to be an authorized holder.

"Carton" means 10 packs of cigarettes, each containing 20 cigarettes or eight packs, each containing 25 cigarettes.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term "cigarette" includes "roll-your-own" tobacco, which means any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Exclusive distributor" means any individual, corporation, limited liability company, or limited liability partnership with its principal place of business in the Commonwealth that has the sole and exclusive rights to sell to wholesale dealers in the Commonwealth a brand family of cigarettes manufactured by a tobacco product manufacturer as defined in § 3.2-4200.

"Manufacturer" means any tobacco product manufacturer as defined in § 3.2-4200.

"Pack" means a package containing either 20 or 25 cigarettes.

"Retail dealer" includes every person other than a wholesale dealer, as defined in this section, who sells or offers for sale any cigarettes and who is properly registered as a retail trade with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1).

"Retail sale" or "sale at retail" includes all sales except sales by wholesale dealers to retail dealers or other wholesale dealers for resale.

"Stamping agent" shall have the same meaning as provided in § 3.2-4204. For the purposes of provisions relating to "roll-your-own" tobacco, "stamping agent" shall include "distributor" as that term is defined in § 58.1-1021.01.

"Stamps" means the stamp or stamps by the use of which the tax levied under this chapter is paid and shall be officially designated as Virginia revenue stamps. The Department is hereby authorized to provide for the use of any type of stamp which will effectuate the purposes of this chapter including but not limited to decalcomania and metering devices.

"Storage" means any keeping or retention in the Commonwealth of cigarettes for any purpose except sale in the regular course of business or subsequent use solely outside the Commonwealth.

"Tax-paid cigarettes" means cigarettes that (i) bear valid Virginia stamps to evidence payment of excise taxes or (ii) were purchased outside of the Commonwealth and either (a) bear a valid tax stamp for the state in which the cigarettes were purchased or (b) when no tax stamp is required by the state, proper evidence can be provided to establish that applicable excise taxes have been paid.

"Use" means the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it shall not include the sale of cigarettes in the regular course of business.

"Wholesale dealer" includes persons who are properly registered as tobacco product merchant wholesalers with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1) and who (i) sell cigarettes at wholesale only to retail dealers for the purpose of resale only or (ii) sell at wholesale to institutional, commercial, or industrial users. "Wholesale dealer" also includes chain store distribution centers or houses which distribute cigarettes to their stores for sale at retail.

**§ 58.1-1007. Documents touching purchase, sale, etc., of cigarettes to be kept for three years, subject to inspection; penalty.**

It shall be the duty of every person receiving, storing, selling, handling or transporting cigarettes in any manner whatsoever, to preserve all invoices, books, papers, cancelled checks, or other documents relating to the purchase, sale, exchange, receipt or transportation of all cigarettes for a period of three years. All such invoices, books, papers, cancelled checks or other memoranda and records shall be subject to audit and inspection *at all times* by any duly authorized representative of the Department ~~at all times, the Office of the Attorney General, or the Department of Alcoholic Beverage Control or by a local cigarette tax administrative or enforcement official.~~ Any person who fails or refuses to keep and preserve the records as ~~herein~~ *required in this section* shall be guilty of a Class 2 misdemeanor. Any person who, upon request by a duly authorized agent of the Department ~~who is entitled to audit and inspect such records,~~ fails or refuses to allow an audit or inspection of records as ~~hereinabove~~ *provided; in this section* shall have his stamping permit suspended until such time as the ~~audit or inspection Department~~ *audit or inspection* is allowed to ~~audit or inspect the records.~~ The Department may impose a penalty of \$1,000 for each day that the person fails or refuses to allow an audit or inspection of the records. The penalty shall be assessed and collected by the Department as other taxes are collected.

## CHAPTER 739

*An Act to amend and reenact § 18.2-371.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, relating to purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.*

[H 2036]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, as follows:**

**§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.**

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product.

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 18 years of age making a delivery of tobacco products, nicotine vapor products, or alternative nicotine products in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature of a person at least 18 years of age before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, or alternative nicotine products to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control Board designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not

include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

CHAPTER 23.2.  
LIQUID NICOTINE.

**§ 59.1-293.10. Definitions.**

*As used in this chapter, unless the context requires another meaning:*

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" has the same meaning as in § 18.2-371.2.

**§ 59.1-293.11. Sale or distribution of liquid nicotine container; prohibition; penalty.**

A. No person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, unless such liquid nicotine container meets child-resistant packaging standards.

B. The requirements of subsection A shall not prohibit a wholesaler or retailer from selling its existing inventory of liquid nicotine until January 1, 2016, if the wholesaler or retailer can establish that the inventory was purchased prior to October 1, 2015, in a quantity comparable to that of the inventory purchased during the same period of the prior year.

C. Any person who sells or distributes at retail or offers for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, that he knows or has reason to know does not satisfy the child-resistant packaging standards required by this section is guilty of a Class 4 misdemeanor. However, no person shall be guilty of a violation of this section who relies in good faith on any information provided by the manufacturer of a liquid nicotine container that such container meets the requirements of this section.

D. The provisions of this chapter do not apply to any manufacturer or wholesaler of liquid nicotine containers who sells or distributes a liquid nicotine container, provided that any such liquid nicotine container sold or distributed is intended for use outside of the Commonwealth.

E. The provisions of subsection A shall be null, void, and of no force and effect upon the effective date of either enacted federal legislation or final regulations issued by the U.S. Food and Drug Administration or by any other federal agency where such legislation or regulations mandate child-resistant packaging for liquid nicotine containers.

**CHAPTER 740**

An Act to amend and reenact §§ 24.2-101, 24.2-404, 24.2-404.3, 24.2-404.4, 24.2-408 through 24.2-411.2, 24.2-413, 24.2-416.2, 24.2-416.3, 24.2-416.6, 24.2-416.7, 24.2-418, 24.2-418.1, 24.2-420.1, 24.2-424, 24.2-427, 24.2-428, 24.2-444, 24.2-446, 24.2-627, 24.2-679, and 24.2-802 of the Code of Virginia and to repeal the second enactment of Chapter 318 of the Acts of Assembly of 2007, relating to elections administration; pre-election and post-election activities.

[H 2062]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-101, 24.2-404, 24.2-404.3, 24.2-404.4, 24.2-408 through 24.2-411.2, 24.2-413, 24.2-416.2, 24.2-416.3, 24.2-416.6, 24.2-416.7, 24.2-418, 24.2-418.1, 24.2-420.1, 24.2-424, 24.2-427, 24.2-428, 24.2-444, 24.2-446, 24.2-627, 24.2-679, and 24.2-802 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-101. Definitions.**

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "*Department*" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified

voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

#### **§ 24.2-404. Duties of Department of Elections.**

A. The ~~State Board~~ *Department of Elections* shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia ~~Voter Registration System~~ *voter registration system*, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the ~~Board~~ *Department* shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter ~~registration cards~~ *confirmation documents* for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter ~~registration photo identification~~ cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The ~~Board~~ *Department* shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a ~~registration voter photo identification~~ card containing the voter's photograph and signature. The ~~Board~~ *Department* shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the ~~Board~~ *Department*. The ~~Board~~ *Department* may contract with an outside vendor for the production and distribution of voter ~~registration photo identification~~ cards ~~containing the voter's photograph and signature~~.
4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the ~~State Board~~ *Department of Elections* based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the ~~Board~~ *Department*. The ~~Board~~ *Department* shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall

constitute the pollbooks. The ~~State Board~~ *Department* shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the ~~State Board~~ *Department* shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the ~~State Board~~ *Department* shall provide a regional or statewide list of registered voters to the general registrar of the locality. The ~~State Board~~ *Department* shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the ~~Board~~ *Department*.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the ~~State Board~~ *Department* in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The ~~State Board~~ *Department* may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the ~~State Board~~ *Department* by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The ~~State Board~~ *Department* shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia ~~Voter Registration System~~ *voter registration system* by any appropriate means including, but not limited to, paper and electronic means. *The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.*

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The ~~State Board~~ *Department* shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the ~~State Board~~ *Department* shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The ~~State Board~~ *Department* shall report annually by August 1 for the preceding 12 months ending June 30 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The ~~Board's~~ *Department's* report shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

**§ 24.2-404.3. Duty of Department of Elections; verification of registered voter lists.**

On or before October 1 of each year, the ~~State Board~~ *Department* shall conduct a match of the Virginia registered voter lists with the list of deceased persons maintained by the Social Security Administration.

**§ 24.2-404.4. Exchange of registered voter lists with other states.**

Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the ~~State Board~~ *Department of Elections* shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system. Upon receipt of this data, the ~~State Board~~ *Department* shall compare it with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The ~~State Board~~ *Department* shall report to the House and Senate Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the ~~State Board~~ *Department* and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists. *All annual reports required to be filed by the Department shall be governed by the provisions of § 2.2-608.*

**§ 24.2-408. State Registrar of Vital Records to transmit monthly lists of decedents to Department of Elections.**

The State Registrar of Vital Records shall transmit to the ~~State Board~~ *Department of Elections* by electronic means a monthly list of all persons of the age of seventeen years or more who shall have died in the Commonwealth subsequent to its previous monthly list. The lists shall be in a format specified by the ~~State Board~~ *Department* and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death. The ~~Board~~ *Department* shall maintain a permanent record of the information in the lists as part of the voter

registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

**§ 24.2-409. Central Criminal Records Exchange to transmit lists of felony convictions to Department of Elections.**

The Central Criminal Records Exchange shall transmit to the ~~State Board~~ *Department of Elections* by electronic means (i) a monthly list of all persons convicted of a felony during the preceding month and (ii) an annual list of all persons who have been convicted of a felony, regardless of when the conviction occurred. The list shall be in a format mutually agreed upon by the ~~State Board~~ *Commissioner of Elections* and the Department of State Police and shall contain the convicted person's name; address; county, city, or town of residence; social security number, if any; date and place of birth; and date of conviction. The ~~Board~~ *Department* shall maintain a permanent record of the information in the lists as part of the voter registration system. Upon receipt of the monthly list, the ~~Board~~ *Department* shall compare, on a monthly basis, the contents of the list to the list of all registered voters maintained on the voter registration system and shall notify the appropriate general registrar of the felony conviction of any registered voter. Upon receipt of the annual list, the ~~Board~~ *Department* shall compare the contents of the list to the list of all registered voters maintained on the voter registration system and shall notify the appropriate general registrar of the felony conviction of any registered voter. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427.

**§ 24.2-409.1. Department of Elections to transmit information pertaining to persons convicted of a felony in federal court.**

Upon receipt of a notice of a felony conviction sent by a United States attorney pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.), the ~~State Board~~ *Department* shall notify the appropriate general registrar of the conviction.

**§ 24.2-410. Clerks of circuit courts to furnish lists of certain adjudications.**

The clerk of each circuit court shall furnish monthly to the ~~State Board~~ *Department of Elections* a complete list of all persons adjudicated incapacitated pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 or whose incapacity has been recognized pursuant to § 64.2-2115, and therefore "mentally incompetent" for purposes of this title unless the court order specifically provides otherwise, during the preceding month or a statement that no adjudications have occurred that month. The list shall contain each such person's name; address; county, city, or town of residence; social security number, if any; date and place of birth; and date of adjudication. *The Commissioner of Elections and the Executive Secretary shall determine the procedure for furnishing such lists, which may be by electronic means.* The ~~Board~~ *Department* shall transmit the information from the list to the appropriate general registrars.

**§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.**

A. The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the *Department of Motor Vehicles* shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the ~~State Board~~ *Department of Elections* a complete list of all persons who have indicated a noncitizen status to the *Department of Motor Vehicles* in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The ~~Board~~ *Department of Elections* shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the ~~State Board~~ *Department of Elections* and general registrars.

C. For the purposes of this section, the *Department of Motor Vehicles* is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

**§ 24.2-411. Office of the general registrar.**

Each local governing body shall furnish the general registrar with a clearly marked and suitable office which shall be the principal office for voter registration. The office shall be owned or leased by the city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately furnished, and located within the city or within the county or a city in which the county courthouse is located. The governing body shall provide property damage liability and bodily injury liability coverage for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and office supplies. The telephone number shall be listed in the local telephone directory separately or under the local governmental listing under the designation "Voter Registration."

No private business enterprise shall be conducted in the general registrar's office.

The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. The specific days of normal service each week for general registrars shall be determined by the ~~State Board~~ *Commissioner of Elections*.

Additional hours, if any, that the general registrar's office is open for voter registration may be determined and set by the general registrar or the electoral board.

**§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of *Motor Vehicles* to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the ~~State Board~~ *Department of Elections* to the appropriate general registrar who shall send a ~~voter registration card as~~ confirmation *documents* of the transfer to the voter pursuant to § 24.2-424. The Department of *Motor Vehicles* and ~~State Board~~ *Department of Elections* shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the ~~State Board~~ *Department of Elections* not later than five business days after the date of receipt. The Department of *Motor Vehicles* and ~~State Board~~ *Department of Elections* shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The ~~State Board~~ *Department of Elections* shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall provide assistance as required in providing voter ~~registration~~ *photo identification* cards ~~containing the voter's photograph and signature~~ as provided in subdivision A 3 of § 24.2-404.

**§ 24.2-411.2. State-designated voter registration agencies.**

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (52 U.S.C. § 20501 et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;
2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;
3. Armed Forces recruitment offices; and
4. The regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Commissioner of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Commissioner of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

C. At each voter registration agency, the following services shall be made available on the premises of the agency:

1. Distribution of mail voter registration forms provided by the ~~State Board~~ Department of Elections;
2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and
3. Receipt of completed voter registration application forms.

D. A voter registration agency, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution with each application for its service or assistance, or upon admission to a facility or program, and with each recertification, readmission, renewal, or change of address form, of a voter registration application prescribed by the ~~State Board~~ Department of Elections that complies with the requirements of the National Voter Registration Act (52 U.S.C. § 20501 et seq.).

2. Provision, as part of the voter registration process, of a form that includes:

a. The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines to register to vote, or is already registered (failure to check any box being deemed to constitute a declination to register for purposes of subdivision 2 a), together with the statement (in close proximity to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

d. The statement: "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help or accept help is yours. You may fill out the application form in private."

e. The statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the ~~State Board~~ Department of Elections." The statement shall include the address and telephone number of the ~~State Board~~ Department.

f. The following statement accompanying the form which features prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

3. Provision to each applicant who does not decline to register to vote of the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.

E. If a voter registration agency designated under subsection A of this section provides services to a person with a disability at the person's home, the agency shall provide the voter registration services as provided for in this section.

F. A person who provides services at a designated voter registration agency shall not:

1. Seek to influence an applicant's political preference;

2. Display any material indicating the person's political preference or party allegiance;

3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

4. Disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the ~~State Board of Elections~~ Department. The ~~Board~~ Department shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the ~~State Board of Elections~~ Department not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the ~~State Board of Elections~~ Department.

#### **§ 24.2-413. Accessible registration locations.**

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ 24.2-411.1, 24.2-411.2 and subsection B of § 24.2-412 shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The ~~State Board~~ Department shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local electoral boards and general registrars to assist them in complying with the requirements of the Acts.

In the selection of additional registration sites as provided in § 24.2-412, consideration shall be given to accessibility so that a reasonable number of accessible sites are provided and the requirements of the above cited Acts are met.

#### **§ 24.2-416.2. Mail voter registration application forms.**

Notwithstanding the provisions of §§ 24.2-418 and 24.2-418.1, the national mail voter registration application form promulgated by the ~~Federal~~ *Election Assistance* Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the ~~Federal~~ *Election Assistance* Commission, the State Board of Elections shall design and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.

Each state form shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

**§ 24.2-416.3. Distribution of mail voter registration application forms.**

A. Subject to the conditions set forth in § 24.2-416.6, the ~~State Board~~ *Department* of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

B. The ~~State Board~~ *Department* shall provide a reasonable number of mail voter registration application forms to each agent of the Department of Game and Inland Fisheries authorized to sell hunting or fishing licenses in Virginia. The Department of Game and Inland Fisheries shall assist the ~~State Board~~ *Department* by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.

**§ 24.2-416.6. Registration by and instructions for voter registration drives.**

Whenever the ~~State Board~~ *Department of Elections*, local electoral board, or general registrar's office furnishes individuals or groups multiple copies of the voter registration application, it shall provide accompanying instructions that contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications that have been signed. Any like instructions furnished to the public by whatever means shall contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications. When obtaining 25 or more voter registration applications, such individuals or groups shall be required to register with and provide to the ~~State Board~~ *Department*, local electoral board, or general registrar's office such information as required by the ~~State Board~~ *Department*. Such individuals or agents representing a group shall be required to receive training as approved by the State Board and sign a sworn affidavit on a form prescribed by the State Board attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.

**§ 24.2-416.7. Application for voter registration by electronic means.**

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1. Provide the information as required under § 24.2-418;
2. Have a Virginia driver's license or special identification card issued by the Department of Motor Vehicles;
3. Provide a social security number and Department of Motor Vehicles customer identifier number that matches the applicant's record in the Department of Motor Vehicles records;
4. Attest to the truth of the information provided;
5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and
6. Affirmatively authorize the ~~State Board~~ *Department of Elections* and general registrar to use the applicant's signature obtained by the Department of Motor Vehicles for voter registration purposes.

D. In order for an individual to complete a transaction under this article, the general registrar shall verify that the Department of Motor Vehicles customer identifier number, date of birth, and social security number provided by the applicant match the information contained in the Department of Motor Vehicles records.

E. The Department of Motor Vehicles shall provide to the ~~State Board~~ *Department of Elections* a digital copy of the applicant's signature on record with the Department of Motor Vehicles.

F. The ~~State Board~~ *Department of Elections* shall transmit to the general registrar an applicant's completed voter registration application and digital signature not later than five business days after the date of receipt.

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

H. The ~~State Board~~ *Department of Elections* may use additional security measures *approved by the State Board* to ensure the accuracy and integrity of registration transactions performed under this article.

**§ 24.2-418. Application for registration.**

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions shall be guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General.

C. If the applicant formerly resided in another state, the portion of the application to register listing an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the general registrar for the city or county where the applicant resides, and the general registrar shall send the original or a copy to the appropriate voter registration official or other authority of another state where the applicant formerly resided.

**§ 24.2-418.1. Receipt for voter registration applicants.**

A. The state form for the application to register to vote shall contain a receipt that shall be given to the applicant upon his completion of the form. The receipt shall be completed by the person receiving the form from the applicant and shall include the following information: the name of the office, group, or person receiving the registration application; the date that the office, group, or person received the registration application from the applicant; and the phone number of the general registrar or the toll-free phone number of the ~~State Board~~ *Department of Elections* that the applicant may call to confirm his registration.

B. The requirement to complete the receipt as provided in subsection A shall not be applicable when a completed form is mailed directly to or completed in the office of a general registrar or the ~~State Board of Elections~~ *Department*.

**§ 24.2-420.1. Extended time for certain persons to register in person.**

A. Notwithstanding the provisions of § 24.2-416, the following persons shall be entitled to register in person up to and including the day of the election:

1. Any member of a uniformed service of the United States, as defined in ~~52 U.S.C. § 20310(7)~~ § 24.2-452, who is on active duty;

2. ~~Any member of the merchant marine of the United States;~~

~~3. Any person who resides temporarily outside of the United States; and~~

~~4. 3. Any spouse or dependent residing with a person listed in subdivision 1; or 2; or 3 of this subsection.~~

The provisions of this subsection shall apply only to those persons who are otherwise qualified to register and who, by reason of such active duty or temporary overseas residency, either (i) are normally absent from the city or county in which they reside or (ii) have been absent from such city or county and returned to reside there during the twenty-eight days immediately preceding the election.

B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of a uniformed service ~~of the United States as defined in § 24.2-452~~ and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent, shall be entitled to register, if otherwise qualified, in person up to and including the day of the election.

C. The ~~State Board~~ *Department* shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.

**§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.**

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter

registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) ~~issue send the voter a new voter registration card~~ *confirmation documents*. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter now resides. When forwarding said notice, or upon request from the registrar for the county or city where the voter now resides, the registrar for the county or city where the voter formerly resided shall forward the original application for registration to the registrar for the voter's new locality.

D. Upon receipt of the voter's original registration application, and notice as specified in subsection A of this section indicating the voter's current residence, the registrar for the county or city in which the voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into a precinct within that county or city, transfer the registration of the voter to that precinct; (iii) ~~issue send the voter a new voter registration card~~ *confirmation documents*; and (iv) through the Virginia voter registration system, notify the registrar of the locality where the voter formerly resided that the registration has been transferred. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

E. If the original registration application is no longer available to the registrar in the city or county where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or conversion card) used as the voter record upon the creation of the statewide voter registration system or (ii) a replacement record provided by the ~~State Board~~ *Department* to replace damaged files in the registrar's office. If no other record is available, then the registrar of the voter's former locality shall provide written notification to the registrar of the locality in which the voter now resides that none of the required documents are available. In this instance only, the registrar of the locality in which the voter now resides shall copy the voter's record from the Virginia voter registration system and use that record in lieu of the original voter registration application. Any complete voter registration application on a form previously authorized for use in Virginia shall be valid for the purposes of continuing or transferring a voter's registration within the Commonwealth.

**§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.**

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the ~~State Board~~ *Department of Elections* based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the ~~State Board~~ *Department of Elections* based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the ~~State Board~~ *Department of Elections* and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar

shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the ~~State Board's~~ *Department's* most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

**§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having moved; placement on inactive status for failure to respond to notice.**

A. The ~~State Board~~ *Department of Elections* shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.

B. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the ~~State Board of Elections~~ *Department* shall provide to the general registrar the information necessary to change the registration records to show the new address, and the ~~State Board of Elections~~ *Department* or the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.

C. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, the ~~State Board of Elections~~ *Department* or the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the ~~State Board~~ *Department*, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

D. The registered voter shall complete and sign the return card subject to felony penalties for making false statements pursuant to § 24.2-1016.

E. The general registrar shall correct his registration records from the information obtained from the return card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along with the return card, to the appropriate general registrar who shall treat the request for a change of address as a request for transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in subsection C of this section within thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the validity of the inactivation.

**§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration records; public inspection; exceptions.**

A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-3803, 2.2-3808, and 24.2-114. The ~~State Board~~ *Department* shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth, gender and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions, and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements. The ~~State Board~~ *Department* shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs

and activities conducted for the purpose of ensuring the accuracy and currency of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the ~~State Board~~ *Department* under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No voter registration records other than the lists provided by the ~~State Board~~ *Department* under subsection A and the records made available under subsection B shall be open to public inspection.

**§ 24.2-446. Reconstruction of destroyed registration records.**

Whenever the registration records of a county or city have been destroyed by fire or otherwise, the ~~State Board~~ *Department* shall provide substitute active registration records obtained from the Virginia voter registration system.

For active registration records not retrievable from the system, the general registrar shall give notice that he is reconstructing such records by posting the notice at ten places in the jurisdiction or publishing it once in a newspaper having general circulation in the jurisdiction.

In the reconstruction, the registrar shall place on the registration records the names of all voters known by him who have been previously registered, or who can show by evidence satisfactory to the registrar that their names were on the old records and who still reside in the county or city.

**§ 24.2-627. Electronic voting or counting machines; number required.**

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

In each precinct having not more than 750 registered voters, 1;

In each precinct having more than 750 but not more than 1,500 registered voters, 2;

In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. *However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.*

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines it determines is appropriate for each precinct, notwithstanding the provisions of subsections A and B.

D. For purposes of applying this section, an electoral board may exclude persons voting absentee in its calculations, and if it does so, the electoral board shall send to the ~~State Board~~ *Department* a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the local board to use more voting systems.

**§ 24.2-679. State Board to meet and make statement as to number of votes.**

A. The State Board shall meet on the ~~fourth~~ *third* Monday in November to ascertain the results of the November election. If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.

The Board shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.

The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination. The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.

B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in

subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.

**§ 24.2-802. Procedure for recount.**

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting and counting machines in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting and counting machines and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting and counting machines to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the *Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.*

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots, or in the case of direct recording electronic machines, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The ~~State Board~~ Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

**2. That the second enactment of Chapter 318 of the Acts of Assembly of 2007 is repealed.**

## CHAPTER 741

*An Act to amend and reenact §§ 15.2-5368, 15.2-5369, 15.2-5370, 15.2-5374, and 15.2-5385 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-5384.1, relating to the Southwest Virginia Health Authority.*

[H 2316]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-5368, 15.2-5369, 15.2-5370, 15.2-5374, and 15.2-5385 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-5384.1 as follows:**

**§ 15.2-5368. Southwest Virginia Health Authority established.**

A. There is hereby established a Health Authority for the LENOWISCO and Cumberland Plateau Planning District Commissions ~~and~~, the Counties of Smyth and Washington, *and the City of Bristol.*

*B. The General Assembly recognizes that rural communities such as those served by the Authority confront unique challenges in the effort to improve health care outcomes and access to quality health care. It is important to facilitate the provision of quality, cost-efficient medical care to rural patients. The provision of care by local providers is important to enhancing, fostering, and creating opportunities that advance health status and provide health-related economic benefits. The Authority shall establish regional health goals directed at improving access to care, advancing health status, targeting regional health issues, promoting technological advancement, ensuring accountability of the cost of care, enhancing academic engagement in regional health, strengthening the workforce for health-related careers, and improving health entity collaboration and regional integration where appropriate.*

*C. Technological and improved scientific methods have contributed to the improvement of health care in the Commonwealth. The cost of improved technology and improved scientific methods for the provision of hospital care, particularly in rural communities, contributes substantially to the increasing cost of hospital care. Cost increases make it increasingly difficult for hospitals in rural areas of the Commonwealth, including those areas served by the Authority, to offer care. Cooperative agreements among hospitals and between hospitals and others for the provision of health care services may foster improvements in the quality of health care, moderate increases in cost, improve access to needed services in rural areas of the Commonwealth, and enhance the likelihood that smaller hospitals in the Commonwealth will remain open in beneficial service to their communities.*

**§ 15.2-5369. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Authority" means any political subdivision, a body politic and corporate, created, organized, and operated pursuant to the provisions of this chapter or, if such Authority is abolished, the board, body, authority, department, or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Bond" includes any interest bearing obligation, including promissory notes.

"Commissioner" means the State Health Commissioner.

*"Cooperative agreement" means an agreement among two or more hospitals for the sharing, allocation, consolidation by merger or other combination of assets, or referral of patients, personnel, instructional programs, support services, and facilities or medical, diagnostic, or laboratory facilities or procedures or other services traditionally offered by hospitals.*

*"Hospital or health center" includes any health center and health provider under common ownership with the hospital and means any and all providers of dental ~~and~~, medical, and mental health services, including all related facilities and approaches thereto and appurtenances thereof. Dental ~~and~~, medical, and mental health facilities includes any and all facilities suitable for providing hospital, dental, ~~and~~ medical, and mental health care, including any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in lands, franchises, machinery, equipment, furnishing, landscaping, approaches, roadways, and other facilities necessary or desirable in connection therewith or incidental thereto (including, without limitation, hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, mental health facilities, wellness and health maintenance centers, medical office facilities, clinics, outpatient surgical centers, alcohol, substance abuse and drug treatment centers, dental care clinics, laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the handicapped or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability), together with all related and supporting facilities and equipment necessary and desirable in connection therewith or incidental thereto, or equipment alone, including, without limitation, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer and recreational facilities and equipment, storage space, mobile medical facilities, vehicles and other equipment necessary or desirable for the transportation of medical equipment or the transportation of patients. Dental ~~and~~, medical, and mental health facilities also includes facilities for graduate-level instruction in medicine or dentistry and clinics appurtenant thereto offering free or reduced rate dental ~~or~~ medical ~~service~~, or mental health services to the public.*

"Participating locality" means any county or city in the LENOWISCO or Cumberland Plateau Planning District Commissions *and the Counties of Smyth and Washington and the City of Bristol* with respect to which an authority may be organized and in which it is contemplated that the Authority will function.

**§ 15.2-5370. Directors; qualifications; terms; vacancies.**

The Authority shall be governed by a board of directors in which all powers of the Authority shall be vested. The Authority shall consist of members as follows:

The Executive Director for the Coalfield Economic Development Authority, or his designee;

The Chief Executive Officer of the Norton Community Hospital located in the City of Norton, Virginia, or his designee;

One representative from the Lonesome Pine Hospital;

The Chief Executive Officer of the Virginia Community Healthcare Association, or his designee;

The Chief Executive Officer of the Russell County Medical Center, or his designee;

*The Chief Executive Officer of the Clinch Valley Medical Center, or his designee;*

The District Health Director for the Cumberland Health District, or his designee;

The District Health Director for the LENOWISCO Health District, or his designee;

The Dean of the University of Virginia School of Medicine, or his designee;

The Dean of the School of Dentistry at the Medical College of Virginia of Virginia Commonwealth University, or his designee;

The Dean of the Lincoln Memorial University-DeBusk College of Osteopathic Medicine, or his designee;

The Chancellor of the University of Virginia's College at Wise, or his designee;

The President of the East Tennessee State University Quillen College of Medicine, or his designee;

The President of Frontier Health, or his designee;

The President of the University of Appalachia College of Pharmacy, or his designee;

The President of the Edward Via Virginia College of Osteopathic Medicine, or his designee;

The Chairman of the Board of the Southwest Virginia Graduate Medical Education Consortium, or his designee;

Two members of the Senate to be appointed by the Senate Committee on Rules;

Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

One member for each participating locality, provided that each such member shall be appointed initially as follows: the representatives of Buchanan and Dickenson Counties being appointed for one-year terms; the representatives of Lee County and the City of Norton being appointed for two-year terms; the representatives of Russell and Scott Counties being appointed for three-year terms; and the representatives of Tazewell and Wise Counties being appointed for four-year terms. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies shall be for the unexpired terms. In addition, representatives may be selected from the Counties of Smyth and Washington *and the City of Bristol* and shall serve initial terms as determined by the board of directors. All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter in accordance with the provisions of ~~the preceding sentence~~ *this paragraph*. If, at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

The directors shall elect from their membership a chairman and a vice-chairman and from their membership or not, as they desire, a secretary and a treasurer or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected.

**§ 15.2-5374. Powers of Authority.**

The Authority shall have all powers necessary or convenient to carry out the general purposes of this chapter, including the power to:

1. Sue and be sued; adopt a seal and alter the same at pleasure; have perpetual succession; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

2. Employ such technical experts and such other officers, agents, and employees as it may require, to fix their qualifications, duties, and compensation, and to remove such employees at pleasure.

3. Acquire within the territorial limits of the participating localities embraced by it, by purchase, lease, gift, or otherwise, whatever lands, buildings, and structures as may be reasonably necessary for the purpose of establishing, constructing, enlarging, maintaining, and operating one or more hospitals or health centers.

4. Sell, lease, exchange, transfer, or assign any of its real or personal property or any portion thereof or interest therein to any person, firm, or corporation whenever the Authority finds such action to be in furtherance of the purposes for which the Authority was created.

5. Acquire, establish, construct, enlarge, improve, maintain, equip, and operate any hospital or health center and any other facility and service for the care and treatment of sick persons.

6. Make and enforce rules and regulations for the management and conduct of its business and affairs and for the use, maintenance and operation of its facilities and properties.

7. Accept gifts and grants, including real or personal property, from the Commonwealth or any political subdivision thereof and from the United States and any of its agencies; and accept donations of money, personal property, or real estate and take title thereto from any person.

8. Make rules and regulations governing the admission, care, and treatment of patients in such hospital or health center, classify patients as to charges to be paid by them, if any, and determine the nature and extent of the service to be rendered patients.

9. Comply with the provisions of the laws of the United States and the Commonwealth and any rules and regulations made thereunder for the expenditures of federal or state money in connection with hospitals or health centers and to accept, receive, and receipt for federal and state money granted the Authority or granted any of the participating localities embraced by it for hospital or health center purposes.

10. Borrow money upon its bonds, notes, debentures, or other evidences of indebtedness issued for the purpose only of acquiring, constructing, improving, furnishing, or equipping buildings or structures for use as a hospital or health center, and to secure the same by pledges of its revenues and property as hereafter provided. This power shall include the power to refinance all or any portion of such debt, to renegotiate the terms of all or any portion of such debt, and to retire all or any portion of such debt prior to its maturity date. This power shall include the power to borrow money upon its bonds, notes, debentures, or other evidences of indebtedness for the purpose of operations of any not-for-profit or nonprofit dental or medical facility for which the Authority or any participating locality has also provided funding pursuant to this chapter in furtherance of any lease, contract, or agreement entered into by the Authority pursuant to subdivision 12 or 13. Such power to borrow money upon its bonds, notes, debentures, or other evidences of indebtedness shall only be considered by the Authority after receipt of a prospectus, operational budget, and five-year business plan for the dental or medical facility together with identification of all revenue and funding resources required to fully meet the five-year operational budget. Upon receipt, the Authority shall make the prospectus, operational budget, and business plan available to the public and enable the public to respond in a public hearing prior to approval being taken up for consideration. In addition, the prospectus, operational budget, and business plan shall be reviewed by the State Council of Higher Education for Virginia prior to approval by the Authority. Thereafter, the Council shall review the operations of the Authority prior to the exercise of bond authority pursuant to this subdivision. The Council shall report its findings to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance.

11. Execute all instruments necessary or convenient in connection with the borrowing of money and issuing bonds as herein authorized.

12. Enter into leases and agreements with persons for the construction or operation or both of a hospital or health center by such persons on land of the Authority.

13. Contract for the management and operation of any hospital or health center subject to the control of the Authority; however, the Authority may charge such rates for service as will enable it to make reasonable compensation for such management and operation.

14. Assist in or provide for the creation of domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations or other entities and to purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of shares of or other interests in or obligations of any domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations, joint ventures, or other entities organized for any purpose, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any other obligations of any domestic or foreign stock or nonstock corporation, limited liability company, partnership, limited partnership, association, foundation, or other supporting organization, joint venture or other entity organized for any purpose or any individual. The investments of any entity wholly owned or controlled by the Authority that is an "institution," as such term is defined in § 64.2-1100 shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

15. Participate in joint ventures with individuals, domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations or other entities for providing medical care or related services or other activities that the Authority may undertake to the extent that such undertakings assist the Authority in carrying out the purposes and intent of this chapter.

16. Provide domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations or other supporting organizations, joint ventures or other entities owned in whole or in part or controlled, directly or indirectly, in whole or in part, by the Authority with appropriate assistance, including making loans and providing time of employees, in carrying out any activities authorized by this chapter.

17. Make loans and provide other assistance to domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations or other supporting organizations, joint ventures, or other entities.

18. Transact its business, locate its offices and control, directly or through domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations or other supporting organizations, joint ventures, or other entities, facilities that will assist or aid the Authority in carrying out the purposes and intent of this chapter.

19. Procure such insurance, participate in such insurance plans, or provide such self-insurance, or any combination thereof, as it deems necessary or convenient to carry out the purposes and provisions of this chapter. The purchase of insurance, participation in an insurance plan, or creation of a self-insurance plan by the Authority shall not be deemed a

waiver or relinquishment of any sovereign immunity to which the Authority or its members, officers, directors, employees, or agents are otherwise entitled.

20. Exercise all other powers granted to nonstock corporations pursuant to § 13.1-826.

21. *Receive and review applications for approval of proposed cooperative agreements submitted by two or more hospitals pursuant to § 15.2-5384.1, and provide recommendations to the Commissioner regarding the approval of such applications. The Authority may establish a fee structure, and may assess a fee, to support its review of applications for approval of proposed cooperative agreements. The amount of the fee that the Authority is authorized to assess the parties submitting such an application shall not exceed \$50,000.*

**§ 15.2-5384.1. Review of cooperative agreements.**

A. *The policy of the Commonwealth related to each participating locality is to encourage cooperative, collaborative, and integrative arrangements, including mergers and acquisitions among hospitals, health centers, or health providers who might otherwise be competitors. To the extent such cooperative agreements, or the planning and negotiations that precede such cooperative agreements, might be anticompetitive within the meaning and intent of state and federal antitrust laws, the intent of the Commonwealth with respect to each participating locality is to supplant competition with a regulatory program to permit cooperative agreements that are beneficial to citizens served by the Authority, and to invest in the Commissioner the authority to approve cooperative agreements recommended by the Authority and the duty of active supervision to ensure compliance with the provisions of the cooperative agreements that have been approved. Such intent is within the public policy of the Commonwealth to facilitate the provision of quality, cost-efficient medical care to rural patients.*

B. *A hospital may negotiate and enter into proposed cooperative agreements with other hospitals in the Commonwealth if the likely benefits resulting from the proposed cooperative agreements outweigh any disadvantages attributable to a reduction in competition that may result from the proposed cooperative agreements. Benefits to such a cooperative agreement may include, but are not limited to, improving access to care, advancing health status, targeting regional health issues, promoting technological advancement, ensuring accountability of the cost of care, enhancing academic engagement in regional health, strengthening the workforce for health-related careers, and improving health entity collaboration and regional integration where appropriate.*

C. 1. *Parties located within any participating locality may submit an application for approval of a proposed cooperative agreement to the Authority. In such an application, the applicants shall state in detail the nature of the proposed arrangement between them, including without limitation the parties' goals for, and methods for achieving, population health improvement, improved access to health care services, improved quality, cost efficiencies, ensuring affordability of care, and, as applicable, supporting the Authority's goals and strategic mission. The Authority shall determine whether the application is complete. If the Authority determines that the application is not complete, the Authority shall notify the applicants in writing of the additional items required to complete the application. A copy of the complete application shall be provided to the Commissioner and the Office of the Attorney General at the same time that it is submitted to the Authority. If the applicants believe the materials submitted contain proprietary information that are required to remain confidential, such information must be clearly identified and the applicants shall submit duplicate applications, one with full information for the Authority's use and one redacted application available for release to the public.*

2. *The Authority, promptly upon receipt of a complete application, shall publish notification of the application in a newspaper of general circulation in the LENOWISCO and Cumberland Plateau Planning Districts and on the Authority's website. The public may submit written comments regarding the application to the Authority within 20 days after the notice is first published. The Authority shall promptly make any such comments available to the applicants. The applicants may respond in writing to the comments within 10 days after the deadline for submitting comments. Following the close of the written comment period, the Authority shall, in conjunction with the Commissioner, schedule a public hearing on the application. The hearing shall be held no later than 45 days after receipt of the application. Notice of the hearing shall be mailed to the applicants and to all persons who have submitted written comments on the proposed cooperative agreement. The Authority, no later than 15 days prior to the scheduled date of the hearing, also shall publish notice of the hearing in a newspaper of general circulation in the LENOWISCO and Cumberland Plateau Planning Districts and on the Authority's website.*

D. *In its review of an application submitted pursuant to subsection C, the Authority may consider the proposed cooperative agreement and any supporting documents submitted by the applicants, any written comments submitted by any person, any written response by the applicants, and any written or oral comments submitted at the public hearing. The Authority shall review a proposed cooperative agreement in consideration of the Commonwealth's policy to facilitate improvements in patient health care outcomes and access to quality health care, and population health improvement, in rural communities and in accordance with the standards set forth in subsection E. Any applicants to the proposed cooperative agreement under review, and their affiliates or employees, who are members of the Authority, as well as any members of the Authority that are competitors, or affiliates or employees of competitors, of the applicants proposing such cooperative agreement, shall not participate as a member of the Authority in the Authority's review of, or decision relating to, the proposed cooperative agreement; however, this prohibition on such person's participation shall not prohibit the person from providing comment on a proposed cooperative agreement to the Authority or the Commissioner. The Authority shall determine whether the proposed cooperative agreement should be recommended for approval by the Commissioner within 75 days of the date the completed application for the proposed cooperative agreement is submitted for approval. The Authority may extend the review period for a specified period of time upon 15 days' notice to the parties.*

E. 1. The Authority shall recommend for approval by the Commissioner a proposed cooperative agreement if it determines that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement.

2. In evaluating the potential benefits of a proposed cooperative agreement, the Authority shall consider whether one or more of the following benefits may result from the proposed cooperative agreement:

- a. Enhancement of the quality of hospital and hospital-related care, including mental health services and treatment of substance abuse, provided to citizens served by the Authority, resulting in improved patient satisfaction;
- b. Enhancement of population health status consistent with the regional health goals established by the Authority;
- c. Preservation of hospital facilities in geographical proximity to the communities traditionally served by those facilities to ensure access to care;
- d. Gains in the cost-efficiency of services provided by the hospitals involved;
- e. Improvements in the utilization of hospital resources and equipment;
- f. Avoidance of duplication of hospital resources;
- g. Participation in the state Medicaid program; and
- h. Total cost of care.

3. The Authority's evaluation of any disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement shall include, but need not be limited to, the following factors:

- a. The extent of any likely adverse impact of the proposed cooperative agreement on the ability of health maintenance organizations, preferred provider organizations, managed health care organizations, or other health care payors to negotiate reasonable payment and service arrangements with hospitals, physicians, allied health care professionals, or other health care providers;
- b. The extent of any reduction in competition among physicians, allied health professionals, other health care providers, or other persons furnishing goods or services to, or in competition with, hospitals that is likely to result directly or indirectly from the proposed cooperative agreement;
- c. The extent of any likely adverse impact on patients in the quality, availability, and price of health care services; and
- d. The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits over disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement.

F. 1. If the Authority deems that the proposed cooperative agreement should be recommended for approval, it shall provide such recommendation to the Commissioner.

2. Upon receipt of the Authority's recommendation, the Commissioner may request from the applicants such supplemental information as the Commissioner deems necessary to the assessment of whether to approve the proposed cooperative agreement. The Commissioner shall consult with the Attorney General regarding his assessment of whether to approve the proposed cooperative agreement. On the basis of his review of the record developed by the Authority, including the Authority's recommendation, as well as any additional information received from the applicants as well as any other data, information, or advice available to the Commissioner, the Commissioner shall approve the proposed cooperative agreement if he finds after considering the factors in subsection E that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement. The Commissioner shall issue his decision in writing within 45 days of receipt of the Authority's recommendation. However, if the Commissioner has requested additional information from the applicants, the Commissioner shall have an additional 15 days, following receipt of the supplemental information, to approve or deny the proposed cooperative agreement. The Commissioner may reasonably condition approval of the proposed cooperative agreement upon the parties' commitments to achieving the improvements in population health, access to health care services, quality, and cost efficiencies identified by the parties in support of their application for approval of the proposed cooperative agreement. Such conditions shall be fully enforceable by the Commissioner. The Commissioner's decision to approve or deny an application shall constitute a case decision pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

G. If approved, the cooperative agreement is entrusted to the Commissioner for active and continuing supervision to ensure compliance with the provisions of the cooperative agreement. The parties to a cooperative agreement that has been approved by the Commissioner shall report annually to the Commissioner on the extent of the benefits realized and compliance with other terms and conditions of the approval. The report shall describe the activities conducted pursuant to the cooperative agreement, including any actions taken in furtherance of commitments made by the parties or terms imposed by the Commissioner as a condition for approval of the cooperative agreement, and shall include information relating to price, cost, quality, access to care, and population health improvement. The Commissioner may require the parties to a cooperative agreement to supplement such report with additional information to the extent necessary to the Commissioner's active and continuing supervision to ensure compliance with the cooperative agreement. The Commissioner shall have the authority to investigate as needed, including the authority to conduct onsite inspections, to ensure compliance with the cooperative agreement.

H. If the Commissioner has reason to believe that compliance with a cooperative agreement no longer meets the requirements of this chapter, the Commissioner shall initiate a proceeding to determine whether compliance with the cooperative agreement no longer meets the requirements of this chapter. In the course of such proceeding, the

*Commissioner is authorized to seek reasonable modifications to a cooperative agreement, with the consent of the parties to the agreement, in order to ensure that it continues to meet the requirements of this chapter. The Commissioner is authorized to revoke a cooperative agreement upon a finding that (i) the parties to the agreement are not complying with its terms or the conditions of approval; (ii) the agreement is not in substantial compliance with the terms of the application or the conditions of approval; (iii) the benefits resulting from the approved agreement no longer outweigh the disadvantages attributable to the reduction in competition resulting from the agreement; (iv) the Commissioner's approval was obtained as a result of intentional material misrepresentation to the Commissioner or as the result of coercion, threats, or intimidation toward any party to the cooperative agreement; or (v) the parties to the agreement have failed to pay any required fee. All proceedings initiated by the Commissioner under this chapter and any judicial review thereof shall be held in accordance with and governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq.).*

*I. The Commissioner shall maintain on file all cooperative agreements that the Commissioner has approved, including any conditions imposed by the Commissioner. Any party to a cooperative agreement that terminates its participation in such cooperative agreement shall file a notice of termination with the Commissioner within 30 days after termination.*

*J. The Commissioner shall be entitled to reimbursement from the parties seeking approval of a cooperative agreement for all reasonable and actual costs, not to exceed \$75,000, incurred by the Commissioner in his review and approval of any cooperative agreement approved pursuant to this chapter. In addition, the Commissioner may assess an annual fee, in an amount established by regulation promulgated by the State Board of Health that does not exceed \$75,000, for the supervision of any cooperative agreement approved pursuant to this chapter and to support the implementation and administration of the provisions of this chapter.*

**§ 15.2-5385. Chapter supplemental; application of other laws; consent of local governing bodies or other agencies not required.**

The provisions of this chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized herein and shall be regarded as supplemental and additional to powers conferred by other laws; the issuance of revenue bonds and revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other laws applicable to the issuance of bonds. *Activities conducted pursuant to cooperative agreements approved and supervised by the Commissioner are immunized from challenge or scrutiny under the Commonwealth's antitrust laws. It is the intention of the General Assembly that this chapter shall also immunize cooperative agreements approved and supervised by the Commissioner from challenge or scrutiny under federal antitrust law.* Except as otherwise expressly provided in this chapter, none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of any locality or any authority, board, bureau, or agency of any of the foregoing. *Nothing in this chapter shall affect the authority of the Attorney General to conduct appropriate reviews under §§ 55-531 and 55-532.*

**2. That the State Board of Health shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. The regulations shall address, at a minimum, (i) the review of applications for proposed collaborative agreements; (ii) the process by which applications for proposed collaborative agreements shall be approved or denied; (iii) post-approval monitoring; and (iv) a schedule establishing the amount of the annual fee, not to exceed \$75,000 per cooperative agreement, that the State Health Commissioner is authorized to assess the parties to a cooperative agreement pursuant to subsection J of § 15.2-5384.1 of the Code of Virginia as added by this act for the supervision of any approved cooperative agreement and to support the implementation and administration of the provisions of this act. Applicants that submit an application for approval of a cooperative agreement prior to finalization of such regulations shall be entitled to a review and decision on their application pursuant to the provisions and procedures set forth in subsections B through F of § 15.2-5384.1 of the Code of Virginia as added by this act. If a cooperative agreement has been approved prior to finalization of such regulations, the Commissioner shall actively supervise the parties to the cooperative agreement until such regulations become effective by undertaking such review and investigation as is reasonably necessary. Such active supervision shall ensure that the parties acting pursuant to the cooperative agreement act in accordance with the Commonwealth's policies as elaborated in this act.**

**3. That the Southwest Virginia Health Authority shall submit the regional health goals that it is required to establish pursuant to subsection B of § 15.2-5368 of the Code of Virginia as added by this act to the State Health Commissioner at least 30 days prior to the Authority's submission to the State Health Commissioner of any recommendation concerning a proposed collaborative agreement.**

## CHAPTER 742

*An Act to direct the Commissioner of Behavioral Health and Developmental Services to develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals for involuntary civil admission.*

[H 2368]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Commissioner of Behavioral Health and Developmental Services (the Commissioner) shall, in conjunction with relevant stakeholders including the Virginia Association of Community Services Boards, the National Alliance on Mental Illness - Virginia, the Psychiatric Society of Virginia, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Academy of Clinical Psychologists, the Medical Society of Virginia, and the University of Virginia Institute for Law, Psychiatry, and Public Policy, review the current practice of conducting emergency evaluations for individuals subject to involuntary civil admission. Such review shall identify community services boards and catchment areas where significant delays in responding to emergency evaluations are occurring or have occurred in recent years. Further, the Commissioner shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals for involuntary civil admission where appropriate to expedite emergency evaluations. The review and comprehensive plan including recommendations shall be completed by November 15, 2015, and reported to the Governor and the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health.*

**CHAPTER 743**

*An Act to allocate funding for certain Veterans Care Center projects.*

[S 675]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *In order to expedite the completion of certain Veterans Care Center projects, \$66.7 million in Virginia Public Building Authority Bonds authorized in Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I, shall be made available as a priority for the Hampton Roads Veterans Care Center project or the Northern Virginia Veterans Care Center project set forth in paragraph B of such Item. Bond proceeds may be used for, but are not limited to, the design, environmental assessments, and construction of one or both Veterans Care Centers. Prior to allocating bond proceeds to a project or projects, the Department of Veterans Services shall provide a plan of action to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and the Secretaries of Veterans and Defense Affairs and Finance. The Director of the Department of Planning and Budget shall allocate bond proceeds up to the amounts provided above, and the same shall be appropriated, to the Department of Veterans Services so that the project or projects may proceed without further action by the Commonwealth, in accordance with 38 C.F.R. § 59.50 and 38 C.F.R. § 59.70(b).*

§ 2. *In addition to such priority allocation of bonds under § 1, the General Assembly hereby appropriates nongeneral funds in an amount equal to any federal grant funds to the Department of Veterans Services for the Veterans Care Center projects described in § 1.*

§ 3. *Each Veterans Care Center project is authorized up to a 230-bed facility.*

**CHAPTER 744**

*An Act to allocate funding for certain Veterans Care Center projects.*

[S 676]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *In order to expedite the completion of certain Veterans Care Center projects, \$66.7 million in Virginia Public Building Authority Bonds authorized in Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I, shall be made available as a priority for the Hampton Roads Veterans Care Center project or the Northern Virginia Veterans Care Center project set forth in paragraph B of such Item. Bond proceeds may be used for, but are not limited to, the design, environmental assessments, and construction of one or both Veterans Care Centers. Prior to allocating bond proceeds to a project or projects, the Department of Veterans Services shall provide a plan of action to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and the Secretaries of Veterans and Defense Affairs and Finance. The Director of the Department of Planning and Budget shall allocate bond proceeds up to the amounts provided above, and the same shall be appropriated, to the Department of Veterans Services so that the project or projects may proceed without further action by the Commonwealth, in accordance with 38 C.F.R. § 59.50 and 38 C.F.R. § 59.70(b).*

§ 2. *In addition to such priority allocation of bonds under § 1, the General Assembly hereby appropriates nongeneral funds in an amount equal to any federal grant funds to the Department of Veterans Services for the Veterans Care Center projects described in § 1.*

§ 3. *Each Veterans Care Center project is authorized up to a 230-bed facility.*

## CHAPTER 745

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17, relating to institutions of higher education; reporting of acts of sexual violence; memoranda of understanding; policy review.

[S 712]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15, 23-9.2:16, and 23-9.2:17 as follows:**

**§ 23-9.2:15. Reporting of acts of sexual violence.**

A. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

"Responsible employee" means a person employed by a public institution of higher education or private nonprofit institution of higher education who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate institution designee, or whom a student could reasonably believe has this authority or duty.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

"Title IX coordinator" means an employee designated by a public institution of higher education or private nonprofit institution of higher education to coordinate the institution's efforts to comply with and carry out the institution's responsibilities under Title IX (20 U.S.C. § 1681 *et seq.*). If no such employee has been designated by the institution, the institution shall designate an employee who will be responsible for receiving information of alleged acts of sexual violence from responsible employees in accordance with subsection B.

B. Any responsible employee who in the course of his employment obtains information that an act of sexual violence may have been committed against a student attending the institution or may have occurred on campus, in or on a noncampus building or property, or on public property shall report such information to the Title IX coordinator as soon as practicable after addressing the immediate needs of the victim.

C. Upon receipt of information pursuant to subsection B, the Title IX coordinator or his designee shall promptly report the information, including any personally identifiable information, to a review committee established pursuant to subsection D. Nothing in this section shall prevent the Title IX coordinator or any other responsible employee from providing any information to law enforcement with the consent of the victim.

D. Each public institution of higher education or private nonprofit institution of higher education shall establish a review committee for the purposes of reviewing information related to acts of sexual violence, including information reported pursuant to subsection C. Such review committee shall consist of three or more persons and shall include the Title IX coordinator or his designee, a representative of law enforcement, and a student affairs representative. If the institution has established a campus police department pursuant to Chapter 17 (§ 23-232 *et seq.*) of this title, the representative of law enforcement shall be a member of such department, otherwise the representative of law enforcement shall be a representative of campus security. The review committee may be the threat assessment team established under § 23-9.2:10 or a separate body. The review committee may obtain law-enforcement records, criminal history record information as provided in §§ 19.2-389 and 19.2-389.1, health records as provided in § 32.1-127.1:03, available institutional conduct or personnel records, and known facts and circumstances of the information reported pursuant to subsection C or information or evidence known to the institution or to law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to § 23-9.2:10 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act (§ 2.2-3700 *et seq.*). The review committee shall conduct its review in compliance with federal privacy law.

E. Upon receipt of information of an alleged act of sexual violence reported pursuant to subsection C, the review committee shall meet within 72 hours to review the information and shall meet again as necessary as new information becomes available.

F. If, based on consideration of all factors, the review committee, or if the committee cannot reach a consensus, the representative of law enforcement on the review committee, determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the student or other individuals as set forth in 34 C.F.R. § 99.36, the representative of law enforcement on the review committee shall immediately disclose such information to the law-enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX coordinator or his designee shall notify the victim that such disclosure is being made. The provisions of this subsection shall not apply if the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States.

G. In cases in which the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, the representative of law enforcement on the review committee shall inform the other members of the review committee and shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F. In addition, if such consultation does not occur and any other member of the review committee individually concludes that the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, that member shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F.

H. At the conclusion of the review, the Title IX coordinator and the law-enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review team's considerations, which shall be maintained under applicable state and federal law.

I. No responsible employee shall be required to make a report pursuant to subsection B if:

1. The responsible employee obtained the information through any communication considered privileged under state or federal law or the responsible employee obtained the information in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, a campus victim support personnel, a member of clergy, or an attorney; or

2. The responsible employee has actual knowledge that the same matter has already been reported to the Title IX coordinator or to the attorney for the Commonwealth or the law-enforcement agency responsible for investigating the alleged act of sexual violence.

J. Any responsible employee who makes a report required by this section or testifies in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

K. The provisions of this section shall not require a person who is the victim of an alleged act of sexual violence to report such violation.

L. The institution shall ensure that a victim of an alleged act of sexual violence is informed of (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the institution's policies; (v) the victim's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a victim; (vii) the available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services; and (viii) the importance of seeking appropriate medical attention.

**§ 23-9.2:16. Sexual assault; memorandum of understanding; policies.**

A. Each public institution of higher education or private nonprofit institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each community college to establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education or private nonprofit institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

**§ 23-9.2:17. Sexual violence policy review.**

By October 31 of each year, each public institution of higher education or private nonprofit institution of higher education and the State Board for Community Colleges shall certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy and updated it as appropriate. The State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The

State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each institution and the Virginia Community College System by November 30 of each year.

**2. That the Department of Criminal Justice Services shall monitor the impact of the provisions of this act on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016.**

### CHAPTER 746

*An Act to amend and reenact §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia, relating to direct access to physical therapy.*

[S 776]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-3482. Practice of physical therapy; certain experience and referrals required; physical therapist assistants.**

A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician, except as provided in this section.

B. A physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization pursuant to § 54.1-3482.1 may evaluate and treat a patient for no more than ~~14~~ 30 consecutive business days after an initial evaluation without a referral under the following conditions: (i) the patient is not receiving care from any licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation at the time of the presentation to the physical therapist for physical therapy services or (ii) the patient at the time of presentation to a physical therapist for physical therapy services is not being currently cared for, as attested to in writing by the patient, by is receiving care from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation; (ii) the patient identifies a practitioner from whom the patient intends to seek treatment if the condition for which he is seeking treatment does not improve after evaluation and treatment by the physical therapist during the 14-day period of treatment; (iii) from whom he is currently receiving care; (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and ~~(iv)~~ (c) the physical therapist notifies the practitioner identified by the patient no later than ~~three~~ 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. Evaluation and treatment may not be initiated by a physical therapist if the patient does not identify a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician to manage the patient's condition. Treatment for more than ~~14~~ 30 consecutive business days after evaluation of such patient shall only be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner as authorized practicing in accordance with his practice protocol agreement, or a licensed physician assistant acting under the supervision of a licensed physician. A physical therapist may contact the practitioner identified by the patient at the end of the ~~14-day~~ 30-day period to determine if the practitioner will authorize additional physical therapy services until such time as the patient can be seen by the practitioner. A physical therapist shall not perform an initial evaluation of a patient under this subsection if the physical therapist has performed an initial evaluation of the patient under this subsection for the same condition within the immediately preceding ~~three months~~ 60 days. For the purposes of this subsection, business days means Monday through Friday of each week excluding state holidays.

C. After completing a three-year period of active practice upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician, a physical therapist who has not completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has not obtained a certificate of authorization pursuant to § 54.1-3482.1 may conduct a one-time evaluation; that does not include treatment; of a patient who does not meet the conditions established in (i) through (iv) of

~~subsection B~~ without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, a licensed nurse practitioner ~~as authorized practicing in accordance with his practice protocol agreement,~~ or a licensed physician assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall immediately refer such patient to the appropriate practitioner.

D. Invasive procedures within the scope of practice of physical therapy shall at all times be performed only under the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, a licensed nurse practitioner ~~as authorized practicing in accordance with his practice protocol agreement,~~ or a licensed physician assistant acting under the supervision of a licensed physician.

E. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse practitioner ~~as authorized practicing in accordance with his practice protocol,~~ whose agreement when such patient's medical condition is determined, at the time of evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that the patient's medical condition is beyond the scope of practice of a physical therapist, a physical therapist shall immediately refer such patient to an appropriate practitioner.

F. Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist.

G. However, a licensed physical therapist may provide, without referral or supervision, physical therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such student is at such activity in a public, private, or religious elementary, middle or high school, or public or private institution of higher education when such services are rendered by a licensed physical therapist who is certified as an athletic trainer by the National Athletic Trainers' Association Board of Certification or as a sports certified specialist by the American Board of Physical Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics; (iii) special education students who, by virtue of their individualized education plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion and education; and (vi) the public for the purpose of prevention of impairments, functional limitations, and disabilities.

**§ 54.1-3482.1. Certain certification required.**

A. The Board shall promulgate regulations establishing criteria for certification of physical therapists to provide certain physical therapy services pursuant to subsection B of § 54.1-3482; without referral from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, a licensed nurse practitioner ~~as authorized practicing in accordance with his practice protocol agreement,~~ or a licensed physician assistant acting under the supervision of a licensed physician. The regulations shall include but not be limited to provisions for (i) the promotion of patient safety; (ii) an application process for *a one-time* certification to perform such procedures; *and* (iii) minimum education, training, and experience requirements for certification to perform such procedures; ~~and (iv) continuing education requirements relating to carrying out direct access duties under § 54.1-3482.~~

B. The minimum education, training, and experience requirements for certification shall include evidence that the applicant has successfully completed (i) ~~a doctor of physical therapy program approved by the American Physical Therapy Association;~~ (ii) a transitional program in physical therapy as recognized by the Board; or (iii) (ii) at least three years of active practice with evidence of continuing education relating to carrying out direct access duties under § 54.1-3482.

~~C. In promulgating minimum education, training, and experience criteria, the Board shall consult with an advisory committee comprised of three members selected by the Medical Society of Virginia and three members selected by the Virginia Physical Therapy Association. All members of the advisory committee shall be licensed by the Board of Physical Therapy or the Board of Medicine and shall engage in clinical practice. The committee shall have a duty to act collaboratively and in good faith to recommend the education, training, and experience necessary to promote patient safety. The advisory committee shall prepare a written report of its recommendations and shall submit this report to the Board of Physical Therapy and shall also submit its recommendations to the Board of Medicine for such comments as may be deemed appropriate, prior to the promulgation of draft regulations. The advisory committee may meet periodically to advise the Board on the regulation of such procedures.~~

~~D. In promulgating the regulations required by this section, the Board shall take due consideration of the education, training, and experience requirements adopted by the American Physical Therapy Association and the American Medical Association.~~

**CHAPTER 747**

*An Act to amend the Code of Virginia by adding a section numbered 44-120.2, relating to the Commonwealth's Twenty marksmanship award.*

[S 848]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 44-120.2 as follows:**

**§ 44-120.2. Commonwealth's Twenty marksmanship award.**

*There is hereby established the Commonwealth's Twenty marksmanship award to recognize the top 20 competitors in each of the rifle and pistol Excellence-in-Competition matches at the annual Virginia State Championships conducted by the Virginia Shooting Sports Association (the Association). The award shall be administered by the Association and shall consist of (i) an enamel metal tab pin with gray background and white lettering, similar in style, shape, and size to the "President's Hundred" pin awarded by the United States Army; (ii) a fabric patch with hook and loop backing with a green background and black letters, similar in style, shape, and size to the "President's Hundred" patch awarded by the United States Army; and (iii) a certificate.*

**CHAPTER 748**

*An Act to amend and reenact § 43-3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 11-4.1:1, relating to mechanics' liens; subcontractor's waiver of lien rights.*

[S 891]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 43-3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 11-4.1:1 as follows:**

**§ 11-4.1:1. Waiver of payment bond claims and contract claims; construction contracts.**

*A subcontractor as defined in § 43-1, lower-tier subcontractor, or material supplier may not waive or diminish his right to assert payment bond claims or his right to assert claims for demonstrated additional costs in a contract in advance of furnishing any labor, services, or materials. A provision that waives or diminishes a subcontractor's, lower-tier subcontractor's, or material supplier's right to assert payment bond claims or his right to assert claims for demonstrated additional costs in a contract executed prior to providing any labor, services, or materials is null and void.*

**§ 43-3. Lien for work done and materials furnished; waiver of right to file or enforce lien.**

A. All persons performing labor or furnishing materials of the value of \$150 or more, including the reasonable rental or use value of equipment, for the construction, removal, repair or improvement of any building or structure permanently annexed to the freehold, and all persons performing any labor or furnishing materials of like value for the construction of any railroad, shall have a lien, if perfected as hereinafter provided, upon such building or structure, and so much land therewith as shall be necessary for the convenient use and enjoyment thereof, and upon such railroad and franchises for the work done and materials furnished, subject to the provisions of § 43-20. But when the claim is for repairs or improvements to existing structures only, no lien shall attach to the property repaired or improved unless such repairs or improvements were ordered or authorized by the owner, or his agent.

If the building or structure being constructed, removed or repaired is part of a condominium as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38), any person providing labor or furnishing material to one or more units or limited common elements within the condominium pursuant to a single contract may perfect a single lien encumbering the one or more units which are the subject of the contract or to which those limited common elements pertain, and for which payment has not been made. All persons providing labor or furnishing materials for the common elements pertaining to all the units may perfect a single lien encumbering all such condominium units. Whenever a lien has been or may be perfected encumbering two or more units, the proportionate amount of the indebtedness attributable to each unit shall be the ratio that the percentage liability for common expenses appertaining to that unit computed pursuant to subsection D of § 55-79.83 bears to the total percentage liabilities for all units which are encumbered by the lien. The lien claimant shall release from a perfected lien an encumbered unit upon request of the unit owner as provided in subsection B of § 55-79.46 upon receipt of payment equal to that portion of the indebtedness evidenced by the lien attributable to such unit determined as herein provided. In the event the lien is not perfected, the lien claimant shall upon request of any interested party execute lien releases for one or more units upon receipt of payment equal to that portion of the indebtedness attributable to such unit or units determined as herein provided but no such release shall preclude the lien claimant from perfecting a single lien against the unreleased unit or units for the remaining portion of the indebtedness.

B. Any person providing labor or materials for site development improvements or for streets, stormwater facilities, sanitary sewers or water lines for the purpose of providing access or service to the individual lots in a development or condominium units as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38) shall have a lien on each individual lot in the development for the fractional part of the total value of the work contracted for by the claimant in the subdivision as is obtained by using "one" as the numerator and the number of lots being developed as the denominator and in the case of a condominium on each individual unit in an amount computed by reference to the liability of that unit for common expenses appertaining to that condominium pursuant to subsection D of § 55-79.83; provided, however, no such lien shall be valid as to any lot or condominium unit unless the person providing such work shall, prior to the sale of such lot or condominium unit, file with the clerk of the circuit court of the jurisdiction in which such land lies a document setting forth a full disclosure of the nature of the lien which may be claimed, the total value of the work contracted for by the claimant in the subdivision and the portion thereof allocated to each lot as required herein, and a description of the development or condominium, and shall, thereafter, comply with all other applicable provisions of this

chapter. "Site development improvements" means improvements which are provided for the development, such as project site grading, traffic signalization, and installation of electric, gas, cable, or other utilities, for the benefit of the development rather than for an individual lot. In determining the individual lots in the development for the purpose of allocating value of the work contracted for by the claimant, parcels of land within the development which are common area, or which are being developed for the benefit of the development as a whole and not for resale, shall not be included in the denominator of the disclosure statement.

Nothing contained herein shall be construed to prevent the filing of a mechanics' lien under the provisions of subsection A, or require the lien claimant to elect under which subsection the lien may be enforced.

C. Any right to file or enforce any mechanics' lien granted hereunder may be waived in whole or in part at any time by any person entitled to such lien, *except that a subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. A provision that waives or diminishes a subcontractor's, lower-tier subcontractor's, or material supplier's lien rights in a contract executed prior to providing any labor, services, or materials is null and void.* In the event that payments are made to the contractor without designating to which lot the payments are to be applied, the payments shall be deemed to apply to any lot previously sold by the developer such that the remaining lots continue to bear liability for an amount up to but not exceeding the amount set forth in any disclosure statement filed under the provisions of subsection B.

D. A person who performs labor without a valid license or certificate issued by the Board for Contractors pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, or without the proper class of license for the value of the work to be performed, when such a license or certificate is required by law for the labor performed shall not be entitled to a lien pursuant to this section.

## CHAPTER 749

*An Act to amend and reenact §§ 53.1-80, 53.1-81, and 53.1-82 of the Code of Virginia, relating to reimbursement of capital costs; jails; regional jails; regional contracts for cooperative jailing.*

[S 1049]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-80, 53.1-81, and 53.1-82 of the Code of Virginia are amended and reenacted as follows:**

**§ 53.1-80. State reimbursement of localities for construction.**

A. On and after July 1, 1993, the Commonwealth shall reimburse any city or county up to one-fourth of the capital costs of a jail construction, enlargement or renovation project upon a basis approved by the Board in accordance with the provisions of this section. On and after July 1, 1993, (i) any three or more cities or counties, or any combination thereof, which do not qualify for reimbursement pursuant to § 53.1-81 or § 53.1-82 and (ii) any two cities or counties or any combination of a city and a county which jointly construct, enlarge or renovate a jail upon a basis approved by the Board in accordance with the provisions of this section shall be reimbursed by the Commonwealth on a pro rata basis up to one-fourth of the capital costs, as defined in § 53.1-82.2, of such project. The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor and the jail project has been approved by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility. Reimbursements shall be paid subject to the provisions of § 53.1-82.2.

*No (i) project to construct, enlarge, or renovate a jail or regional jail facility or to enlarge or renovate an existing jail that was not approved by the Governor prior to July 1, 2015, or (ii) project that is not an enlargement or renovation of a regional jail created prior to July 1, 2015, shall be eligible for reimbursement from the Commonwealth unless such project has been specifically authorized in the general appropriation act.*

B. In the event that a county or city requests and receives financial assistance for capital costs of such jail project from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this law, the total financial assistance and reimbursement shall not exceed the total cost of the project.

**§ 53.1-81. Construction and operation of regional jail facilities; state reimbursement; agreements with Department.**

A. Three or more cities or counties, or any combination thereof, are authorized, pursuant to approval of the Board, to construct, enlarge or renovate a regional jail facility or to enlarge or renovate an existing jail for the purpose of establishing a regional jail facility. In addition, (i) any regional jail facilities established by three or more cities, counties or towns, or any combination thereof, on or before January 31, 1993, (ii) any existing regional jail facilities established by only two cities, counties or towns on or before June 30, 1982, and (iii) any regional jail facilities established by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of any other county in the Commonwealth, may participate under the provisions of this section. On and after December 1, 1989, subject to the provisions of § 53.1-82.2, the Commonwealth shall reimburse each such locality its pro rata share up to one-half of the capital costs, as defined in

§ 53.1-82.2, of such construction, enlargement or renovation in accordance with the provisions of this section *if the project was approved by the Governor prior to July 1, 2015, or the project is an enlargement or renovation of a regional jail facility created prior to July 1, 2015, and shall reimburse each such locality its pro rata share up to one-fourth of such capital costs if such project is approved by the Governor on or after July 1, 2015, and has been specifically authorized in the general appropriation act.* However, regional jails created by any combination of three or more cities or counties on or after February 1, 1993, shall not be eligible for such reimbursement unless at least three of the participating localities of such combination were each operating a jail on February 1, 1993. The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor and the jail project has been approved by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall be paid subject to the provisions of § 53.1-82.2.

Such counties, cities, towns, or combination thereof may enter into agreements with the Department of Corrections for the Department to operate such jail or to pay the costs of maintenance, upkeep and other operational costs of the jail. Each city, county or town shall, however, bear the expense of local prisoners from such city, county or town. In such case, the Department shall receive such costs from the funds appropriated in the general appropriation act for criminal costs. The method of operation by the Department shall be in the manner it prescribes, notwithstanding any other provision of law designating sheriffs as the keepers of jails.

In lieu of an agreement by the localities with the Board for construction or operation of jail facilities, the Board may agree to sell land owned by the Commonwealth to the localities. The Governor is hereby authorized, at his discretion and upon the advice of the Board, to execute a conveyance of such land in a form approved by the Attorney General.

B. In the event that a county, city or town requests and receives financial assistance for capital costs of such jail project from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this section, the total financial assistance and reimbursement shall not exceed the total cost of the project.

**§ 53.1-82. Regional contracts for cooperative jailing of offenders; state reimbursement.**

A. Three or more counties or cities, or any combination thereof, are authorized to contract for services for the detention and confinement of categories of offenders in single or regional jail facilities operated by the contracting jurisdictions. In addition, (i) any three or more counties, cities or towns, or any combination thereof, operating a jail facility pursuant to an agreement for cooperative jailing established on or before January 31, 1993, (ii) any existing regional jail facilities established by only two cities, counties, or towns on or before June 30, 1982, and (iii) any regional jail facilities established by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of any other county in the Commonwealth, may participate under the provisions of this section. The Board shall promulgate regulations specifying the categories of offenders which may be served pursuant to the contracts provided for herein.

The governing bodies of localities participating in an agreement for cooperative jailing shall create a board to advise the locality in which the jail facility is located on matters affecting operation of the facility. Each participating locality shall have at least one representative on the board. The sheriff and any member of the local governing body of each participating locality shall be eligible for appointment to the board; however, when a participating locality appoints more than one representative, the sheriff shall be appointed unless the sheriff is the administrator or superintendent of the jail facility operated pursuant to the agreement for cooperative jailing. A sheriff serving as such administrator or superintendent shall be an ex officio member of the board.

When such contracts are approved by the Board and, for the implementation of the contract, require the construction, enlargement, or renovation of a regional jail facility or the enlargement or renovation of an existing jail, the Commonwealth shall reimburse each such locality its pro rata share, up to one-half, of the capital costs, as defined in § 53.1-82.2, of such jail project in accordance with the provisions of this section and § 53.1-82.2 *if the project was approved by the Governor prior to July 1, 2015, or the project is an enlargement or renovation of a regional jail facility created prior to July 1, 2015, and shall reimburse each such locality its pro rata share up to one-fourth of such capital costs if such project is approved by the Governor on or after July 1, 2015, and has been specifically authorized in the general appropriation act.* Any agreement for cooperative jailing entered into on or after July 1, 1991, which requires the construction, enlargement, or renovation of a single or regional jail facility shall require such counties, cities and towns to participate in the costs of the facility for a minimum period of thirty years.

The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor, and the jail project has been approved by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall be paid subject to the provisions of § 53.1-82.2.

B. In the event that a county, city or town requests and receives financial assistance for capital costs of a jail project from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this section, the total financial assistance and reimbursement shall not exceed the total cost of the project.

In addition, no such reimbursement shall be had by localities entering into a contract pursuant to this section on or after February 1, 1993, unless at least three of the participating localities were each operating a jail on February 1, 1993.

## CHAPTER 750

*An Act to amend and reenact § 37.2-100 of the Code of Virginia, relating to developmental disabilities; definition.*

[S 1052]

Approved April 15, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 37.2-100 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 37.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abuse" means any act or failure to act by an employee or other person responsible for the care of an individual in a facility or program operated, licensed, or funded by the Department, excluding those operated by the Department of Corrections, that was performed or was failed to be performed knowingly, recklessly, or intentionally, and that caused or might have caused physical or psychological harm, injury, or death to an individual receiving care or treatment for mental illness, intellectual disability, or substance abuse. Examples of abuse include acts such as:

1. Rape, sexual assault, or other criminal sexual behavior;
2. Assault or battery;
3. Use of language that demeans, threatens, intimidates, or humiliates the individual;
4. Misuse or misappropriation of the individual's assets, goods, or property;
5. Use of excessive force when placing an individual in physical or mechanical restraint;
6. Use of physical or mechanical restraints on an individual that is not in compliance with federal and state laws, regulations, and policies, professionally accepted standards of practice, or his individualized services plan; and
7. Use of more restrictive or intensive services or denial of services to punish an individual or that is not consistent with his individualized services plan.

"Administrative policy community services board" or "administrative policy board" means the public body organized in accordance with the provisions of Chapter 5 (§ 37.2-500 et seq.) that is appointed by and accountable to the governing body of each city and county that established it to set policy for and administer the provision of mental health, developmental, and substance abuse services. The "administrative policy community services board" or "administrative policy board" denotes the board, the members of which are appointed pursuant to § 37.2-501 with the powers and duties enumerated in subsection A of § 37.2-504 and § 37.2-505. Mental health, developmental, and substance abuse services are provided through local government staff or through contracts with other organizations and providers.

"Behavioral health authority" or "authority" means a public body and a body corporate and politic organized in accordance with the provisions of Chapter 6 (§ 37.2-600 et seq.) that is appointed by and accountable to the governing body of the city or county that established it for the provision of mental health, developmental, and substance abuse services. "Behavioral health authority" or "authority" also includes the organization that provides these services through its own staff or through contracts with other organizations and providers.

"Behavioral health services" means the full range of mental health and substance abuse services.

"Board" means the State Board of Behavioral Health and Developmental Services.

"Commissioner" means the Commissioner of Behavioral Health and Developmental Services.

"Community services board" means the public body established pursuant to § 37.2-501 that provides mental health, developmental, and substance abuse services within each city and county that established it; the term "community services board" shall include administrative policy community services boards, operating community services boards, and local government departments with policy-advisory community services boards.

"Department" means the Department of Behavioral Health and Developmental Services.

"Developmental disability" means a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment, or a combination of mental and physical impairments, other than a sole diagnosis of mental illness; (ii) is manifested before the individual reaches 22 years of age; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. An individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting three or more of the criteria described in clauses (i) through (v) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

"Developmental services" means planned, individualized, and person-centered services and supports provided to individuals with intellectual disability for the purpose of enabling these individuals to increase their self-determination and

independence, obtain employment, participate fully in all aspects of community life, advocate for themselves, and achieve their fullest potential to the greatest extent possible.

"Facility" means a state or licensed hospital, training center, psychiatric hospital, or other type of residential or outpatient mental health or developmental services facility. When modified by the word "state," "facility" means a state hospital or training center operated by the Department, including the buildings and land associated with it.

"Family member" means an immediate family member of an individual receiving services or the principal caregiver of that individual. A principal caregiver is a person who acts in the place of an immediate family member, including other relatives and foster care providers, but does not have a proprietary interest in the care of the individual receiving services.

"Hospital," when not modified by the words "state" or "licensed," means a state hospital and a licensed hospital that provides care and treatment for persons with mental illness.

"Individual receiving services" or "individual" means a current direct recipient of public or private mental health, developmental, or substance abuse treatment, rehabilitation, or habilitation services and includes the terms "consumer," "patient," "resident," "recipient," or "client."

"Intellectual disability" means a disability, originating before the age of 18 years, characterized concurrently by (i) significant subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean and (ii) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.

"Licensed hospital" means a hospital or institution, including a psychiatric unit of a general hospital, that is licensed pursuant to the provisions of this title.

"Mental health services" means planned individualized interventions intended to reduce or ameliorate mental illness or the effects of mental illness through care, treatment, counseling, rehabilitation, medical or psychiatric care, or other supports provided to individuals with mental illness for the purpose of enabling these individuals to increase their self-determination and independence, obtain remunerative employment, participate fully in all aspects of community life, advocate for themselves, and achieve their fullest potential to the greatest extent possible.

"Mental illness" means a disorder of thought, mood, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and requires care and treatment for the health, safety, or recovery of the individual or for the safety of others.

"Neglect" means failure by a person or a program or facility operated, licensed, or funded by the Department, excluding those operated by the Department of Corrections, responsible for providing services to do so, including nourishment, treatment, care, goods, or services necessary to the health, safety, or welfare of an individual receiving care or treatment for mental illness, intellectual disability, or substance abuse.

"Operating community services board" or "operating board" means the public body organized in accordance with the provisions of Chapter 5 (§ 37.2-500 et seq.) that is appointed by and accountable to the governing body of each city and county that established it for the direct provision of mental health, developmental, and substance abuse services. The "operating community services board" or "operating board" denotes the board, the members of which are appointed pursuant to § 37.2-501 with the powers and duties enumerated in subsection A of § 37.2-504 and § 37.2-505. "Operating community services board" or "operating board" also includes the organization that provides such services, through its own staff or through contracts with other organizations and providers.

"Performance contract" means the annual agreement negotiated and entered into by a community services board or behavioral health authority with the Department through which it provides state and federal funds appropriated for mental health, developmental, and substance abuse services to that community services board or behavioral health authority.

"Policy-advisory community services board" or "policy-advisory board" means the public body organized in accordance with the provisions of Chapter 5 that is appointed by and accountable to the governing body of each city or county that established it to provide advice on policy matters to the local government department that provides mental health, developmental, and substance abuse services pursuant to subsection A of § 37.2-504 and § 37.2-505. The "policy-advisory community services board" or "policy-advisory board" denotes the board, the members of which are appointed pursuant to § 37.2-501 with the powers and duties enumerated in subsection B of § 37.2-504.

"Service area" means the city or county or combination of cities and counties or counties or cities that is served by a community services board or behavioral health authority or the cities and counties that are served by a state facility.

"Special justice" means a person appointed by a chief judge of a judicial circuit for the purpose of performing the duties of a judge pursuant to § 37.2-803.

"State hospital" means a hospital, psychiatric institute, or other institution operated by the Department that provides care and treatment for persons with mental illness.

"Substance abuse" means the use of drugs, enumerated in the Virginia Drug Control Act (§ 54.1-3400 et seq.), without a compelling medical reason or alcohol that (i) results in psychological or physiological dependence or danger to self or others as a function of continued and compulsive use or (ii) results in mental, emotional, or physical impairment that causes socially dysfunctional or socially disordering behavior and (iii), because of such substance abuse, requires care and treatment for the health of the individual. This care and treatment may include counseling, rehabilitation, or medical or psychiatric care.

"Training center" means a facility operated by the Department that provides training, habilitation, or other individually focused supports to persons with intellectual disability.

## CHAPTER 751

*An Act to amend and reenact §§ 59.1-365, 59.1-369, 59.1-376, 59.1-378, 59.1-378.1, and 59.1-392 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-392.1, relating to the Virginia Racing Commission; powers.*

[S 1097]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 59.1-365, 59.1-369, 59.1-376, 59.1-378, 59.1-378.1, and 59.1-392 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-392.1 as follows:**

**§ 59.1-365. Definitions.**

~~Unless another meaning is required by~~ *As used in this chapter, unless the context, the following words shall have the meanings prescribed by this section requires a different meaning:*

"Advance deposit account wagering" means a method of pari-mutuel wagering conducted in the Commonwealth that is permissible under the Interstate Horseracing Act, § 3001 et seq. of Chapter 57 of Title 15 of the United States Code, and in which an individual may establish an account with an entity, licensed by the Commission, to place pari-mutuel wagers in person or electronically.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of \$0.10.

"Commission" means the Virginia Racing Commission.

"Dependent" means a son, daughter, father, mother, brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his financial support.

"Drug" shall have the meaning prescribed by § 54.1-3401. The Commission shall by regulation define and designate those drugs the use of which is prohibited or restricted.

"Enclosure" means all areas of the property of a track to which admission can be obtained only by payment of an admission fee or upon presentation of authorized credentials, and any additional areas designated by the Commission.

"Handle" means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

"Horse racing" means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

~~"Licensee" includes any person holding an owner's, or operator's or limited license under §§ Article 2 (§ 59.1-375 through 59.1-386 of this chapter et seq.). The licensee under a limited license shall not be deemed an owner for the purposes of owning or operating a satellite facility.~~

"Member" includes any person designated a member of a nonstock corporation, and any person who by means of a pecuniary or other interest in such corporation exercises the power of a member.

"Pari-mutuel wagering" means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by ~~an~~ ~~unlimited~~ a licensee, less deductions required or permitted by law and includes pari-mutuel wagering on simulcast horse racing originating within the Commonwealth or from any other jurisdiction.

"Participant" means any person who (i) has an ownership interest in any horse entered to race in the Commonwealth or who acts as the trainer, jockey, or driver of any horse entered to race in the Commonwealth or (ii) takes part in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering there, including but not limited to a horse owner, trainer, jockey, or driver, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or other position the Commission deems necessary to regulate to ensure the integrity of horse racing in Virginia.

"Permit holder" includes any person holding a permit to participate in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering thereon as provided in § 59.1-387.

"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"Pool" means the amount wagered during a race meeting or during a specified period thereof.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members, beneficially owns or controls, directly or indirectly, five percent or more of the stock of any person which is a licensee, or who in concert with his spouse and immediate family members, has the power to vote or cause the vote of five percent or more of any such stock. However, "principal stockholder" shall not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, which holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Commission.

"Race meeting" means the whole consecutive period of time during which horse racing with pari-mutuel wagering is conducted by a licensee.

"Racetrack" means an outdoor course located in Virginia which is laid out for horse racing and is licensed by the Commission.

*"Recognized majority horsemen's group" means the organization recognized by the Commission as the representative of the majority of owners and trainers racing at race meetings subject to the Commission's jurisdiction.*

"Retainage" means the total amount deducted from the pari-mutuel wagering pool for (i) a license fee to the Commission and localities, (ii) the ~~unlimited license~~ *licensee*, (iii) purse money for the participants, (iv) the Virginia Breeders Fund, and (v) certain enumerated organizations as required or permitted by law, regulation or contract approved by the Commission.

"Satellite facility" means all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering, and any additional areas designated by the Commission.

*"Significant infrastructure facility" means a horse racing facility that has been approved by a local referendum pursuant to § 59.1-391 and has a minimum racing infrastructure consisting of (i) a one-mile dirt track for flat racing, (ii) a seven-eighths-mile turf course for flat or jump racing, (iii) covered seating for no fewer than 500 persons, and (iv) barns with no fewer than 400 permanent stalls.*

*"Significant infrastructure limited licensee" means a person who owns or operates a significant infrastructure facility and holds a limited license under § 59.1-376.*

"Simulcast horse racing" means the simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

"Steward" means a racing official, duly appointed by the Commission, with powers and duties prescribed by Commission regulations.

"Stock" includes all classes of stock, partnership interest, membership interest, or similar ownership interest of an applicant or licensee, and any debt or other obligation of such person or an affiliated person if the Commission finds that the holder of such interest or stock derives therefrom such control of or voice in the operation of the applicant or licensee that he should be deemed an owner of stock.

"Virginia Breeders Fund" means the fund established to foster the industry of breeding race horses in the Commonwealth of Virginia.

#### **§ 59.1-369. Powers and duties of the Commission.**

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in § 59.1-364. Such powers and duties shall include but not be limited to the following:

1. The Commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter including all persons conducting, participating in, or attending any race meeting. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity. It may eject or exclude from the enclosure or from any part thereof any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the office, track, facilities, satellite facilities or other places of business of any license or permit holder, and may compel the production of any of the books, documents, records, or memoranda of any license or permit holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Commission may require ~~the production of any person granted a permit by the Commission and shall require any person licensed by the Commission, the recognized majority horsemen's group, and the nonprofit industry stakeholder organization recognized by the Commission under this chapter to produce an annual balance sheet and operating statement of any person licensed or granted a permit pursuant to the provisions of this chapter and prepared by a certified public accountant approved by the Commission. The Commission may require the production of any contract to which such person is or may be a party.~~

3. The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter, including a requirement that licensees post, in a conspicuous place in every place where pari-mutuel wagering is conducted, a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

4. The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing shall comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of ~~an~~ ~~unlimited~~ a license to schedule ~~not less~~ ~~no more than~~ ~~150~~ ~~125~~ live racing days in the Commonwealth each calendar year; however, the Commission shall have the authority to alter the required number of live racing days based on what the Commission deems to be in the best interest of the Virginia horse industry. Such regulations shall authorize up to 10 satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commission ~~which owns a horse~~

~~racetrack in the Commonwealth that is a significant infrastructure limited licensee, or if by August 1, 2015, there is no such licensee or a pending application for such license, then the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. If, however, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee pursuant to § 59.1-376, then such limited licensee may own or operate the remaining available satellite facilities authorized in accordance with this subdivision. In no event shall the Commission authorize any such entities to own or operate more than a combined total of 10 satellite facilities.~~ Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any satellite facility. Except as authorized pursuant to subdivision 5, wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

5. The Commission shall promulgate regulations and conditions regulating and controlling advance deposit account wagering. Such regulations shall include, but not be limited to, (i) standards, qualifications, and procedures for the issuance of a license to an entity for the operation of pari-mutuel wagering in the Commonwealth; except that the Commission shall not issue a license to, and shall revoke the license of, an entity that, either directly or through an entity under common control with it, withholds the sale at fair market value to ~~an unlimited~~ a licensee of simulcast horse racing signals that such entity or an entity under common control with it sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth; (ii) provisions regarding access to books, records, and memoranda, and submission to investigations and audits, as authorized by subdivisions 2 and 10 ~~of this section~~; and (iii) provisions regarding the collection of all revenues due to the Commonwealth from the placing of such wagers. No pari-mutuel wager may be made on or with any computer owned or leased by the Commonwealth, or any of its subdivisions, or at any public elementary or secondary school, or any public college or university. The Commission also shall ensure that, except for this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

~~Notwithstanding the provisions of § 59.1-392, the allocation of revenue from advance deposit account wagering shall include (i) a licensee fee paid to the Commission; (ii) an additional fee equal to 10 percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, out of which shall be paid: (a) one-half to all unlimited licensees and (b) one-half to representatives of the recognized majority horsemen groups; and (iii) an additional fee equal to one percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, which shall be paid to the Virginia Breeders Fund.~~

Nothing in this subdivision shall be construed to limit the Commission's authority as set forth elsewhere in this section.

6. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

7. The Commission may compel any person holding a license or permit to file with the Commission such data as shall appear to the Commission to be necessary for the performance of its duties including but not limited to financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

8. The Commission may enter into arrangements with any foreign or domestic government or governmental agency, for the purposes of exchanging information or performing any other act to better ensure the proper conduct of horse racing.

9. The Commission shall report annually on or before March 1 to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission.

10. The Commission may order such audits, in addition to those required by § 59.1-394, as it deems necessary and desirable.

11. The Commission shall upon the receipt of a complaint of an alleged criminal violation of this chapter immediately report the complaint to the Attorney General of the Commonwealth and the State Police for appropriate action.

12. The Commission shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds for such withholdings.

13. The Commission, its representatives and employees may, within the enclosure, stable, or other facility related to the conduct of racing, and during regular or usual business hours, subject any (i) permit holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal property, and inspections of other property or premises under the control of such permit holder and (ii) horse eligible to race at a race meeting licensed by the Commission to testing for substances foreign to the natural horse within the racetrack enclosure or other place where such horse is kept. Any item, document or record indicative of a violation of any provision of this chapter or Commission regulations may be seized as evidence of such violation. All permit holders consent to the searches and seizures authorized by this subdivision, including breath, blood and urine sampling for alcohol and illegal drugs, by accepting the permit issued by the Commission. The Commission may revoke or suspend the permit of any person who fails or refuses to comply with this subdivision or any rules of the Commission. Commission regulations in effect on July 1, 1998, shall continue in full force and effect until modified by the Commission in accordance with law.

14. The Commission shall require the existence of a contract between ~~the~~ each licensee and the recognized majority ~~horseman's horsemen's group providing for purses and prizes for that licensee.~~ Such contract shall be subject to the approval of the Commission, which shall have the power to approve or disapprove any of its items, including but not limited to the

provisions regarding purses and prizes. Such contracts shall provide that on pools generated by wagering on simulcast horse racing from outside the Commonwealth, (i) for the first \$75 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of five percent in the horsemen's purse account, (ii) for any amount in excess of \$75 million but less than \$150 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of six percent in the horsemen's purse account, (iii) for amounts in excess of \$150 million for each breed, the licensee shall deposit funds at the minimum rate of seven percent in the horsemen's purse account. Such deposits shall be made in the horsemen's purse accounts of the breed that generated the pools and such deposits shall be made within five days from the date on which the licensee receives wagers. *In the absence of the required contract between the licensee and the recognized majority horsemen's group, the Commission may permit wagering to proceed on simulcast horse racing from outside of the Commonwealth, provided that the licensee deposits into the State Racing Operations Fund created pursuant to § 59.1-370.1 an amount equal to the minimum percentage of the total pari-mutuel handles as required in clauses (i), (ii), and (iii) or such lesser amount as the Commission may approve. The deposits shall be made within five days from the date on which the licensee receives wagers. Once a contract between the licensee and the recognized majority horsemen's group is executed and approved by the Commission, the Commission shall transfer these funds to the licensee and the horsemen's purse accounts.*

15. Notwithstanding the provisions of § 59.1-391, the Commission may grant provisional limited licenses or provisional unlimited licenses to own or operate racetracks or satellite facilities to an applicant prior to the applicant securing the approval through the local referendum required by § 59.1-391. The provisional licenses issued by the Commission shall only become effective upon the approval of the racetrack or satellite wagering facilities in a referendum conducted pursuant to § 59.1-391 in the jurisdiction in which the racetrack or satellite wagering facility is to be located.

**§ 59.1-376. Limited licenses; transfer of meet; taxation; authority to issue; limitations.**

A. Notwithstanding the provisions of § 59.1-375 or § 59.1-378 but subject to such regulations and criteria as it may prescribe, the Commission is authorized to issue limited licenses, provided such licenses shall permit any holder to conduct a race meeting or meetings for a period not to exceed ~~fourteen~~ 14 days in any calendar year, *or in the case of a significant infrastructure limited licensee, 75 days in any calendar year.*

B. The Commission may at any time, in its discretion, authorize any organization or association licensed under this section to transfer its race meeting or meetings from its own track or place for holding races, to the track or place for holding races of any other organization or association licensed under this chapter upon the payment of any and all appropriate license fees. No such authority to transfer shall be granted without the express consent of the organization or association owning or leasing the track to which such transfer is made.

C. For any such meeting the licensee shall retain and pay from the pool the tax as provided in § 59.1-392.

D. No person to whom a limited license has been issued nor any officer, director, partner, or spouse or immediate family member thereof shall make any contribution to any candidate for public office or public office holder at the local or state level.

**§ 59.1-378. Issuance of owner's license.**

A. The Commission shall consider all applications for an owner's license and may grant a valid owner's license to applicants who meet the criteria set forth in this chapter and established by the Commission. The Commission shall deny a license to any applicant; ~~unless it finds that the applicant's facilities are or will be appropriate for the finest quality of racing; and meet or will meet the minimum standards that any track provided for standard breed racing be at least five-eighths of a mile, that any dirt track provided for flat racing be at least one mile, and that any track provided for flat or jump racing on the turf be at least seven-eighths of a mile.~~

B. The Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would not be in the interest of the people of the Commonwealth or the horse racing industry in the Commonwealth, or would reflect adversely on the honesty and integrity of the horse racing industry in the Commonwealth, or that the applicant, or any officer, partner, principal stockholder, or director of the applicant:

1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;
  2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any horse racing in this or any other state, or has been convicted of a felony;
  3. Has at any time knowingly failed to comply with the provisions of this chapter or of any regulations of the Commission;
  4. Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended, or revoked in any other state or country;
  5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth;
  6. Has constructed or caused to be constructed a racetrack or satellite facility for which a license was required under § 59.1-377 hereof without obtaining such license, or has deviated substantially, without the permission of the Commission, from the plans and specifications submitted to the Commission; or
  7. Is not qualified to do business in Virginia or is not subject to the jurisdiction of the courts of this Commonwealth.
- C. The Commission shall deny a license to any applicant unless it finds:

1. That, if the corporation is a stock corporation, that such stock is fully paid and nonassessable, has been subscribed and paid for only in cash or property to the exclusion of past services, and, if the corporation is a nonstock corporation, that there are at least twenty members;

2. That all principal stockholders or members have submitted to the jurisdiction of the Virginia courts, and all nonresident principal stockholders or members have designated the Executive Secretary of the Commission as their agent for receipt of process;

3. That the applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under § 59.1-379; and

4. That the applicant meets the criteria established by the Commission for the granting of an owner's license.

**§ 59.1-378.1. Licensing of owners or operators of certain pari-mutuel facilities.**

A. Notwithstanding the provisions of § 59.1-391, the Commission may grant a license, for a duration to be determined by the Commission, to the owner or operator of a ~~steeplechase~~ facility for the purpose of conducting pari-mutuel wagering on (i) ~~steeplechase thoroughbred and standard bred~~ race meetings and (ii) simulcast horse racing ~~that is limited to the transmission from Churchill Downs of the Kentucky Derby horse race~~ at that facility in conjunction with the ~~steeplechase~~ race meetings for a period not to exceed 14 days in any calendar year, provided that, prior to making application for such license, (a) the ~~steeplechase~~ facility has been ~~sanctioned by the Virginia Steeplechase Association or National Steeplechase Association approved by the Commission~~ and (b) the owner or operator of such facility has been granted tax-exempt status under § 501(c)(3) or (4) of the Internal Revenue Code.

~~For purposes of this section, "steeplechase facility" means a turf racecourse constructed over natural ground which is utilized primarily for races where horses jump over fences.~~

B. In deciding whether to grant any license pursuant to this section, the Commission shall consider (i) the results of, circumstances surrounding, and issues involved in any referendum conducted under the provisions of § 59.1-391 and (ii) whether the Commission had previously granted a license to such facility, owner, or operator.

C. In no event shall the Commission issue more than 12 licenses in a calendar year pursuant to this section.

**§ 59.1-392. Percentage retained; tax.**

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: one percent to the Commonwealth as a license tax and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;
2. Seven and one-half percent, and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's horsemen's~~ group and ~~an unlimited~~ a

licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: two and one-quarter percent to the Commonwealth as a license tax, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority ~~horseman's~~ *horsemen's* group and ~~an~~ *unlimited* a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;
2. Nine percent, and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, and one-half percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, and one percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;

2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N shall be subject to the approval of the Commission.

S. ~~The horsemen's organizations representing a majority of the horsemen~~ *recognized majority horsemen's group* racing at a licensed ~~unlimited~~ race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for both live racing and simulcast horse racing shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and

2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the ~~horsemen's organization representing a majority of the horsemen~~ *recognized majority horsemen's group* racing at a licensed ~~unlimited~~ race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational or other related programs.

**§ 59.1-392.1. Advance deposit account wagering revenues; distribution.**

A. *Notwithstanding the provisions of § 59.1-392, the allocation of revenue from advance deposit account wagering shall include (i) a licensee fee of 1.5 percent paid to the Commission; (ii) an additional fee equal to one percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, which shall be paid to the Virginia Breeders Fund, and (iii) an additional fee equal to nine percent of all wagers made within the Commonwealth placed through an advance deposit account wagering licensee, out of which shall be paid:*

1. *Four percent to a nonprofit industry stakeholder organization recognized by, and with oversight from, the Commission to include the recognized majority horsemen's group, a breeder's organization, and a licensed track operator for the purpose of promoting, sustaining, and advancing horse racing within the Commonwealth; and*

2. *Five percent to representatives of the recognized majority horsemen's group by breed to be used for purse funds at races conducted in the Commonwealth, unless otherwise authorized by the Commission.*

*Notwithstanding the foregoing, if the advance deposit account wagering licensee is a significant infrastructure limited licensee, the additional fee equal to nine percent of the wagers placed through such advance deposit account wagering licensee since November 1, 2014, shall instead be retained by such licensee for operational expenses, including defraying the costs of live racing.*

B. *The Commission-recognized nonprofit industry stakeholder organization shall make distributions from fees received from advance deposit wagering to organizations within the Commonwealth providing care for retired race horses, the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association in the percentages of wagering handles set forth in subsections K and N of § 59.1-392, and shall make a distribution of thirty-five one-hundredths of one percent of all wagers made within the Commonwealth placed through such advance deposit account wagering licensee to the locality where live racing licensed by the Commission occurred prior to January 1, 2012, and beginning January 1, 2020, to the locality or localities where such live racing occurs to be shared in a ratio of the number of such annual live races in a locality to the total number of such annual live races in the Commonwealth. Distributions under this section from the Commission-recognized nonprofit stakeholder organization to the foregoing entities and locality or localities, when added to the distributions to such entities and locality or localities under § 59.1-392, shall be capped at the sum necessary to equal distributions made in the 2013 calendar year to each entity under § 59.1-392, and shall be capped at the sum necessary to equal \$400,000 for a locality or localities.*

C. *Any additional distribution of fees received from advance deposit account licensees by the Commission-recognized nonprofit industry stakeholder organization shall be approved by the Commission.*

## CHAPTER 752

*An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to prescription, distribution, and administration of naloxone or other opioid antagonist.*

[S 1186]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

## A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an

AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith and without compensation, prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose acting in accordance with the provisions of subsection X of § 54.1-3408 or in his role as a member of an emergency medical services agency.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support

emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. ~~Expired.~~

~~For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.~~

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director

when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such

persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. ~~Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose, pursuant to an oral, written or standing order issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose. Law-enforcement officers as defined in § 9.1-101 and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.~~

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 753

*An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:28.1, relating to stormwater; dredging.*

[S 1201]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:28.1 as follows:**

**§ 62.1-44.15:28.1. Pollutant removal by dredging.**

*Upon approval by the Chesapeake Bay Program as a creditable practice for pollutant removal, the Board shall establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed as a method of meeting pollutant reduction and loading requirements. The dredging operation and disposal of dredged material shall be conducted in compliance with all applicable local, state, and federal laws and regulations. Any locality imposing a fee relating to stormwater pursuant to § 15.2-2114 may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters.*

## CHAPTER 754

*An Act to amend and reenact §§ 58.1-1000 and 58.1-1007 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-4206.01, relating to authorized holders of cigarettes.*

[S 1232]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-1000 and 58.1-1007 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-4206.01 as follows:**

**§ 3.2-4206.01. List of persons ineligible to be authorized holders.**

A. *The Attorney General shall develop and publish on its website a list of individuals who are ineligible to be authorized holders as defined in § 58.1-1000. The Attorney General shall update the list as necessary to add names of individuals who are no longer eligible to be authorized holders. Upon request, the Office of the Executive Secretary of the Supreme Court shall provide the Attorney General with assistance to ensure that the requirements of this section are met.*

B. *Any attorney for the Commonwealth, law-enforcement officer, or other person may submit a request to the Attorney General that a person be included on the list and shall submit a certified court order of the conviction that makes the person ineligible to be an authorized holder of cigarettes.*

C. *Nothing in this section shall impose an affirmative duty on the Attorney General to identify persons to be included on the list who are ineligible to be authorized holders of cigarettes due to a conviction in another state, in the absence of a request received from an attorney for the Commonwealth, law-enforcement officer, or other person.*

D. *No liability shall be imposed upon the Attorney General for any omissions or the incorrect inclusion of any individual on the listing required under subsection A. No liability shall be imposed upon any attorney for the Commonwealth or law-enforcement official who provides information to the Attorney General in accordance with subsection B. This provision shall not be construed to grant immunity for gross negligence or willful misconduct.*

**§ 58.1-1000. Definitions.**

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Authorized holder" means (i) a manufacturer; (ii) a wholesale dealer; (iii) a stamping agent; (iv) a retail dealer; (v) an exclusive distributor; (vi) an officer, employee, or other agent of the United States or a state, or any department, agency, or instrumentality of the United States, a state, or a political subdivision of a state, having possession of cigarettes in connection with the performance of official duties; (vii) a person properly holding cigarettes that do not require stamps or tax payment pursuant to § 58.1-1010; or (viii) a common or contract carrier transporting cigarettes under a proper bill of lading or other documentation indicating the true name and address of the consignor or seller and the consignee or purchaser of the brands and the quantities being transported. Any person convicted of (a) a violation of § 58.1-1017 or 58.1-1017.1; (b) any offense involving the forgery of any documents, forms, invoices, or receipts related to the purchase or sale of cigarettes or the purchase or sale of tobacco products as defined in § 58.1-1021.01; (c) any offense involving evasion or failure to pay a cigarette or tobacco product excise tax; or (d) any similar violation of an ordinance of any county, city, or town in the Commonwealth or the laws of any other state or of the United States is ineligible to be an authorized holder.

"Carton" means 10 packs of cigarettes, each containing 20 cigarettes or eight packs, each containing 25 cigarettes.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term "cigarette" includes "roll-your-own" tobacco, which means any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Exclusive distributor" means any individual, corporation, limited liability company, or limited liability partnership with its principal place of business in the Commonwealth that has the sole and exclusive rights to sell to wholesale dealers in the Commonwealth a brand family of cigarettes manufactured by a tobacco product manufacturer as defined in § 3.2-4200.

"Manufacturer" means any tobacco product manufacturer as defined in § 3.2-4200.

"Pack" means a package containing either 20 or 25 cigarettes.

"Retail dealer" includes every person other than a wholesale dealer, as defined in this section, who sells or offers for sale any cigarettes and who is properly registered as a retail trade with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1).

"Retail sale" or "sale at retail" includes all sales except sales by wholesale dealers to retail dealers or other wholesale dealers for resale.

"Stamping agent" shall have the same meaning as provided in § 3.2-4204. For the purposes of provisions relating to "roll-your-own" tobacco, "stamping agent" shall include "distributor" as that term is defined in § 58.1-1021.01.

"Stamps" means the stamp or stamps by the use of which the tax levied under this chapter is paid and shall be officially designated as Virginia revenue stamps. The Department is hereby authorized to provide for the use of any type of stamp which will effectuate the purposes of this chapter including but not limited to decalcomania and metering devices.

"Storage" means any keeping or retention in the Commonwealth of cigarettes for any purpose except sale in the regular course of business or subsequent use solely outside the Commonwealth.

"Tax-paid cigarettes" means cigarettes that (i) bear valid Virginia stamps to evidence payment of excise taxes or (ii) were purchased outside of the Commonwealth and either (a) bear a valid tax stamp for the state in which the cigarettes were purchased or (b) when no tax stamp is required by the state, proper evidence can be provided to establish that applicable excise taxes have been paid.

"Use" means the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it shall not include the sale of cigarettes in the regular course of business.

"Wholesale dealer" includes persons who are properly registered as tobacco product merchant wholesalers with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1) and who (i) sell cigarettes at wholesale only to retail dealers for the purpose of resale only or (ii) sell at wholesale to institutional, commercial, or industrial users. "Wholesale dealer" also includes chain store distribution centers or houses which distribute cigarettes to their stores for sale at retail.

**§ 58.1-1007. Documents touching purchase, sale, etc., of cigarettes to be kept for three years, subject to inspection; penalty.**

It shall be the duty of every person receiving, storing, selling, handling or transporting cigarettes in any manner whatsoever, to preserve all invoices, books, papers, cancelled checks, or other documents relating to the purchase, sale, exchange, receipt or transportation of all cigarettes for a period of three years. All such invoices, books, papers, cancelled checks or other memoranda and records shall be subject to audit and inspection *at all times* by any duly authorized representative of the Department ~~at all times, the Office of the Attorney General, or the Department of Alcoholic Beverage Control or by a local cigarette tax administrative or enforcement official.~~ Any person who fails or refuses to keep and preserve the records as ~~herein~~ *required in this section* shall be guilty of a Class 2 misdemeanor. Any person who, upon request by a duly authorized agent of the Department ~~who is entitled to audit and inspect such records,~~ fails or refuses to allow an audit or inspection of records as ~~hereinabove~~ *provided, in this section* shall have his stamping permit suspended until such time as the ~~audit or inspection~~ *Department audit or inspection* is allowed to ~~audit or inspect the records.~~ The Department may impose a penalty of \$1,000 for each day that the person fails or refuses to allow an audit or inspection of the records. The penalty shall be assessed and collected by the Department as other taxes are collected.

## CHAPTER 755

*An Act to amend and reenact § 2.2-2455 of the Code of Virginia, relating to the Charitable Gaming Board; membership.*

[S 1309]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2455 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.**

A. The Charitable Gaming Board (the Board) is hereby established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board shall be to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of ~~nine eleven~~ members *who shall be appointed by the Governor subject to confirmation by the General Assembly as follows in the following manner:*

~~one member who is a member~~ *1. Six nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; at least one member who is or has been a law-enforcement officer in Virginia but who is not (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, or (iii) is not a member of a charitable organization, or who has (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and five citizens two members who are do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;*

*2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in*

*good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and*

*3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.*

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. ~~Upon initial appointment, three members shall be appointed for four-year terms, three for three-year terms, and three for two-year terms. Thereafter, all members~~ *Members* shall be appointed for four-year terms. Vacancies shall be filled by the ~~Governor~~ *appointing authority* in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the ~~Governor~~ *appointing authority*. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the ~~Governor~~ *appointing authority*.

C. The Board shall elect ~~from among its members~~ *from among its members who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. The Board shall elect a vice-chairman from among its members.*

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708 requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.

**2. That this act shall not be construed to affect existing appointments to the Charitable Gaming Board for the terms that have not expired. However, any new appointments shall be made in accordance with this act as follows: (i) the first vacancy created by the expiration of a term shall be filled by appointment by the Speaker of the House of Delegates of a nonlegislative citizen member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia in good standing with the Department of Agriculture and Consumer Services; (ii) the second vacancy created by the expiration of a term shall be filled by appointment by the Senate Committee on Rules of a nonlegislative citizen member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia in good standing with the Department of Agriculture and Consumer Services; (iii) the third vacancy created by the expiration of a term shall be filled by appointment by the Speaker of the House of Delegates of a one nonlegislative citizen member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; (iv) the fourth vacancy created by the expiration of a term shall be filled by appointment by the Senate Committee on Rules of a nonlegislative citizen member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and (v) the fifth vacancy created by the expiration of a term shall be filled by appointment by the Speaker of the House of Delegates of a nonlegislative citizen member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 of the Code of Virginia in good standing with the Department of Agriculture and Consumer Services.**

**3. That the provisions of the second enactment shall not apply to appointments to the Charitable Gaming Board by the Governor on or after July 1, 2015.**

## CHAPTER 756

*An Act to amend and reenact § 18.2-371.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, relating to purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.*

[S 1325]

Approved April 15, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 23.2, consisting of sections numbered 59.1-293.10 and 59.1-293.11, as follows:

**§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by minors or sale of tobacco products, nicotine vapor products, and alternative nicotine products to minors.**

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product.

Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than 18 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 18 years of age making a delivery of tobacco products, nicotine vapor products, or alternative nicotine products in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 18 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 18 years of age or who the person knows is at least 18 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 18 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 18 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 18 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the purchaser's signature of a person at least 18 years of age before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, or alternative nicotine products to any person under 18 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection

by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control Board designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

H. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

#### CHAPTER 23.2. LIQUID NICOTINE.

##### **§ 59.1-293.10. Definitions.**

*As used in this chapter, unless the context requires another meaning:*

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" has the same meaning as in § 18.2-371.2.

##### **§ 59.1-293.11. Sale or distribution of liquid nicotine container; prohibition; penalty.**

A. No person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, unless such liquid nicotine container meets child-resistant packaging standards.

B. The requirements of subsection A shall not prohibit a wholesaler or retailer from selling its existing inventory of liquid nicotine until January 1, 2016, if the wholesaler or retailer can establish that the inventory was purchased prior to October 1, 2015, in a quantity comparable to that of the inventory purchased during the same period of the prior year.

C. Any person who sells or distributes at retail or offers for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, that he knows or has reason to know does not satisfy the child-resistant packaging standards required by this section is guilty of a Class 4 misdemeanor. However, no person shall be guilty of a violation of this section who relies in good faith on any information provided by the manufacturer of a liquid nicotine container that such container meets the requirements of this section.

D. The provisions of this chapter do not apply to any manufacturer or wholesaler of liquid nicotine containers who sells or distributes a liquid nicotine container, provided that any such liquid nicotine container sold or distributed is intended for use outside of the Commonwealth.

E. The provisions of subsection A shall be null, void, and of no force and effect upon the effective date of either enacted federal legislation or final regulations issued by the U.S. Food and Drug Administration or by any other federal agency where such legislation or regulations mandate child-resistant packaging for liquid nicotine containers.

## CHAPTER 757

*An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Schedule I drugs.*

[S 1380]

Approved April 15, 2015

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3446. Schedule I.**

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

Morpheridine;

Noracymethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Phenadoxone;

Phenampramide;

Phenomorphin;

Phenoperidine;

Piritramide;

Proheptazine;

Properidine;

Propiram;

Racemoramide;

Tilidine;

Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;

Acetyldihydrocodeine;  
 Benzylmorphine;  
 Codeine methylbromide;  
 Codeine-N-Oxide;  
 Cyprenorphine;  
 Desomorphine;  
 Dihydromorphine;  
 Drotebanol;  
 Etorphine;  
 Heroin;  
 Hydromorphanol;  
 Methyldesorphine;  
 Methylhydromorphine;  
 Morphine methylbromide;  
 Morphine methylsulfonate;  
 Morphine-N-Oxide;  
 Myrophine;  
 Nicocodeine;  
 Nicomorphine;  
 Normorphine;  
 Pholcodine;  
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahehyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypropylvalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxypropylmethcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other name: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxyethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);

3-fluoromethcathinone (other name: 3-FMC);

4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

4-Methylethcathinone (other name: 4-MEC);

4-Ethylmethcathinone (other name: 4-EMC);

N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);

Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);

Alpha-methylamino-butylphenone (other name: Buphedrone);

Alpha-methylamino-valerophenone (other name: Pentedrone);

3,4-Dimethylmethcathinone (other name: 3,4-DMMC);

4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);

Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);

4-Fluoromethamphetamine (other name: 4-FMA);

4-Fluoroamphetamine (other name: 4-FA);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);

2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);

(2-aminopropyl)benzofuran (other name: APB);

(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);

4-chloro-2,5-dimethoxy-N- [ 2-methoxyphenyl ] methyl ] -benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);

4-bromo-2,5-dimethoxy-N- [ 2-methoxyphenyl ] methyl ] benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);

Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);

Benocyclidine (other names: BCP, BTCP);

Alpha-pyrrolidinobutylphenone (other name: alpha-PBP);

3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

Fenethylamine;

Ethylamphetamine;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Methcathinone (some other names: 2-(methylamino)-propionophenone; ~~alpha-(methylamino) propiophenone~~ *alpha-(methylamino)-propionophenone*; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).

6. Any material, compound, mixture or preparation containing any quantity of the following substances:

N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;

N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);

N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

~~N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide~~

*N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide* (other name: ~~beta-hydroxy-3-methylfentanyl~~ *beta-hydroxy-3-methylfentanyl*), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: ~~thienylfentanyl~~ *thienylfentanyl*), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

~~N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl] propanamide~~

*N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl]-propanamide* (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers.

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);

*N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);*

*N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA).*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 758

*An Act to amend and reenact §§ 15.2-2292, 19.2-389, 19.2-392.02, 63.2-100, 63.2-1702, 63.2-1704, 63.2-1720 through 63.2-1723, 63.2-1725, and 63.2-1727 of the Code of Virginia; and to amend the Code of Virginia by adding sections numbered 63.2-1701.1, 63.2-1704.1, 63.2-1720.1, and 63.2-1721.1, relating to regulation of child care providers.*

[H 1570]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2292, 19.2-389, 19.2-392.02, 63.2-100, 63.2-1702, 63.2-1704, 63.2-1720 through 63.2-1723, 63.2-1725, and 63.2-1727 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 63.2-1701.1, 63.2-1704.1, 63.2-1720.1, and 63.2-1721.1 as follows:**

**§ 15.2-2292. Zoning provisions for family day homes.**

A. Zoning ordinances for all purposes shall consider a family day home as defined in § 63.2-100 serving one through ~~five~~ *four* children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.2-741 or § 15.2-914.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home as defined in § 63.2-100 serving ~~six~~ *five* through ~~twelve~~ *12* children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within ~~thirty~~ *30* days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator may issue the permit sought. The ordinance shall provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.2-2204. Upon such hearing, the local governing body may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit. The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subdivision A 3 of § 15.2-2286.

**§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment

whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, and 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities, ~~licensed district homes for adults,~~ and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in ~~§ 63.1-189.1~~ or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

**§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children, or the elderly or disabled.**

A. For purposes of this section:

"Barrier crime" means any offense set forth in § 63.2-1719 or 63.2-1726.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children; ~~or~~ the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information

concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity; and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care ~~or~~; (ii) *is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.*

"Qualified entity" means a business or organization that provides care to children; *or the elderly or disabled, whether governmental, private, for profit, nonprofit or voluntary, except organizations exempt pursuant to subdivision A 10 of § 63.2-1715.*

~~B. Notwithstanding §§ 63.2-1719 to 63.2-1721 and 63.2-1724, a~~ qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted ~~at any local or state law enforcement agency and provided the fingerprints to the qualified entity;~~ and

2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children; *or the elderly or disabled for whom the qualified entity provides care.*

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local ~~record-keeping~~ *recordkeeping* systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children; *or the elderly or disabled.*

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

#### **§ 63.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person

with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving ~~six~~ five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all ~~grandchildren of the provider~~ *related to the provider by blood or marriage* shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective

services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

**§ 63.2-1701.1. Local government to report business licenses issued to child day centers and family day homes.**

*The commissioner of the revenue or other local business license official shall report to the Department on a semiannual basis the name, address, and contact information of any child day center or family day home to which a business license was issued.*

**§ 63.2-1702. Investigation on receipt of application.**

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to §§ 63.2-1721 and 63.2-1721.1; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

**§ 63.2-1704. Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.**

A. Any person who maintains a family day home serving fewer than ~~six~~ five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. An applicant for voluntary registration shall file with the Commissioner, prior to beginning any such operation and thereafter biennially, an application which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;
2. The number and ages of the children to receive care;
3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Commissioner; and
4. Documentation that the background check requirements for registered child welfare agencies in Article 3 (§ 63.2-1719 et seq.) of this chapter have been met.

B. The Board shall adopt regulations for voluntarily registered family day homes that include, but are not limited to:

1. The criteria and process for the approval of the certificate of registration;
2. Requirements for a self-administered health and safety guidelines evaluation checklist;
3. A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration of family day homes. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered;
4. The criteria and process for the renewal of the certificate of registration; and

5. The requirement that upon receipt of a complaint concerning a registered family day home, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Commissioner reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home is determined by the Commissioner to be in noncompliance with the regulations for voluntarily registered family day homes, the Commissioner shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration.

C. Upon receiving the application on forms prescribed by the Commissioner, and after having determined that the home has satisfied the requirements of the regulations for voluntarily registered family day homes, the Commissioner shall issue a certificate of registration to the family day home.

D. The Commissioner shall contract in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) with qualified local agencies and community organizations to review applications and certify family day homes as eligible for registration, pursuant to the regulations for voluntarily registered family day homes. If no qualified local agencies or community organizations are available, the Commissioner shall implement the provisions of this

section. "Qualified" means demonstrated ability to provide sound financial management and administrative services including application processing, maintenance of records and reports, technical assistance, consultation, training, monitoring, and random inspections.

E. The scope of services in contracts shall include:

1. The identification of family day homes which may meet the standards for voluntary registration provided in subsection A; and

2. A requirement that the contract organization shall provide administrative services, including, but not limited to, processing applications for the voluntary registration of family day homes; certifying such homes as eligible for registration; providing technical assistance, training and consultation with family day homes; ensuring providers' compliance with the regulations for voluntarily registered family day homes, including monitoring and random inspections; and maintaining permanent records regarding all family day homes which it may certify as eligible for registration.

F. The contract organization, upon determining that a family day home has satisfied the requirements of the regulations for voluntarily registered family day homes, shall certify the home as eligible for registration on forms prescribed by the Commissioner. The Commissioner, upon determining that certification has been properly issued, may register the family day home.

G. The provisions of this section shall not apply to any family day home located in a county, city, or town in which the governing body provides by ordinance for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities pursuant to the provisions of § 15.2-914.

**§ 63.2-1704.1. Unlicensed and unregistered family day homes; notice to parents.**

*Every unlicensed, unregistered family day home shall provide written notice to the parents of every child receiving care, at the time the family day home begins providing care for the child, stating that the family day home is not regulated by the Department and referring parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The provisions of this section shall not apply to an unlicensed, unregistered family day home in which all of the children receiving care are related to the provider by blood or marriage.*

**§ 63.2-1720. Assisted living facilities and adult day care centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.**

A. ~~A~~ No assisted living facility, adult day care center ~~or child welfare agency licensed or registered~~, child-placing agency, independent foster home, or family day system licensed in accordance with the provisions of this chapter, or registered family day homes or family day homes approved by family day systems, shall ~~not~~ hire for compensated employment persons who have an offense as defined in § 63.2-1719. ~~Such employees~~ All applicants for employment shall undergo background checks pursuant to subsection ~~D~~ C. ~~In the case of child welfare agencies, the provisions of this section shall apply to employees who are involved in the day-to-day operations of such agency or who are alone with, in control of, or supervising one or more children.~~

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. ~~Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.~~

~~D~~ Background checks pursuant to ~~this section~~ subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of ~~child welfare agencies licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history ~~record~~ records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of ~~child welfare agencies licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

~~E. Any person desiring to work as a compensated employee at a licensed assisted living facility, licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system shall provide the hiring or approving facility, center or agency with a sworn statement or affirmation pursuant to subdivision ~~D~~ 1. D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision ~~D~~ C 1 shall be is guilty of a Class 1 misdemeanor.~~

~~F. E. A licensed assisted living facility, licensed adult day care center, a licensed or child-placing agency, licensed independent foster home, licensed family day system, registered child welfare agency, or a family day home, or family day home approved by a family day system shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed or registered child welfare agencies or child-placing agencies, independent foster homes, and family day systems, registered family day homes, and~~

family day homes approved by family day systems, a copy of the information from the central registry *for any compensated employee within 30 days of employment*. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the *licensed assisted living facility, adult day care center or child welfare agency, child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system* shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

~~G. F.~~ No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed ~~or registered child welfare agency~~ *child-placing agency, independent foster home, or family day system, registered family day home, or a family day home approved by a family day system*. Any person desiring to volunteer at ~~such a child welfare agency~~ *licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system* shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision ~~D C~~ 1. Such ~~child welfare agency~~ *licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system* shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision ~~D C~~ 1 ~~shall be~~ *is* guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such ~~child welfare agency~~ *licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system* shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed ~~or registered child welfare agency~~ *child-placing agency, independent foster home, or family day system, registered family day home, or a family day home approved by a family day system*, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

~~H. G.~~ No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

~~I. H.~~ Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

~~J. I.~~ A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

~~K.~~ ~~The provisions of this section shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.~~

~~L. J.~~ A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

**§ 63.2-1720.1. Licensed child day centers and licensed family day homes; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.**

A. No child day center or family day home licensed in accordance with the provisions of this chapter shall hire for compensated employment or permit to serve as a volunteer in a position that is involved in the day-to-day operations of the child day center or family day home or in which the employee or volunteer will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All applicants for employment or to serve as volunteers shall undergo a background check in accordance with subsection B.

B. Any applicant required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center or family day home to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him.

*The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center or family day home.*

*C. The child day center or family day home shall inform every applicant for compensated employment or to serve as a volunteer required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children.*

*D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.*

*E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.*

*F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.*

*G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.*

*H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.*

*I. Any person employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children who is (i) convicted of an offense as defined in § 63.2-1719 within or outside of the Commonwealth or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center or family day home of such conviction or finding.*

**§ 63.2-1721. Background check upon application for licensure as a child-placing agency, etc.; penalty.**

A. Upon application for licensure as a child-placing agency, independent foster home, or family day system or registration as a ~~child welfare agency~~ family day home, (i) all applicants; (ii) agents at the time of application who are or will be involved in the day-to-day operations of the ~~child welfare agency~~ child-placing agency, independent foster home, family day system, or family day home or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for licensure or registration as a family day home shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to ~~this section~~ subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history ~~record~~ records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of ~~child welfare agencies~~ child-placing agencies, independent foster homes, family day systems, and family day homes, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. ~~The character and reputation investigation pursuant to § 63.2-1702 shall include background checks pursuant to subsection B of persons specified in subsection A.~~ The applicant person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 ~~shall be~~ is guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in ~~subsections~~ subsection E, F, or G, (i) the

Commissioner shall not issue a license ~~or registration to a child welfare agency~~ *child-placing agency, independent foster home, or family day system or a registration to a family day home*; (ii) the Commissioner shall not issue a license to an assisted living facility; (iii) a child-placing agency shall not approve an adoptive or foster home; or (iv) a family day system shall not approve a family day home.

D. No person specified in subsection A shall be involved in the day-to-day operations of a ~~child welfare agency licensed child-placing agency, independent foster home, or family day system or a registered family day home~~; be alone with, in control of, or supervising one or more children receiving services from a ~~child welfare agency licensed child-placing agency, independent foster home, or family day system or a registered family day home~~; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B; unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided *that* 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided *that* 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided *that* 10 years have elapsed following the conviction.

H. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

I. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

~~J. The provisions of this section referring to a sworn statement or affirmation and to prohibitions on the issuance of a license for any offense shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.~~

**§ 63.2-1721.1. Background check upon application for licensure as child day center or family day home; penalty.**

A. Every (i) applicant for licensure as a child day center or family day home; (ii) agent of an applicant for licensure as a child day center or family day home at the time of application who is or will be involved in the day-to-day operations of the child day center or family day home or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in the family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center or family day home.

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the Department to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center or family day home shall be granted.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center or family day home.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center or family day home, or shall be alone with, in control of, or supervising one or more children without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

*G. If an applicant is denied licensure because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.*

*H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.*

*I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.*

**§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.**

A. The Commissioner may revoke or deny renewal of a license or registration of a child welfare agency, ~~an~~ assisted living facility, or adult day care center; a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home if the assisted living facility, adult day care center, child welfare agency, foster home, or approved family day home has knowledge that a person specified in §§ 63.2-1720 ~~and~~, 63.2-1720.1, 63.2-1721, or 63.2-1721.1 required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720 ~~and~~, subsection G of § 63.2-1720.1, or subsection E, F, or G of § ~~63.2-1721~~ 63.2-1721.1, and the facility, center, or agency refuses to separate such person from employment or service.

B. Failure to obtain background checks pursuant to §§ 63.2-1720 ~~and~~, 63.2-1720.1, 63.2-1721, and 63.2-1721.1 shall be grounds for denial or revocation of a license, registration, or approval. No violation shall occur if the assisted living facility, adult day care center ~~or child welfare agency~~, child-placing agency, independent foster home, family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

**§ 63.2-1723. Child welfare agencies; criminal conviction and waiver.**

A. Any person who seeks to operate, volunteer or work at a child welfare agency and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department, pursuant to §§ 63.2-1720, 63.2-1720.1, 63.2-1721, 63.2-1721.1, and 63.2-1724, may apply in writing for a waiver from the Commissioner. The Commissioner may grant a waiver if the Commissioner determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Commissioner shall not grant a waiver to any person who has been convicted of a barrier crime as defined in § 63.2-1719. However, the Commissioner may grant a waiver to a family day home ~~regulated~~ licensed or registered by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or § 18.2-57.2, provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2. Any waiver granted under this section shall be available for inspection by the public. The child welfare agency shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

**§ 63.2-1725. Child day centers or family day homes receiving federal, state, or local child care funds; eligibility requirements.**

A. Whenever any child day center or family day home that has not met the requirements of §§ 63.2-1720, 63.2-1721, and 63.2-1724 applies to enter into a contract with the Department or a local department to provide child care services to clients of the Department or local department, the Department or local department shall require a criminal records check pursuant to subdivision A 43 of § 19.2-389, as well as a search of the central registry maintained pursuant to § 63.2-1515, on any child abuse or neglect investigation, of the applicant; any employee; prospective employee; volunteers; agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a family day home. The applicant shall provide the Department or local department with copies of these records checks. The child day center or family day home shall not be permitted to enter into a contract with the Department or a local department for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home has any offense as defined in § 63.2-1719. The child day center or family day home shall also require the above individuals to provide a sworn statement or affirmation disclosing whether or not the person has ever been (i) the subject of a founded case of child abuse or neglect or (ii) convicted of a crime or is the subject of any pending criminal charges within the Commonwealth or any equivalent offense outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If a person is denied employment or work because of information from the central registry or convictions appearing on his criminal history record, the child day center or family day program shall provide a copy of such information obtained from the central registry or Central Criminal Records Exchange or both to the person. Further dissemination of the information provided to the facility, beyond dissemination to the Department, agents of the Department, or the local department, is prohibited.

*B. Every child day center or family day home that enters into a contract with the Department or a local department to provide child care services to clients of the Department or local departments that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.*

**§ 63.2-1727. Sex offender or child abuser prohibited from operating or residing in family day home; penalty.**

It shall be unlawful for any person to operate a family day home if he, or if he knows that any other person who resides in, is employed by, or volunteers in the home, has been convicted of a felony in violation of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1, or § 18.2-374.1, *has been convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-902*, or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section ~~shall be~~ *is* punishable as a Class 1 misdemeanor.

**2. That the provisions of this act amending §§ 15.2-2292, 63.2-100, and 63.2-1704 of the Code of Virginia shall become effective on July 1, 2016.**

**3. That the provisions of §§ 63.2-1720 and 63.2-1721 of the Code of Virginia, as amended by this act, and of §§ 63.2-1720.1 and 63.2-1721.1, as created by this act, shall become effective on July 1, 2017.**

**4. That the Department of Social Services shall develop and make available to child care providers, child day centers, and family day homes training and technical information and assistance regarding compliance with new licensure requirements established pursuant to this act.**

**5. That the Department of Social Services shall develop recommendations related to appropriate criminal and civil penalties for individuals who operate or engage in the conduct of a child day center or family day home without first obtaining a license or after such license has been revoked or has expired and not been renewed or who operate or engage in the conduct a child day center or family day home serving more children than the maximum stipulated in the license but shall not develop recommendations related to penalties for failure to comply with § 63.2-1704.1, as created by this act, and the Department shall report its recommendations to the Governor and the General Assembly by December 1, 2015.**

**6. That the Department of Social Services shall report on requirements established by the Child Care and Development Block Grant to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015.**

**7. That the Department of Social Services shall work with localities authorized under § 15.2-914 of the Code of Virginia to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes.**

## CHAPTER 759

*An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to transfer, etc., of firearms from licensed dealer; criminal history record information; penalty.*

[H 1702]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.**

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal

identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services, that corroborates that the prospective purchaser currently resides in Virginia. Where the photo-identification was issued by the Department of Defense, permanent orders assigning the purchaser to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. When the photo-identification presented to a dealer by the prospective purchaser is a driver's license or other photo-identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo-identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence. To establish citizenship or lawful admission for a permanent residence for purposes of purchasing an assault firearm, a dealer shall require a prospective purchaser to present a certified birth certificate or a certificate of birth abroad issued by the United States State Department, a certificate of citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration Services, an unexpired U.S. passport, a United States citizen identification card, a current voter registration card, a current selective service registration card, or an immigrant visa or other documentation of status as a person lawfully admitted for permanent residence issued by the United States Citizenship and Immigration Services.

Upon receipt of the request for a criminal history record information check, the State Police shall (1) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (2) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (3) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with proof of citizenship or status as a person lawfully admitted for

permanent residence and one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

*Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 760

*An Act to amend and reenact §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4303.1 and 2.2-4303.2, relating to the Virginia Public Procurement Act; methods of procurement; job order contracting and cooperative procurement.*

Approved April 30, 2015

[H 1835]

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-4303.1 and 2.2-4303.2 as follows:

§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § ~~2.2-4304~~, 2.2-4302.1, ~~or 2.2-4302.2, 2.2-4303.1, or 2.2-4303.2~~, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. VITA shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

**§ 2.2-4301. Definitions.**

As used in this chapter:

"Affiliate" means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition "voting security" means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

"Best value," as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

"Business" means any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit.

"Competitive negotiation" is the method of contractor selection set forth in § 2.2-4302.2.

"Competitive sealed bidding" is the method of contractor selection set forth in § 2.2-4302.1.

"Construction" means building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

"Construction management contract" means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Design-build contract" means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

"Employment services organization" means an organization that provides employment services to individuals with disabilities that is an approved Commission on the Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Goods" means all material, equipment, supplies, printing, and automated data processing hardware and software.

"Informality" means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

"Job order contracting" means a method of procuring construction services by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending on the needs of the public body procuring the construction services. A minimum amount of work may be specified in the contract. The contract term and the project amount shall not exceed the limitations specified in § ~~2.2-4302.2~~ ~~or 2.2-4303~~ or 2.2-4303.2.

"Multiphase professional services contract" means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

"Nonprofessional services" means any services not specifically identified as professional services in the definition of professional services.

"Potential bidder or offeror," for the purposes of §§ 2.2-4360 and 2.2-4364, means a person who, at the time a public body negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under the contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

"Professional services" means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter. "Public body" shall include (i) any independent agency of the Commonwealth, and (ii) any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia.

"Public contract" means an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

"Responsible bidder" or "offeror" means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

"Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

"Reverse auctioning" means a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

"Services" means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

#### **§ 2.2-4302.2. Process for competitive negotiation.**

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations

have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

**B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects, or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise; (ii) the nature of the projects is clearly identified in the Request for Proposal; and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection; whichever occurs first.**

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5-1-1 and aviation transportation projects; the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation; the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;

4. Environmental location, design and inspection work regarding highways and bridges by the Commissioner of Highways; the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million; whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner; and the sum of all projects in each one-year contract term shall not exceed \$5 million; and

5. Job order contracting; the sum of all projects performed in a one-year contract term shall not exceed \$2 million.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.

**C. For any single project, for (i) architectural or professional engineering services relating to construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5-1-1 and aviation transportation projects; the project fee of any single project shall not exceed \$500,000, except that for:**

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and

3. Job order contracting; the project fee shall not exceed \$400,000.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.

E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or ~~long term~~ long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

### § 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. ~~Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.~~

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4302.2; or

4. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public

body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for (i) goods and services other than professional services and (ii) *non transportation-related construction*, if the aggregate or the sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable. ~~For local public bodies, such~~ Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000. *Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.*

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the ~~(i)~~ (a) written informal solicitation of a minimum of four bidders or offerors and ~~(ii)~~ (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

~~H. A state public body may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however such small purchase procedures shall provide for competition wherever practicable.~~

~~I.~~ Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

~~J.~~ I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

**§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.**

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$100,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.); and

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million.

*The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.*

*E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.).*

**§ 2.2-4303.2. Job order contracting; limitations.**

*A. A job order contract may be awarded by a public body for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation.*

*B. Such contracts may be renewable for two additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed \$5 million. Individual job orders shall not exceed \$500,000.*

*C. For the purposes of this section, any unused amounts from one contract term shall not be carried forward to any additional term.*

*D. Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection B is prohibited.*

*E. No public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000 per contract term.*

*F. Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass.*

**§ 2.2-4304. Joint and cooperative procurement.**

*A. Any public body may participate in, sponsor, conduct, or administer a ~~cooperative joint~~ procurement agreement ~~on behalf of or~~ in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods ~~and~~, services, or construction.*

*A B. In addition, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:*

*1. Contracts for architectural or engineering services; or*

*2. Construction in excess of \$200,000 by a local public body from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subdivision. Nothing in this subdivision shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.*

*in instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.*

*B- C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a ~~cooperative joint~~ procurement arrangement ~~on behalf of or~~ in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.*

*A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.*

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

~~€~~.D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;

2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

**§ 2.2-4343. Exemption from operation of chapter for certain transactions.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College or Universities pursuant to § 23-44.1, 23-50.10:01, 23-76.1, or 23-122.1. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23-44.1, 23-50.10:01, 23-76.1, and 23-122.1.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23-38.80.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2011 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in ~~subsection B of § 2.2-4302.2~~ §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services.

18. The University of Virginia Medical Center to the extent provided by subdivision B 3 of § 23-77.4.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

**§ 23-38.110. Procurement; discrimination prohibited; participation of small, women-owned, and minority-owned business enterprises.**

A. Subject to the express provisions of the management agreement described in § 23-38.88, covered institutions may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317); provided, however, that any deviations from the Virginia Public Procurement Act approved in a Management Agreement shall be uniform across all covered institutions; and provided further that the governing body of a covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall be based upon competitive principles and shall in each instance seek competition to the maximum practical degree. The policies shall implement a system of competitive negotiation for professional services pursuant to § 2.2-4303.1 and subsections A, B, and ~~E~~ C of § 2.2-4302.2; shall prohibit discrimination because of race, religion, color, sex or national

origin of the bidder or offeror in the solicitation or award of contracts; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; and shall consider the impact on correctional enterprises under § 53.1-47.

B. Such policies may, among other things, (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the several states, the District of Columbia, the territories and the United States, and any combination thereof. Nothing in this section shall preclude a covered institution from requesting and utilizing, and covered institutions are hereby encouraged to utilize, the assistance of the Virginia Information Technologies Agency in information technology procurements.

C. In the solicitation and awarding of contracts, no covered institution shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state or federal law. The procurement policies of a covered institution shall provide that, whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers. The institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

D. As part of any procurement provisions of a management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule or rules that deviate from those in the Virginia Public Procurement Act.

### **§ 33.2-283. Powers and duties of the Director of the Department of Rail and Public Transportation.**

Except such powers as are conferred by law upon the Board, or such services as are performed by the Department of Transportation pursuant to law, the Director of the Department of Rail and Public Transportation shall have the power to do all acts necessary or convenient for establishing, maintaining, improving, and promoting public transportation, transportation demand management, ridesharing, and passenger and freight rail transportation in the Commonwealth and to procure architectural and engineering services for rail and public transportation projects as specified in ~~§ 2.2-4302.2~~ ~~2.2-4303.1~~.

2. That by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq. of the Code of Virginia), state agencies utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively shall report their respective experiences and findings relating to the appropriateness and effectiveness of (i) job order contracting in general, (ii) the project cost limitations set forth in § 2.2-4303.2, as added by this act, and (iii) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1, as added by this act, to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

3. That the provisions of this act shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this act, shall apply to any renewal of a job order contract.

4. That all public bodies as defined in § 2.2-4301 of the Code of Virginia, including public institutions of higher education, shall submit a written report to the Director of the Department of General Services (the Director) for any nontransportation-related construction project in excess of \$2 million that was procured by any method other than competitive sealed bidding. Such report shall be in a form and manner prescribed by the Director after consultation with the contractor community and state and local government procurement officials. The report, at a minimum, shall identify the justification for the procurement method chosen and contain such other information deemed necessary or appropriate by the Director, including whether or not the procurement meets the standards as set forth by the Secretary of Administration guidelines. The Director shall (i) report such information quarterly to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology and (ii) post such reports on the Department of General Services' central electronic procurement website. In addition, on or before December 1 of each year, the Director shall submit an annual report to the Governor and the Chairmen of the House Committee on General Laws and Senate Committee on General Laws and Technology that includes (a) the Director's evaluation of and findings regarding the methods of procurement used for such construction procured by design-build or construction management at risk method and (b) any recommendations for the improvement of (1) the method of procuring construction generally and (2) the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).

5. That the provisions of the fourth enactment of this act shall expire on July 1, 2017.

6. That by December 1, 2015, the State Corporation Commission (the Commission) shall develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia and that addresses standing to request and participate in the administrative review. The administrative review shall be

conducted by a person who is not an employee of the Commission. The process developed by the Commission for the administrative review of its procurement decisions may address compensation for the person appointed by the Commission to conduct the administrative review in accordance with the provisions of this enactment. The reviewer shall file a report directly to the Commissioners of the Commission.

## CHAPTER 761

*An Act to amend and reenact §§ 2.2-206.2, 2.2-1111, 2.2-5101, 2.2-5102, 30-309, 30-310, and 45.1-394 of the Code of Virginia and to repeal Chapters 22.3 (§§ 59.1-284.13 through 59.1-284.15:1), 22.7 (§ 59.1-284.24), and 22.8 (§§ 59.1-284.25, 59.1-284.26, and 59.1-284.27) of Title 59.1 of the Code of Virginia, relating to performance and incentive grants; review of incentives.*

[H 1842]

Approved April 30, 2015

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-206.2, 2.2-1111, 2.2-5101, 2.2-5102, 30-309, 30-310, and 45.1-394 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 2.2-206.2. Economic incentive grant programs; responsibilities of the Secretary.**

A. By July 15 of each year, the agencies listed in subdivisions B 1 through 7 shall report the information outlined in subsection C to the Secretary of Commerce and Trade for the three prior calendar or fiscal years, as applicable, so that the Secretary may develop and issue a report on the effectiveness of economic development incentive grant programs administered by the Commonwealth in meeting performance goals and stimulating economic activity.

By September 15 of each year, the Secretary shall submit the draft report to the Joint Legislative Audit and Review Commission for its review of the accuracy of the information contained in the report and the effectiveness of the evaluation methods.

The Joint Legislative Audit and Review Commission shall provide its comments on the content of the report and the Secretary's analysis to the Secretary, and such comments shall be included as an appendix to the final report, which shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 15 of each year.

B. The report shall include a review of allocations from the following economic development incentive programs and funds for the previous three calendar or fiscal years, as applicable, as follows:

1. Virginia Economic Development Partnership: Advanced Shipbuilding Training Facility Grant Program, Aerospace Engine Manufacturing Performance Grant Program, Clean Energy Manufacturing Incentive Grant Program *as it was in effect prior to July 1, 2015*, Governor's Development Opportunity Fund, Investment Partnership Grant subfund, Major Eligible Employer Grant subfund, Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program *as it was in effect prior to July 1, 2016*, Specialized Biotechnology Research Performance Grant Program *as it was in effect prior to July 1, 2015*, Economic Development Incentive Grant subfund, and any customized incentive grants;

2. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real Property Investment Grant Programs;

4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity Fund;

5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;

6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Grant Program; and

7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.

C. The report shall assess the effectiveness of allocations made for each program listed in subsection B. Each agency administering programs outlined in subsection B shall submit the applicable data regarding jobs, wages, capital investment, and any other related information requested by the Secretary of Commerce and Trade for purposes of evaluating economic development incentive programs in meeting their performance goals and stimulating economic activity.

For each program, the report shall include (i) an explanation of the overall goals of the program, describing whether the program is focused on job creation and capital investment or investments are governed by ancillary goals of community development and revitalization or the development of a particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal years, as applicable, summary information, including the total amount of grant funding made available for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the average dollar amount approved per job and average wage expected, where applicable, and any grant amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects that have reached completion or a performance milestone, an aggregate comparison of the projects' performance measures, including the actual number of jobs created, the actual average wages paid, and the actual amount of capital investment, with the expected number of jobs, assumed average wage, and planned capital investment when the grant awards were made, and the proportion of projects that met or exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment compared with the expected rate of return when the grant awards were made; (v) for each of the three previous calendar or fiscal years, as applicable, for all projects that have

reached completion or a performance milestone, an aggregate estimate of the projects' total economic impact measured by the Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final comparison of jobs reported by companies at the time of completion and jobs at the end of the most recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of completion and a five-year rate of return based on the most recent job levels.

**§ 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations of Division; exempt purchases.**

A. All purchases made by any department, division, officer or agency of the Commonwealth shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and such regulations as the Division may prescribe.

B. The regulations adopted by the Division shall:

1. Include a purchasing plan that shall be on file at the Division and shall be available to the public upon request;
2. Require that before any public body procures any computer system, equipment or software, it shall consider whether the proposed system, equipment or software is capable of producing products that facilitate the rights of the public to access official records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other applicable law;
3. Require state public bodies to procure only shielded outdoor light fixtures and provide for waivers of this requirement when the Division determines that a bona fide operational, temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures. For the purposes of this subdivision, "shielded outdoor light fixture" means an outdoor light fixture that is (i) fully shielded so that no light rays are emitted by the installed fixture above the horizontal plane or (ii) constructed so that no more than two percent of the total luminaire lumens in the zone of 90 to 180 degrees vertical angle is permitted, if the related output of the luminaire is greater than 3200 lumens. In adopting regulations under this subdivision, the Division shall consider national standards for outdoor lighting as adopted by the Illuminating Engineering Society of North America (IESNA).

For any project initiated on or after July 1, 2003, the Virginia Department of Transportation shall design all lighting systems in accordance with current IESNA standards and recommended practices. The lighting system shall utilize fixtures that minimize glare, light trespass, and skyglow, all as defined by the IESNA, while still providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over the life cycle of the lighting system;

4. Establish the conditions under which a public body may use, as a basis for the procurement of goods and nonprofessional services, a particular vendor's contract-pricing that has been negotiated and accepted by the U.S. General Services Administration;

5. Establish procurement preferences for products containing recycled oil (including reprocessed and rerefined oil products) and recycled antifreeze no later than December 31, 2002;

6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to employment services organizations as defined in § 2.2-4301 that offer transitional or supported employment services serving individuals with disabilities; and

7. Establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, as defined in § 59.1-284.25 *as such section was in effect on June 30, 2015*, for use in on-road internal combustion engines. The conditions shall take into consideration the availability of such fuel and the variability in cost of biodiesel fuel with respect to unblended diesel fuel.

C. The Division may make, alter, amend or repeal regulations relating to the purchase of materials, supplies, equipment, nonprofessional services, and printing, and may specifically exempt purchases below a stated amount or particular agencies or specified materials, equipment, nonprofessional services, supplies and printing.

**§ 2.2-5101. Virginia Investment Performance Grants.**

A. Subject to the appropriation by the General Assembly of sufficient moneys to the Investment Performance Grant subfund, any eligible manufacturer or research and development service that is not eligible for a major eligible employer grant under § 2.2-5102 shall be eligible for an investment performance grant as provided in this section.

B. The Partnership shall establish an application process by which eligible manufacturers and research and development services may apply for a grant under this section. An application for a grant under this section shall not be approved until the Partnership has verified that the capital investment has been completed.

C. The amount of the investment performance grant that an eligible manufacturer or research and development service shall be eligible to receive under this section shall be determined by the Secretary, based on the recommendation of the Partnership, and contingent upon approval by the Governor. The determination of the appropriate amount of an investment performance grant shall be based on the application of guidelines that establish criteria for correlating the amount of a grant to the relative value to the Commonwealth of the eligible investment.

D. The Partnership shall assist the Secretary in developing objective guidelines that shall be used in awarding investment performance grants. No grant shall be awarded until the Secretary has provided copies of such guidelines for review to the ~~chairman~~ Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative

Process Act (§ 2.2-4000 et seq.). The guidelines shall require determinations regarding the amount of investment performance grants to address:

1. The number of new jobs created by the capital investment;
2. The wages paid for the new jobs and the amount by which wages exceed the average manufacturing wage for the locality or region;
3. The extent to which the capital investment produces (i) measurable increases in capacity, productivity, or both; (ii) measurable decreases in the production of flawed product; or (iii) measurable advances in knowledge, research, or the application of research findings for the creation of new or significantly improved products or processes that support manufacturing;
4. The amount of the capital investment;
5. The net present value of benefits to Virginia;
6. The amount of other incentives offered by the Commonwealth and the locality; and
7. The importance of the manufacturing or research and development facility to the economy of the locality or region.

The guidelines shall also address the eligibility of manufacturers or research and development services that make a capital investment in phases over a period of years, and limits on eligibility for multiple grants by the same manufacturer or research and development service within stated periods of time.

E. The amount of an investment performance grant to any eligible manufacturer under this section shall not exceed \$3 million or 10 percent of the amount appropriated by the General Assembly to the Investment Performance Grant subfund in the year that the terms of a grant are determined. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed \$1.5 million. For eligible projects awarded grants on or after July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed \$3 million, except for eligible projects that demonstrate extraordinary characteristics described in guidelines implementing this chapter the amount of an investment performance grant to any such recipient under this section shall not exceed \$5 million.

F. For all eligible projects awarded grants before July 1, 2005, the aggregate amount of investment performance grants approved under this section in any year shall not exceed \$6 million, and the aggregate amount of grants outstanding to all eligible manufacturers under this section for all years shall at no time exceed \$30 million. For all such grants awarded prior to that date, the annual obligations of the Commonwealth to make grant payments to individual eligible manufacturers under this section shall not exceed \$600,000. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the aggregate amount of investment performance grants approved under this section in any year shall not exceed \$3 million, and the aggregate amount of such grants awarded after that date and outstanding at any time shall not exceed \$15 million. For all such grants awarded on or after that date, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed \$300,000. For all eligible projects awarded grants on or after July 1, 2009, *and before July 1, 2015*, the aggregate amount of investment performance grants approved under this section in any year shall not exceed \$6 million, and the aggregate amount of such grants awarded *on or after that date July 1, 2009, and before July 1, 2015*, and outstanding at any time shall not exceed \$30 million. For all such grants awarded on or after ~~that date~~ *July 1, 2009, and before July 1, 2015*, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed \$1 million. *For all eligible projects awarded grants on or after July 1, 2015, the aggregate amount of investment performance grants approved under this section in any year shall not exceed \$6 million, and the aggregate amount of such grants awarded on or after July 1, 2015, and outstanding at any time shall not exceed \$20 million. For all such grants awarded on or after July 1, 2015, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed \$1 million.*

G. Any eligible manufacturer or research and development service shall be eligible to receive a grant from the Fund in five equal installments beginning in the third year after the capital investment is completed and the Partnership has verified that the requirements applicable to such grant have been satisfied. Any eligible manufacturer or research and development service located in a fiscally distressed area of the State, as defined in the guidelines implementing this chapter, shall be eligible to begin receiving grants in the second year after the capital investment is completed and verified.

#### **§ 2.2-5102. Performance grant for major eligible manufacturers.**

A. As used in this section, "major eligible employer" means any eligible manufacturer or other nonmanufacturing basic employer that makes a capital investment of at least \$100 million that results in the creation of at least 1,000 new jobs. For corporate headquarters and other basic employers that make a capital investment of at least \$100 million and create at least 400 new jobs paying at least twice the prevailing average wage for the area, the 1,000 job requirement may be reduced in proportion to the factor by which the wages for the new jobs exceed the prevailing average wage for the area. All other provisions of this chapter shall apply equally to major eligible manufacturers and major eligible nonmanufacturing basic employers, in this chapter collectively referred to as "major eligible employers."

B. Subject to the appropriation by the General Assembly of sufficient moneys to the Major Eligible Employer Grant subfund, any major eligible employer shall be eligible for a grant under this section of up to \$25 million, to be payable from such subfund over a period of not less than five years and not more than seven years, commencing in the ~~sixth~~ *third* year following the approval by the Secretary of the employer's grant application. ~~Any major eligible employer located in a fiscally distressed area of the State, as defined in the guidelines implementing this chapter, shall be eligible to begin receiving grants in the fourth year after the capital investment is completed and verified.~~

C. The Partnership shall establish an application process by which major eligible employers may apply for a grant under this section. An application for a grant under this section shall not be approved until the Partnership has verified that the capital investment has been completed.

D. The Comptroller shall not draw any warrants to issue checks for grants under this chapter without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act. The payment of any grant under this section shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a major eligible employer and the Commonwealth. These terms and conditions shall supplement the provisions of this chapter and shall include but not be limited to the terms of the payment of the grant. The payment of the grant shall be made in full or in proportion to a major eligible employer's fulfillment of the terms of the memorandum of understanding. The Secretary shall consult with the House Committee on Appropriations and the Senate Committee on Finance prior to entering into any memorandum of understanding. The House Committee on Appropriations and the Senate Committee on Finance shall have the opportunity to review any memorandum of understanding prior to its execution by the Commonwealth.

**§ 30-309. MEI Project Approval Commission; membership; terms; compensation and expenses; definition.**

A. The MEI Project Approval Commission (the Commission) is established as an advisory commission in the legislative branch of state government. The purpose of the Commission shall be to review financing for individual incentive packages, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or ~~(ii)~~ an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) *the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value.*

B. The Commission shall consist of 10 members as follows: ~~the chair of the House Committee on Appropriations and four~~ *five* members of the House Committee on Appropriations or ~~the House Committee on Finance~~ appointed by the chair of ~~the House Committee on Appropriations~~ and ~~the chair of the Senate Finance Committee~~ and ~~two~~ *three* members of the Senate ~~Finance~~ Committee on Finance appointed by the chair of ~~the Senate Committee on Finance~~. In addition, the Secretaries of Finance and Commerce and Trade shall serve as ex officio, nonvoting members of the Commission.

C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.

D. The members of the Commission shall elect a chairman and ~~vice chairman~~ *vice-chairman* annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.

F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260.

**§ 30-310. Review of incentive packages.**

A. 1. The Commission shall review individual incentive packages, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or ~~(ii)~~ an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) *the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value.* The Commission shall recommend approval or denial of such packages to the General Assembly. Factors that shall be considered by the Commission in its review shall include, but not be limited to (i) return on investment, (ii) the time frame for repayment of incentives to the Commonwealth, (iii) average wages of the jobs created by the prospective MEI project or other economic development project, (iv) the amount of capital investment that is required, and (v) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

2. a. Any time a proposed individual incentive package is to be considered by the Commission, materials outlining (i) the value of the proposed incentives, (ii) assumed return on investment, (iii) the time frame for repayment of incentives to the Commonwealth, (iv) average wages of the jobs created by the prospective MEI project or other economic development project, (v) the amount of capital investment that is required, and (vi) the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project, shall be provided to the Commission members not less than ~~forty-eight~~ 48 hours prior to the scheduled Commission meeting.

b. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled so that the MEI Commission could, at its discretion, have up to seven days subsequent to the presentation of the incentive package prior to endorsing or rejecting such proposal.

B. An affirmative vote by three of the five members of the Commission from the House of Delegates and two of the three members of the Commission from the Senate shall be required to endorse any incentive package, including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects)

for which (i) one or more of the incentives in the incentive package is not authorized under current law or ~~(ii)~~ an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value.

**§ 45.1-394. (Repealed effective July 1, 2017) Biofuels Production Incentive Grant Program.**

A. For the purposes of this section:

"Advanced biofuels" means a fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass, or algae.

"Biodiesel fuel" means a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751.

"Biofuels" means neat biodiesel fuel, neat green diesel fuel, or neat ethanol fuel that is not blended with a traditional fuel such as gasoline or diesel.

"Ethanol fuels" means fermentation alcohol derived from agricultural products, including potatoes, cereal grains, dry mill corn, whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources, that:

1. Meets all applicable ASTM specifications; and
2. Is denatured as specified in 27 C.F.R. Parts 20 and 21.

"Feedstock" means the agricultural or other renewable resources, whether plant or animal derived, used to produce biofuels.

"Green diesel fuel" means a fuel produced from nonfossil renewable resources, including agricultural or silvicultural plants; animal fats; residue and waste generated from the production, processing, and marketing of agricultural products; silvicultural products; and other renewable resources, and meeting applicable ASTM specifications.

"Producer" means any person, entity, or agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.) that, in a calendar year, produces in the Commonwealth at least one million gallons of advanced biofuels or biofuels using feedstock originating domestically within the United States.

B. 1. A producer of neat advanced biofuels or neat biofuels, including but not limited to such biofuels derived from cereal grains, shall be eligible to receive a biofuels production incentive grant for each gallon of the same that it produces in the Commonwealth. However, a producer shall be eligible for a grant from the Biofuels Production Fund (the Fund) established under § 45.1-393 only for each gallon of neat advanced biofuels or neat biofuels that it produces in the Commonwealth on or after January 1, 2014, which gallon has also been sold by the producer to customers.

2. The grant for neat advanced biofuels or neat biofuels produced in the Commonwealth and subsequently sold to customers shall equal (i) \$0.04 per gallon for sales to customers in calendar year 2014, (ii) \$0.03 per gallon for sales to customers in calendar year 2015, and (iii) \$0.025 per gallon for sales to customers in calendar year 2016 and for the period January 1, 2017, through June 30, 2017.

3. Each producer applying for a grant under this section for 2015 production of neat advanced biofuels or neat biofuels shall make a good faith effort to produce the same using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. Further, no grant shall be awarded for neat advanced biofuels or neat biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant.

No person shall be eligible for any grants pursuant to this section if the person, or an affiliate of the person, was the recipient of a grant under the Clean Energy Manufacturing Incentive Grant Program (§ 59.1-284.25 et seq.) *as such program was in effect prior to July 1, 2015.*

4. In no case shall the Director of the Division of Energy approve more than \$1.5 million in grants in each of fiscal years 2014-2015, 2015-2016, and 2016-2017. Grants awarded under this section shall be paid from the Fund.

C. In the event applications for grants pursuant to subsection B as approved by the Director of the Division of Energy exceed the total amount of money allocated in the Fund, grant payments shall be apportioned among eligible producers pro rata based upon the total qualifying gallons of neat advanced biofuels or neat biofuels sold in the respective calendar year by all such eligible producers.

D. Any producer eligible to apply for a grant pursuant to this section shall provide evidence in the form of production reports, satisfactory to the Director of the Division of Energy, that the producer met the production requirements provided under this section for the respective calendar year. The producer shall also provide evidence in the form of sales reports, satisfactory to the Director, of the number of qualifying gallons of neat advanced biofuels or neat biofuels sold by the producer to customers in the respective calendar year. Such reports shall be filed no later than March 31 following the calendar year in which the producer sold the qualifying gallons of biofuels. Failure to meet the filing deadline shall render the applicant ineligible to receive a grant. The postmark cancellation shall govern the date of the filing determination unless the Director has approved an alternative means of filing.

No producer shall be eligible to receive grants pursuant to this section for qualifying sales made in more than six calendar years. No grants shall be paid under this section for neat advanced biofuels or neat biofuels sold on or after July 1, 2017.

E. The Director of the Division of Energy shall determine the amount of the grant payable to each qualifying producer. The Director shall then certify to the Comptroller the grant amount each producer of biofuels is eligible to receive in a given calendar year. Payments shall be paid by check issued by the State Treasurer on warrant of the Comptroller.

F. The Director, upon presenting appropriate credentials, may examine the records, books, invoices, bills of lading, storage and production facilities, and other applicable documents to determine whether the production and sale of neat advanced biofuels or neat biofuels meet the requirements for grants as set forth in this section.

**2. That the Virginia Economic Development Partnership shall by November 30, 2015, provide a written report to the members of the MEI Project Approval Commission established under § 30-309 of the Code of Virginia identifying the specific statutes or programs under which state incentives were committed or allowed to economic development projects between January 1, 2010, and January 1, 2015, pursuant to incentive packages of the Virginia Economic Development Partnership. The report shall include the aggregate dollar value of state incentives committed or allowed under each specific statute or program during the five-year period. The report shall also include an assessment of the relative effectiveness of each state incentive and an evaluation of how each could be improved to better address the economic growth of the Commonwealth.**

**3. That Chapter 22.3 (§§ 59.1-284.13 through 59.1-284.15:1) of Title 59.1 of the Code of Virginia is repealed effective July 1, 2016.**

**4. That Chapters 22.7 (§ 59.1-284.24) and 22.8 (§§ 59.1-284.25, 59.1-284.26, and 59.1-284.27) of Title 59.1 of the Code of Virginia are repealed.**

## CHAPTER 762

*An Act to amend and reenact § 51.1-305 of the Code of Virginia, relating to mandatory judicial retirement age.*

[H 1984]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.1-305 of the Code of Virginia is amended and reenacted as follows:**

**§ 51.1-305. Service retirement generally.**

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B. Early retirement. - Any member in service who has either (i) attained his fifty-fifth birthday with five or more years of creditable service or (ii) in the case of a member of any of the previous systems immediately prior to July 1, 1970, complied with the requirements for retirement set forth under the provisions of such previous system as in effect immediately prior to July 1, 1970, may retire upon written notification to the Board setting forth the date the retirement is to become effective.

~~B1. Mandatory retirement. - Any member who attains 70 73 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly. However, if the mandatory retirement provisions of this subdivision would require a member of the State Corporation Commission to be retired before the end of his elected term and such retirement would occur during a session of the General Assembly in which the General Assembly is required, pursuant to § 12.1-6, to elect another member or members of the State Corporation Commission to serve either a regular term or a portion of a regular term, such member who otherwise would be subject to the mandatory retirement provisions of this subdivision shall be retired upon the first to occur of (i) the expiration of the term to which he was elected or (ii) 20 days after the commencing of the regular session of the General Assembly that immediately follows the date such member attains 72 years of age. The provisions of this subsection shall apply only to those members who are elected or appointed to an original or subsequent term commencing after July 1, 1993 following his seventy-third birthday.~~

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service may retire under the provisions of subsection A or B of this section, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

E. Notification of retirement. - In addition to the notice to the Board required by this section, the same notice shall be given by the member to his appointing authority. If a member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification to the Board on his behalf.

**2. That the provisions of this act shall apply to justices of the Supreme Court of Virginia and judges of the Court of Appeals of Virginia effective July 1, 2015.**

**3. That the provisions of this act shall apply only to those judges of the circuit, general district, and juvenile and domestic relations district courts who are elected or appointed to an original or subsequent term commencing on or after July 1, 2015.**

## CHAPTER 763

*An Act to amend and reenact §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1, relating to the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.*

[H 2070]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1 as follows:**

**§ 2.2-115. Commonwealth's Development Opportunity Fund.**

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the ~~Governor's~~ Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment

authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall promptly provide written notice to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any exception to such policy.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created

agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of a portion of the funds provided under the contract. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. Any such funds repaid to the political subdivision that relate to the award from the ~~Governor's~~ Commonwealth's Development Opportunity Fund shall promptly be paid over by the political subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the ~~Governor's~~ Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

*I. Any person or entity submitting an application for a grant or loan from the Fund shall certify, on a form acceptable to the Virginia Economic Development Partnership, that it shall not provide any contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign committee or a political action committee established on his behalf during (i) the period in which the person or entity's application for such award is pending and (ii) the one-year period immediately after any such award is made. Any person or entity who so certifies and who receives an award from the Fund shall repay, if such person or entity provided or provides such a contribution, gift, or other item of value during these periods, the amount of the award received within 90 days after receipt of written notice from the Virginia Economic Development Partnership. In addition, any person or entity that knowingly provided or provides such a contribution, gift, or other item of value during these periods in violation of this subsection shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned*

to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity.

**§ 2.2-206.2. Economic incentive grant programs; responsibilities of the Secretary.**

A. By July 15 of each year, the agencies listed in subdivisions B 1 through 7 shall report the information outlined in subsection C to the Secretary of Commerce and Trade for the three prior calendar or fiscal years, as applicable, so that the Secretary may develop and issue a report on the effectiveness of economic development incentive grant programs administered by the Commonwealth in meeting performance goals and stimulating economic activity.

By September 15 of each year, the Secretary shall submit the draft report to the Joint Legislative Audit and Review Commission for its review of the accuracy of the information contained in the report and the effectiveness of the evaluation methods.

The Joint Legislative Audit and Review Commission shall provide its comments on the content of the report and the Secretary's analysis to the Secretary, and such comments shall be included as an appendix to the final report, which shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 15 of each year.

B. The report shall include a review of allocations from the following economic development incentive programs and funds for the previous three calendar or fiscal years, as applicable, as follows:

1. Virginia Economic Development Partnership: Advanced Shipbuilding Training Facility Grant Program, Aerospace Engine Manufacturing Performance Grant Program, Clean Energy Manufacturing Incentive Grant Program, ~~Governor's~~ Commonwealth's Development Opportunity Fund, Investment Partnership Grant subfund, Major Eligible Employer Grant subfund, Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, Specialized Biotechnology Research Performance Grant Program, Economic Development Incentive Grant subfund, and any customized incentive grants;

2. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real Property Investment Grant Programs;

4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity Fund;

5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;

6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Grant Program; and

7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.

C. The report shall assess the effectiveness of allocations made for each program listed in subsection B. Each agency administering programs outlined in subsection B shall submit the applicable data regarding jobs, wages, capital investment, and any other related information requested by the Secretary of Commerce and Trade for purposes of evaluating economic development incentive programs in meeting their performance goals and stimulating economic activity.

For each program, the report shall include (i) an explanation of the overall goals of the program, describing whether the program is focused on job creation and capital investment or investments are governed by ancillary goals of community development and revitalization or the development of a particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal years, as applicable, summary information, including the total amount of grant funding made available for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the average dollar amount approved per job and average wage expected, where applicable, and any grant amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects that have reached completion or a performance milestone, an aggregate comparison of the projects' performance measures, including the actual number of jobs created, the actual average wages paid, and the actual amount of capital investment, with the expected number of jobs, assumed average wage, and planned capital investment when the grant awards were made, and the proportion of projects that met or exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment compared with the expected rate of return when the grant awards were made; (v) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate estimate of the projects' total economic impact measured by the Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final comparison of jobs reported by companies at the time of completion and jobs at the end of the most recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of completion and a five-year rate of return based on the most recent job levels.

**§ 2.2-419. Definitions.**

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;

2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;

3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;

4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor. "Executive action" includes procurement transactions.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the Virginia Lottery.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes

services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance ~~from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or~~
4. A gift of a value of \$50 or less-;
5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
6. Any food or beverages provided to an individual at an event at which the individual is performing official duties related to his public service;
7. Any food and beverages received at or registration or attendance fees waived for any event at which the individual is a featured speaker, presenter, or lecturer;
8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;
9. Any gift from an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse;
10. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; or
11. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

"Immediate family" means (i) the spouse and (ii) any ~~child~~ other person who resides in the same household as the executive or legislative official and who is a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a

principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Secretary" means the Secretary of the Commonwealth.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

#### § 2.2-420. Exemptions.

The registration and reporting provisions of this article shall not apply to:

1. The Governor, Lieutenant Governor, Attorney General, and their immediate staffs or the Governor's Secretaries and their immediate staffs, acting in an official capacity;
2. Members of the General Assembly and other legislative officials and legislative employees acting in an official capacity;
3. Local elected officials acting in an official capacity;
4. Any employee of a state executive agency acting in an official capacity;
5. A duly elected or appointed official or employee of the United States acting in an official capacity;
6. An individual who limits lobbying solely to (i) formal testimony before a public meeting of an executive agency or legislative body and registers the appearance in the records of the agency or body and (ii) testimony and information compelled by action of an executive agency or legislative body;
7. A person who receives \$500 or less in compensation and reimbursements, excluding personal living and travel expenses that are not reimbursed from any other source, in a calendar year for his lobbying activities;
8. A person who receives no compensation or anything of value for lobbying, and does not expend more than \$500, excluding personal living and travel expenses that are not reimbursed from any other source, in lobbying in the calendar year; or
9. An employee of a business, other entity, or local government whose job duties do not regularly include ~~influencing or attempting to influence legislative or executive action~~ lobbying.

#### § 2.2-424. Registration fees.

The Secretary shall collect an annual registration fee of ~~fifty dollars~~ \$100 from the lobbyist for each principal for whom, or on whose behalf, the lobbyist will act. *This fee shall be deposited into the general fund and used exclusively to fund the Council.*

#### § 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ a separate semiannual report of expenditures, including gifts, for each principal for whom he lobbies by December 15 for the preceding six-month period complete through the last day of October and June 15 for the preceding six-month period complete through the last day of April.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the ~~Virginia Conflict of Interest and Ethics Advisory Council~~, which shall be substantially ~~as follows~~ similar to the following and shall be accompanied by instructions provided by the Council. *All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.*

#### LOBBYIST'S DISCLOSURE STATEMENT

PART I:

(1) PRINCIPAL: \_\_\_\_\_

In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a.

- (2a) Name: \_\_\_\_\_
- (2b) Permanent Business Address: \_\_\_\_\_
- (2c) Business Telephone: \_\_\_\_\_
- (3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.  
\_\_\_\_\_  
\_\_\_\_\_

- (4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:  
Individual filing financial information: \_\_\_\_\_  
Individuals to be included in the filing: \_\_\_\_\_

- (5) Please indicate which schedules will be attached to your disclosure statement:  
 Schedule A: Entertainment Expenses  
 Schedule B: Gifts  
 Schedule C: Other Expenses

- (6) EXPENDITURE TOTALS:
 

a) ENTERTAINMENT	\$	
b) GIFTS	\$	
c) COMMUNICATIONS	\$	
d) PERSONAL LIVING AND TRAVEL EXPENSES	\$	
e) COMPENSATION OF LOBBYISTS	\$	
f) HONORARIA	\$	
g) OTHER	\$	
TOTAL	\$	

PART II:

- (1a) NAME OF LOBBYIST: \_\_\_\_\_
- (1b) Permanent Business Address: \_\_\_\_\_
- (1c) Business Telephone: \_\_\_\_\_
- (2) As a lobbyist, you are (check one)  
 EMPLOYED (on the payroll of the principal)  
 RETAINED (not on the payroll of the principal, however compensated)  
 NOT COMPENSATED (not compensated; expenses may be reimbursed)
- (3) List all lobbyists other than yourself who registered to represent your principal.  
\_\_\_\_\_  
\_\_\_\_\_
- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.  
\_\_\_\_\_

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

- (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6e \_\_\_\_\_.
- (5b) Explain how you arrived at your answer to Part II, item 5a.  
\_\_\_\_\_  
\_\_\_\_\_

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT

complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

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- (2) Indicate the total amount paid to your firm, organization, association, corporation, or other entity for services rendered. Transfer your answer to this item to Part I, item 6e\_\_\_\_\_.

SCHEDULE A

ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

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Description of Event (including whether or not it meets the criteria of a widely attended event):

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Total Number of Persons Attending:

.....

Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)

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Food	\$ _____
Beverages	\$ _____
Transportation of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Lodging of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Performers, Speakers, Etc.	\$ _____
Displays	\$ _____
Rentals	\$ _____
Service Personnel	\$ _____
Miscellaneous	\$ _____
TOTAL	\$ _____

SCHEDULE B

GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Date of gift:	Description of gift:	Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:	Cost of individual gift:
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____



A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and every individual failing to file the statement within ~~ten~~ 10 days after the time prescribed herein shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. *The Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.*

B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. *The ~~penalty~~ Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.*

C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he remains in default.

D. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such default are or will be beyond his control, or the control of his principal, or both, the Secretary may suspend the assessment of any penalty otherwise assessable and accept a substituted statement, upon the submission of sworn proofs that shall satisfy him that the default has been beyond the control of the lobbyist or his principal, and that the substituted statement contains the most accurate and complete information available after the exercise of due diligence.

E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

### **§ 2.2-3101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. *The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.*

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service;* (vii) *food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or*

lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

**§ 2.2-3103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

B. ~~A~~ No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. ~~A~~ No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a

personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from any person that he knows or has reason to know is a person, organization, or business ~~who~~ that is a party to such civil action. A person, organization, or business ~~who~~ that is a party to such civil action shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

~~E. I. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.~~

~~F. For purposes of this section, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

**§ 2.2-3103.2. Return of gifts.**

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1.

**§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.**

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

**§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund.**

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act

of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. *Neither the Governor, his campaign committee, nor a political action committee established on his behalf shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$100 from any person or entity that has submitted an application for a grant or loan from the Commonwealth's Development Opportunity Fund during the period in which the person or entity's application for such an award is pending and for the one-year period immediately after any such award is made. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity.*

C. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more *or for grants or loans from the Commonwealth's Development Opportunity Fund regardless of the value of the grant or loan.* The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § 2.2-4302.1.

~~C.~~ D. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, *and the contribution, gift, or other item shall be returned to the donor.* The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

**§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.**

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia

Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~January~~ *December* 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~January~~ *December* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

**§ 2.2-3114. Disclosure by state officers and employees.**

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, *members of the Virginia Alcoholic Beverage Control Board*, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor; or, ~~in the case of~~ officers or employees of the legislative branch, *as may be designated* by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and

thereafter shall file such form annually on or before December 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the Council ~~to each officer and employee so designated, including officers appointed by legislative authorities~~ at least 30 days prior to the filing deadline. Disclosure forms shall be filed ~~and electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be~~ maintained as public records for five years in the office of the Council. *Such forms shall be made public no later than six weeks after filing.*

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. *Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by § 2.2-3117 or 2.2-3118.*

#### **§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.**

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter (~~§ 2.2-3100 et seq.~~). The Secretary of the Commonwealth may obtain from the ~~Clerk of the House of Delegates or the Senate, as appropriate;~~ *Council* a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

#### **§ 2.2-3115. Disclosure by local government officers and employees.**

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file ~~with the Council,~~ as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council,~~ as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before December 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding six-month period

complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the Virginia Conflict of Interest and Ethics Advisory Council ~~to the clerks of the governing bodies and school boards~~ at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the respective governing body or school board*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the governing body of the county or city*. *Such forms shall be made public no later than six weeks after filing.*

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the governing body of such county, city, or town* on or before December 15. Such disclosures shall be filed and maintained as public records for five years. *Such forms shall be made public no later than six weeks after filing.* Forms for the filing of such reports shall be ~~prepared and distributed~~ *made available* by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes ~~of~~ *for* his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the

transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

**§ 2.2-3116. Disclosure by certain constitutional officers.**

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city; ~~shall be deemed to be local officers and~~ shall be required to file *with the Council, as a condition to assuming office*, the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements ~~pursuant to § 2.2-3115 and candidates~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.* These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

**§ 2.2-3117. Disclosure form.**

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be substantially ~~as follows:~~ *similar to the following. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.*

STATEMENT OF ECONOMIC INTERESTS.

Name .....  
Office or position held or sought .....  
Address .....  
Names of members of immediate family .....

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the*

donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

**TRUST.** If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

**REPORT TO THE BEST OF INFORMATION AND BELIEF.** Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

**COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.**

You may attach additional explanatory information.

**1. Offices and Directorships.**

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

**2. Personal Liabilities.**

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

**3. Securities.**

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

**4. Payments for Talks, Meetings, and Publications.**

During the past six months did you receive in your capacity as an officer or employee of your agency lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

**5. Gifts.**

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

**6. Salary and Wages.**

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //.

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**7. Business Interests.**

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

**8. Payments for Representation and Other Services.**

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection.

AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature .....

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME .....

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here //.

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
		\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____


RETURN TO ITEM 4

**SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.**

List each source from which you received during the past six months in your capacity as an officer or employee of your agency lodging, transportation, money, or any other thing of value with combined value exceeding ~~\$200~~ \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here //.

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimbursement, etc.)

RETURN TO ITEM 5

**SCHEDULE E - GIFTS.**

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event; and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value

RETURN TO ITEM 6

**SCHEDULE F - BUSINESS INTERESTS.**

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation,	Gross Income

Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Enterprise \$50,000 or less	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

**SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.**

List the businesses you represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Only STATE officers and employees should complete this Schedule.

Name of Busi- ness	Type of Busi- ness	Pur- pose of Repre- senta- tion	Name of Agen- cy	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000.

Amount Received: \_\_\_\_\_.

**SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.**

List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Only STATE officers and employees should complete this Schedule.

Type of business	Name of state governmental agency
_____	_____
_____	_____
_____	_____

**SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.**

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

Check if	Type	Value of Compensation
_____	_____	_____

	ser- vices were ren- dered	of ser- vice ren- dered	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____
Loan or finance companies	_____	_____	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

**SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.**

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recre- ational, apartment, com- mercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.


SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.	List the names of any co-owners, if applicable.

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.  
Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall

be substantially as follows: similar to the following. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any ~~and~~ other person who resides in the same household as the filer and who is a dependent of the filer.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name .....

Office or position held or to be held

.....

Address .....

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

- 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
- 2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
- 3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
- 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

- 1. Residence, address, or, if no address, location .....
- 2. Other real estate, address, or, if no address, location .....
- 3. Name or principal business activity of each business in which stock, bond or equity interest is held .....

B. The personal interests of my immediate family are:

- 1. Real estate, address or, if no address, location .....
- 2. Name or principal business activity of each business in which stock, bond or equity interest is held .....

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Position held	Name of business
_____	_____
_____	_____
_____	_____

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Position held	Name of business
_____	_____

_____	_____
_____	_____
_____	_____

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Name of business	Name of governmental agency
_____	_____
_____	_____
_____	_____

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business	Name of state governmental agency
_____	_____
_____	_____
_____	_____

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1,000 was received during the preceding year:

Check each category of business to which services were furnished.

- Electric utilities \_\_\_\_\_
- Gas utilities \_\_\_\_\_
- Telephone utilities \_\_\_\_\_
- Water utilities \_\_\_\_\_
- Cable television companies \_\_\_\_\_
- Intrastate transportation companies \_\_\_\_\_
- Interstate transportation companies \_\_\_\_\_
- Oil or gas retail companies \_\_\_\_\_
- Banks \_\_\_\_\_
- Savings institutions \_\_\_\_\_
- Loan or finance companies \_\_\_\_\_
- Manufacturing companies (state type  
of product, e.g., textile, furniture,  
etc.) \_\_\_\_\_
- Mining companies \_\_\_\_\_
- Life insurance companies \_\_\_\_\_
- Casualty insurance companies \_\_\_\_\_
- Other insurance companies \_\_\_\_\_
- Retail companies \_\_\_\_\_
- Beer, wine or liquor companies or  
distributors \_\_\_\_\_
- Trade associations \_\_\_\_\_
- Professional associations \_\_\_\_\_
- Associations of public employees or  
officials \_\_\_\_\_
- Counties, cities or towns \_\_\_\_\_

Labor organizations \_\_\_\_\_

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 \$100 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.*

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth, *his county, city, or town attorney*, or the Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.* The written opinion shall be a public record and shall be released upon request.

~~C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.~~

§ 2.2-3124. Civil penalty from violation of this chapter.

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. *An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.*

§ 30-101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service*; (vii) *food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer*; (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service*; (ix) *a devise or inheritance*; (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.)*; (xi) *travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state*; (xii) *travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules*; (xiii) *travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment*; or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, *or first cousin*; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, *step-parent, step-grandparent, step-grandchild, step-brother, or step-sister*; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; *or* (b) a lobbyist's principal as defined in § 2.2-419; ~~or~~ ~~(e) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ *other person* who resides in the same household as the legislator and who is a dependent of the legislator.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property,

business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

### **§ 30-103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

B. A No legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure form. For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business or a member of his immediate family shall solicit, accept, or receive any single gift for himself or a member of his immediate family with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii) a lobbyist's principal as defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess in \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth, but the value of such gift shall not be required to be disclosed.

E. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B if such gift was provided to the legislator or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B may be a personal friend of the legislator or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

F. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B when the legislator or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

G. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

**§ 30-103.2. Return of gifts.**

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B of § 30-103.1.

**§ 30-110. Disclosure.**

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be ~~provided made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Members of the Senate and members of the House of Delegates shall file their disclosure~~ Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

**§ 30-111. Disclosure form.**

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially ~~as follows:~~ similar to the following. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

STATEMENT OF ECONOMIC INTERESTS.

Name .....  
Office or position held or sought .....  
Address .....  
Names of members of immediate family .....

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; ~~or~~ (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of

public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; or (b) a lobbyist's principal as defined in § 2.2-419; ~~or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth.~~ "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a) constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client or other privilege for a third party, or (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

**COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.**

You may attach additional explanatory information.

**1. Offices and Directorships.**

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

**2. Personal Liabilities.**

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

**3. Securities.**

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

**4. Payments for Talks, Meetings, and Publications.**

During the past six months did you receive in your capacity as a legislator lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO // OR check YES // and complete Schedule D.

**5. Gifts.**

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event; and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total

value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here //.

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7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO // OR check YES // and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000?

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

11. Payments by the Commonwealth for Meetings.

During the past six months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO // OR check YES // and complete Schedule D-2.

For Statements filed in ~~January~~ June 2016 and each two years thereafter, complete the following statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

I certify that I completed ethics training as required by § 30-129.1. YES // or NO // .

Statements of Economic Interests are open for public inspection.

AFFIRMATION.

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand

that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature \_\_\_\_\_ (Such signature shall be deemed to constitute a valid notarization and shall have the same effect as if performed by a notary public.)

(Return only if needed to complete Statement.)

SCHEDULES  
to  
STATEMENT OF ECONOMIC INTERESTS.

NAME \_\_\_\_\_

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each	_____	_____

creditor and its name.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

Individual creditors:  
(State principal business or occupation of each creditor and its name.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here // .

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
		\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as a legislator lodging, transportation, money, or any other thing of value with a combined value exceeding ~~\$200~~ \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here // .

Payer	Approximate Value	Circumstances	Type of Payment
			(e.g., Honoraria, Travel reimburse- ment, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past six months to you for lodging, transportation, money, or any other thing of value with a combined value exceeding ~~\$200~~ \$100 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here //.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**SCHEDULE E - GIFTS.**

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

**SCHEDULE F-1 - BUSINESS INTERESTS.**

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm;	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Exact	Gross income
Address of Rental Property			\$50,000 or less	\$50,001 to \$250,000 More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 8

**SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.**

Complete this Schedule for each lobbyist relationship with the following:

(i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or

(ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

**SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.**

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received: \_\_\_\_\_.

**SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.**

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency
_____	_____
_____	_____
_____	_____

**SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.**

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if ser- vices were ren- dered	Type of ser- vice ren- dered	Value of Compensation				
			\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____
Loan or finance companies	_____	_____	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$5,000 or more. Each parcel shall be listed individually.

List the location (state, and county or city where you own real estate)	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Any legislator who knowingly and intentionally makes a ~~knowing misstatement~~ false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony and shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The Statement of Economic Interests of all members of each house shall be reviewed by the Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

**§ 30-124. Advisory opinions.**

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in § 30-122, or a formal opinion of the Virginia Conflict of Interest and Ethics Advisory Council established pursuant to § 30-355, and the opinion was made after his full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.*

**§ 30-126. Civil penalty from violation of this chapter.**

A. In addition to any other fine or penalty provided by law, any money or other thing of value derived by a legislator from a violation of §§ 30-103 through 30-108 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty.

*B. A legislator who fails to file the disclosure form required by § 30-111 within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any legislator's failure to file the required form within 30 days of the deadline for filing and the Attorney General shall assess and collect the civil penalty. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.*

**§ 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.**

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

B. The Council shall consist of ~~15~~ *nine* members as follows: ~~four~~ *three* members appointed by the Speaker of the House of Delegates, ~~one~~ *two* of whom shall be ~~a member~~ *members* of the House of Delegates, *and one of whom shall be a former member of the House of Delegates, and two of whom shall be nonlegislative citizen members former judge of a court of record;* ~~four~~ *three* members appointed by the Senate Committee on Rules, ~~one~~ *two* of whom shall be ~~a member~~ *members* of the Senate, *and one of whom shall be a former member of the Senate, and two of whom shall be nonlegislative citizen members former judge of a court of record;* ~~four~~ *and three* members appointed by the Governor, ~~two~~ *one* of whom shall be ~~executive branch employees and two of whom shall be nonlegislative citizen members;~~ *one member designated by the Attorney General; one member appointed by the Senate Committee on Rules a current or former executive branch employee, one of whom shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one member appointed by the Speaker of the House of Delegates of whom shall be appointed from a list of three nominees submitted by the Virginia Municipal League. In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body.* All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council *appointed* shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

**§ 30-356. Powers and duties of the Council.**

The Council shall:

1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state ~~and local~~ government officers and employees and legislators pursuant to the Acts. The Council ~~shall may~~ review ~~all~~ disclosure forms for completeness, ~~which shall include~~ *including* reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, ~~and be followed by requests for requesting any~~ amendments to ensure the completeness of and correction of errors in the forms, if necessary. *If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);*

~~2. Accept any~~ Require all disclosure forms by computer or electronic means to be filed electronically in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge and may. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and the procedures for receiving forms in the office of the Council;

3. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

4. Beginning July 1, ~~2015~~ 2016, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

~~4-~~ 5. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics and, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved. Informal advice given by the Council or the Council's designee is confidential, protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

~~5-~~ 6. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees and, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

~~6-~~ 7. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

~~7-~~ 8. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

~~8-~~ 9. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

~~9-~~ 10. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency; and

11. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form; and

~~10-~~ 12. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

**§ 30-356.1. Request for approval for certain travel.**

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

#### **§ 30-357. Staff.**

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-356. *The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.*

**2. That the provisions of this act requiring that the disclosure forms prescribed by §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia be submitted electronically with the Virginia Conflict of Interest and Ethics Advisory Council shall become effective on July 1, 2016.**

**3. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia and make recommendations for the revision of such forms consistent with the provisions of this act. The Council shall submit its recommendations to the General Assembly on or before November 15, 2016.**

**4. That the provisions of this act shall become effective on January 1, 2016, except that the provisions of this act amending §§ 30-355, 30-356, and 30-357 shall become effective on July 1, 2015.**

**5. Notwithstanding the sixth enactment of Chapters 792 and 804 of the Acts of Assembly of 2014, that any filer required to file a disclosure form pursuant to § 2.2-3115 shall file such form with the applicable clerk of the governing body of the county, city, or town or the clerk of the school board.**

**6. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**7. That the initial terms of the nonlegislative citizen members of the Virginia Conflict of Interest and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) the appointed representative of the Virginia Municipal League for a term of one year; (ii) one former judge of a court of record appointed by the Speaker of the House for a term of two years; (iii) the former executive branch employee, if any, for a term of two years; (iv) one former judge of a court of record appointed by the Senate Committee on Rules for a term of three years; and (v) the appointed representative of the Virginia Association of Counties for a term of four years.**

**8. That, if the General Assembly is not in session when initial appointments to the Virginia Conflict of Interest and Ethics Advisory Council are made pursuant to this act, such initial appointments shall be confirmed at the next succeeding regular session of the General Assembly following such appointments and the Council may exercise all powers and perform all duties set forth in this act notwithstanding any provisions of this act requiring confirmation of members appointed to the Council by the General Assembly.**

### **CHAPTER 764**

*An Act to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1, relating to use of unmanned aircraft systems by public bodies; search warrant required.*

[H 2125]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1 as follows: § 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

*A. As used in this section, unless the context requires a different meaning:*

*"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.*

*"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.*

*B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.*

*C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3, (ii) when a Senior Alert is activated pursuant to § 52-34.6, (iii) when a Blue Alert is activated pursuant to § 52-34.9, (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person, (v) for training exercises related to such uses; or (vi) if a person with legal authority consents to the warrantless search.*

*D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.*

*E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.*

*F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island.*

*G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.*

## CHAPTER 765

*An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.*

[H 2148]

Approved April 30, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 2.2-1604. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which a business is determined to be a small, women-owned, or minority-owned business for the purpose of reporting small, women-owned, and minority-owned business participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

*"Historically black colleges and university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.*

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, *or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.*

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women-owned, and minority-owned business procurement and on service disabled veteran-owned business procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

E. As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, *or any historically black*

college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

## CHAPTER 766

*An Act to amend and reenact §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia, relating to special conservators of the peace; training; registration; etc.*

[H 2206]

Approved April 30, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 9.1-150.2. Powers of Criminal Justice Services Board relating to special conservators of the peace appointed pursuant to § 19.2-13.**

The Board ~~may~~ shall adopt regulations establishing compulsory minimum, entry-level, in-service, and advanced training standards for special conservators of the peace. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and its regulations. In establishing compulsory training standards for special conservators of the peace, the Board shall *require training to be obtained at a criminal justice training academy established pursuant to § 15.2-1747, or at a private security training school certified by the Department, and shall ensure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section.* The regulations may provide for exemption from training of persons having previous employment as law-enforcement officers for a state or the federal government. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer was terminated because of his misconduct or incompetence *or who has been decertified as a law-enforcement officer.* The regulations may include provisions for ~~partial~~ exemption from such training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. The Board may also adopt regulations that (i) establish the qualifications of applicants for registration; (ii) cause to be examined the qualifications of each applicant for registration; (iii) provide for collection of fees for registration and renewal that are sufficient to cover all expenses for administration and operation of a program of registration; (iv) ensure continued competency and prevent deceptive or misleading practices by practitioners; (v) effectively administer the regulatory system promulgated by the Board; (vi) provide for receipt of complaints concerning the conduct of any person whose activities are regulated by the Board; (vii) provide for investigations, and appropriate disciplinary action if warranted; and (viii) allow the Board to revoke, suspend or refuse to renew a registration, certification, or license for just cause as enumerated in regulations of the Board. The Board shall ~~not~~ adopt compulsory, ~~minimum~~, entry-level training standards ~~in excess of 24 that shall not exceed, but shall be a minimum of 98 hours for unarmed special conservators of the peace or in excess of 40 and that shall not exceed, but shall be a minimum of 130 hours for armed special conservators of the peace.~~ In adopting its regulations, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

##### **§ 15.2-1748. Powers of the academies.**

A. Upon organization of an academy, it shall be a public body corporate and politic, the purposes of which shall be to establish and conduct training for public law-enforcement and correctional officers, those being trained to be public law-enforcement and correctional officers ~~and~~, other personnel who assist or support such officers, *and those persons*

seeking appointments as special conservators of the peace pursuant to § 19.2-13. The persons trained by an academy need not be employed by a locality which that has joined in the agreement creating the academy.

B. Criminal justice training academies may:

1. Adopt and have a common seal and alter that seal at the pleasure of the board of directors;
2. Sue and be sued;
3. Adopt bylaws and make rules and regulations for the conduct of its business;
4. Make and enter into all contracts or agreements, as it may determine are necessary, incidental or convenient to the performance of its duties and to the execution of the powers granted under this article;
5. Apply for and accept, disburse and administer for itself or for a member governmental unit any loans or grants of money, materials or property from any private or charitable source, the United States of America, the Commonwealth, any agency or instrumentality thereof, or from any other source;
6. Employ engineers, attorneys, planners and such other professional experts or consultants, and general and clerical employees as may be deemed necessary and prescribe such experts, consultants, and employees' powers, duties, and compensation;
7. Perform any acts authorized under this article through or by means of its own officers, agents and employees, or by contracts with any person, firm or corporation;
8. Acquire, whether by purchase, exchange, gift, lease or otherwise, any interest in real or personal property, and improve, maintain, equip and furnish academy facilities;
9. Lease, sell, exchange, donate and convey any interest in any or all of its projects, property or facilities in furtherance of the purposes of the academy as set forth in this article;
10. Accept contributions, grants and other financial assistance from the United States of America and its agencies or instrumentalities thereof, the Commonwealth, any political subdivision, agency or public instrumentality thereof or from any other source, for or in aid of the construction, acquisition, ownership, maintenance or repair of the academy facilities, for the payment of principal of, or interest on, any bond of the academy, or other costs incident thereto, or make loans in furtherance of the purposes of this article of such money, contributions, grants, and other financial assistance, and comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and agree to such terms and conditions as may be imposed;
11. Borrow money from any source for capital purposes or to cover current expenditures in any given year in anticipation of the collection of revenues;
12. Mortgage and pledge any or all of its projects, property or facilities or parts thereof and pledge the revenues therefrom or from any part thereof as security for the payment of principal and premium, if any, and interest on any bonds, notes or other evidences of indebtedness;
13. Create an executive committee which may exercise the powers and authority of the academy under this article pursuant to authority delegated to it by the board of directors;
14. Establish fees or other charges for the training services provided;
15. Exercise the powers granted in the agreement creating the academy; and
16. Execute any and all instruments and do and perform any and all acts necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this article.

**§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; bond; liability of employers; penalty; report.**

A. Upon the *submission of an application of*, which shall include the results of a background investigation, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, *during which time the court shall retain jurisdiction over the appointment order*, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection B C. *Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted.* However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. *A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.*

The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate within the confines of the county, city or town that makes application or ~~within the county, city or town~~ on the real property where the corporate applicant is located, or any real property contiguous to such real property, limited, except as provided in subsection E F, to the ~~judicial circuit~~ city or county wherein application has been made, whenever such special conservator of the peace is engaged in the performance of his duties as such. *The order may provide that the special conservator of the peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order may further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit.* The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may ~~also~~ provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. ~~The~~ Upon request and for good cause shown, the order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. ~~The~~ Upon request and for good cause shown, the order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Department of Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. ~~The order also may (a) require the local sheriff or chief of police to conduct a background investigation which may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment and (b) limit the use of flashing lights and sirens on personal vehicles used by the conservator in the performance of his duties.~~ *The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties.* Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

~~B. Effective September 15, 2004, no~~ All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.

C. No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; ~~and;~~ (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or ~~(g)~~ any felony or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall be ~~registered~~ eligible for registration or appointment as a special conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within 3 days of such arrest. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in clauses (a) through (f) or of any felony. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

~~E. D.~~ Each person registered as or seeking registration as a special conservator of the peace shall be covered by ~~(i) a cash bond, or a surety bond executed by a surety company authorized to do business in the Commonwealth, in a reasonable~~

amount to be fixed by the Board, not to be less than \$10,000, conditioned upon the faithful and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the bond or insurance policy of the registrant.

~~D. Individuals listed in § 19.2-12; individuals who have complied with or been exempted pursuant to subsection A of § 9.1-141; individuals employed as law enforcement officers as defined in § 9.1-101 who have met the minimum qualifications set forth in § 15.2-1705 shall be exempt from the requirements in subsections A through C. Further, individuals appointed under subsection A and employed by a private corporation or entity that meets the requirements of subdivision (ii) of the definition of criminal justice agency in § 9.1-101; shall be exempt from the registration requirements of subsection A and from subsections B and C provided they have met the minimum qualifications set forth in § 15.2-1705. The Department of Criminal Justice Services shall, upon request by the circuit court, provide evidence to the circuit court of such employment prior to appointing an individual special conservator of the peace.~~

*E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the Department. The employing agency employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.*

~~E. F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. ~~Court~~ Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the judicial circuit specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. ~~Effective July 1, 2004, the~~ The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection F G, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order and a copy of the application with the Department of Criminal Justice Services in order to receive his special conservator of the peace photo registration card document. If the court appointment includes any real property owned or leased by the corporation or business in other specifically named cities and counties not within the city or county wherein application has been made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.~~

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master, from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

~~F. G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.~~

*H. The governing body of any locality or the sheriff of a county where no police department has been established may enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment and materials to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his duty under any such agreement, shall have the same authority as lawfully conferred on him within his own jurisdiction.*

**2. That the Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding the use of application forms for the appointment of special conservators of the peace and the powers that may be granted in appointment orders to special conservators of the peace.**

**3. That any existing special conservator of the peace appointed under a court order in effect on July 1, 2015, has 36 months to comply with the new compulsory, minimum, entry-level training standards and requirements as may be established pursuant to this act following his appointment.**

## CHAPTER 767

*An Act to amend and reenact § 18.2-308.2 of the Code of Virginia, relating to possession of firearms, etc., by convicted felons; restoration of rights.*

[H 2286]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.**

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, ~~or~~ (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, or (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state.

C. Any person prohibited from possessing, transporting or carrying a firearm or stun weapon under subsection A, may petition the circuit court of the jurisdiction in which he resides for a permit to possess or carry a firearm or stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

CI. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

## CHAPTER 768

*An Act to amend and reenact §§ 2.2-225, 2.2-603, 2.2-1509.3, 2.2-2006 through 2.2-2009, 2.2-2012, 2.2-2015, 2.2-2017, 2.2-2018.1, and 2.2-2021 of the Code of Virginia, relating to information technology projects and services in the Commonwealth.*

[H 2323]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-225, 2.2-603, 2.2-1509.3, 2.2-2006 through 2.2-2009, 2.2-2012, 2.2-2015, 2.2-2017, 2.2-2018.1, and 2.2-2021 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-225. Position established; agencies for which responsible; additional powers.**

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the E-911 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

~~11. Review and approve or disapprove, according to the recommendations of the Chief Information Officer (CIO) pursuant to § 2.2-2008, the selection or termination of any Commonwealth information technology project that has been defined or designated as a "major information technology project" pursuant to subdivision 13 and any Commonwealth information technology project with high risk and high complexity.~~

~~12. Review and approve statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth, as recommended by the CIO pursuant to § 2.2-2007.~~

~~13. Develop the criteria, requirements, and process for defining a Commonwealth information technology project as a "major information technology project" for the purposes of § 2.2-2006, including the criteria, requirements, and process for~~

designating a Commonwealth information technology project that has a cost below \$1 million as a "major information technology project."

~~14. Designate Commonwealth information technology projects as major information technology projects according to the criteria, requirements, and process developed pursuant to subdivision 13.~~

~~15. Review and approve the initiation or termination of any procurement conducted pursuant to § 2.2-2012 with a total estimated cost over \$1 million, and contracts or amendments thereto.~~

~~16. Review and approve statewide information technology project, procurement, and investment management policies and standards, as developed and recommended by the CIO pursuant to § 2.2-2007.~~

~~17. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. *At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.*~~

~~18. Review and approve the Commonwealth Project Management Standard as defined in § 2.2-2006.~~

~~19- 12. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.~~

~~13. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to § 2.2-2007.~~

~~14. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.~~

#### **§ 2.2-603. Authority of agency directors.**

A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the executive branch of state government shall have the power and duty to (i) supervise and manage the department or agency and (ii) prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The director of each agency in the executive branch of state government, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

C. Subsection A shall not be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance a listing and general description of any federal contract, grant, or money in excess of \$1,000,000 for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore and the dollar amount and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate Committee on Finance any amounts owed to the agency from any source that are more than six months delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval. Clause (i) shall not be required of public institutions of higher education.

F. *Notwithstanding subsection D, the director of every agency and department in the executive branch of state government, including those appointed by their respective boards or the Board of Education, shall be responsible for securing the electronic data held by his agency or department and shall comply with the requirements of the Commonwealth's information technology security and risk-management program as set forth in § 2.2-2009.*

G. The director of every department in the executive branch of state government shall report to the Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of the Commonwealth's databases and data communications resulting in exposure of data protected by federal or state laws, or other incidents compromising the security of the Commonwealth's information technology systems with the potential to cause major disruption to normal agency activities. Such reports shall be made to the Chief Information Officer within 24 hours from when the department discovered or should have discovered their occurrence.

#### **§ 2.2-1509.3. Budget bill to include appropriations for major information technology projects.**

A. For purposes of this section, unless the context requires a different meaning:

"Commonwealth Project Management Standard" means the same as that term is defined in § 2.2-2006.

"Major information technology project" means the same as that term is defined in § 2.2-2006.

"Major information technology project funding" means an estimate of each funding source for a major information technology project for the duration of the project.

B. In "The Budget Bill" submitted pursuant to § 2.2-1509, the Governor shall provide for the funding of major information technology projects, as specified herein. Such funding recommendations shall be for major information technology projects that have or are pending project initiation approval as defined in the Commonwealth Project Management Standard.

The Governor shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 a biennial appropriation for major information technology projects and the following information for each such project:

1. For major information technology projects that have been recommended for funding, a brief statement explaining the business case for the project, the priority of the project in the Recommended Technology Investment Projects Report as required by § 2.2-2007, and an explanation, if necessary, if the Governor informed the ~~Secretary of Technology~~ *Chief Information Officer (CIO)* that an emergency existed as set forth in § 2.2-2008;

~~2. A brief explanation of the inclusion of any project in the budget bill that has not undergone review and approval by the Secretary of Technology as required by § 2.2-225;~~

~~3.~~ Total estimated project costs, as defined by the Commonwealth Project Management Standard, including the amount of the agency's or institution's operating appropriation that will support the project;

~~4.~~ 3. All project costs incurred to date as defined by the Commonwealth Project Management Standard;

~~5.~~ 4. Recommendations or comments of the Public-Private Partnership Advisory Commission, if the project is part of a proposal under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.);

~~6.~~ 5. The CIO's assessment of the project and the status as of the date of the budget bill submission to the General Assembly;

~~7.~~ 6. The planned project start and end dates as defined by the Commonwealth Project Management Standard; and

~~8.~~ 7. Projected annual operations and maintenance expenditures, including but not limited to fees, licenses, infrastructure, and agency and nonagency staff support costs, for information technology delivered by major information technology projects for the first budget biennium after project completion.

C. The ~~Secretary of Technology~~ *CIO* shall immediately notify each member of the Senate Finance Committee and the House Appropriations Committee of any decision to terminate in accordance with § ~~2.2-225~~ 2.2-2015 any major information technology project in the budget bill. Such communication shall include the ~~Secretary of Technology's~~ *CIO's* reason for such termination.

#### § 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and ~~recommended~~ *adopted* by the Chief Information Officer (CIO) pursuant to § 2.2-2008; ~~and approved by the Secretary pursuant to § 2.2-225;~~ that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Communications services" includes telecommunications services; automated data processing services; local, wide area, metropolitan, and all other data networks; and management information systems that serve the needs of state agencies and institutions.

"Confidential data" means information made confidential by federal or state law that is maintained by a state agency in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Information technology" means telecommunications, automated data processing, applications, databases, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million ~~or that has been designated a major information technology project by the Secretary pursuant to § 2.2-225~~ *or that has been designated a major information technology project by the CIO pursuant to the Commonwealth Project Management Standard developed under § 2.2-2008.*

"Noncommercial telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public broadcasting services" means the acquisition, production, and distribution by public broadcasting stations of noncommercial educational, instructional, informational, or cultural television and radio programs and information that may be transmitted by means of electronic communications, and related materials and services provided by such stations.

"Public telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.

"Public telecommunications facilities" means all apparatus, equipment and material necessary for or associated in any way with public broadcasting stations as defined in § 22.1-20.1 or public broadcasting services, including the buildings and

structures necessary to house such apparatus, equipment and material, and the necessary land for the purpose of providing public broadcasting services, but not telecommunications services.

"Public telecommunications services" means public broadcasting services.

"Secretary" means the Secretary of Technology.

"State agency" or "agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act. However, the terms "state agency," "agency," "institution," "public body," and "public institution of higher education," shall not include the University of Virginia Medical Center.

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of data, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

"Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for state agencies or institutions including the buildings and structures necessary to house such apparatus and the necessary land.

#### **§ 2.2-2007. Powers of the CIO.**

A. In addition to such other duties as the Secretary may assign, the CIO shall:

1. Monitor trends and advances in information technology; develop a comprehensive six-year Commonwealth strategic plan for information technology to include: (i) specific projects that implement the plan; (ii) a plan for the acquisition, management, and use of information technology by state agencies; (iii) a report of the progress of any ongoing enterprise information technology projects, any factors or risks that might affect their successful completion, and any changes to their projected implementation costs and schedules; and (iv) a report on the progress made by state agencies toward accomplishing the Commonwealth strategic plan for information technology. The Commonwealth strategic plan for information technology shall be updated annually and submitted to the Secretary for approval.

2. Direct the formulation and promulgation of policies, guidelines, standards, and specifications for the purchase, development, and maintenance of information technology for state agencies, including, but not limited to, those (i) required to support state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies, (ii) concerned with the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496, and (iii) necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

3. Direct the development of policies and procedures, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and performance budgeting processes, and that state agencies and public institutions of higher education shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of agency and institution priority functional activities, as well as current and future operating expenses, and shall be utilized by all state agencies and public institutions of higher education in preparing budget requests.

4. Review budget requests for information technology from state agencies and public institutions of higher education and recommend budget priorities to the Secretary.

Review of such budget requests shall include, but not be limited to, all data processing or other related projects for amounts exceeding \$250,000 in which the agency or institution has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessments or revenues to pay for the project. For each project, the agency or institution, with the exception of public institutions of higher education that meet the conditions prescribed in subsection B of § 23-38.88, shall provide the CIO (i) a summary of the terms, (ii) the anticipated duration, and (iii) the cost or charges to any user, whether a state agency or institution or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to reach such terms.

State agencies and institutions, with the exception of public institutions of higher education that meet the conditions prescribed in subsection B of § 23-38.88, shall submit to the CIO a projected biennial operations and maintenance budget for technology assets owned or licensed by the agency or institution, and submit a budget decision package for any shortfalls.

5. Direct the development of policies and procedures for the effective management of information technology investments throughout their entire life cycles, including, but not limited to, identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic review by the CIO of agency and public institution of higher education Commonwealth information technology projects.

6. Provide technical guidance to the Department of General Services in the development of policies and procedures for the recycling and disposal of computers and other technology assets. Such policies and procedures shall include the expunging, in a manner as determined by the CIO, of all state confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

7. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

8. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

9. Have the authority to enter into contracts, ~~and with the approval of the Secretary of Technology for any contracts over \$1 million,~~ with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia for the provision of information technology services.

10. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by state agencies and public institutions of higher education to increase economic efficiency, citizen convenience, and public access to state government. The CIO shall prepare an annual report for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report) based upon major information technology projects submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall develop and regularly update a methodology for prioritizing projects based upon the allocation of points to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation; (ii) a justification and description for each project baseline change; and (iii) whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data. This report shall also include trends in current projected information technology spending by state agencies and secretariats, including spending on projects, operations and maintenance, and payments to VITA. Agencies shall provide all project and cost information required to complete the RTIP Report to the CIO prior to May 31 immediately preceding any budget biennium in which the project appears in the Governor's budget bill.

11. Direct the development of policies and procedures that require the Division of Project Management established pursuant to § 2.2-2016, on behalf of the CIO, to review and recommend Commonwealth information technology projects proposed by state agencies and institutions. Such policies and procedures shall be based on the criteria outlined within § 2.2-2017.

12. Provide oversight for state agency or public institution of higher education efforts to modernize the planning, development, implementation, improvement, operations and maintenance, and retirement of Commonwealth information technology, including oversight for the selection, development and management of enterprise information technology. ~~At the discretion of the Governor, the CIO shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and define the responsibilities of lead agencies that implement enterprise information technology projects.~~

13. Develop ~~and recommend to the Secretary~~ statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth.

14. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance or implement information technology programs and projects. The CIO may issue a request for information to seek out potential private partners interested in providing programs or projects pursuant to an agreement under this subsection. The compensation for such services shall be computed with reference to and paid from the increased revenue or cost savings attributable to the successful implementation of the program or project for the period specified in the contract. The CIO shall be responsible for reviewing and approving the programs and projects and the terms of contracts for same under this subsection. The CIO shall determine annually the total amount of increased revenue or cost savings attributable to the successful implementation of a program or project under this subsection and such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under this subsection, describing each information technology program or project, its progress, revenue impact, and such other information as may be relevant.

C. The CIO shall develop ~~and recommend to the Secretary~~ a technology investment management standard based on acceptable technology investment methods to ensure that all state agency or public institution of higher education technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

D. ~~Subject to review and approval by the Secretary, the~~ The CIO shall have the authority to enter into and amend contracts for the provision of information technology services.

**§ 2.2-2008. Additional duties of the CIO relating to project management.**

The CIO shall have the following duties relating to the management of information technology projects:

1. Develop ~~and recommend to the Secretary~~ a Commonwealth Project Management Standard for information technology projects by state agencies or public institutions of higher education that establishes a methodology for the initiation, planning, execution, and closeout of information technology projects and related procurements. Such methodology shall include the establishment of appropriate oversight for information technology projects. The basis for the governance and oversight of information technology projects shall include, but not necessarily be limited to, an assessment of the project's risk and complexity. The Commonwealth Project Management Standard shall require that all such projects conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 and the strategic plans of agencies and public institutions of higher education. All executive branch agencies and public institutions of higher education shall conform to the requirements of the Commonwealth Project Management Standard.

2. Establish minimum qualifications and training standards for project managers.

3. Establish an information clearinghouse that identifies best practices and new developments and contains detailed information regarding the Commonwealth's previous experiences with the development of major information technology projects.

4. Disapprove any agency or public institution of higher education request to initiate a major information technology project or related procurement if funding for such project has not been included in the budget bill in accordance with § 2.2-1509.3. The provisions of this subdivision shall not apply upon a determination by the Governor that an emergency exists and a major information technology project is necessary to address the emergency.

5. Review and approve or disapprove the selection or termination of any Commonwealth information technology project ~~that has not been defined or designated as a major information technology project pursuant to § 2.2-225 or that does not have high risk and high complexity. For any Commonwealth information technology projects defined or designated as major information technology projects, or that have high risk and high complexity, the CIO shall recommend approval or disapproval to the Secretary pursuant to § 2.2-225.~~

6. Disapprove ~~or recommend for disapproval by the Secretary~~ any Commonwealth information technology projects that do not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the strategic plans of state agencies or public institutions of higher learning.

**§ 2.2-2009. Additional duties of the CIO relating to security of government information.**

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, procedures and standards for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, procedures, and standards will apply to the Commonwealth's executive, legislative, and judicial branches, and independent agencies and institutions of higher education. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs.

B. The CIO shall also develop policies, procedures, and standards that shall address the scope of security audits and the frequency of such security audits. In developing and updating such policies, procedures, and standards, the CIO shall designate a government entity to oversee, plan and coordinate the conduct of periodic security audits of all executive branch and independent agencies and institutions of higher education. The CIO will coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches.

C. The CIO shall annually report to the Governor, the Secretary, and General Assembly those executive branch and independent agencies and institutions of higher education that have not implemented acceptable policies, procedures, and standards to control unauthorized uses, intrusions, or other security threats. For any executive branch or independent agency or institution of higher education whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the public body's information technology projects pursuant to § 2.2-2015, limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

The CIO shall also include in this report (a) results of security audits, including those state agencies, independent agencies, and institutions of higher education that have not implemented acceptable regulations, standards, policies, and guidelines to control unauthorized uses, intrusions, or other security threats and (b) the extent to which security standards and guidelines have been adopted by state agencies.

D. All public bodies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

E. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

F. To ensure the security and privacy of citizens of the Commonwealth in their interactions with state government, the CIO shall direct the development of policies, procedures, and standards for the protection of confidential data maintained by

state agencies against unauthorized access and use. Such policies, procedures, and standards shall include, but not be limited to:

1. Requirements that any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to (i) use a technology asset and (ii) access a state-owned or operated computer network or database; and

2. Requirements that a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential data to authorized individuals.

G. The CIO shall promptly receive reports from directors of departments in the executive branch of state government made in accordance with § 2.2-603 and shall take such actions as are necessary, convenient or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

H. The CIO shall also develop policies, procedures, and standards that shall address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO. Such cooperation includes, but is not limited to, (i) providing the CIO with information required to create and implement a Commonwealth risk management program; (ii) creating an agency risk management program; and (iii) complying with all other risk management activities.

*I. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, procedures, and standards developed pursuant to this section.*

**§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.**

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § 2.2-4301, 2.2-4302.1, or 2.2-4302.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. VITA shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

*G. The Comptroller shall not issue any warrant upon any voucher issued by a state agency covering the purchase of any information technology and telecommunications goods and services when such purchases are made in violation of any provision of this chapter or the Virginia Public Procurement Act (§ 2.2-4300 et seq.).*

*H. Intentional violations of centralized purchasing requirements for information technology and technology and telecommunications goods and services pursuant to this chapter by a state agency, continued after notice from the Governor to desist, shall constitute malfeasance in office and shall subject the officer responsible for the violation to suspension or removal from office, as may be provided in law in other cases of malfeasance.*

**§ 2.2-2015. Authority of CIO to modify or suspend information technology projects; project termination.**

The CIO may direct the modification or suspension of any Commonwealth information technology project that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by

the CIO and the sponsoring state agency or public institution of higher education, or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts.

~~The CIO may direct the termination of any Commonwealth information technology project that has not been defined or designated a major information technology project, or does not have high risk and high complexity and that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by the CIO and the sponsoring state agency or public institution of higher education, or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts.~~

~~The CIO may recommend to the Secretary pursuant to § 2.2-225 the termination of any major information technology project, or any information technology project with high risk and high complexity that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by the CIO and the sponsoring state agency or public institution of higher education, or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts.~~

Nothing in this section shall be construed to supersede the responsibility of a board of visitors for the management and operation of a public institution of higher education.

The provisions of this section shall not apply to research projects, research initiatives or instructional programs at public institutions of higher education. However, technology investments in research projects, research initiatives or instructional programs at such institutions estimated to cost \$1 million or more of general fund appropriations may be reviewed as provided in subdivision A 5 of § 2.2-2007. The CIO and the Secretary of Education, in consultation with public institutions of higher education, shall develop and provide to such institution criteria to be used in determining whether projects are mission-critical.

**§ 2.2-2017. Powers and duties of the Division.**

The Division shall have the power and duty to:

1. Implement the approval process for information technology projects developed in accordance with the Commonwealth Project Management Standard;
2. Assist ~~the Secretary and~~ the CIO in the development and implementation of project management policies, standards, guidelines and methodologies to be used for information technology projects in accordance with this article;
3. Provide ongoing assistance and support to state agencies and public institutions of higher education in the development of information technology projects;
4. Establish a program providing cost-effective training to agency project managers;
5. Review information management and information technology plans submitted by agencies and public institutions of higher education and recommend to the CIO the approval of such plans and any amendments thereto;
6. Monitor the implementation of information management and information technology plans and periodically report its findings to the CIO;
7. Review and recommend information technology projects based on criteria developed pursuant to § 2.2-2007 that assess the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan; (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including customer service improvements; (iv) risks associated with the project; (v) continued funding requirements; and (vi) past performance by the agency on other projects;
8. Provide oversight for state agency information technology projects; and
9. Report on a quarterly basis to the CIO, the Secretary, the Governor, the Information Technology Advisory Council, the Joint Legislative Audit and Review Commission, the Auditor of Public Accounts, the House Appropriations Committee, the Senate Finance Committee, and the Joint Commission on Technology and Science the status and performance of each major information technology project and related procurement conducted by any state agency or institution.

**§ 2.2-2018.1. Project and procurement investment business case approval.**

~~A. In accordance with policies and standards approved by the Secretary pursuant to § 2.2-225, state State agencies and public institutions of higher education shall obtain CIO approval prior to the initiation of any Commonwealth information technology project or procurement with a total estimated cost below \$1 million, or Secretary approval for any Commonwealth information technology project or procurement with a total estimated cost of \$1 million or more. When selecting an information technology investment, state agencies and public institutions of higher education shall submit to the Division an investment business case, outlining the business value of the investment, the proposed technology solution, if known, and an explanation of how the project will support the agency strategic plan, the agency's secretariat's strategic plan, and the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007. The Division may require the submission of additional information if needed to adequately review any such proposal.~~

~~B. The Division shall review each investment business case submitted in accordance with this section and recommend its approval or rejection to the CIO pursuant to the policies and procedures developed in § 2.2-2007.~~

~~C. In accordance with policies and standards outlined in the Commonwealth Project Management Standard, the CIO shall review the business case for any Commonwealth information technology project or procurement and approve or disapprove, or recommend approval or disapproval to the Secretary pursuant to § 2.2-225.~~

**§ 2.2-2021. Project oversight committees.**

~~A. Whenever the project charter has been approved for a major information technology project, an enterprise information technology project, or for an information technology project with high risk and high complexity, the Secretary~~

shall establish an Internal Agency Oversight Committee (IAOC). Whenever the project charter has been approved for any other Commonwealth information technology project, the CIO shall establish an IAOC. The IAOC shall represent all business or functional stakeholders of the project including stakeholders in other agencies, assure that all stakeholders have the opportunity to work together toward a mutually beneficial integrated solution, have the authority to approve or reject any changes in the project's scope, schedule, or budget, provide oversight and direction to the project, and review and approve the schedule baseline and all project documentation.

B. Whenever the project charter has been approved for ~~a major information technology project~~, an enterprise information technology project; ~~or for an information technology project with high risk and high complexity~~, the Secretary shall establish a Secretariat Oversight Committee (SOC). Whenever the project charter has been approved for any other Commonwealth information technology project, the CIO shall establish an SOC. The SOC shall represent all business or functional stakeholders of the project including stakeholders in other secretariats, validate the proposed project business case, review and make recommendations on changes in the project's scope, schedule or budget, and review Independent Verification and Validation reports and recommend corrective actions if needed.

## CHAPTER 769

*An Act to amend and reenact § 19.2-386.2 of the Code of Virginia, relating to seizure of property; inventory required.*

[S 721]

Approved April 30, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-386.2 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-386.2. Seizure of named property.**

A. When any property subject to seizure under Chapter 22.2 (§ 19.2-386.15 et seq.) or other provision under the Code has not been seized at the time an information naming that property is filed, the clerk of the circuit court or a judge of the circuit court, upon motion of the attorney for the Commonwealth wherein the information is filed, shall issue a warrant to the sheriff or other state or local law-enforcement officer authorized to serve criminal process in the jurisdiction where the property is located, describing the property named in the complaint and authorizing its immediate seizure.

B. In all cases of seizure of real property, a notice of lis pendens shall be filed with the clerk of the circuit court of the county or city wherein the property is located and shall be indexed in the land records in the name or names of those persons whose interests appear to be affected thereby.

C. *When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, the agency seizing the property shall, as soon as practicable after the seizure, conduct an inventory of the seized property and shall, as soon as practicable, provide a copy of the inventory to the owner. An agency's failure to provide a copy of an inventory pursuant to this subsection shall not invalidate any forfeiture.*

## CHAPTER 770

*An Act to amend and reenact §§ 15.2-2292, 19.2-389, 19.2-392.02, 63.2-100, 63.2-1702, 63.2-1704, 63.2-1720 through 63.2-1723, 63.2-1725, and 63.2-1727 of the Code of Virginia; and to amend the Code of Virginia by adding sections numbered 63.2-1701.1, 63.2-1704.1, 63.2-1720.1, and 63.2-1721.1, relating to regulation of child care providers.*

[S 1168]

Approved April 30, 2015

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 15.2-2292, 19.2-389, 19.2-392.02, 63.2-100, 63.2-1702, 63.2-1704, 63.2-1720 through 63.2-1723, 63.2-1725, and 63.2-1727 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 63.2-1701.1, 63.2-1704.1, 63.2-1720.1, and 63.2-1721.1 as follows:**

##### **§ 15.2-2292. Zoning provisions for family day homes.**

A. Zoning ordinances for all purposes shall consider a family day home as defined in § 63.2-100 serving one through ~~five~~ ~~four~~ children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.2-741 or § 15.2-914.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home as defined in § 63.2-100 serving ~~six~~ ~~five~~ through ~~twelve~~ 12 children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within ~~thirty~~ 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator may issue the permit sought. The ordinance shall

provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.2-2204. Upon such hearing, the local governing body may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit. The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subdivision A 3 of § 15.2-2286.

**§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day care homes or homes approved by family day care systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, and 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data

subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed ~~homes for adults, licensed district homes for adults, assisted living facilities~~ and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in ~~licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189-1, and in licensed assisted living facilities and licensed adult day care centers~~ pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be

limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued incarceration under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided; and

44. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding

offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities; ~~licensed district homes for adults~~; and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § ~~63.1-189.1~~ or 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

**§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children, or the elderly or disabled.**

A. For purposes of this section:

"Barrier crime" means any offense set forth in § 63.2-1719 or 63.2-1726.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children; *or* the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity; and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care ~~or~~; (ii) *is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care*; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children; *or* the elderly or disabled, whether governmental, private, for profit, nonprofit or voluntary, except organizations exempt pursuant to subdivision A 10 of § 63.2-1715.

B. ~~Notwithstanding §§ 63.2-1719 to 63.2-1721 and 63.2-1724,~~ a qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted ~~at any local or state law enforcement agency and provided the fingerprints to the qualified entity~~; and

2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children; *or* the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its

determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local ~~record-keeping~~ *recordkeeping* systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children; *or* the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

**§ 63.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside

elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and

guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving ~~six~~ five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all ~~grandchildren of the provider~~ *related to the provider by blood or marriage* shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

**§ 63.2-1701.1. Local government to report business licenses issued to child day centers and family day homes.**

*The commissioner of the revenue or other local business license official shall report to the Department on a semiannual basis the name, address, and contact information of any child day center or family day home to which a business license was issued.*

**§ 63.2-1702. Investigation on receipt of application.**

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to §§ 63.2-1721 and 63.2-1721.1; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

**§ 63.2-1704. Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.**

A. Any person who maintains a family day home serving fewer than ~~six~~ five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. An applicant for voluntary registration shall file with the Commissioner, prior to beginning any such operation and thereafter biennially, an application which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;
2. The number and ages of the children to receive care;
3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Commissioner; and
4. Documentation that the background check requirements for registered child welfare agencies in Article 3 (§ 63.2-1719 et seq.) of this chapter have been met.

B. The Board shall adopt regulations for voluntarily registered family day homes that include, but are not limited to:

1. The criteria and process for the approval of the certificate of registration;
2. Requirements for a self-administered health and safety guidelines evaluation checklist;
3. A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration of family day homes. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered;

4. The criteria and process for the renewal of the certificate of registration; and

5. The requirement that upon receipt of a complaint concerning a registered family day home, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Commissioner reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home is determined by the Commissioner to be in noncompliance with the regulations for voluntarily registered family day homes, the Commissioner shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration.

C. Upon receiving the application on forms prescribed by the Commissioner, and after having determined that the home has satisfied the requirements of the regulations for voluntarily registered family day homes, the Commissioner shall issue a certificate of registration to the family day home.

D. The Commissioner shall contract in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) with qualified local agencies and community organizations to review applications and certify family day homes as eligible for registration, pursuant to the regulations for voluntarily registered family day homes. If no qualified local agencies or community organizations are available, the Commissioner shall implement the provisions of this section. "Qualified" means demonstrated ability to provide sound financial management and administrative services including application processing, maintenance of records and reports, technical assistance, consultation, training, monitoring, and random inspections.

E. The scope of services in contracts shall include:

1. The identification of family day homes which may meet the standards for voluntary registration provided in subsection A; and

2. A requirement that the contract organization shall provide administrative services, including, but not limited to, processing applications for the voluntary registration of family day homes; certifying such homes as eligible for registration; providing technical assistance, training and consultation with family day homes; ensuring providers' compliance with the regulations for voluntarily registered family day homes, including monitoring and random inspections; and maintaining permanent records regarding all family day homes which it may certify as eligible for registration.

F. The contract organization, upon determining that a family day home has satisfied the requirements of the regulations for voluntarily registered family day homes, shall certify the home as eligible for registration on forms prescribed by the Commissioner. The Commissioner, upon determining that certification has been properly issued, may register the family day home.

G. The provisions of this section shall not apply to any family day home located in a county, city, or town in which the governing body provides by ordinance for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities pursuant to the provisions of § 15.2-914.

**§ 63.2-1704.1. Unlicensed and unregistered family day homes; notice to parents.**

*Every unlicensed, unregistered family day home shall provide written notice to the parents of every child receiving care, at the time the family day home begins providing care for the child, stating that the family day home is not regulated by the Department and referring parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The provisions of this section shall not apply to an unlicensed, unregistered family day home in which all of the children receiving care are related to the provider by blood or marriage.*

**§ 63.2-1720. Assisted living facilities and adult day care centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.**

A. ~~A~~ No assisted living facility, adult day care center ~~or child welfare agency licensed or registered~~, *child-placing agency, independent foster home, or family day system licensed* in accordance with the provisions of this chapter, or *registered family day homes or family day homes approved by family day systems*, shall ~~not~~ hire for compensated employment persons who have an offense as defined in § 63.2-1719. ~~Such employees~~ *All applicants for employment* shall undergo background checks pursuant to subsection ~~D~~ C. ~~In the case of child welfare agencies, the provisions of this section shall apply to employees who are involved in the day-to-day operations of such agency or who are alone with, in control of, or supervising one or more children.~~

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. ~~Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.~~

~~D~~ Background checks pursuant to ~~this section~~ *subsection A* require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of ~~child welfare agencies licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history ~~record~~ *records* check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of ~~child welfare agencies licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

~~E~~ Any person desiring to work as a compensated employee at a licensed assisted living facility, ~~licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system~~ shall provide the hiring or approving facility, center or agency with a sworn statement or affirmation pursuant to subdivision ~~D~~ 1. ~~D~~ Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision ~~D~~ C 1 shall be is guilty of a Class 1 misdemeanor.

~~F~~ E. A licensed assisted living facility, licensed adult day care center, ~~a licensed or child-placing agency, licensed independent foster home, licensed family day system, registered child welfare agency, or a family day home, or family day home approved by a family day system~~ shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of ~~licensed or registered child welfare agencies or child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems~~, a copy of the information from the central registry *for any compensated employee within 30 days of employment*. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the ~~licensed~~ assisted living facility, adult day care center ~~or child welfare agency, child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

~~G~~ F. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed ~~or registered child welfare agency child-placing agency, independent foster home, or family day system, registered family day home, or a family day home approved by a family day system~~. Any person desiring to volunteer at ~~such a child welfare agency licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system~~ shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision ~~D~~ C 1. Such ~~child welfare agency licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system~~ shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision ~~D~~ C 1 shall be is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such ~~child welfare agency licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed ~~or registered child welfare agency child-placing agency, independent foster~~

home, or family day system, registered family day home, or a family day home approved by a family day system, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

~~H. G.~~ No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

~~F. H.~~ Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

~~F. I.~~ A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

~~K.~~ The provisions of this section shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

~~F. J.~~ A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

**§ 63.2-1720.1. Licensed child day centers and licensed family day homes; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.**

A. No child day center or family day home licensed in accordance with the provisions of this chapter shall hire for compensated employment or permit to serve as a volunteer in a position that is involved in the day-to-day operations of the child day center or family day home or in which the employee or volunteer will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All applicants for employment or to serve as volunteers shall undergo a background check in accordance with subsection B.

B. Any applicant required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center or family day home to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center or family day home.

C. The child day center or family day home shall inform every applicant for compensated employment or to serve as a volunteer required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

~~E.~~ Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

~~F.~~ A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

*I. Any person employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children who is (i) convicted of an offense as defined in § 63.2-1719 within or outside of the Commonwealth or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center or family day home of such conviction or finding.*

**§ 63.2-1721. Background check upon application for licensure as a child-placing agency, etc.; penalty.**

A. Upon application for licensure *as a child-placing agency, independent foster home, or family day system* or registration as a ~~child welfare agency~~ *family day home*, (i) all applicants; (ii) agents at the time of application who are or will be involved in the day-to-day operations of the ~~child welfare agency~~ *child-placing agency, independent foster home, family day system, or family day home* or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for licensure or registration as a family day home shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to ~~this section~~ *subsection A* require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history ~~record~~ *records* check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of ~~child welfare agencies~~ *child-placing agencies, independent foster homes, family day systems, and family day homes*, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. ~~The character and reputation investigation pursuant to § 63.2-1702 shall include background checks pursuant to subsection B of persons specified in subsection A.~~ The applicant *person required to have a background check pursuant to subsection A* shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 ~~shall be~~ *is* guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in ~~subsections~~ *subsection E, F, or G* (i) the Commissioner shall not issue a license or registration to a ~~child welfare agency~~ *child-placing agency, independent foster home, or family day system or a registration to a family day home*; (ii) the Commissioner shall not issue a license to an assisted living facility; (iii) a child-placing agency shall not approve an adoptive or foster home; or (iv) a family day system shall not approve a family day home.

D. No person specified in subsection A shall be involved in the day-to-day operations of a ~~child welfare agency~~ *licensed child-placing agency, independent foster home, or family day system or a registered family day home*; be alone with, in control of, or supervising one or more children receiving services from a ~~child welfare agency~~ *licensed child-placing agency, independent foster home, or family day system or a registered family day home*; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B; unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided *that* 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided *that* 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided *that* 10 years have elapsed following the conviction.

H. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

I. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

J. The provisions of this section referring to a sworn statement or affirmation and to prohibitions on the issuance of a license for any offense shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

**§ 63.2-1721.1. Background check upon application for licensure as child day center or family day home; penalty.**

A. Every (i) applicant for licensure as a child day center or family day home; (ii) agent of an applicant for licensure as a child day center or family day home at the time of application who is or will be involved in the day-to-day operations of the child day center or family day home or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in the family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center or family day home.

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the Department to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center or family day home shall be granted.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center or family day home.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center or family day home, or shall be alone with, in control of, or supervising one or more children without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an applicant is denied licensure because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

**§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.**

A. The Commissioner may revoke or deny renewal of a license or registration of a child welfare agency, ~~an~~ assisted living facility, or adult day care center; a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home if the assisted living facility, adult day care center, child welfare agency, foster home, or approved family day home has knowledge that a person specified in §§ § 63.2-1720 ~~and~~, 63.2-1720.1, 63.2-1721, or 63.2-1721.1 required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720 ~~and~~, subsection G of § 63.2-1720.1, or subsection E, F, or G of § ~~63.2-1721~~ 63.2-1721.1, and the facility, center, or agency refuses to separate such person from employment or service.

B. Failure to obtain background checks pursuant to §§ 63.2-1720 ~~and~~, 63.2-1720.1, 63.2-1721, ~~and~~ 63.2-1721.1 shall be grounds for denial or revocation of a license, registration, or approval. No violation shall occur if the assisted living facility, adult day care center ~~or child welfare agency~~, child-placing agency, independent foster home, family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

**§ 63.2-1723. Child welfare agencies; criminal conviction and waiver.**

A. Any person who seeks to operate, volunteer or work at a child welfare agency and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department, pursuant to §§ 63.2-1720, 63.2-1720.1, 63.2-1721, 63.2-1721.1, and 63.2-1724, may apply in writing for a waiver from the Commissioner. The Commissioner may grant a waiver if the Commissioner determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and

well-being of children in the person's care. The Commissioner shall not grant a waiver to any person who has been convicted of a barrier crime as defined in § 63.2-1719. However, the Commissioner may grant a waiver to a family day home ~~regulated~~ *licensed or registered* by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or § 18.2-57.2, provided *that* (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2. Any waiver granted under this section shall be available for inspection by the public. The child welfare agency shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

**§ 63.2-1725. Child day centers or family day homes receiving federal, state, or local child care funds; eligibility requirements.**

A. Whenever any child day center or family day home that has not met the requirements of §§ 63.2-1720, 63.2-1721, and 63.2-1724 applies to enter into a contract with the Department or a local department to provide child care services to clients of the Department or local department, the Department or local department shall require a criminal records check pursuant to subdivision A 43 of § 19.2-389, as well as a search of the central registry maintained pursuant to § 63.2-1515, on any child abuse or neglect investigation, of the applicant; any employee; prospective employee; volunteers; agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a family day home. The applicant shall provide the Department or local department with copies of these records checks. The child day center or family day home shall not be permitted to enter into a contract with the Department or a local department for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home has any offense as defined in § 63.2-1719. The child day center or family day home shall also require the above individuals to provide a sworn statement or affirmation disclosing whether or not the person has ever been (i) the subject of a founded case of child abuse or neglect or (ii) convicted of a crime or is the subject of any pending criminal charges within the Commonwealth or any equivalent offense outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If a person is denied employment or work because of information from the central registry or convictions appearing on his criminal history record, the child day center or family day program shall provide a copy of such information obtained from the central registry or Central Criminal Records Exchange or both to the person. Further dissemination of the information provided to the facility, beyond dissemination to the Department, agents of the Department, or the local department, is prohibited.

*B. Every child day center or family day home that enters into a contract with the Department or a local department to provide child care services to clients of the Department or local departments that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.*

**§ 63.2-1727. Sex offender or child abuser prohibited from operating or residing in family day home; penalty.**

It shall be unlawful for any person to operate a family day home if he, or if he knows that any other person who resides *in*, is employed by, or volunteers in the home, has been convicted of a felony in violation of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1, or § 18.2-374.1, *has been convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-902*, or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section ~~shall be~~ *is* punishable as a Class 1 misdemeanor.

**2. That the provisions of this act amending §§ 15.2-2292, 63.2-100, and 63.2-1704 of the Code of Virginia shall become effective on July 1, 2016.**

**3. That the provisions of §§ 63.2-1720 and 63.2-1721 of the Code of Virginia, as amended by this act, and of §§ 63.2-1720.1 and 63.2-1721.1, as created by this act, shall become effective on July 1, 2017.**

**4. That the Department of Social Services shall develop and make available to child care providers, child day centers, and family day homes training and technical information and assistance regarding compliance with new licensure requirements established pursuant to this act.**

**5. That the Department of Social Services shall develop recommendations related to appropriate criminal and civil penalties for individuals who operate or engage in the conduct of a child day center or family day home without first obtaining a license or after such license has been revoked or has expired and not been renewed or who operate or engage in the conduct of a child day center or family day home serving more children than the maximum stipulated in the license but shall not develop recommendations related to penalties for failure to comply with § 63.2-1704.1, as created by this act, and the Department shall report its recommendations to the Governor and the General Assembly by December 1, 2015.**

**6. That the Department of Social Services shall report on requirements established by the Child Care and Development Block Grant to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015.**

7. That the Department of Social Services shall work with localities authorized under § 15.2-914 of the Code of Virginia to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes.

### CHAPTER 771

*An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 a section numbered 23-9.2:15, relating to academic transcripts; suspension, permanent dismissal, or withdrawal from institution.*

[S 1193]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 a section numbered 23-9.2:15 as follows:**  
**§ 23-9.2:15. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.**

A. The registrar of each (i) private institution of higher education that is eligible to participate in the Tuition Assistance Grant Program or to receive project financing from the Virginia College Building Authority pursuant to the Educational Facilities Authority Act of 1972 (§ 23-30.39 et seq.) and (ii) public institution of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct stating that such student was suspended for, was permanently dismissed for, or withdrew from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards. Such notation shall be substantially in the following form: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of [insert name of institution's code, rules, or set of standards]." Each such institution shall (a) notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript and (b) adopt a procedure for removing such notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct. For purposes of this section, "sexual violence" means physical sexual acts perpetrated against a person's will or against a person incapable of giving consent.

B. The institution shall remove from a student's academic transcript any notation placed on such transcript pursuant to subsection A due to such student's suspension if the student (i) completed the term of the suspension and any conditions thereof and (ii) has been determined by the institution to be in good standing according to the institution's code, rules, or set of standards governing such a determination.

C. The provisions of this section shall apply only to a student who is taking or has taken a course at a campus of a public or private institution of higher education located in the Commonwealth; however, the provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 10 (§ 23-92 et seq.).

### CHAPTER 772

*An Act to amend and reenact §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia, relating to special conservators of the peace; training; registration; etc.*

[S 1195]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-150.2, 15.2-1748, and 19.2-13 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-150.2. Powers of Criminal Justice Services Board relating to special conservators of the peace appointed pursuant to § 19.2-13.**

The Board ~~may~~ shall adopt regulations establishing compulsory minimum, entry-level, in-service, and advanced training standards for special conservators of the peace. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and its regulations. In establishing compulsory training standards for special conservators of the peace, the Board shall *require training to be obtained at a criminal justice training academy established pursuant to § 15.2-1747, or at a private security training school certified by the Department, and shall* ensure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section. The regulations may provide for exemption from training of persons having previous employment as law-enforcement officers for a state or the federal government. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer was terminated because of his misconduct or incompetence or who has been decertified as a law-enforcement officer. The regulations may include provisions for ~~partial~~ exemption from such training for persons having previous training that meets or exceeds the minimum

training standards and has been approved by the Department. The Board may also adopt regulations that (i) establish the qualifications of applicants for registration; (ii) cause to be examined the qualifications of each applicant for registration; (iii) provide for collection of fees for registration and renewal that are sufficient to cover all expenses for administration and operation of a program of registration; (iv) ensure continued competency and prevent deceptive or misleading practices by practitioners; (v) effectively administer the regulatory system promulgated by the Board; (vi) provide for receipt of complaints concerning the conduct of any person whose activities are regulated by the Board; (vii) provide for investigations, and appropriate disciplinary action if warranted; and (viii) allow the Board to revoke, suspend or refuse to renew a registration, certification, or license for just cause as enumerated in regulations of the Board. The Board shall ~~not~~ adopt compulsory, ~~minimum~~, entry-level training standards ~~in excess of 24 that shall not exceed, but shall be a minimum of 98 hours for unarmed special conservators of the peace or in excess of 40 and that shall not exceed, but shall be a minimum of 130 hours for armed special conservators of the peace.~~ In adopting its regulations, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

**§ 15.2-1748. Powers of the academies.**

A. Upon organization of an academy, it shall be a public body corporate and politic, the purposes of which shall be to establish and conduct training for public law-enforcement and correctional officers, those being trained to be public law-enforcement and correctional officers ~~and~~, other personnel who assist or support such officers, *and those persons seeking appointments as special conservators of the peace pursuant to § 19.2-13.* The persons trained by an academy need not be employed by a locality ~~which~~ *that* has joined in the agreement creating the academy.

B. Criminal justice training academies may:

1. Adopt and have a common seal and alter that seal at the pleasure of the board of directors;
2. Sue and be sued;
3. Adopt bylaws and make rules and regulations for the conduct of its business;
4. Make and enter into all contracts or agreements, as it may determine are necessary, incidental or convenient to the performance of its duties and to the execution of the powers granted under this article;
5. Apply for and accept, disburse and administer for itself or for a member governmental unit any loans or grants of money, materials or property from any private or charitable source, the United States of America, the Commonwealth, any agency or instrumentality thereof, or from any other source;
6. Employ engineers, attorneys, planners and such other professional experts or consultants, and general and clerical employees as may be deemed necessary and prescribe such experts, consultants, and employees' powers, duties, and compensation;
7. Perform any acts authorized under this article through or by means of its own officers, agents and employees, or by contracts with any person, firm or corporation;
8. Acquire, whether by purchase, exchange, gift, lease or otherwise, any interest in real or personal property, and improve, maintain, equip and furnish academy facilities;
9. Lease, sell, exchange, donate and convey any interest in any or all of its projects, property or facilities in furtherance of the purposes of the academy as set forth in this article;
10. Accept contributions, grants and other financial assistance from the United States of America and its agencies or instrumentalities thereof, the Commonwealth, any political subdivision, agency or public instrumentality thereof or from any other source, for or in aid of the construction, acquisition, ownership, maintenance or repair of the academy facilities, for the payment of principal of, or interest on, any bond of the academy, or other costs incident thereto, or make loans in furtherance of the purposes of this article of such money, contributions, grants, and other financial assistance, and comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and agree to such terms and conditions as may be imposed;
11. Borrow money from any source for capital purposes or to cover current expenditures in any given year in anticipation of the collection of revenues;
12. Mortgage and pledge any or all of its projects, property or facilities or parts thereof and pledge the revenues therefrom or from any part thereof as security for the payment of principal and premium, if any, and interest on any bonds, notes or other evidences of indebtedness;
13. Create an executive committee which may exercise the powers and authority of the academy under this article pursuant to authority delegated to it by the board of directors;
14. Establish fees or other charges for the training services provided;
15. Exercise the powers granted in the agreement creating the academy; and
16. Execute any and all instruments and do and perform any and all acts necessary, convenient or desirable for its purposes or to carry out the powers expressly given in this article.

**§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; bond; liability of employers; penalty; report.**

A. ~~the submission of an application of,~~ *which shall include the results of a background investigation, from* (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one

appointment, *during which time the court shall retain jurisdiction over the appointment order*, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection ~~B C~~. *Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted.* However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. *A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.*

The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate within the confines of the county, city or town that makes application or ~~within the county, city or town~~ *on the real property* where the corporate applicant is located, *or any real property contiguous to such real property*, limited, except as provided in subsection ~~E F~~, to the ~~judicial circuit~~ *city or county* wherein application has been made, whenever such special conservator of the peace is engaged in the performance of his duties as such. *The order may provide that the special conservator of the peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order may further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit.* The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. *The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may also provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this.* ~~The~~ *Upon request and for good cause shown, the order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. The* ~~Upon request and for good cause shown, the order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Department of Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order also may (a) require the local sheriff or chief of police to conduct a background investigation which may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment and (b) limit the use of flashing lights and sirens on personal vehicles used by the conservator in the performance of his duties. The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties.~~ Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

**B. Effective September 15, 2004, no** *All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.*

**C.** *No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; and; (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which may include a*

review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or ~~(g)~~ any felony or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall be ~~registered~~ eligible for registration or appointment as a special conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within 3 days of such arrest. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in clauses (a) through (f) or of any felony. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

~~C.~~ D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by ~~(i) a cash bond; or a surety bond executed by a surety company authorized to do business in the Commonwealth; in a reasonable amount to be fixed by the Board, not to be less than \$10,000, conditioned upon the faithful and honest conduct of his business or employment; or~~ (ii) evidence of a policy of liability insurance or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the bond or insurance policy of the registrant.

~~D.~~ Individuals listed in § 19.2-12, individuals who have complied with or been exempted pursuant to subsection A of § 9.1-141, individuals employed as law enforcement officers as defined in § 9.1-101 who have met the minimum qualifications set forth in § 15.2-1705 shall be exempt from the requirements in subsections A through C. Further, individuals appointed under subsection A and employed by a private corporation or entity that meets the requirements of subdivision (ii) of the definition of criminal justice agency in § 9.1-101, shall be exempt from the registration requirements of subsection A and from subsections B and C provided they have met the minimum qualifications set forth in § 15.2-1705. The Department of Criminal Justice Services shall, upon request by the circuit court, provide evidence to the circuit court of such employment prior to appointing an individual special conservator of the peace.

E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the Department. The employing agency employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

~~E.~~ F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. ~~Court~~ Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the ~~judicial circuit~~ specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. ~~Effective July 1, 2004, the~~ The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection ~~F~~ G, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking

an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order *and a copy of the application* with the Department of Criminal Justice Services in order to receive his special conservator of the peace ~~photo registration card document~~. *If the court appointment includes any real property owned or leased by the corporation or business in other specifically named cities and counties not within the city or county wherein application has been made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.*

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master, from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

~~F. G.~~ The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.

*H. The governing body of any locality or the sheriff of a county where no police department has been established may enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment and materials to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his duty under any such agreement, shall have the same authority as lawfully conferred on him within his own jurisdiction.*

**2. That the Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding the use of application forms for the appointment of special conservators of the peace and the powers that may be granted in appointment orders to special conservators of the peace.**

**3. That any existing special conservator of the peace appointed under a court order in effect on July 1, 2015, has 36 months to comply with the new compulsory, minimum, entry-level training standards and requirements as may be established pursuant to this act following his appointment.**

## CHAPTER 773

*An Act to amend and reenact § 51.1-305 of the Code of Virginia, relating to mandatory judicial retirement age.*

[S 1196]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That § 51.1-305 of the Code of Virginia is amended and reenacted as follows:**

**§ 51.1-305. Service retirement generally.**

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B. Early retirement. - Any member in service who has either (i) attained his fifty-fifth birthday with five or more years of creditable service or (ii) in the case of a member of any of the previous systems immediately prior to July 1, 1970, complied with the requirements for retirement set forth under the provisions of such previous system as in effect immediately prior to July 1, 1970, may retire upon written notification to the Board setting forth the date the retirement is to become effective.

~~B1. Mandatory retirement. - Any member who attains 70 73 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly. However, if the mandatory retirement provisions of this subdivision would require a member of the State Corporation Commission to be retired before the end of his elected term and such retirement would occur during a session of the General Assembly in which the General Assembly is required, pursuant to § 12.1-6, to elect another member or members of the State Corporation Commission to serve either a regular term or a portion of a regular term, such member who otherwise would be subject to the mandatory retirement provisions of this subdivision shall be retired upon the first to occur of (i) the expiration of the term to which he was elected or (ii) 20 days after the commencing of the regular session of the General Assembly that immediately follows the date such member attains 72 years of age. The provisions of this subsection shall apply only to those members who are elected or appointed to an original or subsequent term commencing after July 1, 1993 following his seventy-third birthday.~~

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service may retire under the provisions of subsection A or B of this section, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

E. Notification of retirement. - In addition to the notice to the Board required by this section, the same notice shall be given by the member to his appointing authority. If a member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification to the Board on his behalf.

**2. That the provisions of this act shall apply to justices of the Supreme Court of Virginia and judges of the Court of Appeals of Virginia effective July 1, 2015.**

**3. That the provisions of this act shall apply only to those judges of the circuit, general district, and juvenile and domestic relations district courts who are elected or appointed to an original or subsequent term commencing on or after July 1, 2015.**

## CHAPTER 774

*An Act to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1, relating to use of unmanned aircraft systems by public bodies; search warrant required.*

[S 1301]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.1 as follows: § 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

*A. As used in this section, unless the context requires a different meaning:*

*"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.*

*"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.*

*B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.*

*C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3, (ii) when a Senior Alert is activated pursuant to § 52-34.6, (iii) when a Blue Alert is activated pursuant to § 52-34.9, (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person, (v) for training exercises related to such uses, or (vi) if a person with legal authority consents to the warrantless search.*

*D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.*

*E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.*

*F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island.*

*G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other Department of Defense units.*

## CHAPTER 775

*An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.*

[S 1333]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows: § 2.2-1604. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

"Certification" means the process by which a business is determined to be a small, women-owned, or minority-owned business for the purpose of reporting small, women-owned, and minority-owned business participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

*"Historically black colleges and university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.*

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, *or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.*

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women-owned, and minority-owned business procurement and on service disabled veteran-owned business procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

E. As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, *or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.*

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

## CHAPTER 776

*An Act to amend and reenact §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4303.1 and 2.2-4303.2, relating to the Virginia Public Procurement Act; methods of procurement; job order contracting and cooperative procurement.*

[S 1371]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2012, 2.2-4301, 2.2-4302.2, 2.2-4303, 2.2-4304, 2.2-4343, 23-38.110, and 33.2-283 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-4303.1 and 2.2-4303.2 as follows:**

**§ 2.2-2012. Procurement of information technology and telecommunications goods and services; computer equipment to be based on performance-based specifications.**

A. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to

the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 or to the individual strategic plans of state agencies or public institutions of higher education.

B. All statewide contracts and agreements made and entered into by VITA for the purchase of communications services, telecommunications facilities, and information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. Notwithstanding the provisions of § ~~2.2-4301~~, 2.2-4302.1, or 2.2-4302.2, 2.2-4303.1, or 2.2-4303.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

C. VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

E. VITA shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.

F. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

#### **§ 2.2-4301. Definitions.**

As used in this chapter:

"Affiliate" means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition "voting security" means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

"Best value," as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

"Business" means any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit.

"Competitive negotiation" is the method of contractor selection set forth in § 2.2-4302.2.

"Competitive sealed bidding" is the method of contractor selection set forth in § 2.2-4302.1.

"Construction" means building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

"Construction management contract" means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Design-build contract" means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

"Employment services organization" means an organization that provides employment services to individuals with disabilities that is an approved Commission on the Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Goods" means all material, equipment, supplies, printing, and automated data processing hardware and software.

"Informality" means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

"Job order contracting" means a method of procuring construction services by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending on the needs of the public body procuring the construction services. A minimum amount of work may be

specified in the contract. The contract term and the project amount shall not exceed the limitations specified in § ~~2.2-4302.2~~ ~~or 2.2-4303~~ or 2.2-4303.2.

"Multiphase professional services contract" means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

"Nonprofessional services" means any services not specifically identified as professional services in the definition of professional services.

"Potential bidder or offeror," for the purposes of §§ 2.2-4360 and 2.2-4364, means a person who, at the time a public body negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under the contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

"Professional services" means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter. "Public body" shall include (i) any independent agency of the Commonwealth, and (ii) any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia.

"Public contract" means an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

"Responsible bidder" or "offeror" means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

"Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

"Reverse auctioning" means a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

"Services" means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

#### **§ 2.2-4302.2. Process for competitive negotiation.**

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to

elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

~~B. For multiple projects, a contract for architectural or professional engineering services relating to construction projects; or a contract for job order contracting, may be negotiated by a public body, provided (i) the projects require similar experience and expertise; (ii) the nature of the projects is clearly identified in the Request for Proposal; and (iii) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.~~

~~Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:~~

~~1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million as may be determined by the Director of the Department of General Services;~~

~~2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects; the sum of all such projects shall not exceed \$1.5 million;~~

~~3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation; the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director;~~

~~4. Environmental location, design and inspection work regarding highways and bridges by the Commissioner of Highways; the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million; and~~

~~5. Job order contracting, the sum of all projects performed in a one-year contract term shall not exceed \$2 million.~~

~~Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term.~~

~~C. For any single project, for (i) architectural or professional engineering services relating to construction projects; or (ii) job order contracting, the project fee shall not exceed \$100,000, or for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:~~

~~1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services;~~

~~2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million; and~~

~~3. Job order contracting, the project fee shall not exceed \$400,000.~~

~~The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.~~

~~D. For the purposes of subsections B and C, any unused amounts from the first contract term shall not be carried forward to the additional term.~~

~~E. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long term long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where~~

the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to ~~the~~ entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

**§ 2.2-4303. Methods of procurement.**

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. ~~Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.~~

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4302.2; or

4. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for (i) goods and services other than professional services and (ii) *non transportation-related construction*, if the aggregate or the sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable. ~~For local public bodies, such~~ Such purchase procedures may allow for single or term contracts for professional services without requiring competitive

negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000. *Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.*

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the ~~(i)~~ (a) written informal solicitation of a minimum of four bidders or offerors and ~~(ii)~~ (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

~~H. A state public body may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however such small purchase procedures shall provide for competition wherever practicable.~~

~~I. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.~~

~~J. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.~~

**§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.**

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

*Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.*

B. The sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality or any authority, sanitation district, metropolitan planning organization or planning district commission with a population in excess of 80,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$100,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.); and

2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any city within Planning District 8, the project fee shall not exceed \$2 million.

*The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.*

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.).

**§ 2.2-4303.2. Job order contracting; limitations.**

A. A job order contract may be awarded by a public body for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation.

B. Such contracts may be renewable for two additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed \$5 million. Individual job orders shall not exceed \$500,000.

C. For the purposes of this section, any unused amounts from one contract term shall not be carried forward to any additional term.

D. Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection B is prohibited.

E. No public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000 per contract term.

F. Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass.

**§ 2.2-4304. Joint and cooperative procurement.**

A. Any public body may participate in, sponsor, conduct, or administer a ~~cooperative joint~~ procurement agreement ~~on behalf of or~~ in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods ~~and~~ services, or construction.

~~A~~ B. In addition, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or

2. Construction ~~in excess of \$200,000 by a local public body from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subdivision. Nothing in this subdivision shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.~~

in instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

~~B~~- C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a ~~cooperative joint~~ procurement arrangement ~~on behalf of or~~ in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.

A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

~~E~~- D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;

2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

**§ 2.2-4343. Exemption from operation of chapter for certain transactions.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College or Universities pursuant to § 23-44.1, 23-50.10:01, 23-76.1, or 23-122.1. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23-44.1, 23-50.10:01, 23-76.1, and 23-122.1.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23-38.80.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2011 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1,

and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in ~~subsection B of § 2.2-4302.2~~ §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services.

18. The University of Virginia Medical Center to the extent provided by subdivision B 3 of § 23-77.4.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

**§ 23-38.110. Procurement; discrimination prohibited; participation of small, women-owned, and minority-owned business enterprises.**

A. Subject to the express provisions of the management agreement described in § 23-38.88, covered institutions may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317); provided, however, that any deviations from the Virginia Public Procurement Act approved in a Management Agreement shall be uniform across all covered institutions; and provided further that the governing body of a covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall be based upon competitive principles and shall in each instance seek competition to the maximum practical degree. The policies shall implement a system of competitive negotiation for professional services pursuant to § 2.2-4303.1 and subsections A, B, and ~~E~~ C of § 2.2-4302.2; shall prohibit discrimination because of race, religion, color, sex or national origin of the bidder or offeror in the solicitation or award of contracts; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; and shall consider the impact on correctional enterprises under § 53.1-47.

B. Such policies may, among other things, (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the several states, the District of Columbia,

the territories and the United States, and any combination thereof. Nothing in this section shall preclude a covered institution from requesting and utilizing, and covered institutions are hereby encouraged to utilize, the assistance of the Virginia Information Technologies Agency in information technology procurements.

C. In the solicitation and awarding of contracts, no covered institution shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state or federal law. The procurement policies of a covered institution shall provide that, whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers. The institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

D. As part of any procurement provisions of a management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule or rules that deviate from those in the Virginia Public Procurement Act.

### **§ 33.2-283. Powers and duties of the Director of the Department of Rail and Public Transportation.**

Except such powers as are conferred by law upon the Board, or such services as are performed by the Department of Transportation pursuant to law, the Director of the Department of Rail and Public Transportation shall have the power to do all acts necessary or convenient for establishing, maintaining, improving, and promoting public transportation, transportation demand management, ridesharing, and passenger and freight rail transportation in the Commonwealth and to procure architectural and engineering services for rail and public transportation projects as specified in ~~§ 2.2-4302.2~~ *2.2-4303.1*.

2. That by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq. of the Code of Virginia), state agencies utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively shall report their respective experiences and findings relating to the appropriateness and effectiveness of (i) job order contracting in general, (ii) the project cost limitations set forth in § 2.2-4303.2, as added by this act, and (iii) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1, as added by this act, to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

3. That the provisions of this act shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this act, shall apply to any renewal of a job order contract.

4. That all public bodies as defined in § 2.2-4301 of the Code of Virginia, including public institutions of higher education, shall submit a written report to the Director of the Department of General Services (the Director) for any nontransportation-related construction project in excess of \$2 million that was procured by any method other than competitive sealed bidding. Such report shall be in a form and manner prescribed by the Director after consultation with the contractor community and state and local government procurement officials. The report, at a minimum, shall identify the justification for the procurement method chosen and contain such other information deemed necessary or appropriate by the Director, including whether or not the procurement meets the standards as set forth by the Secretary of Administration guidelines. The Director shall (i) report such information quarterly to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology and (ii) post such reports on the Department of General Services' central electronic procurement website. In addition, on or before December 1 of each year, the Director shall submit an annual report to the Governor and the Chairmen of the House Committee on General Laws and Senate Committee on General Laws and Technology that includes (a) the Director's evaluation of and findings regarding the methods of procurement used for such construction procured by design-build or construction management at risk method and (b) any recommendations for the improvement of (1) the method of procuring construction generally and (2) the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).

5. That the provisions of the fourth enactment of this act shall expire on July 1, 2017.

6. That by December 1, 2015, the State Corporation Commission (the Commission) shall develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia and that addresses standing to request and participate in the administrative review. The administrative review shall be conducted by a person who is not an employee of the Commission. The process developed by the Commission for the administrative review of its procurement decisions may address compensation for the person appointed by the Commission to conduct the administrative review in accordance with the provisions of this enactment. The reviewer shall file a report directly to the Commissioners of the Commission.

## CHAPTER 777

*An Act to amend and reenact §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1, relating to the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.*

[S 1424]

Approved April 30, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1 as follows:**

**§ 2.2-115. Commonwealth's Development Opportunity Fund.**

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the ~~Governor's~~ Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment

authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall promptly provide written notice to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any exception to such policy.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created

agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of a portion of the funds provided under the contract. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. Any such funds repaid to the political subdivision that relate to the award from the ~~Governor's Commonwealth's~~ Development Opportunity Fund shall promptly be paid over by the political subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the ~~Governor's Commonwealth's~~ Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

*I. Any person or entity submitting an application for a grant or loan from the Fund shall certify, on a form acceptable to the Virginia Economic Development Partnership, that it shall not provide any contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign committee or a political action committee established on his behalf during (i) the period in which the person or entity's application for such award is pending and (ii) the one-year period immediately after any such award is made. Any person or entity who so certifies and who receives an award from the Fund shall repay, if such person or entity provided or provides such a contribution, gift, or other item of value during these periods, the amount of the award received within 90 days after receipt of written notice from the Virginia Economic Development Partnership. In addition, any person or entity that knowingly provided or provides such a contribution, gift, or other item of value during these periods in violation of this subsection shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned*

to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity.

**§ 2.2-206.2. Economic incentive grant programs; responsibilities of the Secretary.**

A. By July 15 of each year, the agencies listed in subdivisions B 1 through 7 shall report the information outlined in subsection C to the Secretary of Commerce and Trade for the three prior calendar or fiscal years, as applicable, so that the Secretary may develop and issue a report on the effectiveness of economic development incentive grant programs administered by the Commonwealth in meeting performance goals and stimulating economic activity.

By September 15 of each year, the Secretary shall submit the draft report to the Joint Legislative Audit and Review Commission for its review of the accuracy of the information contained in the report and the effectiveness of the evaluation methods.

The Joint Legislative Audit and Review Commission shall provide its comments on the content of the report and the Secretary's analysis to the Secretary, and such comments shall be included as an appendix to the final report, which shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 15 of each year.

B. The report shall include a review of allocations from the following economic development incentive programs and funds for the previous three calendar or fiscal years, as applicable, as follows:

1. Virginia Economic Development Partnership: Advanced Shipbuilding Training Facility Grant Program, Aerospace Engine Manufacturing Performance Grant Program, Clean Energy Manufacturing Incentive Grant Program, ~~Governor's~~ Commonwealth's Development Opportunity Fund, Investment Partnership Grant subfund, Major Eligible Employer Grant subfund, Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, Specialized Biotechnology Research Performance Grant Program, Economic Development Incentive Grant subfund, and any customized incentive grants;

2. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real Property Investment Grant Programs;

4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity Fund;

5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;

6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Grant Program; and

7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.

C. The report shall assess the effectiveness of allocations made for each program listed in subsection B. Each agency administering programs outlined in subsection B shall submit the applicable data regarding jobs, wages, capital investment, and any other related information requested by the Secretary of Commerce and Trade for purposes of evaluating economic development incentive programs in meeting their performance goals and stimulating economic activity.

For each program, the report shall include (i) an explanation of the overall goals of the program, describing whether the program is focused on job creation and capital investment or investments are governed by ancillary goals of community development and revitalization or the development of a particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal years, as applicable, summary information, including the total amount of grant funding made available for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the average dollar amount approved per job and average wage expected, where applicable, and any grant amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects that have reached completion or a performance milestone, an aggregate comparison of the projects' performance measures, including the actual number of jobs created, the actual average wages paid, and the actual amount of capital investment, with the expected number of jobs, assumed average wage, and planned capital investment when the grant awards were made, and the proportion of projects that met or exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment compared with the expected rate of return when the grant awards were made; (v) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate estimate of the projects' total economic impact measured by the Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final comparison of jobs reported by companies at the time of completion and jobs at the end of the most recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of completion and a five-year rate of return based on the most recent job levels.

**§ 2.2-419. Definitions.**

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;

2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;

3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;

4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor. "Executive action" includes procurement transactions.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the Virginia Lottery.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes

*services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.*

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance ~~from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or~~
4. A gift of a value of \$50 or less-;
5. *Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;*
6. *Any food or beverages provided to an individual at an event at which the individual is performing official duties related to his public service;*
7. *Any food and beverages received at or registration or attendance fees waived for any event at which the individual is a featured speaker, presenter, or lecturer;*
8. *An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*
9. *Any gift from an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse;*
10. *Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; or*
11. *Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.*

"Immediate family" means (i) the spouse and (ii) any ~~child~~ other person who resides in the same household as the executive or legislative official and who is a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a

principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Secretary" means the Secretary of the Commonwealth.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

#### **§ 2.2-420. Exemptions.**

The registration and reporting provisions of this article shall not apply to:

1. The Governor, Lieutenant Governor, Attorney General, and their immediate staffs or the Governor's Secretaries and their immediate staffs, acting in an official capacity;
2. Members of the General Assembly and other legislative officials and legislative employees acting in an official capacity;
3. Local elected officials acting in an official capacity;
4. Any employee of a state executive agency acting in an official capacity;
5. A duly elected or appointed official or employee of the United States acting in an official capacity;
6. An individual who limits lobbying solely to (i) formal testimony before a public meeting of an executive agency or legislative body and registers the appearance in the records of the agency or body and (ii) testimony and information compelled by action of an executive agency or legislative body;
7. A person who receives \$500 or less in compensation and reimbursements, excluding personal living and travel expenses that are not reimbursed from any other source, in a calendar year for his lobbying activities;
8. A person who receives no compensation or anything of value for lobbying, and does not expend more than \$500, excluding personal living and travel expenses that are not reimbursed from any other source, in lobbying in the calendar year; or
9. An employee of a business, other entity, or local government whose job duties do not regularly include ~~influencing or attempting to influence legislative or executive action~~ lobbying.

#### **§ 2.2-424. Registration fees.**

The Secretary shall collect an annual registration fee of ~~fifty dollars~~ \$100 from the lobbyist for each principal for whom, or on whose behalf, the lobbyist will act. *This fee shall be deposited into the general fund and used exclusively to fund the Council.*

#### **§ 2.2-426. Lobbyist reporting; penalty.**

A. Each lobbyist shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ a separate semiannual report of expenditures, including gifts, for each principal for whom he lobbies by December 15 for the preceding six-month period complete through the last day of October and June 15 for the preceding six-month period complete through the last day of April.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the ~~Virginia Conflict of Interest and Ethics Advisory Council~~, which shall be substantially ~~as follows~~ similar to the following and shall be accompanied by instructions provided by the Council. *All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.*

#### LOBBYIST'S DISCLOSURE STATEMENT

PART I:

(1) PRINCIPAL: \_\_\_\_\_

In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a.

- (2a) Name: \_\_\_\_\_
- (2b) Permanent Business Address: \_\_\_\_\_
- (2c) Business Telephone: \_\_\_\_\_
- (3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.  
\_\_\_\_\_  
\_\_\_\_\_

- (4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:  
Individual filing financial information: \_\_\_\_\_  
Individuals to be included in the filing: \_\_\_\_\_

- (5) Please indicate which schedules will be attached to your disclosure statement:  
 Schedule A: Entertainment Expenses  
 Schedule B: Gifts  
 Schedule C: Other Expenses

- (6) EXPENDITURE TOTALS:
 

a) ENTERTAINMENT	\$	
b) GIFTS	\$	
c) COMMUNICATIONS	\$	
d) PERSONAL LIVING AND TRAVEL EXPENSES	\$	
e) COMPENSATION OF LOBBYISTS	\$	
f) HONORARIA	\$	
g) OTHER	\$	
TOTAL	\$	

PART II:

- (1a) NAME OF LOBBYIST: \_\_\_\_\_
- (1b) Permanent Business Address: \_\_\_\_\_
- (1c) Business Telephone: \_\_\_\_\_
- (2) As a lobbyist, you are (check one)  
 EMPLOYED (on the payroll of the principal)  
 RETAINED (not on the payroll of the principal, however compensated)  
 NOT COMPENSATED (not compensated; expenses may be reimbursed)
- (3) List all lobbyists other than yourself who registered to represent your principal.  
\_\_\_\_\_  
\_\_\_\_\_
- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.  
\_\_\_\_\_

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

- (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6e \_\_\_\_\_.
- (5b) Explain how you arrived at your answer to Part II, item 5a.  
\_\_\_\_\_  
\_\_\_\_\_

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT

complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

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- (2) Indicate the total amount paid to your firm, organization, association, corporation, or other entity for services rendered. Transfer your answer to this item to Part I, item 6e\_\_\_\_\_.

SCHEDULE A

ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

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Description of Event (including whether or not it meets the criteria of a widely attended event):

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Total Number of Persons Attending:

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Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)

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Food	\$ _____
Beverages	\$ _____
Transportation of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Lodging of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Performers, Speakers, Etc.	\$ _____
Displays	\$ _____
Rentals	\$ _____
Service Personnel	\$ _____
Miscellaneous	\$ _____
TOTAL	\$ _____

SCHEDULE B

GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Date of gift:	Description of gift:	Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:	Cost of individual gift:
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____



A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and every individual failing to file the statement within ~~ten~~ 10 days after the time prescribed herein shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. *The Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.*

B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. *The ~~penalty~~ Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.*

C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he remains in default.

D. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such default are or will be beyond his control, or the control of his principal, or both, the Secretary may suspend the assessment of any penalty otherwise assessable and accept a substituted statement, upon the submission of sworn proofs that shall satisfy him that the default has been beyond the control of the lobbyist or his principal, and that the substituted statement contains the most accurate and complete information available after the exercise of due diligence.

E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

### **§ 2.2-3101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. *The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.*

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service;* (vii) *food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or*

lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

**§ 2.2-3103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

B. ~~A~~ No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. ~~A~~ No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a

personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from any person that he knows or has reason to know is a person, organization, or business who that is a party to such civil action. A person, organization, or business who that is a party to such civil action shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

~~E. I.~~ The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

~~F. For purposes of this section, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

#### **§ 2.2-3103.2. Return of gifts.**

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1.

#### **§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.**

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

#### **§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund.**

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act

of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. *Neither the Governor, his campaign committee, nor a political action committee established on his behalf shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$100 from any person or entity that has submitted an application for a grant or loan from the Commonwealth's Development Opportunity Fund during the period in which the person or entity's application for such an award is pending and for the one-year period immediately after any such award is made. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity.*

C. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more *or for grants or loans from the Commonwealth's Development Opportunity Fund regardless of the value of the grant or loan.* The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § 2.2-4302.1.

~~C.~~ D. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, *and the contribution, gift, or other item shall be returned to the donor.* The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

**§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.**

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia

Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~January~~ *December* 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~January~~ *December* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

**§ 2.2-3114. Disclosure by state officers and employees.**

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, *members of the Virginia Alcoholic Beverage Control Board*, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor; or, ~~in the case of~~ officers or employees of the legislative branch, *as may be designated* by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and

thereafter shall file such form annually on or before December 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the Council ~~to each officer and employee so designated, including officers appointed by legislative authorities~~ at least 30 days prior to the filing deadline. Disclosure forms shall be filed ~~and electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after filing.~~

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. *Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by § 2.2-3117 or 2.2-3118.*

#### **§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.**

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter (~~§ 2.2-3100 et seq.~~). The Secretary of the Commonwealth may obtain from the ~~Clerk of the House of Delegates or the Senate, as appropriate, Council~~ a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

#### **§ 2.2-3115. Disclosure by local government officers and employees.**

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file ~~with the Council~~, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before December 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding six-month period

complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the Virginia Conflict of Interest and Ethics Advisory Council ~~to the clerks of the governing bodies and school boards~~ at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the respective governing body or school board*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the governing body of the county or city*. *Such forms shall be made public no later than six weeks after filing.*

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the governing body of such county, city, or town* on or before December 15. Such disclosures shall be filed and maintained as public records for five years. *Such forms shall be made public no later than six weeks after filing.* Forms for the filing of such reports shall be ~~prepared and distributed~~ *made available* by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes ~~of~~ *for* his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the

transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

**§ 2.2-3116. Disclosure by certain constitutional officers.**

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city; ~~shall be deemed to be local officers and~~ shall be required to file *with the Council, as a condition to assuming office*, the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements ~~pursuant to § 2.2-3115 and candidates~~ *semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. Candidates* shall file statements as required by § 24.2-502. *Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.* These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

**§ 2.2-3117. Disclosure form.**

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be substantially ~~as follows:~~ *similar to the following. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.*

STATEMENT OF ECONOMIC INTERESTS.

Name .....  
Office or position held or sought .....  
Address .....  
Names of members of immediate family .....

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service;* (vii) *food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer;* (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;* (ix) *a devise or inheritance;* (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);* (xi) *travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;* (xii) *travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules;* (xiii) *travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment;* or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, *step-parent, step-grandparent, step-grandchild, step-brother, or step-sister;* or the

donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

**TRUST.** If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

**REPORT TO THE BEST OF INFORMATION AND BELIEF.** Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

**COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.**

You may attach additional explanatory information.

**1. Offices and Directorships.**

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

**2. Personal Liabilities.**

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

**3. Securities.**

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

**4. Payments for Talks, Meetings, and Publications.**

During the past six months did you receive in your capacity as an officer or employee of your agency lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

**5. Gifts.**

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

**6. Salary and Wages.**

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //.

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**7. Business Interests.**

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

**8. Payments for Representation and Other Services.**

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection.

AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature .....

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME .....

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here //.

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
		\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as an officer or employee of your agency lodging, transportation, money, or any other thing of value with combined value exceeding ~~\$200~~ \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here //.

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimburse- ment, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event; and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

SCHEDULE F - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation,	Gross Income
_____	_____

Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Enterprise \$50,000 or less	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

**SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.**

List the businesses you represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Only STATE officers and employees should complete this Schedule.

Name of Busi- ness	Type of Busi- ness	Pur- pose of Repre- senta- tion	Name of Agen- cy	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000.

Amount Received: \_\_\_\_\_.

**SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.**

List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Only STATE officers and employees should complete this Schedule.

Type of business	Name of state governmental agency
_____	_____
_____	_____
_____	_____

**SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.**

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

Check if	Type	Value of Compensation
_____	_____	_____

	ser- vices were ren- dered	of ser- vice ren- dered	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____
Loan or finance companies	_____	_____	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recre- ational, apartment, com- mercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.


SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.	List the names of any co-owners, if applicable.

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.  
Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall

be substantially as follows: similar to the following. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the filer and who is a dependent of the filer.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name .....

Office or position held or to be held

.....

Address .....

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

- 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
- 2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
- 3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
- 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

- 1. Residence, address, or, if no address, location .....
- 2. Other real estate, address, or, if no address, location .....
- 3. Name or principal business activity of each business in which stock, bond or equity interest is held

.....

B. The personal interests of my immediate family are:

- 1. Real estate, address or, if no address, location .....
- 2. Name or principal business activity of each business in which stock, bond or equity interest is held

.....

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Position held	Name of business
_____	_____
_____	_____
_____	_____

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Position held	Name of business
_____	_____

_____	_____
_____	_____
_____	_____

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Name of business	Name of governmental agency
_____	_____
_____	_____
_____	_____

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business	Name of state governmental agency
_____	_____
_____	_____
_____	_____

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1,000 was received during the preceding year:

Check each category of business to which services were furnished.

- Electric utilities \_\_\_\_\_
- Gas utilities \_\_\_\_\_
- Telephone utilities \_\_\_\_\_
- Water utilities \_\_\_\_\_
- Cable television companies \_\_\_\_\_
- Intrastate transportation companies \_\_\_\_\_
- Interstate transportation companies \_\_\_\_\_
- Oil or gas retail companies \_\_\_\_\_
- Banks \_\_\_\_\_
- Savings institutions \_\_\_\_\_
- Loan or finance companies \_\_\_\_\_
- Manufacturing companies (state type  
of product, e.g., textile, furniture,  
etc.) \_\_\_\_\_
- Mining companies \_\_\_\_\_
- Life insurance companies \_\_\_\_\_
- Casualty insurance companies \_\_\_\_\_
- Other insurance companies \_\_\_\_\_
- Retail companies \_\_\_\_\_
- Beer, wine or liquor companies or  
distributors \_\_\_\_\_
- Trade associations \_\_\_\_\_
- Professional associations \_\_\_\_\_
- Associations of public employees or  
officials \_\_\_\_\_
- Counties, cities or towns \_\_\_\_\_

Labor organizations \_\_\_\_\_

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of ~~\$200~~ \$100 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

**§ 2.2-3121. Advisory opinions.**

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.*

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth, *his county, city, or town attorney*, or the Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.* The written opinion shall be a public record and shall be released upon request.

~~C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.~~

**§ 2.2-3124. Civil penalty from violation of this chapter.**

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. *An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.*

**§ 30-101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is performing official duties related to his public service*; (vii) *food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer*; (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service*; (ix) *a devise or inheritance*; (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.)*; (xi) *travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state*; (xii) *travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules*; (xiii) *travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment*; or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, *or first cousin*; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, *step-parent, step-grandparent, step-grandchild, step-brother, or step-sister*; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; *or* (b) a lobbyist's principal as defined in § 2.2-419; ~~or~~ ~~(e) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ *other person* who resides in the same household as the legislator and who is a dependent of the legislator.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property,

business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

### **§ 30-103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

B. A No legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure form. For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business or a member of his immediate family shall solicit, accept, or receive any single gift for himself or a member of his immediate family with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii) a lobbyist's principal as defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess in \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth, but the value of such gift shall not be required to be disclosed.

E. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B if such gift was provided to the legislator or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B may be a personal friend of the legislator or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

F. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B when the legislator or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

G. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

§ 30-103.2. Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B of § 30-103.1.

§ 30-110. Disclosure.

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Members of the Senate and members of the House of Delegates shall file their disclosure. Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-111. Disclosure form.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows: similar to the following. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

STATEMENT OF ECONOMIC INTERESTS.

Name .....
Office or position held or sought .....
Address .....
Names of members of immediate family .....

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of

public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; or (b) a lobbyist's principal as defined in § 2.2-419; ~~or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth.~~ "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a) constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client or other privilege for a third party, or (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

**COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.**

You may attach additional explanatory information.

**1. Offices and Directorships.**

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

**2. Personal Liabilities.**

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

**3. Securities.**

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

**4. Payments for Talks, Meetings, and Publications.**

During the past six months did you receive in your capacity as a legislator lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO // OR check YES // and complete Schedule D.

**5. Gifts.**

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event; and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total

value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here //.

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7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO // OR check YES // and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000?

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

11. Payments by the Commonwealth for Meetings.

During the past six months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO // OR check YES // and complete Schedule D-2.

For Statements filed in ~~January~~ June 2016 and each two years thereafter, complete the following statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

I certify that I completed ethics training as required by § 30-129.1. YES // or NO // .

Statements of Economic Interests are open for public inspection.

AFFIRMATION.

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand

that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature \_\_\_\_\_ (Such signature shall be deemed to constitute a valid notarization and shall have the same effect as if performed by a notary public.)

(Return only if needed to complete Statement.)

SCHEDULES  
to  
STATEMENT OF ECONOMIC INTERESTS.

NAME \_\_\_\_\_

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$5,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each	_____	_____

creditor and its name.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

Individual creditors:  
(State principal business or occupation of each creditor and its name.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here // .

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
		\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as a legislator lodging, transportation, money, or any other thing of value with a combined value exceeding ~~\$200~~ \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here // .

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past six months to you for lodging, transportation, money, or any other thing of value with a combined value exceeding ~~\$200~~ \$100 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here //.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**SCHEDULE E - GIFTS.**

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded ~~\$100~~ \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 6

**SCHEDULE F-1 - BUSINESS INTERESTS.**

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm;	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Exact Gift or Event	Gross income \$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

**SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.**

Complete this Schedule for each lobbyist relationship with the following:

(i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or

(ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

**SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.**

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received: \_\_\_\_\_.

**SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.**

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency
_____	_____
_____	_____
_____	_____

**SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.**

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if ser- vices were ren- dered	Type of ser- vice ren- dered	Value of Compensation				
			\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____
Loan or finance companies	_____	_____	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$5,000 or more. Each parcel shall be listed individually.

List the location (state, and county or city where you own real estate)	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Any legislator who knowingly and intentionally makes a ~~knowing misstatement~~ false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony and shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The Statement of Economic Interests of all members of each house shall be reviewed by the Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

**§ 30-124. Advisory opinions.**

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in § 30-122, or a formal opinion of the Virginia Conflict of Interest and Ethics Advisory Council established pursuant to § 30-355, and the opinion was made after his full disclosure of the facts *regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.*

**§ 30-126. Civil penalty from violation of this chapter.**

A. In addition to any other fine or penalty provided by law, any money or other thing of value derived by a legislator from a violation of §§ 30-103 through 30-108 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty.

*B. A legislator who fails to file the disclosure form required by § 30-111 within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any legislator's failure to file the required form within 30 days of the deadline for filing and the Attorney General shall assess and collect the civil penalty. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.*

**§ 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.**

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

B. The Council shall consist of ~~15~~ *nine* members as follows: ~~four~~ *three* members appointed by the Speaker of the House of Delegates, ~~one~~ *two* of whom shall be ~~a member~~ *members* of the House of Delegates, *and one of whom shall be a former member of the House of Delegates, and two of whom shall be nonlegislative citizen members former judge of a court of record;* ~~four~~ *three* members appointed by the Senate Committee on Rules, ~~one~~ *two* of whom shall be ~~a member~~ *members* of the Senate, *and one of whom shall be a former member of the Senate, and two of whom shall be nonlegislative citizen members former judge of a court of record;* ~~four~~ *and three* members appointed by the Governor, ~~two~~ *one* of whom shall be ~~executive branch employees and two of whom shall be nonlegislative citizen members;~~ *one member designated by the Attorney General; one member appointed by the Senate Committee on Rules a current or former executive branch employee, one of whom shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one member appointed by the Speaker of the House of Delegates of whom shall be appointed from a list of three nominees submitted by the Virginia Municipal League. In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body.* All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council *appointed* shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

**§ 30-356. Powers and duties of the Council.**

The Council shall:

1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state ~~and local~~ government officers and employees and legislators pursuant to the Acts. The Council ~~shall~~ *may* review ~~all~~ disclosure forms for completeness, ~~which shall include~~ *including* reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, ~~and be followed by requests for requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);~~

~~2. Accept any~~ Require all disclosure forms by computer or electronic means to be filed electronically in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge and may. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and the procedures for receiving forms in the office of the Council;

3. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

4. Beginning July 1, ~~2015~~ 2016, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

~~4-~~ 5. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics and, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved. Informal advice given by the Council or the Council's designee is confidential, protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

~~5-~~ 6. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees and, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

~~6-~~ 7. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

~~7-~~ 8. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

~~8-~~ 9. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

~~9-~~ 10. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency; and

11. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form; and

~~10-~~ 12. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

**§ 30-356.1. Request for approval for certain travel.**

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

#### **§ 30-357. Staff.**

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-356. *The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.*

**2. That the provisions of this act requiring that the disclosure forms prescribed by §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia be submitted electronically with the Virginia Conflict of Interest and Ethics Advisory Council shall become effective on July 1, 2016.**

**3. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia and make recommendations for the revision of such forms consistent with the provisions of this act. The Council shall submit its recommendations to the General Assembly on or before November 15, 2016.**

**4. That the provisions of this act shall become effective on January 1, 2016, except that the provisions of this act amending §§ 30-355, 30-356, and 30-357 shall become effective on July 1, 2015.**

**5. Notwithstanding the sixth enactment of Chapters 792 and 804 of the Acts of Assembly of 2014, that any filer required to file a disclosure form pursuant to § 2.2-3115 shall file such form with the applicable clerk of the governing body of the county, city, or town or the clerk of the school board.**

**6. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**7. That the initial terms of the nonlegislative citizen members of the Virginia Conflict of Interest and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) the appointed representative of the Virginia Municipal League for a term of one year; (ii) one former judge of a court of record appointed by the Speaker of the House for a term of two years; (iii) the former executive branch employee, if any, for a term of two years; (iv) one former judge of a court of record appointed by the Senate Committee on Rules for a term of three years; and (v) the appointed representative of the Virginia Association of Counties for a term of four years.**

**8. That, if the General Assembly is not in session when initial appointments to the Virginia Conflict of Interest and Ethics Advisory Council are made pursuant to this act, such initial appointments shall be confirmed at the next succeeding regular session of the General Assembly following such appointments and the Council may exercise all powers and perform all duties set forth in this act notwithstanding any provisions of this act requiring confirmation of members appointed to the Council by the General Assembly.**



**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2015 REGULAR SESSION**

**VOLUME I**

**VOLUME II**

**VOLUME III**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2015 REGULAR SESSION**

**which met at the State Capitol, Richmond**

**Convened Wednesday, January 14, 2015**

**Adjourned sine die Friday, February 27, 2015**

**Reconvened Wednesday, April 15, 2015**

**Adjourned sine die Friday, April 17, 2015**

**VOLUME III**

**RESOLUTIONS**  
**APPENDIX**  
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**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**2015**

**Compiled by the Clerk's Office**

**The House of Delegates**

**G. Paul Nardo**

**Clerk of the House of Delegates**

**and**

**Keeper of the Rolls of the Commonwealth**

**Jeffrey A. Finch**

**Deputy Clerk, Legislative Operations**

**Jacqueline D. Scott**

**Indexing and Enrolling Director**

**Sarah A. Armistead**

**Indexing and Enrolling Assistant Clerk**

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**Caroline O. Neely  
Lisa B. Stevenson  
Vicki Trice  
Mary Elizabeth Weil  
Kathy Wingfield**

**in cooperation with the**

**Senate of Virginia,  
Division of Legislative Services,  
and  
Division of Legislative Automated Systems**

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## CERTIFICATION OF THE ACTS OF ASSEMBLY

## 2015 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2015 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 14, 2015, and adjourned sine die on Friday, February 27, 2015, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 15, 2015, and adjourned sine die on Friday, April 17, 2015.

G. PAUL NARDO  
*Clerk of the House of Delegates  
and  
Keeper of the Rolls of the Commonwealth*

---

Note: Except as otherwise provided therein, all Acts of the 2015 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2015.

The Act contained in Chapter 38 became law without the signature of the Governor on February 27, 2015, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 717-719 became chapters of the Acts of Assembly on March 27, 2015, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. This chapter, agreed to by the General Assembly as House Joint Resolutions, is not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 720-757 became law without the signature of the Governor on April 15, 2015, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 758-777 were signed by the Governor on April 30, 2015, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**RESOLUTIONS OF THE GENERAL ASSEMBLY  
2015 REGULAR SESSION**

**HOUSE JOINT RESOLUTION NO. 503**

*Commending Opera on the James.*

Agreed to by the House of Delegates, January 14, 2015

Agreed to by the Senate, January 15, 2015

WHEREAS, music is the most ancient and fundamental form of art by which the human spirit strives to express its mystical intuition of the harmonies of the cosmos; and

WHEREAS, the literary drama arose, most perfectly in the Classical period of Ancient Greece, as the form of art with which to articulate in language the oppositions of comedy and tragedy experienced in human community and also, emphatically, the oppositions of comedy and tragedy, joy and sorrow, as they are experienced within the human heart; and

WHEREAS, the fusion of these art forms—of sound and word, of melody and text—is found in all the cultures of antiquity and again most perfectly in the staged dramas and their accompanying choruses in the works of Classical Greece; and

WHEREAS, it was during the re-engagement with Classical forms that characterized the Renaissance that the Italians, and foremost among them the younger artists of Florence, conceived the modern (or "new-era") form of art that we now know as opera; and

WHEREAS, this marriage of musical composition and text—of lyric and libretto, voice and verse, dance and design—complementing and arising from dramatic action, has for four centuries established opera among the highest of all artistic expressions; and

WHEREAS, Opera on the James was incorporated in 2005 to bring to a large area of Virginia, centered in Lynchburg, the inimitable experiences of the live performance of operatic masterworks; and

WHEREAS, in the decade since its founding, Opera on the James has earned recognition and support from the National Endowment for the Arts, Virginia Commission for the Arts, Opera America—by which Opera on the James is recognized as a Level Four Professional Company—The Greater Lynchburg Community Trust, the Easley Charitable Trust, and the Lynchburg Office of Economic Development; and

WHEREAS, Opera on the James has enjoyed collaborations and partnerships with Lynchburg Public Schools, Virginia School of the Arts, Dance Theatre of Lynchburg, Cantata Children's Chorus, Lynchburg College Choral Union, Sweet Briar College Choir, Hampden-Sydney Men's Chorus, Liberty University Chamber Singers, Old City Cemetery, Lynchburg Historical Foundation, Amazement Square: The Rightmire Children's Museum, Riverviews Artspace, Westminster Canterbury and The Summit retirement communities, Adult Care of Central Virginia, Jubilee Family Development Center, GarageFest, Lynchburg Literacy Council, Miller Home for Girls, Boys and Girls Clubs, Lynchburg Community Market, Amherst Glebe Arts Response, Randolph College, LINKS, Avoca Museum, and Point of Honor; and

WHEREAS, at least 10,000 residents of Central Virginia have attended at least one of Opera on the James's productions; and

WHEREAS, Opera on the James's inaugural productions, *Three Terrific Tenors* and *Pagliacci*, by Leoncavallo, played to sold-out audiences; and

WHEREAS, Opera on the James productions, presented on the stages of E.C. Glass High School or the Academy of Fine Arts, have included *Così fan tutte* (Mozart); *Tribute to Marian Anderson*; *The Tragedy of Carmen* (Brooks); *Romeo and Juliet* (Gounod); *La Bohème* (Puccini); *La Traviata* (Verdi); *Don Giovanni* (Mozart); *Hansel and Gretel* (Humperdinck); *Three Tenors Encore*; *The Merry Widow* (Lehár); *Tosca* (Puccini); *The Barber of Seville* (Rossini); *Madama Butterfly* (Puccini); *Love Makes the World Go 'Round*; *Elixir of Love* (Donizetti); *Die Fledermaus* (Strauss); *The Magic Flute* (Mozart); *Suor Angelica & Gianni Schicchi* (Puccini); *Bon Appetit!* (Hoiby); and *Little Women* (Adamo); and

WHEREAS, Opera on the James in 2011 launched the Tyler Young Artist Program, which features a quartet of aspiring professional singers selected through nationwide auditions and a master coach and which has since performed annually for more than 5,000 audience members from a wide range of communities, thus fulfilling the hopes of the program's founders, Allen and Jane Tyler of Lexington; and

WHEREAS, Opera on the James has prepared an ambitious 10th anniversary season of major performances, including *La Bohème* (Puccini), *Gala Opera Cabaret*, and *The Marriage of Figaro* (Mozart), as well as programs including an opera film series, lectures, concerts, school visits, a library tour, and shows for children and their families such as "Random Acts of Culture" and surprise performances arranged by "flash mob" performers, while also doubling the Tyler Young Artist Program with two sessions, one in the autumn and one in the spring; and

WHEREAS, Opera on the James strives to engage the rising generation in its programs through "Student Preview Performances" of its operas, as well as artist visits to schools throughout the region; and

WHEREAS, the founding leadership of Opera on the James was provided by David Neumeyer, president, and executive committee members John Farnandez, vice president; Beth Doucette, secretary-treasurer; and S. Craig Fields, artistic director; and

WHEREAS, the 10th Anniversary Celebration Season of Opera on the James was conceived by Gail Morrison, president, and Cecelia Schieve, general director, together with executive committee members David Tate, vice president; Jennifer E. Stille, secretary; and Linda Eubank, treasurer, and fellow board of directors members Lucille Deane, Ted Delaney, Joan Foster, Bill Hetzel, Lisa Joyner, Marjorie Keymer, Gene Koster, Doug Lee, Margie Lippard, Jennifer Dooley Tilley, and Susan Timmons; and

WHEREAS, Opera on the James in its 10th anniversary season is at once "celebrating the past [and] assuring the future" by striving to earn major donations to endow the organization for many years to come; and

WHEREAS, Opera on the James has made—and may be expected to continue to make—singular contributions to the flourishing of the arts, and hence the flourishing of life among citizens of the Piedmont Region of Virginia, and has demonstrated this resolve by investing in the Arts and Culture District of Lynchburg by purchasing a building to serve as Opera on the James headquarters and painting the building diva red; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Opera on the James and its many leaders, "Housing Heroes" for visiting performers, donors, and audiences upon reaching a major milestone in the organization's history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gail (Mrs. Frank West) Morrison in appreciation of her enthusiastic leadership of Opera on the James for its 10th anniversary season.

### HOUSE JOINT RESOLUTION NO. 507

*Designating the fourth Saturday in July, in 2015 and in each succeeding year, as the National Day of the Cowboy in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, pioneering men and women commonly known as cowboys helped establish America's western frontiers; and  
WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion, and determination, and the cowboy or vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, the core values of the traditional Code of the West, expressed in the Cowboy Code of Conduct of the National Day of the Cowboy, continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, the cowboy is an excellent steward of the land and its creatures and illustrates the importance of protecting and preserving the nation's natural resources; and

WHEREAS, cowboy and ranching traditions have been a part of the American cultural landscape since 1523, and today's cowboys continue to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, the cowboy and his horse are a central figure in literature, art, film, poetry, photography, and music; annual attendance at rodeos exceeds 30 million fans worldwide; and

WHEREAS, membership and participation in the National Day of the Cowboy celebration, Single Action Shooting Society, Working Ranch Cowboys Association, Cowboy Mounted Shooting Association, American Quarter Horse Association, Professional Rodeo Cowboys Association, Championship Bull Riding, Women's Professional Rodeo Association, United States Team Roping, Western Music Association, and other organizations that reflect and support the livelihood of the cowboy, continue to expand both nationally and internationally; and

WHEREAS, the cowboy is a true American icon, occupying a central place in the public imagination; state legislatures and governors throughout the country have recognized the National Day of the Cowboy, and annual celebrations take place around the world; and

WHEREAS, communities and organizations throughout the Commonwealth celebrate the National Day of the Cowboy, and all Virginians are encouraged to observe the day with appropriate ceremonies and activities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the fourth Saturday in July, in 2015 and in each succeeding year, as the National Day of the Cowboy in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to National Day of the Cowboy Corporation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 510**

*Commending V. Ray Hancock.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, V. Ray Hancock, a dedicated educator and community leader, has worked to enhance the quality of life of his fellow residents of the Emory and Washington County communities for many years; and

WHEREAS, a native of Baltimore, Maryland, Ray Hancock joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, Ray Hancock earned a bachelor's degree from Virginia Polytechnic Institute and State University, a master's degree from Johns Hopkins University, and a doctorate from Tulane University, then answered his calling to become an educator; and

WHEREAS, Ray Hancock helped prepare students for success in careers and responsible citizenship of the Commonwealth as a mathematics professor at Emory & Henry College for 28 years; and

WHEREAS, respected among his peers, Ray Hancock served as treasurer of the Mathematical Association of America and cofounder of the Appalachian Regional Mathematics Seminar; and

WHEREAS, Ray Hancock gave generously of his time and wise leadership as a longtime member of the Boy Scouts of America, serving on the Sequoia Council Executive Board and as public relations chair of the Pellissippi District Committee; and

WHEREAS, Ray Hancock served the Commonwealth as a presidential elector in 1992 and, together with his late wife, Ruth, he has also been an active member of the United Methodist Church, Alpha Phi Omega, and the local Republican Party; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend V. Ray Hancock for his years of service to the residents of the Emory and Washington County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to V. Ray Hancock as an expression of the General Assembly's admiration for his many contributions to the community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 511**

*Celebrating the life of Ruth Aileen Hancock.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Ruth Aileen Hancock, a former university staff member and a devoted servant to the Emory and Washington County communities, died on May 10, 2003; and

WHEREAS, a native of Hastings, Nebraska, Ruth Hancock was raised in Rolla, Missouri; she graduated from the Maryland General Hospital School of Nursing and Emory & Henry College; and

WHEREAS, Ruth Hancock served members of the Emory & Henry College community for 12 years as the system operator for the college's administrative computer; and

WHEREAS, in 1996, Ruth Hancock served the Commonwealth as a presidential elector, and from 1996 to 2000, she served as a member of the Virginia Board of Counseling; and

WHEREAS, Ruth Hancock also volunteered her time and wise leadership with the United Methodist Church, the Boy Scouts of America, Alpha Phi Omega, and local Republican Party organizations; she received many awards and accolades for her work; and

WHEREAS, together with her husband, Ray, Ruth Hancock left a legacy of outstanding service to the community; and

WHEREAS, Ruth Hancock is missed and fondly remembered by her husband, Ray; sons, Dale and Clark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ruth Aileen Hancock, an active member of the Emory and Washington County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth Aileen Hancock as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 512**

*Commending Jim Day.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Jim Day, a deeply respected law-enforcement officer, retired as the Chief of the Bedford Police Department in September 2014 after 34 years of dedicated service; and

WHEREAS, after beginning his professional career as a real estate agent in Roanoke, Jim Day joined the Roanoke Police Department in 1980, rising through the ranks to become Deputy Chief; and

WHEREAS, in 2006, Jim Day was named Chief of the Bedford Police Department; he ably guided the department through a period of transition when Bedford reverted from a city to a town, greatly increasing the department's jurisdiction; and

WHEREAS, under Jim Day's leadership, the Bedford Police Department improved communication with local residents through an increased presence on social media and additional public meetings; and

WHEREAS, Jim Day also helped the department achieve reaccreditation twice and instituted a bike patrol to better serve and protect the community; and

WHEREAS, admired for his professionalism, dedication, and integrity, Jim Day was a trusted leader of and mentor to the 24 officers and three civilian employees of the Bedford Police Department, and he leaves a legacy of excellence to the department and his successor as Chief; and

WHEREAS, Jim Day plans to spend his well-earned retirement with his beloved family, and he will continue to serve the community as a volunteer at the Agape Center in Moneta; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jim Day on the occasion of his retirement as Chief of the Bedford Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Day as an expression of the General Assembly's admiration for his diligent service to the residents of Roanoke and Bedford and best wishes on a happy retirement.

### HOUSE JOINT RESOLUTION NO. 517

*Commending Japanese American veterans of World War II.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in response to the attacks on Pearl Harbor in 1941, all people of Japanese ancestry were initially viewed as disloyal to the United States; their draft classification was changed to 4-C (alien, unfit for military duty) and 118,000 ethnic Japanese—two-thirds of them United States citizens—were forcibly placed in internment camps under military guard; and

WHEREAS, Americans of Japanese ancestry from the Hawaii Provisional Infantry Battalion (the 100th Infantry Battalion) were shipped from the Hawaiian Islands to California, and through their demonstrated performance, helped convince the President and the War Department to reopen military service to 14,000 Nisei, many of whom were drafted into military service from internment camps where they and their families were incarcerated; and

WHEREAS, the 100th Infantry Battalion was eventually made an integral part of the 442nd Regimental Combat Team (RCT), collectively became known as the Go For Broke Regiment, and fought with distinction in Italy and France despite suffering extremely heavy combat and non-combat casualties; and

WHEREAS, the members of the Go For Broke Regiment earned 21 Congressional Medals of Honor, 29 Distinguished Service Crosses, one Distinguished Service Medal, over 550 Silver Stars, 22 Legion of Merit Medals, 15 Soldier Medals, more than 5,300 Bronze Stars, and over 4,000 Purple Hearts; and

WHEREAS, the Nisei Military Intelligence Service (MIS) consisted of 4,200 linguists who served in the Pacific Theater, performing such duties as document translation and prisoner interrogation, and an additional 4,000 linguists who served during the Occupation of Japan; and

WHEREAS, the MIS was awarded numerous combat awards, such as one Presidential Unit Citation, one Distinguished Service Cross, five Silver Stars, over 50 Bronze Stars, 20 Combat Infantryman's Badges, 25 Purple Hearts, and such non-combat awards as two Legion of Merit Medals and one Soldier's Medal; and

WHEREAS, President Truman, following his review of the 442nd RCT in 1946, affirmed Japanese American loyalty by declaring "You fought not only the enemy, but you fought prejudice—and you have won"; and

WHEREAS, in 2010, the United States Senate and House of Representatives unanimously approved a bill awarding the Congressional Gold Medal to veterans of the 100th Infantry Battalion, the 442nd RCT, and the MIS, which was ultimately signed by President Obama on October 5, 2010; and

WHEREAS, the combat performance of these soldiers contributed to the climate for post-World War II reforms, beginning with the desegregation of the armed forces, and helped level the playing field for minorities to compete for any job and rank; and

WHEREAS, competing with the best of the best, Nisei have reached the highest ranks in the military, government, academia, and business, thereby confirming that the Japanese American story speaks of the greatness of America; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the service and sacrifices of Japanese American veterans of World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Japanese American Veterans Association on behalf of these patriotic soldiers as an expression of the General Assembly's gratitude for their service to the citizens of the Commonwealth, the nation, and the world.

### HOUSE JOINT RESOLUTION NO. 518

*Commending Twin Hickory Elementary School.*

Agreed to by the House of Delegates, January 23, 2015  
Agreed to by the Senate, February 19, 2015

WHEREAS, Twin Hickory Elementary School in Henrico County has been named a 2014 National Blue Ribbon School by the U.S. Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program honors schools throughout the United States that demonstrate academic excellence or have made major gains in students' academic achievement; Twin Hickory Elementary School is one of only 10 schools in Virginia to receive the designation in 2014; and

WHEREAS, the prestigious Blue Ribbon Schools awards are given to public and private schools; they affirm that hard work by students, educators, families, and communities can foster a safe and welcoming environment where students can master challenging content; and

WHEREAS, to enhance students' learning experiences and opportunities, Twin Hickory Elementary School benefits from community partnerships and innovative programs such as the outdoor Learning Garden, which contains 30 raised beds and a fully functioning greenhouse; and

WHEREAS, Twin Hickory Elementary School works to instill strong leadership traits in students; in the 2014-2015 academic year, the school will use its theme of "Trailblazing Around the World" to promote originality, humility, diversity, and wellness; and

WHEREAS, Twin Hickory Elementary School, which is in western Henrico County, is one of the county's most diverse elementary schools; its student body represents more than 35 countries and 27 languages; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Twin Hickory Elementary School for being honored as a 2014 National Blue Ribbon School by the U.S. Department of Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Dussault, principal of Twin Hickory Elementary School, as an expression of the General Assembly's respect and admiration for the school community's hard work and outstanding achievement.

### HOUSE JOINT RESOLUTION NO. 521

*Designating Virginia's Rail Heritage Region.*

Agreed to by the House of Delegates, January 28, 2015  
Agreed to by the Senate, February 24, 2015

WHEREAS, the region, including the Counties of Alleghany, Amherst, Bedford, Botetourt, Campbell, Franklin, and Roanoke, the Cities of Covington, Lynchburg, Roanoke, and Salem, and the Towns of Amherst, Bedford, Boones Mill, Buchanan, Clifton Forge, Iron Gate, Rocky Mount, Troutville, and Vinton, involves the largest concentration of rail facilities in Virginia, owned by the Chesapeake and Ohio Railroad, the Norfolk and Western Railway Company, and the Southern Railway Company, including the shops in Roanoke where the most modern steam locomotives in the world were designed and built, the Clifton Forge shops of the C&O Railway, and the Southern facilities at Monroe in Amherst County; and

WHEREAS, with the Chesapeake and Ohio Railroad Historical Society in Clifton Forge and the Norfolk and Western Historical Society in Roanoke, combined with the Roanoke and Blue Ridge chapters of the National Railway Historical Society and the Virginia Museum of Transportation in Roanoke, this region has the largest base of rail enthusiasts in the Commonwealth; and

WHEREAS, the region is the location of the Commonwealth's official transportation museum, the Virginia Museum of Transportation in Roanoke, so designated by the General Assembly in the 1980s; and

WHEREAS, the region also contains the O. Winston Link Museum, featuring America's finest collection of professional photos taken of Virginia railroads in the 1950s, when steam was king on the Norfolk and Western; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby designate Virginia's Rail Heritage Region, which includes the Counties of Alleghany, Amherst, Bedford, Botetourt, Campbell, Franklin, and Roanoke, the Cities of Covington, Lynchburg, Roanoke, and Salem, and the Towns of Amherst, Bedford, Boones Mill, Buchanan, Clifton Forge, Iron Gate, Rocky Mount, Troutville, and Vinton, and encourage state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region, to include working with the Commonwealth Transportation Board to establish appropriate highway signage; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the city and town councils and the county boards of each locality in Virginia's Rail Heritage Region as an expression of the General Assembly's support and appreciation of the rich history of the region.

### HOUSE JOINT RESOLUTION NO. 523

*Providing for a Joint Assembly and establishing a schedule for the conduct of business coming before the 2015 Regular Session of the General Assembly of Virginia.*

Agreed to by the House of Delegates, January 14, 2015

Agreed to by the Senate, January 14, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 14, 2015, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 5:00 p.m., Friday, February 20, 2015; and, be it

RESOLVED FURTHER, That any joint resolution creating or continuing a study shall require a vote of two-thirds of the members voting in each house and any resolution creating or continuing a study shall require a vote of two-thirds of the members voting in the respective house; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2015 Regular Session of the General Assembly:

"Budget Bill" shall mean the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2014, through June 30, 2016.

"Debt bill" shall mean any bill that authorizes the issuance of debt.

"Legislative day" shall mean the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" shall mean any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Monday, December 8, 2014, and prefiled no later than 10:00 a.m., Wednesday, January 14, 2015, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 14, 2015.

"Revenue bill" shall mean any bill, except the Budget Bill and debt bills, that increases or decreases the total revenues available for appropriation, including any sales tax exemption bill.

"Unanimous consent" shall mean the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" shall mean any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2015 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for or continued to the 2015 Regular Session except:

House and Senate resolutions, except for the time limitations established in Rules 20 and 22;

bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;

bills and joint resolutions introduced with unanimous consent either to exceed the introduction limits established in Rule 1 or to exceed the time limitations established in Rules 3, 4, 7, and 17;

joint resolutions confirming appointments subject to the confirmation of the General Assembly;

joint commending and memorial resolutions, except for the time limitations established in Rules 15 and 17;

bills and joint resolutions regarding elections held by the General Assembly during the 2015 Regular Session;

bills and joint resolutions requested in writing by the Governor; or

bills and joint resolutions related to the redrawing of the districts of the members of the United States House of Representatives.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution No. 18 (2014), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and joint resolutions. Notwithstanding the provisions of this rule and in accordance with House Rule 37, no member of the House of Delegates may introduce more than 15 bills during the 2015 Regular Session.

Rule 2. Neither house of the General Assembly shall receive from any committee any bill or joint resolution that was continued on the agenda of such committee and acted upon later than midnight, Wednesday, December 3, 2014. For purposes of this rule, a motion to refer a measure to another committee shall be treated as an action by a committee.

Rule 3. No bill or joint resolution creating or continuing a study shall be offered in either house after the adjournment of that house on Wednesday, January 14, 2015.

Rule 4. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 14, 2015.

Rule 5. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 16, 2015.

Rule 6. No later than Monday, January 19, 2015, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 20, 2015, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 7. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 23, 2015.

Rule 8. No later than Friday, January 23, 2015, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 9. The committees responsible for the consideration of revenue bills in the houses of introduction shall complete their work on such bills no later than midnight, Thursday, February 5, 2015.

Rule 10. The committees responsible for the consideration of the Budget Bill in the houses of introduction shall complete their work on such bill no later than midnight, Sunday, February 8, 2015, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 10, 2015.

Rule 11. Except for the Budget Bill, beginning Wednesday, February 11, 2015, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 12. The houses of introduction shall complete their consideration of the Budget Bill, except for conference reports and other privileged matters relating thereto, no later than Thursday, February 12, 2015.

Rule 13. The committees responsible for the consideration of revenue bills of the other house shall complete their consideration of such bills no later than midnight, Tuesday, February 17, 2015.

Rule 14. No later than midnight, Wednesday, February 18, 2015, each house shall complete its consideration of the Budget Bill and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 15. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, February 20, 2015.

Rule 16. The first conference on any revenue bills shall complete its deliberations no later than midnight, Saturday, February 21, 2015, and the report of such conference shall be made available to all members of the General Assembly no later than noon, Monday, February 23, 2015.

Rule 17. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, February 23, 2015.

Rule 18. Beginning Tuesday, February 24, 2015, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, February 23, 2015.

Rule 19. No later than Tuesday, February 24, 2015, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Wednesday, February 25, 2015, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election, or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 20. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, February 24, 2015.

Rule 21. Any conference committee on the Budget Bill shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 36 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill shall be required in either house, and any conference on the Budget Bill shall consider, as the basis of its deliberations, the Budget Bill as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house.

Rule 22. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, February 26, 2015.

Rule 23. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, February 27, 2015, the House of Delegates shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 24. This session of the General Assembly shall be extended beyond the 30-day period provided in Section 6 of Article IV of the Constitution of Virginia and shall adjourn sine die no later than Saturday, February 28, 2015.

Rule 25. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 15, 2015, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, which may have been returned by the Governor with his objections.

Rule 26. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of the business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 27. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 28. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

**HOUSE JOINT RESOLUTION NO. 524**

*Establishing a schedule for the conduct of business for the prefiling period of the 2016 Regular Session of the General Assembly of Virginia.*

Agreed to by the House of Delegates, January 14, 2015

Agreed to by the Senate, January 14, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2016 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, December 7, 2015. The Division shall make such drafts available for review no later than midnight, Friday, January 1, 2016.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 8, 2016.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 8, 2016. The Division shall make such legislation available no later than noon, Tuesday, January 12, 2016.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 13, 2016. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

**HOUSE JOINT RESOLUTION NO. 525**

*Commending the Patrick County Sheriff's Office.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Patrick County Sheriff's Office joined a select group of law-enforcement agencies in October 2014 when it became accredited by the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, under the guidance of Patrick County Sheriff Dan Smith, the staff of the sheriff's office worked very hard for several years to attain accreditation by the Virginia Law Enforcement Professional Standards Commission (VLEPSC); it is one of only 92 agencies to be accredited; and

WHEREAS, accreditation by the VLEPSC helps to ensure that a law-enforcement agency in the Commonwealth is following established professional practices; it also provides a way to measure a department's performance, programs, and services; and

WHEREAS, the entire staff of the Patrick County Sheriff's Office was united in its mission to become accredited; the VLEPSC designation will help the sheriff's office work more effectively and efficiently; and

WHEREAS, training, cooperation, and developing effective communication strategies are among the criteria used to achieve VLEPSC accreditation; as an accredited agency the Patrick County Sheriff's Office also is committed to working with the public to prevent and fight crime; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick County Sheriff's Office for receiving accreditation from the Virginia Law Enforcement Professional Standards Commission; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Smith, Sheriff of Patrick County, as an expression of the General Assembly's respect and admiration for his leadership in achieving this law-enforcement accreditation for his office.

**HOUSE JOINT RESOLUTION NO. 527**

*Designating November, in 2015 and in each succeeding year, as Virginia Caregivers Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, approximately 1.06 million people in the Commonwealth, 13 percent of the total population, are 65 years of age or older, and the number is expected to increase to 1.77 million people, or 18.3 percent of the population, by 2030; and

WHEREAS, the number of Virginians 85 years of age or older is expected to be almost 150,000 by 2020 and more than 190,000 by 2030; and

WHEREAS, more than 130,000 Virginians have Alzheimer's disease, and this number is expected to increase to 190,000 by 2025; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who reside in their own homes; and

WHEREAS, helping seniors provide for their own care lessens the burden placed on public assistance offered by the Commonwealth and the federal government; and

WHEREAS, caregivers and the caregiving profession play a vital role in strengthening communities, and individuals are encouraged to support the private home care industry and the efforts of family caregivers throughout the Commonwealth by volunteering to provide care for family, friends, and neighbors; and

WHEREAS, policies and programs ensuring accessible and affordable care for seniors and addressing the needs of seniors and their family caregivers help to build a bright future for the Commonwealth; and

WHEREAS, the Virginia Division for the Aging succeeds in its mission to educate people in the Commonwealth on the impact of aging and the importance of knowing the options available to seniors when they require care and assistance with personal needs; and

WHEREAS, the Caregiver Action Network recognizes November as National Family Caregivers Month; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate November, in 2015 and in each succeeding year, as Virginia Caregivers Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Division for the Aging so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 530

*Celebrating the life of Lieutenant General Howard M. Lane, Sr., USAF (Ret.).*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Lieutenant General Howard M. Lane, Sr., USAF (Ret.), a decorated veteran who inspired and motivated countless young men and women as the longtime commandant of the Virginia Tech Corps of Cadets, died on May 2, 2014; and

WHEREAS, a native of Auburn, Alabama, Howard Lane joined many of the other young men of his generation in service to his country during World War II, enlisting in the United States Army Air Corps in 1942; and

WHEREAS, Howard Lane served in the Pacific Theater of the war, piloting a P-51 Mustang in numerous strike and escort missions over Japan; continuing his military service with the United States Air Force, he was deployed to Korea in 1950 and flew combat missions in the F-86 Sabrejet, the United States' first swept-wing fighter; and

WHEREAS, in the 1950s, Howard Lane earned a degree in aeronautical engineering from the Air Force Institute of Technology and was assigned to the Air Force Experimental Flight Test Pilot School; he later became chief of the Flight Operations Branch, Flight Test Operations Division of the Air Force Flight Test Center, where he participated in cutting-edge supersonic fighter tests; and

WHEREAS, Howard Lane served as the vice commander of the 27th Tactical Fighter Wing before being deployed to Vietnam as the commander of the 3rd Tactical Fighter Wing in 1969; he completed 256 combat missions over Vietnam in the F-100 Super Sabre; and

WHEREAS, holding numerous other command positions after the war, Howard Lane became the inspector general of the air force in 1978; he ably accounted for all inspection, safety, investigative, counterterrorism, counterintelligence, and complaint programs for the United States Air Force; and

WHEREAS, after his well-earned retirement from active military service as a lieutenant general in 1980, Howard Lane became the commandant of the Virginia Tech Corps of Cadets; and

WHEREAS, during his nine years as commandant, Howard Lane increased enlistments in the Virginia Tech Corps of Cadets and upheld the highest standards of loyalty, honor, integrity, and self-discipline as an exceptional leader and mentor for students and staff; and

WHEREAS, Howard Lane will be fondly remembered and greatly missed by his wife, Marion; sons, Howard, Jr., and John, and their families; and numerous other family members, friends, and fellow airmen; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant General Howard M. Lane, Sr., USAF (Ret.), a distinguished veteran and the admired former commandant of the Virginia Tech Corps of Cadets; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant General Howard M. Lane, Sr., USAF (Ret.), as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 531**

*Celebrating the life of David Robert Cundiff.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, David Robert Cundiff of Penhook, who was chair of the Franklin County Board of Supervisors, Chief of Police of Rocky Mount, a fifth-generation farmer, and a devoted husband and father, died on October 24, 2014; and

WHEREAS, David Cundiff, who was known to his friends and family as Buddy, was a highly regarded public servant; he had worked for 30 years for the Franklin County Sheriff's Office, retiring in 2007 with the rank of lieutenant of investigations; and

WHEREAS, in 2010, David Cundiff became Chief of Police for the Town of Rocky Mount; he was proud to serve and was held in high esteem by fellow members of the law-enforcement community for a lifetime of experience and knowledge, his investigative skills, the care he showed to his employees, and his leadership; and

WHEREAS, as police chief, David Cundiff helped make Rocky Mount a safer and more secure place to live and work; he focused on reducing the crime rate, drug enforcement, wise use of police resources, and officer development; and

WHEREAS, those talents and experiences also made David Cundiff a valued and respected member and leader of the Franklin County Board of Supervisors; he was elected to the board in 2007 and reelected in 2011 and had served as chair since 2012; and

WHEREAS, David Cundiff was admired for his work on the Franklin County Board of Supervisors; he was a bold and decisive leader, addressing contentious issues by making sure that all sides were heard and trying to achieve consensus on the often difficult matters the board faced; and

WHEREAS, at his farm in Union Hall, where he was a fifth-generation farmer, David Cundiff raised tobacco, beef cattle, and grain; he had been president of the Franklin County Cattlemen's Association and was a member of the Virginia Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS, David Cundiff also served his community as a lifetime member and past president of the Glade Hill Rescue Squad; additionally, he belonged to the Franklin County Farm Bureau, where he was president, the Extension Leadership Council of the Virginia Cooperative Extension, and the Penhook Ball Park; and

WHEREAS, David Cundiff will be greatly missed and fondly remembered by his wife, Tina; their son, Ethan; his mother, Dorothy; and by many other family members, friends, members of the law-enforcement community, and the people of Franklin County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Robert Cundiff, who was an admired and respected chair of the Franklin County Board of Supervisors, Chief of Police of the Town of Rocky Mount, and a successful farmer and devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Robert Cundiff as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 533**

*Designating February, in 2016 and in each succeeding year, as Gum Disease Awareness Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, periodontal disease, also known as gum disease, is an infection that attacks the bones and gums that support teeth; and

WHEREAS, gum disease is primarily caused by plaque, but other contributing factors may include overall condition of teeth, general health, nutrition, habits, and stress; and

WHEREAS, if plaque is not removed by regular brushing and flossing, it can harden into tartar, which promotes more bacterial growth, further harming bones and gums; and

WHEREAS, in the early stages, gum disease is painless and difficult to detect, but common early warning signs may include bad breath, tender or swollen gums, and bleeding during brushing or flossing; and

WHEREAS, mounting evidence from academic research indicates gum disease is a possible precursor to heart disease, diabetes, stroke, some cancers, and even stillbirths; and

WHEREAS, between 74 and 85 percent of Americans suffer from some degree of gum disease but fewer than half are aware of it; building awareness of the disease can improve community health and prevent serious health consequences; and

WHEREAS, Gum Disease Awareness Month is an annual health-promotion event that helps people make lifelong improvements in their health and quality of life by sharing information and spreading awareness; Virginians are encouraged to take an active role in preventing gum disease with simple tools and habit changes; and

WHEREAS, in the interest of public wellness, the Commonwealth is committed to providing reliable oral health information, including how to prevent and treat gum disease and the dangerous consequences of leaving it untreated; and

WHEREAS, Gum Disease Awareness Month further supports community health by disseminating important information and the tips and tools to empower citizens to make improvements to their health and the health of their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate February, in 2016 and in each succeeding year, as Gum Disease Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Dental Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 534

*Celebrating the life of Stephen W. Bowman.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Stephen W. Bowman, an admired and respected citizen of Richmond, died on December 3, 2014; and

WHEREAS, a native of North Carolina, Stephen Bowman was born on October 13, 1973, to Jim and Jeanne Bowman; and

WHEREAS, in 1996, Stephen Bowman graduated with a bachelor's degree in business management from North Carolina State University, and in 2000, he earned a law degree and a master's degree in public policy from The College of William and Mary; and

WHEREAS, Stephen Bowman began his career with the Commonwealth in 2000 as an intern with the Virginia State Crime Commission; he was ultimately promoted and served as a senior staff attorney/methodologist; and

WHEREAS, in 2006, Stephen Bowman joined the Joint Commission on Health Care, where he worked diligently in the same capacity until his passing; and

WHEREAS, Stephen Bowman was a talented and compassionate man, who generously offered his time and leadership to many civic activities and organizations; and

WHEREAS, Stephen Bowman was the loving husband of Jeanette R. Bowman and a devoted father to his children, Lilian, Noah, and Luke; he spread joy to everyone he met with his friendly nature and bright smile; and

WHEREAS, Stephen Bowman will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of an outstanding Virginian, Stephen W. Bowman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stephen W. Bowman as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 538

*Commending Harold S. Lilly, Sr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Harold S. Lilly, Sr., a child musical prodigy, was born on December 31, 1944, in Richmond's historic Jackson Ward community; and

WHEREAS, Harold S. Lilly, Sr., was educated in the Richmond public school system, graduated from Maggie L. Walker High School in 1963, and attended Virginia Union University for two years before he was drafted into the United States Army in 1965; during his military service, he served as a chaplain's assistant and chapel organist at Fort Benning, Georgia; and

WHEREAS, self-taught from the age of four and with deep Pentecostal roots at Jerusalem Holy Church, Harold Lilly's unique musical gift was nurtured and encouraged by his mother; his musical genius was influenced by such music legends as Perzelia Goodwin, Marie Goodman Hunter, and Robert J. Jones; and his ability to flawlessly execute the most difficult of sacred, secular, traditional, and contemporary gospel music on the pipe and Hammond organs was awe-inspiring; and

WHEREAS, Harold S. Lilly, Sr., was employed for many years by Walter D. Moses, Baldwin, and Corleys music stores in Richmond to demonstrate and sell the Hammond, Allen, and Rodgers organs; and

WHEREAS, Harold S. Lilly, Sr., has enjoyed a musical career as a renowned organist for nearly 60 years, serving as minister of music for schools, hospitals, nursing homes, prisons, and numerous churches, among them Mt. Olivet Baptist Church, Mosby Memorial Baptist Church, Rising Mt. Zion Baptist Church, Bethlehem Baptist Church, Broomfield C.M.E. Church, Sharon Baptist Church, Morning Star Baptist Church, and First African Baptist Church; and

WHEREAS, due to his artistry and stunning performances, Harold S. Lilly, Sr., is in high demand as an organist and has been the guest organist for the annual Emancipation Proclamation Day Service for the Richmond Baptist Ministers'

Conference since the early 1970s; he has served the City Wide Revival for 33 years and was showcased as the principal instrumentalist for the Ebony Fashion Show as well as Broadway musicals *Purlie* and *Momma, I Want to Sing*; and he was the featured guest artist for the 2010 Richmond Folk Festival; and

WHEREAS, Harold S. Lilly, Sr., has helped pave the way for other aspiring local African American performers and strives to enhance his amazing talent by practicing every day, beginning the groundwork for performances with prayer, planning, and preparation; and

WHEREAS, affectionately known as "Professor Lilly," Harold S. Lilly, Sr., continues to serve and dazzle the Richmond metropolitan community with his skills on the organ at worship services, revivals, weddings, organ recitals, and funerals; he is invited frequently as a lecturer for local and national music workshops; and

WHEREAS, Harold S. Lilly, Sr., was honored with a celebration by the Old Landmark Gospel Association and Musical Friends on October 4, 2014, in Richmond to acknowledge his extraordinary musical talent and 60 years of faithful service to the Richmond metropolitan community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Harold S. Lilly, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Harold S. Lilly, Sr., as an expression of the General Assembly's appreciation of his dedication and contributions to the music and cultural communities in Richmond and throughout the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 539

*Commending the Braemar Blasters swim team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Braemar Blasters swim team won the 2014 Prince William Swim League Blue Division championship, the first time since 1989 that the title has changed hands; and

WHEREAS, with a score of 4,356.5 points, the Braemar Blasters of Bristow decisively defeated two talented teams, the Sudley Seahorses, who earned 3,754 points, and the Piedmont Tsunami swimmers, who had 3,413.5 points; and

WHEREAS, unseating the long-victorious Sudley team, which held the crown for 25 years, was a cause for jubilation for the Braemar swimmers and coaches; it also was a culmination of the team's hard work and training all season long; and

WHEREAS, with a 6-0 record heading into the division finals, the Braemar Blasters knew that the victory was within reach; the swimmers were especially motivated because the team had lost the 2013 Blue Division championship to Sudley by only a few points; and

WHEREAS, Will Gideonse, head coach of the Braemar Blasters, attributed the team's win to the swimmers' determination and hard work; more than 62 percent of the team improved their times during the 2014 season, and during the final competition many swimmers achieved personal bests; and

WHEREAS, many people contributed to the Braemar Blasters' winning season, including the coaching staff, parents, siblings, friends, the community, and the swimmers themselves, as demonstrated by their strong effort; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Braemar Blasters swim team for winning the 2014 Prince William Swim League Blue Division championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Will Gideonse, head coach of the Braemar Blasters swim team, as an expression of the General Assembly's congratulations and admiration for a winning season.

### HOUSE JOINT RESOLUTION NO. 540

*Commending Ted Edlich.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Ted Edlich, a tireless supporter of the Roanoke community, retires as the chief executive officer of Total Action for Progress in January 2015 after 40 years of exceptional leadership; and

WHEREAS, a native of New York City, Ted Edlich served as an educator in Texas before relocating to the Commonwealth to become a Presbyterian minister in Buchanan County, where he led 11 Presbyterian congregations in the establishment of an urban ministry in Southeast Roanoke; and

WHEREAS, believing that members of a community should care for and support one another, Ted Edlich joined Total Action for Progress (TAP), then known as Total Action Against Poverty, and went on to become the organization's second director in the 1970s; and

WHEREAS, under Ted Edlich's able leadership, TAP became one of the largest community action agencies in the Commonwealth, offering many services, including educational programs, employment training, shelters, low-income housing, and neighborhood and community development; and

WHEREAS, during the 1980s, Ted Edlich formed a team of grant writers to secure funding for the organization, ensuring that Virginia residents in need could continue to participate in TAP's many valuable programs; and

WHEREAS, admired as a visionary, Ted Edlich helped many TAP programs become thriving, independent nonprofits, such as Virginia CARES, Project Discovery, Feeding America Southwest Virginia, the Child Health Investment Partnership, This Valley Works, the Dumas Center, and the Terrace Apartments; and

WHEREAS, a hardworking, compassionate advocate for those in need, Ted Edlich has improved the quality of life of thousands of Virginians; with his active and articulate leadership style, he inspired countless others to follow his example; and

WHEREAS, after his well-earned retirement from TAP, Ted Edlich plans to spend more time with his beloved family and to continue serving the community as a consultant for other nonprofits; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ted Edlich on the occasion of his retirement as chief executive officer of Total Action for Progress; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ted Edlich as an expression of the General Assembly's admiration for his outstanding service and commitment to Virginians in need.

### HOUSE JOINT RESOLUTION NO. 543

*Commending the Liberty High School marching band.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Liberty High School marching band from Bealeton received the highest possible rating of Superior at the Virginia Band and Orchestra Directors Association 2014 marching band assessment held in October; and

WHEREAS, some students have been members of the Liberty Eagles marching band for their entire high school career, pursuing the sought-after Superior designation for four years; finally achieving it was a great feeling for many of the dedicated musicians; and

WHEREAS, Liberty High School's Superior designation means that the Fauquier County high school marching band received Superior ratings from the seven adjudicators at the Virginia Band and Orchestra Directors Association annual assessment; and

WHEREAS, the Liberty High School marching band chose "Cirque du Soleil" as its show theme for 2014; the hardworking group took part in several band competitions, receiving second place in two class AA contests, the North Stafford Invitational and the Millbrook Invitational; and

WHEREAS, a precision-oriented performing ensemble, the Marching Eagles of Liberty High School have entertained audiences throughout the Commonwealth; the group also has performed at Walt Disney World and at Hersheypark; and

WHEREAS, Patrick Neidich, band director for Liberty High School and school division lead music teacher, works with groups of band members throughout the band season to help them achieve individual goals; and

WHEREAS, a career in music—as music educators or band directors—is a goal of some members of the Liberty High School Eagles marching band; the young men and women all have learned valuable skills and developed a strong work ethic; and

WHEREAS, enthusiastic support from parents, faculty and staff, students, and the community has helped propel the Liberty High School marching band to its many successes and appearances; its talented musicians with their unique shows appeal to many audiences; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Liberty High School marching band for receiving a Superior rating at the Virginia Band and Orchestra Directors Association 2014 marching band assessment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick Neidich, band director at Liberty High School and school division lead music teacher, as an expression of the General Assembly's congratulations and admiration for the band's outstanding achievements.

### HOUSE JOINT RESOLUTION NO. 544

*Commending Lieutenant Colonel Luta Mae Cornelius McGrath, USA (Ret.).*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Lieutenant Colonel Luta Mae Cornelius McGrath, USA (Ret.), of Annandale, one of the nation's oldest female veterans, celebrated her 107th birthday on November 21, 2014; and

WHEREAS, a proud citizen and an even prouder veteran of the United States Army, Luta Mae Cornelius "Cornie" McGrath enlisted in the Women's Army Auxiliary Corps during World War II and served until 1961; she was a witness to history as she was stationed in Berlin, Germany, in 1947 and 1948 during the Berlin Airlift; and

WHEREAS, a native of Kentucky, Cornie McGrath was posted to many places during her career, including Fort Lee and the Military District of Washington; she married Lt. Col. Thomas J. McGrath and the couple settled in Annandale more than 50 years ago; and

WHEREAS, the military continues to be important to Cornie McGrath; she has enjoyed attending military-related events; recently, she took part in a wreath-laying ceremony at the National World War II Memorial in Washington, D.C.; and

WHEREAS, friends and faith also are cornerstones of Cornie McGrath's life; for her 107th birthday, she received many cards, well wishes, and flowers and was given a surprise party at Queen of Apostles Catholic Church in Alexandria; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lieutenant Colonel Luta Mae Cornelius McGrath, USA (Ret.), on the occasion of her 107th birthday and for her many years of service to the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lieutenant Colonel Luta Mae Cornelius McGrath, USA (Ret.), as an expression of the General Assembly's respect and admiration for an exemplary life.

### HOUSE JOINT RESOLUTION NO. 548

*Commending the Fauquier High School marching band.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Fauquier High School marching band won the 2014 USBands Virginia Open Class Championship at the state competition held on October 25 in Virginia Beach; and

WHEREAS, it was the fifth state championship for the Falcons; the band from Warrenton won in the open class division for the first time in 2014, which is the contest's highest level of competition; and

WHEREAS, at the statewide meeting, the Fauquier Falcon band won in five categories: best music, best marching, best effect, best color guard, and best percussion; the Falcons chose "Hansel and Gretel" for its competition theme; and

WHEREAS, the Fauquier High School marching band, which is led by Andrew Paul, band and orchestra teacher at the school, has won four state titles in the last 10 years; he credits the band's winning efforts to the friendships formed among band members and their hard work throughout the marching band season; and

WHEREAS, the talented Falcon marching band won other honors from USBands in the fall of 2014 while competing in the Class II open division: second place at the USBands Northern Virginia Regional competition, first place at the Chopticon High School contest, and first place at a competition at James Wood High School; and

WHEREAS, the musicians' hard work over many months paid off as the Fauquier High School Falcon marching band admirably represented the Commonwealth at the USBands national championship on November 15 in New Jersey; and

WHEREAS, the Falcon marching band's success is due to the talent and dedication shown by the entire band, the work of band director Andrew Paul, and the support the band received from parents, staff, and students at Fauquier High School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fauquier High School marching band for winning the 2014 USBands Virginia Open Class Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Paul, band and orchestra teacher at Fauquier High School, as an expression of the General Assembly's congratulations and admiration for its stellar achievement.

### HOUSE JOINT RESOLUTION NO. 549

*Commending the Kettle Run High School marching band.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Kettle Run High School marching band was awarded a top-ranked Superior rating for 2014 at the Virginia Band and Orchestra Directors Association marching assessment held in October; and

WHEREAS, the talented musicians from the Nokesville high school in Fauquier County are no strangers to performance excellence; since the school opened in 2008, the Kettle Run High School marching band has received six Superior ratings; and

WHEREAS, a Superior designation means that a marching band has received "superior" ratings from the seven people who are acting as adjudicators at the Virginia Band and Orchestra Directors Association assessment; and

WHEREAS, the theme for the Kettle Run marching band's 2014 season was "Apollo 13," and the music and the choreography spurred on the band as it rehearsed; the show's special effects included a simulated moon landing using high-tech props; and

WHEREAS, the Kettle Run High School marching band members and Matt Yonkey, director of bands at the school, were focused on one goal for the 2014 season: ensuring that the judges would award the band the greatly desired Superior rating—nothing less would do—and they succeeded; and

WHEREAS, throughout the fall, the Kettle Run High School marching band garnered top marks at competitions; it won first place at the Woodbridge Invitational in the Class AAAA division, the Loudoun Valley Invitational, the Millbrook High School Invitational in the Carolina class, and the Stafford Invitational; and

WHEREAS, the Kettle Run High School marching band is a five-time Virginia Honor Band; the strong support from parents, faculty and staff, and students has helped propel the marching band to success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kettle Run High School marching band for receiving a Superior rating at the Virginia Band and Orchestra Directors Association 2014 marching assessment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Yonkey, director of bands, as an expression of the General Assembly's congratulations and admiration for the outstanding achievements of the Kettle Run High School marching band.

### HOUSE JOINT RESOLUTION NO. 550

*Commending the National Aeronautics and Space Administration.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the National Advisory Committee for Aeronautics was founded on March 3, 1915, "to supervise and direct the scientific study of the problems of flight, with a view to their practical solution"; and

WHEREAS, the National Advisory Committee for Aeronautics established the first civilian aeronautics laboratory, Langley Memorial Aeronautical Laboratory (LMAL), in Hampton in 1917; the lab developed unique wind tunnels, facilities, and flight test techniques to advance scientific knowledge of flight; and

WHEREAS, the contributions of the LMAL staff were recognized by five prestigious Collier Trophies for engine cowlings to reduce drag, efficient wing de-icing, wind tunnel research on the X-1 aircraft that broke the sound barrier, slotted-throat wind tunnel design for more accurate results at high speeds, and the Witcomb Area Rule for transonic aircraft design; and

WHEREAS, the LMAL performed numerous wind tunnel tests on pre-production and post-production aircraft to reduce drag, thus improving the performance of nearly every American World War II aircraft; and

WHEREAS, the LMAL was instrumental in the founding of additional National Advisory Committee for Aeronautics research laboratories that are now known as Wallops Flight Facility in Virginia, Ames Research Center and Armstrong Flight Research Center in California, and Glenn Research Center in Ohio, which became the core centers for the National Aeronautics and Space Administration (NASA); and

WHEREAS, the LMAL significantly advanced understanding of transonic, supersonic, and hypersonic flight through research by the Pilotless Aircraft Research Division and participation in the X-1 and X-15 research aircraft programs; from these programs, the Space Task Group was formed, which developed the Mercury, Gemini, and Apollo programs that put Americans in space and on the moon and went on to found Johnson Space Center in Texas; and

WHEREAS, on October 1, 1958, the National Advisory Committee for Aeronautics was dissolved, and all personnel and programs were transferred to the National Aeronautics and Space Administration, which carried on the committee's mission; and

WHEREAS, the LMAL became the NASA Langley Research Center on October 1, 1958, and continues to build on the research of the National Advisory Committee for Aeronautics to solve the challenges that exist in our nation's air transportation system—congestion, safety, and environmental impacts—and to help develop technologies for on-demand air transportation, where goods and people can be delivered anytime, anywhere; and

WHEREAS, NASA Langley is working to make supersonic passenger travel possible and to safely integrate unmanned aerial systems into the national airspace; recognizing the importance of commercial space initiatives, NASA Langley is working with companies to advance their technology and manufacturing capabilities; and

WHEREAS, NASA Langley led the development of the Mars Viking mission and successfully landed the first two robotic landers on the surface of Mars, contributed to the development and operation of the Space Shuttle, and continues its critical spaceflight research with contributions to the nation's next human space transportation system development, including the Orion spacecraft and the Space Launch System; and

WHEREAS, NASA Langley made vital advancements through satellite-based observations that measure the Earth's atmosphere in order to understand how human activities may affect the environment, and it developed remote sensing

systems that continue to pave the way for new atmospheric discoveries that help protect the Earth and its people with earlier and better-informed public policy decisions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Aeronautics and Space Administration for its work to enable the United States' leadership in aeronautics and space on the occasion of the 100th anniversary of the establishment of the National Advisory Committee for Aeronautics; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Aeronautics and Space Administration as an expression of the General Assembly's admiration for the legacy of the National Advisory Committee for Aeronautics and best wishes for continued success in the exploration and development of space, aeronautics, and earth sciences.

### HOUSE JOINT RESOLUTION NO. 552

*Celebrating the life of George E. Nolley.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, George E. Nolley, a respected educator and school administrator who ably served as the superintendent of Campbell County Public Schools for three decades, died on October 16, 2014; and

WHEREAS, a native of West Virginia, George Nolley earned a bachelor's degree from Concord University and a master's degree from Marshall University; and

WHEREAS, George Nolley began his career as an educator in West Virginia; he also taught in Roanoke before becoming the principal of Mary Hunter Elementary School and J. D. Bassett High School, both in Bassett; and

WHEREAS, after earning a doctorate from the University of Virginia, George Nolley served as an associate superintendent in Montgomery County; he became the superintendent of Campbell County Public Schools in 1979; and

WHEREAS, a supportive and active leader, George Nolley upheld the highest standards of accountability, character, and academic excellence among his principals and teachers; as one of the longest-serving superintendents in the Commonwealth, he inspired generations of educators, administrators, and students; and

WHEREAS, after his well-earned retirement as superintendent in 2009, George Nolley continued to serve the community as a mentor and supervisor for student teachers throughout Central and Southwest Virginia; and

WHEREAS, George Nolley enjoyed fellowship and worship with the community as a member of Rustburg United Methodist Church; and

WHEREAS, George Nolley will be fondly remembered and greatly missed by his children, George and Todd, and their families and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George E. Nolley, a devoted educator and school administrator in Lynchburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George E. Nolley as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 554

*Celebrating the life of the Reverend Dr. Edward Daniel McCreary, Jr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., beloved pastor emeritus of Mount Carmel Baptist Church, was born into a family of ministers on January 13, 1919, in Williamsburg, and entered into eternal rest on November 10, 2014; and

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., completed his public school education in Staunton and Charlottesville, and received the bachelor of arts degree in history from Virginia Union University, the bachelor of divinity degree from Andover Newton Theological School, and the master and doctorate of theology degrees from Union Theological Seminary of Richmond; a true biblical scholar, he engaged in post-doctoral studies at the University of Chicago, Columbia University, Union Theological Seminary of New York, Princeton Theological Seminary, Mansfield College, Christ Church College, and the Third International Theological Seminary in Hamburg, Berlin, and Munich, Germany; and he received the Doctor of Humane Letters degree from Richmond Virginia Seminary, which he helped to found, and a doctor of divinity degree from his alma mater, Virginia Union University; and

WHEREAS, at age 20, the Reverend Dr. Edward Daniel McCreary, Jr., was called into the Gospel ministry and was licensed to preach in 1939, at Ebenezer Baptist Church in Charlottesville under the pastorate of his father, Reverend Edward D. McCreary, Sr.; and

WHEREAS, faithful to his calling, the Reverend Dr. Edward Daniel McCreary, Jr., pastored four churches, including St. Johns Baptist Church in Woburn, Massachusetts, Trinity Baptist Church of Newport News, Westwood Baptist Church in

Richmond, and Mount Carmel Baptist Church in Richmond, where he served as senior pastor for 34 years until his retirement in 1988 as pastor emeritus; and

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., affectionately known as "a pastor's pastor," was a caring and compassionate under-shepherd who preached and taught the Gospel, visited the sick and shut-in, counseled married couples, consoled grieving family members, and was actively involved in the lives of the members of the congregation; and

WHEREAS, a wonderful orator with self-deprecating humor and a kind word for everyone he met, the Reverend Dr. Edward Daniel McCreary, Jr., was also a loving, attentive, and concerned husband and father; and

WHEREAS, during his retirement, the Reverend Dr. Edward Daniel McCreary, Jr., served as interim pastor for 10 churches; a noted biblical scholar and professor, he served for 39 years as Professor of Theology and Philosophy and Chairman of the Department of Philosophy and Religion and the Division of Humanities at Virginia Union University, where he shared his knowledge and experience with those called into the ministry to mold the next generation of pastors, teachers, apologists, missionaries, evangelists, and churchmen; he also served as a visiting professor of religion at Mount Holyoke College, the University of Richmond, and Virginia Commonwealth University; and

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., was the recipient of numerous honors and awards for his work, including the 1984 Distinguished Service Award presented by the Miles W. Connor Chapter of the Virginia Union University Alumni Association, the 1990 Inaugural Sermon for the inauguration of L. Douglas Wilder as the state's first elected African American Governor of Virginia, the 1999 Outstanding Leadership to the Community of Faith Award by the Shiloh Baptist Association, and the initiation of the Edward D. McCreary Community Lecture Series begun in 2006 at Virginia Union University; and

WHEREAS, always willing to give generously of his time, talent, and resources, the Reverend Dr. Edward Daniel McCreary, Jr., was appointed to the State Council of Higher Education for Virginia and served as a board member of Dominion, formerly Virginia Power Company, the Commission on Aging, now a part of the Virginia Department for Aging and Rehabilitative Services, Lewis Ginter Botanical Gardens, Seven Hills Hospital Authority, and Richmond Hill Ecumenical Center; and

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., served faithfully in numerous organizations, among them the Baptist Ministers Conference of Richmond and Vicinity, as former moderator of the Shiloh Association of the Baptist General Convention of Virginia, and workshop leader for the Tuckahoe Association; he was a lifetime member of Alpha Phi Alpha Fraternity, a member of Mason Silver Trowel Lodge #267, patron of the Fannie Lewis Chapter #4 of the Order of Eastern Stars, former trustee of the Independent Order of St. Luke, former president and, upon his death, chaplain of the Maggie L. Walker Historical Foundation; and

WHEREAS, the Reverend Dr. Edward Daniel McCreary, Jr., was published in various national religious publications and was a frequent lecturer and participant at workshops as he traveled around the world; and

WHEREAS, the memory of the Reverend Dr. Edward Daniel McCreary, Jr., will be cherished by his family, colleagues, and friends forever, and a tall timber has fallen in the faith community that can never be replaced; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Edward Daniel McCreary, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Edward Daniel McCreary, Jr., as an expression of the General Assembly's respect for his memory.

### **HOUSE JOINT RESOLUTION NO. 555**

*Endorsing the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education. Report.*

Agreed to by the House of Delegates, February 4, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, pursuant to § 23-9.6:1 of the Code of Virginia, the State Council of Higher Education for Virginia (Council or SCHEV) is charged with the development of a statewide strategic plan for higher education that reflects the goals and objectives of the Virginia Higher Education Opportunity Act (Top Jobs Act) and the Restructured Higher Education Financial and Administrative Operations Act (Restructuring Act), identifies a coordinated approach to state and regional goals, and emphasizes the future needs for higher education in the Commonwealth; and

WHEREAS, as the Commonwealth's coordinating agency, SCHEV is required to advocate for and promote the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education; lead state-level postsecondary strategic planning, policy development, and implementation based on research and analysis; facilitate collaboration among institutions of higher education to enhance quality and create operational efficiencies; and work with institutions and governing boards on board development; and

WHEREAS, in executing its charge, SCHEV has collaborated successfully with students and families; institutions of higher education; the pre-kindergarten through grade 12 education system; community organizations; local, regional, and state business leaders; and members and staff of the legislative and executive branches and has reviewed relevant data, projections, and documents, including the strategic plans of institutions of higher education, the six-year plans of public

institutions of higher education, and the Joint Legislative Audit and Review Commission's reports on public higher education cost and efficiency in response to House Joint Resolution 108 (2012); and

WHEREAS, in fulfillment of its duty, the Council has approved a framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education in the Commonwealth that is grounded in the Commonwealth's changing economy and demographics, its regional differences, and the current and future needs of its citizens for postsecondary education and training; and

WHEREAS, within this planning framework, SCHEV has articulated a mission for higher education in the Commonwealth ("advance postsecondary learning, research and public service that enhance the civic and financial health of the Commonwealth and the well-being of all its people"); expressed a vision for higher education in the Commonwealth ("transform the lives of Virginians, our communities and our Commonwealth"); set four overarching goals for higher education in the Commonwealth ("(i) provide affordable access for all; (ii) optimize student success for work and life; (iii) drive change and improvement through innovation and investment; and (iv) advance the economic and cultural prosperity of the Commonwealth and its regions"); and offered multiple tactical strategies for achieving each goal; and

WHEREAS, when uncertain state revenues and economic and technological disruption challenge the diversity, quality, and value of higher education in the Commonwealth, the Commonwealth must make strategic decisions guided by a shared vision and common goals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education be endorsed; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies for the statewide strategic plan for higher education be developed and approved by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education; and, be it

RESOLVED FURTHER, That such framework shall serve to guide the planning and resource allocation decisions of the General Assembly as the Commonwealth seeks to provide quality education and in-demand skills for a changing populace, as well as opportunities for economic development and job growth; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies expressed in the statewide strategic plan framework also guide the development of the strategic plan and six-year plan at each public institution of higher education, as well as the agency plan for SCHEV, and that SCHEV report annually on the Commonwealth's progress toward achieving these goals and targets to the Governor, General Assembly, institutions of higher education, and the public; and, be it

RESOLVED FINALLY, That the State Council of Higher Education for Virginia shall submit annually to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of each Regular Session of the General Assembly for six years, beginning with the 2016 Session, and shall be posted on the Virginia General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 556

*Commending the Benedictine College Preparatory school football team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Benedictine College Preparatory school football team in Goochland County won the 2014 championship in the Virginia Independent Schools Athletic Association Division I competition; and

WHEREAS, the talented and tenacious Cadets of Benedictine College Preparatory school defeated an able and motivated team from Bishop Ireton High School in Alexandria 23-7 in the title game; it was the first time in 13 years that Benedictine had claimed the trophy; and

WHEREAS, the title game was held on November 15, 2014, at Bobby Ross Stadium on the campus of Benedictine College Preparatory school in Goochland County; students, fans, alumni, family, and friends gathered to cheer the teams; and

WHEREAS, the game was tied 7-7 at halftime, and a Benedictine field goal gave the team a 3-point lead in the third quarter; as in earlier games during the school's victorious 2014 season, the Cadets' defensive play was especially strong throughout the second half of the title game; and

WHEREAS, Benedictine scored twice in the fourth quarter; the defense intercepted a pass and ran the football in for a touchdown and then recovered a fumble just minutes later, carrying the ball down to the 1-yard line and scoring a touchdown on the next play; and

WHEREAS, the exuberant crowd shared in the team's jubilation; the win pays tribute to the hard work put forth by all of the players, who are ably led by head coach Greg Lilly and his staff; the Benedictine football team also drew support from the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Benedictine College Preparatory school football team for winning the 2014 Virginia Independent Schools Athletic Association Division I championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Lilly, head coach of the Benedictine College Preparatory school football team, as an expression of the General Assembly's admiration and congratulations on the team's championship season.

### HOUSE JOINT RESOLUTION NO. 557

*Directing the Joint Legislative Audit and Review Commission to review the Department of Veterans Services. Report.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the Department of Veterans Services (the Department) was established by the Virginia General Assembly in 2003 under the Secretary of Administration; and

WHEREAS, the Joint Legislative Audit and Review Commission has not previously undertaken a review of the Department, yet the Department is now reporting to the Secretary of Veterans and Defense Affairs, its third Secretariat since 2003; and

WHEREAS, the Department is responsible for the establishment, operation, administration, and maintenance of offices and programs related to services for Virginia-domiciled veterans of the armed forces of the United States and their eligible spouses, orphans, and dependents, including, but not limited to, benefits claims processing and all medical care centers and veterans cemeteries owned and operated by the Commonwealth; and

WHEREAS, the Department is organized into six service delivery sections—Benefits, Veterans Education Training and Employment, Veterans Care Centers, Veterans Cemeteries, the Virginia War Memorial, and the Virginia Wounded Warrior Program; and

WHEREAS, the Department operates 23 benefits services offices throughout the Commonwealth where veterans and their dependents receive free assistance in developing and filing claims for federal veterans benefits; and

WHEREAS, the Department operates the Commonwealth's three veterans cemeteries, which provide burial and perpetual care services to veterans and eligible dependents; and

WHEREAS, the Department operates the Commonwealth's two Veterans Care Centers with a combined 400-bed capacity for the provision of long-term physical, occupational, and speech therapy, as well as therapeutic recreation, social and spiritual activities, and other services such as an on-site pharmacy; and

WHEREAS, the Department executes the Virginia Wounded Warrior Program, which provides support to Virginia's veterans, members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves, and their family members; and

WHEREAS, Virginia has the nation's seventh-largest veteran population and the nation's highest veteran population as a percentage of total state population, and this veteran population is expected to grow over the next four years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to review the Department of Veterans Services.

In conducting its review, the Joint Legislative Audit and Review Commission shall (i) examine the changing demographics of the newest generations of veterans (post-9/11) and consider what changes are needed to the services currently provided by the Department; (ii) assess ways the Department is able to reach Virginia veterans such that all new veterans have easy access to information and services; (iii) assess the number, roles, and allocation of staff; (iv) assess whether the needs of Virginia veterans are adequately addressed through the benefits claims process; (v) review the Virginia Wounded Warrior Program for any existing overlap of services provided by other state agencies and, in view of the unique care needs of veterans, determine whether or how such services can effectively be provided by other state agencies to reduce duplication and reduce the costs of providing such services; (vi) assess the delivery of services at state cemeteries to ensure services are consistent and determine if there are any possible efficiencies in consolidating daily or fiscal operations; (vii) assess the effectiveness of coordination with other agencies and the U.S. Department of Veterans Affairs; (viii) examine whether the statutory definition of "veteran" affects whom the Department is able to serve; (ix) review the structures and approaches by which other states carry out veterans affairs functions; and (x) review any other issues and make recommendations as appropriate.

All agencies of the Commonwealth, including the Department of Veterans Services, Department of Medical Assistance Services, Department of Social Services, Department of Health, Department of Military Affairs, and Department of Human Resource Management, shall provide assistance to the Joint Legislative Audit and Review Commission for this review, upon request. The Department of Veterans Services shall furnish information, including departmental records, to Joint Legislative Audit and Review Commission staff as requested in accordance with §§ 30-59 and 30-69 of the Code of Virginia.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of

Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 558

*Requesting the Virginia Department of Education and the State Council of Higher Education for Virginia to examine shortages of qualified teachers generally and in certain teaching endorsement areas and to recommend strategies for addressing these shortages. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the Commonwealth is experiencing a shortage of qualified teachers generally and a critical shortage of qualified teachers in certain teaching endorsement areas; and

WHEREAS, paragraph G 1 a of Item 138 of Chapter 806 of the Acts of Assembly of 2013 (the Appropriation Act), as amended, requires the Department of Education (the Department) to report on the critical shortage teaching endorsement areas in the public elementary and secondary schools of the Commonwealth for the 2014-2015 school year; and

WHEREAS, in fulfillment of its reporting requirement, the Department has determined that the 2014-2015 school year's most critical teaching endorsement areas are, in order: special education, elementary education preK-6, middle education grades 6-8, career and technical education, mathematics grades 6-12, school counselor preK-12, foreign languages preK-12, health and physical education preK-12, English, and history and social sciences; and

WHEREAS, the State Council of Higher Education for Virginia (the Council), in fulfillment of its statutory duty in § 23-9.6:1 of the Code of Virginia, has developed a new statewide strategic plan for higher education in the Commonwealth and, over the course of developing such plan in 2014, the Council has also identified shortages and gaps in the supply of qualified teachers in the public elementary and secondary schools of the Commonwealth and its regions; and

WHEREAS, the Council is developing performance measures, indicators, and targets to monitor and assess progress toward achievement of the statewide strategic plan's goals, which include advancing the economic and cultural prosperity of the Commonwealth and its regions; and

WHEREAS, it is imperative to the future of the Commonwealth's children, public system of education, and economic and cultural well-being for the higher education community and the elementary and secondary education community to examine and address the general shortage of qualified teachers and any specific statewide and regional deficiencies identified in teaching endorsement areas; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Department of Education and the State Council of Higher Education for Virginia be requested to examine shortages of qualified teachers generally and in certain teaching endorsement areas and to recommend strategies for addressing these shortages.

The Virginia Department of Education and the State Council of Higher Education for Virginia shall submit to the Division of Legislative Automated Systems an executive summary and report of their progress in meeting the requests of this resolution no later than the first day of the 2016 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 559

*Commending the Massaponax High School football team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Massaponax High School football team finished the regular season undefeated and won the Virginia High School League Group 5A state quarterfinal game on November 28, 2014; and

WHEREAS, the Massaponax High School Panthers finished the regular season with a 10-0 overall record and a 3-0 record in Conference 15; the Panthers defeated Brooke Point High School and Potomac High School in the first two rounds of the playoffs; and

WHEREAS, the Massaponax High School Panthers bested the Stone Bridge High School Bulldogs 29-25 in the state quarterfinal to advance to the state semifinal, where they met the Tuscarora High School Huskies; and

WHEREAS, the Massaponax High School Panthers finished the season with a perfect 8-0 record at home and tied the school record for victories in a season with 13; and

WHEREAS, the successful season is a testament to the hard work and skill of the athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Massaponax High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Massaponax High School football team for winning the 2014 Virginia High School League Group 5A state quarterfinal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Ludden, head coach of the Massaponax High School football team, as an expression of the General Assembly's admiration for the team's accomplishments.

### HOUSE JOINT RESOLUTION NO. 560

*Commending Patsy Godley.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Patsy Godley of Spotsylvania used her talents and heartfelt conviction that growing older is a reason to be optimistic to win the 2014 Ms. Senior America pageant; and

WHEREAS, Patsy Godley is well-known in the Fredericksburg area as the female singer in the band Patsy & the Country Classics; at the pageant she sang a Patsy Cline standard, "Leavin' on Your Mind"; and

WHEREAS, the native of Atlanta has loved to sing her entire life; Patsy Godley and her husband, Callis, formed the band just a few years ago, reinforcing her enjoyment of performing in front of a live audience; and

WHEREAS, at the Ms. Senior America pageant, which was held in Atlantic City, New Jersey, Patsy Godley competed against 41 other people; the competition included interviews, a talent segment, and an evening gown competition, and each woman also had to discuss her life philosophy; and

WHEREAS, Patsy Godley, who says that her life has been a wonderful adventure, is optimistic that it will continue to be fulfilling; she will bring enthusiasm and encouragement to many people in her role as Ms. Senior America 2014; and

WHEREAS, the Ms. Senior America pageant is open to women 60 and older; its goal is to draw attention to the achievements of seniors, to inspire women to utilize their full potential, and to share a positive outlook with others; and

WHEREAS, Patsy Godley, who has two grown children, will juggle an already busy schedule in her role as Ms. Senior America 2014; she works for a defense contractor in Dumfries, is a church worship leader, and also takes part in a women's ministry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patsy Godley for being named Ms. Senior America 2014 and serving as an outstanding role model for all women; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patsy Godley as an expression of the General Assembly's respect and congratulations for her exceptional accomplishments.

### HOUSE JOINT RESOLUTION NO. 561

*Commending the Fredericksburg Christian School football team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Fredericksburg Christian School football team celebrated an undefeated 2014 season by winning its first Virginia Independent Schools Athletic Association Division III state championship; and

WHEREAS, the mighty Eagles defeated a talented squad from Christchurch School 70-19 in the championship game, which was held on November 15; the Fredericksburg Christian team had an 11-0 record for the season; and

WHEREAS, the home field advantage served the Fredericksburg Christian School Eagles well as running back Blair Lawson led the team with five touchdowns in the title matchup; and

WHEREAS, the players and coaches on the Fredericksburg Christian School team are strong, talented, and determined; their discipline has held them in good stead in the past few years, as the team was conference champion in 2011 and 2012; and

WHEREAS, the 2014 season was the first undefeated season for Tim Coleman, head coach of the Fredericksburg Christian School football team; the school's competitive athletic program focuses on winning with integrity; and

WHEREAS, the mission of Fredericksburg Christian School is to provide a strong academic program to help students develop a lifelong Christian worldview; its high school is on one of the organization's three campuses; and

WHEREAS, the Fredericksburg Christian School 2014 football championship is the result of hard work and dedication of all members of the football team and its coaches; the strong support of the entire school community also played a vital role; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fredericksburg Christian School football team for winning the 2014 Virginia Independent Schools Athletic Association Division III state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Coleman, head coach of the Fredericksburg Christian School football team, as an expression of the General Assembly's congratulations on achieving an undefeated season and state title.

### HOUSE JOINT RESOLUTION NO. 562

*Celebrating the life of Dennis Owen Burnett.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Dennis Owen Burnett, a man whose enthusiasm, energy, and vision were focused on fostering a healthy economy for the Shenandoah Valley, and a friend to all who knew him, died on October 21, 2014; and

WHEREAS, a native of Waynesboro, Dennis Burnett graduated from Fort Defiance High School and attended Blue Ridge Community College; earlier in his career he was deputy director of the Shenandoah Valley Regional Airport and also had been an executive with Colgan Air, Inc.; and

WHEREAS, at the time of his death, Dennis Burnett, who lived in Staunton, was executive director of the Shenandoah Valley Partnership; he had spent most of his professional life in business and economic development and was a tireless, upbeat, and visionary promoter of the area; and

WHEREAS, before starting work at the Shenandoah Valley Partnership in 2013, Dennis Burnett had become the first director of economic development for Augusta County; in his fourth year as director, the county gained more than 330 jobs and \$110.9 million in business investment; and

WHEREAS, a longtime supporter of the community, Dennis Burnett was involved with the United Way of Greater Augusta, the Rotary Club of Staunton-Augusta County, the Virginia Economic Developers Association, and he recently had received a gubernatorial appointment to the Virginia Manufacturing Development Commission; and

WHEREAS, Dennis Burnett will be remembered for his exuberance, ability to motivate and lead others, and unceasing dedication to ensuring a healthy and growing economy for the people and businesses of the Shenandoah Valley; and

WHEREAS, Dennis Burnett will be greatly missed and fondly remembered by his wife, Cynthia; his father, Vernon; many other family members; and a multitude of friends and colleagues from throughout the Shenandoah Valley; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dennis Owen Burnett, a dedicated public servant who strove to make the Shenandoah Valley a vibrant and healthy place for all who live there; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dennis Owen Burnett as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 564

*Commending Eric Betzig, Ph.D.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Eric Betzig, Ph.D., a renowned physicist, inventor, and engineer at the Howard Hughes Medical Institute's Janelia Farm Research Campus in Loudoun County, received the 2014 Nobel Prize in chemistry for his contributions to super-resolved fluorescence microscopy; and

WHEREAS, the Nobel Prize, named for the Swedish industrialist and founder Alfred Nobel, is an international award presented each year by the Royal Swedish Academy of Sciences for outstanding achievements in chemistry, physics, medicine, literature, and peace; and

WHEREAS, experiencing a breakthrough while working privately in 2003, Dr. Betzig came to the Janelia Farm Research Campus to continue his scientific career after working for several years in his father's machine parts factory in Michigan; he had previously studied microscopy at Cornell University and Bell Labs; and

WHEREAS, Dr. Betzig determined that the green fluorescent protein in jellyfish could be used to enhance microscopes by creating cells that glow and developed a concept for a high-resolution microscope using the protein with biophysicist Harald Hess; and

WHEREAS, using the customer service skills learned while working at Ann Arbor Machine Company, Dr. Betzig worked with practitioners to refine the microscope concept to best serve the needs of the scientific community; and

WHEREAS, because of Dr. Betzig's remarkable discoveries, optical microscopy has entered the nano-dimension; scientists are now able to visualize pathways of individual molecules inside living cells, with possible applications in better understanding Alzheimer's, Parkinson's, and Huntington's diseases; and

WHEREAS, Dr. Betzig will share the Nobel honor with two other scientists, Stefan Hell of Max Planck Institute for Biophysical Chemistry and William Moerner of Stanford University for their separate work on high-resolution microscopes; and

WHEREAS, as the first Nobel Prize winner from Loudoun County, Dr. Betzig brings honor to the Commonwealth and the scientists, engineers, advisors, and staff of the Janelia Farm Research Campus; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Eric Betzig, Ph.D., on receiving the 2014 Nobel Prize in chemistry for his work on microscopy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Betzig, Ph.D., as an expression of the General Assembly's admiration for his brilliant contributions to the scientific community.

### HOUSE JOINT RESOLUTION NO. 565

*Celebrating the life of Dee E. Floyd.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Dee E. Floyd, a proud public servant, hardworking entrepreneur, and active leader in the Rockingham County community, died on November 28, 2014; and

WHEREAS, a native of Clover Hill, Dee Floyd attended Dayton High School and served his country as a member of the United States Navy; he deployed to the Pacific Ocean aboard the USS *Mount McKinley* and participated in the nuclear tests at Bikini Atoll; and

WHEREAS, Dee Floyd returned to the Commonwealth and graduated from Bridgewater College in three years as one of the first recipients of a bachelor of science degree in business administration; and

WHEREAS, a loyal employee of the Colgate-Palmolive Company for almost 30 years, Dee Floyd was also possessed of an entrepreneurial spirit and owned several businesses, including the Gerundo Family Campground; and

WHEREAS, Dee Floyd served the community as the chair of the Rockingham County Republican Party and as a member of the local Zoning Board of Appeals, the Planning Commission, and several other committees and organizations; and

WHEREAS, beginning in 1987, Dee Floyd further cultivated a love and respect for the importance of public service as a legislative aide in the Senate of Virginia for seven years; and

WHEREAS, in 2000, Dee Floyd won a seat on the Rockingham County Board of Supervisors and worked diligently to enhance the quality of life of his fellow residents, winning reelection in 2001, 2005, and 2009; and

WHEREAS, Dee Floyd lived his deep faith through his actions, always working to care for his beloved family and serve and support all members of the community; and

WHEREAS, Dee Floyd will be fondly remembered and greatly missed by his wife, Martha; children, Debra, Susan, Cheryl, and Steven, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dee E. Floyd, a dedicated public servant, entrepreneur, and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dee E. Floyd as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 566

*Designating the portion of the Lewis and Clark National Historic Trail that runs through the Commonwealth as the Lewis and Clark Eastern Legacy Trail in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, in 1978, Congress established the Lewis and Clark National Historic Trail from Wood River, Illinois, to the mouth of the Columbia River in Oregon and Washington; in 2008 a feasibility study was authorized by Congress to determine whether the Lewis and Clark National Historic Trail should be extended eastward to include routes and sites associated with the preparation and return phases of the Lewis and Clark Corps of Discovery expedition; and

WHEREAS, the National Trails System Act provides for certification of other lands as protected segments of an historic trail upon the application from state or local governments if the segments meet the national historic trail criteria; and

WHEREAS, on December 10, 2012, the Deputy Secretary of Natural Resources of the Commonwealth, on behalf of the Office of the Governor, confirmed Virginia's continued commitment to developing national historic trails; and

WHEREAS, the National Park Service has collected a substantial amount of historical data concerning the travels of Captain Meriwether Lewis and Second Lieutenant William Clark in 84 sites along the Great Valley Corridor in Virginia pre-Expedition and post-Expedition, including their personal and business connections, and the identification of associated historic, natural, and cultural sites; and

WHEREAS, information from the National Park Service indicates that Lewis and Clark traveled from 1803 to 1813 in the Counties of Albemarle, Augusta, Botetourt, Essex, Fairfax, Lee, Louisa, Montgomery, Orange, Pittsylvania, Pulaski, Rockbridge, Scott, Smyth, Washington, and Wythe and the Cities of Alexandria, Fredericksburg, Richmond, and Roanoke; and

WHEREAS, extending the portion of the trail that runs through Virginia would have potential beneficial effects on the economic development and tourism industry of the region; affected localities have indicated their support of the expansion of the trail and passage of legislation requesting that Virginia apply to the National Park Service to be designated a Lewis and Clark Eastern Legacy State and express support of an eastward extension of the Lewis and Clark National Historic Trail; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the portion of the Lewis and Clark National Historic Trail that runs through the Commonwealth as the Lewis and Clark Eastern Legacy Trail in Virginia; and, be it

RESOLVED FURTHER, That the National Park Service extend the Lewis and Clark National Historic Trail eastward; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Margaret W. Crosson, president and chair of the Lewis and Clark Eastern Legacy Trail Regional Committee and the Mountain Valley Preservation Alliance, Inc., so that members of the Lewis and Clark Eastern Legacy Trail Regional Committee and the Mountain Valley Preservation Alliance, Inc., may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of the Lewis and Clark Eastern Legacy Trail in Virginia on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 567

*Commending the Hillsville Woman's Club.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, the Hillsville Woman's Club proudly celebrated its 75th anniversary of service to the people of Carroll County and the surrounding communities; and

WHEREAS, the Hillsville Woman's Club, which is part of the General Federation of Women's Clubs, has been involved in many community projects since the club was founded in 1939; the group focuses on improving the lives of the people around them; and

WHEREAS, one annual effort of the Hillsville Woman's Club is awarding a \$250 college scholarship to a senior at Carroll County High School who plans to study art or music; promoting arts, crafts, and music is one of the goals of the club; and

WHEREAS, another project of the Hillsville Woman's Club is working for the betterment of the town of Hillsville through membership in the Friends of Hillsville organization; on the state level, club members support the effort to find the causes of breast cancer and a cure for the disease; and

WHEREAS, yard sales are one fundraising project of the Hillsville Woman's Club; the group holds its sales at the home of charter member Love Cox; two other longtime members are Agnes Long and Helen McGrady; and

WHEREAS, sponsoring apple and nut sales in the fall and participating in the Fancy Gap Bazaar also are examples of some of the Hillsville Woman's Club's activities and outreach efforts; and

WHEREAS, on November 1, 2014, the woman's club celebrated 75 years of helping the community with a social at the Hale-Wilkinson-Carter Home in Hillsville, which was open to all; and

WHEREAS, in addition to honoring the club's history and early service projects, one of which was providing funding for the local library, the group also wants to attract new members to help keep the Hillsville Woman's Club healthy and vibrant in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hillsville Woman's Club for its 75 years of work on behalf of Carroll County and the surrounding area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Lindsey, president of the Hillsville Woman's Club, as an expression of the General Assembly's admiration and respect for the club's long tradition of work and service and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 568

*Celebrating the life of Jack Wayne Hunley.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Jack Wayne Hunley, who admirably served his Wythe County community as a member of the Wytheville Town Council, a veteran of the United States military, and a devoted husband and father, died on December 11, 2014; and

WHEREAS, a native of Wythe County, Jack Hunley graduated from George Wythe High School; he served in the United States Army from 1967 to 1969, where he became a staff sergeant and was awarded the Purple Heart and two Bronze Stars, one with valor, for his service in Vietnam; and

WHEREAS, Jack Hunley, a retired banker, served on the Wytheville Town Council from 1990 to 1994; he was elected to town council a second time in 2010 and was reelected in 2014; he was a member of the budget and finance committee and the Wytheville Planning Commission; and

WHEREAS, Jack Hunley was respected and liked by many people for helping those in need and for his reliability, honesty, and love of family and community; he was named a Stanley King Citizen of the Year in 2012 by the Wytheville-Wythe-Bland Chamber of Commerce; and

WHEREAS, Jack Hunley was a member of the Willow Brook Jackson/Umberger Homestead Museum Advisory Board and had been active in the Wytheville Jaycees, where he helped establish the Wall of Honor civic monument; he also belonged to American Legion Post 9 of Wythe County and the Wythe County Veterans of Foreign Wars Post 2719; and

WHEREAS, a man of faith, Jack Hunley shared his wisdom, insight, compassion, and sharp wit as a member of the choir and the finance committee of Mount Pleasant United Methodist Church; and

WHEREAS, Jack Hunley will be greatly missed and fondly remembered by his wife, Clenda; his daughter, Heather, and her family; and by many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jack Wayne Hunley, a dedicated public servant and member of the Wytheville Town Council, who willingly helped his neighbors and worked for the betterment of the people of Wytheville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jack Wayne Hunley as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 569

*Commending Doug King.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Doug King, who had been Sheriff of Wythe County since 2005 and who first entered the law-enforcement field in 1983, retired on December 31, 2014, ending a public service career dedicated to keeping the people of his native county safe; and

WHEREAS, Doug King, a graduate of Fort Chiswell High School who studied economics at the University of Virginia, first started working as a jailer for Wythe County and soon became a patrol deputy; in 1993 he was named an investigator and in 1999 he was appointed chief deputy sheriff; and

WHEREAS, in 2005, Doug King became Sheriff of Wythe County, completing the unexpired term of a retiring sheriff; he then successfully ran in a special election in 2005 and was re-elected sheriff in 2007 and 2011; and

WHEREAS, Doug King supervised law enforcement for the 29,300 people who live in Wythe County; two interstate highways cross in the county and bring many travelers to the area; the Sheriff's Office is deeply committed to the safety of all who live and travel through the county; and

WHEREAS, during Doug King's 29 years of public service, the Wythe County Sheriff's Office moved three times and currently is housed in the Law Enforcement Center at the county courthouse complex; and

WHEREAS, Doug King witnessed many changes during his tenure with the Wythe County Sheriff's Office, including improvements in equipment and extensive training of law-enforcement personnel; Wythe County closed its jail in 1998 when it became part of the New River Valley Jail Authority; and

WHEREAS, Doug King oversaw a staff of 65 people, including patrol officers, investigators, courthouse security personnel, and school resource and Drug Abuse Resistance Education officers; he also helped maintain a good working relationship with the Virginia State Police and the Wytheville Police Department; and

WHEREAS, Doug King gave much credit to the hard-working staff of the Wythe County Sheriff's Office—their integrity, commitment to treating people fairly, and their ability to police the community many of them call home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend a dedicated public servant, Doug King, Sheriff of Wythe County, on the occasion of his retirement after 29 years in law enforcement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug King as an expression of the General Assembly's respect and admiration for his many years of service dedicated to keeping the people of Wythe County safe.

**HOUSE JOINT RESOLUTION NO. 570**

*Commending the Carroll County Future Farmers of America.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Carroll County Future Farmers of America placed seventh in the National Future Farmers of America Forestry Career Development Event in 2014; and

WHEREAS, the Carroll County Future Farmers of America (FFA) Forestry team competed against 40 other teams from around the nation; each member of the team—Jared Boyd, Cole Davis, Gregory Hickerson, and Thomas Largen—performed admirably and earned a gold emblem; and

WHEREAS, coached by Alan Webb, the team displayed exceptional knowledge of trees, tree diseases, forestry tools, wood products, and other subjects; and

WHEREAS, during the national event, the Carroll County FFA Forestry team participated in a general knowledge exam, tree identification, timber cruising, a chainsaw practicum, an interview on forestry issues, and a team activity; and

WHEREAS, the Carroll County FFA Forestry team won events at local and state levels to advance to the national event, held in the Bernheim Forest in Clermont, Kentucky; and

WHEREAS, the members of the Carroll County FFA have gained valuable experience and skills that will help them better serve the Commonwealth as farmers, forestry professionals, leaders, and responsible stewards of the environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carroll County Future Farmers of America on the Forestry team's performance at the 2014 National Future Farmers of America Forestry Career Development Event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Carroll County Future Farmers of America as an expression of the General Assembly's admiration for the award-winning team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 571**

*Commending the Fairfax County Fill the Boot Campaign.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, the Fairfax County Fire and Rescue Department and Department of Public Safety Communications raised money to support members of the community with muscular dystrophy through the Fill the Boot Campaign; and

WHEREAS, held over Labor Day weekend, the Fairfax County Fire and Rescue Department Fill the Boot Campaign collected \$488,688.35 to benefit the Greater Washington Muscular Dystrophy Association; and

WHEREAS, the Fairfax County Fire and Rescue Department's collected donations will help fund the annual Muscular Dystrophy Association (MDA) summer camp, the MDA Clinic, medical goods for families in need, muscular dystrophy research, support groups, and occupational therapy and training; and

WHEREAS, 2014 marks the 60th anniversary of the partnership between the MDA and the International Association of Fire Fighters; the Fairfax County Fire and Rescue Department has participated in the Fill the Boot Campaign for more than 30 years; and

WHEREAS, in seven of the past 10 years, Fairfax County has collected the highest amount of donations in the United States and Canada for the Fill the Boot Campaign, and the county consistently ranks among the top five highest-collecting localities; and

WHEREAS, the Fairfax County Fire and Rescue Department Fill the Boot Campaign succeeded thanks to assistance and generous donations from local businesses, civic and service organizations, and the citizens of and visitors to Fairfax County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax County Fill the Boot Campaign for supporting members of the community with muscular dystrophy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Fairfax County Fire and Rescue Department and Department of Public Safety Communications as an expression of the General Assembly's admiration for the Fairfax County Fill the Boot Campaign's contributions to the Fairfax community.

**HOUSE JOINT RESOLUTION NO. 572**

*Celebrating the life of Brendan Bernard McKay.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Brendan Bernard McKay, a former resident of Northern Virginia and a passionate volunteer and world traveler who offered kindness and generosity to everyone he met, died on September 8, 2014; and

WHEREAS, a native of New Jersey, Brendan McKay grew up in Alexandria and graduated from McLean High School; he attended Virginia Commonwealth University, Western Connecticut State University, and John Cabot University and earned a bachelor's degree from Rhode Island College; and

WHEREAS, an enthusiastic lifelong learner, Brendan McKay studied philosophy, history, physics, and religion; he earned a master's degree from St. John's University in Rome and planned to conduct doctoral studies at King's College in London; and

WHEREAS, from 2008 to 2010, Brendan McKay served as an AmeriCorps volunteer with Big Brothers Big Sisters in Wyoming; he was later promoted to vice president of development and raised thousands of dollars to support at-risk youth, before accepting a position as an AmeriCorps program manager in Rhode Island; and

WHEREAS, possessed of an adventurous spirit and a zest for life, Brendan McKay traveled extensively throughout the United States, Europe, Africa, and Asia, gaining respect and understanding for many cultures and acting as a compassionate ambassador for both the Commonwealth and the United States; and

WHEREAS, Brendan McKay will be fondly remembered and greatly missed by his parents, Bernard and Mary, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brendan Bernard McKay, an admired former member of the Northern Virginia community who touched countless lives throughout the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brendan Bernard McKay as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 573**

*Commending the Fairfax County Chamber of Commerce.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2015, the Fairfax County Chamber of Commerce celebrates 90 years of promoting and supporting local businesses; and

WHEREAS, the Fairfax County Chamber of Commerce was founded in May 1925 by a group of local business and professional leaders; and

WHEREAS, the Fairfax County Chamber of Commerce's founders envisioned an organization that would bring economic prosperity to the county and the entire Commonwealth; and

WHEREAS, during the past 90 years, Fairfax County, aided by the Fairfax County Chamber of Commerce, has emerged as one of the premier global locations to start or grow a business; and

WHEREAS, the Fairfax County Chamber of Commerce has become what its founders hoped for it to be: "the Voice of Business in Northern Virginia"; and

WHEREAS, as the Fairfax County Chamber of Commerce celebrates the 90th anniversary of its founding, the organization is poised to lead the Northern Virginia business community toward a bright future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax County Chamber of Commerce on the occasion of its 90th anniversary and congratulate it for its success in becoming the voice of business in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Corcoran, president and chief executive officer of the Fairfax County Chamber of Commerce, as an expression of the General Assembly's best wishes for the next 90 years of continuous service to the businesses of Northern Virginia.

**HOUSE JOINT RESOLUTION NO. 574**

*Commending StreamSweepers.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, since StreamSweepers' founding in 2013, the staff of the river maintenance and restoration organization has spent two summers helping to restore portions of the Robinson and Rapidan Rivers in the Commonwealth's verdant Piedmont; and

WHEREAS, in the summer of 2014, the StreamSweepers crew assessed the health of the rivers, conducted a river survey, marked areas containing large amounts of trash, and then hauled away the garbage and debris using canoes for transport; and

WHEREAS, watershed analyses also were part of StreamSweepers' work in 2014; crew members—mostly high school graduates and college students—conducted water quality testing and, at the conclusion of the summer project, wrote a report of their findings; and

WHEREAS, the idea for StreamSweepers first arose from a group of Orange County residents concerned about the trash they saw in the Rapidan River; the impetus grew to clean up the river, and a pilot project was sponsored by the Center for Natural Capital, a nonprofit organization that focuses on community economic development through ecosystem health; and

WHEREAS, the 13 StreamSweepers crew members for 2014 underwent a week of classroom training before conducting an ecological assessment and survey, and removing trash and debris from the Robinson and Rapidan Rivers; and

WHEREAS, a meticulous record of the trash that was recovered by StreamSweepers revealed that thousands of pounds of abandoned tires, plastics, metals, glass, and one abandoned sofa were removed from the rivers, then hauled by canoe to a removal site to be transported to a landfill; and

WHEREAS, StreamSweepers has received assistance and encouragement from many concerned citizens in Orange County and the surrounding area, including landowners whose property fronts the rivers, the Dominion Foundation, Woodberry Forest School, the Center for Natural Capital, and many others; and

WHEREAS, StreamSweepers plans to continue and expand its efforts in 2015 and beyond; the organization is committed to cleaning rivers, restoring ecosystems, and ensuring that present and future generations will benefit from and enjoy the Commonwealth's great beauty and bountiful natural resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend StreamSweepers for its efforts in the Piedmont region to preserve, restore, and clean Virginia's rivers so that they will be a healthy resource for all; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Collins, executive director of the Center for Natural Capital, which sponsored the founding of StreamSweepers, as an expression of the General Assembly's respect and admiration for StreamSweepers' work to keep Virginia beautiful.

### HOUSE JOINT RESOLUTION NO. 579

*Commemorating the lives and legacies of the Four Chaplains.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, February 3, 2015, marks the 72nd anniversary of the sinking of the troopship USAT *Dorchester*, which carried to their deaths four United States Army chaplains of three faiths, who stood united in prayer as the ship went down; and

WHEREAS, Lieutenant George L. Fox, Lieutenant Alexander D. Goode, Lieutenant John P. Washington, and Lieutenant Clark V. Poling were bound for the European Theater of World War II by way of Greenland; and

WHEREAS, in the early morning of February 3, 1943, the USAT *Dorchester* was torpedoed by a Nazi submarine, knocking out the ship's electrical system; the Four Chaplains helped calm the men and organize an orderly evacuation; and

WHEREAS, the Four Chaplains, Roman Catholic, Jewish, and Protestant, gave their own life jackets to four soldiers after supplies ran out, sacrificing their own safety to ensure the well-being of others; and

WHEREAS, after helping as many men as possible into the life boats, the Four Chaplains linked arms and began to sing hymns and pray for the safety of their fellow soldiers on the bow of the sinking ship; and

WHEREAS, the Four Chaplains were posthumously awarded the Distinguished Service Cross and the Purple Heart, as well as the Four Chaplains' Medal, a special award designed to hold the same significance as the Congressional Medal of Honor; and

WHEREAS, through their combined act of supreme devotion and sacrifice for American liberty and human freedom, the Four Chaplains are an inspiring example of true brotherhood for all people of the world; and

WHEREAS, the noble and selfless deeds of the Four Chaplains have been celebrated in movies, books, songs, and art; in 1988, the United States Congress designated February 3 as Four Chaplains Day; and

WHEREAS, all Virginians are encouraged to commemorate the Four Chaplains' supreme sacrifice for the cause of human freedom and justice with appropriate observances; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the lives and legacies of the Four Chaplains on the 72nd anniversary of their deaths; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to American Legion Post 176 as an expression of the General Assembly's admiration for the service and sacrifices of the Four Chaplains.

**HOUSE JOINT RESOLUTION NO. 580**

*Commending the Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team won the National Bible Bowl championship in July 2014; and

WHEREAS, Aric Porter from Newbern Community Christian Church in Pulaski County joined Noah Johnson and Grace Johnson from Glen Lyn Church of Christ in Giles County to form the team; and

WHEREAS, the Bible Bowl team participated in the Appalachian Bible Bowl League during the 2013–2014 season, competing in timed matches against other local teams to answer questions on a selected work of scripture; and

WHEREAS, the Bible Bowl team attended four regional tournaments prior to the national championship, winning tournaments at Kentucky Christian University and Cincinnati Christian University; the team also came in third place at Johnson University and ninth place at Milligan College; and

WHEREAS, at the national championship, held at the North American Christian Convention in Indianapolis, the Bible Bowl team went undefeated against teams from around the country to claim the national title; Noah Johnson also took first place in the individual tests; and

WHEREAS, the victory is a testament to the hard work and devotion of the Bible Bowl team members, the leadership of coaches Glenda Johnson and Jeanna Porter, and the support of parents, friends, and the Newbern Community Christian Church and Glen Lyn Church of Christ communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team on winning the 2014 National Bible Bowl championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Glenda Johnson and Jeanna Porter, coaches of the Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 586**

*Requesting the Department of Behavioral Health and Developmental Services to study the benefits of offering voluntary mental health screenings to students in public elementary schools. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, public school students in the Commonwealth are required to be tested and screened for various impairments, including vision impairments, hearing impairments, and scoliosis; and

WHEREAS, public school students in the Commonwealth are not routinely screened for mental illness; and

WHEREAS, an accurate picture of student mental health and early diagnosis of mental illness in students are crucial to ensuring the social and academic development of students in the public schools of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Behavioral Health and Developmental Services be requested to study the benefits of offering voluntary mental health screenings to students in public elementary schools.

In conducting its study, the Department of Behavioral Health and Developmental Services shall convene a workgroup of experts. The workgroup shall develop a feasible study plan and implementation timeline. The workgroup shall (i) review existing research on screening of elementary school children and whether there is an ideal year to administer such screenings, (ii) review available screening instruments that may be appropriate for elementary school children, (iii) recommend methods of notifying parents of the availability of screening and recommend procedures for seeking parental consent, and (iv) consider what in-school and other services may be available for children whose screening indicates a need for follow-up.

Technical assistance shall be provided to the Department of Behavioral Health and Developmental Services by the Department of Education. All agencies of the Commonwealth shall provide assistance to the Department of Behavioral Health and Developmental Services for this study, upon request.

The Department of Behavioral Health and Developmental Services shall complete its meetings for the first year and submit a preliminary report by November 30, 2015. For the second year, the Department of Behavioral Health and Developmental Services shall submit its final report to the Governor and the General Assembly, including findings and recommendations for publication as a House or Senate document by November 30, 2016. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 587**

*Requesting the Department of Environmental Quality to study the application of the postdevelopment stormwater management technical criteria, as established in the Virginia Stormwater Management Program Regulations, in areas with a seasonal high groundwater table. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the Commonwealth has adopted a comprehensive stormwater management program to protect the Commonwealth's surface waters, including the Chesapeake Bay, from the negative impacts of stormwater pollutants, including excess nutrients and sediment, being washed from developed sites during storm events; and

WHEREAS, the Virginia Department of Environmental Quality administers the Commonwealth's stormwater management program in accordance with the Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and attendant regulations (9VAC25-870); and

WHEREAS, a seasonal high groundwater table in some areas of the Commonwealth can hinder the use of best management practices (BMPs) that can be employed in other parts of the Commonwealth to control the quantity of stormwater leaving a developed site; and

WHEREAS, the Department of Environmental Quality is best positioned to study this issue and to make recommendations to achieve greater flexibility in applying the water quantity requirements of the Stormwater Management Act and attendant regulations in areas with a seasonal high groundwater table while protecting the Commonwealth's surface waters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Environmental Quality be requested to study the application of the postdevelopment stormwater management technical criteria, as established in the Virginia Stormwater Management Program Regulations, in areas with a seasonal high groundwater table.

In conducting its study, the Department of Environmental Quality shall evaluate the existing BMP design specifications on the Virginia Stormwater BMP Clearinghouse and recommend design specification revisions to allow the effective use of these BMPs in areas with a seasonal high groundwater table, if applicable, to achieve greater flexibility in meeting the stormwater management requirements in those areas.

All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the Director shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 589**

*Celebrating the life of Samuel Bryan Chandler.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Samuel Bryan Chandler of Montross, a successful business owner, a dedicated public servant, a supporter of many civic and charitable organizations in Westmoreland County, a man of faith, and a devoted husband and father, died on September 23, 2014; and

WHEREAS, Samuel Bryan Chandler, who was known as Bryan, was an alumnus of The College of William and Mary and was a legacy member of Pi Kappa Alpha fraternity; he was a prominent businessperson in the Northern Neck and was a Chevrolet dealer for 45 years; and

WHEREAS, Bryan Chandler, who was the founder of automobile dealerships in Montross and Tappahannock, was a former member of the board of directors of the Virginia Automobile Dealers Association; he also served on numerous other boards, including Riverside Tappahannock Hospital and Northern Neck State Bank, which is now part of Union First Market Bank; and

WHEREAS, public service was central to Bryan Chandler's life; he was Mayor of Montross and had served on the Town Council; he also strongly supported revitalization efforts in downtown Montross; and

WHEREAS, Bryan Chandler was a director and former chair of the board of the Westmoreland County Museum and was a trustee of the Westmoreland County Poor School Society, an organization founded in 1812 to provide scholarships to young people in the county who could not afford an education; and

WHEREAS, Bryan Chandler enjoyed woodworking and cared deeply about Westmoreland County and Virginia's beautiful Northern Neck; he dearly loved Lawfield, his family farm, and he greatly treasured the area's deep heritage—a place where the nation took root; and

WHEREAS, a man of faith who is remembered for his kindness, fairness, and service to his community, Bryan Chandler was a lifelong member of St. James' Episcopal Church in Montross, where he served on the vestry and was Sunday school superintendent; and

WHEREAS, Bryan Chandler will be greatly missed and fondly remembered by Carol, his wife of 46 years; their children, Louis and Brandon, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Samuel Bryan Chandler of Montross, a successful business owner, a dedicated public servant, a supporter of many civic and charitable organizations in Westmoreland County, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel Bryan Chandler as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 591

*Commending Charlie White, Ph.D.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Charlie White, Ph.D., an accomplished educator and college administrator, retires as the president of Wytheville Community College in June 2015; and

WHEREAS, Dr. White earned an associate's degree from Hiwassee College, bachelor's and master's degrees from East Tennessee State University, and a doctorate from the University of Tennessee; and

WHEREAS, after joining the faculty of New River Community College in Dublin, Dr. White served as the chair of the Math and Science Division and a professor of biology; he then chaired the Division of Arts and Sciences from 1983 to 1998; and

WHEREAS, beginning in 2000, Dr. White ably guided the faculty and student body at New River Community College as vice president for instruction and student services; and

WHEREAS, Dr. White also offered his wisdom and expertise to the rest of the Virginia Community College System as interim vice chancellor for academic services and research in 2005; and

WHEREAS, Dr. White joined Wytheville Community College as president in May 2006; during his tenure, he worked to ensure that the college maintained a high-quality curriculum and established trust and partnerships within the Wytheville community; and

WHEREAS, ably leading thousands of students and hundreds of faculty members throughout his time as president, Dr. White oversaw many achievements and helped the college succeed in its mission to prepare students for careers and responsible citizenship and serve the needs of the community; and

WHEREAS, Dr. White leaves a legacy of excellence to the faculty and staff of Wytheville Community College, as well as his successor as president; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charlie White, Ph.D., on the occasion of his retirement as president of Wytheville Community College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie White, Ph.D., as an expression of the General Assembly's admiration for his distinguished service to Wytheville Community College and contributions to higher education in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 593

*Designating August, in 2015 and in each succeeding year, as Losing Loved Ones in a Tragic Accident Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, there is a clear lack of public understanding of the scope of dangerous driving behaviors and what actually constitutes distracted driving; and

WHEREAS, the reality that people will continue to die on the nation's roadways until they change their driving behavior means that public education campaigns such as those provided by the National Safety Council are critical to ensure the safety of all citizens; and

WHEREAS, the cost of dangerous driving behaviors, such as distracted driving, has been high for communities in the Commonwealth and throughout the United States; in many cases, multiple family members have been lost in tragic, easily preventable accidents; and

WHEREAS, according to the National Highway Traffic Safety Administration, August is one of the deadliest months for traffic crashes; between 2005 and 2012, the highest numbers of fatalities associated with traffic crashes were recorded in July, August, and September; and

WHEREAS, Drive Smart Virginia, founded in 1995 by six of the Commonwealth's major insurance companies, works to raise awareness and change behavior to improve the lives of all Virginians by making the roads safer; the organization builds strong community partnerships, develops educational campaigns, offers presentations, and advocates for safety initiatives; and

WHEREAS, Virginians are asked to observe Losing Loved Ones in a Tragic Accident Month by honoring individuals and families that have been lost due to traffic crashes and remembering to always drive safely and responsibly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate August, in 2015 and in each succeeding year, as Losing Loved Ones in a Tragic Accident Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Drive Smart Virginia and those serving in public safety that monitor the safety of Virginia highways and facilitate the promotion of outreach and education so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 594

*Requesting the Bureau of Insurance to study the use by insurers of an insured's or applicant's credit information in connection with underwriting motor vehicle insurance policies. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, Virginia law permits an insurer issuing or delivering a policy of motor vehicle insurance in the Commonwealth to use credit information contained in a consumer report as one factor for underwriting, tier placement, or rating an applicant or insured if certain disclosure and other requirements are met; and

WHEREAS, the insurance industry has asserted that actuarial studies illustrate that an individual's ability to manage his financial affairs is a predictor of insurance claims, that scores based on a person's credit history help insurers differentiate between lower and higher insurance risks, and that individuals who have a poor credit history are more likely to file a claim; and

WHEREAS, a Federal Trade Commission study released in 2007, in which more than two million automobile policies were examined, found that while credit-based insurance scoring was an effective predictor of risk and is useful in setting premiums to match the level of risk, it lacked sufficient evidence to explain the correlation between claims and credit history; and

WHEREAS, it has been asserted that provisions authorizing insurers to use credit-based insurance scores when setting premiums for a motor vehicle insurance policy are improper because the practice is not based on a plausible relationship between the characteristics of a class and the hazard insured against, that the use of credit-based insurance scores is unfair because credit scores may be affected by factors that cannot be controlled by the consumer, that the use of credit scores is a proxy to rating based on race or income, and that credit-based insurance scores can be manipulated and therefore are arbitrary; and

WHEREAS, it is not intuitively obvious that an individual's credit history should be permitted to be used as a factor in determining the premiums for motor vehicle insurance, and factors such as an individual's driving record and other data derived from operating a motor vehicle may be more reliable predictors of the actual risk proximate to an insurance policy; and

WHEREAS, a study of whether the use of credit history in setting motor vehicle insurance costs is appropriate could increase public understanding of the issue; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Bureau of Insurance be requested to study the use by insurers of an insured's or applicant's credit information in connection with underwriting motor vehicle insurance policies.

In conducting its study, the Bureau of Insurance shall (i) examine §§ 38.2-2212, 38.2-2213, and 38.2-2234 of the Code of Virginia to determine if those provisions unfairly burden motor vehicle insurance policyholders; (ii) determine whether the use of consumer credit information, rather than relying on the insured's or applicant's driving record and other factors proximately related to risks of operating a motor vehicle, in setting insurance premiums and tier ratings is appropriate; and (iii) determine whether the use of consumer credit information in setting insurance premiums and tier ratings discriminates against poorer or younger people who either have had challenges with credit or have no credit history.

Technical assistance shall be provided to the Bureau of Insurance by the Department of Motor Vehicles. All agencies of the Commonwealth shall provide assistance to the Bureau of Insurance for this study, upon request.

The Bureau of Insurance shall submit a report of its findings and recommendations to the Chairmen of the House Committee on Commerce and Labor and the Senate Committee on Commerce by October 1, 2016.

**HOUSE JOINT RESOLUTION NO. 600**

*Designating the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, sexual violence is a very serious public health problem and, together with the related problems of unwanted sexual contact and verbal sexual harassment, is a major human rights and social justice issue affecting millions of women, men, and children in the United States; and

WHEREAS, the risk of sexual violence is not limited to interactions with strangers; perpetrators can include current and former intimate partners, a family member, a friend or acquaintance, or a known individual in a position of power or trust; and

WHEREAS, according to the federal Centers for Disease Control and Prevention (CDC), nearly 1 in 5 women and 1 in 71 men have been raped in their lifetime; approximately 1 in 20 women and men have experienced sexual violence other than rape; and 13 percent of women and 6 percent of men have experienced sexual coercion during their lifetime; and

WHEREAS, the Centers for Disease Control and Prevention has reported that, nationally, 37.4 percent of female rape victims were first raped between ages 18 and 24, and a study of undergraduate women found that 19 percent of study participants had experienced attempted or completed sexual assault since entering college; of female rape victims, 42.2 percent were raped before age 18 (29.9 percent were between the ages of 11 and 17 and 12.3 percent were younger than 11); and 27.8 percent of male rape victims were younger than 11; and

WHEREAS, sexual violence can have long-term physical and mental health consequences, including sexually transmitted diseases, unwanted pregnancy, anger, stress, distrust of others, eating disorders, depression, and suicide; and

WHEREAS, the recognition of the month of April as national Sexual Assault Awareness Month traces its roots to "Take Back the Night," organized women's protests against sexual violence during the 1970s in England; the coordinated activities expanded to protest sexual violence against men and women and evolved into a global movement that took hold in the United States; and

WHEREAS, during the national Sexual Assault Awareness Month in April each year, the National Sexual Violence Resource Center and other interested local, state, and national groups partner to highlight the problem of sexual violence, educate the public, and advocate for the prevention of sexual violence; and

WHEREAS, many states and organizations join the effort each year to raise awareness of the causes, effects, and prevention of sexual violence, and the theme in 2015 is "Safer Campuses, Brighter Futures, Prevent Sexual Violence"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the advisory council of the National Sexual Violence Resource Center and to Deborah D. Tucker, executive director of the National Center on Domestic and Sexual Violence, so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 602**

*Commending the Mills E. Godwin High School girls' tennis team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, capping off a record-breaking effort, the 2014 Mills E. Godwin High School girls' tennis team of Henrico won its 11th Virginia High School League Group 5A championship—a state record—and with 20 wins and three losses, the team had its seventh consecutive season of at least 20 wins; and

WHEREAS, the talented members of the Eagles squad defeated a team from George C. Marshall High School; with a final score of 5-1, the Mills Godwin tennis team took home its ninth state title in 13 years, playing in its 13th consecutive state playoff match and achieving a playoff record of 34-4; and

WHEREAS, the Mills Godwin girls' tennis team won its 15th consecutive regional championship by defeating Maury High School 5-0, and only lost three games in the regional finals match; during the state tournament, the Eagles achieved a combined 10-2 score, winning each match 5-1; in total the team won 156 of 187 individual matches for an 83.4 percent winning record; and

WHEREAS, the 2014 victory was entirely a group effort, as no member of the Mills Godwin tennis team won an individual title during the group's successful march to the crown; and

WHEREAS, all members of the 2014 Godwin team—Dharani Atluri, Anna Brodzik, Jackie Dillon, Elizabeth Dudley, Virginia Duley, Katie Fitzsimmons, Morgan Fuqua, Emily Hutchinson, Madeline Johann, Sophie Linnell, AJ Lukanuski,

Jessica Marks, Ara McCarty, Meghann Neale, Keerthana Shankar, Anna Sidhu, Lucy Smith, and Sammie Townsend—contributed to the team's winning season; and

WHEREAS, seniors Jackie Dillon, Katie Fitzsimmons, Emily Hutchinson, Madeline Johann, Sophie Linnell, and AJ Lukanuski share three district championships, four regional championships, two state finalist designations, and two state titles, for an unparalleled 82-7 team record, yielding a 92.1 winning percentage during their four years at Mills E. Godwin High School; and

WHEREAS, head coach Mark Seidenberg was ably assisted by assistant coaches Walt Atwell, Katie Blow, Jim Cohen, Haley Moses, and Todd Phillips during the Mills Godwin team's unforgettable 2014 championship season; the players also had great support from parents, students, and faculty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mills E. Godwin High School girls' tennis team on winning the 2014 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Mark Seidenberg as an expression of the General Assembly's admiration for the outstanding performance of the 2014 Mills E. Godwin High School girls' tennis team.

### HOUSE JOINT RESOLUTION NO. 605

*Commending Carroll County.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2014, Carroll County, a largely rural county in Southwest Virginia, was named one of the top 13 counties in the United States for entrepreneurship and economic growth by the National Association of Counties; and

WHEREAS, the National Association of Counties (NACo) works to provide the country's 3,069 counties with the tools and support to create healthy, vibrant, safe, and resilient communities; NACo honored Carroll County in a special publication, "Strong Economies, Resilient Counties: The Role of Counties in Economic Development"; and

WHEREAS, one of the smallest counties on the list, Carroll County was applauded for building a strong, diverse economy through its innovative Crossroads Small Business Development Center, active business retention strategies, and thriving agricultural market; and

WHEREAS, Carroll County helped establish the Crossroads Institute and the Crossroads Small Business Development Center, which works with potential and existing small business owners to provide legal, financial, and educational support; the center has helped 289 businesses and created or retained 1,200 local jobs since 2006; and

WHEREAS, further striving to protect and create local jobs, Carroll County has taken an active role in business retention by strengthening infrastructure to help existing businesses increase efficiency and encourage expansion; and

WHEREAS, Carroll County also collaborated with government agencies, local farmers, and retail stores to establish the county as a primary supplier of pumpkins to the Mid-Atlantic region; the county facilitated the creation of the Virginia Pumpkin Growers Association, which has added more than \$15 million in pumpkin sales to the local economy; and

WHEREAS, Carroll County has consistently demonstrated a firm commitment to the well-being of its residents and the long-term resiliency of the local economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carroll County on being named one of the best counties in the United States for entrepreneurship and economic growth by the National Association of Counties; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Carroll County Board of Supervisors as an expression of the General Assembly's admiration for Carroll County's achievements and dedication to the well-being of its residents.

### HOUSE JOINT RESOLUTION NO. 606

*Designating May, in 2015 and in each succeeding year, as Maternal Mental Health Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the health and safety of all Virginians is important to the happiness, well-being, and prosperity of the Commonwealth's families and communities; and

WHEREAS, up to 80 percent of new mothers experience changes in their emotional health following childbirth, regardless of age, culture, or socioeconomic status; and

WHEREAS, 15 to 20 percent of pregnant women and new mothers experience moderate to severe symptoms, collectively known as perinatal mood and anxiety disorders, including depression, panic disorder, obsessive-compulsive disorder, post-traumatic stress disorder, and other conditions; and

WHEREAS, one to two in every 1,000 mothers in the United States will experience postpartum psychosis, a medical emergency that poses an immediate threat of suicide or infanticide; and

WHEREAS, perinatal mood and anxiety disorders can develop at any time during pregnancy and the first 12 months after childbirth; they impact not only the mother, but also the child, father, and entire family unit; and

WHEREAS, research has shown that untreated perinatal mood and anxiety disorders during pregnancy or postpartum can negatively affect birth outcomes and infant development, including mother-infant attachment and bonding, infant mental health and brain development, long-term social and cognitive development of the child, and the well-being of the entire family unit; and

WHEREAS, maternal risk factors for developing perinatal mood and anxiety disorders can be reliably identified, assessed, and treated by health care providers and public health systems; and

WHEREAS, with proper awareness, education, intervention, and resources, perinatal mood and anxiety disorders are highly treatable, with interventions demonstrating positive effects on both mothers and children; and

WHEREAS, increasing public awareness among all Virginia health care providers and families on the prevalence, identification, and treatment of perinatal mood and anxiety disorders has significant potential to save lives and prevent the unnecessary suffering experienced by many families during pregnancy or following childbirth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May, in 2015 and in each succeeding year, as Maternal Mental Health Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Dr. Natasha Sriraman, board member and education chair of the Virginia chapter of the American Academy of Pediatrics, so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

#### HOUSE JOINT RESOLUTION NO. 607

*Designating July 16, in 2015 and in each succeeding year, as National Atomic Veterans Day in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, throughout the Commonwealth's and the nation's history, brave Virginians have answered the call of duty and service, defending our freedoms as members of the United States Armed Forces; and

WHEREAS, as a result of the Manhattan Project, the United States conducted the Trinity nuclear test—the first detonation of a nuclear device—in New Mexico on July 16, 1945; and

WHEREAS, over 200,000 American service members, including Virginians, participated in aboveground nuclear tests between 1945 and 1962, were part of the United States military occupation forces in or around Hiroshima and Nagasaki before 1946, or were held as a prisoner of war in or near Hiroshima or Nagasaki; and

WHEREAS, these atomic veterans may have been exposed to radiation as a result of their military service and, due to that exposure, may have developed cancer or other medical conditions; and

WHEREAS, many atomic veterans were prevented by secrecy laws or oaths from seeking medical care or disability compensation from the United States Department of Veterans Affairs (VA) for conditions they may have developed as a result of radiation exposure; and

WHEREAS, in 1996, the United States Congress repealed the Nuclear Radiation and Secrecy Agreements Act, freeing atomic veterans to describe their military involvement in nuclear testing in order to file for VA benefits; and

WHEREAS, atomic veterans may be eligible for free medical care from the VA and compensation in the form of a partial or full service-connected disability allowance, including potential payments to a surviving spouse or children; and

WHEREAS, the Virginia Department of Veterans Services provides free assistance to Virginia veterans and their dependents in developing and submitting disability compensation claims to the VA; and

WHEREAS, the National Association of Atomic Veterans was formed in 1979 to help atomic veterans obtain medical care and assistance; and

WHEREAS, it is altogether fitting and proper that atomic veterans be recognized for their service and sacrifice to the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate July 16, in 2015 and in each succeeding year, as National Atomic Veterans Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the National Association of Atomic Veterans so that members of the organization and other atomic veterans and their families may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 609**

*Celebrating the life of Bobby Wayne Elliott.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Bobby Wayne Elliott of Fries, a longtime member of the Fries Volunteer Fire Department, a devoted husband and father, and a successful small business owner, died on August 5, 2014; and

WHEREAS, a native of Fries and a graduate of Galax High School, Bobby Elliott received an associate's degree in business; he also proudly served in the nation's military for six years as a member of the United States Army; and

WHEREAS, for two decades Bobby Elliott worked to help his neighbors and the community as a member of the Fries Volunteer Fire Department; throughout his 20 years of service, he was dedicated to fire prevention and to helping keep his neighbors and their valued belongings from harm; and

WHEREAS, Bobby Elliott, who was the owner of Elliott's Tax Service in Fries, was a man of deep faith; he belonged to Baywood Wesleyan Church in Galax where he was treasurer and also held other leadership positions; in addition, he was a member of The Gideons International Fries Camp; and

WHEREAS, Bobby Elliott will be fondly remembered and greatly missed by Darlene, his wife of 47 years; his sons, Gary and Jimmy, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a devoted family man, entrepreneur, and dedicated volunteer firefighter, Bobby Wayne Elliott; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bobby Wayne Elliott as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 611**

*Celebrating the life of Sergeant Charles Calvin Strong, USMC.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Sergeant Charles Calvin Strong, USMC, of Suffolk, was killed in action in Herat, Afghanistan, on September 15, 2014; and

WHEREAS, a native of Suffolk, Charles Strong joined the United States Marine Corps after graduating from Nansmond River High School in 2003; and

WHEREAS, a focused and hardworking Marine, Charles Strong was promoted to private first class at Fort Leonard Wood, where he trained as a motor transport operator; he later served with an aviation support unit and received military police training; and

WHEREAS, in 2005, Charles Strong deployed to Iraq as a lance corporal with a motor transport unit; he was promoted to corporal and attended a specialized vehicle recovery training course; and

WHEREAS, during his second tour of duty in Iraq, Charles Strong served as the only vehicle recovery operator in his battalion, and after returning home, he attended Officer Candidate School in 2007 and was promoted to sergeant; and

WHEREAS, after serving as a physical training instructor, Sergeant Strong deployed to Afghanistan as a team leader and navigator for logistical mounted patrols, then applied for training under Marine Corps Forces Special Operations Command; and

WHEREAS, Sergeant Strong made the ultimate sacrifice on his fourth combat tour, while serving with Marine Special Operations Team 821 in Afghanistan; and

WHEREAS, the recipient of numerous awards and decorations throughout his distinguished military career, Sergeant Strong earned the Navy and Marine Corps Achievement Medal, the Marine Corps Good Conduct Medal, and the Combat Action Ribbon; and

WHEREAS, Sergeant Strong's noble sacrifice is a reminder of the dangers faced by American men and women in uniform around the world, whose dedication to duty and country places them in harm's way; and

WHEREAS, Sergeant Strong will be fondly remembered and greatly missed by his wife, Taylor; parents, Donald and Mary; and numerous other family members, friends, and fellow Marines; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sergeant Charles Calvin Strong, USMC; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant Charles Calvin Strong, USMC, as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 612**

*Celebrating the life of William Gerald Saunders, Sr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, William Gerald Saunders, Sr., the longtime fire chief of Chuckatuck Volunteer Fire Department and an admired member of the Suffolk community, died on September 25, 2014; and

WHEREAS, after graduating from Chuckatuck High School, William Gerald "Jerry" Saunders, Sr., honorably served his country as a member of the United States Air Force for four years; and

WHEREAS, Jerry Saunders joined the Chuckatuck Volunteer Fire Department in 1954 and went on to courageously safeguard the lives and property of his fellow Suffolk residents over the course of a distinguished 60-year career, including 17 years as fire chief; and

WHEREAS, an active and respected leader in the department, Jerry Saunders was a trusted mentor to countless fellow volunteer firefighters, and he left a legacy of excellence for future chiefs; and

WHEREAS, generously volunteering his time and talents to better the community, Jerry Saunders served as a member of the Chuckatuck Ruritan Club and a charter member of the Suffolk County Auxiliary Police; he also worked with Boy Scouts of America Troop 25 and many other organizations; and

WHEREAS, Jerry Saunders enjoyed fellowship and worship with the Chuckatuck community as an active member of Oakland Christian United Church of Christ; and

WHEREAS, Jerry Saunders will be lovingly remembered and greatly missed by his wife, Iola; children, Wendy and Jay, and their families; and numerous other family members, friends, and fellow firefighters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sympathy the loss of William Gerald Saunders, Sr., the deeply respected and dedicated fire chief of the Chuckatuck Volunteer Fire Department in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Gerald Saunders, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 613**

*Celebrating the life of Donald Elwood Carter.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Donald Elwood Carter, a successful businessman and admired community leader in Suffolk, died on September 22, 2014; and

WHEREAS, a lifelong resident of Suffolk, Donald "Don" Elwood Carter learned the value of hard work and responsibility at a young age while selling furniture with his father and brothers; and

WHEREAS, Don Carter honorably served his country as a member of the United States Army during the Korean War, then returned home and continued working at the family business, known today as Carter's Quality Furniture; and

WHEREAS, over the course of his distinguished 60-year career, Don Carter helped his business expand and become an integral part of the community, known for both high-quality products and excellent customer service; and

WHEREAS, working generously to enhance the quality of life of his fellow Suffolk residents, Don Carter served as a member and past president of local Ruritan and Civitan clubs and the Retail Merchants Association for Downtown Suffolk; and

WHEREAS, Don Carter enjoyed fellowship and worship with the community as an active member of Cypress Chapel Christian Church, where he served as a deacon; and

WHEREAS, Don Carter will be fondly remembered and greatly missed by his wife, Edna; children, Donald, Jr., Susan, and Kathryn, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Elwood Carter, a respected businessman and community leader in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Elwood Carter as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 614**

*Commending Tara Worley.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Tara Worley, a longtime coach of the Lakeland High School field hockey team in Suffolk, was named the 2014 National Coach of the Year in field hockey by the National High School Coaches Association; and

WHEREAS, Tara Worley amassed a 250-46-3 record as coach of the Lady Cavaliers of Lakeland High School; during her tenure, the school won a state field hockey championship, two regional titles, and numerous district titles; and

WHEREAS, under Tara Worley's guidance, the Lakeland High School field hockey team developed into one of the best teams in the Commonwealth; many of her players have gone on to play field hockey in college; and

WHEREAS, Tara Worley was first hired as Lakeland High School's junior varsity field hockey coach in 1998 and was promoted to head coach the following year; she quickly turned the Lady Cavs into a field hockey powerhouse; and

WHEREAS, in her first year as varsity coach of the Lakeland Lady Cavs, Tara Worley's team finished third in district competition; the following year, it took first place and has been a strong field hockey presence since; and

WHEREAS, Tara Worley received the honor from the National High School Coaches Association after retiring in 2013 from coaching field hockey at Lakeland High School; she was coach for 15 years and guided many talented players; and

WHEREAS, Tara Worley, who first played field hockey in high school, is a graduate of Christopher Newport University, where she revived a dormant club field hockey team; in 1999, she started Girls Field Hockey, a league for players ages 5 through 17; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tara Worley, former head coach of the Lakeland High School field hockey team in Suffolk, for being named the 2014 National Coach of the Year in field hockey by the National High School Coaches Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tara Worley as an expression of the General Assembly's admiration and congratulations for this stellar achievement.

### HOUSE JOINT RESOLUTION NO. 615

*Commending High Point Elementary School.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, High Point Elementary School in Washington County was named a National Title I Distinguished School in Virginia for 2014-2015; and

WHEREAS, High Point Elementary School is one of two schools in the Commonwealth to receive national recognition; it was honored for its successful two-year effort to close academic achievement gaps among student groups; and

WHEREAS, the Virginia Board of Education selected High Point Elementary School for this honor from among 40 high-achieving Title I schools in the Commonwealth; Title I of the federal Elementary and Secondary Education Act funds programs that aim to raise the academic achievement of at-risk students; and

WHEREAS, the Bristol-area school implemented a rigorous effort to improve its students' reading and math skills; parents, teachers, students, and volunteers pitched in, and Sherry King, principal of High Point Elementary School, also attributed the accomplishment to new instruction plans; and

WHEREAS, when the honor was announced, the students and staff at High Point Elementary School held an impromptu celebration on December 11, 2014, complete with confetti, balloons, and dancing; and

WHEREAS, Superintendent Brian C. Ratliff said that the honor was a well-deserved recognition for High Point Elementary School, whose academic ranking in the Commonwealth has increased significantly in the last two years; it is now one of the top 100 schools in Virginia; and

WHEREAS, being selected a National Title I Distinguished School is a special occasion for Washington County and represents much hard work by the High Point Elementary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend High Point Elementary School for being named a National Title I Distinguished School in Virginia for 2014-2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherry King, principal of High Point Elementary School, as an expression of the General Assembly's congratulations and admiration for the dedication and hard work of the school's students, faculty, staff, parents, and supporters to improve academic achievement.

### HOUSE JOINT RESOLUTION NO. 617

*Commending Colbert-Moran Funeral Home Inc.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Colbert-Moran Funeral Home Inc., celebrated 100 years of service and compassionate care to the people of Gretna and Pittsylvania County in 2014; and

WHEREAS, A.T. Colbert and his son, Ollie M. Colbert, established Gretna's first funeral home in 1914; the business was in a two-story building, above a general store, and the company is proud to be in the same location in downtown Gretna today; and

WHEREAS, a year after the Colberts founded the funeral establishment, Ollie Colbert decided to become an embalmer and establish a separate business; in 1915, he enrolled at an embalming school in New York; and

WHEREAS, as time went by and automobiles became more common, changes took place at the business on North Main Street; the operations soon included Gretna's second gas station, as gas pumps were installed in front of the building; and

WHEREAS, major renovations took place in 1930 when the upper floor of the building was demolished and the funeral home operations were moved to the first floor; in 1948, road construction on U.S. Route 29 resulted in the entire building being relocated several feet back; and

WHEREAS, A.T. Colbert sold the business to Carl and Fran Moran in 1965, who continued the company's mission to be a professional, caring family-run funeral home; Carl Moran was a licensed funeral director and his wife was the organist and receptionist; and

WHEREAS, in 1970, the Morans created a Colonial-style sand-brick finish structure to house Colbert-Moran Funeral Home; the clean and modern facility is well-designed to serve the community and each family's specific needs; and

WHEREAS, after Carl Moran's death in 1995, his wife and children continued to run the business; today, Colbert-Moran Funeral Home is operated by sons Kenny and Bruce Moran, and their sister, Susan Moran George, provides office help; and

WHEREAS, Colbert-Moran Funeral Home also relies on a loyal staff of dedicated funeral service professionals, including Yancy Moran, the third-generation family member in the business; and

WHEREAS, well aware of its small-town roots, Colbert-Moran Funeral Home has participated in and donated to many civic and charitable activities in Gretna and the surrounding area; and

WHEREAS, in its century of service, Colbert-Moran Funeral Home has striven to provide personal and attentive care in a family's time of bereavement and to honor the wishes of the families and those who have died; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Colbert-Moran Funeral Home Inc., on the occasion of its 100th anniversary of providing professional service and care to the people of Gretna and Pittsylvania County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fran Moran, a co-owner of Colbert-Moran Funeral Home Inc., as an expression of the General Assembly's respect and admiration for the company's 100 years of successful operation and its commitment to provide professional and compassionate funeral services.

### HOUSE JOINT RESOLUTION NO. 623

*Directing the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, Article XI, Section 1 of the Constitution of Virginia states that it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources and protect its waters for the benefit, enjoyment, and general welfare of the people of the Commonwealth; and

WHEREAS, § 62.1-11 of the Code of Virginia stipulates that the right to the use of water or to the flow of water from any natural stream, lake, or other watercourse is limited to what may be reasonably required for the beneficial use of the public and that the intent of the Commonwealth is to maintain flow conditions to protect instream beneficial uses and public water supplies for human consumption; and

WHEREAS, Virginia has a complex water system that includes many aquifers, nine major watersheds, and 52,232 miles of rivers and freshwater streams with a total combined flow of 22.5 billion gallons per day; and

WHEREAS, there is no statewide, comprehensive assessment of state and local water resource plans and their role in the water withdrawal permit process, and the Department of Environmental Quality is currently developing a State Water Plan to build upon and guide local and regional water supply plans; and

WHEREAS, the Department of Environmental Quality issues water protection permits for surface water and groundwater withdrawals, and it has reported potential risk to the water supply, including groundwater, given changes in population and demand for water for industrial, recreational, and residential use; and

WHEREAS, recent withdrawals of groundwater in eastern Virginia may have contributed to topographical and hydrological changes, including lower water tables, land subsidence, and higher risk of saltwater contamination of groundwater; and

WHEREAS, the Department of Environmental Quality has appropriated approximately \$40 million annually for water protection functions, including planning, permitting, and compliance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's water resource planning and management.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) assess the extent to which groundwater and surface water consumption is unsustainable, the potential effects of any unsustainable consumption, and the risk of overconsumption in the future; (ii) assess the effectiveness of the state's permitting process for groundwater and surface water withdrawals; (iii) assess the effectiveness of state and local water resource planning, particularly with regard to groundwater, including the role state and local plans play in water withdrawal permitting; (iv) examine the adequacy of current funding and staff levels for managing Virginia's water resources; (v) consider the need for strategies and practices to preserve or increase the amount of groundwater and surface water available for future consumption; and (vi) review any other issues and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Environmental Quality, the State Water Control Board, and the Virginia Department of Health. All agencies of the Commonwealth, local governments, and water resource authorities shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 626

*Commending James Frye.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, James Frye, who served for 27 years as principal of Indian River High School in Chesapeake, retired in June 2014; and

WHEREAS, James Frye, who has been an educator in the Chesapeake public school system since 1973, was most happy when he was out of his office, talking with students and staff, walking the halls between classes, and greeting people as they entered the school; and

WHEREAS, James Frye, who was reared in Chesapeake, graduated from Crestwood High School in 1967 and then attended Norfolk State University; before teaching school, he was a second lieutenant in the United States Army, serving as a military police officer; and

WHEREAS, after starting his educational career as a history teacher at Great Bridge Junior High School, James Frye became assistant principal of Crestwood Junior High School and later was principal of Truitt Junior High School; and

WHEREAS, James Frye then was named principal at the Chesapeake Alternative School and became principal of Western Branch Junior High School before taking the helm of Indian River High School; and

WHEREAS, James Frye took special interest in all of his students throughout his career and knew each and every one of them by his or her first name, speaking to them, asking them questions, and engaging them in conversation as he travelled the hallways and went about his daily routine; and

WHEREAS, known for wearing his suit jacket with one arm in and one arm out because he was always on the move at Indian River High School, James Frye proudly and lovingly referred to the students as his "Frye babies"; and

WHEREAS, James Frye is the inspiration for a character on *Saturday Night Live*; Indian River graduate and comedian Jay Pharoah asked for and received his former principal's permission to create a high school principal for the television show, who also is named Mr. Frye; and

WHEREAS, generous and caring to his students and staff, James Frye frequently reached into his pockets to give some change to a student to buy lunch; he was deeply interested in the lives of those whom he supervised; and

WHEREAS, many students at Indian River High School studied under the "Frye plan," a specialized educational plan that James Frye created to help ensure that students who were at risk of falling behind would be successful in high school and graduate on time; and

WHEREAS, on June 6, 2014, shortly before graduation, the students and staff of Indian River High School celebrated Mr. Frye Day, honoring their outgoing principal; and in December, James Frye was crowned Mr. Indian River Forever during a school pageant; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James Frye for his many years of service to the students of Chesapeake as a teacher and administrator and for serving as principal of Indian River High School for 27 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Frye as an expression of the General Assembly's admiration and respect for his dedication and leadership during a long and distinguished career with the Chesapeake public school system.

**HOUSE JOINT RESOLUTION NO. 630**

*Directing the Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations for opioid medications. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, over 100 million adults in the United States suffer from chronic pain, including millions with debilitating conditions like arthritis, fibromyalgia, and lower back pain; and

WHEREAS, chronic pain costs the Commonwealth millions of dollars each year in lost productivity, added health costs, and increased expenditures for Medicaid; and

WHEREAS, the significant and justified concentration on limiting substance abuse in the Commonwealth and the consideration of measures that would impose barriers to pain treatment have placed health care providers and patients in a difficult position; and

WHEREAS, new technologies are available that can protect the integrity of pain medications by preventing their form from being altered in a manner that would facilitate their illegal use by substance abusers; and

WHEREAS, the federal Food and Drug Administration is currently studying the application of abuse deterrent formulation (ADF) technologies for use in opioid medications; and

WHEREAS, the introduction of ADF technologies into the pain medication arena is of great potential significance to the Commonwealth as a method to ensure the continued access of patients to these important medicines and to the general interests of the Commonwealth as a strategy to limit substance and prescription abuse problems; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Health Insurance Reform Commission be directed to study mandating health insurance coverage for abuse deterrent formulations for opioid medications. In conducting its study, the Health Insurance Reform Commission shall examine the issues of access by citizens of the Commonwealth to effective pain management medications and the need to require the adoption of abuse deterrent formulation technologies for pain medicines in order to assist in the Commonwealth's continuing efforts to eliminate substance and prescription drug abuse.

The Office of the Clerk of the House of Delegates shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Health Insurance Reform Commission. Technical assistance shall be provided to the Health Insurance Reform Commission by the State Corporation Commission's Bureau of Insurance. All agencies of the Commonwealth shall provide assistance to the Health Insurance Reform Commission for this study, upon request.

The Health Insurance Reform Commission shall complete its meetings by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The executive summary shall state whether the Health Insurance Reform Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 631**

*Celebrating the life of James H. Blount, Jr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, James H. Blount, Jr., a longtime public servant in the Towns of Christiansburg and Woodstock, died on November 17, 2014; and

WHEREAS, James "Jim" H. Blount, Jr., was born in Christiansburg in 1931 and attended public schools in both Richmond and Christiansburg, graduating from high school in 1949; and

WHEREAS, upon graduating from high school, Jim Blount served his country as an active duty member of the United States Marine Corps for nearly three years, including during the Korean War; and

WHEREAS, Jim Blount began his career in local government by serving as assistant superintendent, then superintendent of public works, in the Town of Christiansburg from 1953 to 1968; and

WHEREAS, Jim Blount served admirably for a total of 34 years in Virginia local government, including 19 years as the town manager in Woodstock between 1968 and 1987; and

WHEREAS, during Jim Blount's tenure as town manager, the Town of Woodstock built a modern town hall and brought online a state-of-the-art water treatment plant; and

WHEREAS, Jim Blount worked as an inspector with the Virginia Department of Transportation after retiring from local government; and

WHEREAS, Jim Blount was a dedicated volunteer firefighter, having served fire departments in Christiansburg and Woodstock for over 40 years, many of those as an assistant fire chief; and

WHEREAS, a state-certified fire instructor for 30 years, Jim Blount also served as president of the Southwest Virginia Firefighters Association in 1961 and President of the Virginia State Firefighters Association from 1972 to 1974; and

WHEREAS, an avid hunter since his youth, Jim Blount was a member of the Christiansburg Hunt Club for over 60 years; and

WHEREAS, Jim Blount will be fondly remembered and greatly missed by his family, friends, and those who knew him as a man with great concern and compassion for other people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James H. Blount, Jr., a longtime local government official in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James H. Blount, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 632

*Commending Riverside Hospital.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Riverside Hospital in Newport News celebrates 100 years of providing exceptional care to members of the community; and

WHEREAS, Riverside Hospital began in 1915 as a result of the visionary efforts of local business leaders, who raised \$10,000 to construct a 50-bed hospital; and

WHEREAS, the original Riverside Hospital was built on Huntington Avenue; it was moved to a larger facility with 450 beds on J. Clyde Morris Boulevard in 1963; and

WHEREAS, over the course of its history, Riverside Hospital has provided more than six million days of care, treating more than one million inpatients; and

WHEREAS, during this century of service, Riverside Hospital has pioneered advanced programs in cancer treatment, neurosciences, and coronary care and established the region's Level II Trauma Center; and

WHEREAS, Riverside Hospital's residency program has graduated more than 976 family and OB/GYN doctors from its teaching programs and 2,162 from its School of Health Professions; and

WHEREAS, Riverside Hospital's health care services extend throughout the Eastern and Central Virginia Regions to include Southside, Eastern Shore, Middle Peninsula, Northern Neck, Williamsburg, Richmond, Petersburg, Charlottesville, and the Peninsula; and

WHEREAS, Riverside Hospital has built the largest continuum of services to care for older adults in the Commonwealth, allowing Virginians to age in a place of their choosing; and

WHEREAS, Riverside Hospital is a pioneer in introducing electronic medical records to the region and developed one of the first electronic connectivity platforms between patient and physician, which earned the hospital the national distinction of "Most Wired" for 10 consecutive years from *Hospitals and Health Networks*; and

WHEREAS, Riverside Health System was one of the first health systems in the nation to receive Meaningful Use designation by the Centers for Medicare and Medicaid Services; and

WHEREAS, Riverside Health System has created partnerships with the University of Virginia to introduce radiosurgery and the area's only Gamma Knife, offers graduate medical education with Virginia Commonwealth University and Eastern Virginia Medical School, and developed the Peninsula Agency on Aging; and

WHEREAS, from its humble beginnings, Riverside Hospital has grown to nearly 10,000 employees, with services in over 200 locations throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Riverside Hospital on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Riverside Hospital as an expression of the General Assembly's admiration for the hospital's commitment to continue providing exceptional health services.

### HOUSE JOINT RESOLUTION NO. 634

*Commemorating the 800th anniversary of the sealing of the Magna Carta.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, on June 15, 1215, King John of England and his feudal barons met on the field of Runnymede, a meadow on the banks of the Thames River near Windsor, England, and affixed their seals to the document known as the Magna Carta; and

WHEREAS, the events of that day elevated the ideas of freedom and the rule of law and demonstrated that not even the king was above the common law of the land; and

WHEREAS, on July 30, 1619, the first legislative assembly of elected representatives in North America met at Jamestown, Virginia, building upon principles and rights guaranteed by the Magna Carta; and

WHEREAS, the American Declaration of Independence, penned by Thomas Jefferson, was an indictment of King George of England's breaches of English common law as upheld by the Magna Carta; and

WHEREAS, in 1948, the newly formed United Nations adopted the Universal Declaration of Human Rights, based on principles of the Magna Carta such as upholding freedom, democracy, and the rule of law; and

WHEREAS, the Magna Carta represents an idea that can never be uninvented or unimagined; and

WHEREAS, the 800th anniversary of the Magna Carta is an occasion for Virginians to deepen their understanding of the crucial role it has played in the development of human rights, democracy, and liberty; a time to celebrate the individual rights we enjoy today; and an opportunity to strengthen human rights around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 800th anniversary of the sealing of the Magna Carta on June 15, 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sir Robert Worcester, chair of the Magna Carta 800th Committee, or his designated representative as an expression of the General Assembly's respect for the significance of this historic document.

### HOUSE JOINT RESOLUTION NO. 635

*Requesting the Department of Taxation to study the performance of the communications sales and use tax. Report.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, in 2006 the General Assembly enacted legislation to impose a communications sales and use tax on consumers beginning January 1, 2007, which restructured the local taxation of communications services; and

WHEREAS, the communications sales and use tax changed the local taxation of communications services by replacing several local taxes and fees that were imposed at widely varying rates with a uniform five percent state sales and use tax on such services and a monthly fee of \$0.75 on both landline and mobile telephone service; and

WHEREAS, in addition to achieving statewide uniformity, a major objective of this tax restructuring was to ensure that competing forms of communications services were taxed equally to avoid having public policy inadvertently create competitive advantages and disadvantages; and

WHEREAS, in order that the tax restructuring was initially revenue-neutral to localities, the revenues from the communications sales and use tax have always been distributed proportionally on the basis of the amount that each locality collected in fiscal year 2006 from the local communications services taxes and fees that were eliminated with the adoption of the state communications sales and use tax; and

WHEREAS, it was anticipated that the total taxes collected from the communications sales and use tax would grow over time, but after eight years that growth has not been significant; and

WHEREAS, communications technology, consumer habits, industry billing practices, and the populations of some Virginia localities have all changed rapidly during the eight years that the tax has been imposed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Taxation be requested to study the performance of the communications sales and use tax.

In conducting its study, the Department of Taxation shall assemble an advisory panel comprising representatives of local governments and affected segments of the communications industry. With the assistance of the advisory panel, the Department shall (i) evaluate the overall performance of the communications sales and use tax, (ii) determine whether competing communications services are being taxed on an equal basis, (iii) identify any communications services that are receiving a competitive advantage by not being taxed, and (iv) determine whether the tax is structured such that it will apply to new methods of communications.

All agencies of the Commonwealth shall provide assistance to the Department of Taxation for this study, upon request.

The Department of Taxation shall complete its meetings by November 30, 2015, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2016 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 637**

*Directing the Joint Legislative Audit and Review Commission to study the Commonwealth's Medicaid program. Report.*

Agreed to by the House of Delegates, February 27, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the Commonwealth's program of medical assistance services, also known as the Medicaid program, is the largest program in the Commonwealth's budget, accounting for more than \$8 billion in combined state and federal funds in fiscal year 2014; and

WHEREAS, the Commonwealth's Medicaid program has become increasingly complex as coverage has expanded to include services related to long-term care, behavioral health, and developmental disabilities; and

WHEREAS, elderly Virginians and Virginians with disabilities represent a minority of enrollees in the Medicaid program but account for the majority of expenditures for medical assistance services and generally receive services through a fee-for-service rather than a managed care system; and

WHEREAS, a review of the eligibility process, particularly for long-term care services, could lead to strategies that strengthen the integrity of the program, improve efficiencies, and ensure that limited financial resources are directed to the individuals and families who most require assistance; and

WHEREAS, in light of budgetary pressures facing states across the nation, promising models of care and administrative processes have been implemented to lower costs associated with medical assistance services while maintaining and improving patient outcomes; and

WHEREAS, a comprehensive and analytical review of the Medicaid program should build upon and not duplicate the knowledge and findings from completed studies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the Commonwealth's Medicaid program. In conducting its study, the Joint Legislative Audit and Review Commission shall review (i) the processes used to determine eligibility, including the financial eligibility screening process for long-term care services, whether asset sheltering could be further prevented and asset recoveries improved, and the effectiveness of existing fraud and abuse detection and prevention efforts; (ii) whether the most appropriate services are provided in a cost-effective manner; (iii) evidence-based practices and strategies that have been successfully adopted in other states and could be used in the Commonwealth; and (iv) other relevant issues, and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Office of the Secretary of Health and Human Resources and the Department of Medical Assistance Services. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 638**

*Designating September, in 2015 and in each succeeding year, as Kinship Caregivers of Children Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, every child in the Commonwealth deserves the opportunity to grow and learn in a supportive, loving home environment; and

WHEREAS, nearly three million children in the United States are being raised by grandparents, aunts and uncles, or other relatives, with their parents unable to ensure their safety and well-being; and

WHEREAS, these kinship families provide the best opportunity for children to retain a sense of cultural heritage and community ties; and

WHEREAS, individuals or families caring for a relative's children receive little to no financial support and make numerous personal and financial sacrifices to support children in need; and

WHEREAS, the Commonwealth is committed to reconnecting and strengthening families; kinship families have prevented children from entering the foster care system or have allowed children to leave the foster care system and return to their families; and

WHEREAS, Kinship Caregivers of Children Month reflects the core values of family, community, and the welfare of children shared by all citizens of the Commonwealth and the United States; and

WHEREAS, Virginians are asked to observe Kinship Caregivers of Children Month by taking time to help individuals and families caring for a relative's children and honoring their commitment to ensuring that children have a safe, stable home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate September, in 2015 and in each succeeding year, as Kinship Caregivers of Children Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Department of Social Services Foster Care, Family Preservation Program so that staff and participants of the Program may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 639

*Commending Simon S. Lee.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Simon S. Lee, chairman and chief executive officer of STG, Inc., in Reston, was awarded the George Washington University President's Medal on November 19, 2014; and

WHEREAS, the George Washington University President's Medal is the highest honor the university president can bestow; Simon Lee, who emigrated to the United States in 1979 from the Republic of Korea, founded STG, Inc., in 1986; and

WHEREAS, the President's Medal recognizes people who have exhibited courage, character, and leadership in their chosen fields and who exemplify the ability of human beings to improve the lives of others; Simon Lee is the first Korean-American to receive this award; and

WHEREAS, when he moved to the United States from South Korea, Simon Lee worked as a bookkeeper to support his young family; he then became an engineer, working for several telecommunications firms in the Washington area; and

WHEREAS, STG, Inc., was a one-person firm when Simon Lee started it; today, it is a large, well-established, and expanding government information technology contractor providing performance-based solutions to many federal agencies and private industry; and

WHEREAS, Simon Lee received a bachelor's degree and an honorary doctorate from Korea University and a master's degree from George Washington University (GWU); he has volunteered in many roles at GWU and has helped foster a strong relationship between the two universities; and

WHEREAS, Simon Lee, who is a strong believer in the power of education to improve people's lives, has donated money to establish exchange programs between GWU and Korea University, and he also has been a tireless and highly effective ambassador for both schools; and

WHEREAS, other honors that Simon Lee has received include the United States Department of Commerce Lifetime Achievement Award; the Ellis Island Medal of Honor; the Great Overseas Korean Award, presented by KBS, the Korean Broadcasting System; and many other recognitions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Simon S. Lee, chairman and chief executive officer of STG, Inc., in Reston, for being awarded the George Washington University President's Medal for his courage, character, and leadership as a successful entrepreneur, supporter of higher education, and promoter of closer ties between the United States of America and the Republic of Korea; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Simon S. Lee as an expression of the General Assembly's respect and admiration for his success in business and for his unwavering dedication to furthering higher education opportunities and closer ties between the United States and the Republic of Korea.

### HOUSE JOINT RESOLUTION NO. 640

*Commending the Town of Vienna.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Town of Vienna in Fairfax County, which offers residents the charms of a small town with easy access to the Washington, D.C., metropolitan area, celebrates its 125th anniversary in 2015; and

WHEREAS, while officially established in 1890, the Town of Vienna traces its deepest roots to the construction of the original Fairfax County Courthouse in the 1700s; a small village—named Ayr Hill after Ayr, Scotland—grew near that court house; and

WHEREAS, the village continued to grow with the arrival of a railroad in 1858, and the site of present-day Vienna was a major campground for both Union and Confederate forces during the Civil War; and

WHEREAS, the Battle of Vienna, the first time in American history in which a railroad was used tactically during war, took place near where the Vienna Community Center now stands; and

WHEREAS, after the war, many northern families relocated to the Vienna area, drawn by the milder climate, fertile soil, and proximity to the nation's capital; and

WHEREAS, in 1890, the village of 300 residents was incorporated as a town in an effort to improve public schools and roads; Orrin T. Hine, the first Mayor of Vienna, earned the respect of community members as a passionate advocate for public education; and

WHEREAS, in its early years, the Town of Vienna saw the construction of several new churches, as well as many thriving businesses; the Money and King Funeral Home was founded in 1881 and remains the town's oldest continuous business; and

WHEREAS, the longstanding Vienna Volunteer Fire Department has been safeguarding the lives and property of Vienna residents since it was established in 1903 by Leon Freeman, who stored the department's hand-drawn chemical engine under his porch; and

WHEREAS, the Town of Vienna continued to expand rapidly with the construction of a trolley line to Washington, D.C., in 1903, and over 10,000 new residents moved to the area after World War II; and

WHEREAS, in 1954, the Town of Vienna's first modern shopping center opened, and by 1961, the growing population spurred the establishment of what is now known as Inova Fairfax Hospital; the community also benefited from the opening of Dulles International Airport in 1962, Tysons Corner Center in 1968, and the Vienna Metrorail station in 1986; and

WHEREAS, throughout its history, the Town of Vienna has cultivated a strong sense of community fellowship and preserved proud traditions and institutions that have helped the area maintain its small-town atmosphere through decades of growth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Town of Vienna on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Vienna as an expression of the General Assembly's admiration for the town's rich heritage and unique place in the history of the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 641

*Designating January 30, in 2016 and in each succeeding year, as Fred Korematsu Day of Civil Liberties and the Constitution in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, throughout history, the battle for civil liberties has been championed by ordinary Americans who have had the courage to stand up and fight for their basic constitutional rights; and

WHEREAS, the Commonwealth occupies a unique place in securing the rights and liberties of American citizens, having adopted the Virginia Declaration of Rights in 1776, which later influenced language in the United States Declaration of Independence and Bill of Rights and articulated the principle that government exists to provide for the common benefit, protection, and security of the people; and

WHEREAS, during World War II, Fred T. Korematsu refused to comply with Civilian Exclusion Order 34, based on the federal Executive Order 9066, that imposed strict curfew regulations and required 120,000 permanent residents and American citizens of Japanese descent to leave their homes to be incarcerated in American concentration camps; and

WHEREAS, Fred Korematsu was arrested and convicted, but fought his conviction because he believed it violated the basic freedoms guaranteed to him by the United States Constitution; and

WHEREAS, Fred Korematsu's conviction was ultimately overturned in 1983; the decision influenced the passage of the Civil Liberties Act of 1988, which recognized that a grave injustice was done by forced relocation and incarceration of American citizens and civilian residents because of wartime prejudice; and

WHEREAS, schools and teachers in Virginia are encouraged to observe the Fred Korematsu Day of Civil Liberties and the Constitution on January 30, or the days surrounding it, and conduct exercises honoring the life of Fred Korematsu and recognizing the importance of preserving civil liberties, even in times of crisis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate January 30, in 2016 and in each succeeding year, as Fred Korematsu Day of Civil Liberties and the Constitution in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Board of Education so that members of the Board may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 643**

*Celebrating the life of Edna H. McEachin.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Edna H. McEachin of Richmond, a respected former educator, passionate volunteer, and loving wife, mother, and grandmother, died on November 19, 2014; and

WHEREAS, a native of the Miller's Tavern community in Essex County, Edna McEachin attended the John Moncure School, where her father served as principal; she earned a bachelor's degree from Virginia State University and a master's degree from Virginia Union University; and

WHEREAS, Edna McEachin worked to break down barriers and build a strong community; she served as the first African American banker at Central National Bank in Richmond; and

WHEREAS, Edna McEachin followed in her father's footsteps as an educator, serving as a librarian assistant at Armstrong High School and a special education teacher at Thomas Jefferson High School before her well-earned retirement in 1989; and

WHEREAS, generously donating her time and talents to improve the quality of life of fellow community members, Edna McEachin was a dedicated, lifelong member of Alpha Kappa Alpha sorority and a founding member of the James River Valley Chapter of The Links, Inc.; and

WHEREAS, Edna McEachin cared deeply for her family and proudly supported them through all endeavors; predeceased by her husband, Ivan, she will be fondly remembered and greatly missed by her son, Donald, and his family, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edna H. McEachin, an active and beloved member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edna H. McEachin as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 644**

*Encouraging Virginia's localities and school divisions to partner with local law-enforcement agencies regarding wireless Internet access.*

Agreed to by the House of Delegates, February 4, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, in many places in the Commonwealth, local law-enforcement officers may have trouble accessing the Internet while performing their duties; and

WHEREAS, in many of those localities, the schools within the school district offer wireless Internet capability; and

WHEREAS, the use of a school's wireless Internet capability may offer the advantages of greater governmental efficiency and increased law-enforcement presence at schools; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Virginia's localities and school divisions be encouraged to partner with local law-enforcement agencies regarding wireless Internet access; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Municipal League and the Virginia Association of Counties, requesting that their Executive Directors further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

**HOUSE JOINT RESOLUTION NO. 645**

*Notifying the Governor of organization.*

Agreed to by the House of Delegates, January 14, 2015

Agreed to by the Senate, January 14, 2015

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

**HOUSE JOINT RESOLUTION NO. 650**

*Celebrating the life of James Conrad Blankenbecler, Jr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, James Conrad Blankenbecler, Jr., a reporter for WCYB television station in Bristol, who was known for his masterful storytelling skills and fondness for the people and places in the Tri-Cities area, died on December 16, 2014; and

WHEREAS, James Blankenbecler, who was known to most people by his professional name, Jim Conrad, was born in Wise County and was proud to call Southwest Virginia home; he graduated from J.J. Kelly High School and East Tennessee State University; and

WHEREAS, Jim Conrad's career in broadcasting began when he became a disc jockey on WETB radio in Johnson City, Tennessee, where on his afternoon show he was known as "Cosmic Conrad"; and

WHEREAS, Jim Conrad first worked for WCYB as a videographer and had been at the station for more than 25 years at the time of his death; he produced newscasts for a time and later focused on regional stories that highlighted his love of rural Southwest Virginia; and

WHEREAS, much of Jim Conrad's work featured the men and women who helped make his community a special place; he had an ability to make friends instantly with the people he interviewed, and he loved telling their stories to a television audience; and

WHEREAS, listening was one of Jim Conrad's strongest skills; he was fair and he delighted in producing memorable stories about interesting, noteworthy, and unusual people in the region—warm and folksy tales that may not have otherwise been known; and

WHEREAS, colleagues and friends remember Jim Conrad as a leader who was a caring friend with a good sense of humor and a steady, encouraging presence; he readily shared his professional knowledge and love of the area with them; and

WHEREAS, Jim Conrad will be greatly missed and fondly remembered by Sheilah, his wife of 26 years; his daughters, Sara and Crystal, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Conrad Blankenbecler, Jr., a reporter for WCYB television station in Bristol, whose masterful storytelling skills produced many warm and interesting tales of people and places in the Tri-Cities area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Conrad Blankenbecler, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 651**

*Celebrating the life of Dr. William Cleveland Boshier, Jr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Dr. William Cleveland Boshier, Jr., distinguished architect of public education in Virginia and respected former Superintendent of Public Instruction, was born on January 21, 1946, in Richmond and passed into eternal life on December 1, 2014; and

WHEREAS, Dr. William Cleveland Boshier, Jr., was reared by parents who loved him and instilled in him Christian values, a love of learning, and a strong work ethic; he graduated from Lee Davis High School, received a bachelor's degree in English from the University of Richmond, a master's degree in counselor education from Virginia Commonwealth University, and a doctorate in educational administration from the University of Virginia; and

WHEREAS, as Superintendent of Public Instruction, Dr. William Cleveland Boshier, Jr., led the Virginia Board of Education's implementation of the controversial Standards of Learning that were designed to strengthen student learning and promote educational accountability; and

WHEREAS, Dr. William Cleveland Boshier, Jr., dedicated his professional life to the education of young people, coming up through the ranks as an English teacher, supervisor, and principal in the Henrico County public school system; in 1981, he was elevated to Henrico County superintendent of schools; and

WHEREAS, after leaving his position as Henrico County superintendent of schools, Dr. William Cleveland Boshier, Jr., served as State Superintendent of Public Instruction from 1994 to 1996; and

WHEREAS, he served from 1996 to 2000 as Chesterfield County superintendent of schools, and during his tenure, Dr. William Cleveland Boshier, Jr., led the effort to increase the number of fully accredited county schools under the Standards of Learning program; and

WHEREAS, after leaving his position as Chesterfield County superintendent of schools in 2000, Dr. William Cleveland Boshier, Jr., served as executive director of the Commonwealth Educational Policy Institute and distinguished professor of public policy and education at Virginia Commonwealth University, where he also served as Dean of the School of

Education from 2002 to 2005 and created the Student Services Center to consolidate admissions, advising, and clinical placements; and

WHEREAS, as a teacher, principal, state director, division superintendent of two of Virginia's largest school systems exceeding more than 35,000 students, and Superintendent of Public Instruction, Dr. William Cleveland Bosher, Jr., had a profound impact on public education in the Commonwealth through his many years of service, as a mentor to hundreds of students and colleagues, as the NBC12 Educational Specialist, and as a member of several professional and community organizations, among them the University of Richmond Board of Trustees, board of directors of the Education Commission of the States, the Appalachian Education Laboratory, the Schoolnet, Inc., board of advisors, and director of River City Bank in Mechanicsville; and

WHEREAS, William Bosher is the only Virginia division superintendent who was named twice as the Superintendent of the Year and was voted the Arts Administrator of the Year by the Kennedy Center in Washington, D.C.; he served as consultant to more than 35 states and foreign countries on educational law, finance, policy analysis, standards development, school evaluations, and human relations; and he was a prolific writer, authoring many school law and educational leadership articles and books; and

WHEREAS, a devout Christian man whose faith in God was foremost in his life and informed his decisions, Dr. William Cleveland Bosher, Jr., was a Bible School teacher and an elder at Fairmount Christian Church for many years; when teaching, he possessed the ability to make the most complicated Bible passages easy to understand for persons at all levels of faith; and he enjoyed singing in "Just Us," a five-man group, throughout Central Virginia; and

WHEREAS, always smiling and resplendent in his signature bow tie, Dr. William Cleveland Bosher, Jr., was affectionately known as "Pop" to his granddaughters and "Bill" to others; he was a devoted son, husband, brother, father, grandfather, and servant of God; with respect for and in honor of his extraordinary service to the Commonwealth, the flag of the Commonwealth of Virginia was flown at half-staff on all local, state, and federal buildings and grounds in the Counties of Chesterfield, Hanover, and Henrico and the City of Richmond, and over the James Monroe Building in Richmond, where he served as Superintendent of Public Instruction, on the day of his homegoing service; and

WHEREAS, Dr. William Cleveland Bosher, Jr.'s pastor noted that his life ended as he had lived and prepared for it: "He taught Sunday School on Sunday morning, then went to bed on Sunday night and woke up in heaven"; and

WHEREAS, Dr. William Cleveland Bosher, Jr., leaves a legacy of educational excellence, and the memory of his extraordinary kindness, warm and genuine smile, compassion, and devotion to his God will be cherished by all who loved and knew him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. William Cleveland Bosher, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. William Cleveland Bosher, Jr., as an expression of the General Assembly's respect for his memory and appreciation of his outstanding contributions to public education in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 652

*Celebrating the life of Talmadge Theodore Williams.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Talmadge Theodore Williams of Arlington, a respected business leader, admired educator, and passionate activist who devoted his life to building stronger, more inclusive communities, died on September 27, 2014; and

WHEREAS, a native of Radford, Talmadge Williams honorably served his country as a member of the United States Army and enjoyed a fulfilling career in education, serving as a professor, a dean, and a developer of educational materials; and

WHEREAS, tirelessly supporting members of the Arlington community, Talmadge Williams founded and led several nonprofit organizations, including Computers 4 Students and Parent Allies for Student Success; and

WHEREAS, an inspirational and visionary leader, Talmadge Williams promoted social justice and worked to empower members of the community as a president of the Arlington branch of the NAACP; and

WHEREAS, for over 15 years, Talmadge Williams also worked diligently to secure a physical location for the Black Heritage Museum of Arlington, which currently exists as a website showcasing over 300 years of African American contributions to local history; and

WHEREAS, Talmadge Williams generously offered his time and wise leadership to many other civic and service organizations, including the Arlington County Bicentennial Celebration Task Force, the Arlington County Chief of Police Advisory Board, the George Mason University School of Education Advisory Board, the Ballston Clarendon Partnership, and the Bluemont Civic Association; and

WHEREAS, Talmadge Williams encouraged the Arlington community to invest in its future, supported fair and accountable government, and sought to create new opportunities for all Arlington residents; and

WHEREAS, Talmadge Williams will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Talmadge Theodore Williams, a pillar of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Talmadge Theodore Williams as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 653

*Celebrating the life of Nelson Greene, Sr.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Nelson Greene, Sr., of Alexandria, a respected entrepreneur and former City Council member who devoted his life to the pursuit of civil rights and social justice in the community, died on November 13, 2014; and

WHEREAS, a native of Danville, Nelson Greene relocated to Alexandria in 1953 to open Greene Funeral Home, which has served local residents for more than 60 years; and

WHEREAS, possessed of a strong desire to help and serve others, Nelson Greene and a group of concerned citizens formed a group called the Secret Seven to represent local African American interests and advise the Alexandria City Council on the state of the community; and

WHEREAS, in 1979, Nelson Greene became the second African American to serve on the Alexandria City Council; serving for three years, he used his calm and decisive leadership style to break down barriers and improve the quality of life of all Alexandria residents; and

WHEREAS, Nelson Greene received numerous awards and accolades for his leadership; in 2011, he was named as one of the Living Legends of Alexandria in recognition of his many contributions to strengthening the community; and

WHEREAS, Nelson Greene will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nelson Greene, Sr., a pillar of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nelson Greene, Sr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 654

*Commending Francis X. O'Leary.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Francis X. O'Leary, who honorably served as treasurer of Arlington County, retired in July 2014 after more than 30 years in office; and

WHEREAS, Francis "Frank" X. O'Leary was first elected treasurer in 1983; he had no prior experience in county government, but he used his business and technology expertise to immediately improve the department's efficiency and effectiveness; and

WHEREAS, under the leadership of Frank O'Leary, Arlington County earned the distinction of having the lowest tax delinquency rate in the Commonwealth and the lowest rate in the history of the county; and

WHEREAS, the Arlington County Treasurer's Office implemented many innovations during Frank O'Leary's tenure, including a Pay at the Bank program, which allows county taxpayers to make payments at local bank branches; a Pay by Credit Card program; and a debit card payment initiative; and

WHEREAS, Frank O'Leary received numerous honors and awards while treasurer, including two Awards for Excellence from the Government Finance Officers Association—in 1990 and 2011; he was named Treasurer of the Year for 1988-1989 by the Treasurers' Association of Virginia; and the office also won a National Association of Counties Achievement Award in 2009; and

WHEREAS, a graduate of Frankfurt American High School in Germany and the Georgetown University School of Foreign Service, Frank O'Leary married Linda Banigan in 1968; the couple, who have two grown children, have lived in Arlington since 1969; and

WHEREAS, Frank O'Leary is a founding member and current chair of the Warren G. Stambaugh Memorial Foundation; it supports—through grants and scholarships—public and private organizations in the Commonwealth that provide assistance to persons with disabilities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Francis X. O'Leary on the occasion of his retirement as treasurer of Arlington County for his outstanding years of public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Francis X. O'Leary as an expression of the General Assembly's respect and admiration for his dedicated and innovative work on behalf of the citizens of Arlington County.

### HOUSE JOINT RESOLUTION NO. 656

*Celebrating the life of James Winfield Bowers.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, James Winfield Bowers, a passionate professor of law, active member of the Southwest Virginia community, and devoted father and husband, died on May 8, 2014; and

WHEREAS, James "Jim" Winfield Bowers discovered his passion for the law while earning bachelor's and law degrees from Yale University; and

WHEREAS, Jim Bowers risked his life for the freedom of America as a member of the United States Army and was deployed in combat in the Vietnam War; and

WHEREAS, Jim Bowers developed his gift for teaching as a part-time professor at a night law school in St. Paul, Minnesota, and began his full-time teaching career at Texas Tech University School of Law in 1978; five years later, he joined the faculty of the Louisiana State University Law Center, where he mentored, inspired, and changed the lives of students for three decades; and

WHEREAS, in 2012, Jim Bowers and his beloved wife, Lucy S. McGough, moved to Southwest Virginia to brighten the lives of students and faculty at the Appalachian School of Law in Grundy; as a professor at the Appalachian School of Law, he taught Legal Process, Small Business Entities, Bankruptcy Law, and Secured Transactions; and

WHEREAS, Jim Bowers instantly became a friend of and mentor to the residents of Southwest Virginia, including the animals at the Grundy Animal Shelter; and

WHEREAS, Jim Bowers will be fondly remembered and dearly missed by his devoted wife, children, grandchildren, dachshund hounds, colleagues, and students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Winfield Bowers, a dedicated educator who loved life and selflessly helped those in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Winfield Bowers as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 657

*Commending the Rotary Club of Vienna.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Rotary Club of Vienna celebrates 50 years of placing "Service Above Self" in 2015; and

WHEREAS, founded in 1905, Rotary International brings together thousands of business and professional leaders to provide philanthropic and humanitarian services and spread goodwill throughout the world; the Rotary Club of Vienna was chartered in 1965; and

WHEREAS, members of the Rotary Club of Vienna generously volunteer their time and talents to enhance the quality of life of their fellow residents; the organization supports dozens of local charitable and service groups and donates hundreds of thousands of dollars in grants each year; and

WHEREAS, at the international level, the Rotary Club of Vienna supports efforts to eradicate polio, a clean water project in Cameroon and Zambia, and various medical, childcare, and educational initiatives throughout the world; and

WHEREAS, the Rotary Club of Vienna has earned numerous awards and accolades for its good work, including the Best Club Service Award, Best Vocational Service Award, Literacy Award, District Governor Citation Award, Best International Service Award, Membership Award, Best All-Around Club Award, Best Small Club Bulletin Award, Community Service Award, Presidential Citation Award, and the Outstanding Club Award; and

WHEREAS, owing much of its success to the hard work of countless volunteers over the years, the Rotary Club of Vienna presents an annual award honoring individuals for outstanding citizenship and service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Vienna for its long tradition of service on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Vienna as an expression of the General Assembly's admiration for its numerous contributions to the Vienna community and communities around the world.

**HOUSE JOINT RESOLUTION NO. 658**

*Commending the Optimist Club of Greater Vienna.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2015, the Optimist Club of Greater Vienna celebrates 60 years of working to ensure that children in Vienna have the tools and support to achieve their full potential as members of the community; and

WHEREAS, a branch of Optimist International, the Optimist Club of Greater Vienna was established in 1955 and promotes optimism as a life philosophy; the organization works with youths to foster an active interest in civics, respect for the law, and patriotism and to enhance the overall well-being of the community; and

WHEREAS, the Optimist Club of Greater Vienna conducts community service projects and supports youths through scholarships, awards, academic competitions, and sponsorships for school activities and clubs; and

WHEREAS, among its many community service initiatives, the Optimist Club of Greater Vienna organizes and operates the Saturday Vienna Farmer's Market and an annual Christmas tree sale, with proceeds directly benefiting Vienna children through the organization's Youth Fund; and

WHEREAS, the Optimist Club of Greater Vienna also sponsors the annual Family Fun Day, which includes a 5K race; proceeds of the event benefit Growing Hope, a local nonprofit that provides educational, social, and financial support to children with cancer and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Optimist Club of Greater Vienna on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dick Gongaware, president of the Optimist Club of Greater Vienna, as an expression of the General Assembly's admiration for its proud tradition of dedicated service to the community.

**HOUSE JOINT RESOLUTION NO. 659**

*Commending the State of Israel.*

Agreed to by the House of Delegates, February 26, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Jewish people have a long-standing connection to the land of Israel; and

WHEREAS, the claim and presence of the Jewish people in Israel has remained constant throughout the past 4,000 years; and

WHEREAS, Israel declared its independence and self-governance on May 14, 1948, with the goal of reestablishing a homeland for the Jewish people; and

WHEREAS, the Declaration of the Establishment of the State of Israel issued on May 14, 1948, declares the nation "will ensure complete equality of social and political rights to all its inhabitants regardless of religion, race or sex"; and

WHEREAS, the United States, having been the first nation to recognize Israel as an independent nation and as Israel's principal ally, has enjoyed a close and mutually beneficial relationship with Israel and her people; and

WHEREAS, Israel is the greatest friend and ally of the United States in the Middle East, and the two countries enjoy strong bonds and common values; and

WHEREAS, there are those in the Middle East who, since the time of Israel's inception as a state, have continually sought to destroy Israel; and

WHEREAS, Israel and the United States have similar goals of democracy and stability in the Middle East; and

WHEREAS, the Commonwealth of Virginia and Israel have enjoyed a cordial and mutually beneficial relationship since 1948, a friendship that continues to strengthen with each passing year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the State of Israel; and, be it

RESOLVED FURTHER, That the General Assembly commend the State of Israel for its cordial and mutually beneficial relationship with the United States and with the Commonwealth of Virginia, and express support for the State of Israel for its legal, historical, and moral right of self-governance and self-defense upon its lands; and, be it

RESOLVED FURTHER, That the General Assembly hereby recognize that Israel is a democratic state that must defend itself against hostile neighbors and that peace can be afforded in the region only through combined efforts and trust; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit a copy of this resolution to Ralph Robbins, executive director of the Virginia-Israel Advisory Board, Robert G. Sugarman, chairman of the Conference of Presidents of Major Jewish Organizations, and Michael D. Siegal, chairman of the Jewish Federation of North America Board of Trustees, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

**HOUSE JOINT RESOLUTION NO. 660**

*Commending Victoria Annette Thomas.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Victoria Annette Thomas has diligently served and protected members of the Williamsburg and James City County communities as a law-enforcement officer for more than three decades; and

WHEREAS, Victoria "Vicky" Annette Thomas earned a bachelor's degree from Southern University in Louisiana before beginning her professional career with the Williamsburg Police Department in 1983; and

WHEREAS, serving as a member of the Williamsburg Police Department until 1995, Vicky Thomas worked to detect and prevent crimes throughout the city and passed on her knowledge and experience to new officers as a field training officer; and

WHEREAS, Vicky Thomas also facilitated strong relationships between the department and younger members of the community, working closely with the local Big Brothers Big Sisters program; and

WHEREAS, from March 1997 to August 2001, Vicky Thomas served in the transportation unit of the Virginia Peninsula Regional Jail, escorting inmates to and from local courts, other correctional facilities, and medical appointments; and

WHEREAS, in September 2001, Vicky Thomas joined the Williamsburg-James City County Sheriff's Office as a deputy; assigned to the civil process unit, she ably responds to the challenges of high-stress interactions with members of the public to promote positive community relations; and

WHEREAS, working closely with senior citizens in the community, Vicky Thomas is active with TRIAD, Seniors and Law Enforcement, and Santa for Seniors; she also continues to inspire youths through reading programs, presentations, and by providing security at local sporting events; and

WHEREAS, Vicky Thomas enjoys fellowship and worship with the community as a member of St. John Baptist Church and generously volunteers her time and talents with Boy Scouts of America Troop 195 and the York-James City-Williamsburg NAACP youth branch; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Victoria Annette Thomas for her exceptional service to the Williamsburg and James City County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victoria Annette Thomas as an expression of the General Assembly's admiration for her commitment to safeguarding residents and her efforts to engage local youths and seniors.

**HOUSE JOINT RESOLUTION NO. 661**

*Celebrating the life of John Edward McDonald.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, John Edward McDonald of Williamsburg, who was director of financial and management services for James City County, a member of the Colonial Behavioral Health board of directors, and a devoted husband and father, died on November 29, 2014; and

WHEREAS, John McDonald had worked for James City County government for 37 years and was a respected friend to many local government officials and employees; he is remembered for his ability, integrity, and creativity as he diligently served the people of James City County; and

WHEREAS, a native of Denver, Colorado, John McDonald graduated from Robert E. Lee High School in Springfield; he enrolled at Virginia Polytechnic Institute and State University for a short period before enlisting in the United States Army, serving two tours in Vietnam; and

WHEREAS, after being honorably discharged, John McDonald received an associate's degree from Northern Virginia Community College, graduating summa cum laude; he then attended the University of Virginia, graduating with distinction with a bachelor's degree; and

WHEREAS, while at the University of Virginia, John McDonald, who was a member of the Raven Society and the Omicron Delta Kappa service fraternity, entered the field that would become his profession—he was treasurer of the Class of 1973; and

WHEREAS, after first moving to New York to work for a major accounting firm, John McDonald and his wife, Lois, moved to Williamsburg, where he enrolled at The College of William and Mary, graduating with a master's degree in business administration; and

WHEREAS, in 1976, John McDonald became director of finance for James City County and later was named director of financial and management services, a position he held at the time of his death; he played a key role in putting together many James City County budgets during a time of tremendous growth; and

WHEREAS, during John McDonald's tenure, and as James City County's population more than tripled, the county financial and management services department also kept pace; it was recognized for its financial reporting for 27 consecutive years by the Government Finance Officers Association; and

WHEREAS, John McDonald, who also served the community as a member of the board of directors of Colonial Behavioral Health and was chair for three years, is remembered for his leadership, financial expertise, and focus on what was best for the people of James City County; and

WHEREAS, John McDonald will be greatly missed and fondly remembered by his wife, Lois; their children, Matthew, Taylor, and Paige, and their families; his mother, Marjorie; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Edward McDonald of Williamsburg, director of financial and management services for James City County, a member of the Colonial Behavioral Health board of directors, a dedicated public servant, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Edward McDonald as an expression of the General Assembly's respect for his memory.

### **HOUSE JOINT RESOLUTION NO. 662**

*Commending Benjamin Howlett.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Benjamin Howlett, a dedicated law-enforcement officer with the York-Poquoson Sheriff's Office, was named the York County Officer of the Year in 2014 for his tireless work to protect and serve members of the community; and

WHEREAS, a native of Gloucester County, Benjamin Howlett graduated from Christopher Newport University and enrolled in the Hampton Roads Police Academy; and

WHEREAS, Benjamin Howlett began his law-enforcement career with the Mathews County Sheriff's Department, but quickly transferred to the York-Poquoson Sheriff's Office, having gained a love for the area while serving as an intern; and

WHEREAS, Benjamin Howlett has earned a reputation as a humble, hardworking professional who always goes above and beyond in his duties to safeguard the lives and property of local residents; known for his calm, reassuring demeanor, he has consistently demonstrated respect and care for members of the public; and

WHEREAS, a respected mentor to many younger officers throughout his 10-year career in law enforcement, Benjamin Howlett was promoted to master deputy in December 2014; and

WHEREAS, Benjamin Howlett received the Officer of the Year Award from the Hampton Roads Fraternal Order of Police at a special ceremony in November 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Benjamin Howlett on being named the 2014 York County Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Benjamin Howlett as an expression of the General Assembly's admiration for his exceptional service to the residents of York County and the City of Poquoson.

### **HOUSE JOINT RESOLUTION NO. 663**

*Commending the Historic Triangle Community Services Center.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, the Historic Triangle Community Services Center in Williamsburg celebrates 20 years of serving local residents in need, while enriching the lives of all community members; and

WHEREAS, the Community Services Coalition, a nonprofit organization made up of concerned local citizens in the Williamsburg area, envisioned a center that could provide food, clothing, shelter, and career and personal counseling services in one location; and

WHEREAS, in 1994, the Historic Triangle Community Services Center opened in the former Williamsburg New Testament Church and housed 14 partner agencies; and

WHEREAS, the City of Williamsburg, the Counties of James City and York, the Williamsburg Community Health Foundation, the Colonial Williamsburg Foundation, and more than 500 individuals and businesses generously supported the Historic Triangle Community Services Center in its early days; and

WHEREAS, in 2014, the Historic Triangle Community Services Center partnered with the Peninsula Agency on Aging, RIDES program, Just by 5 Counseling Services, FISH, L&L Immigration Law, Community Services Referral Network, Community Action Agency, Head Start, Heart to Heart, Primerica, and Boxed Events and Entertainment; and

WHEREAS, the Historic Triangle Community Services Center has also hosted bingo and roller skating nights, weddings, birthdays, reunions, dances, job fairs, forums, and business workshops; and

WHEREAS, the Historic Triangle Community Services Center has hosted countless other community events and improved the quality of life of thousands of families and individuals in the City of Williamsburg, James City County, and York County; and

WHEREAS, the Historic Triangle Community Services Center celebrated its 20th anniversary with a variety of special events, such as a biweekly Lunch and Learn workshop; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Historic Triangle Community Services Center on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Historic Triangle Community Services Center as an expression of the General Assembly's admiration for its many contributions to the community.

### HOUSE JOINT RESOLUTION NO. 664

*Celebrating the life of James Orie McReynolds.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, James Orie McReynolds, a dedicated civil servant who helped enhance the quality of life of his fellow residents as the longtime York County administrator, died on October 19, 2014; and

WHEREAS, a native of Newport News, James Orie "Mac" McReynolds was raised in Hampton and graduated from Bethel High School; he earned a bachelor's degree from The College of William and Mary, where he began his professional career as the assistant director of general accounting; and

WHEREAS, desirous to be of service to the members of the York County community, Mac McReynolds pursued employment with the county as an accountant in 1983, and he became the director of budget and accounting in 1988; and

WHEREAS, in 1992, Mac McReynolds was promoted to director of financial and management services; he was officially appointed county administrator in May 2001; and

WHEREAS, holding the office for longer than any of his predecessors, Mac McReynolds supported valuable public safety initiatives, facilitated the transformation of the Yorktown waterfront into a mixed-use commercial area, and maintained the county's AAA bond rating; and

WHEREAS, by his visionary leadership and responsible fiscal stewardship, Mac McReynolds ensured a strong future for the York County community and leaves a legacy of excellence for his successor as administrator; and

WHEREAS, Mac McReynolds will be fondly remembered and greatly missed by his wife, Pam; children, James and Melissa, and their families; and numerous other family members, friends, and members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Orie McReynolds, a dedicated civil servant and respected leader in the York County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Orie McReynolds as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 665

*Commending Schmidt's Flowers & Accessories.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, Schmidt's Flowers & Accessories celebrated 75 years of providing flowers to the people of the Williamsburg area and its many visitors and has developed innovative ways to assist local worthwhile causes; and

WHEREAS, Schmidt's Flowers & Accessories, a proud small business enterprise, has had three owners in its more than seven decades of service; the current proprietors are Patti and Dave DeBlass, owners of the flower and gift shop since 2007; and

WHEREAS, when the Schmidt family opened the business in 1939, there were only a few florists in Tidewater; in the early days members of the Rockefeller family, who lived in Williamsburg for part of the year, were patrons; and

WHEREAS, when it first opened, Schmidt's Flowers & Accessories was on Duke of Gloucester Street; it has since moved twice and currently serves customers in the greater Williamsburg and James City County area from its store on Richmond Road in Lightfoot; and

WHEREAS, Schmidt's Flowers & Accessories has provided flowers for Colonial Williamsburg, and in that capacity designed arrangements for Queen Elizabeth II during her two visits to the former British colonial capital; and

WHEREAS, Dave and Patti DeBlass focus on their customers, encouraging them to take part in selecting flowers and containers; bouquets are assembled in the shop and Schmidt's Flowers & Accessories encourages customers to recycle or return containers for reuse; and

WHEREAS, an effort to help their neighbors who seldom have fresh flowers led to the establishment of a second business; Schmidt's had a surplus of flowers following Valentine's Day in 2008; the couple donated the inventory to continuing care centers instead of throwing the blooms away; and

WHEREAS, the response was tremendous as the flowers from Schmidt's brought brightness and cheer to the recipients; soon afterward, the DeBlasses formed Blooms That Brighten, Inc., a nonprofit volunteer-run organization that makes and delivers more than 100 arrangements weekly to people in residential care centers; and

WHEREAS, Schmidt's Flowers & Accessories also has developed a flower grant program where qualifying organizations can apply for floral arrangements to be used for fundraisers or other causes; it is one more way the DeBlasses thank the community for its steadfast support; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Schmidt's Flowers & Accessories on the occasion its 75th anniversary of providing flowers to the people of the Williamsburg area and for developing innovative ways to assist many local worthwhile causes; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patti and Dave DeBlass, owners of Schmidt's Flowers & Accessories, as an expression of the General Assembly's congratulations and admiration for its many years in business and best wishes for continued future success.

### HOUSE JOINT RESOLUTION NO. 667

*Commending Rosemary Tran Lauer.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Rosemary Tran Lauer of Vienna, a dedicated community leader and entrepreneur, received a 2014 National Association of Realtors® Good Neighbor Award for her work to support children and families in Northern Virginia; and

WHEREAS, a native of Vietnam, Tran Lauer and her two children came to the United States as refugees in April 1975; originally sponsored to live in Washington, D.C., by a nonprofit organization, she worked hard to support her family and became a respected real estate professional in the area; and

WHEREAS, desirous to be of service to other immigrant families and children, Tran Lauer drew on her own experiences and founded Devotion to Children in 1994; the organization works with businesses, civic and service groups, and individuals to build a stronger society by ensuring that the mental, physical, and emotional needs of local children are met; and

WHEREAS, since its inception, Tran Lauer's organization has helped over 3,000 children by offering computer labs, library programs, child-care scholarships, emergency child-care funding, and preschool testing services; and

WHEREAS, Tran Lauer was honored at the National Association of Realtors® Good Neighbor Awards program in New Orleans on November 8, 2014, where she received \$10,000 for Devotion to Children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rosemary Tran Lauer on receiving a 2014 National Association of Realtors® Good Neighbor Award for her success in helping families and children in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rosemary Tran Lauer as an expression of the General Assembly's admiration for her contributions to the community.

### HOUSE JOINT RESOLUTION NO. 668

*Commending the Stroke Comeback Center.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, the Stroke Comeback Center, a nonprofit organization in Vienna, celebrated 10 years of helping survivors of stroke and brain injuries achieve their maximum potential and remain active members of the community; and

WHEREAS, the Stroke Comeback Center (SCC) opened in 2004 to serve survivors living with aphasia and their families; today, the SCC is a nationally respected speech/language center helping members improve communication skills and their quality of life; and

WHEREAS, aphasia is the loss of the ability to speak or understand spoken or written language due to disease or injury of the brain; the Stroke Comeback Center has successfully developed strategies to help people overcome aphasia; and

WHEREAS, the center offers group programs for SCC members; three to six people work with a professional speech language pathologist in nine-week sessions; affordable fees and a sliding scale for low-income families make the Stroke Comeback Center's services available to many people; and

WHEREAS, staff and volunteers at the Stroke Comeback Center help survivors reintegrate and re-engage with their community; support and services also are available to families, as the SCC recognizes that an entire family is affected when one member has a stroke; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Stroke Comeback Center in Vienna on the occasion of its 10th anniversary for its vital work to help stroke survivors improve their ability to communicate in a supportive and peer-driven environment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darlene S. Williamson, founder and executive director of the Stroke Comeback Center, as an expression of the General Assembly's respect and admiration for the organization's mission to help survivors of stroke and brain injury achieve their maximum potential.

### HOUSE JOINT RESOLUTION NO. 669

*Commending Shirley H. Forbes.*

Agreed to by the House of Delegates, January 21, 2015

Agreed to by the Senate, January 22, 2015

WHEREAS, Shirley H. Forbes of Chesapeake has been named a 2014 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, Shirley Forbes is the government and community relations administrator at Chesapeake Regional Medical Center; she is active at the Virginia General Assembly and also represents the medical center on the Virginia Hospital & Healthcare Association's HosPac board, a political action committee; and

WHEREAS, Shirley Forbes has been an influential voice in the Chesapeake and Hampton Roads business community for many years; she has focused on health care issues in the region and in the Commonwealth as a lobbyist and advocate; and

WHEREAS, Shirley Forbes also has played an active role in furthering public education, serving on the board of several local parent-teacher associations (PTAs), and she was president of the Chesapeake Council PTA for two years; she also belonged to the James Madison University Parents Council; and

WHEREAS, Shirley Forbes has spearheaded the highly successful Bra-ha-ha fund-raiser and educational event, raising thousands of dollars to help promote the importance of mammograms as an early detection tool for breast cancer; and

WHEREAS, Shirley Forbes also is chair of the Congressional Prayer Caucus Foundation, Inc., and in her career she has worked with many bright people in the Commonwealth; their valuable training helped prepare her when she meets in small groups with heads of state from around the world; and

WHEREAS, other organizations where Shirley Forbes has made a difference include the Chesapeake Rotary Club; former president of the Baccalaureate Committee of Chesapeake; chair of the Chesapeake Character Education Committee; and a Sunday school and Vacation Bible School teacher; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shirley H. Forbes of Chesapeake for being honored as a 2014 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shirley H. Forbes as an expression of the General Assembly's respect and admiration for her many years of advocacy on behalf of Chesapeake, Hampton Roads, and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 670

*Commending Trudy Rauch.*

Agreed to by the House of Delegates, January 21, 2015

Agreed to by the Senate, January 22, 2015

WHEREAS, Trudy Rauch of Chesapeake has been named a 2014 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, Trudy Rauch has put the teachings of her faith into practice, making a difference in the lives of the homeless and underprivileged in Chesapeake; she organized and is coordinator of the Chesapeake Area Shelter Team (CAST) and is founder and president of the ABBA List website; and

WHEREAS, Trudy Rauch was instrumental in starting CAST, which opened in January 2013; it provides free overnight shelter during the winter for the homeless and those who need a warm place to sleep; it is the only program of its kind in Chesapeake; and

WHEREAS, for the 2014-2015 winter season, more than 30 churches have joined with CAST to provide overnight shelter; guests are picked up by bus from one of three locations and transported to an area church for a hot meal, fellowship, a warm place to sleep, and breakfast the following morning; and

WHEREAS, during the 20 weeks the program is in existence each season, Trudy Rauch helps oversee and coordinate the work of CAST; she works with church leaders, city officials, and the police and fire departments, ensuring that those who need shelter will be accommodated; and

WHEREAS, Trudy Rauch also is the founder and president of ABBA List, a website whose mission is to provide a comprehensive online directory of free help, support, and resources in Hampton Roads; www.abbalist.org offers many different types of assistance information; and

WHEREAS, ABBA List went into service in 2010, focusing on free services available in the City of Chesapeake, including medical support, food assistance, housing and employment help, tutoring help, family and eldercare support, and many other services for people and families in need; and

WHEREAS, under Trudy Rauch's leadership, the ABBA List now provides information on services available throughout Hampton Roads—in Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Chesapeake; thousands of people access the website each year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Trudy Rauch of Chesapeake for being honored as a 2014 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Trudy Rauch as an expression of the General Assembly's respect and admiration for her mission to help the Commonwealth's neediest citizens.

### HOUSE JOINT RESOLUTION NO. 671

*Commending the Glenvar High School football team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Glenvar High School football team won its first Virginia High School League championship, claiming the Group 2A title on December 13, 2014; and

WHEREAS, the 2014 Glenvar Highlanders from Roanoke County defeated a talented squad from Wilson Memorial High School in overtime at nearby Salem Stadium; the final score was 20-14; and

WHEREAS, the Glenvar High School football team came out strong during the first quarter; quarterback Zack Clifford threw a touchdown pass to Elliot Stigall, and a 5-yard carry by Tyler Smith yielded the team's second touchdown; and

WHEREAS, the score was tied 14-14 at halftime and the second half was scoreless; the Glenvar Highlanders scored on the game's second possession in overtime with a 13-yard run into the end zone by Zack Clifford; and

WHEREAS, the victory capped an impressive season for the hard-working members of the Glenvar High School team; they ended the 2014 season with an outstanding 14-1 record; and

WHEREAS, the Highlanders' head coach is Kevin Clifford; he, his staff, and the hard-working players received support throughout the season from the entire Glenvar High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Glenvar High School football team for winning the 2014 Virginia High School League Group 2A championship, the school's first state football title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Clifford, head coach of the Glenvar High School football team, as an expression of the General Assembly's admiration for the team's outstanding performance and championship season.

### HOUSE JOINT RESOLUTION NO. 672

*Commending the Hidden Valley High School golf team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Hidden Valley High School golf team won the 2014 Virginia High School League Group 3A golf championship, the first time the school has claimed the state title; and

WHEREAS, the determined and hardworking golfers from Roanoke won the tournament on October 14, 2014, at Ivy Hill Golf Club in Forest; they were a nine-shot winner over the talented second-place team from Loudoun Valley High School; and

WHEREAS, the Roanoke County golfers were single-minded in their pursuit of victory after a disappointing third-place finish in 2013—their first trip to the state finals; during the 2014 season, the team practiced diligently, and the previous year's experience also held them in good stead; and

WHEREAS, the Hidden Valley High School golf team learned to be patient and to handle unexpected situations; when heavy rain forced officials to end the tournament early, the Titans were in the lead, and the group was ecstatic upon being named state champions; and

WHEREAS, the Hidden Valley Titans were led by captains Zach Efke, Kristin Hearp, and Zach Sinozich; coach Brian Harris said the conditions and weather were in the team's favor during the state championship rounds as the group often had practiced in similar situations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hidden Valley High School golf team for winning the 2014 Virginia High School League Group 3A golf championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Harris, head coach of the Hidden Valley High School golf team, as an expression of the General Assembly's congratulations and admiration for the team's championship performance.

### HOUSE JOINT RESOLUTION NO. 673

*Commending Lynchburg College women's soccer team.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Lynchburg College women's soccer team claimed its first national title, winning the National Collegiate Athletic Association Division III championship in Kansas City in December 2014; and

WHEREAS, capping an undefeated season, the Lynchburg College Hornets defeated the Williams College Ephs 4-3 on penalty kicks after a scoreless draw; and

WHEREAS, the Lynchburg Hornets' stifling defense and sound goalkeeping were on full display in the championship, and the team's high-intensity offense was held scoreless for only the first time in the season; and

WHEREAS, with a 27-0-1 record, the Lynchburg College Hornets tied Division III records for wins in a season and set Old Dominion Athletic Conference records for wins, shutouts, consecutive shutouts, goals scored, and points recorded; and

WHEREAS, sophomore Samantha Bagherpour earned Lynchburg College's first Elite 89 award, honoring the student athlete with the highest grade point average in the Division III final four; head coach Todd Olsen was named South Atlantic Region Coach of the Year and NCAA Division III Coach of the Year; and

WHEREAS, senior Angela Bosco was named as a first team All-American and the NCAA Division III Player of the Year; senior Dessi Dupuy earned All-American honors for the second consecutive year and finished her career with 105 goals for ninth place in Division III history; and

WHEREAS, fielding only five seniors, the Lynchburg College Hornets started a freshman at center back and two sophomores at outside back, ensuring a strong core of players for years to come; and

WHEREAS, the victory was a testament to the skill, hard work, and determination of each of the athletes, the able leadership of the coaches and staff, and the energetic support of the entire Lynchburg College community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lynchburg College women's soccer team for winning the 2014 National Collegiate Athletic Association Division III championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynchburg College women's soccer team as an expression of the General Assembly's admiration for the team's accomplishments.

### HOUSE JOINT RESOLUTION NO. 674

*Commemorating the 50th anniversary of the signing of the Immigration and Nationality Act of 1965.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the Immigration and Nationality Act of 1965 removed longstanding restrictions on immigration in the United States, opening up opportunities for both existing residents and a new generation of immigrants; and

WHEREAS, by 1917, the United States had instituted numerous limitations on immigration, including measures that effectively banned immigration by individuals of Asian descent; an economic downturn after World War I led to deepening anti-immigrant sentiment; and

WHEREAS, in 1921, the United States also imposed quotas or numerical limits on most immigration; the limits—called the National Origins Formula—were derived using the percentages of the population from the 1890 census and heavily favored immigrants from northern and western European countries; and

WHEREAS, after the Great Depression and World War II reduced immigration, many Americans believed that the era of immigration to the United States had ended; however, between 1946 and 1950, many immigration quotas were repealed or adjusted to accommodate refugees from war-torn nations; and

WHEREAS, the Immigration and Nationality Act of 1952 abolished racial, ethnic, and gender barriers to immigration, but left the quota system unchanged; the act also gave future presidents discretionary power to admit any number of immigrants in a time of emergency; and

WHEREAS, the Immigration and Nationality Act of 1965 officially abolished the National Origins Formula and substituted annual hemispheric caps of 170,000 people from the Eastern Hemisphere and 120,000 from the Western Hemisphere, with no more than 20,000 from one nation; and

WHEREAS, the Immigration and Nationality Act of 1965 also included provisions for immigrants to enter the country outside of the numerical limits, such as the ability for family members of recent immigrants to enter the country; and

WHEREAS, the Immigration and Nationality Act of 1965 is now considered one of the most important statutes of the 20th century, along with the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Social Security Amendments of 1965; and

WHEREAS, increased immigration as a result of the Immigration and Nationality Act of 1965 created new opportunities in American communities, enhanced the cultural landscape of the nation, and augmented the United States' capacity for global leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 50th anniversary of the signing of the Immigration and Nationality Act of 1965; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation as an expression of the General Assembly's admiration for the importance of the Immigration and Nationality Act of 1965, the benefits of which are still seen in 2015.

### HOUSE JOINT RESOLUTION NO. 675

*Commending the Honorable Dennis J. Smith.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Honorable Dennis J. Smith, the respected longtime chief judge of the Circuit Court of Fairfax County, retires in June 2015 after more than two decades on the bench; and

WHEREAS, a native of New York City, Dennis Smith earned a bachelor's degree from Brooklyn College and a law degree from American University; and

WHEREAS, Dennis Smith was admitted to the Washington, D.C., bar in 1978 and the Virginia bar in 1979; he practiced law with Shoun, Smith & Bach, P.C., for many years, specializing in family law; and

WHEREAS, a respected leader in the legal field, Dennis Smith served as a member and chair of several committees for the Fairfax Bar Association and was a member of the Board of Governors of the Virginia State Bar's Family Law Section; and

WHEREAS, Dennis Smith began his judicial career as a commissioner in chancery for the 19th Judicial Circuit of Virginia from 1987 to 1995, and beginning in 1990, he served as a substitute judge for the General District Court and the Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia; and

WHEREAS, in 1995, Dennis Smith was appointed as a judge of the Circuit Court of the 19th Judicial Circuit of Virginia in Fairfax County, where he authored more than 103 reported opinions; he became chief judge in 2007 and has presided with great fairness and wisdom for four terms; and

WHEREAS, as a judge, Dennis Smith continued to advance and support the legal field, serving as a member or chair of numerous committees and conferences, including those for the Supreme Court of Virginia and the Governor of Virginia; he has been a member of the Boyd-Graves Conference since 1995; and

WHEREAS, Dennis Smith currently sits on the committee that edits the Virginia Civil and Criminal Bench Books and serves as president and chair of the National Conference of Metropolitan Courts; and

WHEREAS, a man of great integrity, Dennis Smith served the Fairfax community and the Commonwealth with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Dennis J. Smith, chief judge of the Circuit Court of Fairfax County, on the occasion of his retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Dennis J. Smith as an expression of the General Assembly's admiration for his contributions to the Fairfax community and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 676

*Commending the Honorable Charles J. Maxfield.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Honorable Charles J. Maxfield of Oak Hill, a former chief judge of the Fairfax County Juvenile and Domestic Relations District Court, retired as a judge of the Fairfax County Circuit Court in 2014; and

WHEREAS, Charles Maxfield earned a bachelor's degree from the United States Military Academy in 1973 and honorably served his country as a captain in the United States Army until 1979; and

WHEREAS, after completing his military service, Charles Maxfield earned a law degree from The College of William and Mary, where he served as editor of the *William and Mary Law Review* from 1981 to 1982; and

WHEREAS, Charles Maxfield practiced law in Fairfax County for 12 years as a partner at Dunn, McCormack, MacPherson & Maxfield; he specialized in real estate, bankruptcy, landlord-tenant, secured transactions, and Uniform Commercial Code, practicing in both state and federal courts; and

WHEREAS, beginning his career on the bench in 1992, Charles Maxfield served as a substitute judge of the Fairfax County General District Court and the Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia; and

WHEREAS, Charles Maxfield was appointed as a judge of the Fairfax County Juvenile and Domestic Relations District Court in 1994 and ably served as chief judge from 2002 to 2004; and

WHEREAS, Charles Maxfield became a judge of the Fairfax County Circuit Court of the 19th Judicial Circuit of Virginia in 2007 and presided over the court with great fairness and wisdom until his well-earned retirement; and

WHEREAS, a man of great integrity, Charles Maxfield served Fairfax County and the Commonwealth with dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Charles J. Maxfield on the occasion of his retirement as a judge of the Fairfax County Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Charles J. Maxfield as an expression of the General Assembly's admiration for his service to Fairfax County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 677

*Celebrating the life of the Honorable R. Terrence Ney.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the Honorable R. Terrence Ney of Philomont, a judge of the Circuit Court of the 19th Judicial Circuit of Virginia, died on November 24, 2014; and

WHEREAS, Terrence Ney graduated from King George High School and earned a bachelor's degree from Harvard College and a law degree from the University of Texas; and

WHEREAS, after completing his education, Terrence Ney returned to the Commonwealth and practiced law for more than 30 years with Boothe, Prichard, & Dudley, LLP, a small firm that eventually joined McGuire Woods, LLP; and

WHEREAS, specializing in appellate law, Terrence Ney lectured on mechanics' liens, arbitration and award, the United States Court of Appeals, and construction contracts and litigation; he served as the editor of the 1986, 1992, and 2001 editions of *Appellate Practice-Virginia and Federal Courts*; and

WHEREAS, in 1999, Terrence Ney was appointed judge of the Circuit Court of the 19th Judicial Circuit of Virginia in Fairfax County; he presided over the court with great fairness and wisdom for almost 16 years; and

WHEREAS, Terrence Ney appears as counsel of record in 32 reported opinions of the United States Fourth Circuit Court of Appeals and the Supreme Court of Virginia, and he authored more than 160 reported opinions as a judge of the Fairfax County Circuit Court; and

WHEREAS, Terrence Ney served the community as a member of the board of directors of Loudoun Hospital, the first president of the Snickersville Turnpike Association, and the chair of the City of Fairfax Democratic Committee; he served as the pro bono general counsel of Philomont Volunteer Fire Department and the Middleburg Humane Foundation for many years; and

WHEREAS, deeply respected in the legal field, Terrence Ney served as the president of the Virginia Bar Association in 1995 and the chair of the judicial section of the Virginia Bar Association from 2001 to 2003; he passed along his wisdom to a new generation of attorneys as a distinguished adjunct professor at George Mason University; and

WHEREAS, Terrence Ney earned many awards and accolades for his good work, including the President's Award for Outstanding Service from the Fairfax Bar Association and the Award for Excellence in Civil Litigation from the Virginia Association of Defense Attorneys; and

WHEREAS, a man of great integrity, Terrence Ney served Fairfax County, the Northern Virginia Region, and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, Terrence Ney will be fondly remembered and greatly missed by his beloved wife, Ursula; daughters, Anja and Shaler, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable R. Terrence Ney, a judge of the Circuit Court of the 19th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable R. Terrence Ney as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 678

*Celebrating the life of Jean Williams Auldridge.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Jean Williams Auldridge of Northern Virginia, whose overarching mission in life was to help those less fortunate and who was an effective and tireless advocate for the imprisoned and their families, died on October 10, 2014; and

WHEREAS, a native of Washington, D.C., Jean Auldridge was reared in Vienna and graduated from Falls Church High School; she worked as a congressional staff member on Capitol Hill for several decades; and

WHEREAS, in 1989, Jean Auldridge started volunteering for Citizens United for Rehabilitation of Errants (CURE), a national organization representing prisoners and their families, and she became director and president of Virginia CURE in 1992 when it was incorporated as a state chapter; and

WHEREAS, Jean Auldridge drew on her years of experience, her intelligence, and her strong work ethic to help make Virginia CURE an effective advocacy organization for prisoners and their families in the Commonwealth; and

WHEREAS, under Jean Auldridge's leadership, Virginia CURE worked to address numerous issues, including the mental health of inmates, prison conditions, the use of solitary confinement, access to health care, visitation rights, voting rights, low rates of parole, and the cost of telephone calls and commissary items; and

WHEREAS, the reentry of former prisoners into society was of great interest to Jean Auldridge and the members of Virginia CURE, and she welcomed a released inmate into her home for a few years; and

WHEREAS, Jean Auldridge promoted legislation to correct injustices in the criminal justice system; she also regularly met with officials to discuss issues of concern and encourage possible solutions, such as the creation of Fluvanna Correctional Center for Women; and

WHEREAS, during her tenure with Virginia CURE, Jean Auldridge hosted many public forums and helped organize six local CURE chapters in the Commonwealth, helping to give the organization a broader reach and increase its effectiveness as it worked for those who often did not know how to ask for help; and

WHEREAS, a woman with a great heart, Jean Auldridge often talked and met with prisoners' family members, providing solace and advice; she also answered inmates' correspondence to Virginia CURE, and in the last months of her life, many people wrote to thank her for her tireless help; and

WHEREAS, Jean Auldridge's other interests included genealogy, and she helped raise money to restore a historic site that once was owned by an ancestor, Chapman's Mill in Broad Run; she also enjoyed worship and fellowship at St. Mark's Episcopal Church in Alexandria; and

WHEREAS, Jean Auldridge will be greatly missed and fondly remembered by her children, Judy and John, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jean Williams Auldridge, founding director and president of the Virginia Chapter of Citizens United for Rehabilitation of Errants, who devoted many years to advocating for those who are incarcerated and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jean Williams Auldridge as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 679

*Celebrating the life of Joseph Licari.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Joseph Licari of Chesapeake, a respected veteran who devoted his life to supporting fellow members of the United States military, died on September 26, 2014; and

WHEREAS, a native of Philadelphia, Joseph Licari honorably served his country as a member of the United States Navy; and

WHEREAS, Joseph Licari pursued a rewarding 20-year career with USA Discounters, a Virginia Beach-based company that helps individuals and families build and rebuild credit and purchase brand-name products; and

WHEREAS, under Joseph Licari's leadership, USA Discounters, now known as USA Living, supported countless military and community events in Hampton Roads; he also helped provide furniture to all USO of Hampton Roads and Central Virginia Centers; and

WHEREAS, Joseph Licari worked to enhance the quality of life of his fellow residents as a board member of the Navy League of Hampton Roads, the Hampton Roads Chamber of Commerce, and the Chisholm House and a supporter of the Armed Services YMCA; and

WHEREAS, Joseph Licari empowered others to become active, generous members of the community; he founded the annual Virginia Beach Armed Forces Awards Luncheon, cofounded the Heroes at Home awards program, and contributed to the 5-Star Military Family Recognition Luncheon, the Military Citizen of the Year program, and the Valor Awards for Public Safety program; and

WHEREAS, Joseph Licari cared deeply for his family, and he will be fondly remembered and greatly missed by his loving wife, Karen; children, David, Ryan, Cindy, Kim, Jennifer, and Jessica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Licari, a proud veteran and a devoted supporter of current and former members of the United States military; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Licari as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 680

*Commending John Otho Marsh, III, M.D.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, John Otho Marsh, III, M.D., of Augusta County has been named Country Doctor of the Year for 2014 by Staff Care, a physician staffing company; and

WHEREAS, the Country Doctor of the Year award is given to a primary care physician who works in a community of fewer than 30,000 people; the award honors the spirit, skill, and dedication of America's rural medical practitioners; Dr. Marsh practices in the Village of Middlebrook; and

WHEREAS, Dr. Marsh, who became a rural medical practitioner in 1996 after serving as a physician in the United States Army, established a medical practice in rural Augusta County, an area where he has family ties; and

WHEREAS, during his military career, Dr. Marsh was a surgeon for the Army Special Forces; in 1993, he tended to many wounded soldiers who were injured during a severe fire in Mogadishu, Somalia, that became known as the Black Hawk Down incident; and

WHEREAS, soon after treating dozens of wounded soldiers, Dr. Marsh was injured in a mortar attack and was transported to Germany for intensive treatment; he credits a 24-hour prayer vigil led by members of his church in Swoope for helping to save his life; and

WHEREAS, for nearly 20 years, Dr. Marsh has provided medical care to the people who live in the Shenandoah Valley; recently, he opened a second medical clinic at White's Travel Plaza on Interstate 81 in Raphine to treat long-haul truckers, and patients who live nearby; and

WHEREAS, Dr. Marsh derives great satisfaction from his work despite the long hours involved; in addition to seeing patients at his clinics, he also makes rounds at the local hospital, conducts house calls, and regularly attends to residents at a nearby nursing home; and

WHEREAS, Dr. Marsh gives much credit for the success of his busy practice to those around him, including his office staff and his wife, Barbara, who is a nurse at the clinic, and his children, Adam, Madeline, Doug, and Isabelle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Otho Marsh, III, M.D., of Augusta County for being named Country Doctor of the Year for 2014 by Staff Care; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Otho Marsh, III, M.D., as an expression of the General Assembly's respect and admiration for his many years of providing medical care to the people of Augusta County, the Shenandoah Valley, the Commonwealth, and the Nation.

### HOUSE JOINT RESOLUTION NO. 681

*Celebrating the life of Earl T. Smith.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Earl T. Smith, a dedicated servant to the Ashland community and a beloved husband and father, died on December 16, 2014; and

WHEREAS, Earl Smith safeguarded the lives and property of community members as a lifetime member of the Ashland Volunteer Fire Company, having served for more than 59 years; and

WHEREAS, Earl Smith worked to protect and preserve the environment and natural resources of the Ashland area as a chief forest warden for 33 years; he earned the nickname Smokey the Bear for his commitment to protecting the Commonwealth's forests; and

WHEREAS, Earl Smith also worked to enhance the quality of life of his fellow Ashland residents as a longtime member of the Independence Ruritan Club; and

WHEREAS, Earl Smith will be fondly remembered and greatly missed by his wife of more than 61 years, Karl; children, Michael, Mark, and Renee, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Earl T. Smith, an active contributor to the well-being of the Ashland community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Earl T. Smith as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 682

*Commending John B. Davis.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, John B. Davis of Fishersville, who proudly helped residents of Augusta County understand the legal system as the clerk of the Augusta County Circuit Court, retired in 2015 after more than four decades of service to the community; and

WHEREAS, after graduating from Wilson Memorial High School, John Davis earned bachelor's and master's degrees from James Madison University; he began his professional career with Augusta County Public Schools, preparing students for higher education, careers, and citizenship as a teacher, counselor, and administrator; and

WHEREAS, John Davis gained a wealth of knowledge about the local court system while working as a part-time real estate professional; desirous to be of further service to the community, he ran for and was elected as clerk of the Augusta County Court; and

WHEREAS, taking office in 1983, John Davis often served as the point of contact for residents with routine legal needs or obligations, such as wills, marriage licenses, permits, or requests for records; he also handled civil and criminal cases throughout his career; and

WHEREAS, John Davis valued his interactions with the public, always striving to be friendly and helpful and working to process requests efficiently and effectively; and

WHEREAS, over the course of his 31-year career as clerk, John Davis proudly implemented programs to bring the office into the modern age through the use of technology; by 2014, all records had been stored and catalogued digitally to better serve the public; and

WHEREAS, after his well-earned retirement, John B. Davis plans to spend more time with his wife, Patrice, and their two grown sons; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John B. Davis on the occasion of his retirement as clerk of the Augusta County Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John B. Davis as an expression of the General Assembly's admiration for his diligent service to the residents of Augusta County and best wishes on a happy retirement.

### HOUSE JOINT RESOLUTION NO. 683

*Celebrating the life of Edward Leong.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Edward Leong, a lifetime civil servant from McLean, died on December 7, 2014; and

WHEREAS, a native of Queens, New York, Edward "Ed" Leong graduated summa cum laude from Yale University and received a law degree from the University of Pennsylvania; and

WHEREAS, Ed Leong was a dedicated public servant who worked in the Office of Legislative Counsel of the United States House of Representatives for over 35 years, drafting legislation, on an impartial basis, for the members and committees of the House in order to achieve a clear, faithful, and coherent expression of legislative policies; and

WHEREAS, Ed Leong mastered the demanding discipline of legislative drafting, developing expertise in numerous areas of the law, particularly as the primary drafter of all legislation relating to federal employees; his work improved the lives of thousands of federal employees in the Commonwealth and throughout the United States and the world; and

WHEREAS, Ed Leong was always gentlemanly, kind, and good-humored with both his clients and colleagues; he was unfailingly meticulous, thorough, and patient in fulfilling his duties; and

WHEREAS, Ed Leong enjoyed fellowship and worship with the community as a longtime member of the Redeemer Lutheran Church in McLean; and

WHEREAS, Ed Leong will be fondly remembered and greatly missed by his wife, Chee Lee; children, Stephen and Anna; parents, Douglas and Kam; brothers, Norm and Ernie; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edward Leong, a respected civil servant and member of the McLean community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edward Leong as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 684

*Celebrating the life of Roy Thomas Stephenson.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Roy Thomas Stephenson, who was managing editor of the *Staunton News Leader*, former vice mayor of Staunton, a valued civic leader, a veteran of the United States military, and a devoted husband and father, died on November 24, 2014; and

WHEREAS, a native of McKinley, Roy Thomas Stephenson, who was known as Tommy, was managing editor of the *Staunton News Leader* from 1968 to 1992 and trained many journalists; some of them vividly recall—with fondness and respect—his role in shaping their careers and his sharp eye regarding proper English usage; and

WHEREAS, Tommy Stephenson possessed a deep love for the City of Staunton and the surrounding community; he had many friends and often gleaned news stories from meetings he attended or while dining at local restaurants; and

WHEREAS, dedicated to the betterment of his community and the nation, Tommy Stephenson served in the United States Air Force; he also was a member and former vice mayor of the Staunton City Council, where he supported programs for young people and senior citizens; and

WHEREAS, Tommy Stephenson was a valued member of the Headwaters Soil and Water Conservation District, the Middlebrook Ruritan Club, the Kiwanis Club of Staunton, the Staunton-Augusta-Waynesboro Habitat for Humanity, the Valley Mission, and the America's Birthday Celebration, Inc., committee; and

WHEREAS, Tommy Stephenson enjoyed raising cattle at his farm in Augusta County, gardening, and baseball; his friends especially remember his leadership abilities, his kindness, and his inability to say a harsh word about anyone; and

WHEREAS, a man of faith, Tommy Stephenson enjoyed fellowship and worship at Redeemer Lutheran Church in McKinley; and

WHEREAS, Tommy Stephenson will be greatly missed and fondly remembered by his wife, Wanda; his children, Drew and Gwen, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roy Thomas Stephenson of Staunton, who served his nation and the community as an influential newspaper editor, a supporter of many civic and charitable organizations, a military veteran, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roy Thomas Stephenson as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 687

*Election of a Supreme Court of Virginia Justice, Court of Appeals of Virginia Judges, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and members of the Judicial Inquiry and Review Commission.*

Agreed to by the House of Delegates, January 20, 2015

Agreed to by the Senate, January 20, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day To the election of a Supreme Court of Virginia justice for a term of twelve years commencing February 1, 2015.

To the election of Court of Appeals of Virginia judges for terms of eight years commencing as follows:

One judge, term commencing February 1, 2015.

One judge, term commencing February 1, 2015.

One judge, term commencing February 1, 2015.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Third Judicial Circuit, term commencing February 1, 2015.

One judge for the Fourth Judicial Circuit, term commencing July 1, 2015.

One judge for the Fifteenth Judicial Circuit, term commencing April 1, 2015.

One judge for the Sixteenth Judicial Circuit, term commencing April 1, 2015.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the First Judicial District, term commencing April 1, 2015.

One judge for the Fourth Judicial District, term commencing April 1, 2015.

One judge for the Seventh Judicial District, term commencing April 1, 2015.

One judge for the Eighth Judicial District, term commencing April 1, 2015.

One judge for the Eighth Judicial District, term commencing May 1, 2015.

One judge for the Ninth Judicial District, term commencing November 1, 2015.

One judge for the Twelfth Judicial District, term commencing April 1, 2015.

One judge for the Thirteenth Judicial District, term commencing December 1, 2015.

One judge for the Nineteenth Judicial District, term commencing April 1, 2015.

One judge for the Twenty-third Judicial District, term commencing February 1, 2015.

One judge for the Twenty-third Judicial District, term commencing February 1, 2015.

One judge for the Twenty-sixth Judicial District, term commencing March 1, 2015.

One judge for the Twenty-sixth Judicial District, term commencing July 1, 2015.

One judge for the Twenty-seventh Judicial District, term commencing April 1, 2015.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing March 1, 2015.

One judge for the Fourth Judicial District, term commencing April 1, 2015.

One judge for the Sixth Judicial District, term commencing June 1, 2015.

One judge for the Seventh Judicial District, term commencing April 1, 2015.

One judge for the Eighth Judicial District, term commencing May 1, 2015.

One judge for the Tenth Judicial District, term commencing April 1, 2015.

One judge for the Fifteenth Judicial District, term commencing May 1, 2015.

One judge for the Eighteenth Judicial District, term commencing February 1, 2015.

One judge for the Nineteenth Judicial District, term commencing February 1, 2015.

One judge for the Twenty-sixth Judicial District, term commencing April 1, 2015.

One judge for the Twenty-seventh Judicial District, term commencing May 1, 2015.

One judge for the Twenty-ninth Judicial District, term commencing April 1, 2015.

One judge for the Twenty-ninth Judicial District, term commencing February 1, 2015.

To the election of members of the Judicial Inquiry and Review Commission for terms of four years commencing as follows:

One member, term commencing July 1, 2015.

One member for an unexpired term ending June 30, 2015, and for a term commencing July 1, 2015.

One member, term commencing July 1, 2015.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

### HOUSE JOINT RESOLUTION NO. 688

#### *Commending Rostov's Coffee and Tea.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2014, Rostov's Coffee and Tea, a family-owned business offering one of Richmond's largest selections of fresh coffee and tea, celebrated 35 years of outstanding service to customers and the community; and

WHEREAS, founded by Jay Rostov in November 1979 as Carytown Coffee and Tea, Rostov's Coffee and Tea played a crucial role in the development of the Carytown business district; Jay Rostov served as president of the Carytown Merchants Association and was a cofounder of the Watermelon Festival; and

WHEREAS, in 1999, Tammy Rostov followed in her father's footsteps as owner of Rostov's Coffee and Tea and renamed the business in honor of her family; in 2006, the business moved to its current location on West Main Street; and

WHEREAS, under Tammy Rostov's leadership, the experienced roasters at Rostov's Coffee and Tea use the highest quality beans and ingredients from around the world to create a wide variety of roasts, blends, and brews; and

WHEREAS, Tammy Rostov has also supported other small businesses by advocating for small business reforms related to credit card processing and health care laws at the state and national levels; and

WHEREAS, Rostov's Coffee and Tea is an active partner in the community, with many employees volunteering their time and talents in charitable organizations or offering generous donations to local causes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rostov's Coffee and Tea on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tammy Rostov, owner of Rostov's Coffee and Tea, as an expression of the General Assembly's admiration for the business's legacy of success and its many contributions to the Richmond community.

### HOUSE JOINT RESOLUTION NO. 689

*Celebrating the life of Fannie Gunst Straus Rosenthal.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Fannie Gunst Straus Rosenthal of Richmond, a loving wife, mother, and friend, whose philanthropy supported numerous organizations, institutions, and schools in the greater metropolitan area, died on November 29, 2013; and

WHEREAS, a native of Greenville, South Carolina, Fannie Rosenthal moved to Richmond when she was four years old and was proud to be a lifelong resident of Virginia's capital city; and

WHEREAS, Fannie Rosenthal's roots in Richmond ran deep; she and her husband, Gilbert, graduated from Thomas Jefferson High School, and her father and her husband both graduated from the University of Richmond; and

WHEREAS, together with her husband, Fannie Rosenthal strove to make Richmond a better place; more than 90 organizations in the Richmond region have been beneficiaries of the couple's philanthropy; and

WHEREAS, people of all ages have been recipients of the generosity of Fannie and Gilbert Rosenthal; she was a staunch supporter of places such as the Children's Museum of Richmond, Beth Sholom Lifecare Community, Virginia Commonwealth University, and the University of Richmond, where the couple helped to endow a chair in Jewish and Christian Studies; and

WHEREAS, having known each other since childhood, Fannie and Gilbert Rosenthal began dating when they were teenagers and were married soon after World War II; they celebrated their 65th wedding anniversary in 2013; and

WHEREAS, Fannie Rosenthal traveled extensively with her friends and family; she stayed active with golf and tennis, and dearly enjoyed card games; she also led exercise classes at Westminster-Canterbury Richmond; and

WHEREAS, Fannie Rosenthal touched the lives of many individuals as a friend and as a caring benefactor of many organizations working to improve the Richmond area and the lives of its residents; and

WHEREAS, Fannie Rosenthal will be fondly remembered and greatly missed by her husband, Gilbert; children, Jerry, Jean, Tom, and Nancy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a loving mother and friend who was a generous benefactor of the community, Fannie Gunst Straus Rosenthal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fannie Gunst Straus Rosenthal as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 690

*Celebrating the life of Bette Worsham Hawkins Dunford.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Bette Worsham Hawkins Dunford of Richmond, a hardworking and active supporter of the community, died on September 28, 2014; and

WHEREAS, a native of Tazewell County, Bette Dunford earned a bachelor's degree from Mary Washington College of the University of Virginia and a master's degree from the University of Richmond; and

WHEREAS, Bette Dunford began her professional career in civil service, working for the Department of Defense in Washington, D.C., before she relocated to Culpeper, then Richmond; and

WHEREAS, Bette Dunford proudly fostered lifelong learning skills as a librarian at St. Christopher's Lower School for 25 years; and

WHEREAS, an active supporter of fine arts and culture in Richmond, Bette Dunford volunteered her time and talents with the Women's Committee of the Richmond Symphony and the Virginia Museum Council; and

WHEREAS, Bette Dunford also worked to enhance the quality of life of her fellow residents with Meals on Wheels and was a member of the Tuckahoe Woman's Club, the Westwood Club, and the Country Club of Virginia; and

WHEREAS, Bette Dunford cared deeply for her family, and she will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bette Worsham Hawkins Dunford, a hardworking and admired member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bette Worsham Hawkins Dunford as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 691

*Celebrating the life of Beverly Lynn Ward Reynolds.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Beverly Lynn Ward Reynolds, who played a major role in developing a vibrant arts community in Richmond as a cofounder of the Reynolds-Minor Art Gallery and was an ardent believer in the intrinsic good that art brings to people's lives, died on November 23, 2014; and

WHEREAS, a native of Wilmington, Delaware, Beverly Reynolds, who was known as Bev to her friends and family, was reared in Chicago and Washington, D.C.; she graduated from the University of Tennessee, then moved to New York for eight years where she met her husband, David; and

WHEREAS, while in New York, Bev Reynolds was a docent at the Metropolitan Museum of Art; she also worked with Jeanne Frank, a noted art dealer, and when she moved to Richmond, she began to showcase contemporary artists' works at her home, inviting people to socialize and shop; and

WHEREAS, the success of that effort prompted Bev Reynolds, together with a friend, to open the Reynolds-Minor Gallery in downtown Richmond; it now is in a building in the Fan District and is called the Reynolds Gallery; it is one of the country's most respected contemporary art galleries; and

WHEREAS, works by world-renowned contemporary artists are the focus of exhibits at the Reynolds Gallery; Bev Reynolds also encouraged and displayed the work of exceptional Virginia artists, including Theresa Pollak, Wolf Kahn, Nell Blaine, Sally Mann, Tara Donovan, and many others; and

WHEREAS, Bev Reynolds worked hard to help establish the Institute for Contemporary Art at Virginia Commonwealth University; she had studied at the university when it was known as Richmond Professional Institute; and

WHEREAS, in 2007, Bev Reynolds received an Outstanding Woman Award from the YWCA, and in 2012 she was named a National Philanthropy Volunteer of the Year; she also served on many arts-related boards, including the Arts Council of Richmond; and

WHEREAS, Bev Reynolds' social nature, her deep interest in people, her curiosity, and her commitment to making a positive difference in her community were reflected in the happy times many people had at Friday night gatherings at her home; and

WHEREAS, several times each year Bev Reynolds returned to New York, drawing strength from the city's energy and creative spirit; she also loved spending time at Woods Hole, Massachusetts, where she delighted in being with family and friends; and

WHEREAS, Bev Reynolds, who was predeceased by her son, David, will be greatly missed and fondly remembered by her husband, David; their children, Quentin, Alec, Alice, and Margaret, and their families; and by many other family members, friends, and artists whom she befriended; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Beverly Lynn Ward Reynolds, owner of the Reynolds Art Gallery, whose strong belief in the value of art in people's lives helped create Richmond's vibrant arts community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Beverly Lynn Ward Reynolds as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 692

*Designating the first full week in October, in 2015 and in each succeeding year, as Farm-to-School Week in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, in 2007, the General Assembly directed the Secretary of Agriculture and Forestry and the Secretary of Education to develop a plan to implement a Farm-to-School program across the Commonwealth; and

WHEREAS, a strong Virginia Farm-to-School Program connects schools directly with community farmers and local food hubs; paves the way for schools to more easily purchase fresh, nutrient-rich farm products; positively affects the lifelong healthy eating behaviors of Virginia's children; and provides reliable, ongoing markets to support Virginia's local agricultural economy; and

WHEREAS, since the Virginia Farm-to-School Program began in 2007, there has been a substantial increase in the amount of locally grown foods served in schools; in 2014, all regions of the Commonwealth participated in Farm-to-School Week by featuring a bounty of Virginia-grown foods as healthy choices on school menus; and

WHEREAS, according to the USDA Farm to School Census, 80 school divisions in the Commonwealth are serving locally grown food, representing 1,344 individual schools and an estimated 964,887 students in attendance; and

WHEREAS, public schools in the Commonwealth serve approximately 655,000 lunches daily to nourish their students, resulting in more than 112 million lunches served during a 180-day school year; if \$0.25 a day per student lunch is devoted to purchasing locally grown Virginia farm products, a total of \$163,750 would be generated daily and more than \$29 million would be reinvested annually in Virginia communities and the economy; and

WHEREAS, there is a growing need to prioritize access to healthy foods for young people due to the critical health concerns of childhood obesity and the increasing incidence of type 2 diabetes in children, which are both diet-related and prevalent across the Commonwealth; and

WHEREAS, according to the Virginia Foundation for Healthy Youth, one in five of Virginia's children between the ages of 10 and 17 are overweight or obese; and

WHEREAS, the Virginia school districts, farms, and businesses that participate in Virginia Farm-to-School Week are recognized for their dedication and hard work; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services, Virginia Department of Education, Virginia Food System Council, and Virginia Farm-to-School Work Group are recognized for their many contributions to help develop, promote, and implement Virginia's Farm-to-School Program plan and the first Virginia Farm-to-School Week, as well as their ongoing efforts to strengthen the connections between the Commonwealth's local farms and school districts; and

WHEREAS, the United States Congress has designated October as National Farm to School Month; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the first full week of October, in 2015 and in each succeeding year, as Farm-to-School Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the coordinator of the Virginia Farm-to-School Program so that members of the program may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 693

*Designating March, in 2016 and in each succeeding year, as Tax Withholding and Employer Contribution Awareness Month in Virginia.*

Agreed to by the House of Delegates, January 28, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, during World War II, the United States Congress introduced payroll withholding and quarterly tax payments through the Current Tax Payment Act of 1943; and

WHEREAS, this act reduced the taxpayer's awareness of the amount of taxes being collected, which reduced the transparency of the taxation system and made it easier to raise taxes in the future; and

WHEREAS, the current taxation system is not sufficiently transparent, resulting in confusion about how much money is paid to the federal government in taxes; and

WHEREAS, the amount of taxes withheld from an individual's paycheck does not indicate the true amount of taxes paid by working Virginians and does not reflect the mandated contributions made by employers on behalf of each employee; and

WHEREAS, an individual should have full knowledge of the amount of taxes that are being withheld from his paycheck; transparency in tax collection is a key component of democracy; and

WHEREAS, during Tax Withholding and Employer Contribution Awareness Month, the Commonwealth will cooperate with the Virginia Chamber of Commerce and the National Federation of Independent Business to promote awareness of the true amount of state and federal withholdings so that employees better understand their tax contributions and the contributions made by employers on their behalf; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March, in 2016 and in each succeeding year, as Tax Withholding and Employer Contribution Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Chamber of Commerce so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 694**

*Commending the Max Meadows Volunteer Fire Department.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, in 2015, the Max Meadows Volunteer Fire Department celebrates its 50th anniversary of providing fire protection, emergency assistance, and fire prevention education to the people and businesses of Wythe County; and

WHEREAS, after serious fires at construction sites that were far away from the existing fire station in Wytheville and hard to reach, the Max Meadows Volunteer Fire Department was founded in 1965 by county residents to serve the eastern part of Wythe County; and

WHEREAS, Bill Morris, who was the station's first chief, persuaded some of his friends and neighbors to help form the Max Meadows Volunteer Fire Department; he was a firefighter at the Radford ammunition plant and had been a member of the fire department in Wytheville; and

WHEREAS, currently, there are 28 active members of the Max Meadows Volunteer Fire Department; Bill Morris's son, Dave, recently retired as fire chief, and his son, Jason Morris, is the third generation of the family to serve on the volunteer force; and

WHEREAS, the Max Meadows Volunteer Fire Department answered 150 emergency calls in 2014; structure fires, vehicle fires, automobile accidents, extrications, and assisting with hazardous materials cleanup are examples of the types of calls the department receives; and

WHEREAS, the Max Meadows Volunteer Fire Department recently purchased a new rescue pumper truck with specialized extrication equipment, enabling the firefighters to provide better service to the community; and

WHEREAS, among the changes that have occurred in Wythe County in the last 50 years are the construction of two interstate highways and the establishment of several large factories; members of the Max Meadows Volunteer Fire Department train to meet all sorts of emergency situations; and

WHEREAS, the Max Meadows Volunteer Fire Department is funded by the Wythe County Board of Supervisors, United Way of Wythe County, and donations from the community; several fundraisers also are held each year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Max Meadows Volunteer Fire Department for 50 years of providing fire protection, emergency assistance, and fire prevention education to the people and businesses of Wythe County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rodney Haywood, chief of the Max Meadows Volunteer Fire Department, as an expression of the General Assembly's respect and appreciation for the department's many years of dedicated service to the people of Wythe County.

**HOUSE JOINT RESOLUTION NO. 695**

*Commending Dee Everhart.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Dee Everhart, president and co-owner of Everhart Primary Health Care in Cana, was named a 2014 Professional Woman of the Year by the National Association of Professional Women, in honor of her outstanding leadership in the health care field; and

WHEREAS, Dee Everhart and her daughter, Carole, opened Everhart Primary Health Care in 2012; both women are nurse practitioners, and they established the clinic in Carroll County to provide quality care at a price patients could afford; and

WHEREAS, the National Association of Professional Women is the largest, most-recognized networking organization of professional women in the country, with more than 600,000 members and nearly 300 chapters; the organization's mission is to provide a networking forum for women to help them aspire, connect, and achieve; and

WHEREAS, Dee Everhart, who has a doctoral degree from Old Dominion University, has been a nurse for more than 55 years; she is a graduate of Baptist Hospital Nursing School and Surry Community College, and she received further nursing education from the University of North Carolina, St. Joseph's College, and Virginia Polytechnic Institute and State University; and

WHEREAS, Dee Everhart has wanted to be a nurse since she was young; for most of her professional career, she worked with her husband, Carleton, a rural medical doctor, and she also worked in hospitals before opening Everhart Primary Health Care; and

WHEREAS, many residents of Carroll County and the surrounding area live long distances from medical offices and hospitals; Dee Everhart and her daughter opened the clinic to fulfill a wish to practice advanced nursing while providing quality, affordable, and convenient health care; and

WHEREAS, Everhart Primary Health Care is the only primary health care facility within a 25-mile radius; Dee Everhart and her daughter treat acute minor illnesses and stable chronic conditions, and they also provide physical examinations, disease prevention education, and wellness services; and

WHEREAS, Dee Everhart and her daughter open the clinic on weekday evenings, all day on Saturday, and on Sunday afternoons; patients pay \$50 for an examination, and for those who cannot afford that amount, the practice occasionally accepts payment in kind; and

WHEREAS, Dee Everhart also passes on her professional knowledge and love of the medical profession to nursing and medical students who work at Everhart Primary Health Care during their medical training; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dee Everhart for being named a 2014 Professional Woman of the Year by the National Association of Professional Women; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dee Everhart as an expression of the General Assembly's respect and admiration for her leadership and commitment to nursing and for founding Everhart Primary Health Care in Cana to provide quality, reasonably priced health care to the people of Carroll County and the surrounding area.

### HOUSE JOINT RESOLUTION NO. 696

*Commending the Carroll County Middle School eighth-grade class.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, students in the Carroll County Middle School eighth-grade class successfully completed the National Novel Writing Month challenge in November 2014 and will have their works published; and

WHEREAS, during National Novel Writing Month, students throughout the world are encouraged to write a novel, and students who complete the challenge have up to five of their books published through CreateSpace; and

WHEREAS, Angel Maggio, an English teacher for the Carroll County Middle School eighth-grade class, initiated the program to help her students gain confidence in their writing abilities and practice for essay-writing portions of standardized tests; and

WHEREAS, in the Carroll County Middle School eighth-grade class, 44 students completed the challenge by finishing a book and meeting the 2,000-word minimum; students completed works in various genres and of various lengths, with one student writing a 27,000-word story; and

WHEREAS, the 44 students who completed the challenge will each have one of their published books placed in the Carroll County Middle School library as a reminder of their achievements and an inspiration to other aspiring young writers at the school; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carroll County Middle School eighth-grade class on completing the National Novel Writing Month challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angel Maggio, an English teacher for the Carroll County Middle School eighth-grade class, as an expression of the General Assembly's admiration for the students' hard work and dedication.

### HOUSE JOINT RESOLUTION NO. 697

*Commending Wythe County.*

Agreed to by the House of Delegates, January 23, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, the residents of Wythe County proudly celebrate the county's 225th anniversary in 2015; and

WHEREAS, founded in 1790, Wythe County was created from Montgomery County and named for George Wythe, the first Virginian signatory to the Declaration of Independence; and

WHEREAS, the Wythe County community of Austinville is the former county seat of Fincastle County, a defunct county that stretched from Roanoke to the Mississippi River, where the Fincastle Resolutions, a set of grievances against the British government, were drafted in 1775; and

WHEREAS, Austinville was named for Moses Austin, a leader in the lead and zinc industry, who produced shot for pioneers and settlers in the region and beyond; his son, Stephen F. Austin, went on to help found the state of Texas; and

WHEREAS, located at the confluence of I-81 and I-77, Wythe County serves as an epicenter of the eastern United States; the county is roughly equidistant from Roanoke and Bristol; Charleston, West Virginia, and Charlotte, North Carolina; and the Canadian border and the Florida state line, and an estimated 75,000 vehicles pass through the county each year; and

WHEREAS, thanks to its location, Wythe County enjoys a thriving tourism economy while maintaining its quaint, rural charms; the county is home to numerous hotels and restaurants, two wineries, and a variety of trails, campgrounds, and parks; and

WHEREAS, Wythe County is also home to numerous historically significant sites, such as the Jackson Ferry Shot Tower, the Edith Bolling Wilson Birthplace Museum, the grave of Dr. Charles T. Pepper, and a Civil War Trail driving tour; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wythe County on the occasion of its 225th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wythe County as an expression of the General Assembly's admiration for the county's unique history and contributions to the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 698

*Commending Harry T. Lester.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Harry T. Lester, a visionary community leader and an enthusiastic fundraiser who strives to inspire others to donate their time and talents to worthy causes, earned the Outstanding Volunteer Fundraiser Award at the 13th Annual National Philanthropy Day Luncheon on November 12, 2014; and

WHEREAS, established by the Association of Fundraising Professionals, an organization that promotes ethical and effective fundraising, the National Philanthropy Day Luncheon honors the contributions of individuals and organizations that work tirelessly to make the world a better place; and

WHEREAS, throughout his rewarding 30-year career in real estate, Harry Lester developed a passion for the health and vibrancy of the Hampton Roads Region, meeting and supporting countless individuals and businesses, all working to enhance the quality of life of local residents; and

WHEREAS, a humble man, Harry Lester often credits colleagues and friends for the millions of dollars he has helped raise for local causes, such as Lynnhaven River NOW, the Chrysler Museum of Art, and the United Way; and

WHEREAS, Harry Lester passionately advocated for and generously donated to the Brock Environmental Center, which is one of the most environmentally sustainable buildings in the world and will provide a valuable regional resource on environmental stewardship and restoration projects; and

WHEREAS, as the chair of the Norfolk Foundation, Harry Lester was instrumental in the formation of the Hampton Roads Community Foundation, the area's largest scholarship and grant provider; he also held leadership positions in the Chesapeake Bay Foundation and was a founding member of the Hampton Roads Leadership Council; and

WHEREAS, a former president, board member, and rector at Eastern Virginia Medical School, Harry Lester helped raise millions of dollars to benefit programs, scholarships, endowments, classrooms, labs, the Leroy T. Canoles, Jr., Cancer Research Center, and the Sentara Center for Simulation and Immersive Learning; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Harry T. Lester on receiving the Outstanding Volunteer Fundraiser Award at the 2014 National Philanthropy Day Luncheon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Harry T. Lester as an expression of the General Assembly's admiration for his tireless support for local organizations and passionate efforts to encourage others to take up philanthropic causes.

### HOUSE JOINT RESOLUTION NO. 700

*Commending Elk Hill.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, Elk Hill, a Goochland-based nonprofit organization, celebrates 45 years of providing education and treatment services to children in 2015; and

WHEREAS, Elk Hill was founded by Mary Nixon and S. Buford Scott in 1970 as a home for boys who had to be removed from their homes; and

WHEREAS, the Scott family donated a small plantation home, which is listed on the National Register of Historic Places, and land at Elk Hill Farm, which was once owned by Thomas Jefferson, in Goochland County to start the program; and

WHEREAS, between 1970 and 2015, Elk Hill has grown from one site serving a handful of boys to six sites throughout Central Virginia serving 400 to 500 children and their families annually; and

WHEREAS, in 2014, Elk Hill maintained facilities in the Counties of Albemarle, Fluvanna, Goochland, and Henrico and the Cities of Charlottesville and Richmond; and

WHEREAS, Elk Hill offers specialized education, residential treatment, and community-based services to serve children, adolescents, and young adults between the ages of four and 21 who struggle with behavioral, emotional, and educational challenges; and

WHEREAS, Elk Hill provides three specialized educational facilities and four residential programs and offers summer camps at five locations throughout Central Virginia; and

WHEREAS, Elk Hill's community-based programs facilitate mentoring, day treatment, outpatient therapy, family counseling, substance abuse counseling, and case management; and

WHEREAS, Elk Hill partners with more than 20 public and private schools to provide clinical services to students; and

WHEREAS, Elk Hill owes much of its ongoing success in improving the lives of children to the hard work of countless dedicated volunteers and many generous donations from individuals, foundations, and businesses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elk Hill on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elk Hill as an expression of the General Assembly's admiration for the organization's numerous contributions to the community and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 701

*Celebrating the life of John Halligan Clements.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, John Halligan Clements, the deeply respected chair of The Bank of Southside Virginia and a dedicated servant to the community, died on October 21, 2014; and

WHEREAS, a native of Dinwiddie County, John Clements graduated from Dinwiddie High School and earned a bachelor's degree from Randolph-Macon College, where he would later serve as a longtime member and chair of the board of trustees; and

WHEREAS, John Clements began a long and fulfilling career in business by running his family's farm and the P. B. Halligan Co., Inc., general store, which was named for his grandfather; and

WHEREAS, a recognized leader in the banking industry, John Clements followed in his father's footsteps and was elected to the board of directors of The Bank of Southside Virginia in 1966; he was elected chair and chief executive officer in 1977 and president in 1983; and

WHEREAS, throughout his 48-year banking career, John Clements was dedicated and devoted to customers, the community, employees, stockholders, and fellow board members; during his 37-year tenure as chair of the board, he served with distinction, sound judgment, and humility; and

WHEREAS, John Clements was elected president of the Virginia Bankers Association in 1989 and served the American Bankers Association on the Community Bank Council and the Government Relations Committee; he was the first banker appointed to the Commonwealth of Virginia Treasury Board; and

WHEREAS, John Clements served as the chair of the Virginia Social Services Board and was appointed to several other state boards; he served 17 years on the Hospital Authority for what is now Southside Regional Medical Center, including several terms as chair; and

WHEREAS, working to protect the lives and property of his fellow residents, John Clements served as the first president of the Carson Volunteer Fire Department; he was also a proud member of the Carson Ruritan Club for 60 years; and

WHEREAS, John Clements helped establish the Dinwiddie County Water Authority, served on the Dinwiddie County Electoral Board and helped establish the Carson Depot Library branch of the Appomattox Regional Library System; and

WHEREAS, a man of deep and abiding faith, John Clements enjoyed fellowship and worship with the community as a member of Carson United Methodist Church, where he served as a district lay reader and district steward and supported many church initiatives; and

WHEREAS, predeceased by his beloved wife, Lillie, John Clements will be fondly remembered and greatly missed by his children, Martha, Kimberly, and Peter, and their families, and numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Halligan Clements, a respected businessman and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Halligan Clements as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 702**

*Designating each day from September 11 to October 10, in 2015 and in each succeeding year, as a Day to Serve in Virginia.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, volunteer efforts strengthen and enrich communities throughout the Commonwealth, and Virginia's volunteers are selfless, energetic, creative, passionate, and professional; and

WHEREAS, The Edward M. Kennedy Serve America Act, approved by Congress and enacted into law on April 21, 2009, designated September 11 to be observed as an annual National Day of Service and Remembrance; and

WHEREAS, Day to Serve is an annual event that transcends political and religious differences to unite people of all faiths, races, cultures, beliefs, and backgrounds with a shared goal of helping those in need and improving their communities; and

WHEREAS, Day to Serve is designed to foster volunteerism and community service; on September 11, 2015, numerous service projects will take place throughout the Commonwealth, many of which will last into October; and

WHEREAS, on a Day to Serve, individuals, faith groups, businesses, government agencies, and organizations throughout the Commonwealth are invited to support, participate in, or organize local projects to enhance their communities and help those in need; and

WHEREAS, all Virginians are encouraged to offer their time and talents within their communities and make an ongoing commitment to service throughout the year; and

WHEREAS, the residents of the Commonwealth will join with residents of Maryland, West Virginia, and Washington, D.C., in participating in Day to Serve; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate each day from September 11 to October 10, in 2015 and in each succeeding year, as a Day to Serve in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the director of Day to Serve so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 703**

*Commending Pam Durham Kline.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, Pam Durham Kline recently opened Ollie's Place in Wytheville to care for a small group of elderly men and women; the homelike facility is in the house where her grandmother lived; and

WHEREAS, Ollie's Place, which started in 2014, can serve three people; the facility is the culmination of a lifelong dream for Pam Kline, who knew from an early age that she wanted to be a nurse; and

WHEREAS, Ollie's Place is named for Pam Kline's beloved grandmother, Ollie Bell Kincer, and her goal is to provide consistent, comfortable, and compassionate care to the people who live there; she is proud of the home's personalized and safe environment; and

WHEREAS, Ollie's Place is a family affair for Pam Kline; her husband, father, and uncle worked on renovating the house; she helps the residents bathe and dress, prepares meals, does laundry, supervises medications, and cleans; her mother and sister assist with the daily operations; and

WHEREAS, Pam Kline, a graduate of George Wythe High School, earned a nursing degree from Wayne County Community College in North Carolina; she is a registered nurse and works for a hospice and another home care company; and

WHEREAS, caring for others in the house where her grandmother lived is an honor and a privilege for Pam Kline; she said that she draws great strength from her faith as she works with people who can no longer live independently; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pam Durham Kline, owner and operator of Ollie's Place, a small home care assisted living house in Wytheville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pam Durham Kline as an expression of the General Assembly's respect and admiration for her dedication and commitment as she cares for elderly residents of Wythe County.

**HOUSE JOINT RESOLUTION NO. 704**

*Celebrating the life of R. David O'Dell, Jr.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, R. David O'Dell, Jr., a respected businessman and the former Mayor of Montross, who dedicated much of his life to public service, died on December 31, 2014; and

WHEREAS, a native of Warsaw, David O'Dell served the Montross community as the owner and operator of Blue and Gray Food Stores, Inc., where he earned a reputation for exceptional customer service; and

WHEREAS, desirous to be of further service to the community, David O'Dell became active in local civics and ran for the Montross Town Council to ensure that the needs of his fellow residents were addressed; and

WHEREAS, the longest-serving mayor and council member in Montross history, David O'Dell served as mayor from 1988 to 1992, vice mayor from 1992 to 1999, and mayor from 1999 to 2014; he also served on the Planning Commission from 1980 to 2014; and

WHEREAS, known for his candor and efficiency, David O'Dell was an active leader who worked to ensure a high quality of life for all Montross residents, and in times of emergency, he went above and beyond in service to the community; and

WHEREAS, David O'Dell enjoyed fellowship and worship with the community as a member of St. James' Episcopal Church, where he served on the vestry; and

WHEREAS, a loyal husband, father, and friend, David O'Dell will be fondly remembered and greatly missed by his wife of 46 years, Frances; sons, John and Richard, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of R. David O'Dell, Jr., a businessman, public servant, and pillar of the Montross community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of R. David O'Dell, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 705**

*Commending the Gate City High School volleyball team.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Gate City High School volleyball team won the Virginia High School League Group 2A volleyball state championship on November 22, 2014, to claim its second consecutive state title; and

WHEREAS, returning a strong core group of players from the previous season, the Gate City High School Blue Devils were undefeated in the regular season and bested the Riverheads High School Gladiators in three sets in the state final; and

WHEREAS, the Gate City Blue Devils came from behind to tie the first set at 20, before winning 25-21, and they took a commanding early lead to win the second set 25-11; and

WHEREAS, the Riverheads Gladiators put up strong resistance in the third set, but were unable to overcome a momentum shift after the Gate City Blue Devils went on an 8-2 run to tie the set at 10; the Blue Devils won the third set with a final score of 25-20; and

WHEREAS, each of the athletes—Lindsey Harper, Kerri Hite, Caitlin McConnell, Kyra Jeesee, Hannah Spivey, Rosa Smith, Julie Dockery, Haley Reed, Hayley Wolfe, Cori Baker, and Abby Sallee—worked hard and remained focused throughout the season; and

WHEREAS, the Gate City Blue Devils also benefited from the able leadership of the coaches—Amy Reed, Dolanda Spivey, and Jessica Lewis—and the enthusiastic support of the entire Gate City High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Gate City High School volleyball team on winning the 2014 Virginia High School League Group 2A state title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Reed, head coach of the Gate City High School volleyball team, as an expression of the General Assembly's admiration for the team's achievements.

**HOUSE JOINT RESOLUTION NO. 708**

*Celebrating the life of Edna Bazemore Scott.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, Edna Bazemore Scott, a woman of deep and abiding faith who dedicated her life to serving and supporting her fellow members of the Newport News community, died on December 20, 2014; and

WHEREAS, a native of Edgecombe County, North Carolina, Edna Scott graduated from Huntington High School with a perfect attendance record; she earned an associate's degree from Peninsula Business College, where she joined and became president of Delta Mu Delta business sorority; and

WHEREAS, Edna Scott lived her faith through her actions as an employee of Ivy Baptist Church, which was pastored by former Senator W. Henry Maxwell, for more than four decades; she held numerous positions, including secretary, office manager, financial manager, and deaconess; and

WHEREAS, throughout her 44-year career with the church, Edna Scott offered her time and wise leadership to several ministries, clubs, and programs; she supported the church softball league and was a member of local Christian bowling leagues; and

WHEREAS, a compassionate friend and neighbor who worked to empower the youth of the community, Edna Scott held leadership positions in the Girl Scouts of the Colonial Coast for 35 years; she received the Girl Scouts Thanks Badge and the Girls, Inc., Community Star Award for her exceptional contributions to the lives of countless girls and young women; and

WHEREAS, Edna Scott served as a voter registrar and encouraged members of the community to always exercise their civic duty; and

WHEREAS, Edna Scott will be fondly remembered and greatly missed by her loving husband of 46 years, Bernard, Sr.; children, Sonya and Bernard, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edna Bazemore Scott, a woman of enduring faith and a beloved member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edna Bazemore Scott as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 709

*Commending Law Day 2015.*

Agreed to by the House of Delegates, February 26, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the General Assembly designated May 1 as Law Day in Virginia in 2009; and

WHEREAS, President Dwight D. Eisenhower, by proclamation, declared May 1, 1958, as the first Law Day, stating that "it is fitting that the people of this Nation should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law which our forefathers bequeathed to us"; and

WHEREAS, in 1961, the United States Congress, by joint resolution, designated May 1 as the official date for celebrating Law Day in the United States; and

WHEREAS, President John F. Kennedy in 1961 stated that "the objectives of Law Day, USA, are to urge Americans to rededicate themselves to the ideals of equality and justice under law in their relations with each other and with other nations; to cultivate that respect for law which is vital in a democratic society; and to foster a full understanding and appreciation of our liberties and of the legal and judicial institutions which protect them"; and

WHEREAS, President Kennedy urged "that public bodies, educational institutions, the legal profession, civic and service organizations, and the media of information take the lead in sponsoring and participating in educational undertakings and other appropriate means to give effect to the objectives of this national observance"; and

WHEREAS, every United States President since 1958 and many governors and state legislatures have issued annual Law Day proclamations supporting a common theme; and

WHEREAS, the Law Day 2015 theme is "Magna Carta: Symbol of Freedom Under Law," marking the 800th anniversary of the sealing of the Magna Carta, an international symbol of the rule of law and a foundation of many of the rights and freedoms Americans hold dear; and

WHEREAS, Law Day programs continue to promote the rule of law through specific civic activities throughout the Commonwealth, including special events for K-12 students and other education and outreach programs in schools and communities; and

WHEREAS, the Virginia Law Foundation and Virginia Bar Association sponsor "The Rule of Law Project," which teaches children the relevance and benefits of the rule of law in the United States and throughout the world; the Robert H. Smith Center for the Constitution at James Madison's Montpelier sponsors "We the People – The Citizen and the Constitution" for middle and high school students; and Fairfax County Public Schools includes Law Day on its calendar of noteworthy events; and

WHEREAS, in celebration of the importance of Law Day, citizens of the Commonwealth and the United States are encouraged to continue to commit themselves to the rule of law and to uphold the fundamental principles enshrined in the nation's founding documents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Law Day 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the American Bar Association, the Virginia State Bar, Virginia Bar Association, and the Virginia School Boards Association as an expression of the General Assembly's appreciation for the importance of Law Day 2015.

### HOUSE JOINT RESOLUTION NO. 710

*Celebrating the life of Warren Ira Cikins.*

Agreed to by the House of Delegates, January 27, 2015

Agreed to by the Senate, January 29, 2015

WHEREAS, Warren Ira Cikins of Alexandria, an accomplished public and civil servant who served in local, state, and all three branches of the federal government, died on December 13, 2014; and

WHEREAS, Warren Cikins graduated cum laude from Harvard University and earned a master's degree from the Kennedy School of Government; he honorably served his country as a member of the United States Army for several years, specializing in decryption; and

WHEREAS, in the 1950s, Warren Cikins began his career in government service working for a United States representative from Arkansas and later served as an assistant to United States senators from California and Maine; and

WHEREAS, in the 1960s, Warren Cikins served as an executive assistant to the special assistant to Presidents John F. Kennedy and Lyndon B. Johnson; he then served as a senior staff member of the Brookings Institution for almost 20 years, before becoming a consultant to two United States Supreme Court justices; and

WHEREAS, spanning two terms from 1975 to 1980, Warren Cikins offered his leadership and expertise to local government as the Mount Vernon District representative on the Fairfax County Board of Supervisors; and

WHEREAS, as a supervisor, Warren Cikins proudly helped establish the Mount Vernon Recreation Center, the Route One Task Force on Human Services, and task forces on youth needs, and he served as a member and chair of numerous local boards, committees, and commissions; and

WHEREAS, Warren Cikins also wrote speeches for the Governor of New Mexico and worked to inspire and educate future leaders as a part-time political science professor at George Washington University, American University, and Nova Southeastern University; and

WHEREAS, Warren Cikins will be fondly remembered and greatly missed by his loving wife of 50 years, Sylvia; sons, Dean and Neil, and their spouses, Andrea and Traci; dear grandchildren, Emme, Tori, and Maya; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Warren Ira Cikins, a dedicated public and civil servant to Fairfax County, the Commonwealth, and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Warren Ira Cikins as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 711

*Commending Mount Olive Baptist Church.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, Mount Olive Baptist Church in Richmond has served the spiritual needs of its congregation and worked to transform and enhance the community for 140 years; and

WHEREAS, founded in 1875 by former members of First Baptist Church of South Richmond, Mount Olive Baptist Church held its first service under a brush arbor near the intersection of what is now Cofer Road and Jefferson Davis Highway; and

WHEREAS, under the Reverend Jordan Smith—the first recorded pastor—Mount Olive Baptist Church built a small structure for worship services and education programs in the same area; over the years, 18 pastors followed his example of strong leadership and commitment to the community; and

WHEREAS, Mount Olive Baptist Church purchased land for its current location on Bells Road in 1924, and a new building was completed in 1926; the current building was constructed in 1970 and has seen many renovations and enhancements over the years; and

WHEREAS, under the current leadership of the Reverend Dr. Michael A. Sanders, Mount Olive Baptist Church continues to foster and celebrate personal relationships with Jesus Christ, help and heal members of the congregation, and give a voice to those in need; and

WHEREAS, Mount Olive Baptist Church offers a wide variety of ministries to inspire local residents from all walks of life and carries out generous outreach programs to develop and strengthen the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Olive Baptist Church for its outstanding spiritual leadership on the occasion of its 140th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Michael A. Sanders, pastor of Mount Olive Baptist Church, as an expression of the General Assembly's admiration for the church's dedication to its mission to serve and uplift members of the Richmond community.

### HOUSE JOINT RESOLUTION NO. 712

*Commending the Virginia Commonwealth University School of Education.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, the Virginia Commonwealth University School of Education, which has inspired and supported countless future educators, marks 50 years of leadership and active community service in the Commonwealth in 2015; and

WHEREAS, founded in 1964, the Virginia Commonwealth University (VCU) School of Education has prepared teachers, counselors, and administrators for work in elementary, middle, and high schools; graduates have gone on to work in urban and rural schools, education agencies, and other learning environments; and

WHEREAS, the VCU School of Education has also pioneered an innovative and inclusive education and community employment model for individuals with disabilities; and

WHEREAS, with approximately \$29 million in external grant funding, five academic departments, and eight research and development centers, the VCU School of Education is ranked by *U.S. News and World Report* as one of the top 20 public graduate schools in the nation; and

WHEREAS, many of the VCU School of Education's 19,000 graduates have held key leadership positions in urban schools or other challenging teaching environments; and

WHEREAS, the VCU School of Education has grown to include 63 instructional and 100 research faculty members, many of whom have won awards or gained recognition nationally and internationally for their teaching methods, influential research, expertise in their fields, and diligent service to the community; and

WHEREAS, throughout its 50-year history, the VCU School of Education has been ably led by 10 deans, two of whom have gone on to serve as university presidents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Commonwealth University School of Education on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Commonwealth University School of Education as an expression of the General Assembly's admiration for the school's many contributions to the Commonwealth and the field of education.

### HOUSE JOINT RESOLUTION NO. 713

*Celebrating the life of Michael Francis Blair.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Michael Francis Blair of Bristol, a distinguished attorney who gave generously of his time and expertise to many community organizations, a man of faith, and a devoted husband and father, died on January 3, 2015; and

WHEREAS, Michael Blair, who was known to his friends and family as Mike, was a native of Baltimore; he graduated from the University of Maryland at College Park and received a law degree from the University of Virginia; he practiced law in Roanoke and then moved to Bristol in 1979; and

WHEREAS, for 35 years, Mike Blair worked for the firm of PennStuart in Bristol; workers' compensation and Black Lung Disease (pneumoconiosis) cases were his specialty, and he regularly appeared before the Virginia Workers' Compensation Commission, the United States Department of Labor, and the United States Courts of Appeals; and

WHEREAS, awards and honors that Mike Blair received during his career include being named as one of the Best Lawyers in America in the 2005-2010 editions of the peer-reviewed *Best Lawyers* publication; he also was recognized as a Virginia Super Lawyer; and

WHEREAS, the Southwest Virginia Workers' Compensation Bar Association recently honored Mike Blair with its Lifetime Achievement Award in recognition of his decades of professional service to the bar association and to the people of Southwest Virginia; and

WHEREAS, many organizations benefited from Mike Blair's expertise; he was a member of the board of the Bristol Regional Medical Center, and had been a member of the board of directors and former chair of Sullins Academy, and also served on the board and was president of the Mid-Atlantic Chamber Orchestra; and

WHEREAS, a man of faith, Mike Blair was very active at Emmanuel Episcopal Church; he served on the vestry and was senior warden, led youth programs, volunteered at the Community Christmas Dinner, and chaired the fund-raising Envision Campaign; and

WHEREAS, sharing meals with friends and family was one of Mike Blair's great pleasures, and he hosted informal gourmet dinners and enthusiastically participated in wine clubs and the Southern Foodways Alliance; he also is remembered for his love of music and travel; and

WHEREAS, Mike Blair will be greatly missed and fondly remembered by his wife, Thelma; his children, Emily and Andrew, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael Francis Blair of Bristol, a distinguished attorney who gave generously of his time and expertise in service to many community organizations, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Francis Blair as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 714

*Celebrating the life of Jack R. Hamm.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Jack R. Hamm of Meadowview, a farmer and farm machinery repair technician, a volunteer firefighter, a man of faith who was a foster parent to more than 100 children, and a devoted husband and father, died on January 3, 2015; and

WHEREAS, Jack Hamm was a native of Washington County and lived there his entire life; he was widely known as a "Jack of all trades" for his many talents and mechanical skills and recently had worked for a local heating and electrical company; and

WHEREAS, for many years, Jack Hamm welcomed children into his home who were in need of stability and caring supervision; he and his wife, Virginia, were foster parents to more than 100 children, and the couple also had looked after more than 60 day-care children; and

WHEREAS, dedicated to helping his rural southwestern Virginia community, Jack Hamm had served as a member of the Meadowview Volunteer Fire Department, working to protect his neighbors and their property; and

WHEREAS, a man of faith, Jack Hamm enjoyed fellowship and worship as a member of Mount Carmel Christian Church in Meadowview; and

WHEREAS, Jack Hamm will be greatly missed and fondly remembered by Virginia, his wife of 48 years; his children, Rick, Mikel, Jordan, and Alan, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jack R. Hamm of Meadowview, who was born and lived his entire life in Washington County and was a farmer, a farm machinery repair technician, a volunteer firefighter, a man of faith, a foster parent to more than 100 children, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jack R. Hamm as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 715

*Commemorating the fiftieth anniversary of the Voting Rights Act of 1965.*

Agreed to by the House of Delegates, February 4, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, prior to and in the immediate aftermath of the American Civil War, the right to vote was the privilege of white males; not until the ratification of the Fifteenth Amendment to the United States Constitution on March 30, 1870, was the right to vote made the law of the land with the words, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude" and "The Congress shall have power to enforce this article by appropriate legislation"; and

WHEREAS, during Reconstruction, a record number of African Americans were elected to federal, state, and local office; although the United States Constitution afforded certain protections to American citizens, numerous strategies, including literacy tests, poll taxes, inconvenient office hours for voter registration, intimidation, reprisals for registering to vote and voting, and violence were used to restrict the right to vote for African Americans; and

WHEREAS, following Reconstruction, few African Americans in the South voted between 1870 and 1965 due to the growing virulence of overt racism and the spread of Jim Crow legislation; and

WHEREAS, on May 17, 1954, the historic Supreme Court decision in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), which struck down the doctrine of "separate but equal," acted as a catalyst for the Civil Rights Movement that ultimately forced the nation to address African American disenfranchisement; and

WHEREAS, in 1964, the Twenty-fourth Amendment to the United States Constitution was ratified to prohibit states from using the poll tax to deny African American citizens the right to vote; nevertheless, on March 7, 1965, in Selma, Alabama, peaceful marchers protesting the disenfranchisement of African Americans were brutally attacked, beaten, and tear-gassed, and the shock waves of this horrific event, known as "Bloody Sunday," reverberated around the nation and created support for the Voting Rights Act of 1965; and

WHEREAS, the Voting Rights Act of 1965 was signed into law by President Lyndon B. Johnson on August 6, 1965, ending decades of voter-qualification and literacy tests and other illegal barriers to African American suffrage; and

WHEREAS, the Voting Rights Act of 1965, perhaps the single most effective civil rights legislation in the history of Congress, codifies and effectuates the Fifteenth Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color; and

WHEREAS, although the right to vote is guaranteed by the Fifteenth Amendment of the United States Constitution and racial discrimination in voting is prohibited, and notwithstanding the repeated extensions of the law by Congress, each year since the passage of the Voting Rights Act of 1965, racial minorities remain concerned that their right to vote would not be protected or would otherwise be impeded; and

WHEREAS, African Americans and other citizens should be encouraged to educate their progeny concerning the tremendous sacrifices and inordinate amount of time and energy given to overcome obstacles and racial animus to achieve their civil rights; and

WHEREAS, commemoration of the Voting Rights Act of 1965 on the fiftieth anniversary of its passage reminds us of the compelling need to protect and ensure the rights, freedoms, and liberties endowed by our Creator to which all mankind is entitled; and

WHEREAS, it is appropriate that after enduring centuries of systematic resistance to racial equality in every realm, African Americans should be encouraged to commemorate the fiftieth anniversary of the passage of the Voting Rights Act of 1965, and all citizens should be exhorted to exercise their right to vote without fear, restraint, or interference; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the fiftieth anniversary of the Voting Rights Act of 1965 be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the executive director of the National Association for the Advancement of Colored People, Virginia State Chapter; Barbara R. Arnwine, president and executive director of the Lawyers' Committee for Civil Rights Under Law; Susan N. Herman, president of the American Civil Liberties Union; Michael Slater, executive director of Project Vote; Edgardo Cortes, Secretary of the Virginia Department of Elections; the chairman of the Virginia Board of Elections; and Virginia's local boards of elections, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

### HOUSE JOINT RESOLUTION NO. 716

*Celebrating the life of the Honorable Thomas H. Tullidge.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, the Honorable Thomas H. Tullidge, a respected former judge of the 25th Judicial District of Virginia, died on December 27, 2014; and

WHEREAS, a native of Staunton, Thomas Tullidge attended Staunton Military Academy and the United States Military Academy; he served his country in the United States Army, then earned a law degree from the University of Virginia; and

WHEREAS, Thomas Tullidge practiced law in Staunton before becoming a judge of the 25th Judicial District of Virginia; he presided over juvenile and domestic relations district courts in Staunton, Waynesboro, and Augusta County with great fairness and wisdom; and

WHEREAS, for over a decade, Thomas Tullidge resided on and operated a dairy farm in Middlebrook; he also rode quarter horses competitively and served as president of the Virginia Angus Association; and

WHEREAS, after his well-earned retirement, Thomas Tullidge and his wife, Florence, moved to Tappahannock; and

WHEREAS, a devout man, Thomas Tullidge enjoyed fellowship and worship with the community as a member of First Presbyterian Church in Staunton, Bethel Presbyterian Church in Middlebrook, and Mildred Presbyterian Church in Sharps; and

WHEREAS, a man of great integrity, Thomas Tullidge served the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, predeceased by his beloved wife of 60 years, Florence, Thomas Tullidge will be fondly remembered and greatly missed by his children, Agnes, Anne, and Thomas, Jr., and their families and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas H. Tullidge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Thomas H. Tullidge as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 717

*Commending Andrew Charles Koebler.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, Andrew Charles Koebler has excelled in his position as organist and choirmaster at All Saints Episcopal Church in Richmond for the past 26 years; and

WHEREAS, Andrew "Andy" Charles Koebler, who was reared in Philadelphia and received his first musical training from his father at the age of nine, began his career singing under the choirmaster at Holy Apostles Episcopal Church and continued his musical training at Westminster Choir College in Princeton, New Jersey; and

WHEREAS, Andy Koebler received a master's degree from the College of New Jersey and held positions as organist-choirmaster in New Jersey, Pennsylvania, and Illinois prior to arriving at All Saints Episcopal Church; and

WHEREAS, Andy Koebler began his tenure at All Saints Episcopal Church on January 1, 1989, and has served under three rectors and two interim rectors; and

WHEREAS, Andy Koebler sang with both the Richmond Symphony Chorus and the Richmond Concert Chorale for several years; he has also served as an adjunct professor of music history and appreciation at the University of Richmond for 15 years and has taught piano and organ as a private instructor; and

WHEREAS, under Andy Koebler's guidance, the All Saints Choir of Men and Boys has made six trips to England and one to Austria, visiting sites where the celebrated music of the church was written and first performed and gaining new appreciation for the historical aspects of the music; the choir has appeared at the National Cathedral in Washington, D.C., five times and has performed up and down the East Coast; and

WHEREAS, Andy Koebler is one of many organists and choirmasters who have mentored an untold number of men and boys throughout the Commonwealth and the United States; many of the boys who graduate from the All Saints Choir return to sing in the choir while in high school or as adults to be a part of one of the few such choirs in the United States; and

WHEREAS, on December 24, 2014, Andy Koebler's last Christmas Eve service, over 40 former members of the Choir of Men and Boys returned to sing and be part of this service; and

WHEREAS, Andy Koebler retired on December 31, 2014, after 26 years of playing and singing sacred and classical music by the greatest composers, as well as modern traditional and nontraditional music; he was instrumental in guiding, leading, and teaching a generation of boys, young men, and adults throughout his career; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andrew Charles Koebler for his distinguished service as organist and choirmaster of All Saints Episcopal Church on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Charles Koebler as an expression of the General Assembly's admiration for his many years of service and for his valuable contributions to the music ministry of All Saints Episcopal Church, the Commonwealth, and the United States.

### HOUSE JOINT RESOLUTION NO. 718

*Commending Westhampton College.*

Agreed to by the House of Delegates, January 30, 2015

Agreed to by the Senate, February 5, 2015

WHEREAS, in 2014, Westhampton College, a women's undergraduate college at the University of Richmond, celebrated 100 years of providing a strong liberal arts curriculum while fostering leadership opportunities among young women; and

WHEREAS, in 1898, President Frederic W. Boatwright received approval from the Richmond College, now University of Richmond, Board of Trustees to admit women into the college; in the early 1900s, Richmond College relocated to the Westhampton Lake area and established Westhampton College as a unique, women-only coordinate college system; and

WHEREAS, Westhampton College opened in September 1914 under the administration of May Lansfield Keller, the first woman to receive a doctorate from the University of Heidelberg and the first woman to be named dean of a Virginia college; she devoted her career to ensuring the highest academic standards at the college and inspiring young women to pursue their personal and professional interests; and

WHEREAS, under the continued leadership of deans Marguerite Roberts, Mary Louise Gehring, Stephanie Bennett, Patricia Harwood, Ellie Sturgis, and Juliette Landphair, Westhampton College has flourished and is recognized locally and nationally for its tradition of academic excellence, its role in promoting women's leadership, and its strong support for students; and

WHEREAS, Westhampton College has initiated innovative programs such as the Women Involved in Learning and Living program, which was established in 1980 as the first program of its kind for women students in the United States and has been studied and emulated at other colleges and universities; and

WHEREAS, in its first 100 years, Westhampton College graduated more than 20,000 alumnae, who have demonstrated generous support to further the college's traditions of excellence and whose own lives are a testament to the college's success in developing generations of women leaders; and

WHEREAS, Westhampton College continues to inspire great devotion and active engagement among current students, for whom the Westhampton experience will play an enduring role throughout their lives; and

WHEREAS, Westhampton College remains committed to its mission of guiding and challenging undergraduate women intellectually and personally, cultivating their leadership talents, and providing personal support; and

WHEREAS, the leadership opportunities, lifelong learning skills, and fulfilling relationships nurtured by Westhampton College continue to encourage its women to become engaged, effective, and respected members of their communities; and

WHEREAS, to commemorate Westhampton College's 100th anniversary, the Board of Trustees will honor the contributions of alumnae, the college's historic achievements, and its essential role in the University of Richmond system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Westhampton College on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Juliette Landphair, dean of Westhampton College, as an expression of the General Assembly's admiration for the college's many achievements and unique role in higher education.

### HOUSE JOINT RESOLUTION NO. 720

*Celebrating the life of Carl Michael Ross.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Carl Michael Ross, a hardworking public servant, passionate social worker, and dedicated volunteer who worked to enhance the quality of life of his fellow Petersburg residents, died on January 23, 2015; and

WHEREAS, a native of Annapolis, Maryland, Carl Michael "Mike" Ross graduated from Annapolis Senior High School and earned bachelor's and master's degrees from what is now Virginia State University; and

WHEREAS, Mike Ross began his career as a social worker at Southside Virginia Training Center; he later provided mental health support at Poplar Springs Hospital and supported members of the military as an education service and test control officer at an Army Continuing Education System center and a Military Entrance Processing Station; and

WHEREAS, an active and enthusiastic volunteer in the Petersburg area, Mike Ross was a founding member of the Petersburg Academic Sports League and frequently worked with Virginia Cooperative Extension and the Civilian Welfare Fund Council; he also served as president and treasurer of the East Walnut Hills Neighborhood Association; and

WHEREAS, Mike Ross was a devoted supporter of education as a member of the Petersburg High School PTA, board member of John Tyler Community College, and former member and vice chair of the Petersburg School Board; and

WHEREAS, desirous to be of service to his fellow residents, Mike Ross ran for and was elected to the Petersburg City Council; he served from 2003 to 2015 and had recently been appointed to serve as vice mayor; and

WHEREAS, Mike Ross lived his faith through his actions and enjoyed fellowship and worship with the community at Greater Faith African Methodist Episcopal Zion Church in Petersburg, where he was a trustee and sang in the choir; and

WHEREAS, Mike Ross cared deeply for his loved ones, and he will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carl Michael Ross, a public servant, social worker, and volunteer who served and supported the Petersburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carl Michael Ross as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 721**

*Commending Circle Sales Incorporated.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Circle Sales Incorporated, of Blackstone, a family-owned wholesale beverage distributor, celebrates its 60th anniversary in 2015 of providing a variety of beverages to retail establishments, restaurants, schools, and other customers in South Central Virginia; and

WHEREAS, Circle Sales was founded on April 25, 1955, by J. A. Spencer and E. E. Philips, and a few years later, John and Elizabeth Osborne became affiliated with the company; the couple became the sole owners of Circle Sales in 1971; and

WHEREAS, in the early years, Circle Sales distributed only four brands of beer; the company expanded its offerings in the 1960s to include wine distribution, and nonalcoholic beverages and soft drinks were added to the company's wholesale operations in the 1970s; and

WHEREAS, Circle Sales' headquarters and distribution center is in Blackstone; the current warehouse and office facility opened in 1963 and has been expanded twice; the company's goal is to be recognized by its suppliers and customers as the best beverage distributor in Southside Virginia; and

WHEREAS, today, in its 60th year of operation, Circle Sales serves customers in Nottoway, Lunenburg, Mecklenburg, Brunswick, Greensville, Sussex, Surry, Dinwiddie, Amelia, Cumberland, Buckingham, Prince Edward, and Charlotte Counties, and the City of Emporia; and

WHEREAS, over the years, Circle Sales' wine distribution has become the largest part of its business; the company proudly represents four Virginia vintners in addition to offering products from nationally known wineries; and

WHEREAS, Walter Mac Osborne, the son of Elizabeth and John Osborne, is president of Circle Sales, and his wife is vice president; the couple, together with 13 dedicated employees, distribute hundreds of beer, wine, and nonalcoholic beverage products each day, quenching the thirst of thousands of Virginians; and

WHEREAS, community involvement is important to Circle Sales Incorporated; Walter Mac Osborne has been a member of the Blackstone Volunteer Fire Department for 40 years, including serving as chief for 10 years, and the company proudly sponsors the Blackstone Summer Cruise In, a gathering of classic car enthusiasts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Circle Sales Incorporated, of Blackstone, a family-owned wholesale beverage distributor, on the occasion of its 60th anniversary of providing a variety of beverages to retail establishments, restaurants, schools, and other customers in South Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Circle Sales Incorporated, as an expression of the General Assembly's admiration and congratulations for being a successful small business in the Commonwealth and best wishes in the future.

**HOUSE JOINT RESOLUTION NO. 722**

*Commending the Courier-Record.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the *Courier-Record*, a long-standing newspaper in Blackstone, celebrates 125 years of continuous service to the community in 2015; and

WHEREAS, founded on October 29, 1890, as the *Blackstone Courier*, the *Courier-Record* was originally owned by Sydney P. Epes; and

WHEREAS, the *Courier-Record* was originally located on East Broad Street in Blackstone, until the building was destroyed by fire in 1928; the newspaper was reestablished as Nottoway Publishing Company shortly thereafter; and

WHEREAS, in 1930, W. C. Coleburn became editor and manager of the *Courier-Record*; he helped acquire the *Nottoway Record* in 1931, which gave the paper its name, and established the *Courier-Record* Five-County Fair, which was one of the largest fairs in the Commonwealth at the time; and

WHEREAS, W. C. Coleburn purchased the *Courier-Record* in 1943, and the newspaper has been owned and operated by the Coleburn family since that time; the paper flourished during World War II with the establishment of what is now Fort Pickett near Blackstone; and

WHEREAS, in the 1950s, the *Courier-Record* continued to grow in size and circulation; it become known as an industry leader in typography and won numerous awards from the Virginia Press Association; and

WHEREAS, in 1972, the *Courier-Record* moved to a new location on South Main Street; the newspaper moved to its current location on West Maple Street in 1999; and

WHEREAS, at a time when many newspapers and print publications are struggling, the *Courier-Record* has expanded and increased circulation by offering special products, including a popular digital edition; the newspaper is respected for its commitment to fair, hard-hitting journalism and efforts to promote transparency in government; and

WHEREAS, the most recent editors of the *Courier-Record* have been civic-minded leaders in the community, with W. C. Coleburn and James D. Coleburn serving on the Nottoway County Board of Supervisors; current editor William D. Coleburn serves as the Mayor of the Town of Blackstone; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the *Courier-Record* on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the *Courier-Record* as an expression of the General Assembly's admiration for the newspaper's proud tradition of service to the residents of Blackstone and surrounding communities.

### HOUSE JOINT RESOLUTION NO. 723

*Commending Arthur S. Warren.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Arthur S. Warren, a dedicated public servant who has ably served the citizens of Chesterfield County for 27 years, retires from the Board of Supervisors in 2015; and

WHEREAS, Arthur "Art" S. Warren was first elected to the Chesterfield County Board of Supervisors in 1991, representing the Clover Hill District; previously, he had been a member of the Chesterfield Planning Commission for four years; and

WHEREAS, during his tenure on the Chesterfield County Board of Supervisors, Art Warren was elected as board chair seven times; he also has chaired the Richmond Regional Planning District Commission and the Richmond Area Metropolitan Transportation Planning Organization; and

WHEREAS, Art Warren's influence and guidance extend beyond Chesterfield County; he has served the people of greater Richmond with distinction in many areas, including 23 years as a member—and former chair—of the Capital Region Airport Commission; and

WHEREAS, Art Warren has served on the boards of the Virginia Association of Counties, the Virginia Coalition of High Growth Communities, and the Richmond Region Tourism bureau; he also was appointed to the Greater Richmond Partnership, Inc., in 2000, and was chair of the group's board of directors in 2006-2007; and

WHEREAS, additionally, Art Warren is the former executive director of the Rappahannock-Rapidan Regional Commission and director of planning for the Crater Planning District Commission; and

WHEREAS, Chesterfield County has enjoyed a period of great growth during Art Warren's tenure on the Board of Supervisors; the real estate tax rate has fallen and credit-rating agencies awarded the county a top-tier AAA bond rating; and

WHEREAS, as a member of the Chesterfield County Board of Supervisors, Art Warren helped oversee the construction of 20 schools, seven fire stations, police precincts, and specialty schools supported by voters in bond referendums; and

WHEREAS, during Art Warren's tenure on the Board of Supervisors, 43,000 new jobs were added in Chesterfield County, the population grew by 120,000, and the number of students attending county schools increased by 15,000; and

WHEREAS, Art Warren provided leadership and continuity as Chesterfield County was forced to make significant budget reductions due to the nationwide recession; and

WHEREAS, other members of the Chesterfield County Board of Supervisors often relied on Art Warren to provide guidance and insight; they also respected his tireless work to maintain the county's quality of life during a period of great change and growth; and

WHEREAS, as manager of radiological emergency response preparedness for the Virginia Department of Emergency Management, Art Warren works with staff at all nuclear facilities in the Commonwealth and has conducted many training sessions on homeland security; and

WHEREAS, Art Warren was appointed by three governors to be state liaison officer to the federal Nuclear Regulatory Commission; he also has served on numerous other boards and commissions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arthur S. Warren, a dedicated public servant, for his many years of service as a member and former chair of the Chesterfield County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arthur S. Warren as an expression of the General Assembly's respect and appreciation for his commitment and unswerving dedication to the people of Chesterfield County, the greater Richmond region, and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 724**

*Commending Pat Manuel.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Pat Manuel, one of the most successful high school football coaches in the Commonwealth, retired in November 2014 after serving for 21 years as head coach for Matoaca High School; and

WHEREAS, Pat Manuel amassed a 159-76 record while at the Chesterfield County school and was named Coach of the Year four times; under his leadership, the Matoaca High School football team won four regional titles, six district titles, and reached the state finals in 1993; and

WHEREAS, Pat Manuel's legacy is about much more than building championship teams; he emphasized to his players throughout his career that academics came before athletics, and that becoming young men of character should be their foremost goal; and

WHEREAS, the many people who know and worked with Pat Manuel have paid tribute to his tireless work ethic and the many hours he spent preparing for each football season; his peers and players recall how he showed that it is better to do things right than to focus solely on winning; and

WHEREAS, at the time of Pat Manuel's retirement, the Matoaca High School Warriors had won more games than almost any other team in the area during his tenure as coach; Pat Manuel is second in active coaches in the Richmond region since 1970 and fourth overall of coaches in the Richmond region, and he also is in the top 50 of all active coaches in the Commonwealth; and

WHEREAS, Pat Manuel stressed that the team is a family and that all players remain members of the Matoaca football family even after graduation; Warriors have heeded that message, as some graduates have been assistant coaches at Matoaca High School over the years; and

WHEREAS, at the final sports banquet that he attended as coach, Pat Manuel continued to show what makes him an inspiring role model: he said to his charges that winning will take care of itself—it is more important to build character, cultivate a strong work ethic, and develop into strong and capable men; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pat Manuel on an impressive 21-year career as head coach of the Matoaca High School football team and for teaching his players to be young men of character; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pat Manuel as an expression of the General Assembly's respect and admiration for his teams' athletic accomplishments and for being an outstanding coach and role model in Chesterfield County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 725**

*Commending Didlake.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Didlake, a nonprofit organization in Manassas, has served and supported adults and children with disabilities in the Commonwealth, Maryland, and Washington, D.C., for 50 years; and

WHEREAS, founded in 1965 as a school for children with disabilities, Didlake did not originally qualify for public funding; parents raised money for the school by selling fireworks on Sudley Road in Manassas; and

WHEREAS, by 2015, Didlake had adapted its mission to providing employment and rehabilitation services, and it had become the largest employer of people with disabilities in the Commonwealth; and

WHEREAS, Didlake serves more than 2,000 people with disabilities annually through job placement services, training, education, and transportation programs; 84 percent of Didlake's clients are residents of the Commonwealth; and

WHEREAS, Didlake operates 28 AbilityOne contract sites, and 78 percent of the company's contract work hours are performed by people with disabilities; in 2013, Didlake also helped place 441 employees in positions with 246 community employers; and

WHEREAS, operating five community-based support programs in the Commonwealth, Didlake has helped hundreds of Virginians become active, productive members of their communities; and

WHEREAS, Didlake is accredited by the Commission on Accreditation of Rehabilitation Facilities and approved by the United States Department of Labor, the Committee for Purchase from People Who Are Blind or Severely Disabled, and several Virginia agencies; and

WHEREAS, to better and more efficiently serve its clients, Didlake works with SourceAmerica, the National Council of Work Centers, the Coalition for Human Services, the American Congress of Community Support and Employment Services, and the Virginia Network of Private Providers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Didlake on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Didlake as an expression of the General Assembly's admiration for its diligent work to enrich the lives of people with disabilities.

### HOUSE JOINT RESOLUTION NO. 726

*Commending Robert P. Schultze.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 10, 2015

WHEREAS, Robert P. Schultze will retire on March 1, 2015, as director of the Virginia Retirement System after more than 38 years of devoted service to the Commonwealth and its public employees and retirees; and

WHEREAS, Robert Schultze holds a bachelor's degree in industrial engineering and a master's degree in business administration, both from the State University of New York at Buffalo, and completed the Virginia Executive Institute; and

WHEREAS, before becoming the director of the Virginia Retirement System, Robert Schultze held a number of positions in Virginia state government in the legislative and executive branches, including executive commissioner of the Department of Taxation, staff director of the House Appropriations Committee, executive director of the Virginia Education Loan Authority, and deputy chief of staff to Governor L. Douglas Wilder; and

WHEREAS, Robert Schultze served on the Board of the National Association of State Retirement Administrators and was appointed to the Governmental Accounting Standards Advisory Council to provide consultation on new governmental accounting standards; and

WHEREAS, during his tenure as Virginia Retirement System director, Robert Schultze envisioned and oversaw the modernization of the agency's computer systems, which will result in improved service to the more than 600,000 members, retirees, and beneficiaries; he also guided the agency through pension reform and was instrumental in efforts to increase funding for the plan; and

WHEREAS, during his tenure as executive commissioner for the Department of Taxation, Robert Schultze led a program to modernize the agency's processes and computer systems, which was funded by incremental tax revenues generated through enhanced compliance systems and resulted in a wide range of new customer services and an enhanced service orientation; and

WHEREAS, Robert Schultze demonstrated leadership skills, served with integrity, and provided dedicated service to the Commonwealth and its citizens in all of his positions; after 38 years of distinguished service with the Commonwealth, he looks forward to the challenges that await him in the private sector; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert P. Schultze for his many contributions to the Commonwealth on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert P. Schultze as an expression of the General Assembly's gratitude for his exemplary service to the Commonwealth and its employees and retirees and best wishes in his future endeavors.

### HOUSE JOINT RESOLUTION NO. 727

*Commending the Nelson County Future Farmers of America Farm Business Management team.*

Agreed to by the House of Delegates, February 5, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the Nelson County Future Farmers of America Farm Business Management team placed second in the Farm Business Management career development event at the 87th National Future Farmers of America Convention and Expo in 2014; and

WHEREAS, the Nelson County Future Farmers of America (FFA) Farm Business Management team placed second out of 42 teams; in the individual standings, Deightan McClellan took fourth place, Zach Barnes placed sixth, Phillip Saunders placed seventh, and Noah Fitzgerald placed 21st, with each earning a gold medal; and

WHEREAS, the Nelson County FFA Farm Business Management team demonstrated their ability to use problem-solving skills and apply economic concepts to farm and ranch management team issues, such as budgets, marketing, risk management, and planning and analysis; and

WHEREAS, the top 10 individual winners in the competition received a cash scholarship, and the Nelson County FFA Farm Business Management team earned a combined \$2,100; the team was coached by Ed McCann, Sr., who was named a Farm Business Fellow after the competition; and

WHEREAS, the Nelson County FFA Farm Business Management team won competitions at local and state levels to advance to the national event, held in Louisville, Kentucky; at the state competition Zachariah Phillips earned first place, Deightan McClellan earned second place, and Zach Barnes earned third place; and

WHEREAS, the members of the Nelson County FFA Farm Business Management team have gained valuable experience and skills that will help them better serve the Commonwealth as farmers, business leaders, and citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nelson County Future Farmers of America Farm Business Management team on placing second in the Farm Business Management career development event at the 2014 National Future Farmers of America Convention and Expo; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ed McCann, Sr., head coach of the Nelson County Future Farmers of America Farm Business Management team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 728

*Commending the Nelson County Middle School Future Farmers of America Agronomy team.*

Agreed to by the House of Delegates, February 5, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the Nelson County Middle School Future Farmers of America Agronomy team placed second in the Agronomy career development event at the 87th National Future Farmers of America Convention and Expo in 2014; and

WHEREAS, the Nelson County Middle School Future Farmers of America (FFA) Agronomy team placed second out of 37 teams; in the individual national standings, Ruth Fitzgerald placed 11th, Patrick Saunders placed 14th, Jacob Saunders placed 21st, and Colin Morris placed 31st; and

WHEREAS, Ruth Fitzgerald earned a \$400 scholarship for her individual performance, and each team member received a gold medal for the team's performance; and

WHEREAS, coached by Scott Massie and Jamie Conner, the Nelson County Middle School FFA Agronomy team applied classroom knowledge of agronomic science to real-world situations and developed solutions for various scenarios, such as seed identification, grain grading, soil analysis, and other management issues; and

WHEREAS, to advance to the national event, held in Louisville, Kentucky, the Nelson County Middle School FFA Agronomy team won the junior and senior divisions at the state competition; Patrick Saunders placed first in the individual state competition; and

WHEREAS, the members of the Nelson County Middle School FFA have gained valuable experience and skills that will help them better serve the Commonwealth as farmers, leaders in their community, and citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nelson County Middle School Future Farmers of America Agronomy team on placing second in the Agronomy career development event at the 2014 National Future Farmers of America Convention and Expo; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Scott Massie and Jamie Conner, coaches of the Nelson County Middle School Future Farmers of America Agronomy team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 729

*Commending the Hampton Roads Sanitation District.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Spratley Commission was created in 1927 to study the effects of sewage pollution on the seafood industry; and

WHEREAS, the worsening problem led the General Assembly to establish the Hampton Roads Sewage Disposal Commission on March 27, 1934, to act as a liaison and to educate the public on the extent of pollution and how to eliminate it; and

WHEREAS, on November 5, 1940, the citizens of the region approved a referendum to create the Hampton Roads Sanitation District to provide for sewage disposal plants to rid the waters of Hampton Roads of pollution; and

WHEREAS, the Hampton Roads Sanitation District now serves 17 cities and counties in southeast Virginia, an area of 3,100 square miles with a population of more than 1.6 million; and

WHEREAS, the Hampton Roads Sanitation District effectively operates a system of more than 500 miles of pipelines and 13 treatment plants, which have earned national awards for outstanding compliance with their environmental permits; and

WHEREAS, the Hampton Roads Sanitation District has engaged in pioneering research that has contributed to the development of innovative wastewater treatment throughout the world and created partnerships to patent resultant technologies; and

WHEREAS, the Hampton Roads Sanitation District has been at the forefront of many sustainability initiatives, including the first municipal water reuse program in the Commonwealth and installing a system at one plant to generate renewable power and heat from anaerobic digester gas; and

WHEREAS, the Hampton Roads Sanitation District has been committed to the creation of a nutrient removal program that provides value to its ratepayers and has implemented three ground-breaking initiatives to reduce the cost of nutrient removal compliance; and

WHEREAS, the Hampton Roads Sanitation District has been honored with the Platinum Excellence in Management Award from the National Association of Clean Water Agencies; and

WHEREAS, the Hampton Roads Sanitation District's dedicated employees, many of whom have been recognized as industry leaders, continue to perpetuate an invaluable legacy by working diligently to protect public health and the waterways of coastal Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hampton Roads Sanitation District on the occasion of the 75th anniversary of its creation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hampton Roads Sanitation District as an expression of the General Assembly's admiration for its work to ensure that future generations will inherit clean waterways and be able to keep them clean.

### HOUSE JOINT RESOLUTION NO. 730

*Commending the Mt. Tabor Ruritan Club.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, in 2015, the Mt. Tabor Ruritan Club proudly celebrates 50 years of dedicated service to the Blacksburg and Montgomery County communities; and

WHEREAS, since 1928, Ruritan Clubs have dedicated themselves to improving communities and building a better America through fellowship, goodwill, and community service; and

WHEREAS, chartered on July 16, 1965, the Mt. Tabor Ruritan Club's membership represented the diverse community, bringing together textile and factory workers, educators, postal carriers, farmers, lawyers, merchants, clergy, and local government officials to achieve a common good; and

WHEREAS, the Mt. Tabor Ruritan Club has made many valuable contributions to the local community by providing needed funds to area organizations, promoting community fellowship, and assisting in service efforts; and

WHEREAS, the members of the Mt. Tabor Ruritan Club have generously given of their time and talents over the years to make their community a better place in which to live and work, and look forward to continuing to serve local residents in the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mt. Tabor Ruritan Club for its contributions to the community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mt. Tabor Ruritan Club as an expression of the General Assembly's congratulations and admiration for its decades of service.

### HOUSE JOINT RESOLUTION NO. 731

*Commending Pamplin College of Business at Virginia Tech.*

Agreed to by the House of Delegates, February 5, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, for 50 years, Pamplin College of Business at Virginia Tech has provided opportunities for innovative research, offered a world-class business curriculum to its students, and served and supported the local community; and

WHEREAS, the first bachelor's degree in business was offered at Virginia Tech in 1925 and what would become Pamplin College of Business was founded in 1965 under Dean Mitchell; the college established a master of business administration program in the Washington, D.C., area in 1973; and

WHEREAS, after a generous gift from Robert B. Pamplin and Robert B. Pamplin, Jr., both alumni and respected leaders in their fields, the college was officially renamed Pamplin College of Business in 1986; and

WHEREAS, fully accredited by the Association to Advance Collegiate Schools of Business, Pamplin College of Business offers degree programs in accounting and information systems, business information technology, economics, finance, hospitality and tourism management, management, and marketing; and

WHEREAS, the undergraduate program at Pamplin College of Business has been ranked as one of the 50 best programs in the country by *U.S. News and World Report*, and the graduate information technology program was ranked second in the country; and

WHEREAS, in 2015, Pamplin College of Business has an enrollment of 4,300 students, accounting for approximately 20 percent of all business degrees awarded by the Commonwealth's public institutions; and

WHEREAS, faculty members of Pamplin College of Business are respected leaders in the fields of industry, finance, management practice, and information technology; many have made contributions to a better understanding of business issues and played a crucial role in public policy making; and

WHEREAS, with the opening of the Apex Systems Center for Innovation and Entrepreneurship and the Center for Business Intelligence and Analytics, Pamplin College of Business strives to be known for its expertise and accomplishments in business knowledge and efforts to empower the entrepreneurs of the future; and

WHEREAS, with support of countless alumni, faculty, and staff, Pamplin College of Business is a leader in business education, developing the knowledge and skills to enhance students' success in a complex, digital economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pamplin College of Business at Virginia Tech on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamplin College of Business at Virginia Tech as an expression of the General Assembly's admiration for the college's commitment to its students and contributions to the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 732

*Commending New River Community Action.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, in 2015, New River Community Action celebrates 50 years of helping residents of New River Valley achieve economic independence and live happier, healthier lives; and

WHEREAS, a key element of the Economic Opportunity Act of 1964, Community Action Agencies were established as a way to give communities the flexibility to create unique programs addressing the causes of poverty in their areas; and

WHEREAS, originally known as Montgomery-Floyd Community Action, New River Community Action was founded in 1965 and quickly established a Head Start program in the region; and

WHEREAS, New River Community Action took its current name in 1969 and now serves the Counties of Floyd, Giles, Montgomery, and Pulaski and the City of Radford; the organization funds its programs through federal and state block grants and generous donations from local individuals, agencies, and service groups; and

WHEREAS, in the 1980s, New River Community Action helped establish the Free Medical Clinic in Christiansburg, turned the former Pembroke Elementary School into an apartment and child-care complex, started the SHARE Program, and sponsored summer camps; and

WHEREAS, New River Community Action also founded a community shelter in Montgomery County and administered weatherization treatments to safeguard residents in need from the elements; and

WHEREAS, in the 1990s, New River Community Action worked with local day care centers to provide free child care, expanded the CHIP program, started the Homeless Intervention Program, and opened the Floyd Family Resource Center; and

WHEREAS, New River Community Action has developed numerous other independent agencies to address local concerns on housing, health, education, nutrition, employment, and emergency assistance; and

WHEREAS, with the dedicated leadership of its board of directors and the hard work of countless volunteers and staff members, New River Community Action has succeeded in its mission to provide "a hand up, not a hand out" and help diverse communities identify and alleviate the causes of poverty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend New River Community Action on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to New River Community Action as an expression of the General Assembly's admiration for the organization's proud traditions of service to and support for the residents of the New River Valley.

### HOUSE JOINT RESOLUTION NO. 733

*Commemorating the 70th anniversary of the end of World War II.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, World War II was the largest and most violent armed conflict in the history of mankind, with fatality estimates ranging between 22,000,000 and 70,000,000 military and civilian deaths; and

WHEREAS, America's finest men and women risked life and limb to protect the American way of life and to halt foreign tyranny and aggression; and

WHEREAS, more than 16,000,000 Americans served in uniform and 405,000 members of the United States Armed Forces paid the ultimate sacrifice for the protection of the American people and for the formation of a more stable world; and

WHEREAS, World War II demonstrated how the American people unite in times of great peril; and

WHEREAS, the united efforts of Americans from all walks of life made the American homefront the Arsenal of Democracy for the worldwide triumph of the Allied powers; and

WHEREAS, Allied forces faced vicious combat, exhibited unmatched bravery, and suffered untold tragedy in Southeast Asia, the Philippines, the islands of the Southwest and Central Pacific, the deserts of North Africa, across great stretches of the Atlantic Ocean, and from the beaches of Western and Southern Europe to the icy Russian tundra; and

WHEREAS, on June 6, 1944, Allied forces launched the D-Day invasion of Normandy, France, the most extensive airborne and seaborne assault ever planned; the operation was a critical turning point in the war and a defining moment of the 20th century; and

WHEREAS, hostilities in the European theater of World War II ceased in May of 1945, and the war officially ended with the surrender of the Japanese upon the deck of the USS *Missouri* on September 2, 1945; and

WHEREAS, the trauma and the exultant triumph of the events of World War II still reside in the collective American psyche through contemporary tales in novels, cinema, and oral history, with the men and women who served during the war still referred to as the Greatest Generation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 70th anniversary of the end of World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation as an expression of the General Assembly's appreciation and respect for the service and sacrifices of all World War II veterans.

### HOUSE JOINT RESOLUTION NO. 734

*Commemorating the 70th anniversary of the liberation of the Auschwitz-Birkenau concentration camps.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, on January 27, 1945, Soviet forces liberated thousands of prisoners from the Auschwitz-Birkenau concentration camps in Nazi-occupied Poland; and

WHEREAS, Auschwitz-Birkenau was a huge complex of camps, including Auschwitz and Auschwitz II-Birkenau, Auschwitz III-Monowitz, and 45 satellite camps, each designated as extermination centers, concentration camps, or forced-labor camps; and

WHEREAS, one million of the civilians who perished at the camp were Jews, along with 100,000 non-Jewish Poles, Roma, and Sinti; Soviet prisoners of war; Jehovah's Witnesses; homosexual men and women; and other ethnic minorities; and

WHEREAS, the prisoners included farmers, tailors, seamstresses, factory hands, accountants, doctors, teachers, small-business owners, clergy, intellectuals, government officials, and political activists; and

WHEREAS, the prisoners were subjected to torture, forced labor, starvation, rape, inhumane medical experiments, and forced separation from loved ones; and

WHEREAS, though the number of living witnesses to these atrocities decreases each year, the citizens of the Commonwealth must never forget the terrible crimes against humanity committed at the Auschwitz-Birkenau concentration camps; and

WHEREAS, ethnic and religious persecution continues to claim lives in all corners of the globe, and the citizens of the Commonwealth must educate future generations and promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 70th anniversary of the liberation of the Auschwitz-Birkenau concentration camps; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Holocaust Museum as an expression of the General Assembly's respect for the significance of this event and the tragic loss of life at the Auschwitz-Birkenau concentration camps.

### HOUSE JOINT RESOLUTION NO. 735

*Commending Doug Bryant.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Doug Bryant, a dedicated law-enforcement officer and the respected, longtime Sheriff of Richmond County, retires in 2015 after nearly four decades of service to the community; and

WHEREAS, a lifetime resident of Richmond County, Doug Bryant has been a law-enforcement officer in the Counties of Northumberland and Richmond for more than 38 years; and

WHEREAS, Doug Bryant was elected Sheriff of Richmond County in 2004, at a time when the Richmond County Sheriff's Office operated out of a small, three-room office; as sheriff, he proudly oversaw the transition into a new, larger office in the courthouse complex; and

WHEREAS, Doug Bryant also helped the Richmond County Sheriff's Office grow from 10 employees to 32 and helped the office acquire cutting-edge technology, tools, and training to better serve and protect the public; and

WHEREAS, under Doug Bryant's leadership, the Richmond County Sheriff's Office successfully implemented a new animal control department, hired investigators, and began offering school resource officers; and

WHEREAS, to enhance the lives of local senior citizens, Doug Bryant instituted the senior call-in program, where officers call members of the program twice a day to check on their well-being; and

WHEREAS, after his well-earned retirement, Doug Bryant will remain in Richmond County and plans to spend more time with his family; and

WHEREAS, an exemplar of the professionalism and genuine care for the community shown by law-enforcement officers throughout the Commonwealth, Doug Bryant leaves a legacy of excellence to his successor as sheriff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Doug Bryant on the occasion of his retirement as Sheriff of Richmond County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Bryant as an expression of the General Assembly's admiration for his leadership and commitment to safeguarding the residents of Richmond County.

### HOUSE JOINT RESOLUTION NO. 736

*Celebrating the life of Captain William E. West, Jr., USCG (Ret.).*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Captain William E. West, Jr., USCG (Ret.), a proud World War II veteran and a respected leader who safeguarded the Commonwealth as a member of the United States Coast Guard died on August 12, 2014; and

WHEREAS, a native of Accomack County, William West attended the United States Merchant Marine Academy and served as a cadet midshipman during the Battle of the Atlantic in World War II; he completed three convoy runs to deliver supplies for the war effort and graduated in 1944; and

WHEREAS, after graduation, William West continued to serve his country with the United States Navy as an ensign aboard the USS *Winslow*, which performed convoy and carrier escort duties; after the war, he sailed aboard merchant ships and quickly rose to the rank of chief mate; and

WHEREAS, William West briefly returned to the United States Navy before transferring to the United States Coast Guard in 1949; in less than five years, he served aboard four ships and twice served as executive officer; and

WHEREAS, after earning his unlimited Master Mariner's license, Captain West took command of the USCGC *Triton* in 1955; over the next 26 years, Captain West commanded ships in the Atlantic and Pacific Oceans and served as either executive or commanding officer at posts in Florida, New Jersey, Texas, and Alaska; and

WHEREAS, throughout his career, Captain West was deployed to the Arctic three times and to the Antarctic four times; he commanded the USCGC *Glacier*, which was one of the largest, most powerful icebreakers in the world at the time; and

WHEREAS, during his last posting as commander of Coast Guard Activities Europe, Captain West represented the nation as the attaché to the Court of St. James in London and served on the staff of the United States ambassador; and

WHEREAS, after his well-earned retirement, Captain West remained active in the community, offering his time and wise leadership to a local nursing home and Boy Scouts of America troop; he supported the local chapter of the American Diabetes Association and worked to honor the service and sacrifices of his fellow veterans; and

WHEREAS, Captain West also worked to enhance the quality of life of his fellow residents as a member of the Accomack County Board of Supervisors, and he remained a dedicated and supportive alumnus of the United States Merchant Marine Academy; and

WHEREAS, Captain West will be fondly remembered and greatly missed by his wife, Ann; daughter, Julie, and her family; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Captain William E. West, Jr., USCG (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain William E. West, Jr., USCG (Ret.) as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 737**

*Celebrating the life of Dennis Ray Daniels.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Dennis Ray Daniels of Annandale, a passionate advocate for improved housing and economic development for Native Americans, a veteran of the United States Armed Forces, a community volunteer, and a devoted husband and father, died on August 14, 2014; and

WHEREAS, a native of Alva, Oklahoma, Dennis Daniels was an outstanding athlete at Douglass High School and received an athletic scholarship to Butler County Junior College, now Butler Community College, in El Dorado, Kansas; and

WHEREAS, Dennis Daniels served in the United States Air Force during the Vietnam era; after completing his military service, he enrolled at Wichita State University, becoming the first member of his family to earn a college degree; and

WHEREAS, Dennis Daniels was a federal government employee for many years, working for the United States Department of Agriculture in Kansas, Oklahoma, Arizona, and Washington, D.C.; and

WHEREAS, Dennis Daniels then worked for the Office of Native American Programs at the Department of Housing and Urban Development; when he retired in 2006, he was director of headquarters operations; and

WHEREAS, Dennis Daniels championed improved housing and economic development for Native Americans; his grasp of complex policy and legislative issues were of immense benefit to the nonprofit Native American Indian Housing Council, where he worked from 2006 to 2012; and

WHEREAS, it was not only Dennis Daniels' breadth of understanding of federal policy but his willingness to share that knowledge with those working to improve the lives of Native Americans that left a positive and lasting impact; and

WHEREAS, Dennis Daniels, who readily shared a smile with people around him, is remembered for his warmth, sense of humor, and wide knowledge of music; after retiring a second time, he derived great satisfaction from volunteer work and time spent with his children; and

WHEREAS, Dennis Daniels will be greatly missed and fondly remembered by his wife, Jennifer; his children, Carter, Kathryn, and Thomas, and grandson, Evan, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dennis Ray Daniels of Annandale, a passionate advocate for improved housing and economic development for Native Americans, a veteran of the United States Armed Forces, a community volunteer, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dennis Ray Daniels as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 738**

*Commending the Rotary Club of Lunenburg.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, in 2015, the members of the Rotary Club of Lunenburg celebrate 75 continuous years of putting "Service Above Self" in Lunenburg County; and

WHEREAS, Rotary International was formed in 1905 to enable members to promote goodwill and peace through the improvement of community health and well-being, to support education, and to alleviate poverty; and

WHEREAS, originally known as the Rotary Club of Victoria, the Rotary Club of Lunenburg was organized and chartered in 1940 with the sponsorship of the Rotary Club of Blackstone; Robert M. Williams served as the club's first president; and

WHEREAS, the Rotary Club of Victoria's first project was to support the Victoria Fire Company, which has become one of the best volunteer fire and rescue departments in the Commonwealth; and

WHEREAS, to better reflect the Rotary Club of Victoria's service in both the Town of Victoria and Lunenburg County, the club was rechartered as the Rotary Club of Lunenburg in January 1982; and

WHEREAS, the Rotary Club of Lunenburg sponsors Boy Scouts of America Troop 7538 and Cub Scouts Pack 7542 and works to support residents in need with the local Salvation Army and food pantry; and

WHEREAS, promoting the importance of education, the Rotary Club of Lunenburg awards an annual scholarship to a local high school student, sponsors Student Government Day at Lunenburg Central High School, and provides books for elementary school students; and

WHEREAS, the Rotary Club of Lunenburg has also engaged in a partnership with the Town of Victoria to build a basketball court at Victoria Railroad Park; and

WHEREAS, a vital part of the community, the 23 members of the Rotary Club of Lunenburg provide outstanding community service and support many other local, state, national, and international humanitarian initiatives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Lunenburg on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna J. Dagner, president of the Rotary Club of Lunenburg, as an expression of the General Assembly's admiration for the club's proud tradition of service to the residents of Lunenburg County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 739

*Celebrating the life of Thomas F. Bergin.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Thomas F. Bergin, a distinguished professor emeritus at the University of Virginia School of Law who was profoundly respected by students and faculty alike, died on December 19, 2014; and

WHEREAS, a native of New Haven, Connecticut, Thomas Bergin graduated from what is now known as Choate Rosemary Hall; he was a standout baseball player in his youth, helping his team to win first place in the Greater New Haven League two consecutive years; and

WHEREAS, Thomas Bergin joined many of the other young men of his generation in service to his country during World War II; he served with the 69th Composite Wing of the Army Air Corps in the Pacific Theater and was a French and Japanese translator in China; and

WHEREAS, after his honorable discharge, Thomas Bergin resumed his education, earning a bachelor's degree from Princeton University and a law degree from Yale University; and

WHEREAS, Thomas Bergin practiced law in New York City for nine years before becoming assistant to the president of Sarah Lawrence College and a professor at Yale University; and

WHEREAS, continuing his career in academia, Thomas Bergin joined the University of Virginia School of Law in 1963; during his exceptional 30-year career, he founded the joint degree program in law and economics and taught a graduate program for judges, as well as several other courses; and

WHEREAS, admired for his quick wit and sense of humor, Thomas Bergin was also known as a precise and rigorous scholar who inspired excellence in his students and fellow educators; upon his well-earned retirement in 1992, *Virginia Law Weekly* and the *Virginia Law Review* both paid tribute to his accomplishments and leadership in the field; and

WHEREAS, the Thomas F. Bergin Teaching Professorship, a chair that is awarded annually to an outstanding University of Virginia educator, is named in Thomas Bergin's honor as a lasting tribute to his legacy; and

WHEREAS, Thomas Bergin will be fondly remembered and greatly missed by his daughter, Anne, and her family and by numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas F. Bergin, a highly admired scholar and dedicated educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas F. Bergin as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 740

*Celebrating the life of the Honorable James Brady Murray.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the Honorable James Brady Murray of Earlysville, a dedicated conservationist, businessman, and public servant who ably represented the residents of the Counties of Albemarle, Fluvanna, and Greene and the City of Charlottesville in the Virginia House of Delegates for eight years, died on January 2, 2015; and

WHEREAS, a native of Allenhurst, New Jersey, James Murray was born on the Fourth of July in 1920; he earned a bachelor's degree from Georgetown University and a degree in electrical engineering from Yale University; and

WHEREAS, joining many of the other young men of his generation as a member of the United States Navy during World War II, James Murray served on aircraft carriers in the Pacific Ocean and was stationed in Coronado, California; and

WHEREAS, after his honorable military service, James Murray moved to New York and became president of Murray Manufacturing, the electrical equipment company founded by his grandfather, Thomas E. Murray; and

WHEREAS, in 1953, James Murray relocated to the Commonwealth and founded Panorama Farms, where he began a long, fulfilling career as a farmer and conservationist; he presided over the Virginia Water Project and served on the Thomas

Jefferson Sustainability Council and the Virginia Nature Conservancy Board, where he worked to balance responsible economic growth with conservation efforts; and

WHEREAS, James Murray also taught at the University of Virginia and established and managed a local branch of Murray Manufacturing, which created 700 new job opportunities in Albemarle County; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, James Murray ran for and was elected to the Virginia House of Delegates; representing the residents of the Counties of Albemarle, Fluvanna, and Greene, as well as part of the City of Charlottesville, he served four terms from 1974 to 1982; and

WHEREAS, James Murray sponsored and supported many important pieces of legislation, including bills to designate the Rivanna as a National Wild and Scenic River, establish Piedmont Virginia Community College, allow organ donor designations on driver's licenses, and grant health maintenance organizations the right to operate in the Commonwealth; and

WHEREAS, James Murray also served the community as the chair of the Albemarle County Electoral Board for 15 years, the chair of Piedmont Virginia Community College, director of the United Virginia Bank of Charlottesville, director of the Charlottesville Regional Chamber of Commerce, and a board member of several other agencies and civic organizations; and

WHEREAS, James Murray earned many awards and accolades for his leadership and service, including the Paul Goodloe McIntire Citizenship Award and the Virginia Conservationist of the Year award in 1991; a man of great integrity, he served the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, predeceased by his wife, Bunny, and one son, Latham, James Murray will be fondly remembered and greatly missed by his seven sons, 23 grandchildren, eight great-grandchildren, numerous other family members and friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable James Brady Murray, a respected businessman, passionate conservationist, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable James Brady Murray as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 741

*Commending the Albemarle Charlottesville Historical Society.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the Albemarle Charlottesville Historical Society, a private, nonprofit educational organization that works to study, preserve, and promote the history of Albemarle County and the City of Charlottesville, celebrates its 75th anniversary in 2015; and

WHEREAS, organized by a group of 200 local residents on April 4, 1940, the Albemarle Charlottesville Historical Society set out to locate and preserve economic, religious, political, and social records from past generations to ensure that future historians would have an accurate, complete representation of life in the region; and

WHEREAS, located in the historic McIntire Building, the Albemarle Charlottesville Historical Society has facilitated the collection and storage of such records, as well as other printed materials and artifacts; the society also encourages amateur research through various activities, such as annual essay contests; and

WHEREAS, the Albemarle Charlottesville Historical Society's library contains over 6,000 books and bound periodicals, as well as manuscripts, maps, pamphlets, newspapers, and vertical files; its archival collection houses more than 3,000 artifacts and more than 60,000 photographs; and

WHEREAS, the Albemarle Charlottesville Historical Society has published an annual scholarly journal, the *Magazine of Albemarle County History*, since 1940 and a newsletter, *The Bulletin*, since 1970; and

WHEREAS, the Albemarle Charlottesville Historical Society has also published numerous books, including *Pursuits of War: The People of Charlottesville and Albemarle County, Virginia in the Second World War*, and *Albemarle: Jefferson's County, 1727-1976*; and

WHEREAS, engaging residents of and visitors to the region, the Albemarle Charlottesville Historical Society hosts walking tours, exhibitions, and events; the annual Spirit Walk brings history to life with reenactors portraying local historical figures; and

WHEREAS, supporting a unique aspect of American history, the Albemarle Charlottesville Historical Society advocated for continued operation of the Hatton Ferry, the nation's last hand-poled river ferry; the society rebuilt the ferryman's hut, installed interpretive displays, and later assumed full ownership of the ferry from the Commonwealth; and

WHEREAS, the Albemarle Charlottesville Historical Society has also dedicated markers at the Barracks Cemetery and a display detailing the Battle of Rio Hill in the American Civil War; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Albemarle Charlottesville Historical Society on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Albemarle Charlottesville Historical Society as an expression of the General Assembly's admiration for the society's dedication to its mission to strengthen the community by building an appreciation of local history.

### HOUSE JOINT RESOLUTION NO. 742

*Commending Donna Shaunesey.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Donna Shaunesey has served JAUNT, a regional rural transit system serving Central Virginia since 1974, with extraordinary dedication from 1982 to 1994 as assistant director and from 1996 to 2015 as executive director; and

WHEREAS, Donna Shaunesey has worked with her dedicated staff, the JAUNT board of directors, six localities, and JAUNT's partners in the community to grow and maintain a coordinated system, serving over 2,500 square miles, including the City of Charlottesville and the Counties of Albemarle, Buckingham, Fluvanna, Louisa, and Nelson; and

WHEREAS, during Donna Shaunesey's tenure, JAUNT provided transportation for over four million people who needed to access employment, medical services, and community resources; and

WHEREAS, Donna Shaunesey has had a distinguished career of serving the public transportation community statewide and nationally as president of the Community Transportation Association of Virginia from 2009 to 2012 and as state delegate for the national Community Transportation Association of America (CTAA) in 2000 and 2001; and

WHEREAS, Donna Shaunesey ensured the rural transit perspective was always represented on numerous boards, committees, and work groups, as demonstrated by her recent participation in the Transit Service Delivery Advisory Committee, which was established to advise the Department of Rail and Public Transportation in the development of a distribution process for transit capital and operating funds; and

WHEREAS, Donna Shaunesey has contributed to the evolution of coordinated, rural public transportation through her representation and participation on projects of national significance, such as serving on the Transit Cooperative Research Program's Methods for Forecasting Demand and Quantifying Need for Rural Passenger Transportation panel from 2007 to 2011; and

WHEREAS, Donna Shaunesey's leadership and growth of JAUNT was recently recognized nationally, when the organization was named one of five rural public transportation systems receiving the Federal Transit Administrator's Award for Outstanding Rural Transit System, honoring JAUNT's sustained service and work to enhance mobility and increase access to employment; and

WHEREAS, Donna Shaunesey has served the community through her participation on the Charlottesville/Albemarle MPO Policy Board and Technical Committee from 1996 to 2015, offering her perspective and advice on issues ranging from alternative transportation studies to long-range transportation planning; and

WHEREAS, Donna Shaunesey's values for environmental stewardship are reflected in her volunteer service to organizations like the Nature Conservancy from 1997 to 2012, as well as her leadership during the 2013 Better Business Challenge for which JAUNT received the Green Leader Award; and

WHEREAS, Donna Shaunesey demonstrated her continued desire to be a leader in the industry by becoming one of the first four transit managers in the country to be named a Certified Community Transit Manager under the CTAA program in 1994; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Donna Shaunesey, a dedicated public servant, for her 31 years of service at JAUNT in Charlottesville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna Shaunesey as an expression of the General Assembly's appreciation and admiration for her work.

### HOUSE JOINT RESOLUTION NO. 743

*Commending Eugene Williams.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Eugene Williams of Charlottesville, a longtime community leader and advocate for civil rights, was honored on November 5, 2014, as a Paul Harris Fellow by the Blue Ridge Mountains Rotary Club for his leadership and vision and especially for his work to remove racial barriers and provide affordable housing; and

WHEREAS, Eugene Williams is a native of Charlottesville, which was markedly segregated when he was a young boy; he attended blacks-only public schools, and his home, which fronted a dirt road, had no indoor plumbing; and

WHEREAS, after graduating from the Jefferson High School in Charlottesville, Eugene Williams attended Southern University and Agricultural and Mechanical College in Baton Rouge, Louisiana; he then served a tour of duty in the United States Army; and

WHEREAS, in 1953, Eugene Williams returned home and began working in the insurance business, becoming Regional Vice President of Universal Life Insurance Company; the following year he was named president of the Charlottesville Branch of the NAACP and was in the forefront of the civil rights movement in Charlottesville for many years; and

WHEREAS, Eugene Williams and his wife, Lorraine Payne Williams, formed a committee of parents to integrate the Charlottesville Public Schools; the group won a lawsuit that ordered two public schools to desegregate, but the school system closed the two schools rather than comply with the court order; and

WHEREAS, when the Charlottesville Public Schools reopened in 1962, the Williams' two daughters, Karol and Scheryl, ages 10 and 8 respectively, were enrolled at and escorted by police to formerly all-white schools; years later their daughter Scheryl was named Homecoming Queen at Lane High School, which was less than 10 percent African American; and

WHEREAS, Eugene Williams also was concerned about the loss of the working-class neighborhood of Vinegar Hill; during Charlottesville's urban renewal efforts, many African American homes and businesses were demolished, creating a demand for affordable housing; and

WHEREAS, Eugene Williams, together with his wife, Lorraine, brother, Albert, and sister-in-law, Emma, bought and rehabilitated 62 housing units in Charlottesville; they formed Dogwood Housing to rehabilitate and rent the apartments to low-income and underserved families, and they owned the successful property management company until they sold it in 2007; and

WHEREAS, Eugene Williams was nominated in 1986 to join the Blue Ridge Mountains Rotary Club; his life's mission—to erase segregation and help the less fortunate in Charlottesville—epitomizes Rotary's motto of "Service Above Self"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Eugene Williams of Charlottesville, a community leader and civil rights advocate, who was named a Paul Harris Fellow by the Blue Ridge Mountains Rotary Club for his leadership and vision in removing racial barriers and providing affordable housing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eugene Williams as an expression of the General Assembly's great respect and admiration for his unwavering determination to right a wrong and provide equal opportunity for all people.

#### **HOUSE JOINT RESOLUTION NO. 744**

*Commending Lorraine Payne Williams.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Lorraine Payne Williams of Charlottesville, a retired teacher, a community leader, and an advocate for civil rights, was honored on November 5, 2014, as a Paul Harris Fellow by the Blue Ridge Mountains Rotary Club for her leadership, vision, and support, especially in her work to remove racial barriers and provide affordable housing; and

WHEREAS, a native of Ivy, Lorraine Payne attended Terry Elementary School and Jefferson High School in Charlottesville, both of which were segregated; she received a bachelor's degree from Hampton Institute, now Hampton University and later earned a master's degree from the University of Virginia; and

WHEREAS, Lorraine Payne married Eugene Williams and became a teacher; she taught hundreds of children from Charlottesville and Albemarle County during a long and distinguished career; and

WHEREAS, in the mid-1950s, Lorraine Williams and her husband, who was president of the Charlottesville Branch of the NAACP, formed a committee of parents to integrate the Charlottesville Public Schools; the group won a lawsuit that ordered the public schools to desegregate, but the school system closed rather than comply with the court order; and

WHEREAS, when the Charlottesville Public Schools reopened in 1962, the Williams' two daughters, Karol and Scheryl, ages 10 and 8 respectively, were enrolled at and escorted by police to formerly all-white schools; years later, their daughter Scheryl was named Homecoming Queen at Lane High School, which was less than 10 percent African American; and

WHEREAS, recognizing that community involvement can improve people's lives, Lorraine Williams joined and served as president of the Charlottesville Alumnae Chapter of Delta Sigma Theta Sorority, Inc.; the group promotes human welfare through established community programs; and

WHEREAS, Lorraine Williams formed Dogwood Housing with her husband and other family members to maintain and improve the inventory of affordable housing in Charlottesville; the company bought 62 housing units and renovated them, creating attractive and affordable housing in the city; and

WHEREAS, for many years, Lorraine Williams and her husband took a personal interest in their tenants, encouraging them to work hard so that they could advance and become homeowners; they owned the successful property management company until they sold it in 2007; and

WHEREAS, Lorraine Williams has devoted much of her life to erasing segregation and helping the less fortunate in Charlottesville; her work epitomizes Rotary's motto of "Service Above Self"; and

WHEREAS, Lorraine Williams, interested in serving others, was a Charter member of the Charlottesville Chapter of The Links, Incorporated, a volunteer service organization of extraordinary women committed to enriching, sustaining, and ensuring the culture and economic survival of African Americans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lorraine Payne Williams of Charlottesville, a retired teacher, community leader, and civil rights advocate, who was named a Paul Harris Fellow by the Blue Ridge Mountains Rotary Club for her work to remove racial barriers and provide affordable housing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lorraine Payne Williams as an expression of the General Assembly's great respect and admiration for her unwavering determination to right a wrong and provide equal opportunity for all people.

### HOUSE JOINT RESOLUTION NO. 745

*Commending Dennis Welch.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Dennis Welch, a veteran law-enforcement officer and a member of the Amtrak Police Department, works with his K-9 partner Aziz to diligently serve and protect residents of and visitors to the Commonwealth on a daily basis; and

WHEREAS, desirous to be of service to his country, Dennis Welch joined the United States Army and has been a military or police working dog handler for more than 17 years; and

WHEREAS, Dennis Welch started his career in law enforcement with the Metropolitan Washington Airports Authority, where he worked with explosives detection dogs at Ronald Reagan National Airport and Dulles International Airport; and

WHEREAS, currently employed by the Amtrak Police Department, Dennis Welch is partnered with Aziz, a five-year-old German Shorthaired Pointer specializing in explosives detection; Aziz is a critical asset in the mission to protect the nation's infrastructure and keep Amtrak passengers safe; and

WHEREAS, Dennis Welch and Aziz safeguard Amtrak's employees and passengers by sweeping unattended bags, patrolling Amtrak buildings and terminals, and providing boarding sweeps of trains; they have also provided additional protection for VIP motorcades and trains; and

WHEREAS, Dennis Welch and Aziz were assigned to the United States Marshals Service as K-9 support for the Concert for Valor, which honored the nation's veterans on the National Mall on November 11, 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dennis Welch for his service to the Commonwealth as a law-enforcement officer, along with his K-9 partner, Aziz; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis Welch as an expression of the General Assembly's admiration for his courage, professionalism, and dedication.

### HOUSE JOINT RESOLUTION NO. 746

*Celebrating the life of Paul Gagnon.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Paul Gagnon of Franconia, an admired community leader who served as a magistrate of the 19th Judicial District of Virginia, died on November 15, 2014; and

WHEREAS, a native of Washington, D.C., Paul Gagnon grew up in the Franconia community and graduated with the second graduating class of Hayfield Secondary School; and

WHEREAS, desirous to be of service to his country, Paul Gagnon enlisted in the United States Air Force after high school; he served as an air traffic controller from 1972 to 1976, including a posting in Alaska; and

WHEREAS, Paul Gagnon earned a bachelor's degree from Chapman University and certification as a medical laboratory technician from the Georgetown School of Arts and Sciences; he also earned one of the first master's degrees in conflict analysis and resolution from George Mason University; and

WHEREAS, from 1979 to 2005, Paul Gagnon served members of the community as an employee of Inova Alexandria Hospital; he also served as a part-time substitute teacher and founded a training and consulting business; and

WHEREAS, deeply involved in local civics, Paul Gagnon was the chair of the Lee District Land Use and Transportation Advisory Committee, the president of Northern Virginia Mediation Services, and a board member of the Lee District Council of Civic Organizations; he ran for the Fairfax County Board of Supervisors three times, bringing awareness to important issues with each campaign; and

WHEREAS, in 2005, Paul Gagnon became a magistrate of the 19th Judicial District of Virginia, serving Fairfax County residents; he earned a reputation for fairness, sound decision-making, and a commitment to justice; and

WHEREAS, Paul Gagnon always worked to be a better Christian and friend to members of the community; he generously volunteered his time and talents to enhance the lives of his fellow residents and earned the Fairfax County Volunteer Service Award in 2006; and

WHEREAS, Paul Gagnon will be fondly remembered and greatly missed by his wife, Johna, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul Gagnon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Gagnon as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 747

*Celebrating the life of the Honorable William Wellington Jones.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Honorable William Wellington Jones, a distinguished attorney, highly admired former judge of the 5th Judicial District of Virginia, and active member of the Suffolk and Nansemond County communities, died on January 25, 2015; and

WHEREAS, a native of Driver, William Jones graduated from Chuckatuck High School and earned bachelor's and law degrees from The College of William and Mary; he also served his country as a member of the United States Navy, achieving the rank of lieutenant; and

WHEREAS, beginning in 1947, William Jones practiced law in Suffolk; he became a judge in Nansemond County in 1949, then became the Commonwealth's Attorney of Nansemond County in 1954; and

WHEREAS, William Jones was appointed as a judge of the Suffolk General District Court of the 5th Judicial District of Virginia in 1978; he presided with great fairness and wisdom until his well-earned retirement from the bench in 1991; and

WHEREAS, during his tenure as a judge, William Jones was respected for his knowledge of the law and commitment to justice; and

WHEREAS, William Jones also worked to enhance the quality of life of his fellow residents as a member of American Legion Post 57, the Driver Ruritan Club, and the local Lions Club; and

WHEREAS, William Jones was proud of his family's heritage in the region; he was a member of the Sons of Confederate Veterans and a charter member and president of the Suffolk-Nansemond Historical Society; and

WHEREAS, a man of great integrity, William Jones served the Commonwealth with the utmost professionalism, dedication, and distinction; he will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Wellington Jones, a respected judge and admired member of the Suffolk and Nansemond County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William Wellington Jones as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 748

*Celebrating the life of Thomas Stewart Belcher.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 10, 2015

WHEREAS, Thomas Stewart Belcher, an active member of the Hampton community, died on January 12, 2015; and

WHEREAS, Thomas Belcher honorably served his country in the United States Army from 1968 to 1970; and

WHEREAS, Thomas Belcher served and safeguarded members of the Hampton community as a medic and firefighter with the Hampton Division of Fire and Rescue; and

WHEREAS, as a member of Hampton Holiness Chapel, Thomas Belcher served on his church's leadership team and was recognized as an exceptional servant and leader, whose life was a testimony to the power of God; and

WHEREAS, Thomas Belcher's love for family is reflected in his 26-year marriage to Debra Belcher, an employee of the General Assembly from 2006 to 2013; and

WHEREAS, in his free time, Thomas Belcher was an avid sportsman and fan of both NASCAR and the Washington Redskins; and

WHEREAS, Thomas Belcher will be fondly remembered and greatly missed by his wife, Debra; daughter, Michelle Garrett; granddaughters, Ashley and Kayleigh Toth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Stewart Belcher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Stewart Belcher as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 749

*Commending Sterling N. Ransone, Jr., M.D.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Sterling N. Ransone, Jr., M.D., a dedicated family physician from Cobbs Creek, faithfully served the medical profession and the Commonwealth as the 2013–2014 president of the Medical Society of Virginia; and

WHEREAS, Sterling Ransone earned bachelor's and master's degrees from The College of William and Mary and a medical degree from the Medical College of Virginia (now known as the Virginia Commonwealth University School of Medicine); he completed his internship at Riverside Regional Medical Center and residency at Riverside Family Practice Center; and

WHEREAS, Dr. Ransone served as chief resident of family practice at the Riverside Regional Medical Center, as assistant clinical professor of family medicine at the Medical College of Virginia, and as a fellow of the American Academy of Family Physicians; he is board certified by the American Academy of Family Physicians and the National Board of Medical Examiners; and

WHEREAS, Dr. Ransone joined the Riverside Fishing Bay Family Practice in 1995 and has been a vital member of the community ever since; he also served as assistant clinical professor of Family Medicine at the Medical College of Virginia; and

WHEREAS, Dr. Ransone is a regular volunteer in his community, including as a founding board member and medical director for Hospice Support Services of Middlesex County and medical director of Middlesex County Volunteer Rescue Squad; and

WHEREAS, a respected leader in his field, Dr. Ransone has made many contributions to his profession as president of the Mid-Tidewater Medical Society, president of the Virginia Academy of Family Physicians, and chair of the Medical Society of Virginia Political Action Committee; and

WHEREAS, Dr. Ransone has taken an active role with the Medical Society of Virginia, serving as vice president and a member of the board of directors, as well as chair of several of its committees prior to his tenure as president; during his term as president of the Medical Society of Virginia, he drew upon his wealth of experience as a physician to provide strong leadership to promote quality health care throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sterling N. Ransone, Jr., M.D., on his successful term as the 2013–2014 president of the Medical Society of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sterling N. Ransone, Jr., M.D., as an expression of the General Assembly's admiration for his commitment to the medical profession and the well-being of all Virginians.

### HOUSE JOINT RESOLUTION NO. 750

*Celebrating the life of James Clement Van Pelt, Sr.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, James Clement Van Pelt, Sr., a distinguished and decorated veteran and a passionate educator who inspired countless young business leaders in the Commonwealth, died on December 10, 2014; and

WHEREAS, James Van Pelt grew up in Marion County, Kentucky, and graduated from Marion County High School, where he was a standout athlete in several varsity sports; he attended Columbia Military Academy and graduated from the United States Naval Academy; and

WHEREAS, joining many of the other young men of his generation, James Van Pelt served his country in the United States Navy during World War II; he served aboard the USS *Purdy* and the USS *Perkins* and earned a Bronze Star with Valor for his heroic actions during the Battle of Okinawa; and

WHEREAS, James Van Pelt served during the occupation of Japan and during the Korean War; he held several other postings in the Naval Supply Corps, including at the Pentagon and as chief logistics officer for the United States 6th Fleet in Europe; and

WHEREAS, James Van Pelt also taught at the Industrial College of the Armed Forces and the Naval War College before retiring with the rank of captain; in recognition of his exceptional service, his name is inscribed at the United States Navy Memorial in Washington, D.C.; and

WHEREAS, after earning a master's degree from Stanford University and a doctorate from George Washington University, James Van Pelt worked to inspire young leaders as a business administration professor at Old Dominion University and what is now Christopher Newport University; and

WHEREAS, James Van Pelt earned many awards and accolades in his lifetime, including recognition from the local YMCA for his skill as a swimmer; he had also been named an honorary Kentucky Colonel by his home state; and

WHEREAS, James Van Pelt was predeceased by his beloved wife, Mary; he will be fondly remembered and greatly missed by his children, James, Jr., William, and Amanda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Clement Van Pelt, Sr., a proud veteran and a respected educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Clement Van Pelt, Sr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 751

*Celebrating the life of Brock Anthony Michael Funk.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Brock Anthony Michael Funk, a teacher at Castlewood Elementary School, who was an exceptional baseball player at Grayson County High School and the University of Virginia's College at Wise, a man of great faith, and a loving husband and father, died on January 16, 2015; and

WHEREAS, Brock Funk, who was born in Galax and reared in Fries, was a 2004 graduate of Grayson County High School; he played varsity football and basketball and was a standout baseball pitcher who as a senior was named the Virginia High School League's Group A player of the year; and

WHEREAS, after high school, Brock Funk attended the University of Virginia's College at Wise and helped lead the school's baseball team to two consecutive regional tournaments; he ranks second in school history for pitching wins, with a collegiate won-lost record of 23-10; and

WHEREAS, a focused and intimidating competitor during a game, when he was off the field, Brock Funk was kindhearted, low-key, and generous, with an amiable and humble nature; friends, former coaches, and opposing players remember his extraordinary talent and his laid-back demeanor; and

WHEREAS, a man of great faith throughout his life, Brock Funk found fulfillment in worship and fellowship at Mills Chapel Church in Castlewood, where he was a member; and

WHEREAS, Brock Funk, who was preceded in death by an infant daughter, Atley Grace, will be greatly missed and fondly remembered by his wife, Terri Anne, and his children, Zoey and Ezekiel; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brock Anthony Michael Funk, a teacher at Castlewood Elementary School, who was an exceptional student athlete at Grayson County High School and the University of Virginia's College at Wise, a man of great faith, and a loving husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brock Anthony Michael Funk as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 752

*Commending Tim Webb.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, the quick thinking and heroic actions of Tim Webb, a communications officer and dispatcher with the Galax Police Department, helped save the life of a child in December 2014; and

WHEREAS, on December 29, 2014, a 17-month-old boy with a fever experienced convulsions and stopped breathing; the boy's mother and grandmother called 911 and reached Tim Webb; and

WHEREAS, realizing the severity of the situation and facing a high call volume, Tim Webb directed his partner to handle all other incoming calls and contacted local emergency medical services; and

WHEREAS, Tim Webb, a certified CPR instructor who had worked for the Laurel Volunteer Rescue Squad and Piper Gap Rescue Squad for 20 years, relied on his training to calm and reassure the child's mother and grandmother; and

WHEREAS, after directing the child's grandmother to perform CPR, Tim Webb continued to offer guidance and monitor the situation until the child resumed breathing; first responders arrived promptly and treated the child, who has since returned home to his family; and

WHEREAS, Tim Webb had received Emergency Medical Dispatch training and served as an Emergency Medical Dispatch instructor, ensuring that he had the tools and knowledge to properly assess and respond to the situation; other Galax Police Department officers will receive similar training in 2015; and

WHEREAS, Tim Webb, along with other officers of the Galax Police Department, had previously received accolades from the Association of Public-Safety Communications Officials for his role in handling the response to a multi-vehicle wreck on I-77 in 2013; and

WHEREAS, Tim Webb is an exemplar of the dedication and care for members of the public shown by law-enforcement officers and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tim Webb for his lifesaving actions in December 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Webb as an expression of the General Assembly's admiration for his professionalism and grace under pressure.

### HOUSE JOINT RESOLUTION NO. 753

*Commending The Tavern.*

Agreed to by the House of Delegates, February 6, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, in 2014, The Tavern restaurant, located in Abingdon's oldest building, celebrated 20 years of providing fine dining in a relaxed and informal atmosphere; and

WHEREAS, when the building was first constructed in 1779, it was used as a tavern and stagecoach stop; at that time, few buildings existed west of the Blue Ridge Mountains, and in its early days, The Tavern's guests included distinguished statesmen and leaders; and

WHEREAS, President Andrew Jackson, Henry Clay, King Louis-Philippe of France, and Pierre Charles L'Enfant, whose architectural designs established the layout of streets in Washington, D.C., stayed at The Tavern during its first years of existence; and

WHEREAS, the building that today houses The Tavern has had many uses in the past 235 years; it has been a bank, bakery, general store, cabinet shop, barber shop, private residence, antique shop, and restaurant; during the Civil War, The Tavern was a hospital for wounded soldiers; and

WHEREAS, an extensive renovation in 1984 by Emmitt F. Yeary, a local attorney, restored The Tavern to its former prominence, and in 1994, The Tavern once again opened as a restaurant, under the management of Max Hermann, a native of Germany and a veteran of the United States Air Force; and

WHEREAS, today, diners enjoy the best of German and American cuisine at The Tavern; the atmosphere blends the historic appeal of a Colonial-era inn with modern amenities, including a balcony and tranquil back courtyard for outdoor eating in warm weather; and

WHEREAS, under Max Hermann's ownership, The Tavern has garnered numerous accolades and awards in its 20-year history; a loyal clientele and many favorable reviews have helped make The Tavern a favorite of area residents, visitors to historic Abingdon, and travelers who find their way to the eatery; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Tavern restaurant in Abingdon on the occasion of its 20th anniversary of providing informal and relaxed dining where customers can enjoy delicious meals in a building steeped in history and Colonial atmosphere; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Max Hermann, manager of The Tavern, as an expression of the General Assembly's congratulations and admiration for helping to continue the Commonwealth's long tradition of fine dining and warm hospitality.

### HOUSE JOINT RESOLUTION NO. 754

*Celebrating the life of Gertrude Weber.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Gertrude Weber of Albemarle County, a passionate advocate for the arts and the environment, who restored a historic property near Charlottesville, and who actively participated in the cultural life of the University of Virginia community, died on January 6, 2015; and

WHEREAS, Gertrude Weber was born in New York and grew up in a household that emphasized culture and the arts; during her youth, Gertrude Weber developed a passion for fine art and music that stayed with her for her entire life; and

WHEREAS, as a young adult, Gertrude Weber was a bookkeeper, sales clerk, and model; she married Frederick Palmer Weber and the couple moved to Washington where they became active in political campaigns and the civil rights movement; and

WHEREAS, when the family moved back to New York, Gertrude Weber earned a bachelor's degree from Columbia University; she also became active in the city's culinary community and started a successful antiques business; and

WHEREAS, in 1969, Gertrude Palmer and her husband moved to Charlottesville, where they bought and lovingly restored Malvern, a dilapidated historic farmhouse that dated from 1795—and the grounds around it; and

WHEREAS, Gertrude Weber took an active role in the cultural life of the University of Virginia (UVA); her interest in historic preservation led to her involvement in restoring a large mural in Old Cabell Hall and installing a second mural in the building's lobby; and

WHEREAS, Gertrude Weber supported several music series at UVA and endowed a lectureship in the music department; she also was a valued patron of the Bayly Art Museum and helped establish the museum's baroque and Renaissance print collection; and

WHEREAS, concerned about serious environmental problems at a landfill not far from her home, Gertrude Weber was involved in a successful federal lawsuit that fined the landfill authority and ordered the operator to remediate the contaminated area; and

WHEREAS, Gertrude Weber, who was predeceased by her son, David, will be greatly missed and fondly remembered by her son, Michael, and his family, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gertrude Weber of Albemarle County, a lifelong patron of the arts, a forceful steward of the environment, a historic preservationist, and an active participant and valued contributor to the cultural life of the University of Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gertrude Weber as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 755

*Commending the Virginia Society, Sons of the American Revolution.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Virginia Society, Sons of the American Revolution was founded on July 7, 1890, as a branch of the National Society, Sons of the American Revolution; and

WHEREAS, the Virginia Society, Sons of the American Revolution was conceived as a fraternal and civic society composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American independence; and

WHEREAS, the charter of the Virginia Society, Sons of the American Revolution describes the objects and purposes of the society as patriotic, historical, and educational; it is charged with perpetuating the memory of the men who, by their service and sacrifices during the American Revolution, achieved the independence of the American people; and

WHEREAS, the Virginia Society, Sons of the American Revolution is also dedicated to instilling in its members and the community a more profound reverence for the principles of the government founded by the nation's forefathers and encouraging historical research about the American Revolution; and

WHEREAS, the Virginia Society, Sons of the American Revolution has a long record of accomplishments in teaching about the Revolutionary War and the patriots who gained the nation's freedom; the organization advances its mission through commemorations of battles and events that occurred during this important period of American history; and

WHEREAS, the Virginia Society, Sons of the American Revolution devotes a great deal of its time, energy, and resources to working with children, so that they might have a better understanding of the history of the United States; and

WHEREAS, the Virginia Society, Sons of the American Revolution derives its strength from its many outstanding local chapters; local members participate in events, are valuable partners in fulfilling the organization's patriotic mission, and greatly enhance the educational components of the organization in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Society, Sons of the American Revolution on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Society, Sons of the American Revolution as an expression of the General Assembly's appreciation for its continuing efforts to educate citizens about the American Revolution and promote patriotic devotion to the principles upon which the United States was founded.

**HOUSE JOINT RESOLUTION NO. 756**

*Commending Assateague Island National Seashore.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Assateague Island National Seashore, a national park located off the coast of the Delmarva Peninsula, has provided Virginians with opportunities for recreation and enjoyment for five decades; and

WHEREAS, the Assateague Island National Seashore was established by the United States Congress on September 21, 1965, for the purpose of protecting and developing Assateague Island in Maryland and Virginia for public outdoor recreational use; and

WHEREAS, the Secretary of the Interior through the National Park Service administers Assateague Island National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment; and

WHEREAS, Chincoteague National Wildlife Refuge, located primarily on the Virginia half of Assateague Island, preserves, regulates, and maintains plant and animal life and habitats for the enjoyment of present and future generations; the refuge has drawn millions of visitors to Assateague Island National Seashore; and

WHEREAS, through the cooperation of many federal agencies, plans for beach erosion control and hurricane protection of Assateague Island National Seashore have been accomplished, with protective works resulting in 50 years of resiliency through conservation and beneficial resource management; and

WHEREAS, Assateague Island National Seashore now supports and protects a vibrant local economy based on tourism, natural resource based industries, and outdoor recreation as envisioned by the Commonwealth's Chincoteague-Assateague Bridge and Beach Authority; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Assateague Island National Seashore on the occasion of the park's 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the superintendent of the Assateague Island National Seashore as an expression of the General Assembly's appreciation for the work of the National Park Service to meet the recreational needs of the Commonwealth and to manage this important barrier island resource for the benefit of future generations.

**HOUSE JOINT RESOLUTION NO. 757**

*Celebrating the life of Ralph Schaefer Oglesby.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Ralph Schaefer Oglesby of Lynchburg, president and broker of Oglesby Management Group, Inc., a dedicated public servant who was appointed to two state boards and made many valuable contributions to his community and the Commonwealth, died on January 14, 2015; and

WHEREAS, Schaefer Oglesby was born in Lynchburg and graduated from E. C. Glass High School; he attended Lynchburg College for two years before transferring to Florida State University, where he earned a bachelor's degree; and

WHEREAS, for most of his professional career, Schaefer Oglesby was active in real estate sales and property management; he invested in residential properties and also lent his talent and expertise to improving his community by serving on many boards; and

WHEREAS, locally, Schaefer Oglesby was a member of the Lynchburg Regional Chamber of Commerce and had served on its board of directors and been chair; he also had been a member of the Lynchburg Building Code Appeals Board; and

WHEREAS, Schaefer Oglesby's service to the Commonwealth included receiving a gubernatorial appointment to the Virginia Real Estate Board; he was a member of the statewide board for eight years and also served as chair of the group; and

WHEREAS, additionally, Schaefer Oglesby was a member of the Virginia State Building Code Technical Review Board for 30 years; he helped devise regulations and policies affecting the Commonwealth's building code and the licensing of real estate professionals; and

WHEREAS, dedicated to furthering professionalism in the real estate community, Schaefer Oglesby was instrumental in developing a national licensing examination for real estate professionals, and he also served as a national real estate examiner and consultant; and

WHEREAS, Schaefer Oglesby was inducted into the Omega Tau Rho fraternity of real estate professionals in 2013 for his dedication and service; he was known for his great love for life and was a friend to all he met; and

WHEREAS, Schaefer Oglesby, who belonged to St. Paul's Episcopal Church, will be greatly missed and fondly remembered by his wife, Sharon; his children, John, Tracy, Tiffany, Roderick, and Jennipher, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ralph Schaefer Oglesby of Lynchburg, president and broker of Oglesby Management Group, Inc., a dedicated public servant who served on two state boards and who made many valuable contributions to his community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ralph Schaefer Oglesby as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 758

*Commending Virginia Episcopal School.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2014, Virginia Episcopal School, a private, coeducational boarding and day school for students in grades nine through 12, celebrated 100 years of helping students thrive academically, spiritually, ethically, and personally; and

WHEREAS, in 1906, the Reverend Robert Carter Jett, founder and first rector of Emmanuel Episcopal Church in Staunton, proposed to the Episcopal Diocese of Southern Virginia that a secondary school be established to provide "leadership in the matter of education" and for a quality education for students from all walks of life, with special consideration for the children of clergy; and

WHEREAS, over the next eight years, Reverend Jett worked tirelessly towards the goal of establishing such a school; on February 4, 1914, Virginia Episcopal School, located in Lynchburg, was incorporated under the laws of the Commonwealth; and

WHEREAS, as a result of the work of a number of other interested individuals, including the Reverend Joseph B. Dunn of St. Paul's Episcopal Church in Lynchburg, Colonel William King of Lynchburg, and Wilton Egerton Mingea of Abingdon, on September 25, 1916, Virginia Episcopal School opened its doors with an enrollment of 63 male students, primarily from Virginia; and

WHEREAS, the Reverend Robert Carter Jett served as rector and the Reverend Thomas Kinloch Nelson, Ellis Nimmo Tucker—each of whom held master's degrees from the University of Virginia—Charles E. Gerould, William R. Abbot, and Malcolm W. Gannaway served as faculty; in its early days, the Virginia Episcopal School had one building, which housed classrooms, the chapel, dormitories, and the dining hall; and

WHEREAS, Virginia Episcopal School has helped to develop more than 4,000 students in their moral, intellectual, spiritual, and physical lives; many of these students have made significant contributions in the areas of business, education, government, law, medicine, and religion; and

WHEREAS, the Virginia Episcopal School campus, originally designed by noted architect Frederick H. Brooke in the Georgian Revival style, has made many significant strides forward in its history, including the consecration of the Langhorne Memorial Chapel, given by Chiswell Dabney Langhorne in memory of his wife, Nancy Witcher Keene—they were parents of Lady Astor—on May 11, 1919; the completion of Barksdale Memorial Gymnasium in 1920; and many other additions to the campus; and

WHEREAS, Virginia Episcopal School now has more than 15 buildings, including on-campus residences for faculty and eight athletic playing fields; in 1992, the school was listed on the National Register of Historic Places of the United States Department of the Interior; and

WHEREAS, in 1967, Virginia Episcopal School was the first private, preparatory boarding school in the South to racially integrate, and in 1986, it was one of the first private, preparatory boarding schools in the South to accept female students; and

WHEREAS, Virginia Episcopal School has a current enrollment of 230 students from 20 states and foreign countries, and it is dedicated to continuing the mission of helping develop students, in the words of Reverend Jett, "Toward Full Stature"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Episcopal School for its many contributions to the Commonwealth on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Episcopal School as an expression of the General Assembly's admiration for the school's storied history and rich traditions.

### HOUSE JOINT RESOLUTION NO. 759

*Celebrating the life of E. Cabell Brand.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, E. Cabell Brand, a respected businessman and distinguished philanthropist who championed economic and community development in the Roanoke Valley and beyond as the founder of Total Action for Progress, died on January 13, 2015; and

WHEREAS, a lifetime resident of Salem, Cabell Brand graduated from Andrew Lewis High School and earned a bachelor's degree from Virginia Military Institute (VMI) as class valedictorian; he continued his education at Harvard Business School and the University of Virginia; and

WHEREAS, while at VMI, Cabell Brand joined many of the other young men of his generation in service to his country during World War II; he deployed to Europe with the 70th Infantry Division of the United States Army, where he rose to the rank of captain and earned a Bronze Star; and

WHEREAS, after returning home to finish his education, Cabell Brand worked in the Intelligence Office of the Berlin Military Government and for the United States Foreign Service; in 1949, he became president of the family business, Ortho-Vent Shoe Company, which he expanded into the Stuart McGuire Company and sold to the Home Shopping Network in 1986; and

WHEREAS, among his proudest accomplishments, Cabell Brand founded Total Action Against Poverty, which is now known as Total Action for Progress, in 1965; as president and chair of the organization for 30 years, he helped provide career development, affordable housing, clean water, education, and legal aid to countless Virginians; and

WHEREAS, Total Action for Progress offers more than 30 programs to low-income residents of the Roanoke Valley; under Cabell Brand's leadership, the organization established Head Start, the Child Health Investment Partnership, Virginia CARES, and the Virginia Water Project; and

WHEREAS, Cabell Brand also founded the Cabell Brand Center for International Poverty and Research Studies, which has provided more than 500 students the opportunity to study and research poverty, peace, and the environment and gain the knowledge to become effective community leaders; and

WHEREAS, Cabell Brand authored a memoir detailing his passion for community service titled *If Not Me, Then Who?*, which has become required reading in academic programs throughout the country and inspired countless future leaders; and

WHEREAS, Cabell Brand earned dozens of awards and accolades for his business acumen and service to those in need; he leaves behind a legacy of excellence for all citizens of the Commonwealth seeking to make a difference in their communities; and

WHEREAS, predeceased by his beloved wife of 49 years, Shirley, and five children, Ingrid, Marshall, Edward, Jr., Richard, and John, Cabell Brand will be fondly remembered and greatly missed by his daughters, Sylvia, Miriam, Caroline, and Liza, and their families and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of E. Cabell Brand, an accomplished businessman, passionate philanthropist, and devoted advocate for Virginians in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of E. Cabell Brand as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 760

*Celebrating the life of William Rohimbox Morrison, Jr., M.D.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, William Rohimbox Morrison, Jr., M.D., of Franklin, a respected internal medicine physician and devoted father and husband, died on March 9, 2014; and

WHEREAS, a native of Columbus, Ohio, William Morrison was the son of pioneering physician William R. Morrison, Sr., M.D., and Edith Marie Morrison of Cleveland, Ohio; and

WHEREAS, following in his father's footsteps, William Morrison became a doctor, graduating from the Ohio State University College of Medicine; and

WHEREAS, Dr. Morrison was a talented and compassionate man who generously devoted his time and leadership to many civic activities and organizations; he received many awards and accolades for his work; and

WHEREAS, Dr. Morrison was faithful to his calling and was caring and compassionate to all of his patients; he inspired generations of nurses and doctors and groomed his three sons to pursue the family legacy in the practice of medicine; and

WHEREAS, Dr. Morrison was a former resident of Brooklyn, New York, and relocated to the City of Franklin to be closer to family; and

WHEREAS, Dr. Morrison was baptized at an early age and enjoyed fellowship and worship through the Protestant faith; and

WHEREAS, together with his wife, Betty Poe, Dr. Morrison left a legacy of outstanding service to the community; and

WHEREAS, Dr. Morrison will be greatly missed and fondly remembered by his beloved wife, Betty; their three sons, Dr. William R. Morrison IV, Hashim O. Morrison, and Dr. Norris D. Morrison, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Rohimbox Morrison, Jr., M.D., a respected physician and an active resident of the City of Franklin and the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Rohimbox Morrison, Jr., M.D., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 761

*Celebrating the life of Lular Ree Clarke Lucky.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Lular Ree Clarke Lucky, a force for good for the people of Roanoke, a highly effective community advocate, supporter of youth and youth programs, longtime board member of the Legal Aid Society of Roanoke Valley, a woman of faith, and a devoted wife and mother, died on August 14, 2014; and

WHEREAS, Lular Lucky was born on a Cherokee reservation in South Carolina and was proud to claim Native American heritage, as her paternal grandmother was a full Cherokee; she moved with her family to Roanoke when she was 3 and grew up there; and

WHEREAS, Lular Lucky, who attended Mississippi State University and Southwest Virginia Community College, also enrolled in nursing school at Roanoke Memorial Hospital, which is now part of the Carilion Clinic health care organization; she devoted much of her life to serving others; and

WHEREAS, in 1953, Lular Clarke married Hermon Lucky, and the couple settled in Atlantic City, New Jersey; after her husband died, Lular Lucky returned to Roanoke, working to help others and improve her community; and

WHEREAS, even as a girl, Lular Lucky assisted those in need; early in her career, she worked with young people at Jerusalem Baptist Church and was a Girl Scout leader; her other church activities included directing the youth choir and facilitating workshops for young people; and

WHEREAS, as an employee of the Roanoke Department of Social Services, Lular Lucky focused on improving the lives of young people and African American residents; she was involved with the federal healthy food program for women, infants, and children and the Total Action for Progress initiative; and

WHEREAS, for many years, Lular Lucky was a member of the board of the Legal Aid Society of Roanoke Valley, serving on a statewide client council and also on the board of the National Association of Client Advocates; and

WHEREAS, Lular Lucky worked tirelessly to empower those less fortunate, encouraging economic development as a way to help people and communities, and promoting the importance of legal aid; and

WHEREAS, a woman of great faith, Lular Lucky was a member of Jerusalem Baptist Church for more than 70 years, where she enjoyed fellowship and worship and was actively involved in many church programs; and

WHEREAS, Lular Lucky will be greatly missed and fondly remembered by her son, Hermon, Jr., and his family; many other family members and friends; and the residents of Roanoke on whose behalf she devoted much of her life's work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lular Ree Clarke Lucky, a force for good for the people of Roanoke, community advocate, supporter of young people, longtime board member of the Legal Aid Society of Roanoke Valley, woman of faith, and devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lular Ree Clarke Lucky as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 762

*Celebrating the life of the Honorable George W. Harris, Jr.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Honorable George W. Harris, Jr., a retired judge of the 23rd Judicial District of Virginia and a respected leader in the Roanoke community, died on January 23, 2015; and

WHEREAS, a native of Lynchburg, George Harris graduated from Dunbar High School; he was one of the first African American students to enroll at the University of Virginia and remained a proud Wahoos fan for the rest of his life; and

WHEREAS, George Harris transferred to Virginia Union University, where he became active in the civil rights movement and received a bachelor's degree; he went on to earn a law degree from North Carolina Central University; and

WHEREAS, after completing his education, George Harris practiced law in Roanoke, where he earned a reputation for his strong work ethic, commitment to justice, and concern for members of the community; and

WHEREAS, in 1985, George Harris was appointed as a judge of the Roanoke General District Court of the 23rd Judicial District of Virginia; he was the first full-time African American judge appointed in the Roanoke Valley; and

WHEREAS, throughout his 20-year career on the bench, George Harris was admired for his intelligence and ability to judge character; he presided with great fairness and wisdom until his well-earned retirement in 2005; and

WHEREAS, George Harris was a leader in the legal field and served as a member of many peer and professional organizations, as well as president of the Old Dominion Bar Association; and

WHEREAS, George Harris also offered his time and wise leadership to civic and service organizations, including the City of Roanoke School Board, the Southwest Virginia Community Development Fund, the Roanoke Valley Council of Community Services, the William A. Hunton YMCA, and the Legal Aid Society of Roanoke Valley; and

WHEREAS, a man of great integrity, George Harris served the Roanoke Valley and the Commonwealth with dedication and distinction, and he left a legacy of excellence for his fellow judges in the Roanoke Valley; and

WHEREAS, George Harris will be fondly remembered and greatly missed by his wife, Helen; son, George III, and his family; and numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable George W. Harris, Jr., a retired judge and an admired member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable George W. Harris, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 763

*Celebrating the life of Charles Paul Ajemian.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Charles Paul Ajemian of Waynesboro, a respected, longtime Commonwealth's Attorney and a community leader who was generous with his time and talents, died on May 14, 2014; and

WHEREAS, a native of South Boston, Massachusetts, Charles "Chuck" Paul Ajemian relocated to Richmond with his family and graduated from Benedictine High School; he earned a bachelor's degree from Saint Vincent College, where he was later inducted into the Athletic Hall of Fame, and a law degree from the University of Virginia; and

WHEREAS, Chuck Ajemian moved to Waynesboro in 1967 and practiced law with Ajemian & McGratty for many years; and

WHEREAS, elected as the Commonwealth's Attorney in 1997, Chuck Ajemian faithfully served the residents of Waynesboro for more than a decade, winning election to his fifth term in 2013; and

WHEREAS, actively serving and supporting the youths of the community, Chuck Ajemian volunteered his time with Little League Baseball and the YMCA, where he cofounded the Waynesboro Basketball Club; and

WHEREAS, Chuck Ajemian enjoyed fellowship and worship with the community as a member of Saint John the Evangelist Catholic Church, where he had served as a CCD instructor; and

WHEREAS, Chuck Ajemian will be fondly remembered and greatly missed by his wife of 47 years, Anne Marie; sons, Charles, Jr., Jean-Claude, Erik, Lucas, and Jason, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Paul Ajemian, the longtime Commonwealth's Attorney in Waynesboro and an active member of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Paul Ajemian as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 764

*Commending Tommy Harvey.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Tommy Harvey, a business owner and longtime public servant, has worked to support and enhance the lives of his fellow Nelson County residents as a member of the Nelson County Board of Supervisors for three decades; and

WHEREAS, a resident of Afton, Tommy Harvey owns Afton Service Center and was first elected to the Nelson County Board of Supervisors in 1984 when he was 30 years old, making him one of the youngest supervisors in the history of the county; and

WHEREAS, now serving his eighth term, Tommy Harvey has become the longest-serving member of the Nelson County Board of Supervisors; he has distinguished himself as an open-minded public servant who worked to support policies in the best interest of all local residents; and

WHEREAS, throughout his 30-year career, Tommy Harvey has made many important contributions to the community, including efforts to secure adequate funding for local emergency services; and

WHEREAS, Tommy Harvey is most proud of his contributions to strengthening Nelson County Public Schools; under his tenure, the county opened Rockfish River Elementary School and Tye River Elementary School and completed renovations on Nelson County High School, as well as the addition of a middle school; and

WHEREAS, as a member of the Nelson County Broadband Authority, Tommy Harvey promotes the use of technology to ensure that Nelson County students have the tools to achieve success; and

WHEREAS, Tommy Harvey is an exemplar of the professionalism, vision, and care for the community shown by local public servants throughout the Commonwealth; he has received many awards and accolades for his good work, including recognition from the Virginia Association of Counties in 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tommy Harvey for 30 years of service to the community as a member of the Nelson County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tommy Harvey as an expression of the General Assembly's admiration for his leadership and dedication to the well-being of all Nelson County residents.

### HOUSE JOINT RESOLUTION NO. 765

*Commending the Virginia Women's Institute for Leadership at Mary Baldwin College.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Virginia Women's Institute for Leadership at Mary Baldwin College, the nation's only all-female corps of cadets, has supported and empowered women leaders for 20 years; and

WHEREAS, opened in 1995 with an inaugural class of 42 cadets under founding director Brenda Bryant, the Virginia Women's Institute for Leadership integrates academics, physical fitness, leadership development, ethics, and military training to graduate well-rounded citizens and military leaders; and

WHEREAS, the Virginia Corps of Cadets comprises cadets from Mary Baldwin College, Virginia Military Institute, and Virginia Polytechnic Institute and State University, with the Virginia Women's Institute for Leadership representing 30 percent of female cadets; and

WHEREAS, the Virginia Women's Institute for Leadership works with Virginia Military Institute to provide a coeducational ROTC program, and upon graduation, cadets have the opportunity to earn a commission in any branch of the United States Armed Forces; and

WHEREAS, Virginia Women's Institute for Leadership cadets have marched in inaugural parades for five Virginia governors, and the color guard has presented the colors at numerous important, national events; and

WHEREAS, the Virginia Women's Institute for Leadership band performed at the grand opening of the National Air and Space Museum in Chantilly and regularly marches in the New York City St. Patrick's Day parade and other regional events; and

WHEREAS, in its rich history, the Virginia Women's Institute for Leadership has benefited from the wisdom and guidance of two commandants, Brigadier General N. Michael Bissell and Brigadier General Terry Djuric; and

WHEREAS, the cadets and graduates of the Virginia Women's Institute for Leadership have earned countless awards and accolades, including a Bronze Star; graduates have served on the Presidential Honor Guard, the security detail of the U.S. Secretary of State, and in other prominent postings; and

WHEREAS, in 2014, Kristin Ohleger Todd became the first Virginia Women's Institute for Leadership graduate to reach grade O-5, attaining the rank of commander in the United States Navy; and

WHEREAS, one graduate of the Virginia Women's Institute for Leadership has made the ultimate sacrifice while serving her country; Lieutenant Sarah Small, a public affairs officer, was killed in the line of duty in 2005; and

WHEREAS, the Virginia Women's Institute for Leadership will commence its anniversary celebration with the Class of 2019's induction parade on August 30, 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Women's Institute for Leadership at Mary Baldwin College on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Women's Institute for Leadership as an expression of the General Assembly's admiration for the institute's legacy of excellence and service to the Commonwealth and the United States.

**HOUSE JOINT RESOLUTION NO. 766**

*Commending Paul Hatcher.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Paul Hatcher, the accomplished former basketball coach of Robert E. Lee High School in Staunton, was inducted into the Virginia Sports Hall of Fame in 2015 for his record-setting career as a coach; and

WHEREAS, a native of Bassett, Paul Hatcher graduated from Bridgewater College, where he was a four-year starter and captain of the basketball team; two years after graduation, he was hired as coach of the Robert E. Lee High School boys' basketball team; and

WHEREAS, from 1968 to 2011, Paul Hatcher recorded 897 victories in more than 1,000 games, a win rate of 84 percent, and led his teams to state championships in 1984, 1990, 2004, and 2005; he holds the record for most wins by a basketball coach in the Virginia High School League (VHSL) history; and

WHEREAS, in his 43-year career as coach, Paul Hatcher's teams never endured a losing season and finished 29 seasons with 20 or more victories; from 2003 to 2006, the Robert E. Lee High School boys' basketball team recorded 85 consecutive victories; and

WHEREAS, Paul Hatcher was named VHSL Coach of the Year 11 times and served as a VHSL All-Star Game coach seven times; he has been inducted into the Bridgewater College Hall of Fame, the Robert E. Lee High School Hall of Fame, the Virginia High School Hall of Fame, and the National High School Athletic Coaches Hall of Fame; and

WHEREAS, Paul Hatcher inspired the young athletes of Robert E. Lee High School to achieve levels of excellence unsurpassed by any other high school basketball team in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Paul Hatcher on his induction into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Hatcher as an expression of the General Assembly's admiration for his exceptional achievements as a coach and dedicated leadership of and service to the youth of the Staunton community.

**HOUSE JOINT RESOLUTION NO. 767**

*Celebrating the life of W. Nelson Taylor, Sr.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, W. Nelson Taylor, Sr., of Hanover County, a proud veteran, passionate educator and school administrator, and dedicated community leader, died on August 31, 2012; and

WHEREAS, a native of Hanover County, Nelson Taylor learned the value of hard work and responsibility at a young age as a child of the Great Depression; and

WHEREAS, desirous to be of service to his country, Nelson Taylor joined many of the other young men of his generation as a member of the Army Air Corps during World War II; he later completed a long, fulfilling military career as a major in the United States Air Force Reserve; and

WHEREAS, Nelson Taylor earned a bachelor's degree from Randolph-Macon College and a master's degree from the University of Richmond; he conducted postgraduate studies at the University of Virginia and The College of William and Mary before opening his own insurance agency; and

WHEREAS, Nelson Taylor discovered a passion for teaching when he agreed to fill in for a teacher at Beaverdam Elementary School; throughout his 44-year career in public education, he served as a teacher and principal at elementary and high schools in Hanover County; and

WHEREAS, in 1959, Nelson Taylor became the founding principal of Patrick Henry High School, then worked with Henrico County Public Schools for two decades; after his retirement, he offered his expertise to the Hanover County School Board and served his fellow educators as a member of the Hanover Retired Teachers Association and Virginia Retired Teachers Association; and

WHEREAS, Nelson Taylor generously volunteered his time and talents with the Ashland Kiwanis Club, Rotary Club of Sandston, and the Patrick Henry YMCA in Ashland; he worked to enhance the quality of life of senior citizens with the AARP state legislative advocacy team and AARP Capital City Task Force; and

WHEREAS, predeceased by a son, Nelson, Jr., Nelson Taylor will be fondly remembered and greatly missed by his wife of 63 years, Mae; daughter, Page, and her family; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of W. Nelson Taylor, Sr., a veteran, educator, and active member of the Hanover County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of W. Nelson Taylor, Sr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 768

*Celebrating the life of Betty Ostergren.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Betty Ostergren, a passionate advocate for accountability in government and a beloved member of the Hanover County community, died on January 6, 2015; and

WHEREAS, a native of Florida, Betty Ostergren earned a bachelor's degree in 1972 and worked as an insurance claims supervisor for a major insurance company; and

WHEREAS, Betty Ostergren met her husband, John, while training to receive a pilot's license; she continued her career as an administrative assistant at her husband's engineering firm for 25 years; and

WHEREAS, Betty Ostergren was a tireless advocate for increased privacy online; she was best known as the founder and editor of The Virginia Watchdog, a website dedicated to raising awareness of how records containing personal information are posted online by government officials; and

WHEREAS, an honest and trustworthy champion for the protection of citizens' personal information, Betty Ostergren was admired for her courage and diligence in service to members of the public; and

WHEREAS, Betty Ostergren was mentioned in national publications and appeared on television and radio programs to draw attention to her cause, and she was a guest speaker at universities and civic groups in the region; and

WHEREAS, outside of her public life, Betty Ostergren was admired as a kind, generous, and compassionate woman who was a friend to many in the community; and

WHEREAS, Betty Ostergren will be fondly remembered and greatly missed by her husband of 35 years, John, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Betty Ostergren, an advocate for responsible government and a community leader in Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betty Ostergren as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 769

*Commending the Atlee High School girls' indoor track and field team.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Atlee High School girls' indoor track and field team of Hanover County captured the 2014 Virginia High School League Group 5A state indoor track championship with an impressive effort from the entire team; and

WHEREAS, the athletes from Atlee High School defeated a talented team from Mills Godwin High School at the state meet by a score of 67 points to 50 points; the competition was held on March 1, 2014, at the Boo Williams Sportsplex in Hampton; and

WHEREAS, in the field events at the state championship meet, the Atlee Raiders were outstanding; team members demonstrated tremendous skill and placed in the triple jump, high jump, shot put, and pole vault; and

WHEREAS, the depth of the Atlee High School girls' indoor track and field team also was evident as the runners performed extremely well in the 55-meter hurdles, 55-meter dash, 1600-meter run, 300-meter dash, 3200-meter run, 4 x 800-meter relay, and the 4 x 200-meter relay; and

WHEREAS, each athlete's persistence and determination to perform at her highest level during the 2014 state championship meet combined to put the Atlee High School girls' indoor track and field team on top; and

WHEREAS, the members of the Atlee High School girls' indoor track and field team train under James Triemplar, who has been the track coach at the school since it opened in 1991; he coaches all three of Atlee's running teams and is one of the most winning coaches at the school; and

WHEREAS, the 2014 championship title is a tribute to the hard work of the athletes, the encouragement and training of Coach Triemplar, and the great support shown by the parents and the entire Atlee High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School girls' indoor track and field team for winning the 2014 Group 5A state indoor track championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Triemplar, head coach of the Atlee High School girls' indoor track and field team, as an expression of the General Assembly's congratulations and admiration for the team's stellar accomplishment and standout season.

### HOUSE JOINT RESOLUTION NO. 770

*Commending Michael Key.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Michael Key, a well-known and hardworking member of the Ashland community, retires as a mail carrier for the United States Postal Service on January 30, 2015; and

WHEREAS, Michael Key diligently served the residents and businesses of Ashland for 34 years, including 32 years on the same Ashland postal route; and

WHEREAS, a reliable and respected servant to the public, Michael Key is a beloved member of the community, known for his affable nature and commitment to ensuring that parcels arrived at their intended destination safely and efficiently; and

WHEREAS, in addition to the mail, Michael Key often carried local news of the day to the people on his route, and he found great joy in establishing trust and friendships along the way; and

WHEREAS, after his well-earned retirement, Michael Key looks forward to finding new opportunities to serve the community; and

WHEREAS, friends, family, and colleagues will commemorate Michael Key's accomplishments in service to the residents of Ashland at a party on January 29, 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Key on the occasion of his retirement as a mail carrier; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Key as an expression of the General Assembly's admiration for his numerous contributions to the Ashland community.

### HOUSE JOINT RESOLUTION NO. 771

*Commending Ann Elizabeth Kutyna.*

Agreed to by the House of Delegates, February 9, 2015

Agreed to by the Senate, February 12, 2015

WHEREAS, Ann Elizabeth Kutyna, a sophomore at Oakton High School, who lives in Herndon, was crowned Miss Virginia Teen USA before an energetic crowd at the Paramount Theater in Charlottesville in November 2014; and

WHEREAS, the Miss Teen USA Pageant, established by the Miss Universe Organization, creates and advances new opportunities for personal achievement and community service for women in the Commonwealth and the United States; and

WHEREAS, Ann Kutyna and the other Miss Virginia Teen USA contestants helped the 2015 pageant raise more than \$1,300 for People and Congregations Engaged in Ministry, an organization that provides temporary shelter during the winter for homeless individuals; and

WHEREAS, as the reigning Miss Virginia Teen USA, Ann Kutyna will appear at parades and events throughout the Commonwealth to promote the organization's message and encourage other young women to become leaders in their communities; and

WHEREAS, Ann Kutyna will represent the Commonwealth in the 2015 Miss Teen USA Pageant in the Bahamas on August 22, 2015; the competition involves private interviews with a panel of judges, as well as swimsuit and evening gown rounds; and

WHEREAS, a young woman of intelligence, talent, and dedication, Ann Kutyna is an exceptional ambassador for the Commonwealth and a role model for other young women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ann Elizabeth Kutyna on her selection as Miss Virginia Teen USA 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ann Elizabeth Kutyna as an expression of the General Assembly's congratulations and admiration for her many accomplishments.

**HOUSE JOINT RESOLUTION NO. 772**

*Commending J. Manley Garber.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, J. Manley Garber has served for 65 years as a member of the board of directors of the Northern Virginia Electric Cooperative; he is the longest-serving board member of an electric cooperative in the United States; and

WHEREAS, in 1950, Manley Garber was elected to the board of the Prince William Electric Cooperative, and in 1974 he became chair; he continued to serve as chair when, in 1983, the cooperative joined with Tri-County Electric Cooperative to form the Northern Virginia Electric Cooperative (NOVEC), which today is one of the largest electric companies of its kind in the nation; and

WHEREAS, during his tenure as chair of NOVEC, Manley Garber also assumed a regional leadership role, joining the board of the Virginia, Maryland & Delaware Association of Electric Cooperatives; he was chair for two terms and remains on the board, with more than 50 years of service; and

WHEREAS, Manley Garber was a young hog farmer when he joined the Prince William Electric Cooperative shortly after it built an electric line to his farm; since those early days, he has raised turkeys, owned a camper/trailer business, built a mobile home park, and dealt in commercial real estate; and

WHEREAS, Manley Garber, who relinquished the chairmanship of NOVEC in 2008, still serves on NOVEC's board of directors; the association supplies and distributes electricity and energy-related services to more than 154,000 customers in eight Northern Virginia localities; and

WHEREAS, in 1996, the Virginia, Maryland & Delaware Association of Electric Cooperatives honored Manley Garber with the Electric Cooperative Leadership Award for his many contributions as a leader and director of the organization; and

WHEREAS, additionally, NOVEC sponsors college scholarships each year to students in the areas it serves, including the J. Manley Garber Scholarship; it is awarded annually to an outstanding high school senior whose family receives electrical service from NOVEC; and

WHEREAS, Manley Garber has derived great satisfaction from his decades of service with the two electrical cooperatives; he is proud to have helped families and businesses obtain quality electric service at reasonable rates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend J. Manley Garber for his 65 years of service to the Northern Virginia Electric Cooperative as a member of the board of directors and for being the longest-serving board member of an electric cooperative in the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J. Manley Garber as an expression of the General Assembly's congratulations and admiration for his leadership of the Northern Virginia Electric Cooperative and for helping to ensure that families and businesses in rural areas of Northern Virginia receive quality electric service at reasonable rates.

**HOUSE JOINT RESOLUTION NO. 773**

*Celebrating the life of George B. Fitch.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, George B. Fitch, the deeply respected former Mayor of Warrenton and the founder of the famous Jamaican national bobsleigh team of the 1980s, died on December 30, 2014; and

WHEREAS, born to Presbyterian missionaries in Canton, China, George Fitch grew up in Hong Kong, India, and Singapore; he learned the value of cultural exploration and respect for other people at a young age; and

WHEREAS, George Fitch attended the National University of Singapore, where he excelled as a swimmer and tennis player and was asked to represent the country in the Olympic Games; he earned a bachelor's degree from the College of Wooster and a master's degree from George Washington University; and

WHEREAS, George Fitch served as a graduate teaching assistant at George Washington University before joining the U.S. Foreign Service; over the course of his 12-year career, he served as a commercial attaché and deputy chief of mission in Belize and led the Caribbean Basin Initiative (CBI); and

WHEREAS, while working to encourage responsible economic growth in the Caribbean and Central America with the CBI, George Fitch observed that the skillsets of Jamaican track and field athletes could translate to bobsledding; he developed the Jamaican national bobsleigh team, which competed in the 1988 Winter Olympic Games; and

WHEREAS, in the 1980s, George Fitch and his wife, Patricia, moved to Fauquier County and quickly became active members of the community; they purchased a small farm north of Warrenton and advocated for responsible government by organizing the Fauquier Taxpayers Against Waste; and

WHEREAS, desirous to be of further service to the residents of Warrenton, George Fitch ran for and was elected mayor in 1998; he served for four terms until his well-earned retirement in June 2014; and

WHEREAS, as mayor, George Fitch used his skill as an economist to maintain high levels of efficient, quality public services while keeping real estate taxes and municipal expenses low, which he called "the Warrenton miracle"; and

WHEREAS, George Fitch also supported efforts to establish the John S. Mosby House Museum and the Warrenton Aquatic and Recreation Facility, which will be renamed in his honor; and

WHEREAS, George Fitch will be fondly remembered and greatly missed by his wife of 40 years, Patricia, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George B. Fitch, the former Mayor of Warrenton and a deeply respected member of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George B. Fitch as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 774

*Celebrating the life of Gladys Poles Todd.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Gladys Poles Todd, a passionate educator and a leader in the Civil Rights Movement who worked to create new opportunities for African American youths in the Fredericksburg and Stafford County communities, died on January 20, 2015; and

WHEREAS, a native of Washington, D.C., Gladys Todd grew up in Fredericksburg; she attended Fredericksburg Colored School, then attended a boarding school at what is now known as Virginia State University, where she completed the teacher training program and was named Miss Virginia State College; and

WHEREAS, possessed of a desire to share her passion for lifelong learning with others, Gladys Todd began a career as a teacher at a one-room schoolhouse in Stafford County; she went on to teach first grade at Walker-Grant School in Fredericksburg and became a substitute teacher and homeschool coordinator for Fredericksburg City Public Schools; and

WHEREAS, an active leader in the community, Gladys Todd supported the Walker-Grant School band program and the Anne Hamrick Community House; she joined the NAACP and worked tirelessly on its membership and fundraising campaigns, as well as in the youth division; and

WHEREAS, hoping to create new opportunities for young people in the community, Gladys Todd advocated for the creation of a playground for African American children in what is now Hurkamp Park and organized twice-weekly Youth Canteens, featuring theme parties, dances, and tournaments; and

WHEREAS, Gladys Todd also offered her time and wise leadership to the Baptist Training Union, designed Youth Week activities, and formed the We Club to help college students reconnect to the community over breaks; and

WHEREAS, in the 1960s, Gladys Todd became active in the Civil Rights Movement; she joined Citizens United for Action, coordinated sit-ins in the area, and helped elect the first African American Mayor of Fredericksburg; and

WHEREAS, predeceased by her husband, Clarence, Gladys Todd will be fondly remembered and greatly missed by her daughter, Gaye; grandson, Juno; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gladys Poles Todd, a dedicated educator and a passionate community leader and organizer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gladys Poles Todd as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 775

*Celebrating the life of Francis M. Niederkofler.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Francis M. Niederkofler, a proud veteran who played a crucial role in the D-Day invasion during World War II and an admired member of the Fredericksburg community, died on January 26, 2015; and

WHEREAS, a native of Butler, Pennsylvania, Francis "Frank" M. Niederkofler joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, Frank Niederkofler served in the 28th Infantry Division of the United States Army through five campaigns in Normandy, Northern France, Central Europe, the Ardennes Forest, and the Rhineland; and

WHEREAS, serving as a radioman during the D-Day landings at Normandy, a turning point in the war and one of the defining moments of the 20th century, Frank Niederkofler relayed important information to help the operation succeed; and

WHEREAS, decorated for his valorous actions during the war, Frank Niederkofler earned a Bronze Star, a Purple Heart, and the French Normandy Medal; and

WHEREAS, after his honorable discharge, Frank Niederkofler enjoyed a long career as an engineer in Washington, D.C.; he and his wife moved to a cabin on the Cacapon River near Berkeley Springs, West Virginia, after his well-earned retirement in 1989; and

WHEREAS, an avid basketball player, Frank Niederkofler supported the youth of the community as a basketball coach for more than 60 years, and he won a silver medal in basketball in the Senior Olympics; and

WHEREAS, in 2010, Frank Niederkofler relocated to Fredericksburg to be closer to his daughter's family; he had most recently lived in the Hughes Home, where he spread joy to fellow residents and staff with his sense of humor and love of music; and

WHEREAS, predeceased by his wife of 61 years, Betty, and one son, David, Frank Niederkofler will be fondly remembered and greatly missed by his children, Mark and Mary Beth, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Francis M. Niederkofler; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francis M. Niederkofler as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 776

*Celebrating the life of Wainola Inez Campbell Holloman.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Wainola Inez Campbell Holloman of Newport News, a successful entrepreneur and small-business person who founded the Holloman Childhood Development and Education Centers, an advocate for families and small businesses, and a devoted mother and grandmother, died on December 20, 2014; and

WHEREAS, the Holloman Childhood Development and Education Centers, which Inez Holloman started in 1972, currently have locations in Williamsburg and York County; the facilities provide quality child care and education to infants and children; and

WHEREAS, during her career, Inez Holloman became involved in public policy as it related to families and small businesses; she was appointed by President James Earl Carter to serve as chair of the United States Small Business Administration Region III Advisory Commission; and

WHEREAS, Inez Holloman was twice named Small-Business Person of the Year by local and state chambers of commerce and was a founding member of the Proprietary Child Care Association of Virginia; and

WHEREAS, as a spokesperson for owners and operators of child-care centers in the Commonwealth, Inez Holloman worked closely with members of the General Assembly to devise child-care policies and legislation for the Commonwealth; and

WHEREAS, Inez Holloman was appointed by governors L. Douglas Wilder and George Allen to the state Council on Child Day Care and Early Childhood Programs and used her experience both as a founder and operator of successful child-care centers to provide wise guidance and counsel; and

WHEREAS, Inez Holloman will be greatly missed and fondly remembered by her children, Bonnie, Betty, Vernon, and Bart, and their families; other family members and friends; and the many families whose children attended Holloman Childhood Development and Education Centers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wainola Inez Campbell Holloman of Newport News, founder of the Holloman Childhood Development and Education Centers, a successful entrepreneur who was a highly effective advocate for families and small businesses, and a devoted mother and grandmother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wainola Inez Campbell Holloman as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 777

*Celebrating the life of Nora Ruth Williamson.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Nora Ruth Williamson of Seaford, an advocate for children in need in York County as a volunteer, foster parent, and employee of York County government, a longtime member of the Exchange Club of York service organization, and a devoted wife and mother, died on October 3, 2014; and

WHEREAS, Ruth Williamson was born in Newport News and graduated from Warwick High School; she married and raised a family of four children, and in her 50s she returned to school, earning a degree from Thomas Nelson Community College; and

WHEREAS, Ruth Williamson's calling to help underprivileged children began in 1973 as a volunteer in the York County Public Schools system; she took children to medical appointments and also purchased clothing and shoes for less fortunate young people; and

WHEREAS, in 1974, Ruth Williamson became a foster parent for girls in need of emergency placement; she and her husband, Robert, were foster parents to more than 20 teenagers over the years; and

WHEREAS, Ruth Williamson began working for York County government as a volunteer coordinator; she then became director of a community court alternatives program for the county, developing programs to help troubled youths; and

WHEREAS, a belief that creating a caring and structured environment would help young people turn their lives around was a hallmark of Ruth Williamson's efforts to help boys and girls in need in York County; and

WHEREAS, Ruth Williamson also founded a family-oriented group home for foster children; the innovative program supported parents as they worked to maintain custody of their children, and foster parents also were closely involved in the efforts to reunite families; and

WHEREAS, Ruth Williamson started a work-hour community service program to serve as an alternative to incarceration for teenagers, and toward the end of her career, she began working for a group home for boys; and

WHEREAS, in honor of her work with young people, Ruth Williamson was named Volunteer of the Year in 1976 by the Volunteer Action Center, and in 1983, she received the Exchange Club of York's Crime Prevention Award—the first woman and the first non-law-enforcement officer to be so honored; and

WHEREAS, Ruth Williamson enjoyed her involvement with the Exchange Club of York, a local branch of a national service organization; she was the group's first female president; and

WHEREAS, predeceased by her husband, Robert, Ruth Williamson will be greatly missed and fondly remembered by her children, Robby, Kirk, Wendy, and Mark, and their families; her mother, Mary Mahler; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nora Ruth Williamson of Seaford, who was dedicated to helping children in need in York County as a volunteer, foster parent, and employee of York County government, a longtime member of the Exchange Club of York service organization, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nora Ruth Williamson as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 778

*Commending Libby Davidson.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Libby Davidson, a top runner at E.C. Glass High School in Lynchburg, has been named the Virginia Gatorade Cross Country Runner of the Year for 2014-2015; and

WHEREAS, Libby Davidson, a sophomore at E.C. Glass High School, won the Virginia High School League Group 4A individual state championship for girls cross country for two consecutive years—in 2013 and 2014; and

WHEREAS, one of the ninth grade victories Libby Davidson is proudest of was winning the freshman two-mile race at the New Balance Outdoor Nationals competition in June 2014; she ran against talented athletes from around the country and posted a time of 10:42:19; and

WHEREAS, as a member of the E.C. Glass Hilltoppers girls cross country team, Libby Davidson set a record in 2014 at HumanKind, the school's home 5K course, with a time of 17:41 in a conference championship meet in October; and

WHEREAS, Libby Davidson ran an impressive 17:07 at the 2014 Great American Cross Country festival in North Carolina, and in November, the talented and hardworking athlete competed in the Foot Locker Cross Country South Regional championships, posting a time of 16:56; later, at the Foot Locker national competition, she placed sixth in the nation for high school cross country runners, with a time of 17:48; and

WHEREAS, Libby Davidson also was a finalist for the 2014 Virginia Sports Hall of Fame Student-Athlete Achievement Award; and

WHEREAS, the Gatorade Cross Country Runner of the Year Award is given to a student who excels athletically and academically; Libby Davidson, who maintains a 4.22 GPA in school, credits the support of her parents, coaches, and fellow team members for helping her to succeed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Libby Davidson, a top runner at E.C. Glass High School in Lynchburg, for being named the Virginia Gatorade Cross Country Runner of the Year for 2014-2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to one of the Commonwealth's most talented athletes, Libby Davidson, as an expression of the General Assembly's admiration and congratulations for her outstanding accomplishments and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 779

*Commending the Palisades Restaurant.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Palisades Restaurant in Eggleston, a cozy, innovative fine-dining destination, has served residents of and visitors to Giles County for six years; and

WHEREAS, opened in January 2009, the Palisades Restaurant formerly housed C. C. Whitaker & Co., and the Q. M. Pyne Store, a social hub of the Eggleston community; the building was added to the National Register of Historic Places in 2009; and

WHEREAS, Shaena Muldoon, a native of nearby Pembroke, established the Palisades Restaurant after a distinguished 20-year career as a high-profile event planner throughout the United States and the world; and

WHEREAS, sitting on the scenic bank of the New River, the Palisades Restaurant offers exceptional service and warm, country hospitality to regulars and visitors; the restaurant features an open kitchen with a beautiful stone hearth oven and often entertains diners with live music; and

WHEREAS, the contemporary American cuisine at the Palisades Restaurant features local ingredients, such as pork, beef, trout, and produce, to ensure freshness and support the local economy; the chef utilizes unique preparations to enhance the dining experience, and the restaurant is also known for its hand-tossed pizzas with creative, seasonal toppings; and

WHEREAS, like many small businesses in the Commonwealth, the Palisades Restaurant gives back to the community and plays an essential role in defining unique, local culture; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Palisades Restaurant on the occasion of its sixth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shaena Muldoon, owner and manager of the Palisades Restaurant, as an expression of the General Assembly's admiration for the restaurant's service to the Giles County community.

### HOUSE JOINT RESOLUTION NO. 780

*Commending the Virginia Institute of Marine Science/School of Marine Science of The College of William & Mary.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, a dedicated center for marine research and education in the Commonwealth was first envisioned by Donald W. Davis, a former professor and department chair of The College of William & Mary; and

WHEREAS, the predecessor of the Virginia Institute of Marine Science/School of Marine Science of The College of William & Mary, known as the Virginia Fisheries Laboratory, began operation in 1940; and

WHEREAS, the laboratory's work assured the future of Virginia's fishery industries by improving the general knowledge of fisheries' resources, so they might be properly conserved and managed, and by meeting the need for training in practical marine biology; and

WHEREAS, the Virginia Institute of Marine Science/School of Marine Science is now a university research and teaching center with a strong element of public service and ranks as the leading marine center in the nation that focuses on estuarine and coastal environments; and

WHEREAS, the Virginia Institute of Marine Science/School of Marine Science continues to serve the Commonwealth and the nation by advancing the frontiers of marine science and sharing the knowledge gained through research with the users and stewards of the environment and future scientists; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Institute of Marine Science/School of Marine Science of The College of William & Mary on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Institute of Marine Science/School of Marine Science of The College of William & Mary as an expression of the General Assembly's admiration for the institute's dedicated service to its students and numerous contributions to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 781**

*Commending the Virginia Public Safety Foundation.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Virginia Public Safety Foundation was formed in 1993, after the merger of the Silver Star Foundation and the Virginia Police Foundation, to provide assistance to public safety officers injured in the line of duty and assistance to the families of officers killed in the line of duty, as well as scholarships for their children; and

WHEREAS, the Virginia Public Safety Foundation recently completed a 10-year effort to design, build, and dedicate the Commonwealth Public Safety Memorial on Capitol Square on December 6, 2014; the memorial is inscribed with 870 names of those who gave their lives in service to the people of the Commonwealth; and

WHEREAS, the efforts of president Paula Miller, vice president John Venuti, and the board of directors of the Virginia Public Safety Foundation were instrumental in completing this project; and

WHEREAS, the efforts of past presidents and board members of the Virginia Public Safety Foundation were instrumental in completing the memorial; and

WHEREAS, the executive director of the Virginia Public Safety Foundation, Matthew A. Gray, also contributed to the successful completion of the memorial; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Public Safety Foundation on the occasion of the completion and dedication of the Commonwealth Public Safety Memorial; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Public Safety Foundation as an expression of the General Assembly's admiration for its efforts to support those who serve and protect the residents of and visitors to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 782**

*Commending Frank Robinson.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Frank Robinson, the longtime president and chief executive officer of Lewis Ginter Botanical Garden who helped the garden grow to become one of the most respected cultural institutions in the Commonwealth, retires in March 2015 after 23 years of leadership; and

WHEREAS, upon joining Lewis Ginter Botanical Garden in 1992 as executive director, Frank Robinson set out to improve the quality of life of his fellow Richmond residents by transforming the garden into a Virginia landmark that offers a deep and fulfilling connection to the local environment; and

WHEREAS, Frank Robinson became president and chief executive officer of Lewis Ginter Botanical Garden in 2011; during his tenure, the garden developed more than 50 acres of themed areas and expanded public facilities, including a visitors center, conservatory, and education complex; and

WHEREAS, a passionate conservationist, Frank Robinson encouraged the use of native plants in the gardens and instituted water preservation and management programs; 90 percent of the outdoor areas at Lewis Ginter Botanical Garden are irrigated by filtered stormwater runoff; and

WHEREAS, working to further enhance the lives of Richmond residents, Frank Robinson established the Community Kitchen Garden, which has provided thousands of pounds of produce and healthy meal options to those in need; he has also worked with city leaders to expand green spaces and support urban revitalization efforts; and

WHEREAS, in addition to expanding collections, exhibits, and displays at Lewis Ginter Botanical Garden, Frank Robinson affirmed the garden's commitment to education; tens of thousands of students have benefited from curriculum-based classes, hands-on activities, workshops, and lectures; and

WHEREAS, Frank Robinson led a capital campaign that raised \$42 million for Lewis Ginter Botanical Garden and oversaw the creation of the GardenFest of Lights, an annual holiday light display that drastically increased winter visitation to almost 70,000 people each year; and

WHEREAS, under Frank Robinson's leadership, the Lewis Ginter Botanical Garden earned many awards and accolades, including the National Medal for Museum and Library Service, and it has been consistently ranked as one of the top gardens in the United States and North America by various publications; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frank Robinson on the occasion of his retirement as president and chief executive officer of the Lewis Ginter Botanical Garden; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank Robinson as an expression of the General Assembly's admiration for his visionary leadership of Lewis Ginter Botanical Garden and unique contributions to the Richmond community.

### HOUSE JOINT RESOLUTION NO. 783

*Celebrating the life of Cornelius Wright Sherman.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Cornelius Wright Sherman of Richmond, a committed teacher and administrator who served and supported his fellow educators as a leader of an education credit union, died on December 18, 2014; and

WHEREAS, a native of Staunton, Cornelius Sherman grew up in Waynesboro, where he attended Rosenwald High School, the city's first high school for African Americans; he earned bachelor's and master's degrees from what is now Hampton University; and

WHEREAS, Cornelius Sherman pursued a fulfilling 34-year career as an educator and administrator in Hampton, serving as a biology teacher and assistant principal; he retired as the principal of Spratley Middle School, which was honored as a Virginia Vanguard School under his tenure; and

WHEREAS, Cornelius Sherman also supported his fellow educators as a board member and vice president of Hampton Roads Educators' Credit Union for 35 years; and

WHEREAS, generously volunteering his time and wise leadership to enhance the lives of community members, Cornelius Sherman served as the first African American president of the Kiwanis Club of Mercury 64 and was named Kiwanian of the Year; and

WHEREAS, predeceased by his first wife, Shirley, Cornelius Sherman will be fondly remembered and greatly missed by his wife, Deborah; children, Rodney and Nicole, and their families; and numerous other family members, friends, former students, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Cornelius Wright Sherman, an exceptional educator and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cornelius Wright Sherman as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 784

*Commending the Richmond Peace Education Center.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2015, the Richmond Peace Education Center celebrates 35 years of working to build just, inclusive, and nonviolent communities in Richmond and around the world through education and action; and

WHEREAS, the Richmond Peace Education Center was established after members of St. Paul's Episcopal Church organized the Richmond Conference on the Arms Race to raise awareness of the dangers of nuclear war; the group continued to meet at Union Theological Seminary to discuss other ways to promote peaceful conflict resolution; and

WHEREAS, with support from other community organizations and local churches, the Richmond Peace Education Center officially opened in June 1980 with Steve Hodges, a student at Union Theological Seminary, as the first director; and

WHEREAS, in its early years, the Richmond Peace Education Center focused on the nuclear arms race; by 1983, the organization had begun to offer nonviolent conflict resolution programs and participated in Martin Luther King, Jr., Community Learning Week; and

WHEREAS, in the mid-1980s, the Richmond Peace Education Center turned its attention to unrest in Central America and South Africa; the organization sent volunteers to Nicaragua to witness for peace and helped form the local Rainbow Coalition to pursue civil rights and social justice; and

WHEREAS, in the late 1980s and early 1990s, the Richmond Peace Education Center offered programs on Northern Ireland and the Middle East, including perspectives from both Israelis and Palestinians; the Center also established the Parenting for Peace and Justice program and hosted dozens of local workshops; and

WHEREAS, after September 11, 2001, the Richmond Peace Education Center worked with the American Civil Liberties Union to develop a program on the USA Patriot Act and developed the Family Peace Festival, an interfaith event honoring victims of the attacks; and

WHEREAS, in 2014, the Richmond Peace Education Center hosted countless workshops, public events, conflict resolution training seminars, train-the-trainer sessions, and other educational initiatives to promote appreciation for other cultures, promote nonviolence, build safety through cooperation and community spirit, encourage justice and equality, and empower individuals to live full, happy lives; and

WHEREAS, today, the Richmond Peace Education Center teaches nonviolent conflict resolution across the greater Richmond region and empowers teenagers to be leaders for peace and justice through its Richmond Youth Peace Project; and

WHEREAS, the Richmond Peace Education Center owes its continued success to the able leadership of many directors, officers, and board members; the hard work of countless volunteers; and generous donations from individuals, groups, and businesses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Peace Education Center on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Peace Education Center as an expression of the General Assembly's admiration for the Center's diligent work to promote social justice and peace throughout the world.

### HOUSE JOINT RESOLUTION NO. 785

*Commending the National Association of Women Business Owners Richmond Chapter.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the National Association of Women Business Owners celebrates its 40th anniversary in 2015; and

WHEREAS, the National Association of Women Business Owners (NAWBO) is the only member organization representing women entrepreneurs in all sectors, sizes, and stages of their business development to remove obstacles and create opportunities for women entrepreneurs; and

WHEREAS, formed in 1975, NAWBO has been at the forefront of mentoring services for women business owners and was involved in the passage of historic legislation in 1989 that abolished requirements for a female entrepreneur to obtain a male cosignatory for her business loan; and

WHEREAS, NAWBO has served as a critical resource through public policy summits, which help government officials better understand and meet the needs of all women business owners through the data provided by the organization's 7,000 business owners in 70 chapters; and

WHEREAS, the Richmond Chapter of NAWBO was formed in 1982 to extend the organization's strong voice and vision to a dynamic group of women business owners and corporate partners in Central Virginia, at a time when women owned only 10 percent of businesses in the United States; and

WHEREAS, today, women-owned businesses account for 40 percent of privately held firms in the United States; the Guardian Life Small Business Research Institute projects that women-owned business will account for one-third of new jobs created by 2018; and

WHEREAS, the NAWBO Richmond Chapter's primary mission is to provide a voice at the table for women on public policy issues, including regulatory issues, tax issues, and all issues that affect business across the board; and

WHEREAS, the NAWBO Richmond Chapter promotes leadership in the civic and business community and works to create new educational, mentorship, and business opportunities for women; the organization values and seeks diverse, inclusive membership among women business owners; and

WHEREAS, the NAWBO Richmond Chapter educates the public about women-owned business by stressing the growing influence of successful women in business, with one in every five million-dollar companies being woman owned; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Association of Women Business Owners Richmond Chapter for its commitment to women-owned business growth in Central Virginia and its valuable service to the Commonwealth by helping to create a level playing field for women business owners; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Association of Women Business Owners Richmond Chapter as an expression of the General Assembly's admiration for its leadership and work to create new opportunities in the Commonwealth and for the outstanding entrepreneurship record of women in business.

### HOUSE JOINT RESOLUTION NO. 786

*Celebrating the life of Sally Clay Estes Flinn.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Sally Clay Estes Flinn, a special educator who worked to prepare her students for higher education, careers, and citizenship and an active volunteer in the Richmond community, died on December 24, 2014; and

WHEREAS, a native of Nashville, Sally Flinn attended Ward-Belmont School and Harpeth Hall School; she attended Hollins University and earned bachelor's and master's degrees from Vanderbilt University; and

WHEREAS, Sally Flinn began her career as a speech pathologist in public schools; she moved to Richmond in 1962, where she continued to serve special education students in schools and as a private therapist; and

WHEREAS, Sally Flinn donated her time and wise leadership to several charitable organizations in Richmond; she served as president of the Junior League of Richmond and chaired committees for Sheltering Arms Physical Rehabilitation Hospital, the Historic Richmond Foundation, the Valentine Richmond History Center, and the Boxwood Garden Club; and

WHEREAS, Sally Flinn enjoyed fellowship and worship with the community at St. Paul's Episcopal Church, where she planned the Lenten Lunch program, helped found a school for deaf children, and organized The Caring Tree program for children of low-income families; and

WHEREAS, Sally Flinn cared deeply for her family, and she will be fondly remembered and greatly missed by her husband of 52 years, Lewis, Jr.; children, Clay and Lewis III, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sally Clay Estes Flinn, a dedicated speech pathologist and generous volunteer in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sally Clay Estes Flinn as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 787

*Celebrating the life of the Honorable Herbert E. Harris II.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Honorable Herbert E. Harris II of Mount Vernon, a respected attorney who represented the residents of Northern Virginia in the United States House of Representatives, died on December 24, 2014; and

WHEREAS, a native of Kansas City, Missouri, Herbert Harris graduated from Rockhurst High School and served his country in the United States Navy; he attended Missouri Valley College and the University of Notre Dame, then earned a bachelor's degree from Rockhurst College and a law degree from Georgetown University; and

WHEREAS, Herbert Harris was admitted to the Missouri and Washington, D.C., bars and briefly practiced law in Kansas City before relocating to Washington, D.C., in 1951; he cofounded and served as the general counsel and vice president of Warner & Harris, Inc., an international trade firm; and

WHEREAS, from 1968 to 1974, Herbert Harris worked to enhance the lives of his fellow community members as the Mount Vernon representative on the Fairfax County Board of Supervisors; he supported upgrading the county's sewer system, business incentives, the Route 1 revitalization project, and the construction of Inova Mount Vernon Hospital and several local libraries and community centers; and

WHEREAS, Herbert Harris also served as a member of the Northern Virginia Transportation Authority and was the vice chair of the Washington Metropolitan Area Transit Authority, where he helped secure funding for the construction of the Washington Metro; and

WHEREAS, desirous to be of further service to the residents of Northern Virginia, Herbert Harris ran for and was elected to the United States House of Representatives; taking office in 1975, he served for three terms as the representative of Virginia's 8th Congressional District; and

WHEREAS, while in office, Herbert Harris sponsored many important pieces of legislation, including additional funding for the Washington Metro, funding for schools to replace revenue lost because of tax exempt federal properties, and bills expanding Manassas National Battlefield Park and establishing the Quantico National Cemetery; he also opposed construction of a pipeline through Mason Neck National Wildlife Refuge; and

WHEREAS, after completing his public service, Herbert Harris continued to practice international trade law in the Washington, D.C., area with the firm of Harris, Ellsworth & Levin; and

WHEREAS, Herbert Harris earned many awards and accolades for his leadership of and commitment to the residents of Northern Virginia, and the Herbert Harris Post Office in Englewood is named in his honor; and

WHEREAS, a man of great integrity, Herbert Harris served the Northern Virginia community and the Commonwealth with professionalism, dedication, and distinction; and

WHEREAS, predeceased by his wife, Nancy, and a son, Sean, Herbert Harris will be fondly remembered and greatly missed by his children, Bert, Frank, Kevin, and Susan, and their families and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Herbert E. Harris II, a respected public servant and attorney in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Herbert E. Harris II as an expression of the General Assembly's respect for his memory and accomplishments.

**HOUSE JOINT RESOLUTION NO. 788**

*Commending the Woodbridge Lions Club.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, the Woodbridge Lions Club celebrates 60 years of service to the Woodbridge community in Prince William County; and

WHEREAS, the Woodbridge Lions Club was organized by James C. Hill, a past international director of Lions Clubs International, and sponsored by the Quantico Host Lions Club; the club was chartered with 32 members in March 1955 and was the 12th Lions Club chartered in Northern Virginia; and

WHEREAS, the Woodbridge Lions Club has organized countless fundraisers over the years, including light bulb, candy, and shrimp sales and truck raffles, bingo, and golf tournaments, raising more than \$1 million for community events and charitable causes; and

WHEREAS, enhancing the quality of life of local residents through a variety of programs, Woodbridge Lions Club supports youth sports leagues, the James M. Bland Music Contest, Cast for Kids, and Turn in a Pusher; and

WHEREAS, the Woodbridge Lions Club has also supported and donated money to what is now Sentara Northern Virginia Medical Center and, like many Lions Clubs, has donated eyeglasses and hearing aids to members of the community in need; and

WHEREAS, from October 2012 through July 2014, the Woodbridge Lions Club operated three vision screening devices and two audiometers at day care centers, elementary schools, and health fairs and screened more than 10,000 adults and children; and

WHEREAS, the members of the Woodbridge Lions Club have strengthened the region by inspiring others to take up the organization's mission; the club has sponsored the Woodbridge Lioness Auxiliary, the Dale City Lions Club, the Lake Ridge Lions Club, the Woodbridge Sunset Lions Club, and the Woodbridge Leo Club; and

WHEREAS, the 36 members of the Woodbridge Lions Club will commemorate the club's 60th anniversary with a special celebration on April 18, 2015, at the Fort Belvoir Officers' Club; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Woodbridge Lions Club on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Woodbridge Lions Club as an expression of the General Assembly's admiration for the club's many years of devoted service to Prince William County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 789**

*Celebrating the life of Samantha Rahn Bedell.*

Agreed to by the House of Delegates, February 19, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Samantha Rahn Bedell, a native of Fairfax County and a beloved daughter, sister, aunt, and friend, died on January 25, 2015; and

WHEREAS, Samantha Bedell grew up in Springfield, where she made many lifelong friends; she graduated from West Springfield High School and Radford University; and

WHEREAS, a generous supporter of her community, Samantha Bedell offered her time and talents to numerous charitable causes; and

WHEREAS, Samantha Bedell spread joy to everyone she met with her bright smile and infectious laugh; and

WHEREAS, Samantha Bedell cared deeply for her family and was a devoted daughter, sister, aunt, and friend; she also enjoyed music, animals, and outdoor activities; and

WHEREAS, Samantha Bedell enjoyed fellowship and worship with the community as a member of Emmanuel Episcopal Church in Alexandria; and

WHEREAS, Samantha Bedell will be greatly missed and fondly remembered by her parents, Constance and Robert; siblings, Anthony, Diana, and Michele; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Samantha Rahn Bedell, a beloved native of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samantha Rahn Bedell as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 790**

*Commending Larry Butler.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Larry Butler was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Larry Butler is senior director for parks, recreation, and community resources for the Reston Association, which is the Commonwealth's first planned residential community; Reston's inviting and attractive natural spaces are a defining feature for those who live and work there; and

WHEREAS, a passion for nature and the outdoors and a commitment to sharing that enthusiasm with others are hallmarks of Larry Butler's approach to his work and his life; he has been with the Reston Association since 1982; and

WHEREAS, with dedication and an optimistic outlook, Larry Butler has been a valued employee of the Reston Association, and his work is greatly appreciated by the families and businesses who call Reston their home; he is a careful steward of the community's natural resources; and

WHEREAS, Larry Butler works tirelessly to ensure that Reston's lakes, ponds, and streams are carefully maintained and remain an asset to the community; he is well-known for his commitment to detail and his keen attention to water quality, earning him the nickname "Larry of the Lakes"; and

WHEREAS, Larry Butler also has encouraged young people to explore the outdoors and is an advocate of the benefits of exercise; he is a triathlete, hiker, and mountain biker and has been a volunteer for two triathlons, the Reston Triathlon and the Reston Sprint Triathlon; and

WHEREAS; combining his love of exercise and his commitment to helping others, Larry Butler, who is a member of the board of the YMCA Fairfax County Reston, helped launch the Reston Kids Triathlon and the Reston Relay Triathlon; and

WHEREAS, in an innovative outreach effort, Larry Butler helped open the Reston Kids Triathlon to less fortunate children; each year, 50 participants receive triathlon scholarships to purchase bicycles and other equipment that they need to take part in the event; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry Butler, senior director for parks, recreation, and community resources for the Reston Association, for his well-deserved honor as a 2015 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Butler as an expression of the General Assembly's respect and admiration for his efforts to instill a love of the outdoors and physical exercise in all people.

**HOUSE JOINT RESOLUTION NO. 791**

*Commending Maid Bright.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Maid Bright of Sterling was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Small Business Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Yusuf and Zeynep Mehmetoglu founded the successful small business 10 years ago and with hard work and close relationships with their extended family, employees, and customers, Maid Bright has become a successful family-owned business; and

WHEREAS, the residential cleaning company serves customers in Northern Virginia, Maryland, and Washington, D.C.; the goal of Maid Bright's owners is to provide the highest level of service to their clients and support vital causes as a way of leaving a legacy; and

WHEREAS, in addition to focusing on the company, Yusuf Mehmetoglu is dedicated to giving back; the owners of Maid Bright recognize that helping others fosters a sense of community and helps to make it a better place to live; and

WHEREAS, Maid Bright takes part in Cleaning for a Reason, a program for women with cancer; participants receive four complimentary house cleanings—Maid Bright's owners and staff realize that a clean and tidy home helps reduce stress for a patient undergoing treatment and allows her to focus on healing; and

WHEREAS, Maid Bright also has provided catered dinners for the past two years for Reston's hypothermia shelter program and participated in the 2013 Love Your Body fundraiser for Cornerstones, Inc.; and

WHEREAS, Cornerstones, Inc., which works to provide affordable housing and helps people build more stable lives, also receives free cleaning services from Maid Bright; each month, the company completely cleans one of Cornerstones' housing units after the occupant has moved, providing a sparkling and shiny home for the next tenant; and

WHEREAS, Maid Bright regularly offers cleaning discounts to senior citizens, military veterans, firefighters, and teachers; many people throughout Northern Virginia look forward to and benefit from the company's commitment to cleanliness and charity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Maid Bright of Sterling for its dedication to giving back to the community and its well-deserved honor as a 2015 Best of Reston Award recipient in the Small Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yusuf and Zeynep Mehmetoglu, owners of Maid Bright, as an expression of the General Assembly's respect and admiration for its commitment to improving the lives of its employees and customers and the greater Reston community.

### HOUSE JOINT RESOLUTION NO. 792

*Commending His Hidden Treasures.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, His Hidden Treasures nonprofit ministry was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Civic/Community Organization category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, in 2012, Lois and Troy Hughes founded the nonprofit ministry, His Hidden Treasures, to help people work their way out of homelessness and develop self-esteem in newly furnished homes; and

WHEREAS, His Hidden Treasures utilizes the talents and career backgrounds of Lois and Troy Hughes; when the couple met, Lois Hughes worked for a company that furnished executive apartments, and Troy Hughes owned a hauling business, Junk Be Gone; and

WHEREAS, their shared skills and a passion to help others led to the formation of His Hidden Treasures; today, the company works with seven area shelters as residents prepare to move into transitional housing, which is an important step toward self-sufficiency; and

WHEREAS, His Hidden Treasures is committed to making each dwelling a home for the people and families who have faced many difficulties and challenges and have been living in shelters or emergency housing; and

WHEREAS, originally working in partnership with Cornerstones, Inc.'s, Embry Rucker Community Shelter, His Hidden Treasures now helps six other agencies; more than 80 percent of the people helped by the company moved into housing in the Reston and Dulles area; and

WHEREAS, an extensive network of clients, donors, vendors, real estate agents, and community organizations support the work of His Hidden Treasures, including a mattress retailer, a furniture company, artists, furniture craftspeople, retail stores, and members of the public; and

WHEREAS, Lois and Troy Hughes transform and repurpose furniture into beautiful pieces that can grace any home; His Hidden Treasures provides almost all the furnishings to turn transitional housing into an inviting new home; and

WHEREAS, His Hidden Treasures also sells unneeded furniture and household items in a thriving online business; all of the money raised from the firm's online sales supports the ministry's many good works; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend His Hidden Treasures nonprofit housing ministry for its work on behalf of people moving into transitional housing and for its well-deserved honor as a 2015 Best of Reston Award recipient in the Civic/Community Organization category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lois and Troy Hughes, founders of His Hidden Treasures, as an expression of the General Assembly's respect and admiration for their commitment and ministry to help the less fortunate in the Reston area.

### HOUSE JOINT RESOLUTION NO. 793

*Commending Maximus, Inc.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Maximus, Inc., was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Corporation/Large Business category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Maximus, which helps governments around the world improve their public health and human services programs, has its national offices in Reston and is a respected member of the area's corporate community; and

WHEREAS, the staff of Maximus is dedicated to corporate citizenship, and in 2000 the company established the Maximus Foundation to help give back to communities; locally, Maximus supports a variety of organizations and events, including Herndon-Reston FISH (Friendly Instant Sympathetic Help), Inc., and Jill's House; and

WHEREAS, Herndon-Reston FISH, Inc., is a volunteer organization that helps people meet emergency and short-term needs; a grant from the Maximus Foundation has provided financial help and holiday food and gift baskets to people in great need; and

WHEREAS, Jill's House in Vienna is a program that provides respite for children with intellectual disabilities and their families; a grant from the Maximus Foundation funds the Weeknights at Jill's House respite care program, serving local families and their children; and

WHEREAS, other Reston-area nonprofit organizations that have benefited from the generosity of the Maximus Foundation include FACETS Cares, Inc., The Women's Center, and the Wolf Trap Foundation for the Performing Arts; and

WHEREAS, additionally, the Kids on a Mission program of Touching Heart is another beneficiary of the Maximus Foundation; volunteers from the company worked with Tyler's Kids Outreach, in partnership with the Washington Redskins Foundation, to help children with disabilities; and

WHEREAS, Maximus' employees have generously donated to community food drives, participated in the Greater Washington Heart Walk to benefit the American Heart Association, and have contributed to an annual Giving Tree to benefit Cornerstones, Inc.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Maximus, Inc., for its dedication to giving back to the community through generous grants to nonprofit organizations, for its employees' extraordinary volunteer involvement, and for its well-deserved honor as a 2015 Best of Reston Award recipient in the Corporation/Large Business category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard A. Montoni, chief executive officer of Maximus, Inc., as an expression of the General Assembly's respect and admiration for its commitment to giving back to the community and the firm's extraordinary generosity to organizations that help the less fortunate in greater Reston.

#### **HOUSE JOINT RESOLUTION NO. 794**

*Celebrating the life of Sara Louise Rollison.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Sara Louise Rollison of Woodbridge, a devoted, longtime educator and a beloved member of the community, died on January 18, 2015; and

WHEREAS, a passionate educator, Sara Rollison helped students build a strong foundation for lifelong learning as a first-grade teacher; she began teaching in the 1960s and worked in Prince William County Public Schools; and

WHEREAS, a woman of deep and abiding faith, Sara Rollison was a charter member of Riverview Baptist Church in Woodbridge; she mentored and supported younger members of the congregation as a Sunday school and vacation bible school teacher; and

WHEREAS, Sara Rollison was an avid gardener and enjoyed visiting the United States Botanic Garden in Washington, D.C.; and

WHEREAS, predeceased by her loving husband, John, Jr., Sara Rollison will be fondly remembered and greatly missed by her children, Elizabeth, John III, Stanley, and Richard, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sara Louise Rollison, a dedicated educator and a beloved member of the Woodbridge community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sara Louise Rollison as an expression of the General Assembly's respect for her memory.

#### **HOUSE JOINT RESOLUTION NO. 795**

*Commending Kanika Davis.*

Agreed to by the House of Delegates, February 12, 2015

Agreed to by the Senate, February 13, 2015

WHEREAS, Kanika Davis, an inspirational member of the Lynchburg community, was crowned Ms. Wheelchair Virginia at Woodrow Wilson Rehabilitation Center in Fishersville on March 15, 2014; and

WHEREAS, Ms. Wheelchair Virginia celebrates the accomplishments of women who have overcome challenges and obstacles and inspires in others the courage and hope to achieve success in their communities; and

WHEREAS, as the winner of the Ms. Wheelchair Virginia Pageant, the largest Ms. Wheelchair program in the country, Kanika Davis has worked to further the organization's mission to educate the public and raise awareness for the needs of people with disabilities; and

WHEREAS, Kanika Davis has used a wheelchair since the age of 15; a goal-oriented leader in the community, she sought opportunities to serve others; and

WHEREAS, Kanika Davis has earned a bachelor's degree from Radford University and a master's degree from Liberty University; she puts her talents and wisdom to good use as a vocational counselor for the Department for Aging and Rehabilitative Services; and

WHEREAS, mentoring high school students with disabilities who are seeking careers, Kanika Davis helps strengthen the Lynchburg community and the Commonwealth and demonstrates her personal motto of Putting the Wheels in Motion; and

WHEREAS, during her reign, Kanika Davis traveled throughout the Commonwealth promoting her platform of Life Beyond Limits to help build confidence in individuals with disabilities and raise awareness of issues affecting them and their families; and

WHEREAS, Kanika Davis is an exceptional ambassador for the Commonwealth and has proudly upheld the legacy of previous Ms. Wheelchair Virginia titleholders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kanika Davis on her selection as Ms. Wheelchair Virginia 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kanika Davis as an expression of the General Assembly's admiration for her achievements and best wishes on future endeavors.

#### HOUSE JOINT RESOLUTION NO. 796

*Celebrating the life of Arthur A. Kirk, M.D.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Arthur A. Kirk, M.D., an accomplished orthopedic surgeon and physician, respected philanthropist, and devoted community leader who worked to enhance the lives of all Portsmouth residents, died on January 26, 2015; and

WHEREAS, a native of Suffolk, Arthur Kirk worked in his father's sawmill when he was young and learned the value of hard work, responsibility, and generosity as a child of the Great Depression; and

WHEREAS, Arthur Kirk graduated from Chuckatuck High School and earned a bachelor's degree from Virginia Polytechnic Institute and State University and a medical degree from what was then known as the Medical College of Virginia; he completed an internship at Walter Reed Army Hospital, where he specialized in orthopedics; and

WHEREAS, Dr. Kirk joined many of the other young men of his generation in service to his country during World War II as a member of the United States Army; he served as a major and commanded a unit that provided medical support to the 82nd Airborne and treated prisoners at a concentration camp near Ludwigslust, Germany; and

WHEREAS, in 1951, Dr. Kirk opened Portsmouth's first orthopedic practice, where he pioneered innovative techniques and treated community members for major and minor injuries for more than four decades until his retirement in 1994; and

WHEREAS, a humble and generous philanthropist, Dr. Kirk supported Virginia Polytechnic Institute and State University, Old Dominion University, the Medical College of Virginia, the Medical Society of Virginia, Bon Secours Maryview Foundation, and the Virginia Sports Hall of Fame; and

WHEREAS, Dr. Kirk was the first donor to the Portsmouth Community Foundation, now known as the Southeast Virginia Community Foundation, which makes significant contributions to local arts and culture, civic and economic development, education, and health and human services; he also volunteered his time and talents outside the United States, serving on medical missions in Afghanistan and Indonesia; and

WHEREAS, taking special interest in the youth of the community, Dr. Kirk operated a clinic for indigent children for 40 years, and he cofounded the Kirk-Cone Rehabilitation Center for Children, which supported children unable to attend school due to medical conditions; and

WHEREAS, Dr. Kirk supported and mentored local youths as the resident physician for the Portsmouth Invitational Tournament and the physician for high school football and basketball teams in Portsmouth; and

WHEREAS, a talented amateur gemologist and horticulturist, Dr. Kirk developed two camellias that were recognized by the American Camellia Society and donated rare gems to Old Dominion University, the Smithsonian Institution, and Virginia Polytechnic Institute and State University; and

WHEREAS, earning countless awards and accolades for his leadership and beneficent work, Dr. Kirk was named First Citizen of Portsmouth in 2004 and Philanthropist of the Year on Philanthropy Day 2014; and

WHEREAS, predeceased by his wife of 61 years, Marie, and one son, William, Dr. Kirk will be fondly remembered and greatly missed by his children, Arthur and Ann, and their families; numerous other family members and friends; former patients and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Arthur A. Kirk, M.D., a caring surgeon and doctor, passionate philanthropist, and pillar of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Arthur A. Kirk, M.D., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 797

*Designating March 14, in 2015 and in each succeeding year, as a Day of Honor for the Marquis de Lafayette in Virginia.*

Agreed to by the House of Delegates, February 17, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, on March 14, 1781, 23-year-old Marie-Joseph Paul Yves Roch Gilbert du Motier de Lafayette, Marquis de Lafayette, arrived in Yorktown to start a military campaign against the British that would culminate in their defeat on October 19, 1781; and

WHEREAS, outnumbered and poorly supplied, Lafayette strove to improve the circumstances and numbers of his troops, often pledging his own funds to secure shoes and clothing for his soldiers, not only in this Virginia campaign, but also during the entire American Revolution, including outfitting the French frigate *La Victoire* to bring him to America; and

WHEREAS, in Lafayette's pursuit of British forces during the spring, summer, and autumn of 1781, he adopted a strategy of limited engagement to better preserve his forces, similar to the strategy used by General George Washington up to that point; and

WHEREAS, it was this strategy that led to the success at Yorktown, where and when French ships under Admiral de Grasse, French forces under General Rochambeau, and American forces under General Washington and Lafayette united and defeated British forces under General Cornwallis; and

WHEREAS, Lafayette had been instrumental in convincing Louis XVI, King of France, to support the American colonies, directly contributing to the victory at Yorktown; and

WHEREAS, in anticipation of the arrival of the French frigate *Hermione* at Yorktown on June 5-7, 2015, all Virginians, especially its students, are encouraged to reflect on and learn from Lafayette's example of heroism, courage, and commitment to freedom and democracy; and

WHEREAS, Lafayette loved America so much that he was buried in Paris under soil from Boston's Bunker Hill, and for his accomplishments in the service to both France and the United States, he is known as The Hero of Two Worlds; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March 14, in 2015 and in each succeeding year, as a Day of Honor for the Marquis de Lafayette in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Friends of Hermione-Lafayette in America so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 798

*Celebrating the life of John Robert Erwin.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, John Robert Erwin of Charlottesville, a former jail chaplain and a 20-year employee of the Salvation Army in Charlottesville, who overcame great adversity in his early years to forge a life of meaning and purpose by ministering to the imprisoned and helping the less fortunate, died on December 23, 2014; and

WHEREAS, John Erwin was born in Indianapolis, Indiana, and lived in eight foster homes and four public institutions before he was 18; he credited the attention given to him by caring teachers during high school with turning his life around; and

WHEREAS, a veteran of the United States military, John Erwin served in the army during the Korean War, and after his military service enrolled at Emmaus Bible College, at that time in Chicago; he then became chaplain of the Cook County Jail in Chicago for nearly three decades; and

WHEREAS, while he was chaplain, John Erwin devised the nationally acclaimed Programmed Activities for Correctional Education Institute (PACE), offering educational opportunities and vocational training to inmates and those who had been recently released; and

WHEREAS, President James Earl Carter appointed John Erwin to the National Advisory Council on Vocational Education; in that role, he chaired public hearings in five cities and also testified before a United States Senate subcommittee on correctional education; and

WHEREAS, later in his career, John Erwin moved to Virginia and worked for Prison Fellowship; he also was executive director of the Maryland Sheriffs' Youth Ranch, a foster home for young men; and

WHEREAS, John Erwin was a dedicated and caring employee of the Salvation Army in Charlottesville who focused on helping those in need; as a man of great faith, John Erwin enjoyed fellowship and worship at Sojourners United Church of Christ; and

WHEREAS, among the organizations that benefitted from John Erwin's experience and compassion were the National Alliance on Mental Illness and the Virginia Organizing, a grassroots group working to challenge injustice and bring about change; and

WHEREAS, John Erwin received many awards and recognitions in his lifetime; he was named one of "Chicago's 100," and also was honored by the Harrisonburg-Rockingham County Salvation Army, where he helped found an annual Christmas Toy Convoy, which provides toys and gifts to more than 3,000 children; and

WHEREAS, John Erwin will be greatly missed and fondly remembered by Dell, his wife of 58 years; his children, Vance, Gregg, and Gayle, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Robert Erwin of Charlottesville, a former jail chaplain and employee of the Salvation Army in Charlottesville, who devoted his life to helping the imprisoned and the less fortunate, a man of great faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Robert Erwin as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 799

*Celebrating the life of Patricia Godbolt White.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Patricia Godbolt White of Norfolk, one of the first students to integrate the Norfolk Public Schools system, who later spent her career teaching in the same school division, a mentor and role model, a poet, and a loving mother and grandmother, died on January 23, 2015; and

WHEREAS, in 1959, Patricia White was one of 17 African American students to enroll in one of Norfolk's formerly all-white public schools—at that time the largest school district in the Commonwealth; the group, which became known as the Norfolk 17, endured threats, taunts, and racial bigotry from students and teachers; and

WHEREAS, Patricia White, who was one of two black students to enter Norview High School, graduated in 1960; later, she recalled her fear that she might be shot on graduation day to prevent her from becoming the first African American student to graduate from a desegregated school in the Commonwealth; and

WHEREAS, continuing her education, Patricia White graduated from Washington College in Chestertown, Maryland, in 1964, the first African American woman to earn a bachelor's degree from the school, and she also received a master's degree from Norfolk State University; and

WHEREAS, Patricia White became a teacher in the Norfolk Public Schools system, spending most of her 42-year career at Booker T. Washington High School, where she was chair of the science department; and

WHEREAS, as an inspiration and support to many of the young men and women she taught, Patricia White often helped students after hours and she willingly passed on her personal philosophy of "believing in the improbable" as she encouraged the students to believe in themselves; and

WHEREAS, Patricia White was the author of two books, *Three Generations to Integration* and *Evolution of Esprit'd P.G.*, a collection of poetry; she also was in demand as a public speaker, appearing before many civic organizations, school groups, and churches; and

WHEREAS, among the organizations that benefitted from Patricia White's guidance and leadership were Delta Sigma Theta Sorority, Inc., and Les Gemmes, Inc.; she received many awards and honors over the years, and she was featured in an exhibit at the Chrysler Museum of Art marking the 50th anniversary of the end of Massive Resistance; and

WHEREAS, Patricia Godbolt White will be greatly missed and fondly remembered by her children, Louis, Patrice, and Lavell, and their families, and by many other family members, former students, and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Patricia Godbolt White of Norfolk, one of the first students to integrate the Norfolk Public Schools system, a noted teacher, a mentor and role model, a poet, and a loving mother and grandmother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Godbolt White as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 800**

*Celebrating the life of Marian M. Bailey.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Marian M. Bailey of Glade Spring, a former nurse and retired teacher who generously gave of her time and talents to numerous community organizations, a woman of great faith, and a devoted wife and mother, died on January 6, 2015; and

WHEREAS, as a young woman, Marian M. "Mossie" Bailey worked as a nurse for a local doctor who practiced in Glade Spring; when he moved, she enrolled at Emory & Henry College and earned a bachelor's degree, and she later attended the University of Virginia, where she received a master's degree; and

WHEREAS, Mossie Bailey was a teacher in the Washington County Public Schools system for nearly three decades; she taught at Hayter's Gap, Liberty Hall, and Glade Spring elementary schools and also at Glade Spring Middle School; and

WHEREAS, Mossie Bailey belonged to many community organizations; she generously contributed her time and talents to the Black's Fort Chapter, National Society of the Daughters of the American Revolution; the Historical Society of Washington County, Virginia; and the Family, Community & Education Club; and

WHEREAS, other organizations that benefited from Mossie Bailey's involvement include Project Glade and the Glade Spring Book Lovers Club, and as a member of the Glade Spring Library Board, she enthusiastically supported the opening of a new library in 2011 on the town square; and

WHEREAS, Mossie Bailey and a group of friends—many like herself were former teachers— established Hands on Helpers in 2003 to help less fortunate school children in Washington County; the mission of the group is to help raise a child's self-esteem through acts of kindness; and

WHEREAS, Mossie Bailey and the members of Hands on Helpers provided food for children and their families during the holidays; they also purchased clothing, shoes, and other items the young people lacked; and

WHEREAS, a woman of great faith and a tireless volunteer at the Glade Spring Food Bank, Mossie Bailey belonged to Byars-Cobb Memorial United Methodist Church; she taught Sunday school and held many positions at the church, and she also belonged to United Methodist Women; and

WHEREAS, Mossie Bailey, who was predeceased by her first husband, C. R. Goff, and by her second husband, Archie Bailey, will be greatly missed and fondly remembered by her daughter, Victoria, and her family, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Marian M. Bailey of Glade Spring, a former nurse and retired teacher who generously gave of her time and talents to numerous community organizations, a woman of great faith, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marian M. Bailey as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 801**

*Commending the Arlington County Police Department.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2015, the Arlington County Police Department celebrates its 75th anniversary of serving and protecting the citizens of Arlington County; and

WHEREAS, the Arlington County Division of Police was created on February 1, 1940, at the suggestion of Sheriff H.B. Fields, who felt that the county needed a professional police force to better keep pace with its growth; and

WHEREAS, when it was formed in 1940, the Arlington County Division of Police had nine members and its first police chief was former deputy sheriff Harry Woodyard; the department quickly increased in size, and by 1943, the force was 39 members strong; and

WHEREAS, the core mission of the Arlington County Police Department is to reduce the incidence of crime and improve the quality of life in Arlington County by making it a place where all people can live safely and without fear; and

WHEREAS, today, the Arlington County Police Department has a sworn complement of 370 officers and a civilian support staff of approximately 97 people; all members of the department serve the public selflessly and with great dedication; and

WHEREAS, Arlington County has greatly changed in the last seven decades; it is proud of its diverse and growing population of 225,000 people who benefit from the commitment to safety and the professional training exhibited each and every day by the members of the police department; and

WHEREAS, one of the essential roles of government is to provide for the safety of its citizens; for the past 75 years, the officers and staff of the Arlington County Police Department have admirably fulfilled that function, helping to make the county a safer place for everyone; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Arlington County Police Department on the occasion of its 75th anniversary of serving and protecting the citizens of Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arlington County Police Department as an expression of the General Assembly's respect and admiration for the department's proud history of serving its community and for its commitment to providing high quality policing services.

### HOUSE JOINT RESOLUTION NO. 802

*Commending the Arlington County Fire Department.*

Agreed to by the House of Delegates, February 13, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2015, the Arlington County Fire Department celebrates 75 years of protecting and serving the people and businesses of Arlington; and

WHEREAS, on July 15, 1940, the Arlington County Fire Department was created to supplement the work of the many volunteer firefighting forces in the county; the staff of the Arlington County Fire Department initially consisted of a chief and 18 firefighting staff; and

WHEREAS, the mission of the Arlington County Fire Department is to serve the community with compassion, integrity, and commitment through prevention, education, and a professional response to all hazards; and

WHEREAS, in 2015, the people of Arlington County benefit from a highly trained career firefighting force that operates out of 10 stations; the 330 members of the Arlington County Fire Department protect and serve the public in many ways; and

WHEREAS, the members of the Arlington County Fire Department are trained in fire suppression, emergency medical care, hazardous material response, technical rescue, vehicle extrication, swift water rescue, and hazardous device response; the county hired the first female career firefighter in the United States in 1974; and

WHEREAS, the Arlington County Fire Department is committed to providing excellent leadership and professional accountability, and the department works to meet these goals by providing effective training, utilizing technology, and adapting to the changing needs of the community; and

WHEREAS, the Arlington County Fire Department is always available to assist other fire departments in Northern Virginia, and when called on, the fire department provides help to fire departments throughout the greater Washington, D.C., area as part of a mutual aid agreement; and

WHEREAS, the Arlington County Fire Department, in partnership with the United States Public Health Service, developed a metropolitan medical strike team, which is the nation's first nonmilitary terrorism response team; and

WHEREAS, in addition to serving the 224,000 residents of Arlington County and thousands of visitors, the Arlington County Fire Department is the primary responder to the Pentagon and also assists firefighters at the Ronald Reagan Washington National Airport and the United States Army's Joint Base Myer-Henderson Hall; and

WHEREAS, on September 11, 2001, the Arlington County Fire Department was the lead agency in responding to the attack on the Pentagon; firefighters exhibited the utmost bravery, skill, and dedication as they worked to extinguish the fires, stabilize the building, treat the injured, and recover those who lost their lives; and

WHEREAS, for 75 years, the men and women of the Arlington County Fire Department have never wavered in their resolve to protect and serve, and they are vigilant in their commitment to the safety of the people of Arlington County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Arlington County Fire Department on the occasion of its 75th anniversary of protecting and serving the people and businesses of Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Schwartz, Chief of the Arlington County Fire Department, as an expression of the General Assembly's congratulations and admiration for the bravery and skilled work shown daily by the members of the Arlington County Fire Department.

### HOUSE JOINT RESOLUTION NO. 803

*Commending Virginia Master Gardener Association, Inc.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, for 25 years, Virginia Master Gardener Association, Inc., has provided exceptional horticulture programs, supported Virginia Cooperative Extension, and served and inspired gardeners throughout the Commonwealth; and

WHEREAS, in 1988, the first advanced master gardener training was held at Virginia Polytechnic Institute and State University; soon after, a group met to discuss the formation of a statewide organization that could facilitate opportunities for a new generation of master gardeners; and

WHEREAS, Virginia Master Gardener Association was officially formed in February 1990, with master gardeners from every region of the Commonwealth making up the board of directors; and

WHEREAS, in its early days, Virginia Master Gardener Association concerned itself with the Virginia State Fair, the preservation of wildflowers in the Commonwealth, the dissemination of information on dogwood anthracnose, and the cultivation of tomato seeds that had orbited the earth on the space shuttle; and

WHEREAS, by the early 1990s, Virginia Master Gardener Association had continued to grow in membership and scope, with members working actively to support policies in favor of strengthening Virginia Cooperative Extension; the organization also began publishing a newsletter, offered training courses, and established the Virginia Master Gardener Association State Conference; and

WHEREAS, Virginia Master Gardener Association now represents more than 5,000 master gardeners who regularly volunteer in support of the Virginia Cooperative Extension service, helping members of the public with water quality, land stewardship, lawn care, and other issues; and

WHEREAS, Virginia Master Gardener Association volunteers also conduct youth outreach in schools and through summer programs; in 2014, volunteers performed more than 365,000 hours of service to their communities and the environment; and

WHEREAS, Virginia Master Gardener Association commemorates its 25th anniversary on February 14, 2015, and will celebrate the organization's rich traditions of fellowship and education throughout the year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Master Gardener Association, Inc., on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Master Gardener Association, Inc., as an expression of the General Assembly's admiration for the organization's commitment to promoting horticulture in the Commonwealth and its diligent support for Virginia Cooperative Extension.

### HOUSE JOINT RESOLUTION NO. 804

*Confirming various appointments by the Speaker of the House of Delegates.*

Agreed to by the House of Delegates, February 17, 2015

Agreed to by the Senate, February 24, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

1. Appointment to the **Virginia Commonwealth University Health System Authority Board** pursuant to § 23-50.16:5 of the Code of Virginia:

**Susan D. Roseff**, 5905 Shady Willow Court, **Glen Allen**, Virginia 23509, Member, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

2. Appointments to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

**Walter C. Erwin**, 101 Paddington Court, **Lynchburg**, Virginia 24503, Member, for a term of one year beginning July 1, 2014, and ending June 30, 2015, to fill a new position.

**The Honorable C. Todd Gilbert**, Post Office Box 309, **Woodstock**, Virginia 22664, Member, for a term coincident with the term for which he has been elected to the House of Delegates, to fill a new position.

**Amy E. Hutchens**, 22482 Wilderness Acres Circle, **Leesburg**, Virginia 20175, Member, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new position.

**The Honorable William R. Janis**, 5005 Amberwood Drive, **Glen Allen**, Virginia 23059, Member, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to fill a new position.

**W. Sheppard Miller, III**, 5310 Edgewater Drive, **Norfolk**, Virginia 23508, Member, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to fill a new position.

3. Appointment to the **Tobacco Indemnification and Community Revitalization Commission** pursuant to § 3.2-3102 of the Code of Virginia:

**The Honorable James W. Morefield**, Post Office Box 828, **North Tazewell**, Virginia 24630, Member, for a term coincident with the term for which he has been elected to the House of Delegates, to succeed Ben Chafin, Jr.

**HOUSE JOINT RESOLUTION NO. 805**

*Commending Dolores A. Moore.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Dolores A. Moore, who has served the residents of Chesapeake with great diligence and effectiveness as city clerk for more than 20 years, retires on February 1, 2015; and

WHEREAS, Dolores Moore was appointed city clerk in 1994; the Office of the Municipal Clerk is the liaison between the citizens of Chesapeake and the members of the Chesapeake City Council; and

WHEREAS, with a total of 30 years of municipal government experience, Dolores Moore has ably supervised the municipal clerk's office in Chesapeake for the past two decades; earlier in her career, she worked for the City of Portsmouth for 10 years; and

WHEREAS, Dolores Moore earned a certified municipal clerk's designation in 1991 and was designated a master municipal clerk in 2002; she also attended Tidewater Community College, where she earned career certifications in accounting and business administration; and

WHEREAS, among the professional organizations that have benefited from Dolores Moore's involvement are the Virginia Municipal Clerks Association (VMCA), the International Institute of Municipal Clerks, and the Virginia Association of Government Archives and Records Administrators; and

WHEREAS, Dolores Moore's involvement with the VMCA is extensive; she has been a member since 1988 and has held several leadership positions, including serving as president in 2004-2005; she was honored as the association's Clerk of the Year in 2013; and

WHEREAS, Dolores Moore has played an active role on the Chesapeake Environmental Improvement Council and the Chesapeake 50th Anniversary Executive Committee, and she has been a member of the board of the William A. Hunton YMCA since 2012; and

WHEREAS, other civic associations that Dolores Moore has belonged to and to which she has made valuable contributions are the Sister Cities Committee of Chesapeake, Inc., and the Chesapeake City Symbol Committee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dolores A. Moore, who retired as clerk of the City of Chesapeake on February 1, 2015, and who served the residents of Chesapeake with great diligence and effectiveness for more than 20 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dolores A. Moore as an expression of the General Assembly's respect and admiration for her many years of dedicated service to the people of Chesapeake and best wishes in her retirement.

**HOUSE JOINT RESOLUTION NO. 806**

*Commending Mike Wray.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Mike Wray, an outstanding photographer for the *Martinsville Bulletin*, who has captured thousands of images of the people, places, and events in Martinsville and Henry County, retired in January 2015 after more than 46 years with the newspaper; and

WHEREAS, Mike Wray began working for the *Martinsville Bulletin* in 1968, becoming a full-time photographer in 1971; he was known for his almost ubiquitous presence around Martinsville and Henry County, photographing events large and small; and

WHEREAS, during his long career at the Martinsville newspaper, Mike Wray covered almost everything that comprises small town and rural life—high school and community sports, politics and government, social and community events, and the changing economy as established industries closed and new economic forces emerged; and

WHEREAS, Mike Wray's photographs for news, features, and sports articles displayed his uncanny eye for memorable images that themselves told a story; he also got to know many residents of the area as he photographed events throughout the region; and

WHEREAS, for Mike Wray, the biggest change he faced in his career was the switch from film photography and darkrooms to digital images, and even though he has taken thousands of images over the years, he does not have a favorite, insisting that the next photograph will always be his top choice; and

WHEREAS, as part of his adherence to high professional standards, Mike Wray readily responded at all hours to breaking news events; the work, while demanding at times, was full of rewards, especially the teamwork he enjoyed with fellow members of the newspaper staff; and

WHEREAS, Mike Wray retired at the same time as his wife, Ginny, who was editor of the *Martinsville Bulletin*; they both were leaders in the community for their unassuming but strong dedication to reporting and photographing the news in Martinsville and Henry County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mike Wray on the occasion of his retirement and for being an outstanding photographer for the *Martinsville Bulletin*, who captured thousands of images of the people, places, and events in Martinsville and Henry County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Wray as an expression of the General Assembly's respect and admiration for his dedication to his community and his many accomplishments as he documented in photographs the people and places of Martinsville and Henry County.

### HOUSE JOINT RESOLUTION NO. 807

*Commending Ginny Wray.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Ginny Wray, a dedicated and distinguished editor of the *Martinsville Bulletin*, whose work was marked by responsibility and objectivity as she ably served readers in Martinsville and Henry County, retired in January 2015; and

WHEREAS, in 1974, Ginny Wray began working for the *Martinsville Bulletin* as editor of the Accent section, and approximately one year later, she moved to the news desk; she was named managing editor in 1987 and later was promoted to editor; and

WHEREAS, for Ginny Wray, covering Martinsville and Henry County was a never-ending source of news; global economic changes often affected businesses in the area and their employees; she covered laid off or displaced workers as they fought for benefits and searched for work in an uncertain future; and

WHEREAS, local events common to all small communities also were part of the area's daily news; as a reporter, Ginny Wray was known for her incisive questions, and she focused on maintaining neutrality in her writing, setting high standards for herself and her staff; and

WHEREAS, as editor, Ginny Wray garnered much affection and respect from her employees; she was a mentor whose energy and creativity helped motivate the newsroom staff as they focused on the work needed to produce a daily paper, and the stories to come; and

WHEREAS, early in her tenure at the *Martinsville Bulletin*, Ginny Wray married Mike Wray, a photographer for the daily paper, and the couple worked for the newspaper for the rest of their careers; they frequently were awakened at odd hours to cover breaking news stories; and

WHEREAS, Ginny Wray helped guide the *Martinsville Bulletin* during a period of massive change in the newspaper industry; she also helped oversee several redesigns of the publication and played a key role in developing the newspaper's website; and

WHEREAS, in her years in the newsroom, Ginny Wray worked hard to ensure that she and the staff met the deadlines necessary to put out a daily paper; the work was demanding but rewarding, as was the camaraderie she found among her fellow employees; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ginny Wray on the occasion of her retirement in 2015 as a dedicated and distinguished editor of the *Martinsville Bulletin*, whose work was marked by responsibility and objectivity as she ably served readers in Martinsville and Henry County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ginny Wray as an expression of the General Assembly's respect and admiration for her accomplishments and dedication to journalism and to the people of Martinsville and Henry County.

### HOUSE JOINT RESOLUTION NO. 809

*Commending Patrick Henry Elementary School.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Patrick Henry Elementary School in Arlington County celebrates its 90th anniversary in 2015; the school offers pre-kindergarten through fifth grade and has an economically and ethnically diverse student body; and

WHEREAS, Patrick Henry Elementary School's roots extend to Arlington County's early days of public education; when the school was established in 1925, it replaced the county's first public educational institution, Columbia School; and

WHEREAS, in 1959, Patrick Henry also became the first racially integrated elementary school in Arlington County, and today the school is proud of its diverse student body—embracing the students' contributions and varied outlooks; and

WHEREAS, the mission of Patrick Henry Elementary School is to continuously improve student achievement by maintaining high expectations for all students in the areas of academic and physical development as well as personal and interpersonal behaviors; and

WHEREAS, today, Patrick Henry Elementary School has 519 students, many of whose families are from other countries; almost 30 percent of the pupils speak English as a second language; the Title I school also is home to Arlington County's deaf/hard of hearing and communications programs; and

WHEREAS, the Patrick Henry Elementary School community is proud of the pupils' steady academic achievement; students consistently exceed state and federal benchmarks in English and math; and

WHEREAS, in 2013, Patrick Henry Elementary School received the Distinguished Title I School Award for exceptional academic achievement on the Standards of Learning assessments; in 2014, the school was honored as one of four Highly Distinguished Title I Schools in the Commonwealth; and

WHEREAS, Patrick Henry Elementary School was selected as the one school in the Commonwealth to receive the National Title I Award in the category of exceeding all federal annual measurable objectives in reading and mathematics for two consecutive years; and

WHEREAS, the students and staff at Patrick Henry Elementary School also have fun; the principal and assistant principal recently spent an entire day on the roof, fulfilling a promise they made if the pupils met a significant reading goal; the students had great fun watching from the ground as the administrators celebrated their charges' accomplishments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick Henry Elementary School in Arlington County on the occasion of its 90th anniversary in 2015 and for its outstanding academic program that successfully serves an economically and ethnically diverse student body; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annie Frye, principal of Patrick Henry Elementary School, as an expression of the General Assembly's congratulations and admiration for its long history of providing an excellent education to boys and girls in Arlington County and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 810

*Commending Hoffman-Boston Elementary School.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Hoffman-Boston Elementary School in Arlington County celebrates its 100th anniversary in 2015; when it opened, it was the only school where the county's African American students could receive a public education; and

WHEREAS, for the first 48 years of its existence, Hoffman-Boston School only educated African American pupils; it was known as Jefferson Elementary School, and in the 1930s, it became Arlington County's first junior and senior high school for black students; and

WHEREAS, in 1932, a dedication was held to recognize the service of E. C. Hoffman, the school's first principal, and Ella M. Boston, principal at Arlington's Kemper Elementary School; at that time, the building was re-named Hoffman-Boston School in their honor; and

WHEREAS, during the era of racial segregation, the staff at Hoffman-Boston School focused on ensuring that the school provided a superior education despite a lack of financial support and resources; the faculty worked tirelessly to prepare graduates to face the world; and

WHEREAS, Hoffman-Boston School was integrated in 1964, and since then it has served as an alternative education center and is now an elementary school; from 1996-1999, the school was known as Oakridge North School and helped to eliminate overcrowding at a nearby school; and

WHEREAS, following a \$12.9 million renovation, Hoffman-Boston Elementary School was rededicated in 2002; the project added 23 rooms to the school and updated the facilities, which brought the 110,000 square foot building into compliance with the Americans With Disabilities Act; and

WHEREAS, in 2014-2015, Hoffman-Boston Elementary School teaches pre-kindergarten through fifth grade and also has a Montessori program; the school is the home of the All Stars, a global community that sets high student and staff expectations; and

WHEREAS, the mission of Hoffman-Boston Elementary School is to provide authentic, inquiry-based learning experiences that encourage students to collaborate, experiment, and create solutions to real-life problems; and

WHEREAS, STEM and Project Edison are school initiatives and areas of focus; Hoffman-Boston Elementary School pupils learn communication skills through technology and integration of the arts, and the curriculum also has strong science, technology, engineering, and math components; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hoffman-Boston Elementary School in Arlington County on the occasion of its 100th anniversary in 2015 for its long and distinguished history and steadfast commitment to offering an excellent education to its students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kimberley Graves, principal of Hoffman-Boston Elementary School, as an expression of the General Assembly's congratulations and admiration for the school's many achievements during the past century and best wishes as it continues to provide a quality education to the young people of Arlington County.

### HOUSE JOINT RESOLUTION NO. 811

*Commending the Stuarts Draft Ruritan Club.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, in 2015, the Stuarts Draft Ruritan Club celebrates its 75th anniversary of fellowship, goodwill, and community service; its members adhere to the organization's principles of diligence, pride, and ethics; and

WHEREAS, when the Stuarts Draft Ruritan Club was first organized in November 1939, it met in a social hall in the basement of Stuarts Draft Elementary School; the club was chartered in April 1940 and had 24 members; and

WHEREAS, from its earliest days, the Stuarts Draft Ruritan Club has played an active role in the town and the surrounding Augusta County community; it helped raise the funds needed to establish a cannery and also purchased stage curtains for the high school; and

WHEREAS, during World War II, members of the Stuarts Draft Ruritan Club supported the war effort in many ways; the organization raised money to buy war stamps and defense bonds, and continued to support the cannery as local residents used the facility to can home-grown produce; and

WHEREAS, many successful projects focused on improving the community; the Stuarts Draft Ruritan Club purchased fire trucks, sponsored a parent-teacher association for the public schools, and helped pay for showers in the boys' washroom; and

WHEREAS, over the years, the Stuarts Draft Ruritan Club has hosted many successful community events, including horse shows, a 4-H Fat Stock show, a soap box derby, and fundraising dinners; and

WHEREAS, in 1989, the members of the Stuarts Draft Ruritan Club opened a park on land that had been donated to the club; the park featured two lighted ball fields, and an additional donation of land increased the park's size to 13 acres and allowed for the establishment of a children's play area; and

WHEREAS, today, the Stuarts Draft Ruritan Club continues its strong tradition of fellowship and community service in Augusta County and beyond; the group has sponsored eight new Ruritan clubs in the past 75 years and has had three members with perfect attendance for more than 40 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Stuarts Draft Ruritan Club on the occasion of its 75th anniversary in 2015 and for its commitment to bettering the greater Augusta County area in a spirit of fellowship, goodwill, and community service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Forrer, president of the Stuarts Draft Ruritan Club, as an expression of the General Assembly's congratulations and admiration for its outstanding accomplishments and contributions and best wishes for many more years of service and fellowship.

### HOUSE JOINT RESOLUTION NO. 812

*Celebrating the life of Jon Reed Donnelly.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Jon Reed Donnelly, a dedicated leader in the field of emergency medicine and an active member of the Chesterfield community, died on January 5, 2015; and

WHEREAS, a native of Washington, D.C., Jon Donnelly graduated from Wheeling Jesuit University and pursued a 25-year career in journalism; he served as a copy editor, reporter, assistant editor, photo editor, state editor, and associate city editor of the *Richmond News Leader*; and

WHEREAS, beginning in 1984, Jon Donnelly safeguarded and cared for members of the community as a member of Manchester Volunteer Rescue Squad in Chesterfield County; he achieved life member status in 1994; and

WHEREAS, from 1990 to 2007, Jon Donnelly served as executive director of the Old Dominion Emergency Medical Services Alliance, where he used his visionary leadership to support emergency medical technicians and advance the field of emergency medicine; and

WHEREAS, Jon Donnelly worked to enhance the quality of life of his fellow residents as a member and chair of the Chesterfield Emergency Planning Committee and the coordinator of the Chesterfield Health District Medical Reserve Corps; and

WHEREAS, after his well-earned retirement in 2007, Jon Donnelly continued to serve the community by volunteering his time and wise leadership with the Chesterfield Fire and EMS Division of Emergency Management Community Emergency Response Team; and

WHEREAS, Jon Donnelly also worked with the Virginia Olympic Games and was well-known in the aviation community; he was a founding member of the Virginia Aviation Museum, author of a weekly aviation column in the *Richmond News Leader*, and a member and leader of the Air Force Association at local, state, and national levels; and

WHEREAS, Jon Donnelly was an exemplar of the professionalism, compassion, and respect for members of the public displayed by first responders throughout the Commonwealth; and

WHEREAS, Jon Donnelly will be fondly remembered and greatly missed by his wife, Dianne; children, Juli and John, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jon Reed Donnelly; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jon Reed Donnelly as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 813

*Commending the J. R. Tucker High School Sparky 384 robotics team.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the J. R. Tucker High School Sparky 384 robotics team has raised awareness for science, technology, engineering, and mathematics education in the Commonwealth and carried out generous educational outreach programs; and

WHEREAS, the Sparky 384 robotics team was established under FIRST (For Inspiration and Recognition of Science and Technology), a nonprofit organization that sponsors science programs, challenges, and competitions to build self-confidence, communication, and leadership skills among students; and

WHEREAS, the Sparky 384 robotics team competes in a yearly robotics challenge, and team members utilize cutting edge technology, such as the roboRIO control system; and

WHEREAS, raising awareness for FIRST and science, technology, engineering, and mathematics (STEM) education, the Sparky 384 robotics team has appeared on local television in Charlottesville, in the *Richmond Times-Dispatch* and the *VirginiaFIRST* newsletter, and on the WCVE Science Matters website; and

WHEREAS, the Sparky 384 robotics team has partnered with FIRST teams around the Commonwealth to promote the implementation of a FIRST specialty license plate to raise additional awareness of the organization's mission and STEM; and

WHEREAS, the Sparky 384 robotics team has conducted outreach in the community, including workshops on new technology and electrical troubleshooting at the Virginia Commonwealth University School of Engineering; and

WHEREAS, the Sparky 384 robotics team also created the LEGO Change Kids program to support students in Haiti; the team collected donations to build starter kits for eight Lil' Sparks teams in an effort to create new opportunities for Haitian students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the J. R. Tucker High School Sparky 384 robotics team for its contributions to science, technology, engineering, and mathematics education in the Commonwealth and the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the J. R. Tucker High School Sparky 384 robotics team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 814

*Commending Sheldon M. Retchin, M.D.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Sheldon M. Retchin, M.D., the senior vice president for health sciences of Virginia Commonwealth University and the chief executive officer of the Virginia Commonwealth University Health System, will transition to a new role at Ohio State University after 32 years of exemplary service to the Commonwealth; and

WHEREAS, Dr. Retchin received his undergraduate, medical, and master of public health degrees from the University of North Carolina at Chapel Hill, where he was also a Robert Wood Johnson Clinical Scholar; and

WHEREAS, Dr. Retchin completed his postgraduate residency training at the Medical College of Virginia (MCV) Hospitals at Virginia Commonwealth University (VCU); and

WHEREAS, Dr. Retchin is a practicing, board certified internist with multiple professorships in the departments of internal medicine, gerontology, and health administration; and

WHEREAS, Dr. Retchin has been recognized as a national expert in health policy regarding costs and quality of care, and a thought leader on the role of the safety net in health services delivery, through his 120 scholarly publications, testimony before Congress, and active engagement on the board of directors of America's Essential Hospitals; and

WHEREAS, Dr. Retchin has served on numerous statewide and national panels and committees, including as chair of the Access to Care workgroup of the Governor's Health Reform Commission, chair of the Association of American Medical Colleges' Advisory Panel on Health Care, and most recently, an appointed member of the federal Medicaid and CHIP Payment and Access Commission; and

WHEREAS, Dr. Retchin has provided leadership for the VCU schools of Allied Health Professions, Dentistry, Medicine, Nursing, and Pharmacy with combined enrollments of over 4,200 undergraduate, professional, and graduate students, representing a growth of 12 percent since 2004, and including nationally ranked programs in Nurse Anesthesia (first), Health Services Administration (fifth), and Rehabilitation Counseling (seventh); and

WHEREAS, Dr. Retchin has overseen the unprecedented growth of the VCU Health System, including the MCV Hospitals, Children's Hospital of Richmond at VCU, VCU Community Memorial Hospital, MCV Physicians, and Virginia Premier Health Plan; and

WHEREAS, during Dr. Retchin's tenure, the VCU Health System has consistently provided quality health care for the highest number of indigent patients by a single institution in the Commonwealth; and

WHEREAS, under Dr. Retchin's leadership, the VCU Health System launched the "Safety First, Every Day" initiative in 2008 with the goal of becoming the safest hospital in America and was recognized by the American Hospital Association (AHA) in 2014 with the AHA-McKesson Quest for Quality Award for its journey towards becoming a high reliability organization; and

WHEREAS, the VCU Health System has received numerous awards and accolades during Dr. Retchin's tenure for its outstanding service and delivery of quality health care to citizens of the Commonwealth, including recognition by the American Nurses Credentialing Center as a Magnet hospital in 2006 and re-designation in 2011, recognition as a Best Hospital in Virginia for two consecutive years (2012-2013 and 2013-2014) by *U.S. News & World Report*, and designation for Children's Hospital of Richmond at VCU as Virginia's first Level 1 Pediatric Trauma Center; and

WHEREAS, to ensure that all children in Central Virginia receive access to comprehensive services, Dr. Retchin led the collaboration with the Children's Hospital Foundation in June 2010 to establish the Children's Hospital of Richmond at VCU, which currently has providers in over 40 specialty areas who practice in 15 locations; and

WHEREAS, during Dr. Retchin's tenure, access to specialty care in Southside Virginia has been enhanced with the partnership between VCU Health System and Community Memorial Hospital; and

WHEREAS, Dr. Retchin supported the Commonwealth's efforts to enhance the management of quality and costs for Medicaid beneficiaries through the growth of Virginia Premier Health Plan as Virginia's second largest Medicaid Managed Care organization, with enrollment that has increased from 14,000 in 1998 to over 186,000 Medicaid/FAMIS members and recently added over 6,300 enrollees in the Commonwealth Coordinated Care demonstration program in 2014; and

WHEREAS, during Dr. Retchin's tenure, the VCU Medical Center has increased the level of extramural funding for research by 20 percent, including the receipt of the \$20 million National Institutes of Health funded Clinical and Translational Science Award to the VCU School of Medicine in 2010, one of only 62 awards granted nationally and the only one granted in the Commonwealth, and the \$62 million Department of Defense and Veterans' Administration funded Chronic Effects of Neurotrauma Consortium in 2013, the largest award ever given to study traumatic brain injury; and

WHEREAS, Dr. Retchin has overseen the development of major capital improvements on the MCV campus of VCU, including the Goodwin Research Laboratory at Massey Cancer Center in 2006, the School of Nursing building in 2007, the Critical Care Hospital in 2008, both the Molecular Medicine Research Building and the Baxter Perkinson Dental School addition in 2009, the School of Medicine McGlothlin Medical Education Center in 2013, the Children's Pavilion opening in 2016, and the replacement of the Virginia Treatment Center for Children slated to open in 2017; and

WHEREAS, as an active leader and extraordinary visionary, Dr. Retchin has supported the evolution of undergraduate and graduate health professional education and positioned the VCU Medical Center as a preeminent academic health center ensuring care for the underserved and serving the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sheldon M. Retchin, M.D., on his 12 years of outstanding leadership as the senior vice president for health sciences of Virginia Commonwealth University and the chief executive officer of Virginia Commonwealth University Health System; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sheldon M. Retchin, M.D., as an expression of the General Assembly's admiration for his many achievements and best wishes in all his future endeavors.

### HOUSE JOINT RESOLUTION NO. 815

*Commending Herbert Ridgeway Collins.*

Agreed to by the House of Delegates, February 16, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Herbert Ridgeway Collins, a respected historian and generous member of the Caroline County community, has dedicated his life to protecting and preserving the unique history and culture of the region and the Commonwealth; and

WHEREAS, a native of Caroline County, Herbert Collins grew up in and still owns a home that was built in 1711; now a personal museum known as Green Falls, the house is listed on the National Register of Historic Places; and

WHEREAS, Herbert Collins previously served as a curator at the Smithsonian Institution; among his many accomplishments there, he founded the National Postal Museum, established the security system for the National Philatelic Collection, helped establish the National Museum of the American Indian, and was executive director of the National Museum of American History; and

WHEREAS, while working at the Smithsonian, Herbert Collins visited former United States President Harry S. Truman to acquire items for his exhibit at the museum and helped assemble a period-accurate military uniform for President Dwight D. Eisenhower's funeral; he also toured the country to raise money for a museum honoring President John F. Kennedy; and

WHEREAS, Herbert Collins served as president of the Arlington Historical Society and as a member of the Arlington County Historical Commission; deeply respected in his field, he is also a founding member and past president of the Virginia Genealogical Society and a life member of numerous other historical societies throughout the Commonwealth; and

WHEREAS, in his native county, Herbert Collins founded the Caroline County Historical Society, established the first Caroline County Museum and has led numerous historical preservation projects, including the restoration and relocation of Judge Edmund Pendleton's plantation overseer's house from 1740; and

WHEREAS, Herbert Collins proposed and placed numerous historical markers and monuments throughout Caroline County, including the Golansville Quakers meetinghouse state marker, which he funded personally; and

WHEREAS, generous with his time, wisdom, and knowledge, Herbert Collins has helped countless Caroline County residents learn their heritage, and he has donated artifacts, portraits, and documents to the Counties of Caroline and Essex and the Towns of Bowling Green and Port Royal worth hundreds of thousands of dollars; and

WHEREAS, a prolific author, Herbert Collins has published dozens of local, state, and national history books; his latest offering, *Country Crossroads: Rural Life in Caroline County, VA*, will be the most complete history of Caroline County ever written, with information on families, houses, sayings, folklore, schools, and maps dating back to the 1600s; and

WHEREAS, Herbert Collins has received many awards and accolades for his good work, including the Community Builder's Award from the Kilwinning-Crosse Masonic Lodge 2-237; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Herbert Ridgeway Collins for his lifetime of service to the residents of and visitors to Caroline County as a historian and preservationist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Herbert Ridgeway Collins as an expression of the General Assembly's admiration for his mission to preserve Virginia history and culture for future generations.

### HOUSE JOINT RESOLUTION NO. 816

*Commending the Hanover High School baseball team.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Hanover High School baseball team from Mechanicsville claimed its second consecutive state title, winning the Virginia High School League Group 4A state championship on June 14, 2014, at Liberty University; and

WHEREAS, finishing the regular season strong, the Hanover High School Hawks claimed the Conference 20 title and the 4A South regional title; and

WHEREAS, the Hanover High School Hawks, made up of 10 seniors, three juniors, and five sophomores, defended their 2013 state title, defeating the Millbrook High School Pioneers 7-1 in the 2014 state final to finish the season with a 20-3 record; and

WHEREAS, the Hanover High School Hawks' senior pitcher Derek Casey was named to the all-district, all-region, and all-state teams, as well as district, region, and state player of the year; senior third baseman Trevor Denton was named to the all-conference, all-region, all-metro, and all-state teams; and

WHEREAS, junior catcher Brady Didlake was named to the all-conference team; senior Jakob Pridemore was also named to the all-conference first team and won the 2014 Hawk Award, along with senior pitcher Matthew Corley; and

WHEREAS, the championship victory is a testament to the skill and perseverance of the athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire Hanover High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hanover High School baseball team on winning the Virginia High School League 2014 Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie Dragum, head coach of the Hanover High School baseball team, as an expression of the General Assembly's admiration for the team's hard work and determination and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 817**

*Commending ABATE of Virginia, Inc.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2015, ABATE of Virginia, Inc., a motorcyclists' rights organization, celebrates 40 years of work to preserve the freedom of the road and promote safe riding practices; and

WHEREAS, the Virginia branch of ABATE, which stands for A Brotherhood Against Totalitarian Enactments, was established in 1975; and

WHEREAS, the safe operation of a motorcycle requires skills developed through a combination of training and experience, good judgment, and knowledge of traffic laws; ABATE works with the Virginia Rider Training Program to promote safety and training courses; and

WHEREAS, ABATE of Virginia encourages motorcyclists to participate in motorcycle ministries, riding clubs, sport bike clubs, touring clubs, and all other motorcycling organizations; and

WHEREAS, ABATE of Virginia supports the motorcycling community with charity rides and other events to raise awareness and money for worthy causes; and

WHEREAS, ABATE of Virginia works with the members of the General Assembly and the Governor to promote responsible motorcycle legislation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend ABATE of Virginia, Inc., on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to ABATE of Virginia, Inc., as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 818**

*Commending Fairfield Court Tenant Council.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Fairfield Court Tenant Council has supported and provided a voice for individuals and families living in the Fairfield Court neighborhood for 57 years; and

WHEREAS, Fairfield Court in Richmond's East End was established in 1958 and is one of the largest public housing developments in the city, with more than 400 units; Fairfield Court Tenant Council was founded to advocate for and enhance the quality of life of the neighborhood's residents; and

WHEREAS, Fairfield Court Tenant Council holds regular elections to ensure that the organization faithfully represents residents; and

WHEREAS, Fairfield Court Tenant Council promotes maintenance of all units and common areas and has established public safety programs; the council also promotes programs to create educational, recreational, employment, and social service opportunities for residents; and

WHEREAS, Fairfield Court Tenant Council informs residents of their rights and responsibilities under existing federal, state, and local law and the corporation's bylaws; and

WHEREAS, Fairfield Court Tenant Council works to comply with all Richmond Redevelopment and Housing Authority and U.S. Department of Housing and Urban Development regulations and advise and assist these organizations with all aspects of public housing operations in the area; and

WHEREAS, Fairfield Court Tenant Council has instituted economic development programs in the area and works with other councils to serve the interests of all local residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fairfield Court Tenant Council for its 57 years of service to the residents of Fairfield Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fairfield Court Tenant Council as an expression of the General Assembly's admiration for the council's leadership and dedication to improving the lives of Richmond residents.

**HOUSE JOINT RESOLUTION NO. 819**

*Commending the Richmond Amateur Radio Club.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Richmond Amateur Radio Club, an organization that trains, unites, and supports licensed amateur radio operators in the Richmond area, celebrates 100 years of continuous operation in 2016; and

WHEREAS, founded in 1916, the Richmond Amateur Radio Club was originally known as the Tri County Radio Club; and

WHEREAS, licensed amateur radio operators in the Richmond area and throughout the nation are dedicated to serving the public and promoting the art of radio; and

WHEREAS, licensed amateur radio operators provide emergency communications in times of local and national disasters, using equipment they have personally acquired and maintained; and

WHEREAS, groups of licensed amateur radio operators build and maintain up-to-date radio networks to provide emergency communications; and

WHEREAS, many licensed amateur radio operators in the Richmond area volunteer to staff shelters and emergency centers in times of need; and

WHEREAS, licensed amateur radio operators have historically provided message handling from around the world to connect families with members of the United States Armed Forces and others, before instant, worldwide communications devices were common; and

WHEREAS, licensed amateur radio operators provide communications for local public service events such as walk-a-thons, Special Olympics, and others; and

WHEREAS, licensed amateur radio operators provide classes, training, and testing for those seeking to obtain or to upgrade their FCC-issued Amateur Radio License; and

WHEREAS, licensed amateur radio operators have often led the creation, expansion, and improvement of electrical systems and electronic devices over the years; and

WHEREAS, licensed amateur radio operators help tie the world together by communicating with other radio operators around the globe and even the International Space Station and satellites; and

WHEREAS, licensed amateur radio operators have been recognized as the last line of defense for maintaining communication in emergency situations and a critical partner in disaster response by the Federal Emergency Management Agency and the Department of Homeland Security; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Amateur Radio Club on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Amateur Radio Club as an expression of the General Assembly's admiration for the many contributions of licensed amateur radio operators to communities throughout the Commonwealth and the United States.

### HOUSE JOINT RESOLUTION NO. 820

*Commending Leadership Metro Richmond.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2015, Leadership Metro Richmond celebrates 35 years of connecting and educating a diverse group of community leaders to inspire them to serve the Richmond region; and

WHEREAS, the goal of Leadership Metro Richmond, which was founded in 1980, is to harness the shared passion of emerging and established community, civic, and business leaders for the betterment of the community; and

WHEREAS, Leadership Metro Richmond began as a project of the Greater Richmond Chamber of Commerce; from the beginning, its goal was to connect a diverse group of emerging leaders to examine the challenges facing the region, to provide multiple perspectives on those challenges, and to seek possible solutions; and

WHEREAS, understanding divergent viewpoints and respecting all opinions have been important goals of Leadership Metro Richmond; in addition to bringing community leaders together, the organization holds workshops and conferences and sponsors speaker series and social events; and

WHEREAS, people from all parts of the Richmond region come together for thoughtful discussion of issues affecting the area; Leadership Metro Richmond's activities also provide opportunities for networking and community engagement with a goal of inspiring collaboration, inclusion, and service; and

WHEREAS, today, hundreds of Leadership Metro Richmond alumni occupy key positions in business, government, education, nonprofit organizations, and numerous other groups; members are decision makers who influence many important issues affecting those who live and work in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Leadership Metro Richmond for 35 years of connecting and educating a diverse group of community leaders to inspire them to serve the Richmond region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Myra Goodman Smith, president and chief executive officer of Leadership Metro Richmond, as an expression of the General Assembly's congratulations and admiration for its work to harness the shared passion of emerging and established leaders for the betterment of the greater Richmond community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 821**

*Commending Ginter Park Terrace Historic District.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Ginter Park Terrace Historic District, a residential neighborhood on Richmond's Northside, has been a happy home to numerous, diverse individuals and families for more than 100 years; and

WHEREAS, planning and development of Ginter Park Terrace Historic District began in 1913; the triangular neighborhood is a fine example of Richmond's early 20th century streetcar suburbs and comprises five one-way streets bounded by Chamberlayne Avenue, Brookland Park Boulevard, Edgewood Avenue, and Ladies Mile Road; and

WHEREAS, the quiet, cozy neighborhood takes its name from nearby Ginter Park; Ginter Park Terrace Historic District also maintains its own recreational area—Pollard Park—as a gateway between the neighborhood and Chamberlayne Avenue; and

WHEREAS, listed on the National Register of Historic Places, Ginter Park Terrace Historic District offers a wide array of architectural styles common from the late 19th century to the mid-20th century, including Colonial Revival, Tudor Revival, Mediterranean Revival, Dutch Colonial, and Bungalow/Craftsman; and

WHEREAS, many homes in the Ginter Park Terrace Historic District prominently feature a blending of American Foursquare design with Prairie or Craftsman influences; these homes are often wrapped by beautiful sun porches, verandas, and gardens, creating a dynamic and inviting visual experience; and

WHEREAS, Ginter Park Terrace Historic District is conveniently located near the Brookland Park Boulevard commercial district, allowing residents easy access to specialty shops and stores; and

WHEREAS, the residents of Ginter Park Terrace Historic District celebrated the neighborhood's 100th anniversary with a party in September 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ginter Park Terrace Historic District on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ginter Park Terrace Neighborhood Association as an expression of the General Assembly's admiration for the neighborhood's unique place in the history of the City of Richmond.

**HOUSE JOINT RESOLUTION NO. 822**

*Commending Henrico County Court Appointed Special Advocates, Inc.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Henrico County Court Appointed Special Advocates, Inc., the only court advocacy program for abused and neglected children in Henrico County, proudly celebrated its 20th anniversary in 2014; and

WHEREAS, a community is only as strong as those individuals and organizations that provide exemplary service, whether through participation in volunteer programs or through good citizenship; and

WHEREAS, Henrico County Court Appointed Special Advocates, Inc. (Henrico CASA), promotes the idea that all children have the fundamental right to be safe, to be treated with dignity and respect, and to grow up in the embrace of a loving family; by training and empowering volunteers, Henrico CASA cultivates the power of the community to serve abused and neglected children; and

WHEREAS, the plight of children in foster care and the family court system is one of the biggest human dilemmas; Henrico CASA recruits, trains, and supervises volunteers to represent the needs of abused and neglected children; promotes safe, permanent homes for all children; and seeks to educate the community concerning the needs of abused and neglected children; and

WHEREAS, Henrico CASA volunteers complete an evaluation of each child's circumstances, focusing on the safety and well-being of the child, and help the child and family understand the sometimes confusing court process; and

WHEREAS, Henrico CASA plans to continue to serve all children referred to the agency who have suffered from abuse and neglect or live in foster care and match the children with CASA volunteers who will help them navigate their experiences in the court or foster care system until they are placed in safe, nurturing, and permanent homes; and

WHEREAS, in the past 20 years, Henrico CASA volunteers served more than 2,000 children, donated more than 95,000 hours, and made almost 100,000 case contacts to ensure children are safe from abuse and neglect; Henrico CASA provided residents of the Commonwealth with services valued at over \$2 million; and

WHEREAS, volunteers who enhance the quality of life of various individuals through advocacy, sacrifice their time, place themselves in difficult and challenging situations, and take on the responsibility of appearing before a judge of the court on behalf of a child are models for civic engagement and social responsibility; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henrico County Court Appointed Special Advocates, Inc., on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Henrico County Court Appointed Special Advocates, Inc., as an expression of the General Assembly's admiration for its dedicated service to children in the Henrico County community.

### HOUSE JOINT RESOLUTION NO. 823

*Celebrating the life of S. Dallas Simmons.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, S. Dallas Simmons, a respected educator and administrator who served students in the Commonwealth as the longtime president of Virginia Union University, died on July 5, 2014; and

WHEREAS, a native of Ahoskie, North Carolina, Dallas Simmons earned bachelor's and master's degrees from North Carolina Central University (NCCU); he continued his education at the University of Wisconsin and earned a doctorate from Duke University and honorary doctorates from NCCU and Virginia Union University (VUU); and

WHEREAS, possessed of a passion for education, Dallas Simmons began his professional career as director of the computer center at NCCU; he served as director of the computer center at Norfolk State University before returning to NCCU, where he became an assistant professor and assistant to the chancellor and vice chancellor for university relations; and

WHEREAS, in the 1970s, Dallas Simmons cultivated his leadership skills as an assistant on the White House Advance Team for President Gerald Ford, then became president of Saint Paul's College in Lawrenceville in 1981; and

WHEREAS, Dallas Simmons was named president of VUU in 1985; during his 14-year tenure, he was admired for his commitment to high academic standards, sound fiscal management, efforts to expand physical plant development, and endowment building; and

WHEREAS, Dallas Simmons oversaw the restoration of two landmark buildings on campus, Martin E. Gray Hall and Coburn Hall, and initiated construction of the university's first true library building, the L. Douglas Wilder Library; and

WHEREAS, working with the Richmond Police Department, Dallas Simmons brought the Richmond Police Academy to VUU, allowing the university to offer a criminal justice program and create many new opportunities for students; and

WHEREAS, after his well-earned retirement in 1999, Dallas Simmons offered his time and wise leadership to the boards of NCCU, Virginia Polytechnic Institute and State University, Dominion Resources, and Pace American Bank; and

WHEREAS, Dallas Simmons will be fondly remembered and greatly missed by his devoted wife of 51 years, Yvonne; children, Dallas, Jr., and Kristie, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of S. Dallas Simmons, a respected leader in the field of education in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of S. Dallas Simmons as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 824

*Celebrating the life of Garfield Ford Childs, Jr.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Garfield Ford Childs, Jr., of Richmond, a respected and successful businessman and entrepreneur, a veteran of the United States military, a man of faith, and a devoted husband and father, died on December 14, 2014; and

WHEREAS, Garfield Childs was born in Nashville, Tennessee, and later moved to Richmond; he attended Armstrong High School and graduated from Maggie L. Walker High School; and

WHEREAS, Garfield Childs earned a bachelor's degree from North Carolina Agricultural and Technical State University; he then enlisted in the United States Air Force and served for four years before returning to Richmond, his home for the rest of his life; and

WHEREAS, Garfield Childs was primarily interested in accounting and business; he first worked for the Internal Revenue Service as a revenue agent, and later started Childs Business Services, where for more than 40 years he offered accounting and tax preparation services, developing a loyal clientele; and

WHEREAS, Garfield Childs was a hardworking and successful entrepreneur; he frequently kept late hours at his company, helping his customers—who often became his friends; in addition to owning a company, he worked as an accountant for the Defense Supply Center Richmond; and

WHEREAS, during a long and rewarding career with the federal government and in the private sector, Garfield Childs received several accolades for providing excellent service; he retired from the federal government in 2004; and

WHEREAS, when not busy at work, Garfield Childs enjoyed fishing and spending time with his friends and family; he also enjoyed fellowship and worship as a lifelong member of Mount Carmel Baptist Church, where he served on the Church Finance Committee; and

WHEREAS, Garfield Childs will be greatly missed and fondly remembered by Joyce, his wife of 49 years; his children, Robin, Renee, Rea, and Andrew, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Garfield Ford Childs, Jr., of Richmond, a respected and successful businessman and entrepreneur, a veteran of the United States military, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Garfield Ford Childs, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 825

*Celebrating the life of Robert Douglas Jones.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Robert Douglas Jones of Henrico, an entrepreneur and mechanic, a man of faith and a mentor to many young men, a proud veteran of the United States military, and a devoted husband and father, died on December 17, 2014; and

WHEREAS, Robert Jones was born in King and Queen County and attended public schools there; he graduated from Denmark Trade School in South Carolina, now known as Denmark Technical College; and

WHEREAS, Robert Jones then enlisted in the United States Army and rose to the rank of specialist five; after his military service was completed, he became a mechanic in civilian life and also an entrepreneur; and

WHEREAS, among Robert Jones' many interests and hobbies were a love of sports, especially baseball and fishing; he found great enjoyment in traveling, boating, and camping and was a member of the Virginia Camping Cardinals, a group of recreational vehicle enthusiasts; and

WHEREAS, Robert Jones was a man of great faith and was a mentor to many young men; he first joined New Mount Zion Baptist Church in Walkerton and later enjoyed fellowship and worship for many years as a member of Good Shepherd Baptist Church in Richmond; and

WHEREAS, at Good Shepherd Baptist Church, Robert Jones chaired the Deacon Board and was president of the Men's Choir and the Men's Fellowship; he also was active in the Church School program, Vacation Bible School, the Pastoral Advisory Committee, and CARTAS homeless ministry; and

WHEREAS, Robert Jones will be greatly missed and fondly remembered by Florence, his wife of 44 years; his children, Janine, Ronald, Robert II, and Rosheen; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Douglas Jones of Henrico, an entrepreneur and mechanic, a man of faith and a mentor to many young men, a proud veteran of the United States military, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Douglas Jones as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 826

*Commending the City of Virginia Beach Department of Agriculture.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the City of Virginia Beach Department of Agriculture has promoted the importance of agriculture in Virginia Beach and the former Princess Anne County and diligently supported the region's farmers and agribusiness professionals; and

WHEREAS, officially established to serve Princess Anne County under H. W. Ozlin, the City of Virginia Beach Department of Agriculture traces its deepest roots to the farmers who first tended the land in the Virginia colonies and established farming and agriculture as a cornerstone of the Commonwealth's economy; the organization took its current name in 1963 when Virginia Beach and Princess Anne County merged to form the City of Virginia Beach; and

WHEREAS, with more than 29,000 acres of crops, fruits and vegetables, and pastures, agriculture is the third-largest industry in Virginia Beach, representing more than \$100 million in the local economy; the region's diverse agricultural industry accounts for the production of food, clothing, fuel, and other products; and

WHEREAS, the City of Virginia Beach Department of Agriculture provides leadership, coordination, and education to the region's farmers and agriculture agribusiness professionals, works to preserve and enhance the region's resources and environment, and encourages members of the public to take an active role as stewards of the region's agricultural heritage; and

WHEREAS, in 1976, the City of Virginia Beach Department of Agriculture established the Virginia Beach Farmers Market, a year-round market offering fresh, local produce and products that holds 16 annual events and seasonal Friday night hoedowns; and

WHEREAS, in addition to H. W. Ozlin, the City of Virginia Beach Department of Agriculture has benefited from the able leadership of four directors throughout its history, including Dick Cockrell, Louis Cullipher, Jack Whitney, and David Trimmer; and

WHEREAS, to better serve the public, the Virginia Beach Agricultural Advisory Commission was established in 1994 and the Agriculture Reserve Program (ARP) was established in 1995; the ARP has preserved more than 9,000 acres of local farmland through conservation easements to ensure continued access to the region's valuable agricultural resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the City of Virginia Beach Department of Agriculture for its many years of work to promote, protect, and advance agribusiness in the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the City of Virginia Beach Department of Agriculture as an expression of the General Assembly's admiration for its long tradition of service to the community.

### HOUSE JOINT RESOLUTION NO. 827

*Celebrating the life of W. Scott Street III.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, W. Scott Street III of Goochland, former president of the Virginia State Bar, longtime secretary-treasurer of the Virginia Board of Bar Examiners, a devoted banjo player, bluegrass musician, and golfer, a man of great kindness and generosity, and a loving husband and father, died on February 1, 2015; and

WHEREAS, Scott Street was valedictorian of his class at Hargrave Military Academy; he received a bachelor's degree from Hampden-Sydney College and a law degree from the University of Virginia; and

WHEREAS, during more than 45 years of practicing law, Scott Street worked for several law firms in the Richmond area, including 34 years with Williams Mullen; his specialties were trial and appellate work, commercial real estate development, and corporate and business dispute resolution; and

WHEREAS, Scott Street was especially proud of his work with a private college in the Commonwealth to rebuild its financial structure; the school is now the largest private university in Virginia; and

WHEREAS, Scott Street was president of the Virginia State Bar for the 1999-2000 term and chaired its Section on Education of Lawyers; he also represented the Commonwealth in the House of Delegates of the American Bar Association and was secretary-treasurer of the Virginia Board of Bar Examiners for more than 40 years; and

WHEREAS, Scott Street developed a love for bluegrass music during college and bought his first banjo about a decade later; he received guidance from other musicians but was largely self-taught, and he played with The Hanover Better Boys band and also with George Winn and the Blue Grass Partners; and

WHEREAS, Scott Street was an active member of JAMinc, a local organization whose mission is to open minds, hearts, and ears to music deserving of a wider audience; he also was an avid golfer, traveling to Scotland each summer to play on that country's famed golf courses; and

WHEREAS, known for his courtesy and charm, Scott Street gave generously of his time and talents to his many friends and the organizations he supported, and he also worked tirelessly for the betterment of lawyers in the Commonwealth; and

WHEREAS, Scott Street will be greatly missed and fondly remembered by Gini, his wife of 47 years; his children, Scott IV, Christopher, and Elizabeth, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of W. Scott Street III of Goochland, former president of the Virginia State Bar, longtime secretary-treasurer of the Virginia Board of Bar Examiners, a devoted banjo player, bluegrass musician, and golfer, a man of great kindness and generosity, and a loving husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of W. Scott Street III as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 828

*Celebrating the life of Jim Bullington.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Jim Bullington, longtime, third-generation owner of the Texas Tavern in Roanoke and a compassionate champion for the well-being of his family, employees, and the community, died on January 31, 2015; and

WHEREAS, a native of Roanoke, Jim Bullington worked as a door-to-door vacuum salesman and a real estate professional; he served his country as a member of the United States Air Force, stationed in San Antonio, Texas, and Japan; and

WHEREAS, in the 1960s, Jim Bullington began working for his father on the night shift at Texas Tavern on Church Avenue; the long-standing Roanoke eatery is known for its chili and has been an essential part of the community since 1930; and

WHEREAS, as owner of the Texas Tavern for many years, Jim Bullington earned a reputation as an effective, fair manager who helped his business grow and supported his employees; after retiring and passing ownership of the restaurant to his son in 2005, he learned photography by volunteering for local photographers; and

WHEREAS, known for his quick wit and good-natured sense of humor, Jim Bullington was also respected as a reliable, empathetic friend and a true gentleman who always saw the best in others and helped inspire them to see the same; and

WHEREAS, Jim Bullington will be fondly remembered and greatly missed by his wife, Velma; children, Kathryn, Laura, Lisa, and Matt, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jim Bullington, an admired businessman in Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jim Bullington as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 829

*Commending Joan Trumpauer Mulholland.*

Agreed to by the House of Delegates, February 18, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Joan Trumpauer Mulholland, a courageous civil rights activist and an advocate for equality and social justice, participated in more than 50 sit-ins in the 1960s; and

WHEREAS, a native of Arlington, Joan Mulholland graduated from Annandale High School and attended Duke University from 1959 to 1960, where she joined the nascent student movement and began participating in demonstrations for civil rights; in the summer of 1960, she joined the Nonviolent Action Group, an affiliate of the Student Nonviolent Coordinating Committee at Howard University in Washington, D.C.; and

WHEREAS, a passionate supporter of equality for all individuals as a matter of both faith and principle, Joan Mulholland participated in sit-ins in Arlington and Glen Echo in 1960; as a Caucasian woman, she faced ostracism from her community for her actions; and

WHEREAS, in 1961, Joan Mulholland joined a group of Freedom Riders from Washington, D.C., who flew to New Orleans, Louisiana, and then rode a train to Jackson, Mississippi; she was arrested and sent to Parchman Farm Penitentiary, where she served a two-month sentence; and

WHEREAS, after being released from prison, Joan Mulholland enrolled at Tougaloo College, a historically black institution in Mississippi, in an effort to promote racial integration in higher education; and

WHEREAS, Joan Mulholland also participated in the 1963 Woolworth lunch counter sit-in in Jackson, helped organize the March on Washington for Jobs and Freedom, and worked on the early stages of Freedom Summer, a campaign in 1964 to encourage African Americans to register to vote; and

WHEREAS, Joan Mulholland later returned to Arlington to raise her family; she worked in the Smithsonian Institution, the Department of Commerce, and the Department of Justice, before pursuing a fulfilling 30-year career as an elementary school teacher's assistant; and

WHEREAS, receiving many awards and accolades for her work, Joan Mulholland has earned the Award of Honor from Delta Sigma Theta, Inc., and the Heroes Against Hate Award from the Anti-Defamation League; and

WHEREAS, Joan Mulholland's story has been immortalized in award-winning documentaries, such as *An Ordinary Hero*, directed by her son, Loki, and in books by noted historians, such as *Breach of Peace* and *We Shall Not Be Moved*; she has appeared on national television programs and in magazines and newspapers and is a frequent speaker at local universities, charitable events, and meetings; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joan Trumpauer Mulholland for her contributions to the civil rights movement of the 1960s and her ongoing commitment to equality and justice; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joan Trumpauer Mulholland as an expression of the General Assembly's admiration for her courage and leadership.

**HOUSE JOINT RESOLUTION NO. 830**

*Commending the Magna Vista High School football team.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Magna Vista High School football team capped off an outstanding 2014 season by winning the Virginia High School League Group 3A championship; and

WHEREAS, the Magna Vista Warriors of Ridgeway defeated a talented team from Lafayette High School 25-19 in a hard-fought contest played at Liberty University's Williams Stadium on December 13, 2014; and

WHEREAS, the Warriors' team motto is "one team, one goal," and the players took it to heart throughout the entire season—especially in the title game; the defense never lost focus, and the offense, led by quarterback Shoalin McGuire, showed its strength, especially in the second half; and

WHEREAS, at halftime, the Magna Vista High School team trailed by one point as the teams went into their locker rooms with a score of 7-6; the Warriors' defense had never wavered, and the offense picked up on their cue and confidently entered the second half; and

WHEREAS, T'Mahdae Penn scored in the first half for the Magna Vista team; Jac Hairston ran for a touchdown in the third quarter, one of two he made in the championship game, and Shoalin McGuire also scored a touchdown for the Warriors in the second half; and

WHEREAS, the Magna Vista Warriors head coach Joe Favero credited the defense's tenacity and determination and the offense's ability to execute almost any play in the team's playbook as crucial factors that contributed to the region's first high school football championship in 26 years; and

WHEREAS, the victory by the hardworking and relentlessly focused football team from Henry County is due to the discipline and hard work of the players and coaching staff and the strong support from the entire Magna Vista High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Magna Vista High School football team for winning the 2014 Virginia High School League Group 3A football championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Favero, head coach of the Magna Vista High School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding championship season.

**HOUSE JOINT RESOLUTION NO. 831**

*Commending Kenny Lewis.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Kenny Lewis, an outstanding role model and public school teacher, coach, and administrator, who founded the Danville Church-Based Tutorial Program, was named the 2014 Citizen of the Year by the Kiwanis Club of Danville; and

WHEREAS, Kenny Lewis is a native of Danville who returned to his hometown after a distinguished career in the National Football League; he is a graduate of George Washington High School and Virginia Polytechnic Institute and State University; and

WHEREAS, as a boy growing up in Danville, Kenny Lewis appreciated the support and encouragement he received from his family, friends, and neighbors, and he was deeply committed to giving back to the community; and

WHEREAS, Kenny Lewis returned to Danville in the mid-1980s after playing for the New York Jets; he was a track and football coach and taught health and physical education for nine years; in 1987, he received a master's degree in public school administration from the University of Virginia; and

WHEREAS, Kenny Lewis then became a school administrator for many years, serving as an assistant principal and principal; he worked in middle schools and high schools and also was principal of Abundant Life Christian Academy; and

WHEREAS, before he retired in 2014, Kenny Lewis was director of student intervention services and was in charge of overseeing attendance and discipline for the Danville Public School District; and

WHEREAS, Kenny Lewis helped found the Boys and Girls Clubs of the Danville area, and he also established the Danville Church-Based Tutorial Program in 1996 as he was keenly aware of the need for after-school programs for school children in Danville and the surrounding area; and

WHEREAS, under Kenny Lewis' leadership, the Danville Church-Based Tutorial Program has grown to include 30 churches in Danville, Pittsylvania County, and Caswell County, North Carolina; its mission is to provide quality educational services that will expand students' knowledge and enhance their standard of living; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenny Lewis for being named the 2014 Citizen of the Year by the Kiwanis Club of Danville and for serving as an outstanding role model, educator, and coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenny Lewis as an expression of the General Assembly's respect and admiration for his tireless and innovative efforts on behalf of students in the Dan River region and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 832

*Commending Charles Majors.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, on December 31, 2014, Charles Majors, a respected businessman and community leader in Danville, retired as president and chief executive officer of American National Bank after more than two decades of service; and

WHEREAS, a native of Georgia, Charles Majors settled in Danville and practiced corporate and commercial real estate law for 20 years, establishing a strong relationship with American National Bank as the bank's counsel and a member of the board; and

WHEREAS, in 1993, Charles Majors became the president and chief executive officer of American National Bank; he applied his exceptional problem-solving skills to the position, actively reviewing processes and methods to ensure that the bank remained an efficient and effective financial institution; and

WHEREAS, Charles Majors helped American National Bank expand its territory by building or acquiring new branches in and around Danville; during his tenure, the bank's assets have grown exponentially; and

WHEREAS, valuing and supporting the employees of American National Bank, Charles Majors instituted Employee Focus Day to provide additional training and team-building opportunities; under his leadership, the bank's employees have been motivated to volunteer their time, talents, and leadership with community organizations; and

WHEREAS, highlighting American National Bank's role as a vital partner in the Danville community, Charles Majors is himself an active volunteer; as a former chair of the Danville School Board, board member at Averett University, and vice chair of Smart Beginnings, Charles Majors is also a champion for education in the Danville area; and

WHEREAS, Charles Majors has encouraged responsible development and growth as a member of the Danville Development Council and chair of the Danville Regional Foundation, Danville Area Development Foundation, and Future of the Piedmont Foundation; and

WHEREAS, after his well-earned retirement, Charles Majors will continue to offer his wisdom and leadership as non-executive chair of American National Bank, and he will seek new opportunities to enhance the community through his involvement in civic and service organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles Majors for his numerous contributions to the Danville community on the occasion of his retirement as president and chief executive officer of American National Bank; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Majors as an expression of the General Assembly's admiration for his leadership and service and best wishes for a happy retirement.

### HOUSE JOINT RESOLUTION NO. 833

*Commending Third Avenue Congregational Christian Church.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2014, Third Avenue Congregational Christian Church in Danville celebrated 100 years of spiritual leadership and service to the community through regular worship services, ministries, and outreach programs; and

WHEREAS, throughout its long history, Third Avenue Congregational Christian Church has worked to fulfill its mission to worship God and love and serve others, help members of the community grow in a personal relationship with Jesus Christ, and actively share the Gospel throughout the community and the world; and

WHEREAS, Third Avenue Congregational Christian Church offers regular Sunday services and children's church as well as Wednesday evening Bible study and Sunday school classes for adults, adolescents, and children; and

WHEREAS, providing additional opportunities for worship and growth, Third Avenue Congregational Christian Church also offers a children's ministry, youth ministry, senior ministry, bereavement outreach ministry, and men's and women's fellowship ministries; and

WHEREAS, Third Avenue Congregational Christian Church provides opportunities to praise God through the joy of music with its choirs, praise team, and seasonal music concerts and productions; and

WHEREAS, valuing the power of evangelism, Third Avenue Congregational Christian Church encourages and supports mission trips in the Danville area, the United States, and the world; and

WHEREAS, Third Avenue Congregational Christian Church celebrated its 100th anniversary on October 26, 2014, with a morning worship service followed by a fellowship luncheon, featuring numerous honored guests and members of the congregation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Third Avenue Congregational Christian Church on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Third Avenue Congregational Christian Church as an expression of the General Assembly's admiration for the church's contributions and service to the Danville community.

### HOUSE JOINT RESOLUTION NO. 834

*Commending Robert Simpkins.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Robert Simpkins, a dedicated firefighter who safeguarded the lives and property of his fellow Radford residents for 44 years, retired in 2015 as Chief of the City of Radford Fire and Rescue Department; and

WHEREAS, beginning his career in firefighting in 1970, Robert Simpkins served the City of Radford as a volunteer for four years; he was hired as a fulltime firefighter in 1974 and rose to the rank of lieutenant; and

WHEREAS, in 1999, Robert Simpkins was appointed Chief of the City of Radford Fire and Rescue Department; during his career with the City of Radford, he ably served the community under five city managers and three fire chiefs; and

WHEREAS, during his tenure as chief, Robert Simpkins established a fire inspection program and returned the department's first fire truck to the station for display; and

WHEREAS, a generous servant to the community, Robert Simpkins worked with a local nonprofit organization to set up a food distribution center at the station, and he and the department hosted countless fundraisers, dinners, and charitable events; and

WHEREAS, in times of crisis or natural disaster, Robert Simpkins supported his fellow first responders and city employees, providing food and drinks to public works, public safety, and electrical department personnel working to restore or maintain public services and utilities; and

WHEREAS, Robert Simpkins is an exemplar of the hard work, professionalism, and care for the community displayed by firefighters and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Simpkins on the occasion of his retirement as Chief of the City of Radford Fire and Rescue Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Simpkins as an expression of the General Assembly's admiration for his service and contributions to the City of Radford.

### HOUSE JOINT RESOLUTION NO. 835

*Commending Frances Rice.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Frances Rice, a former nurse who served during the famed Battle of the Bulge during World War II, became the second United States Army nurse in Virginia to receive the French Legion of Honor on December 27, 2014; and

WHEREAS, a native of Wilkes-Barre, Pennsylvania, Frances Rice, known as Rusty to family and friends for her curly red hair, learned the value of hard work and responsibility at a young age; she became a nurse to help support her family and worked in a maternity hospital; and

WHEREAS, desirous to be of service to her country, Frances Rice joined the United States Army Nurse Corps and deployed to France as a second lieutenant in 1944; she was assigned to an evacuation hospital before transferring to the 236th General Hospital in Épinal; and

WHEREAS, Frances Rice took part in the Battle of the Bulge, a Nazi counterattack against Allied lines in the Ardennes Forest; her hospital primarily treated soldiers with pneumonia, broken bones, trench foot, or other medical conditions; and

WHEREAS, Frances Rice was bound for the Pacific Theater when Japan surrendered in 1945; she returned to the United States and worked in an army hospital in Augusta, Georgia, until 1946; and

WHEREAS, Frances Rice married her late husband, Francis, in 1947; the couple proudly raised three daughters before moving to Blacksburg in 2001; and

WHEREAS, a humble servant to her country, Frances Rice is quick to point out the dedication of her fellow nurses and the valor of the soldiers they treated; and

WHEREAS, Frances Rice received the French Legion of Honor medal at a special ceremony at Warm Hearth Village in Blacksburg on December 27, 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frances Rice on receiving the French Legion of Honor for her courageous service as a nurse during World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frances Rice as an expression of the General Assembly's admiration for service to her country and the world.

### HOUSE JOINT RESOLUTION NO. 836

*Commending Bess Pierce, D.V.M.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Bess Pierce, D.V.M., an associate professor at Virginia Polytechnic Institute and State University, has been honored with the 2015 Bustad Companion Animal Veterinarian of the Year Award; and

WHEREAS, the Bustad Companion Animal Veterinarian of the Year Award is bestowed by the American Veterinary Medical Association and is the highest honor in the nation for work in the human-animal bond; it recognizes a veterinarian's work to preserve and protect human-animal relationships through practice, community service, teaching, or research; and

WHEREAS, Dr. Pierce works in the Department of Population Health Sciences at Virginia Polytechnic Institute and State University (Virginia Tech); she developed a residency program in small animal community practice with a combined master's degree in human-animal bond studies at the university's Virginia-Maryland College of Veterinary Medicine; and

WHEREAS, the human-animal interface is Dr. Pierce's specialty; she spent more than 15 years on active duty as a veterinarian in the United States Army Veterinary Corps, which is responsible for the veterinary care and conditioning of working dogs in all branches of the military; and

WHEREAS, since joining the faculty of Virginia Tech's veterinary college, Dr. Pierce, who directs the Center for Animal Human Relationships, has promoted programs that study and encourage the human-animal bond; and

WHEREAS, as a member of the veterinary college's Center for Public and Corporate Veterinary Medicine, Dr. Pierce helps prepare students for nontraditional veterinary fields, and she also has helped to establish several therapy dog programs at Virginia Tech; and

WHEREAS, because of Dr. Pierce's efforts, a Labrador retriever named Delaware became the first in-house therapy dog to join the staff of the veterinary college; it is one example of her leadership and philanthropy; and

WHEREAS, Dr. Pierce, who received a bachelor's degree from Tulane University and earned a master's degree and a doctoral degree from Auburn University, continues to serve in the United States Army Reserve and is a colonel assigned to Public Health Command Region - Europe; and

WHEREAS, Dr. Pierce is highly regarded for her knowledge and expertise; she is a member of the board of directors of Saint Francis Service Dogs in Roanoke and is responsible for implementing animal-assisted therapy at Virginia Tech's counseling and women's centers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bess Pierce, D.V.M., of Virginia Polytechnic Institute and State University, for receiving the 2015 Bustad Companion Animal Veterinarian of the Year Award from the American Veterinary Medical Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bess Pierce, D.V.M., as an expression of the General Assembly's respect and admiration for her outstanding service to the Commonwealth and the nation and to companion animals who protect and serve in so many ways.

### HOUSE JOINT RESOLUTION NO. 837

*Commending Joseph Sheffey.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Joseph Sheffey, who has served with great diligence and responsibility as a member of the Pulaski County Board of Supervisors for almost three decades and has been chair of the board since 1996, retires in 2015; and

WHEREAS, as a member of the board of supervisors, Joseph "Joe" Sheffey has focused on improving Pulaski County's economy, schools, and recreation opportunities; with education as a top priority, two new elementary schools were built and two other elementary schools were renovated; and

WHEREAS, efforts to improve the economy in Pulaski County and the entire region have been hallmarks of Joe Sheffey's work in local government; major employers such as Volvo Trucks and Red Sun Farms created new jobs, helping to diversify the county's economy; and

WHEREAS, Joe Sheffey also encouraged the development of the New River Resource Authority, the New River Valley Regional Jail Authority, a regional industrial facilities authority, and other initiatives; and

WHEREAS, in 2014, Joe Sheffey's accomplishments and his focus on doing what was best for the region were recognized when he received the Champion of the Valley award from the New River Valley Planning District Commission; he was the first person to be honored with the award; and

WHEREAS, a native of Pulaski County, Joe Sheffey represents the Cloyd District on the Board of Supervisors; he is a graduate of Dublin High School and received degrees from New River Community College, Virginia Polytechnic Institute and State University, and Radford University; and

WHEREAS, Joe Sheffey was an administrator at New River Community College for 36 years; he also served on the New River Valley Planning District Commission and was chair from 1994-1996; and

WHEREAS, public service has been a part of Joe Sheffey's life for many years; he was chair of Carilion New River Valley Medical Center, vice chair of the Pulaski County Chamber of Commerce and the Randolph Park Steering Committee, and is active in numerous boards and organizations; and

WHEREAS, a determination to work for the betterment of Pulaski County was central to Joe Sheffey's service on the Pulaski County Board of Supervisors; his concern for others, patience, fairness, and a level-headed but frank outlook greatly contributed to the success of many regional endeavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph Sheffey on the occasion of his retirement in 2015 for his dedication and service as a longtime member and chair of the Pulaski County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph Sheffey as an expression of the General Assembly's respect and admiration for his years of service and his many accomplishments on behalf of the people of Pulaski County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 838

*Commemorating the arrival of the French frigate Hermione at Virginia in 2015.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the French frigate *Hermione*, an accurate recreation of the American Revolutionary War frigate that ferried the Marquis de Lafayette from France to America and played a crucial role in the American Revolutionary War, arrives in Yorktown on June 5, 2015; and

WHEREAS, the original *Hermione* sailed from France in 1780, carrying the Marquis de Lafayette on a transatlantic voyage to deliver a promise of troops and warships from the King of France to General George Washington; and

WHEREAS, in March 1781, the *Hermione* participated in the Battle of Chesapeake and later hosted the United States Congress in Philadelphia to celebrate the victory; the frigate then protected troops along the coasts of Long Island and Connecticut before participating in the Battle of Louisbourg in July 1781; and

WHEREAS, the *Hermione* delivered supplies and munitions to French and American troops in Chesapeake before taking an active part in the blockade of the York River, preventing the rescue of the British Army trapped at Yorktown; the frigate returned to France in 1782; and

WHEREAS, in 1992, members of the Centre International de la Mer initiated a project to build a reproduction of the *Hermione* using period-accurate construction methods where possible; construction began in 1997 and the ship passed sea trials in 2014; and

WHEREAS, the reproduction *Hermione* will take part in a goodwill voyage affirming the historic relationship between the United States and France, celebrating the spirit of the Marquis de Lafayette, and honoring the ship's unique role in the American Revolutionary War; and

WHEREAS, sailing from Port des Barques, France, the reproduction *Hermione* will arrive in Yorktown on June 5, 2015; the frigate will also make stops at other significant Revolutionary War sites, including Mount Vernon, Alexandria, Annapolis, Baltimore, Philadelphia, New York, Newport, Boston, Castine, and Halifax before returning to France; and

WHEREAS, the *Hermione* will be accompanied by a host of pier-side activities, including historical exhibitions, a heritage village, cultural events, educational programs, and outreach projects; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the arrival of the French frigate *Hermione* in Virginia in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Miles Young, president of Friends of Hermione-Lafayette in America, as an expression of the General Assembly's admiration for the French frigate *Hermione's* unique role in the history of the Commonwealth and the United States.

**HOUSE JOINT RESOLUTION NO. 839**

*Celebrating the life of Frances Hallam Hurt.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Frances Hallam Hurt of Chatham, who made countless contributions to the civic and cultural life of Pittsylvania County and worked for the betterment of her community in many ways, and who was a devoted wife and mother, died on February 6, 2015; and

WHEREAS, a native of Graham, Texas, Frances Hallam moved to New York after graduating from Southern Methodist University; she married Henry C. Hurt, Sr., a native of southern Virginia, and the couple settled in Chatham in 1941 to raise a family; and

WHEREAS, Frances Hurt was a writer, preservationist, literacy teacher, and determined optimist; among her many interests was local history; she was a member of the Pittsylvania County Historical Society and wrote three plays and two books about the area's early days; and

WHEREAS, Frances Hurt supported beautification efforts and served as vice president of Keep Virginia Beautiful; locally, she headed a group of volunteers who tended green spaces around Chatham, and she helped bring recognition to the town when it received a national Keep America Beautiful award; and

WHEREAS, Frances Hurt helped start the county's library system and was the bookmobile driver for a time; she also created the Pittsylvania County Literacy Program, which developed from her volunteer efforts to teach inmates to read; and

WHEREAS, several popular events in Pittsylvania County were spearheaded by Frances Hurt, including the Bright Leaf celebration, which for many years recognized the region's tobacco heritage, and the Autumn Potpourri–Callands Festival, which now attracts thousands of visitors; and

WHEREAS, with a great interest in the world around her and a determination to preserve the past, Frances Hurt helped save the Chatham Train Station from demolition; the depot was built in 1918 and now houses the Pittsylvania County History Research Center and Library; and

WHEREAS, in recognition of her tireless work on behalf of Chatham, which is the county seat of Pittsylvania County, a park located behind the Chatham Town Hall was named in Frances Hurt's honor in appreciation for a lifetime devoted to civic and cultural activities; and

WHEREAS, Frances Hurt took up many causes during her long life; she was a tireless promoter and hard worker for issues in which she believed, and the Town of Chatham, Pittsylvania County, and the Commonwealth are her grateful beneficiaries; and

WHEREAS, Frances Hurt, who was predeceased by her husband, will be greatly missed and fondly remembered by her children, Hallam and Henry, Jr., and their families; and by many other family members, friends, and the residents of Chatham and Pittsylvania County who have benefited from her efforts to improve the area she cared for so dearly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frances Hallam Hurt of Chatham, an ardent supporter of the civic and cultural life of Pittsylvania County, who worked for the betterment of her community in many ways, a writer, historic preservationist, literacy teacher, determined optimist, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frances Hallam Hurt as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 840**

*Celebrating the life of John Early McDonald, Jr.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, John Early McDonald, Jr., of Richmond, a distinguished attorney, proud veteran, and active community leader, died on December 31, 2014; and

WHEREAS, a native of Petersburg, John McDonald graduated from Petersburg High School and earned a bachelor's degree from Washington and Lee University and a law degree from the University of Virginia; and

WHEREAS, after beginning his professional career as regional counsel for the Internal Revenue Service in Texas, John McDonald practiced law with several major firms, specializing in civil litigation, construction law, and real estate development transactions; and

WHEREAS, for 20 years, John McDonald served as an officer of the LandAmerica Financial Group, where he argued cases before United States district and state courts and the United States Court of Appeals until his retirement in 2001; and

WHEREAS, John McDonald also served his country in the United States Army for two years as commander of an armored company; he continued his military service in the National Guard, where he transferred to the Judge Advocate General's Corps and retired as a colonel, earning the Legion of Merit for his exceptional 30-year career; and

WHEREAS, John McDonald served as a member of both Democratic and Republican Committees in the Richmond area; from 1969 to 1974, he served as legal counsel to the Senate Courts of Justice Committee, when the committee reorganized the Virginia District and Circuit Court systems and expanded the right to vote to all 18-year-olds; and

WHEREAS, a member of the Boy Scouts of America as a youth, John McDonald passed on the proud traditions of Scouting to his sons; he served as chair of the Capital District Committee and a member of the Cardinal District Committee and what is now the Heart of Virginia Council of the Boy Scouts of America; and

WHEREAS, John McDonald served as president of the Fan District Association and supported protective buffers during the construction of I-95; he further supported preservation and the fine arts in Richmond as a member of the Virginia Historical Society, the Henrico Preservation Advisory Committee of the Henrico Planning Commission, the Folk Art Society of America, the Sons of the American Revolution, and the Scottish-American Military Society; and

WHEREAS, John McDonald enjoyed fellowship and worship with the Petersburg and Richmond communities as a member of St. Paul's Episcopal Church and Christ Church Episcopal; and

WHEREAS, John McDonald will be fondly remembered and greatly missed by his wife of 49 years, Mary; sons, John III and Bryan, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Early McDonald, Jr., an accomplished attorney, veteran, and leader in the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Early McDonald, Jr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 841

*Celebrating the life of Sam Kornblau.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Sam Kornblau, a respected businessman and philanthropist who dedicated his life to strengthening the Richmond community by creating and promoting safe, affordable housing options, died on May 14, 2014; and

WHEREAS, a native of Richmond, Sam Kornblau grew up in Church Hill and graduated from John Marshall High School, then attended Lynchburg College and Dartmouth College; and

WHEREAS, Sam Kornblau joined many of the other young men of his generation in service to his country during World War II as a member of the United States Navy; he returned to military service as a member of the United States Army during the Korean War; and

WHEREAS, after beginning his professional career with a Richmond real estate agency, Sam Kornblau formed Grigg and Kornblau, which focused on building single-family houses in the West End until 1969; and

WHEREAS, under Sam Kornblau's leadership, the company grew to become Realty Industries, Inc., one of the largest residential and commercial construction companies in Richmond, with offices throughout the Commonwealth and North Carolina; and

WHEREAS, in 1992, Sam Kornblau facilitated a merger between Realty Industries, Inc., and Old Dominion Real Estate Investment Trust to create United Dominion Realty Trust, Inc., which is now one of the nation's largest publicly traded real estate trusts; and

WHEREAS, Sam Kornblau also founded SAMCO Development Corporation and was a founding member of Markel Eagle Partners; he was highly respected in the industry and was frequently sought out for his wisdom and leadership on local development projects; and

WHEREAS, working to enhance the quality of life of all Virginians, Sam Kornblau served as commissioner, vice chair, and chair of the Virginia Housing Development Authority, and he was a member and leader of numerous civic, service, and professional organizations in the Richmond area; and

WHEREAS, a trusted mentor who was admired for his wealth of expertise on real estate, construction, housing, and business, Sam Kornblau helped establish the Kornblau Institute at the Virginia Commonwealth University School of Business, where the Kornblau Real Estate Program is named in his honor; and

WHEREAS, as a founding member of Congregation Or Atid, Sam Kornblau was proud of his Jewish faith and heritage; he funded the religious school at Or Atid, which also bears his name; and

WHEREAS, Sam Kornblau will be fondly remembered and greatly missed by his wife of 66 years, Helen; children, Zelda, Barry, and Bryan, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sam Kornblau, a distinguished business leader, philanthropist, and pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sam Kornblau as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 842

*Celebrating the life of Christopher John Kennedy.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Christopher John Kennedy, a champion for peace and security and a beloved son, father, grandson, and nephew, died on November 20, 2014; and

WHEREAS, Christopher Kennedy graduated from Millersville University in Pennsylvania with a degree in occupational safety and environmental health applied engineering; and

WHEREAS, Christopher Kennedy worked for the Organisation for the Prohibition of Chemical Weapons (OPCW), an intergovernmental organization located in The Hague, Netherlands; and

WHEREAS, as senior chemical demilitarization officer since 2009, Christopher Kennedy advocated for global peace and security by working toward the destruction of all chemical weapons; and

WHEREAS, Christopher Kennedy resolved verification issues related to the safe destruction of old and abandoned chemical weapons, designed and tested new destruction technologies, and trained and mentored new chemical weapons inspectors; and

WHEREAS, Christopher Kennedy's approach to life on a daily basis epitomized the ideals that make the world not only a safer but a far better place; he had worked in Syria, Libya, China, Cambodia, and India; and

WHEREAS, Christopher Kennedy was a consummate professional in the field of disarmament; his unwavering commitment to his work was instrumental in the OPCW being awarded the Nobel Peace Prize in 2013 for its extensive efforts to eliminate chemical weapons; and

WHEREAS, balancing work and family, Christopher Kennedy successfully shared his lifelong passion for preserving the planet ecologically, fostering peace, and instilling an appreciation of nature in his children; and

WHEREAS, predeceased by his mother, Angelika, Christopher Kennedy leaves behind to cherish his memory his stepfather, Thomas MacKay; his father and stepmother, Dan and Pamela Kennedy; his wife, Karen; his three young children, Kierra Anne, Isabella Vara, and Alexander Robert; grandparents, aunts, uncles, and cousins as well as numerous other family members; and colleagues and friends both at home and abroad; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Christopher John Kennedy, a hero in the service of humanity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Christopher John Kennedy as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 843

*Celebrating the life of Robert Barnes Brittain.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Robert Barnes Brittain, a public servant and community leader who worked to enhance the quality of life of his fellow Tazewell residents, died on January 18, 2015; and

WHEREAS, a native of Tazewell, Robert "Bobby" Barnes Brittain earned a bachelor's degree from Hampden-Sydney College; and

WHEREAS, after completing his education, Bobby Brittain served the Tazewell community in a number of ways, including as a member of the Tazewell Town Council; and

WHEREAS, Bobby Brittain also volunteered his time and wise leadership as a board member for several banks, coal companies, and other local businesses and organizations; and

WHEREAS, an avid outdoorsman and hunter, Bobby Brittain traveled the world seeking trophy game; and

WHEREAS, proud of his deep family heritage in the Cove area of Tazewell County, Bobby Brittain appeared in the 1994 film *Lassie*, which was filmed in the Cove and highlighted the area's quaint, rural charms; and

WHEREAS, Bobby Brittain will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Barnes Brittain, a public servant and active member of the Tazewell community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Barnes Brittain as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 844**

*Commending the Lloyd C. Bird High School football team.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Lloyd C. Bird High School football team claimed its third consecutive state title, winning the Virginia High School League Group 5A state championship on December 13, 2014; and

WHEREAS, the Lloyd C. Bird Skyhawks became only the eighth Virginia high school team to be crowned state champions in three consecutive years when they defeated the previously unbeaten Tuscarora High School Huskies 22-19 in the state final; and

WHEREAS, the Lloyd C. Bird Skyhawks defeated five previously unbeaten teams during the 2014 season, the last three during its playoff run; and

WHEREAS, the Lloyd C. Bird Skyhawks became the first Central Virginia high school to win three consecutive state championships since the Virginia High School League instituted football playoffs in 1970; and

WHEREAS, the Lloyd C. Bird Skyhawks' defense was so strong that it held Gatorade Player of the Year running back Noah Reimers to a mere 129 yards; he had averaged over 200 yards per game during the season; and

WHEREAS, the Lloyd C. Bird Skyhawk football team was not led by a couple of stars, but developed and worked as a cohesive unit, with each athlete playing an important role; and

WHEREAS, the Lloyd C. Bird Skyhawk football team was coached by a dedicated staff, led by head coach David Bedwell and assistant coaches Tony Nicely, John Curia, Clarence Lewis, Chamont Thompson, Aaron Alexander, Freddie Hall, Sal Camp, Ed Gore, Matt Bland, and Rusty Crostic; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lloyd C. Bird High School football team on winning the 2014 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Bedwell, head coach of the Lloyd C. Bird High School football team, as an expression of the General Assembly's congratulations on an outstanding and historic season.

**HOUSE JOINT RESOLUTION NO. 845**

*Commending Charles A. Reilly.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Charles A. Reilly, media specialist at the Virginia Information Technologies Agency, has provided exemplary service in an ever-changing environment of media, technology, and government, having served the citizens of the Commonwealth as a state employee for nearly 23 years; and

WHEREAS, Charles Reilly has provided video recordings for numerous state entities, including the governor's State of the Commonwealth speech since 1994; he has shot, produced, developed, and edited videos for numerous state agencies, and he recorded governors' video messages at the Richmond Plaza Building studio, the Virginia State Capitol, and the Governor's Mansion for six governors; and

WHEREAS, Charles Reilly has helped grow the video production facilities and service offerings at the Virginia Information Technologies Agency (VITA) to a professional level, while leading the transition from an analog video format to high-definition digital production mode; and

WHEREAS, Charles Reilly was an active member and former president of the Employee Benefits Association while working at Distributed Information Technologies in Arlington and an active participant and event chair for the Commonwealth of Virginia Campaign at VITA; and

WHEREAS, Charles Reilly provided video production expertise on set and in the field at WCVE public television station, was production manager and videographer for BES Video Productions, and maintained numerous freelance video and film positions as a wrangler, grip, assistant cameraman, and director of photography for various local production companies and national movie productions; and

WHEREAS, Charles Reilly received a 2011 Regional Emmy Award for his work as a production team member on the cultural documentary *The Sailor Bob Story-A Documentary Tribute*; and

WHEREAS, Charles Reilly formerly served in the United States Marine Corps as an artilleryman; he graduated from the School of Education at Virginia Commonwealth University and worked as a school teacher in Richmond Public Schools; and

WHEREAS, Charles Reilly is the doting father of two children, Patrick and Megan, and a loving husband to his wife, Patricia; he was an acting board member, coach, and referee for local soccer teams and is an avid NASCAR fan and the proud owner of a 1966 Chevrolet Corvair convertible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles A. Reilly for his extensive, productive, and dedicated service to the Commonwealth on the occasion of his well-deserved upcoming retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles A. Reilly as an expression of the General Assembly's congratulations and admiration for his commitment and service to the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 846

*Celebrating the life of Reuben V. Burrell.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Reuben V. Burrell, the official photographer of Hampton University for more than 65 years, whose memorable images portrayed college life and the evolution of a vibrant African American community, and who photographed civil rights figures as well as famous entertainers, died on February 3, 2015; and

WHEREAS, a native of Washington, D.C., Reuben Burrell's fascination with photography began while he was a student at Armstrong Technical High School; he then attended Hampton Institute, graduating in 1947 from what is now Hampton University; and

WHEREAS, after earning a master's degree from New York University, Reuben Burrell returned to Hampton Institute to teach, and later became a part-time photographer for the school; he supplemented his income by becoming a free-lance photographer in Hampton and Newport News; and

WHEREAS, Reuben Burrell was largely self-taught, reading, experimenting, and practicing different photographic techniques; if he couldn't find the right camera for an assignment, he would make one, and he was known as "One Shot Burrell" for his skill at capturing history in one photograph; and

WHEREAS, Reuben Burrell became Hampton University's full-time photographer and chronicler of campus and community life in the 1960s; the modest and humble man quickly became a beloved figure at the school, capturing the spirit of the college community from behind his camera; and

WHEREAS, preferring black-and-white film, Reuben Burrell's photographs often remain embedded in viewers' memories—such as an image of high-stepping band members on parade; an aspiring furniture maker in the school's wood shop; the Reverend Martin Luther King, Jr., surrounded by students seeking his autograph; or civil rights pioneer Rosa Parks; and

WHEREAS, Reuben Burrell's work has been on display over the years; in 2010, some of his photographs were featured in an exhibit as part of the City of Hampton's 400th anniversary celebrations; and

WHEREAS, in 2012, Hampton University, in partnership with the University of Virginia Press, published *One Shot: A Selection of Photographs of Reuben V. Burrell*, and the Hampton University Museum currently is in the process of restoring and documenting about 20,000 photographs taken by Reuben Burrell; and

WHEREAS, Reuben Burrell will be greatly missed and fondly remembered by his family; and also by his extended Hampton University family, who deeply mourn the passing of a man they fondly called the university's griot, a West African term that encompasses both a historian and poet; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Reuben V. Burrell, who for more than six decades was the official photographer of Hampton University, vividly capturing a college and a community during a period of great change; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Reuben V. Burrell as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 847

*Commending Marshall Ford.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Marshall Ford celebrates its 100th anniversary of selling automobiles and trucks in 2015; it is the oldest Ford dealer in the nation still operating in the same location and building; and

WHEREAS, the Fauquier County dealership opened for business on November 23, 1915, as H. L. Lee Sub-Limited Ford Agency on West Main Street in Marshall; the first vehicle to arrive at the dealership was a Model T Ford; and

WHEREAS, during the first years, vehicles were shipped in sections by train from the manufacturing plant; employees of Marshall Ford would pick up the crates from the depot and perform the final assembly at the showroom, using wood from the shipping crates for a car's floorboards; and

WHEREAS, the residents of Fauquier County and the small town of Marshall initially were apprehensive about the coming of the automobile age; the area consisted of agricultural and forested land, and residents were slow to embrace a new form of transportation, but the dealership's employees persisted and worked hard; and

WHEREAS, when Ford Motor Company introduced trucks in 1917, they quickly became the company's top seller; the same was true at Marshall Ford, and a century later, trucks still are the dealership's best-selling model; and

WHEREAS, today's customers of Marshall Ford can choose from iconic sports cars such as the Mustang, top-selling Fusion and Taurus sedans, rugged sports utility vehicles like the Expedition and Escape, the fuel-efficient C-Max hybrid, and the ever-popular Ford F-150 pickup—long America's best-selling truck; and

WHEREAS, in 2015, Marshall Ford also serves the communities of Winchester, Warrenton, Haymarket, and Prince William County; owners David Baird and Thomas O'Brien are grateful for the support of their customers and the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marshall Ford on the occasion of its 100th anniversary and for being the oldest Ford dealer in the nation still operating in the same location and building; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Baird and Thomas O'Brien, owners of Marshall Ford, as an expression of the General Assembly's congratulations and admiration for its many years as a successful small business and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 848

*Commending Swift Creek Mill Theatre.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Swift Creek Mill Theatre, Chesterfield County's only professional theater and one of the Richmond area's premier theatrical venues, celebrates its 50th anniversary in 2015; and

WHEREAS, Swift Creek Mill Theatre in Chesterfield County is housed in a historic gristmill that dates to 1663; the site is on the banks of Swift Creek and borders U.S. Route 301; and

WHEREAS, Swift Creek Mill Theatre was founded in 1965 by three local families who had a dream of bringing theater to residents south of the James River; today, the non-profit theater features five main stage productions each season, as well as three plays for young people and summer theater camps; and

WHEREAS, Swift Creek Mill Theatre offers the best of drama, comedy, musical theater, and children's theater; many aspiring actors, musicians, directors, and other theater lovers have received their first professional stage experience at Swift Creek Mill Theatre; and

WHEREAS, in 2015, Swift Creek Mill Theatre continues its tradition of quality productions that appeal to a wide audience; the theater is presenting a musical premiere, *Those Harvey Girls*; an original barbershop musical, *Two Bits*; and its youth series includes *Twain's Tales* and *The Elves and the Shoemaker*; and

WHEREAS, each season, more than half of the audiences at Swift Creek Mill Theatre are children; many young people in the area are economically disadvantaged and their visit to Swift Creek Mill Theatre may be their first introduction to live theater; and

WHEREAS, in addition to being an important cultural attraction in the Colonial Heights and Petersburg areas, Swift Creek Mill Theatre supports more than 50 full-time-equivalent jobs each year and puts more than \$1.7 million back into the local economy; and

WHEREAS, the historic Swift Creek gristmill celebrated its 350th anniversary in 2013, and the theater also underwent a major renovation that year; the mill, which is a Virginia Historic Landmark, is also listed on the National Register of Historic Places; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Swift Creek Mill Theatre in Chesterfield County on the occasion of its 50th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the manager of Swift Creek Mill Theatre as an expression of the General Assembly's congratulations and admiration for its five decades of producing quality theatrical performances as the Commonwealth's oldest theater south of the James River and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 849

*Commending the Council for the Arts of Herndon.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2015, the Council for the Arts of Herndon celebrates more than 30 years of promoting awareness of and interest in the arts by bringing high-quality arts programming to the town; it is Herndon's officially designated local arts agency; and

WHEREAS, the Council for the Arts of Herndon (CAH) was established in 1984 and incorporated as a nonprofit association in 1985; the idea for an organization focused solely on encouraging the arts had been suggested by the Herndon Mayor's Advisory Committee; and

WHEREAS, the goals of the CAH are to produce high-quality arts programming, increase awareness of the arts, provide opportunities for artists to display their talents, improve arts education, and increase financial support for the arts; and

WHEREAS, the CAH also creates opportunities for people who have limited access to the arts; part of the group's outreach efforts focus on placing art where people live, work, and play, and the council's programs also enhance appreciation and participation in the arts; and

WHEREAS, a continuing effort of the CAH is to share cultural diversities through art; the council sponsors an art in public places initiative, and holds many classes, lectures, demonstrations, and discussions; and

WHEREAS, the CAH also sponsors Arts Week in Herndon, in which fine art competitions, art sales, concerts for adults and children, a children's art day, free film screenings, an evening arts walk, and a pottery demonstration attract many arts lovers to Herndon; and

WHEREAS, students also are beneficiaries of the Council for the Arts of Herndon; the group sponsors a Technology and the Arts Competition that is open to public high school students in Fairfax County; additionally, the CAH offers scholarships and grants to support arts education for Herndon students; and

WHEREAS, the CAH receives generous support from citizens, businesses, and the public sector, including the Town of Herndon and the Arts Council of Fairfax County; the council has been awarded grants from the Virginia Commission for the Arts, the Fairfax County Council of the Arts, the National Endowment for the Arts, and other individuals and organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Herndon's officially designated local arts agency, the Council for the Arts of Herndon, as it proudly enters its fourth decade of promoting awareness of and interest in the arts by bringing high-quality arts programming to the people of Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Signe Friedrichs, executive director of the Council for the Arts of Herndon, as an expression of the General Assembly's respect and admiration for the council's many years of promoting the arts in Herndon and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 850

*Commending Lisa Lombardozzi.*

Agreed to by the House of Delegates, February 18, 2015

Agreed to by the Senate, February 19, 2015

WHEREAS, Lisa Lombardozzi has been named the 2015 Citizen of the Year by the Herndon Rotary Club for her many contributions to the Herndon area and her outstanding efforts to assist less fortunate members of the community; and

WHEREAS, a tireless volunteer, Lisa Lombardozzi has been a member of the Herndon Woman's Club since 2004; she also serves as president of LINK, a group of churches in Herndon and Sterling who provide food to area families who find themselves in emergency situations; and

WHEREAS, since joining the Herndon Woman's Club, Lisa Lombardozzi has made a difference in the lives of those who need help; she became chair of the club's Home Life department, organizing coat drives, toiletry drives, food drives, and many more events to assist those in need; and

WHEREAS, Lisa Lombardozzi was president of the Herndon Woman's Club for two years and also served on the Labor Day Festival committee and the club's annual fashion show committee; and

WHEREAS, since 2011, Lisa Lombardozzi has served as president of LINK; her dedication and vision have produced great synergy between LINK and emergency support groups in Fairfax and Loudoun Counties; and

WHEREAS, under Lisa Lombardozzi's leadership, LINK, in partnership with the Capital Area Food Bank (CAFB), has started a Mobile Food Pantry program; the CAFB delivers pallets of food to a church parking lot in Sterling, and LINK volunteers assemble and package the food, which is given to families in need; and

WHEREAS, another innovative way that Lisa Lombardozzi and LINK have harnessed community resources to provide emergency food is through the School Food Rescue Program; volunteers pick up unused perishable food from schools in Fairfax and Loudoun Counties and include it with previously scheduled food deliveries; and

WHEREAS, through these and many other efforts, Lisa Lombardozzi has touched the lives of countless people throughout Loudoun and Fairfax Counties; she has welcomed many new volunteers to LINK's outreach efforts, and donations have increased so that LINK now serves thousands of people; and

WHEREAS, Lisa Lombardozzi also contributes her time and talents to Herndon United Methodist Church, Young Life, the Northern Virginia Baseball Travel League, and other community and school organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lisa Lombardozzi on being honored as the 2015 Citizen of the Year by the Herndon Rotary Club for her outstanding efforts to assist less fortunate members of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lisa Lombardozzi as an expression of the General Assembly's admiration for her dedicated service to the residents of Loudoun and Fairfax Counties.

### HOUSE JOINT RESOLUTION NO. 851

*Commending the Crisis Intervention Team program.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 24, 2015

WHEREAS, the Crisis Intervention Team program in Virginia Beach focuses on helping people in mental health emergencies seek appropriate help as an alternative to punitive incarceration; and

WHEREAS, Crisis Intervention Teams (CITs) were established through a collaborative effort by the Virginia Beach Police Department, the Virginia Beach Community Mental Health Emergency Services, the Virginia Beach Sheriff's Office, and the Virginia Beach Psychiatric Center; and

WHEREAS, in Virginia Beach, the collaboration needed to establish CITs also includes advice from family members of individuals with mental illness and the individuals themselves; all members of the group work to determine how best to de-escalate crisis situations and move a person from law-enforcement custody to mental health treatment; and

WHEREAS, two goals of the CIT program are to decrease the number of people who are incarcerated for minor infractions of the law, specifically those whose actions are attributable to mental illness, and to make interactions between law enforcement and people in crisis safer for both parties; and

WHEREAS, CITs also are an efficient way to best utilize law-enforcement personnel, save time, and have police officers focus on their public safety role; and

WHEREAS, it is not unusual for the mentally ill to behave in a manner that makes people around them believe they are more dangerous than is the case; the training that CIT members receive helps them defuse tense situations and assess the best type of care for a person with mental illness; and

WHEREAS, another laudable effort of the CIT program is to help ensure that people with mental illness who have come to the attention of law enforcement will have a better chance of receiving appropriate care, such as counseling, medication, and other forms of treatment; and

WHEREAS, CIT law-enforcement officers respond when mental health issues seem to contribute to a situation for which police intervention was requested; the responding CIT member may be able to handle the situation or may utilize the services of the CIT Assessment Center; and

WHEREAS, staff at the CIT Assessment Center, which is housed at the Virginia Beach Psychiatric Center, have many options available in their work with people in distress; they can provide crisis stabilization, hospitalization, shelter assistance, emergency medical help, and other community resources; and

WHEREAS, in Virginia Beach, the CIT program has become a successful community partnership that allows people with mental illness to be directed away from the judicial system to the health care system by well-trained and caring law-enforcement officers and emergency responders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Crisis Intervention Team program in Virginia Beach for its work to help people in mental health emergencies seek appropriate care as an alternative to punitive incarceration; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the coordinator of the Crisis Intervention Team program as an expression of the General Assembly's respect and admiration for its dedicated and compassionate work on behalf of individuals with mental illness.

### HOUSE JOINT RESOLUTION NO. 852

*Commending Robin Douglas Davenport.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Robin Douglas Davenport, principal of Creeds Elementary School in Virginia Beach, who has spent his professional career working for the Virginia Beach City Public Schools and is a tireless advocate for education, retires in 2015 after more than 40 years of service; and

WHEREAS, Robin Davenport's roots run deep in the Blackwater section of Virginia Beach; he attended Creeds Elementary School as a child and lived nearby on farmland in what today is still a mostly rural community; and

WHEREAS, after graduating from Floyd E. Kellam High School, Robin Davenport received a bachelor's degree from Virginia Wesleyan College and a master's degree from Old Dominion University; he started teaching in January 1974 at Woodstock Elementary School; and

WHEREAS, Robin Davenport taught third and fourth grades at Woodstock Elementary School until 1992; that year, he became assistant principal of Bettie F. Williams Elementary School, and in 1995, he was named assistant principal of Creeds Elementary School; and

WHEREAS, in 1998, Robin Davenport became principal of Creeds Elementary School, which is the oldest school in Virginia Beach; he was the first Virginia Beach City Public Schools alumnus to become an administrator at the school he attended as a child; and

WHEREAS, Robin Davenport has received many honors and accolades during a distinguished career; he received the School Bell Award from the Virginia Association of Elementary School Principals and the City Manager's Award recognizing Quality Service from the City of Virginia Beach; he also was honored as Creeds Man of the Year; and

WHEREAS, Creeds Elementary School has received many awards during Robin Davenport's tenure; the school has been fully accredited since 2001, is a six-time winner of the Pearl School Award, and has received the Governor's Award for Educational Excellence four times; and

WHEREAS, Robin Davenport has made valuable contributions to area organizations; he is a longtime member of the Creeds Ruritan Club and has held many offices in the Ruritan organization, including serving as president of the Ruritan National Foundation in 2000; and

WHEREAS, Robin Davenport has provided advice and leadership as a member of the Boy Scouts of America Tidewater Council, a spokesman for the Virginia Farm Bureau on agriculture in the classroom, and a 30-year member of the board—and former cochair—of the Pungo Strawberry Festival, and he was named the 2013 Honorary Mayor of Pungo; and

WHEREAS, during his four decades in the field of elementary education, Robin Davenport has emphasized that school is a place where dreams are made and put into action—not only for students, but for the staff, parents, and the community—by creating a "Simply the Best" atmosphere; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robin Douglas Davenport, who has worked for the Virginia Beach City Public Schools for more than 40 years, on the occasion of his retirement in 2015 as principal of Creeds Elementary School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robin Douglas Davenport as an expression of the General Assembly's respect and admiration for his dedication and service to the children of Virginia Beach and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 853

*Commending the National Association of Social Workers Virginia Chapter.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the National Association of Social Workers Virginia Chapter works to facilitate the professional growth and development of social workers and create and maintain standards to ensure high-quality service to Virginians in need; and

WHEREAS, the primary goal of social work is to enhance the well-being of community members and help meet the basic needs of all people, especially the most vulnerable members of society; and

WHEREAS, Social Work Pioneers, members of the National Association of Social Workers who have made innovative and valuable contributions to the field, have promoted social justice and paved the way for positive social change; and

WHEREAS, social workers recognize that more must be done to address persistent social problems and apply their research and advocacy skills to transform community needs into local, state, and national priorities; and

WHEREAS, social workers put the ideals of citizenship into action every day through legislative, regulatory, and social policy victories; and

WHEREAS, social workers support diverse families in every community, understanding that individuals and communities can work together to bring about positive change; and

WHEREAS, social workers strive to improve the rights of women, African Americans, ethnic minorities, and other disenfranchised communities; and

WHEREAS, social workers know from experience that discrimination of any kind limits human potential and must be eliminated; and

WHEREAS, social workers also know that poverty and trauma can create lifelong social and economic disadvantages and strive to help individuals overcome these factors and build stronger communities; and

WHEREAS, the National Association of Social Workers celebrates its 60th anniversary in 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the National Association of Social Workers Virginia Chapter hereby be commended for its advocacy on issues affecting the practice of social work in Virginia, support for the Board of Social Work and schools of social work, and efforts to educate professionals on standards of practice within the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Association of Social Workers Virginia Chapter as an expression of the General Assembly's admiration for the organization's work to pave the way for positive change in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 854

*Commending Joanna Wise Barnes.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Joanna Wise Barnes, a compassionate and passionate advocate for individuals with intellectual and developmental disabilities and their families, retires from the Aging and Disability Services Division of the Arlington County Department of Human Services in 2015; and

WHEREAS, in 1973, after earning a master's degree in rehabilitation counseling, Joanna Barnes began a long, fulfilling career of supporting people with disabilities and their families; she was hired by the Arlington County Department of Human Services in 1991; and

WHEREAS, Joanna Barnes has been an active and visionary leader in Arlington County's Aging and Disability Services Division, which provides oversight and support for geriatric mental health and intellectual and developmental disabilities services and helps individuals choose the optimal supports to suit their needs; and

WHEREAS, collaborating with Arlington County Community Services Board's (ACCSB) Intellectual and Developmental Disabilities Committee and staff from local public schools, Joanna Barnes expanded educational outreach to more than 200 families in the area; and

WHEREAS, Joanna Barnes helped increase the number of residential and employment service providers available to local residents by building strong relationships with nonprofit organizations; she also supported efforts to locate community placements for residents of institutions; and

WHEREAS, facilitating communication between ACCSB members, local and state government, and private service providers, Joanna Barnes increased awareness of the Employment First Plan and services for individuals with autism spectrum disorders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joanna Wise Barnes on the occasion of her retirement from the Aging and Disability Services Division of the Arlington County Department of Human Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanna Wise Barnes as an expression of the General Assembly's admiration for her devoted service to members of the Arlington community in need.

### HOUSE JOINT RESOLUTION NO. 855

*Celebrating the life of the Honorable Vincent F. Callahan, Jr.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Honorable Vincent F. Callahan, Jr., who ably represented the residents of Fairfax County in the Virginia House of Delegates for more than 40 years and helped Northern Virginia thrive and grow, died on September 20, 2014, of West Nile Viral Meningitis; and

WHEREAS, a native of Washington, D.C., Vincent "Vince" F. Callahan graduated from St. John's College High School, then proudly served his country as a member of the United States Marine Corps during the Korean War and a member of the United States Coast Guard, subsequently earning a bachelor's degree from Georgetown University; and

WHEREAS, after completing his education, Vince Callahan pursued employment with the family business, Callahan Publishing, retiring as the head of the company in 2000; and

WHEREAS, following his move to Virginia, Vince Callahan became active in civic affairs and, desirous to be of further service to the Commonwealth, ran for and was elected to the Virginia House of Delegates in 1967; he most recently represented the 34th District, which included McLean, Great Falls, Tysons Corner, and parts of Herndon and Vienna; and

WHEREAS, Vince Callahan left an indelible mark on the Northern Virginia Region, promoting the growth of George Mason University and Northern Virginia Community College and supporting the creation of the Dulles Toll Road and expansion of the Washington Metrorail system; and

WHEREAS, Vince Callahan supported many other important pieces of legislation and served on several committees; he then became the first Republican in modern history to chair the Appropriations Committee, a position he held for nearly a decade; and

WHEREAS, Vince Callahan was a dedicated and highly respected member of the Board of Trustees of the Jamestown-Yorktown Foundation for 16 years, capably leading the agency for four years as cochair from 2004 to 2008, a

period which encompassed the nation's 400th anniversary, commemorating the founding of Jamestown in 1607 as America's first permanent English settlement, culminating in the visit by Her Majesty, Queen Elizabeth II of England, and His Royal Highness The Prince Philip, Duke of Edinburgh, and President George W. Bush to Virginia in May 2007; and

WHEREAS, Vince Callahan ultimately received the highest recognition from the Jamestown-Yorktown Foundation Board of Trustees, when he was elected to the esteemed position of chairman emeritus; and

WHEREAS, much admired for his wisdom, his wit, and his pragmatism, Vince Callahan fostered bipartisan cooperation and respect in the General Assembly; and

WHEREAS, retiring as the second-most senior member of the Virginia House of Delegates in 2008, Vince Callahan was a man of great integrity who diligently served the residents of Northern Virginia and the entire Commonwealth with dedication and distinction; and

WHEREAS, Vince Callahan will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Vincent F. Callahan, Jr., a deeply respected public servant who dedicated his life to enhancing the communities of Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Vincent F. Callahan, Jr., as an expression of the General Assembly's respect for his life and service to the Virginia House of Delegates and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 856

*Commending the Faith Baptist School varsity men's basketball team.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Faith Baptist School varsity men's basketball team won the Old Dominion Association of Church Schools state championship on March 1, 2014; and

WHEREAS, the Faith Baptist School varsity men's basketball team started the regular season strong and persevered against several tough opponents to advance to the playoffs; and

WHEREAS, the Faith Baptist School varsity men's basketball team defeated talented teams from Great Hope Baptist School in the quarterfinals and Evangel Christian School in the semifinals; and

WHEREAS, the Faith Baptist School varsity men's basketball team bested the team from Heritage Christian Academy by a score of 66-55 to claim its first state title since 2001; and

WHEREAS, after the state championship game, Brandon Burton was named most valuable player of the tournament, and he and Zachary Williby were named to the all-tournament team; and

WHEREAS, the Faith Baptist School junior varsity men's basketball team also had an exceptional season, posting a perfect 12-0 record and winning the ODACS junior varsity championship 66-54; and

WHEREAS, the victories are a testament to the talent and hard work of the athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Faith Baptist School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Faith Baptist School varsity men's basketball team on winning the 2014 Old Dominion Association of Church Schools state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Don Cornell, head coach of the Faith Baptist School varsity men's basketball team, as an expression of the General Assembly's admiration for the team's determination and skill.

### HOUSE JOINT RESOLUTION NO. 857

*Commending Robert E. Phillips, Jr.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Robert E. Phillips, Jr., a dedicated civil servant in the City of Martinsville, retires as the city's emergency management coordinator and safety officer in April 2015, after 37 years of service; and

WHEREAS, Robert "Bobby" E. Phillips, Jr., joined the Martinsville Water Resources Department in 1978 as an electronics technician; he became the safety officer for the City of Martinsville in 1993 and the emergency management coordinator in 1995; and

WHEREAS, as safety officer, Bobby Phillips oversees the city departments' safety programs to ensure that they are effective and remain compliant with state and federal regulations, and he actively seeks grants to enhance public safety efforts; and

WHEREAS, as emergency management officer, Bobby Phillips plans for severe storms, major fires, chemical spills, or other emergencies; coordinates the City of Martinsville's response to emergencies; and helps the city recover after an emergency; and

WHEREAS, Bobby Phillips has witnessed and ably responded to numerous changes in the field throughout his 37-year career, including an increased emphasis on emergency management and planning after the September 11, 2001, attacks; and

WHEREAS, under Bobby Phillips' diligent leadership, the City of Martinsville installed a network of tornado warning sirens valued at nearly \$200,000, which was covered by a federal grant; and

WHEREAS, among his proudest accomplishments, Bobby Phillips has improved communication between city departments to better serve and safeguard members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert E. Phillips, Jr., on the occasion of his retirement as the City of Martinsville emergency management coordinator and safety officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert E. Phillips, Jr., as an expression of the General Assembly's admiration for his service and contributions to the City of Martinsville and the Commonwealth and best wishes for a happy retirement.

### HOUSE JOINT RESOLUTION NO. 858

*Celebrating the life of Glenwood Elmo Hankins.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Glenwood Elmo Hankins, a respected World War II veteran and an active member of the Martinsville community who honored the service and sacrifice of his fellow veterans, died on February 7, 2015; and

WHEREAS, a native of Pittsylvania County, Glenwood Hankins graduated from Martinsville High School in 1940 and enlisted in the Virginia National Guard in 1941; he was assigned to Company H, 116th Infantry Regiment of the 29th Infantry Division; and

WHEREAS, joining many of the other young men of his generation in service to his country during World War II, Glenwood Hankins deployed to England for advanced training; he attained the rank of staff sergeant and was placed in command of two 81mm mortar squads; and

WHEREAS, on June 6, 1944, Glenwood Hankins participated in the D-Day invasion of Normandy, France, a turning point of the war and one of the defining moments of the 20th century; he participated in several other campaigns in Europe, earning a Bronze Star and a Purple Heart; and

WHEREAS, after the war, Glenwood Hankins returned to Martinsville and served the community as a postal worker for many years; he married the love of his life, Bernice, in 1949, and the couple proudly raised three children; and

WHEREAS, Glenwood Hankins was one of the last surviving D-Day veterans in the Martinsville area, and he had served as the national commander of the 29th Infantry Division during remembrance ceremonies for the D-Day invasion in 2004; he had also attended anniversary ceremonies in France and received the Legion of Honor from France in 2009; and

WHEREAS, Glenwood Hankins will be fondly remembered and greatly missed by his wife of 65 years, Bernice; children, Susan, Jane, and Alan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Glenwood Elmo Hankins, a decorated veteran who honored the service and sacrifice of his fellow soldiers and was a respected member of the Martinsville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Glenwood Elmo Hankins as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 859

*Commending the Reverend George M. Wilson.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Reverend George M. Wilson, a devoted spiritual and community leader in the City of Danville, has supported local youths as a member and chair of the Danville Public Schools School Board for 17 years; and

WHEREAS, a native of Mayesville, South Carolina, George Wilson graduated from Johnson C. Smith University and Theological Seminary and earned a doctorate in ministry from McCormick Theological Seminary; and

WHEREAS, after completing his education, George Wilson pastored churches throughout South Carolina and served as commissioner to the General Assembly of the Presbyterian Church; he later served as a moderator of the Presbytery in southern Virginia and chaired the Division of Mission in the Synod of the Piedmont; and

WHEREAS, George Wilson was also a member of the steering committee of what is now the Black Presbyterian Caucus and served as president of the southeast region; he retired from Holbrook Street Presbyterian Church in Danville in 2001; and

WHEREAS, deeply respected by his peers, Reverend Wilson is an active member of the Virginia School Boards Association; he has worked to inspire students to become responsible citizens and leaders in their communities and received the Award of Distinction from the Virginia School Boards Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend George M. Wilson, an admired spiritual leader and community servant in Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend George M. Wilson as an expression of the General Assembly's admiration for his service to the youth of the Danville community.

### HOUSE JOINT RESOLUTION NO. 860

*Celebrating the life of Kathleen Therese Brown Rodenburg.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Kathleen Therese Brown Rodenburg of Bon Air, a dedicated community volunteer who was a role model for her work with the less fortunate and the disabled, a generous and kind person, and a devoted wife and mother, died on January 28, 2015; and

WHEREAS, Kathleen Rodenburg, who was reared in Waukesha, Wisconsin, and graduated from Waukesha High School, moved to Tucson, Arizona, in 1957, where she met and married George B. Rodenburg; and

WHEREAS, the Rodenburg family moved to the Richmond area in 1971; family was important to Kathleen Rodenburg, and she taught by example the lessons of kindness, consideration, and the necessity to provide shelter for those in need of a place to call home; and

WHEREAS, after her children were grown, Kathleen Rodenburg devoted much time to helping in her community; she was a volunteer coordinator for the Virginia Rehabilitation Center for the Blind and Vision Impaired for many years, and she also cofounded the center's Volunteer Council; and

WHEREAS, in addition to volunteering at Lewis Ginter Botanical Garden, Kathleen Rodenburg helped to establish and strengthen volunteer programs at Beaumont Juvenile Correctional Center, the Virginia Department for the Deaf and Hard of Hearing, the Capital Area Agency on Aging, which is now known as Senior Connections, and St. Joseph Catholic Church; and

WHEREAS, Kathleen Rodenburg also enthusiastically pursued other interests; she wrote a family memoir, "Cups Without Handles," she was a fan of the Zac Brown Band, and she and her husband visited Ireland several times; and

WHEREAS, Kathleen Rodenburg will be greatly missed and fondly remembered by George, her husband of 56 years; her children, Anne, Monica, George, and Martha, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Kathleen Therese Brown Rodenburg of Bon Air, a dedicated community volunteer who was a role model for her work with the less fortunate and the disabled, a generous and kind person, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kathleen Therese Brown Rodenburg as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 861

*Commending George Frederick Boyland.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, George Frederick Boyland, a proud veteran and a respected member of the Midlothian community, celebrates his 94th birthday in 2015; and

WHEREAS, born on February 22, 1921, in Brooklyn, New York, George Boyland was enrolled at the Wartburg Orphans' Farm School after his mother died when he was seven years old; and

WHEREAS, as a young man, George Boyland cultivated a lifelong love of baseball, traveling to Yankee Stadium to watch legends like Babe Ruth and Lou Gehrig play the game; and

WHEREAS, possessed of a desire to serve his country, George Boyland joined the United States Army National Guard in 1941; after the attack on Pearl Harbor, his unit was activated as the 165th Regiment of the 27th Infantry Division; and

WHEREAS, George Boyland attained the rank of staff sergeant and deployed to the Pacific Theater during the war as a medic; he courageously rendered aid and comfort to his fellow soldiers, often while under fire, participating in the Battle of Saipan and the Battle of Okinawa; and

WHEREAS, after his honorable discharge, George Boyland returned to the United States and worked as a railroad car inspector for the Baltimore and Ohio Railroad for 30 years, playing an important role in the safety and security of the nation's rail infrastructure; and

WHEREAS, admired for his humility and positive outlook on life, George Boyland is the loving patriarch of a large family; he has six children, 19 grandchildren, and 14 great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George Frederick Boyland on the occasion of his 94th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George Frederick Boyland as an expression of the General Assembly's admiration for his contributions to the Commonwealth and the United States.

### HOUSE JOINT RESOLUTION NO. 862

*Commending Jaclyn Roller Ryan.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Jaclyn Roller Ryan, an outstanding educator in Shenandoah County, was named the 2015 Virginia Teacher of the Year on October 10, 2014, in Richmond; and

WHEREAS, presented by the Virginia Department of Education, the Virginia Teacher of the Year Award celebrates the achievements and contributions of one exceptional pre-kindergarten through eighth grade educator each year; and

WHEREAS, Jaclyn Ryan, an agricultural education teacher and Future Farmers of America (FFA) advisor at Signal Knob Middle School in Shenandoah County, was selected from among eight Regional Teacher of the Year Award winners; and

WHEREAS, representing Region 4, Jaclyn Ryan was interviewed by a committee that included representatives from professional associations, the business community, and a former Virginia Teacher of the Year recipient; and

WHEREAS, Jaclyn Ryan helps her students build a strong foundation for lifelong learning using innovative methods, and she has helped Signal Knob Middle School earn local, state, and national recognition for its FFA program; and

WHEREAS, Jaclyn Ryan received numerous commemorative gifts after winning the award, as well as opportunities to further her own education and a classroom technology package to help her better serve her students; and

WHEREAS, as Virginia Teacher of the Year, Jaclyn Ryan will represent the Commonwealth as a nominee for the Council of Chief State School Officers National Teacher of the Year Award, which will be presented at the White House in 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jaclyn Roller Ryan on her selection as the 2015 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jaclyn Roller Ryan as an expression of the General Assembly's admiration for her commitment to her students and contributions to the field of education.

### HOUSE JOINT RESOLUTION NO. 863

*Celebrating the life of William Broderick Prendergast.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, William Broderick Prendergast, a distinguished former government employee, respected businessman, and leader in the McLean community, died on February 2, 2015; and

WHEREAS, a native of Hyannis, Massachusetts, William "Bill" Broderick Prendergast was reared in Annapolis, Maryland, and attended Georgetown University and Washington College in Maryland; he honorably served his country in Vietnam as a decorated military intelligence specialist; and

WHEREAS, Bill Prendergast continued his life of service as a staff advisor to a prominent member of the United States Congress; he also worked for the Federal Trade Commission, the Environmental Protection Agency, and the Department of Housing and Urban Development; and

WHEREAS, after retiring from government service, Bill Prendergast became the vice president of what is now the Air-Conditioning, Heating, and Refrigeration Institute and founded a longstanding and successful real estate business with his wife; and

WHEREAS, Bill Prendergast continued his dedication to community service throughout his life, including using his language skills and fluency in Vietnamese to assist Vietnamese families in their transition to new lives in the United States; and

WHEREAS, Bill Prendergast enjoyed fellowship and worship with the McLean community as an active member of St. Luke's Catholic Parish; among his many contributions to the church, he served as a Eucharistic minister, volunteer CCD instructor, and Chair of the Capital Campaign; and

WHEREAS, a proud father and loving husband, Bill Prendergast will be fondly remembered and greatly missed by his wife of 32 years, Marianne; their children, Will, Brian, Sam, Maggie, and Jack, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Broderick Prendergast, a dedicated government employee, businessman, and leader in the McLean community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Broderick Prendergast as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 864

*Commending Faith Baptist Church.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Faith Baptist Church in Fredericksburg celebrates 40 years of worship, ministry, missions, and education in 2015; and

WHEREAS, Dr. Don Forrester moved to Fredericksburg in the fall of 1974, having been sent as a mission pastor from a church in Texas; in January 1975, he and a small group signed a founding charter, creating Faith Baptist Church in Fredericksburg, with Dr. Forrester as its pastor; and

WHEREAS, from its beginnings, Faith Baptist Church has enjoyed an active and growing ministry; its first outreach effort, in 1975, was to establish the Faith Worldwide Missions program; the church holds annual mission conferences and has sponsored hundreds of missionaries who serve in many parts of the world; and

WHEREAS, a month after its founding, the congregation moved to its present location on Plank Road, and today, Faith Baptist Church's 12-acre campus contains an auditorium, fellowship hall, education buildings, a sports field, picnic area, and staff housing; and

WHEREAS, Faith Baptist Church supports many ministries; the church helped organize the Baptist Youth Fellowship program, a teen missionary evangelism effort, small group Bible studies, and an Eastern European outreach in Romania; and

WHEREAS, Christian education is another component of Faith Baptist Church's ministry; it is home to a child care center, Faith Baptist School for kindergarten through 12th grade students, and Virginia Baptist College, which was started by area pastors as Berean Baptist Institute; and

WHEREAS, Dr. Don Forrester became pastor emeritus of Faith Baptist Church in 2011, and Watson H. Morgan, Jr., a native of the area, then was selected to be senior pastor; under his leadership, the church has continued to grow and flourish; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Faith Baptist Church in Fredericksburg on the occasion of its 40th anniversary in 2015 and for its many good works at home and abroad; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Watson H. Morgan, Jr., senior pastor of Faith Baptist Church, as an expression of the General Assembly's respect and admiration for providing worship, fellowship, outreach, and a church home to people in the Fredericksburg area, the Commonwealth, and the world.

### HOUSE JOINT RESOLUTION NO. 865

*Celebrating the life of William Norman Ward.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, William Norman Ward of Manassas, a dedicated disability advocate, a man of faith, a devoted husband and father, a sports enthusiast, and a Civil War collector, died on December 29, 2014; and

WHEREAS, William Ward, who was also known as Bill, was an alumnus of George Mason University; he was raised in Centreville and lived his life in the area and became a prominent leader in the disability community; and

WHEREAS, Bill Ward had a loving wife and daughter, both of whom brought much joy, love, and meaning to his life; and

WHEREAS, Bill Ward sustained a spinal cord injury while body surfing in Virginia Beach that resulted in paralysis from the neck down; the experience changed his life and led to new ways to maneuver through life using assistive technology and personal assistants; and

WHEREAS, as a lifelong member of the Centreville United Methodist Church, Bill Ward worked to bring understanding, compassion, and opportunity to all; and

WHEREAS, Bill Ward was an active member of his community, an unwavering advocate seeking justice and empowerment, and a positive influence on many people with and without disabilities; he lived his life with a sense of purpose, laughter, and love; and

WHEREAS, as a leader in the disability independent living movement, Bill Ward was a peer mentor at the ENDependence Center of Northern Virginia; he went on to establish the Independence Empowerment Center in Manassas, where he served as executive director; and

WHEREAS, Bill Ward also served as director of the Loudoun ENDependence Center, and he served on the Prince William County Disability Services Board, Virginia Statewide Independent Living Council, Virginia Assistive Technology Council, and Virginia State Rehabilitative Council; and

WHEREAS, Bill Ward will be fondly remembered and greatly missed by his wife, Beth; daughter, Gretchen; his mother and six siblings and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Norman Ward, a devoted family man and friend to many, who worked for justice and inclusion of people with disabilities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Norman Ward as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 866

*Commending Edward M. Page, Sr.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, in 2014, Edward M. Page, Sr., a dedicated public servant and community leader, retired as Mayor of the Town of Ridgeway after more than two decades of diligent service; and

WHEREAS, Edward Page was elected Mayor of the Town of Ridgeway on May 1, 1990, and ably served the community for the next 24 years; and

WHEREAS, during Edward Page's tenure as mayor, the Town of Ridgeway received a Community Development Block Grant to rehabilitate 20 housing units, demolish a dilapidated building, and install new waterlines, sewer lines, and a pump station; and

WHEREAS, under Edward Page's leadership, the Town of Ridgeway adopted a zoning ordinance and created a zoning board and a zoning board of appeals in 2001 and completed a Comprehensive Plan in 2002; and

WHEREAS, Edward Page also oversaw additional infrastructure enhancements, the installation of three welcome signs, and the establishment and enhancement of Ridgeway Town Park, where two popular annual community events, the Christmas tree lighting and Ridgeway Springfest, are now held; and

WHEREAS, working to enhance the quality of life of his fellow residents, Edward Page was the former chair of the Henry County Republican Party, the administrative board chair of Ridgeway United Methodist Church, and a member of numerous civic and service organizations; he helped fund the Ridgeway District Volunteer Rescue Squad through the Ridgeway Jaycees; and

WHEREAS, Edward Page also supported the youth of the community as president of the parent teacher association of Ridgeway Elementary School and the first president of the parent teacher organization at Drewry Mason Middle School; and

WHEREAS, Edward Page is an exemplar of the professionalism, dedication, and care for the community displayed by local public servants throughout the Commonwealth; after his well-earned retirement, he continued to serve the community as the zoning administrator; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Edward M. Page, Sr., on the occasion of his retirement as Mayor of the Town of Ridgeway; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edward M. Page, Sr., as an expression of the General Assembly's admiration for his dedication, service, and contributions to the Town of Ridgeway and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 867

*Commending the Honorable Donald P. McDonough.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Honorable Donald P. McDonough, a former chief judge of the Fairfax County General District Court of the 19th Judicial District of Virginia, retires as a judge in June 2015 after 27 years of service to the Fairfax County community; and

WHEREAS, a native of New York, Donald McDonough grew up in the Counties of Arlington and Fairfax; he graduated from Gonzaga College High School and the Georgetown University School of Foreign Service, then earned a law degree from the Catholic University of America; and

WHEREAS, from 1967 to 1976, Donald McDonough worked as an international trade specialist and economist for the U.S. Department of Commerce; he served as the director of Legal Services of Northern Virginia from 1978 to 1988, building a comprehensive knowledge of the local court system; and

WHEREAS, Donald McDonough was appointed as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia in 1988 and has presided over the court with great fairness and wisdom; and

WHEREAS, Donald McDonough established the Driving on Suspended Program to help residents get their driver's licenses reinstated, supported the Supervised Release Program, and helped the Court Services Division gain additional funding from the county; and

WHEREAS, Donald McDonough helped bring the court into the modern age by supporting the use of technology; he worked with the clerk to transition to a state computer system and helped develop a new scheduling system and calendar; and

WHEREAS, deeply respected among his peers, Donald McDonough was elected as chief judge of the court from 2004 to 2014; as chief judge, he worked diligently to improve the collegiality of the court; and

WHEREAS, Donald McDonough was also a presenter in the Fairfax Bar Association's annual Pro Bono continuing legal education program and the Newly Admitted Attorneys Orientation; and

WHEREAS, a man of great integrity, Donald McDonough served Fairfax County and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, after his well-earned retirement, Donald McDonough will continue to serve the community as a substitute judge, as well as spend more time with his wife, Cathy, and their four children and six grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Donald P. McDonough on the occasion of his retirement as a judge of the Fairfax County General District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Donald P. McDonough as an expression of the General Assembly's admiration for his service to Fairfax County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 868

*Commending the Fairfax Young Democrats.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Fairfax Young Democrats, a civic and social club based in Merrifield, received the 2014 Chapter of the Year Award from the Virginia Young Democrats for the club's efforts to promote civic engagement and community leadership among young residents of Fairfax County and the Cities of Fairfax and Falls Church; and

WHEREAS, with a membership of nearly 150 high school and college students and young professionals in the Fairfax area, the Fairfax Young Democrats participate in valuable community service efforts and encourage residents to fulfill their civic duty to vote; and

WHEREAS, the Fairfax Young Democrats previously helped institute absentee voting initiatives for college-age voters that are still in use today; and

WHEREAS, in 2013 and early 2014, the Fairfax Young Democrats participated in the Stuff the Bus food drive and collected and distributed toys for children at the Katherine K. Hanley Family Shelter; the group also supported the democratic process by providing hundreds of volunteer hours to local candidates and helping almost 200 high school students vote; and

WHEREAS, many current and former members of the Fairfax Young Democrats have gone on to become leaders in their communities; members of local and state boards and commissions; members and officers of local, state, and national civic organizations; or public servants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax Young Democrats on receiving the 2014 Chapter of the Year Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fairfax Young Democrats as an expression of the General Assembly's admiration for the group's efforts to promote civic engagement and community leadership among the youth of the Fairfax area.

**HOUSE JOINT RESOLUTION NO. 869**

*Commending Mount Vernon Woods Elementary School.*

Agreed to by the House of Delegates, February 20, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Mount Vernon Woods Elementary School, a public school in Alexandria, has promoted pride, perseverance, and positivity among its students and the community for almost five decades; and

WHEREAS, established in 1966, Mount Vernon Woods Elementary School serves more than 700 students in preschool, Head Start, and kindergarten through sixth grade; with more than 130 faculty and staff members, the school works to provide a high-quality educational experience; and

WHEREAS, Mount Vernon Woods Elementary School uses the Positive Behavior Intervention Support and Responsive Classroom model, a nationally recognized approach, to foster a strong sense of community and create a safe environment in which students can learn and grow; and

WHEREAS, engaging parents and family members of students, Mount Vernon Woods Elementary School offers family nights, quarterly family field trips, monthly workshops, and opportunities to volunteer; and

WHEREAS, Mount Vernon Woods Elementary School supports its teachers through job-embedded professional development, with an emphasis on implementation of guided reading and mathematics workshops; and

WHEREAS, technology is a crucial tool for Mount Vernon Woods Elementary School students; the school uses interactive Smart Boards, document cameras, and mobile labs to enhance the learning experience and partnered with Fairfax County Public Schools to offer an after-school computer learning program for students and parents; and

WHEREAS, Mount Vernon Woods Elementary School maintains partnerships with Alfred Baptist Church, which offers mentoring programs and is helping the school build its first science lab, and Kaiser Permanente, which facilitates the physical and mental health of students and staff; and

WHEREAS, Mount Vernon Woods Elementary School offers numerous clubs and sports teams, including the running club, student leadership academy, and robotics team; and

WHEREAS, Mount Vernon Woods Elementary School also hosts special events to support student learning, including Super Science Saturday, Kindergarten Transition Camp, a science fair, and after-school programs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Vernon Woods Elementary School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mount Vernon Woods Elementary School as an expression of the General Assembly's admiration for the school's contributions to the community and dedication to giving students a strong foundation for lifelong learning.

**HOUSE JOINT RESOLUTION NO. 870**

*Celebrating the life of the Reverend Richard B. Martin.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Reverend Richard B. Martin of Burke, a devoted spiritual leader and passionate philanthropist who strengthened and supported communities in one of the world's poorest countries, died on May 3, 2014; and

WHEREAS, a native of Rhode Island, Richard Martin graduated from Providence College and studied at Saint Francis Seminary in Pennsylvania, before transferring to a Benedictine monastery in Alabama; he was ordained at Sacred Heart Cathedral in Richmond and served as a parish priest in Richmond and Arlington; and

WHEREAS, Father Martin served his country as a chaplain in the United States Air Force and later served as a rehabilitation counselor with the Department of Health and Human Services; he served as a pastor in Falls Church before becoming pastor of Church of the Nativity in Burke; and

WHEREAS, throughout his nearly 48-year career as a priest, Father Martin was admired as a compassionate leader and servant to his congregations; his inspirational words and kind acts brought immeasurable comfort to those in need; and

WHEREAS, in 1998, Father Martin sought to make the Lenten season more meaningful for his congregation and asked that each member donate 50 cents per day; by Easter that year, the congregation had raised almost \$67,000; and

WHEREAS, Father Martin sent the money to Food for the Poor, which built 27 houses in Haiti with the generous donation; by 2014, the ongoing partnership between Church of the Nativity and Food for the Poor financed houses for 1,300 families and facilitated access to community centers, clean water, education, and health care; and

WHEREAS, Father Martin named the project Operation Starfish after one of his favorite parables, and his efforts inspired the creation of more than 300 similar projects at churches, schools, and organizations throughout the United States; and

WHEREAS, Father Martin touched countless lives in his congregation and the community, generously offering his time and wisdom to help anyone in need; locally, he worked with Virginians Organized for Interfaith Community Engagement to promote affordable housing and career opportunities for immigrants; and

WHEREAS, Father Martin cared deeply for his family, and he will be fondly remembered and greatly missed by his siblings, Jack and Madeleine, and numerous other family members, friends, and parishioners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Richard B. Martin, a beloved spiritual leader and philanthropist in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Richard B. Martin as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 871

*Commending Matt Hagan.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Matt Hagan of Christiansburg was crowned National Hot Rod Association Funny Car World Champion in the 2014 Mello Yello Drag Racing Series competition; it is the second world title for the talented racer and his Don Schumacher Racing crew; and

WHEREAS, the 2014 finals were held in California at the Auto Club Raceway at Pomona; Matt Hagan claimed victory on November 16 with a dramatic win in his Mopar/Rocky Boots Dodge Charger over drag-racing legend John Force; and

WHEREAS, Matt Hagan led John Force by 23 points as the pair began final eliminations racing; he then defeated his opponent in the last of the four elimination rounds, winning the National Hot Rod Association (NHRA) Finals competition for the second consecutive year—and the world championship; and

WHEREAS, the NHRA, which was founded in 1951, is the largest promoter of professional drag racing in the world; from its inception, the organization has been dedicated to safety as it offers millions of fans a thrilling racing experience; and

WHEREAS, Matt Hagan's victory is a tribute to the support of his many fans and the talent and hard work of his crew, which is led by crew chief Dickie Venables; the hardworking team played a vital role during his run to the crown; and

WHEREAS, Matt Hagan, an avid deer and duck hunter, owns and operates a 1,000-acre cattle farm when he is not racing; he and his father, David, are partners in Matt Hagan Outdoors, a retail store that opened in Radford in 2013, catering to hunters and other outdoor enthusiasts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Matt Hagan of Christiansburg, a member of the Don Schumacher Racing team, for winning the National Hot Rod Association Funny Car World Championship in the 2014 Mello Yello Drag Racing Series competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Hagan as an expression of the General Assembly's congratulations and admiration for his outstanding achievement.

### HOUSE JOINT RESOLUTION NO. 872

*Commending Gerald W. Hyland.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Gerald W. Hyland, who has ably served as a member of the Fairfax County Board of Supervisors for 27 years, representing the Mount Vernon District with great diligence and responsibility, retires in 2015; and

WHEREAS, Gerald "Gerry" W. Hyland, who is a veteran of the United States Air Force and a local attorney, took office on the Fairfax County Board of Supervisors in 1988; his district borders the Potomac River and includes Fort Belvoir and Lorton, the Mount Vernon neighborhood, and a section of U.S. Route 1; and

WHEREAS, during his tenure on the Fairfax County Board of Supervisors, Gerry Hyland has focused on improving the quality of life for his constituents by stabilizing neighborhoods, preserving natural spaces, improving business areas and transportation corridors, and increasing school funding; and

WHEREAS, Gerry Hyland's background, combined with his earlier service on the Fairfax County Board of Zoning Appeals and as president of United Community Ministries, ensured that he would be attentive to both the economic and social welfare needs of the county; and

WHEREAS, population and employment opportunities have increased throughout the county during Gerry Hyland's years of public service, and his efforts also helped prevent Inova Mount Vernon Hospital from closing; as a result of his leadership, the Fairfax County Parkway is a major transportation artery, the public schools are strong, and Fort Belvoir has become a major employer; and

WHEREAS, Gerry Hyland has served as cochair of Fairfax's Community Revitalization and Reinvestment Committee, has been chair of the county fire commission, and has been a member of the Board of Trustees of the Inova Health System; and

WHEREAS, additionally, Gerry Hyland has been a member of the Metropolitan Washington Council of Governments (MWCOC), the Woodrow Wilson Bridge Improvement Study Coordinating Committee, and is past chair of the Virginia Railway Express; and

WHEREAS, Gerry Hyland played a key role in securing the closure of a county-owned landfill near Interstate 95; more recently, he has pushed Fairfax County authorities to enforce the closing of an industrial landfill in Lorton, scheduled for 2018; and

WHEREAS, leadership and service guide Gerry Hyland's life; in 1996, he received MWCOG's Elizabeth and David Scull Metropolitan Public Service Award for Outstanding Leadership to the Washington Metropolitan Area, and in 1964, he was awarded the Grand Prix Humanitaire de France, Gold Medal for Lifesaving; and

WHEREAS, Gerry Hyland has derived great satisfaction from his years of service to the people of Fairfax County; he is grateful for the opportunities he has had to make a difference in people's lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gerald W. Hyland for his many years of dedicated and effective public service as a member of the Fairfax County Board of Supervisors, representing the Mount Vernon District for 27 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gerald W. Hyland as an expression of the General Assembly's respect and admiration for his tireless work on behalf of the people of Fairfax County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 873

*Commending James Ronald Ennis.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, James Ronald Ennis, a respected attorney and loyal public servant, retires as the Commonwealth's Attorney for Prince Edward County in 2015 after more than two decades of service; and

WHEREAS, a native of Prince Edward County, James Ennis earned a bachelor's degree from Hampden-Sydney College and a law degree from the University of Richmond, then practiced law in Richmond for several years; and

WHEREAS, in 1979, James Ennis returned to Farmville and opened a private law office, where he served the community until October 1, 1991, when he was appointed Commonwealth's Attorney for Prince Edward County to fill an unexpired term; and

WHEREAS, James Ennis was elected as Commonwealth's Attorney in 1991 and faithfully served the residents of Prince Edward County for 24 years; he oversaw a period of growth and transition for the office, with the caseload increasing by approximately 600 percent since 1991; and

WHEREAS, leading Prince Edward County into the 21st century, James Ennis was one of the first Commonwealth's attorneys to implement an electronic case management system to better serve the public; he also helped safeguard residents by encouraging the establishment of local neighborhood watches; and

WHEREAS, after the completion of his term as Commonwealth's Attorney, James Ennis looks forward to finding new ways to serve the Prince Edward community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James Ronald Ennis on the occasion of his retirement as the Commonwealth's Attorney for Prince Edward County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Ronald Ennis as an expression of the General Assembly's admiration for his service to Prince Edward County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 874

*Commending Charles William McKay.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2015, Charles William McKay, a dedicated public servant and community leader, retires as a member of the Prince Edward County Board of Supervisors after 16 years of service; and

WHEREAS, Charles McKay worked to serve and safeguard members of the community as a law-enforcement officer with the Hampden-Sydney College Police Department; he joined the department in 1978, became a full-time officer in 1989, and retired in 2002; and

WHEREAS, desirous to be of further service to his fellow residents, Charles McKay took office on the Prince Edward County Board of Supervisors on January 1, 2000; and

WHEREAS, as a member of the Prince Edward County Board of Supervisors, Charles McKay proudly worked to maintain efficient, effective public services, while keeping taxes low; and

WHEREAS, Charles McKay also focused on strengthening roads and infrastructure and ensuring that the students of the community had the tools and support to achieve success in school; and

WHEREAS, after his well-earned retirement, Charles McKay hopes to find new opportunities to serve the community and become more active in his church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles William McKay on the occasion of his retirement as a member of the Prince Edward County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles William McKay as an expression of the General Assembly's admiration for his diligent service to the members of the Prince Edward community and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 875

*Commending Mary B. Agee.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Mary B. Agee, a devoted community leader and a passionate advocate for children and families, retires as the president and chief executive officer of Northern Virginia Family Service on June 30, 2015, after a distinguished 41-year career; and

WHEREAS, Mary Agee earned bachelor's and master's degrees from the University of California, Berkeley, and joined Northern Virginia Family Service (NVFS) as a counselor in 1972; respected for her hard work and visionary leadership, she became the deputy director of NVFS in 1978 and the executive director and chief executive officer in 1988; and

WHEREAS, as chief executive officer, Mary Agee set and managed program goals, advised the board of directors, represented NVFS in local and regional activities, oversaw development efforts, and prepared the budget; and

WHEREAS, throughout her career, Mary Agee initiated numerous programs to serve and support Northern Virginians in need; she launched the region's first private foster care program for people with developmental disabilities and created the Community Foundation's Survivors' Fund, which provided assistance to more than 1,000 people after the attacks on September 11, 2001; and

WHEREAS, an active leader, Mary Agee engaged local businesses in community service through training sessions and has personally taken time to recognize the generosity of thousands of local donors and volunteers; and

WHEREAS, Mary Agee helped NVFS grow to become one of the largest, most trusted social services providers in the region; with over 350 dedicated employees and a wide range of innovative programs, NVFS stands poised to continue making a difference in the community for years to come; and

WHEREAS, a resident of Fairfax County, Mary Agee plans to spend her well-earned retirement with her husband, Phil, and her two grown children and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary B. Agee for her 41 years of service to the community on the occasion of her retirement as president and chief executive officer of Northern Virginia Family Service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary B. Agee as an expression of the General Assembly's admiration for her countless contributions to Northern Virginia and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 876

*Commending the Community Church of God in Christ.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the Community Church of God in Christ celebrates a long and fulfilling ministry in Richmond dating from its founding in the 1920s, and today looks confidently to the future as it plans extensive renovations to the historic church building; and

WHEREAS, for nearly a century, the members of the Community Church of God in Christ have spread their ministry throughout Richmond; the congregation, whose original name was The Church of God in Christ, first met in a storefront property on Jacquelyn Street; and

WHEREAS, Mrs. Boone, whose full name is unknown, founded the church that today is known as the Community Church of God in Christ; a few years later, Elder R. N. Johnson, Sr., became pastor and led the group for several years; and

WHEREAS, as the congregation grew, the church moved several times and changed its name; it first relocated to South Harrison Street and was called the Harrison Street Church of God in Christ, and in 1941, the members moved into an existing church building on Nicholson Street; and

WHEREAS, the numbers of worshippers increased greatly after Bishop David C. Love, Sr., became head of the church, which was now called the State Temple Church of God in Christ; for several decades, the church was the state headquarters for all Churches of God in Christ in Virginia; and

WHEREAS, in 1976, members of the renamed Love's Temple Church of God in Christ purchased a church building at 1801 Park Avenue in Richmond's historic Fan District; the church again changed its name to the Community Church of God in Christ, which is how it is known today; and

WHEREAS, Dr. David N. Wright, Sr., who became pastor of the Community Church of God in Christ during this time, has supervised a period of sustained growth; membership increased from about 74 people to several hundred people, with great promise for the years ahead; and

WHEREAS, in 2014, the members of the Community Church of God in Christ embarked on an ambitious fundraising effort to renovate the group's historic building; plans include restoring the building to its original beauty and rebuilding a dome; and

WHEREAS, the enduring goal of the members of the Community Church of God in Christ is to lead people to worship and to be a beacon of light and love throughout the Richmond area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Community Church of God in Christ in Richmond for its many years of ministry and service and its plans to renovate the historic church building; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. David N. Wright, Sr., pastor of the Community Church of God in Christ, as an expression of the General Assembly's respect and admiration for the church's service and its great plans for the future.

### HOUSE JOINT RESOLUTION NO. 877

*Commending the Alexandria Sexual Assault Center.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Alexandria Sexual Assault Center, which provides support to victims of sexual violence, marks its 40th anniversary in 2015; and

WHEREAS, sexual assault is an act of sexual violence and aggression, which occurs when a person is forced, threatened, or coerced into sexual contact without his or her consent, and such act is committed primarily out of anger or a need to feel powerful by controlling, dominating, or humiliating the victim; and

WHEREAS, women, men, and children of any age can be victims of sexual assault; approximately 80 percent of all sexual assaults are committed by someone the victim knows, such as a friend, spouse, family member, date, coworker, or neighbor; and

WHEREAS, one in four females and one in six males will be sexually assaulted before age 18; survivors of sexual assault may experience various repercussions unique to the individual, including loss of control of his or her life, anger, fear, distrust, anxiety, depression, guilt and self-blame, difficulty in concentrating, insomnia, mood swings, and changed eating patterns; and

WHEREAS, sexual harassment, an unwanted sexual advance, is defined by the target of the harassment and not by the perpetrator, and sexual harassment can occur once or many times, and such incidents may cause the target of the sexual harassment to feel frightened, uncomfortable, embarrassed, or threatened; and

WHEREAS, in 1974, the Alexandria Commission on the Status of Women (Commission) began extensive research regarding the treatment of rape victims in Alexandria and found that 45,000 rapes were committed annually in the 1970s; also in 1974, 165 rape-related calls were made to the Northern Virginia Hotline and 55 rapes were reported to the Alexandria Police Department; and

WHEREAS, in August 1975, the Commission, working with the Alexandria Police Department, the Mental Health Clinic, the Alexandria Hospital, the Washington, D. C. Rape Crisis Center, and the Commonwealth Attorney's office, founded the Alexandria Rape Victim Companion Program, which initially trained 30 volunteers to provide nonjudgmental support 24 hours a day for rape victims; and

WHEREAS, later in 1975, the Alexandria Rape Victim Companion Program became the Sexual Assault Response and Awareness Program, and in 2011, the program was renamed the Alexandria Sexual Assault Center; and

WHEREAS, staff and volunteers provide services to more than 300 adult and child victims of sexual assault each year and are trained to provide 24-hour crisis intervention, emotional support, advocacy with medical and court services and law enforcement, short-term individual and group counseling, and information and referrals; and

WHEREAS, the Center offers services for individuals of any age, race, ethnicity, immigration status, sexual orientation, gender identity, or physical ability who have been sexually assaulted, sexually harassed, or stalked; confidential services are offered in English and Spanish and other languages; and

WHEREAS, the Alexandria Sexual Assault Center is committed to providing safe, secure, impartial, and inclusive services through advocacy, education, and prevention to foster a healthy and thriving community by ensuring the dignity of everyone affected by sexual violence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Alexandria Sexual Assault Center hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alexandria Sexual Assault Center as an expression of the General Assembly's admiration for the Center's invaluable services to the survivors of sexual violence in the City of Alexandria.

### HOUSE JOINT RESOLUTION NO. 878

*Celebrating the life of Ferdinand T. Day.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Ferdinand T. Day, a respected former member of the Alexandria City School Board who strove to enhance the quality of education for all students and a devoted leader in the region's civil rights movement, died on January 2, 2015; and

WHEREAS, a native of Alexandria, Ferdinand Day graduated from Armstrong Technical High School in Washington, D.C., and earned a bachelor's degree from Miner Teachers College; and

WHEREAS, Ferdinand Day completed an internship with the U.S. Department of State and completed advanced management courses at the Foreign Service Institute; he served his country for many years, retiring as a Foreign Service reserve officer in 1978; and

WHEREAS, a wise and trusted mentor to civil rights activists in the 1960s, Ferdinand Day dedicated himself to securing rights and opportunities for African Americans in Alexandria; he served as a member of the Secret Seven, a group that studied community issues and advised local government; and

WHEREAS, joining the Alexandria City School Board in 1964, Ferdinand Day worked to achieve integration of local public schools and became the first African American to chair a public school board in the Commonwealth; and

WHEREAS, Ferdinand Day provided sound, moral leadership, which led to the consolidation of T.C. Williams High School in 1971 and the integration of other local schools; in his two decades of working to enhance local education, he also served as the vice chair of both the Northern Virginia and Virginia State Boards of Community Colleges; and

WHEREAS, in 1985, Ferdinand Day was appointed by the Secretary of Education to assist with the implementation of desegregation plans at higher education institutions in the Commonwealth; and

WHEREAS, earning many awards and accolades for his good work, Ferdinand Day was recognized by groups at local, state, and national levels; he was named a Living Legend of Alexandria in 2007; and

WHEREAS, Ferdinand Day will be greatly missed and fondly remembered by his daughter, Gwen, and her family and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ferdinand T. Day, a respected civil servant and a passionate advocate for social justice and equal rights in Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ferdinand T. Day as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 879

*Commending Robert Frost Middle School.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, during the 2014-2015 academic year, Robert Frost Middle School in the Braddock District celebrates 50 years of working to empower the leaders of tomorrow by helping students build critical thinking skills and develop a passion for lifelong learning; and

WHEREAS, Robert Frost Middle School was established in 1964, and with the support of its dedicated faculty and staff, hardworking students, and devoted parents, the school has earned a proud reputation for academic excellence; and

WHEREAS, serving 1,100 seventh-grade and eighth-grade students, Robert Frost Middle School helps students successfully transition from a self-contained elementary school model to a comprehensive high school model; students work together in interdisciplinary teams with the support of a counselor and a grade-level administrator; and

WHEREAS, offering a wide range of programs to suit each student's needs and abilities, Robert Frost Middle School strives to equip students with the tools and skills to succeed in a complex and competitive workplace by encouraging them to think creatively and adapt to challenging situations; and

WHEREAS, Robert Frost Middle School is committed to the health and safety of its students and works to preserve and safeguard the environment; the school operates a solar-powered Creek and Wetlands Project; and

WHEREAS, Robert Frost Middle School is an active partner in the community and works with civic and service organizations to provide a comprehensive after-school program, serving nearly 1,000 students each week through 45 clubs and activities; and

WHEREAS, encouraging parents to take an active role in their children's education, Robert Frost Middle School cultivates strong home-to-school relationships and uses parents as liaisons to support and facilitate communication with its families; and

WHEREAS, Robert Frost Middle School has earned the Recognized ASCA Model Program designation from the American School Counselor Association for providing an outstanding data-driven school counseling program and an exceptional educational environment; and

WHEREAS, earning many other awards and accolades, Robert Frost Middle School received the Governor's Award for Educational Excellence in 2010, 2011, 2012, and 2014, and the school's music program received the Blue Ribbon from the Virginia Music Educators Association in 2009, 2010, 2011, 2012, and 2013; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Frost Middle School for its legacy of service to the youth of Fairfax County on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric McCann, principal of Robert Frost Middle School, as an expression of the General Assembly's admiration for the school's commitment to excellence and contributions to the community.

### HOUSE JOINT RESOLUTION NO. 880

*Commending the Potomac and Chesapeake Association for College Admission Counseling.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, the Potomac and Chesapeake Association for College Admission Counseling, a nonprofit professional organization founded on September 24, 1965, celebrates its 50th anniversary in 2015; and

WHEREAS, the mission of the Potomac and Chesapeake Association for College Admission Counseling (PCACAC) is to support and advance college admission professionals as they guide their institutions, students, and families in an ethical manner; and

WHEREAS, the membership of PCACAC includes professionals who work and reside in Virginia, West Virginia, Maryland, Delaware, and Washington, D.C.; and

WHEREAS, PCACAC is one of 23 regional affiliates of the National Association for College Admission Counseling, an organization of more than 14,000 professionals from around the world dedicated to serving students as they make choices about pursuing postsecondary education; and

WHEREAS, PCACAC believes in and advocates for equal access for all students to higher education opportunities and pursues that advocacy through ethical practices; professional development for counselors in the region; promotion of best practices in the profession; and pursuing active involvement with state, regional, and national political leaders; and

WHEREAS, PCACAC is recognized as a trusted source of knowledge, education, and training in the Potomac and Chesapeake regions, offering an array of contemporary professional development programs to members and prospective members; and

WHEREAS, PCACAC will celebrate its 50th anniversary at its annual professional development conference for its membership on April 19-21, 2015, at the Homestead in Hot Springs; the first annual conference was held in Charlottesville; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Potomac and Chesapeake Association for College Admission Counseling on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Potomac and Chesapeake Association for College Admission Counseling as an expression of the General Assembly's admiration for the organization's contributions and service to students in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 881

*Celebrating the life of M. E. Alford.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, M. E. Alford of Portsmouth, a proud veteran and distinguished educator who dedicated his life to helping students become lifelong learners, died on January 16, 2015; and

WHEREAS, a native of Taylor County, Florida, M. E. "Mike" Alford earned a bachelor's degree from Middle Tennessee State University and became a math and history teacher; and

WHEREAS, joining many of the other young men of his generation, Mike Alford entered the United States Navy during World War II; he graduated from a naval engineering program at the University of Illinois and was stationed aboard the USS *Bannock*; and

WHEREAS, Mike Alford courageously served in several engagements in the Atlantic and Pacific Oceans; he participated in the D-Day landings at Utah Beach and the battles of Okinawa and Iwo Jima, rising to the rank of lieutenant commander; and

WHEREAS, after his honorable military service, Mike Alford earned a master's degree from Vanderbilt University and a doctorate from the University of Virginia; he returned to education as a principal, director of instruction, and assistant superintendent of instruction for Norfolk County elementary and high schools; and

WHEREAS, in 1960, Mike Alford joined the George Peabody College of Vanderbilt University as a professor; he relocated to Portsmouth to become the president of Frederick College and later retired as the superintendent of schools in Portsmouth after a decades-long career in education; and

WHEREAS, Mike Alford volunteered his time and wise leadership to further enhance the community as president of a local Rotary Club and the Ruritan Club of Great Bridge and a member of many other civic and service organizations; he sat on several university boards and was an active member of peer and professional organizations, such as the American Association of School Administrators; and

WHEREAS, Mike Alford earned many awards and accolades for his commitment to students and exceptional service; he was named one of the top 100 executive educators in the United States and Canada in 1984 and named one of the three most distinguished alumni of Middle Tennessee State University in 1986; and

WHEREAS, a man of deep and abiding faith throughout his life, Mike Alford enjoyed fellowship and worship with the congregations of McKendree United Methodist Church, Oak Grove United Methodist Church, and Saint Andrew's United Methodist Church; and

WHEREAS, Mike Alford will be fondly remembered and greatly missed by his wife of 70 years, Eva; son, William, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of M. E. Alford, a veteran, educator, and respected member of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of M. E. Alford as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 882

*Commending Sister Grace Malonzo.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Sister Grace Malonzo was inducted into the Circle of Saints by the Portsmouth Catholic Regional School for her life of good deeds in service to the Portsmouth community and people in need throughout the world; and

WHEREAS, a native of Washington, D.C., Christina Grace Malonzo grew up in Portsmouth and graduated from Saint Paul's High School (now Portsmouth Catholic Regional School); she joined the Daughters of Wisdom, taking her vows in 1960, and later graduated from a nursing program at Maryview Medical Center, where she had volunteered from a young age; and

WHEREAS, in the 1960s, Sister Grace cultivated her passion for missionary work, traveling to Malawi, Central East Africa, Haiti, and the Philippines; she returned to Portsmouth in 1970 and worked at Maryview Medical Center and Naval Medical Center Portsmouth; and

WHEREAS, in 1977, Sister Grace joined the Pastoral Care Department of Maryview Medical Center and later earned a certification as a chaplain from the National Association of Catholic Chaplains; and

WHEREAS, after her well-earned retirement in 2004, Sister Grace continued to serve and comfort members of the community in need; she helps distribute tray favors to patients at Maryview Medical Center and even traveled again to the Philippines in 2010; and

WHEREAS, throughout her life, Sister Grace has brought joy and comfort to the ill and the less fortunate, earning the respect and gratitude of her peers, as well as the individuals whose lives she has touched; and

WHEREAS, Sister Grace was honored by Portsmouth Catholic Regional School and the City of Portsmouth on January 9, 2015, which was proclaimed Sister Grace Malonzo's Service Appreciation Day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sister Grace Malonzo on being inducted into the Circle of Saints by Portsmouth Catholic Regional School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sister Grace Malonzo as an expression of the General Assembly's admiration for her kindness, compassion, and dedicated service to the community.

**HOUSE JOINT RESOLUTION NO. 883***Celebrating the life of Claudia Emerson.*

Agreed to by the House of Delegates, February 23, 2015

Agreed to by the Senate, February 25, 2015

WHEREAS, Claudia Emerson, former Poet Laureate of Virginia and the 2006 winner of the Pulitzer Prize for Poetry, died on December 4, 2014; and

WHEREAS, a native of Chatham, Claudia Emerson managed a used-book store early in her career and was a part-time letter carrier; the scenery on the 86-mile mail route through rural southern Virginia helped inspire her to write poetry; and

WHEREAS, Claudia Emerson was educated at Chatham Hall and received a bachelor's degree from the University of Virginia in 1979; she also studied at the University of North Carolina at Greensboro, where she earned a master's degree; and

WHEREAS, Claudia Emerson taught at the University of Mary Washington starting in 1998; in 2013 she joined the faculty of Virginia Commonwealth University; throughout her time in the classroom, she had a passion and love for teaching and helping her students grow; and

WHEREAS, in 2006, 10 years after publishing her first book of poetry, Claudia Emerson won the Pulitzer Prize for Poetry for *Late Wife*, a collection that examined the complexities of marriage, divorce, and death; and

WHEREAS, Claudia Emerson was named Poet Laureate of Virginia in 2008; she was awarded a Guggenheim Fellowship in 2011 and received fellowships from the Library of Congress, the Virginia Commission for the Arts, and the National Endowment for the Arts; and

WHEREAS, Claudia Emerson is the author of five collections of poetry in addition to *Late Wife*, the last of which is to be published posthumously; she also published works in magazines and journals, including the *New Yorker* and *Poetry* magazine; and

WHEREAS, Claudia Emerson, who was predeceased by her father and brother, is survived by her husband, Kent Ippolito; her mother, Mollie; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Claudia Emerson, former Poet Laureate of Virginia and the 2006 winner of the Pulitzer Prize for Poetry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Claudia Emerson as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 884***Commending the Reverend Dr. Clifton Whitaker, Jr.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Reverend Dr. Clifton Whitaker, Jr., a Richmond native and the longtime and esteemed senior pastor of Grayland Baptist Church, was reared in a spirit-filled home by loving parents; and

WHEREAS, the Reverend Dr. Clifton Whitaker, Jr., attended the Richmond Public Schools and graduated from Armstrong High School; he studied at Virginia Union University before becoming a member of the Richmond Police Department, where he served for 17 years and became the first African American officer promoted to the Detective Division after serving on the force for eight months and one of the first African Americans to receive the Excellence Police Duty Medal; he also was awarded the Medal of Valor and the Dale Carnegie Award for Highest Achievement during his tenure as a law-enforcement officer; and

WHEREAS, after retiring from the Richmond Police Department, the Reverend Dr. Clifton Whitaker, Jr., earned a bachelor of arts degree in English from Virginia Union University; in 1979, he delivered his initial sermon, was licensed to the Gospel ministry, and was ordained as a Baptist minister; in addition, he earned a master of divinity degree and a doctor of divinity degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University and received a doctor of humane letters from Richmond Virginia Seminary; and

WHEREAS, in 1982, the Reverend Dr. Clifton Whitaker, Jr., accepted the call to the pastorate at Grayland Baptist Church, where he has served as senior pastor for 32 years; God's anointing on his pastorate has been evidenced by unprecedented numerical and spiritual growth and successful community outreach services; and

WHEREAS, the Reverend Dr. Clifton Whitaker, Jr., a superb orator, highly sought-after evangelist, and an excellent singer, is a true visionary leader who executes his responsibilities far beyond the restraints of traditionalism; and

WHEREAS, as a part of his ministerial work, the Reverend Dr. Clifton Whitaker, Jr., was recognized as Minister of the Year for three consecutive years by the Ushers Union of Richmond and Vicinity; he completed a class in Chaplaincy with the Richmond Police Department and he was recognized as a "Living Legend" by Grayland Baptist Church, an honor bestowed by the church upon persons throughout the Richmond metropolitan area during the celebration of Black History Month; and

WHEREAS, a member of numerous community and civic organizations and a leader among his fellow clergymen, the Reverend Dr. Clifton Whitaker, Jr., devotes his considerable gifts, talents, and time to the Baptist Ministers' Conference of Richmond and Vicinity, the Richmond Ministers' Union, and the Richmond Committee of Ecumenical Clergy; he has served as president of the National Christian Education Convention, past president of the Division of Clergy of the Baptist General Convention of Virginia, is a former member of the Bethlehem Senior Center board of directors and former dean of academics at the Richmond Virginia Seminary, and belongs to E9, an organization of retired Richmond police and firefighters; and

WHEREAS, an avid reader and fisherman, the Reverend Dr. Clifton Whitaker, Jr., also loves traveling and devoting time to community service, and his plans for retirement include relaxation, spending time with family, and thriving physically and spiritually by immersing himself in the Word, preaching the Gospel, and authoring a book; and

WHEREAS, the Reverend Dr. Clifton Whitaker, Jr., a gifted man of God, whose favorite scripture is "Trust in the Lord with all your heart, And lean not on your own understanding; In all your ways acknowledge Him, And He shall direct your paths," Proverbs 3:5-6, has hidden the Word in his heart and this scripture illuminates his path and understanding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Clifton Whitaker, Jr., upon his retirement as senior pastor from Grayland Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Clifton Whitaker, Jr., as an expression of the General Assembly's gratitude for his exemplary service to the Grayland Baptist Church and the Richmond metropolitan community and best wishes in his future endeavors.

### HOUSE JOINT RESOLUTION NO. 885

*Commending the Faith Baptist School ladies' basketball program.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Faith Baptist School ladies' basketball program has won four Old Dominion Association of Church Schools varsity state championships and two junior varsity state championships between 2009 and 2014; and

WHEREAS, during the 2009-2010 season, the Faith Baptist School varsity team finished with a 14-1 record and defeated Valley Baptist Christian School to claim the state title; Brittany Burton and Brooke Morgan were named to the all-tournament team; and

WHEREAS, in the 2010-2011 season the Faith Baptist School varsity team finished with a perfect 14-0 record and defeated the team from Fairfax Baptist Temple Academy in the state final; Brittany Burton and AshLynn Morgan were named to the all-tournament team; and

WHEREAS, in the 2011-2012 season, the Faith Baptist School junior varsity team carried on the program's tradition of excellence, winning the state final against Fairfax Baptist Temple Academy; and

WHEREAS, the Faith Baptist School varsity team returned to form during the 2012-2013 season, finishing with a 20-0 record and defeating Leesburg Christian School in the state final; Emily Conroe was named most valuable player and Brook Morgan was named to the all-tournament team; and

WHEREAS, both the Faith Baptist School varsity and junior varsity teams experienced success during the 2013-2014 season; the varsity team finished 12-6 and defeated Heritage Christian School in the state final and the junior varsity team defeated Heritage Christian School to win the state championship; Emily Conroe was named most valuable player and AshLynn Morgan was named to the all-tournament team; and

WHEREAS, the program's success is a testament to the skill and determination of the athletes, the able leadership of the coaches and staff—Mark Morgan, Brandon Burton, Barclay Sale, and Stephanie Forrester—and the enthusiastic support of the entire Faith Baptist School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Faith Baptist School ladies' basketball program on winning four Old Dominion Association of Church Schools varsity state championships and two junior varsity state championships in five years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Faith Baptist School ladies' basketball program as an expression of the teams' hard work and exceptional achievements.

### HOUSE JOINT RESOLUTION NO. 886

*Commending Charles E. Jett.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Charles E. Jett, who has served with distinction as Sheriff of Stafford County since 2000 and has worked for the Stafford County Sheriff's Office for 30 years, will retire in 2015; and

WHEREAS, Charles Jett's career with the Stafford County Sheriff's Office began when he was 19; he served in various capacities, including work in field operations and criminal investigations; in 1991, he was promoted to captain in charge of field operations, and in 1999, he was elected sheriff; and

WHEREAS, as the head of Stafford County's primary law-enforcement service, Charles Jett supervises a dedicated staff of more than 240 people in one of the fastest-growing counties in the Commonwealth; and

WHEREAS, Charles Jett readily admits that the opportunity to work with the courageous, selfless, and dedicated people who make up the Stafford County Sheriff's Office has been the highlight of his career; he is extremely proud of the service the department has provided to the citizens of Stafford County; and

WHEREAS, Charles Jett is a graduate of the FBI National Academy, 187th Session; he has held many leadership positions in his law-enforcement career, including serving as chair of the Virginia Law Enforcement Professional Standards Commission, chair of the Criminal Justice Services Board, and is a former state chair of Special Olympics Virginia; and

WHEREAS, additionally, Charles Jett has served on the National Sheriffs' Association Traffic Safety Committee and the Virginia Law Enforcement Executive Advisory Committee on Crime Prevention, and he has been a member—and past president—of the Virginia Sheriffs' Association; and

WHEREAS, Charles Jett was an inaugural member of the Virginia Commonwealth University Public Safety Institute and is vice chair of the Rappahannock Regional Jail Authority; he also has served on several committees of the International Association of Chiefs of Police and is a member of the advisory board of the Greater Fredericksburg Habitat for Humanity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles E. Jett, Sheriff of Stafford County since 2000, on the occasion of his retirement in 2015 and for his tireless work to protect and serve the residents of Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles E. Jett as an expression of the General Assembly's respect and admiration for his many years of service on behalf of the people of Stafford County and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 887

*Celebrating the life of the Honorable John Brooks Curry II.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Honorable John Brooks Curry II, a former chief judge of the 25th Judicial District of Virginia and a tireless community leader and volunteer in Waynesboro, died on February 1, 2015; and

WHEREAS, a lifelong resident of Waynesboro, John Curry graduated from Waynesboro High School and attended Bridgewater College before earning a bachelor's degree from Virginia Commonwealth University; and

WHEREAS, John Curry earned a law degree from Memphis State University, where he was president of the student bar association, then returned to Virginia to practice civil and criminal law, becoming an attorney for Clifton Forge and Covington and serving as an Assistant Commonwealth's Attorney; and

WHEREAS, in 1980, John Curry became a judge of the Juvenile and Domestic Relations District Court of the 25th Judicial District of Virginia; he presided with great fairness and wisdom for 23 years, including six years as a chief judge of the 25th Judicial District of Virginia, until his retirement in 2003; and

WHEREAS, John Curry was a strong advocate for young people in Waynesboro, Staunton, and Augusta County, striving to make the region a better place to live for children and families throughout his career; and

WHEREAS, working to enhance the quality of life of his fellow Waynesboro residents, John Curry served as president of the Waynesboro Rotary Club and was a member of the Stonewall Jackson Boy Scout Council and numerous other civic and service organizations; and

WHEREAS, John Curry was also an active member and supporter of the local YMCA, and he supported the arts as capital committee chair for the Wayne Theatre Alliance, helping to raise more than \$4 million for the alliance since 2007; and

WHEREAS, John Curry has most recently served the community as the founder and president of Blue Ridge Mediation, and he mentored student mediators as a mock trial judge at the University of Virginia; and

WHEREAS, a man of great integrity, John Curry served the Commonwealth and the community with the utmost professionalism, dedication, and distinction; he will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable John Brooks Curry II, a former chief judge of the 25th Judicial District of Virginia and a pillar of the Waynesboro community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable John Brooks Curry II as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 888**

*Commending the Children's Cardiomyopathy Foundation.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the Children's Cardiomyopathy Foundation supports Virginia families by educating the public about the signs, symptoms, and risk factors of cardiomyopathy and providing information and resources to help identify at-risk children and their family members; and

WHEREAS, the goal of the Children's Cardiomyopathy Foundation is to properly diagnose and treat more children with cardiomyopathy to improve their outcomes and prevent premature deaths; and

WHEREAS, cardiomyopathy is a chronic and sometimes progressive disease in which the heart muscle is abnormally enlarged, thickened, or stiffened, affecting its ability to pump blood through the body; and

WHEREAS, in advanced stages of the disease, irregular heartbeats (arrhythmia) and heart failure may occur; and

WHEREAS, cardiomyopathy is a potentially life-threatening disease and is the leading cause of sudden cardiac arrest (SCA) among young people; and

WHEREAS, SCA is a significant cause of death in the United States, claiming more than 295,000 lives per year; it is the number one cause of death on school property among young athletes; and

WHEREAS, only five percent of those who fall victim to SCA survive; however, death can be prevented if a heart condition like cardiomyopathy is detected early and treated appropriately; and

WHEREAS, having an automatic external defibrillator (AED) available and accessible is also critical to saving lives when SCA strikes unexpectedly; and

WHEREAS, February is designated nationally as Heart Month to raise awareness of cardiomyopathy and other heart conditions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Children's Cardiomyopathy Foundation for its advocacy and education on issues affecting children with cardiomyopathy within the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Children's Cardiomyopathy Foundation as an expression of the General Assembly's admiration for the organization's dedication to children and families with cardiomyopathy.

**HOUSE JOINT RESOLUTION NO. 889**

*Celebrating the life of Sara Jean Dobie Collins.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Sara Jean Dobie Collins, a respected historian and a beloved member of the Arlington County community, died on December 3, 2014; and

WHEREAS, Sara Collins earned a bachelor's degree from Albion College and a master's degree in library science from the Catholic University of America; and

WHEREAS, a longtime resident of Arlington County, Sara Collins enjoyed a long and distinguished career with the Arlington County Public Library, where she developed the local history collection and helped establish the Arlington Community Archives; and

WHEREAS, Sara Collins also conceived an oral history program at the Center for Local History; the program continues to provide researchers and fellow historians with unique information unavailable from other sources; and

WHEREAS, deeply respected in her field, Sara Collins offered her expertise to local museums and was a member of several peer and professional organizations at the local, state, and national levels; and

WHEREAS, Sara Collins shared her wealth of historical knowledge freely by publishing numerous articles and hosting workshops and seminars; in 1997, she received the Pogue Award from Oral History in the Mid-Atlantic Region for her contributions to the field of oral history; and

WHEREAS, Sara Collins enjoyed fellowship and worship with the community as an active member of Arlington United Methodist Church; she served as the church librarian, played violin in the orchestra, and had led the church's 150th anniversary celebration; and

WHEREAS, Sara Collins will be fondly remembered and greatly missed by her children, Catherine and Kyle, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sara Jean Dobie Collins, a respected historian and beloved member of the Arlington County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Center for Local History at Arlington Public Library as an expression of the General Assembly's respect for Sara Jean Dobie Collins' memory.

### HOUSE JOINT RESOLUTION NO. 890

*Commending Drew Model Elementary School.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015, Drew Model Elementary School in Arlington County celebrates 70 years of helping students build a strong foundation for lifelong learning; and

WHEREAS, Drew Model Elementary School, which is on South 23rd Street in Arlington's Nauck/Green Valley neighborhood, honors the heritage of the Lomax Church school that opened in 1875 for African American pupils; and

WHEREAS, the school was called Kemper Annex when it opened in 1945 to educate African American students; it was renamed in 1951 for Dr. Charles Drew, a pioneer in the field of blood plasma research, who was the first African American to earn a doctor of science in medicine degree; and

WHEREAS, in 1951, Drew Model Elementary School also completed an addition to better serve the growing student body; with the end of segregated schools in 1971, it became a model county-wide magnet school; and

WHEREAS, the current school building opened in the early 2000s, and the earlier facility was demolished; today, Drew Model Elementary School offers two instructional programs, traditional graded classes for preschool through fifth-grade students, and a multi-age Montessori program for ages 3-11; and

WHEREAS, as a neighborhood county-wide elementary school, Drew Model Elementary School is proud of its experienced and dedicated faculty and staff; the school also boasts an active parent-teacher association, and classroom volunteers assist throughout the year; and

WHEREAS, Drew Model Elementary School stresses academics, appreciation, accountability, and the arts; its "four As" approach is integrated into both of its instructional programs; the school is proud of its Changing Education Through the Arts partnership with the John F. Kennedy Center for the Performing Arts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Drew Model Elementary School in Arlington County on the occasion of its 70th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darryl Evans, principal of Drew Model Elementary School, as an expression of the General Assembly's congratulations and admiration for its proud history and for its unwavering mission to educate the children of Arlington County.

### HOUSE JOINT RESOLUTION NO. 891

*Commending Nancy Pool.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Nancy Pool, the longtime president of the Halifax County Chamber of Commerce, retires on March 31, 2015, after 35 years of service to the residents and businesses of Halifax County; and

WHEREAS, Nancy Pool began her long and fulfilling career with the Halifax County Chamber of Commerce in 1980 as administrative assistant to the part-time executive director; and

WHEREAS, distinguishing herself by her hard work and leadership abilities, Nancy Pool became executive director in 1983 and guided the chamber through a period of growth and transition; and

WHEREAS, during Nancy Pool's tenure, the Halifax County Chamber of Commerce experienced a significant growth in membership and helped create leadership and advocacy groups in Halifax County; she also offered her wisdom and expertise to the Halifax County Chamber of Commerce Senior Executive Roundtable; and

WHEREAS, under Nancy Pool's leadership, the Halifax County Chamber of Commerce earned accreditation through the United States Chamber of Commerce, created the Virginia Cantaloupe Festival, established the Route 501 Coalition, and hosted networking events and opportunities for members; and

WHEREAS, in 2004, Nancy Pool participated in the Vision 20/20 process, when the Halifax County Chamber of Commerce organized business and community leaders to develop a vision for future growth; she was also instrumental in promoting tourism in the region; and

WHEREAS, Nancy Pool promoted business and responsible growth at the state and national levels, serving as a member of the Virginia Chamber of Commerce board and as a member and chair of the United States Chamber of Commerce Institute for Organizational Management Board of Regents; and

WHEREAS, Nancy Pool and her coworkers will celebrate her achievements and contributions to the region at the 60th annual meeting of the Halifax County Chamber of Commerce on March 10, 2015; and

WHEREAS, after her well-earned retirement, Nancy Pool will seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nancy Pool on the occasion of her retirement as president of the Halifax County Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Pool as an expression of the General Assembly's admiration for her work to represent the best interests of the residents and businesses of Halifax County.

### HOUSE JOINT RESOLUTION NO. 892

*Celebrating the life of Robert Fielding Cage.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Robert Fielding Cage of Halifax County, a man of remarkable talents, who was a sculptor, painter, world champion tobacco auctioneer, expert tennis player, and a devoted husband and father, died on November 19, 2014; and

WHEREAS, Robert "Bob" Fielding Cage, a native of Charlotte County, lived in Halifax County for most of his life; he served in the United States military during World War II and after the war, he taught himself to be a tobacco auctioneer, soon becoming one of the most sought-after auctioneers in the region; and

WHEREAS, Bob Cage's tobacco chants were hypnotizing and legendary; he embraced his trade and worked at tobacco auctions throughout the South, and also in Rhodesia, which is now Zimbabwe; he won several auctioneering contests, and also displayed his tobacco chanting talent later in life at the Smithsonian Folklife Festival held on the National Mall; and

WHEREAS, locally, Bob Cage was known for the sculpture garden he created on 10 acres in South Boston; Bob's Sculpture Farm features dozens of his creations, mostly large metal artworks in various styles, constructed of steel and scrap metal; and

WHEREAS, in his artistic endeavors, Bob Cage never hesitated to push himself and try new things; he was a well-regarded painter whose sculptures and paintings have been displayed in museums, galleries, and private collections; additionally, he was a nationally ranked tennis player; and

WHEREAS, as a careful steward of the land, Bob Cage worked to keep the area attractive for future generations; he favored Halifax County's rural atmosphere and enjoyed working on his land and strove to leave the world a more beautiful place; and

WHEREAS, Bob Cage, who was predeceased by a daughter, Dani, will be greatly missed and fondly remembered by his wife, Sandy; his children, Robin, Barbara, and Fielding, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Fielding Cage of Halifax County, a sculptor, painter, world champion tobacco auctioneer, and expert tennis player who was a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Fielding Cage as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 893

*Commending Bethany College.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Bethany College, located in Brooke County, West Virginia, which traces its roots to the Buffalo Seminary early in the 19th century, was chartered by the Commonwealth of Virginia as a four-year liberal arts college on March 2, 1840, and was recognized as a college by the new state of West Virginia in 1863, making it the oldest college in the state of West Virginia; and

WHEREAS, Alexander Campbell, one of the principal founders of the Christian Church (Disciples of Christ) in the United States, established Bethany College for the instruction of youth in science, literature, the arts, and foreign languages, and Bethany College retains its historic affiliation with the Christian Church; and

WHEREAS, Bethany College has provided its students with an excellent education to prepare them for service in myriad careers, including law (Thomas Buergenthal, retired judge, International Court of Justice, the Hague); medicine (Dr. John Niederhuber, former director of the National Cancer Institute and currently chief executive officer, Inova Translational Medicine Institute); business (Gregory B. Jordan, executive vice president and general counsel, PNC, and Robert J. McCann, chief executive officer, The Americas UBS); and community service (Dr. Arthur B. Keys, Jr., former chief executive officer of International Relief and Development); and

WHEREAS, other notable alumni of Bethany College include broadcasters Dave Sims of the Seattle Mariners, Faith Daniels, and Bob Orr, and Academy Award-winning actress Frances McDormand, among many others in various fields and professions; and

WHEREAS, Bethany College has benefited from many talented faculty members, including Amos Emerson Dolbear, the American physicist and inventor, who invented the electrostatic telephone while serving on the faculty at Bethany College in 1868 and had previously invented the first permanent magnet and metallic diaphragm for the telephone receiver; and

WHEREAS, Bethany College has benefited from excellent lay leaders through the years, including United States President James A. Garfield, who served on the Bethany College board of trustees from 1866 to 1881; and

WHEREAS, in addition to President Garfield, four other United States presidents have visited the Bethany College campus, namely John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and Gerald Ford; and

WHEREAS, since 1840, when Alexander Campbell became the first president of Bethany College, only 19 individuals have served as president, with Scott D. Miller now serving in that position; the late Governor of West Virginia, Cecil Underwood, served as Bethany College's 13th president, from 1972 to 1975; and

WHEREAS, Bethany College first admitted female students in 1877 and has upheld its commitment to provide a quality liberal arts education to students from West Virginia and 27 other states, the District of Columbia, Puerto Rico, and nine countries, serving its students as the only national liberal arts college in West Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bethany College on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott D. Miller, president of Bethany College, as an expression of the General Assembly's admiration for the college's storied history and its outstanding leadership, scholarship, and service to the State of West Virginia and the nation.

### HOUSE JOINT RESOLUTION NO. 894

*Commending Scott M. Hamberger.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Scott M. Hamberger, co-president and chief executive officer of Integrus Holdings, Inc., helped found an upscale consumer tableware company that has grown to become a global leader in commercial foodservice and fine-quality consumer tableware; and

WHEREAS, Scott Hamberger and his brother, Eric, started what today is called Fortessa Tableware Solutions, LLC, which is part of Integrus Holdings, Inc.; over the years, the brothers built the Loudoun County company into a well-regarded innovator in the design, manufacture, and distribution of fine quality tableware; and

WHEREAS, Integrus Holdings' core values are loyalty, integrity, leadership, and innovation; the company cultivates long-term relationships with its corporate customers and focuses on delivering high-quality products that meet the exacting standards of the foodservice industry; and

WHEREAS, Scott Hamberger is an avid and passionate entrepreneur committed to best business practices; under his leadership, Fortessa Tableware Solutions now serves the global foodservice market and also has a growing share of the high-end consumer market; and

WHEREAS, Fortessa Tableware Solutions is headquartered in Sterling, and Scott Hamberger helped chart the company's expansion into Canada, Europe, and Asia; he also established the only free trade zone for international commerce in the Dulles District; and

WHEREAS, Scott Hamberger heads Fortessa Tableware Solutions' development, business processes, marketing, and growth strategy; he has successfully led the company as the industry has changed, establishing the company as an industry leader; and

WHEREAS, under Scott Hamberger's leadership, Fortessa Tableware Solutions diversified to serve many areas of the commercial foodservice industry, the online and retail consumer market, retail outlets, and the rental market; and

WHEREAS, Scott Hamberger has overseen Integrus Holdings' strong growth, and the enterprise now includes Sterling Restaurant Supply and Rental Resource Partners, which serves the catering and rental markets; and

WHEREAS, Scott Hamberger, who is a graduate of Georgetown University, is past chair of the Loudoun County Chamber of Commerce and the Loudoun County CEO Cabinet; he also serves on the boards of Marymount University and Inova Loudoun Hospital and is a member of the Loudoun County Government Reform Commission; and

WHEREAS, Scott Hamberger stays in the forefront of the foodservice industry; Fortessa Tableware Solutions is a founding sponsor of Farm-to-Fork Loudoun, which encourages restaurants to buy fresh ingredients from local sources, and the company also has partnered with the United States Healthful Foods Council to promote healthier eating habits; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Scott M. Hamberger, co-president and chief executive officer of Integrus Holdings, Inc., for his vision and business expertise; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott M. Hamberger as an expression of the General Assembly's respect and admiration for his leadership and success.

### HOUSE JOINT RESOLUTION NO. 895

*Commending the Loudoun County Chamber of Commerce.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, in 2015, the Loudoun County Chamber of Commerce proudly celebrates 47 years of support and advocacy for local businesses and work to enhance the quality of life in one of the nation's most vibrant and fastest growing counties; and

WHEREAS, comprising of more than 1,300 businesses, enterprises, civic organizations, nonprofits, educational institutions, and individuals, the Loudoun County Chamber of Commerce is one of the largest chambers in the Washington, D.C., metropolitan area; it serves as the voice of the business community and promotes economic advancement in the region; and

WHEREAS, founded in 1968, the Loudoun County Chamber of Commerce has been a driving force in the growth and responsible development of Loudoun County, under the able direction of respected community leaders from a variety of industries; and

WHEREAS, throughout its long history, the Loudoun County Chamber of Commerce has worked to bring new businesses and industries to the area, encourage growth and development of existing businesses and institutions, and improve transportation systems and infrastructure; and

WHEREAS, the Loudoun County Chamber of Commerce supports local initiatives by promoting volunteer work and strives to maintain a balance of business, agriculture, industry, and tourism to ensure that Loudoun County remains an outstanding place to live and work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Chamber of Commerce for 47 years of service to the residents and businesses of Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Chamber of Commerce as an expression of the General Assembly's admiration for its role in creating and promoting a world-class quality of life in Loudoun County.

### HOUSE JOINT RESOLUTION NO. 896

*Celebrating the life of the Honorable William Eldridge Frenzel.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Honorable William Eldridge Frenzel of McLean, a trade policy expert and public servant who ably represented the residents of Minnesota's Third District in the United States House of Representatives, died on November 17, 2014; and

WHEREAS, a native of St. Paul, Minnesota, William "Bill" Eldridge Frenzel graduated from Dartmouth College and served his country as a lieutenant in the United States Navy Reserve during the Korean War; and

WHEREAS, a respected businessman, Bill Frenzel was the president of Minneapolis Terminal Warehouse Company and served in the Minnesota House of Representatives; desirous to be of further service to his home state and country, he ran for and was elected to the United States House of Representatives in 1970; and

WHEREAS, Bill Frenzel faithfully represented the residents of Minnesota's Third District from 1971 to 1991; he supported fiscal responsibility as a member of the House Committee on Ways and Means and as the ranking Republican on the House budget panel in 1989 and 1990; and

WHEREAS, supporting and sponsoring many important pieces of legislation during his tenure, Bill Frenzel worked with colleagues in both parties to build mutual respect and foster bipartisan cooperation for the good of the nation; and

WHEREAS, after retiring from public service, Bill Frenzel joined the Brookings Institution; over the next 23 years, he was a trusted advisor to Presidents William J. Clinton on the North American Free Trade Agreement, George W. Bush on tax reform, and Barack H. Obama on trade negotiations and policy; and

WHEREAS, Bill Frenzel offered his leadership, wisdom, and expertise to several civic organizations and committees, including as a cochair of the Committee for a Responsible Federal Budget, where he was admired for his leadership and commitment to building a strong future for the nation; and

WHEREAS, Bill Frenzel served as president of the U.S.-Japan Business Council, and he received the Emperor of Japan's Order of the Chrysanthemum; he also founded the International Tax and Investment Center to assist emerging market economies in Central Asia and the Middle East and develop transparent tax and trade policies to enhance trust in government and fight global corruption; and

WHEREAS, a man of great integrity, Bill Frenzel was a trusted mentor and devoted friend to countless fellow public servants and government officials; he served the United States, Minnesota, and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, Bill Frenzel will be greatly missed and fondly remembered by his wife, Ruthy; daughters, Deborah, Pamela, and Mitty, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Eldridge Frenzel, a dedicated public servant and a respected member of the McLean community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William Eldridge Frenzel as an expression of the General Assembly's respect for his memory.

### **HOUSE JOINT RESOLUTION NO. 897**

*Celebrating the life of the Honorable Julia Taylor Cannon.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Honorable Julia Taylor Cannon of Lincoln, a retired chief judge of the Loudoun General District Court, died on October 16, 2014; and

WHEREAS, a native of Lincoln, Julia Cannon earned a bachelor's degree from what was then known as Randolph-Macon Woman's College and a law degree from the University of Virginia; and

WHEREAS, Julia Cannon followed in the footsteps of her parents to become a passionate advocate for civil rights and a champion for justice; she practiced law in the region for several years and served as a county attorney; and

WHEREAS, appointed as a judge of the Loudoun General District Court of the 20th Judicial District of Virginia in 1992, Julia Cannon presided over the court with great fairness and wisdom and was selected to serve as chief judge; and

WHEREAS, after her well-earned retirement in 2012, Julia Cannon continued to serve the community as a substitute judge for the Loudoun General District Court; and

WHEREAS, a woman of great integrity, Julia Cannon served Loudoun County and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, Julia Cannon will be fondly remembered and greatly missed by her husband, Thomas; daughters, Jessica and Johanna; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Julia Taylor Cannon, a retired chief judge of the Loudoun General District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Julia Taylor Cannon as an expression of the General Assembly's respect for her memory.

### **HOUSE JOINT RESOLUTION NO. 898**

*Celebrating the life of Robert J. Zoldos.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Robert J. Zoldos of Leesburg, a volunteer firefighter, public servant, and expert in the field of aviation, died on February 7, 2015; and

WHEREAS, a native of Carmichaels, Pennsylvania, Robert "Bob" J. Zoldos attended Waynesburg University and graduated from Shepherd University; and

WHEREAS, Bob Zoldos began his career in aviation as an air traffic controller with the Federal Aviation Administration in 1968; he served as the deputy chief of the Dulles Airport tower and offered his expertise as a consultant to flight traffic and aviation companies; and

WHEREAS, Bob Zoldos dedicated much of his life to serving others, and he had courageously safeguarded the lives and property of his fellow residents as a life member of the Leesburg Volunteer Fire Company, where he served as treasurer, assistant chief, president, and fire chief; and

WHEREAS, deeply respected among his peers, Bob Zoldos was a member of the Loudoun County Fire and Rescue Association and mentored other first responders as a Virginia State Fire Instructor; and

WHEREAS, desirous to be of further service to the community, Bob Zoldos ran for and was elected to the Leesburg Town Council, where he served for eight years and was a valued member of many committees and commissions; and

WHEREAS, Bob Zoldos supported the youth of the community as a coach, manager, umpire, and former president of Central Loudoun Little League, and he was active with Central Loudoun Pee-Wee League; and

WHEREAS, Bob Zoldos will be fondly remembered and greatly missed by his wife, Kay; children, Robert II and Thomas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert J. Zoldos, a firefighter, public servant, and aviation expert; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert J. Zoldos as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 899

*Commending Milton J. Herd.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Milton J. Herd of Leesburg, the founder and owner of Herd Planning & Design, who has contributed to successful urban planning initiatives throughout the Commonwealth, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it also provides leadership in the areas of ethics, professional development, and standards of practice in city planning; and

WHEREAS, Milton Herd was named a Fellow of the AICP for his contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, over the course of his distinguished 30-year career, Milton Herd has prepared plans, ordinances, and special studies for dozens of localities throughout the Commonwealth and consulted with almost half the counties and cities in Virginia on urban planning; and

WHEREAS, Milton Herd's innovative plans have received many awards and accolades, including the Loudoun County General Plan, which received the 1991 National Planning Award from the American Planning Association; and

WHEREAS, Milton Herd has strengthened and enhanced countless communities through his planning programs, and he is an active volunteer and civic servant who freely shares his knowledge and experience on city planning with others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Milton J. Herd on his selection as a Fellow of the American Institute of Certified Planners in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Milton J. Herd as an expression of the General Assembly's admiration for his contributions to the Commonwealth and leadership in the planning field.

### HOUSE JOINT RESOLUTION NO. 900

*Commending Robert T. Williamson.*

Agreed to by the House of Delegates, February 24, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Robert T. Williamson, a faithful public servant and law-enforcement officer, retires as Sheriff of Frederick County in December 2015, after more than four decades of service; and

WHEREAS, Robert Williamson began his career in law enforcement in the early 1970s as a jailer in Frederick County; he later transferred to the Frederick County Sheriff's Office, where he rose through the ranks and held numerous leadership positions; and

WHEREAS, first elected sheriff in 1992, Robert Williamson has served for six terms and led the department into the 21st century, adapting to many changes in technology and procedures; and

WHEREAS, during his tenure as sheriff, Robert Williamson has ensured that his officers receive the best equipment and training and uphold their mission to serve and protect members of the public; and

WHEREAS, earning a reputation for fairness and honesty, Robert Williamson has been a trusted mentor to countless young law-enforcement officers; and

WHEREAS, after his well-earned retirement, Robert Williamson plans to spend more time with his family and seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert T. Williamson on the occasion of his retirement as Sheriff of Frederick County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert T. Williamson as an expression of the General Assembly's admiration for his service and contributions to the Frederick County community.

**HOUSE JOINT RESOLUTION NO. 901**

*Commending the Inn at Little Washington.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015, the Inn at Little Washington received its 25th consecutive five-star rating from *Forbes Travel Guide* for its restaurant and its 24th consecutive five-star rating for its guest rooms; and

WHEREAS, opened by Patrick O'Connell in 1978 in the historic Town of Washington, the Inn at Little Washington offers a peaceful getaway and delightful cuisine in a refined setting; and

WHEREAS, offering guests imaginative dishes paired with selections from an award-winning wine cellar in an intimate 30-table dining room, the restaurant at the Inn at Little Washington has been called one of the best dining experiences in the United States and Europe; and

WHEREAS, the restaurant at the Inn at Little Washington is the only restaurant in the Commonwealth and one of only 55 in the United States to earn the five-star award; with its 25th consecutive award, it became the longest-running Forbes five-star restaurant in the world; and

WHEREAS, the luxuriously appointed rooms at the Inn at Little Washington feature the finest imported furnishings; the Inn was one of only three hotels in the Commonwealth to receive the coveted five-star rating; and

WHEREAS, the Inn at Little Washington contributes to the Commonwealth's proud reputation as one of the world's premier destinations for travel and fine dining; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Inn at Little Washington on receiving a five-star rating for its restaurant and a five-star rating for its guest rooms from *Forbes Travel Guide*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Inn at Little Washington as an expression of the General Assembly's admiration for the Inn's long tradition of excellent service to its guests and contributions to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 902**

*Commending Walnut Hills Baptist Church.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, in 2014, Walnut Hills Baptist Church celebrated 50 years of service to the community through uplifting worship services, valued ministries, and generous outreach programs; and

WHEREAS, Walnut Hills Baptist Church was first envisioned when a College of William and Mary student solicited support for a Baptist church near campus that would support a student ministry program; and

WHEREAS, with the support of two nearby churches, Walnut Hills Baptist Church was established in 1963 as Jamestown Road Baptist Church with 18 charter members; the church held its first worship service in May with 41 members; and

WHEREAS, the Reverend Edgar J. Burkholder became the first full-time pastor of Walnut Hills Baptist Church in 1964, and under his leadership, the church joined the Southern Baptist Convention in September of that year; and

WHEREAS, after a church split in 1968, the Walnut Hills Baptist Church congregation continued to meet in Rawls Byrd Elementary School until a new building on Jamestown Road was constructed in 1969; and

WHEREAS, over the next several years, Walnut Hills Baptist Church continued to grow and flourish, adding an education building in 1976, a new sanctuary in 1987, a preschool learning center in 1991, and Sunday school rooms in 1996; and

WHEREAS, between 1996 and 1998, Walnut Hills Baptist Church added three full-time positions—Minister of Music, Minister of Education, and Minister of Youth and Children—to better serve and support the growing congregation; and

WHEREAS, in 2001, Walnut Hills Baptist Church modified its denomination to identify with the Baptist General Association of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Walnut Hills Baptist Church on the occasion of its 50th anniversary in 2013; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Tony Neal, pastor of Walnut Hills Baptist Church, as an expression of the General Assembly's admiration for the church's proud tradition of spiritual leadership of and service to the Williamsburg community.

**HOUSE JOINT RESOLUTION NO. 903**

*Commending Jim Golden.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Jim Golden, a dedicated educator, decorated veteran, and respected businessman, retired as the vice president for strategic initiatives at The College of William and Mary in 2014; and

WHEREAS, after graduating fourth in his class from the United States Military Academy at West Point, Jim Golden earned a master's degree and doctorate from Harvard University; he served his country during the Vietnam War as an artillery commander; and

WHEREAS, mentoring a new generation of military leaders, Jim Golden served as a professor and the head of the Department of Social Sciences at the United States Military Academy at West Point for seven years, including a year as a Fulbright Professor in Germany; and

WHEREAS, Jim Golden also served several United States presidents as a member of the Council of Economic Advisors; he retired from the army as a brigadier general after a distinguished 31-year military career, then served as executive director of corporate technology and innovation and executive assistant to the chair and chief executive officer at Tenneco, Inc.; and

WHEREAS, Jim Golden joined The College of William and Mary in 1999 as director, then associate vice president of economic development and corporate affairs; in 2008, he took on the newly created mantle of vice president for strategic initiatives; and

WHEREAS, during his tenure at The College of William and Mary, Jim Golden played a critical role in numerous projects, including development of a strategic planning process, reorganization of campus communications, establishment of the Technology and Business Center, creation of the VIMS-Industry Partnership Committee, coordination of the New Town development, creation of the William and Mary Real Estate Foundation, and planning for Tribe Square; and

WHEREAS, Jim Golden has also worked to enhance the quality of life of Williamsburg residents as the chair of the Greater Williamsburg Chamber and Tourism Alliance and treasurer of the Williamsburg Health Foundation; and

WHEREAS, after his well-earned retirement, Jim Golden will continue to serve The College of William and Mary as a senior counselor to the president and coordinate training initiatives through the United States Army's Training and Doctrine Command; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jim Golden on the occasion of his retirement as vice president for strategic initiatives at The College of William and Mary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Golden as an expression of the General Assembly's admiration for his many contributions to The College of William and Mary community and service to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 904**

*Celebrating the life of Clarence Harvey Byler.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Clarence Harvey Byler of Virginia Beach, who developed the city's Larkspur neighborhood and other residential and commercial projects, a proud veteran of the United States military, an active member of several community organizations, and a devoted father and grandfather, died on January 5, 2015; and

WHEREAS, Clarence "Curly" Harvey Byler was born in Burton, Ohio, and was a teenager when his family moved to Princess Anne County, which is now part of the City of Virginia Beach; he came from a humble and hard-working background and proudly served in the United States Air Force; and

WHEREAS, Curly Byler, who became one of the top developers in Virginia Beach, developed the city's Larkspur neighborhood; he named many of the streets after famous golfers because a golf course recently had been built close by, and a main thoroughfare was named in honor of a friend who became his business attorney; and

WHEREAS, giving back to the community was important to Curly Byler; he was a member of the Khedive Temple Lodge; he had served as captain of the motor patrol and was president and a longtime member of the International Association of Shrine Motor Corps; and

WHEREAS, highly regarded by all who knew him, Curly Byler, who remained an avid pilot for almost his entire life, also served the Commonwealth as a member of the Virginia Aviation Board; and

WHEREAS, Curly Byler, who is remembered by many people for his good deeds, will be greatly missed by his children, Kathryn, Gary, and David, and their families, including their mother, Virginia; and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clarence Harvey Byler of Virginia Beach, developer of the city's Larkspur neighborhood and other

residential and commercial projects, a proud veteran of the United States military, a member of several community organizations, and a devoted father and grandfather; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clarence Harvey Byler as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 905

*Commending Fred M. Lynn Middle School.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, during the 2014-2015 academic year, Fred M. Lynn Middle School in Prince William County celebrates 50 years of giving students the tools and support to cultivate a passion for lifelong learning; and

WHEREAS, opened in 1963 under principal Margaret Keister and dedicated in October 1964, Fred M. Lynn Middle School is named for Fred M. Lynn, a respected community leader and 37-year member of the Prince William County School Board; and

WHEREAS, Fred M. Lynn Middle School serves more than 1,000 students in sixth through eighth grade with an outstanding curriculum and many student organizations, activities, and athletic programs; and

WHEREAS, Fred M. Lynn Middle School proudly offers a foreign language program that allows students to earn high school credits in French or Spanish; and

WHEREAS, Fred M. Lynn Middle School has enjoyed five decades of success due to the dedication of its faculty and staff members, the hard work of its student body, and the support of the Prince William County community; and

WHEREAS, Fred M. Lynn Middle School will commemorate its 50th anniversary at a special ceremony on March 20, 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fred M. Lynn Middle School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jorge Neves, principal of Fred M. Lynn Middle School, as an expression of the General Assembly's admiration for the school's dedication to its students and service to the Prince William County community.

### HOUSE JOINT RESOLUTION NO. 906

*Celebrating the life of Sherwood Tyrone White.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Sherwood Tyrone White was born on August 5, 1954, in Richmond, and was called from labor to reward on February 6, 2015; and

WHEREAS, Sherwood Tyrone White attended Henrico County Public Schools and graduated from Highland Springs High School; he later earned an associate degree in applied sciences at J. Sergeant Reynolds Community College, where he received National Honor Society recognition, served as president of the Human Services Club and the Student Government Association, and led other organizations; and

WHEREAS, Sherwood Tyrone White continued his education at the University of Virginia, where he graduated summa cum laude with a bachelor's degree in urban planning; and

WHEREAS, while a student at the University of Virginia, Sherwood Tyrone White was a member of the Black Voices Gospel Choir and a dependable member of the Peer Tutors staff; and

WHEREAS, after the resignation of Leonidas B. Young II on February 1, 1999, Sherwood Tyrone White was appointed to serve an interim term by the Richmond City Council on February 22, 1999, to fill the Seventh District Council seat; and

WHEREAS, Sherwood Tyrone White, affectionately known as "Wood," was an avid supporter of the University of Virginia, including the Cavaliers' football, men's and women's basketball, and men's and women's lacrosse and soccer teams, and the debate team; he was also a longtime fan of the Washington Redskins football team; and

WHEREAS, Sherwood Tyrone White was a faithful Christian and devoted to New Bridge Baptist Church, where he was nurtured during his youth and encouraged to hone and share his extraordinary vocal gifts and dynamic oratory skills by participating in the church's and regional speaking and singing programs and services; and

WHEREAS, Sherwood Tyrone White was a kind and generous Christian man and his memory and legacy will endure in the hearts of his family, friends, colleagues, and everyone who loved and revered him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sherwood Tyrone White; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sherwood Tyrone White as an expression of the General Assembly's respect for his memory and service to the citizens of Richmond.

### HOUSE JOINT RESOLUTION NO. 907

*Celebrating the life of Captain James Richard Powell, Jr., USN (Ret.).*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Captain James Richard Powell, Jr., USN (Ret.), a decorated war hero who flew more than 200 combat missions during the Vietnam War and a respected member of the McLean community, died on January 11, 2015; and

WHEREAS, Captain Powell graduated from Flushing High School and received an appointment to the United States Naval Academy; after graduating in 1950, he attended flight school in Florida and Texas and was assigned to Naval Air Station Miramar; and

WHEREAS, Captain Powell earned a reputation as a skilled and dedicated pilot; he took command of VA-144 attack squadron in 1966 and planned and led 211 combat missions over Vietnam, including a strike on a North Vietnamese power station against determined enemy fire, for which he earned a Silver Star; and

WHEREAS, after the war, Captain Powell served as Commanding Officer of a carrier group and Commanding Officer of the USS *Austin* and USS *Iwo Jima*; and

WHEREAS, throughout his distinguished military career, Captain Powell earned the Silver Star, two Legions of Merit, four Distinguished Flying Crosses, 24 Air Medals, and five Navy Commendation Medals; and

WHEREAS, after his well-earned retirement from military service in 1978, Captain Powell diligently supported the United States Naval Academy, assisting with fundraisers and attending many reunions and class functions; and

WHEREAS, Captain Powell will be fondly remembered and greatly missed by his wife of 62 years, Mary; children, James III, Les, Lindsey, John, and Frances, and their families; and numerous other family members, friends, and fellow soldiers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Captain James Richard Powell, Jr., USN (Ret.); and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain James Richard Powell, Jr., USN (Ret.) as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 908

*Commending John R. Riley, Jr.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, John R. Riley, Jr., who has ably served as county administrator of Frederick County since 1983, retired on February 1, 2015; and

WHEREAS, known for his even-keeled temperament, John Riley was the Commonwealth's third-longest tenured active county administrator at the time of his retirement; and

WHEREAS, John Riley earned a bachelor's degree from Elon College, now Elon University, and a master's degree from Virginia Commonwealth University; he also is a graduate of the University of Virginia's Senior Executive Institute; and

WHEREAS, John Riley was a planner in Augusta, Georgia, and a planning enforcement officer and environmental inspector for Henrico County before beginning his career with Frederick County as director of planning and development; and

WHEREAS, during his tenure with Frederick County, John Riley has overseen a period of great growth; his scope of responsibilities increased as the county's population grew from approximately 32,500 people three decades ago to nearly 82,000 residents today; and

WHEREAS, John Riley served as a respected member of the Northern Shenandoah Valley Regional Commission since 1984; he willingly offered guidance and advice as he promoted progress and fiscal responsibility; and

WHEREAS, in Frederick County, John Riley supervised a staff that increased from 174 employees in 1983 to more than 708 employees in 2015; he leaves a legacy of professionalism and a record of accomplishment with, in his words, very few disappointments during his years of public service to the people of Frederick County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John R. Riley, Jr., for his service as county administrator for Frederick County since 1983; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John R. Riley, Jr., as an expression of the General Assembly's respect and admiration for his dedication and service to the people of Frederick County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 909**

*Commending the Tuscarora High School girls' cross country team.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Tuscarora High School girls' cross country team finished a stellar 2014 season by winning the Virginia High School League Group 5A cross country championship on November 14, 2014; and

WHEREAS, the 2014 girls' cross country title is all the more prized because it is the first state title won by any team from Tuscarora High School, which is in Leesburg; the team's final score was 71 points; and

WHEREAS, the Tuscarora High School Huskies were led by outstanding efforts from freshman Emma Wolcott, who finished in third place overall with a time of 18:25, and team leader Anna Wasko—the only senior cross country runner—placed fifth with a time of 18:57; and

WHEREAS, five runners from Tuscarora High School finished in the top 32 of all contestants at the competition, which was held at Great Meadow in The Plains; the work and determination of the entire team helped the runners claim the school's first-ever state title; and

WHEREAS, during the 2014 season, the Tuscarora High School runners from Loudoun County had specific goals, which they met; they also were focused on winning the state championship after coming in third the year before; and

WHEREAS, the Tuscarora High School cross country program is only five years old, having started in 2010; the team has grown stronger each season, and in 2014, the group's camaraderie, support, and preparation were keys to winning the state crown; and

WHEREAS, the head coach of the Tuscarora High School girls' cross country team is Becky Puterio, who gave great credit to the team's leadership and resolve; the runners received great support from their families and from the entire Tuscarora High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Tuscarora High School girls' cross country team for winning the 2014 Virginia High School League Group 5A cross country championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Becky Puterio, coach of the Tuscarora High School girls' cross country team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding achievement.

**HOUSE JOINT RESOLUTION NO. 910**

*Commending Northern Virginia Community College.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Northern Virginia Community College was established as Northern Virginia Technical College in 1964 and began offering classes in 1965; and

WHEREAS, Northern Virginia Community College (NOVA) has grown from 761 students to an annual enrollment of over 78,000 students, making it one of the largest community colleges in the United States; and

WHEREAS, NOVA has grown from 46 faculty and staff to 4,260 faculty and staff, and it has expanded to six campuses, three centers, and an online distance learning institute; and

WHEREAS, NOVA's Extended Learning Institute (distance learning) began in 1975 and has grown to offer more than 400 classes and 40 degrees and certificates to more than 26,000 students annually; and

WHEREAS, NOVA is one of the nation's most ethnically diverse institutions of higher education, with 60 percent minority students and 16 percent international students; and

WHEREAS, NOVA has become the Commonwealth's leading minority-serving undergraduate institution, serving more African American students than the state's two public historically black universities combined; 35 percent of all Latino students and nearly one-third of all Asian undergraduates in Virginia public higher education are enrolled at NOVA; and

WHEREAS, NOVA offers more than 140 associate degree and certificate programs; it has increased from 80 to 6,600 graduates annually, and every year, it is one of the top producers of associate degrees in the United States; and

WHEREAS, more than 25 percent of Northern Virginia public high school graduates enroll at NOVA, which transfers more students to George Mason University, Virginia Commonwealth University, James Madison University, Virginia Tech, and the University of Virginia than any other institution; and

WHEREAS, NOVA has established Guaranteed Admission Agreements with more than 45 four-year colleges and universities in the Commonwealth and around the United States, allowing NOVA graduates to transfer seamlessly to many well-known colleges and universities; and

WHEREAS, NOVA became an Achieving the Dream Leader College, guiding a national effort to increase the number of community college graduates who enter the labor force or transfer to a university to complete a bachelor's degree; and

WHEREAS, NOVA faculty have received Outstanding Faculty Awards from the State Council of Higher Education for Virginia in nine of the last 10 years; and

WHEREAS, NOVA initiated the Commonwealth's first statewide community college distance learning network, linking 22 community colleges and serving nearly 3,000 students annually, primarily in rural areas, within the first three years; and

WHEREAS, NOVA has instituted a mandatory advising initiative for all first-time-in-college students; guided by first-year advisers, students learn how to plan for and reach their academic goals during their stay at NOVA; and

WHEREAS, NOVA developed Pathway to the Baccalaureate, a college access and baccalaureate completion program serving more than 7,000 students annually from 55 high schools throughout Northern Virginia; and

WHEREAS, NOVA has implemented five mandatory policy changes for first-time-in-college students to improve the intake process and encourage impactful academic practices; in addition, NOVA implemented an on-time registration policy for all students based on research that shows students who attend class from the first day are more successful than students who register late; and

WHEREAS, together with the Northern Virginia Technology Council, six regional chambers of commerce, and eight public school divisions, NOVA launched an initiative to increase Northern Virginia's supply of students entering careers in science, technology, engineering, and math (STEM), and as a result, more than 20,000 students are expected to be engaged in one or more SySTEMic Solutions activities by 2015; this initiative received the 2014 Governor's Award for Science Innovation; and

WHEREAS, NOVA spearheaded a regional initiative with 10 hospitals and five universities to double the number of registered nurses and increase by 50 percent the number of allied health professional and technical graduates in Northern Virginia within five years; and

WHEREAS, NOVA has partnered with six community-based nonprofit organizations to help nearly 1,000 low-income adults annually move from low-wage, part-time employment into jobs with family-sustaining wages; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Northern Virginia Community College on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Northern Virginia Community College as an expression of the General Assembly's admiration for the college's many contributions to the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 911

*Commending the Hanover Concert Band.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Hanover Concert Band, a nonprofit community band organization in Hanover County, has helped amateur musicians develop their talents and spread the joy of music to residents of Hanover County and Richmond for 25 years; and

WHEREAS, founded in 1989, the Hanover Concert Band is open to amateur musicians of all ages and backgrounds; the group meets weekly at the Hanover Arts and Activities Center and performs 12-15 concerts throughout Hanover County and the Richmond area each year; and

WHEREAS, the Hanover Concert Band has performed at the Hanover Tomato Festival, the Virginia War Memorial, Virginia Center Commons Mall, and the Veterans Memorial at Hanover Wayside Park; and

WHEREAS, the Hanover Concert Band is particularly active in the Ashland community, where it has performed at the Strawberry Faire, Fourth of July events, Train Day, and Hanover Arts and Activities Center fundraisers; and

WHEREAS, earning many awards and accolades for its performances, the Hanover Concert Band received the 2007 Hanover County Commitment to Community Award in recognition of its work to improve the quality of life of Hanover County residents; and

WHEREAS, the Hanover Concert Band has fulfilled its mission to provide the gift of live music to the community through many generous donations from boosters, patrons, sponsors, benefactors, and band members and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hanover Concert Band for its service to the community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karla Bloom, director of the Hanover Concert Band, as an expression of the General Assembly's admiration for the band's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 912**

*Commending Our Lady Queen of Peace Catholic Church.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Our Lady Queen of Peace Catholic Church, which has provided countless opportunities for fellowship, worship, and community service to its diverse Arlington congregation, celebrates its 70th anniversary in May of 2015; and

WHEREAS, in the early 1940s, a group of 16 African American Catholic families met with the Richmond Diocese to discuss plans for a new church in Arlington County, and Our Lady Queen of Peace celebrated its first mass on May 20, 1945; the parish began with 40 members under founding pastor the Reverend Joseph Hackett, CSSp; and

WHEREAS, in its early days, Our Lady Queen of Peace held services in Father Hackett's home or in an auditorium in the Green Valley neighborhood; the church acquired land on the corner of South 19th Street and Edgewood Street, and a new church was dedicated in 1947; and

WHEREAS, Our Lady Queen of Peace was immediately active in the community, holding dinners, bake sales, lawn parties, and rummage sales; the church also established a Sunday school and organized a basketball team for local youths; and

WHEREAS, members of Our Lady Queen of Peace played a pivotal role in the integration of Catholic Youth Organization diocesan basketball teams, and many members of the church were active in the Civil Rights Movement of the 1960s; and

WHEREAS, in 1963, Our Lady Queen of Peace became a territorial parish for all Catholics in the area, and the congregation went from being predominately Black to one of the most ethnically diverse parishes in the area, especially after the inclusion of numerous Spanish-speaking members beginning in the 1970s; and

WHEREAS, Our Lady Queen of Peace established the Interracial Council of Northern Virginia to address issues of poverty, employment, and fair housing; the church also established a credit union, a ministry supporting the homeless, and the Family Activities Center to provide child care for low-income families; and

WHEREAS, to expand opportunities for outreach and better serve its growing congregation, Our Lady Queen of Peace has formed over 60 other ministries, including the Social Justice Outreach, the weekly Food Pantry, and the Matthew 25 Bazaar free used clothing store; and

WHEREAS, the Ujamaa Committee, which honors the legacy of the church's founders, has awarded more than \$90,000 in scholarships; and

WHEREAS, members of the Our Lady Queen of Peace congregation also work to better the lives of others outside of the Arlington community; through a partnership with St. Joseph Parish in Medor, Haiti, the church has raised money to build a granary, homes, schools, and wells for clean water and conducted mission trips; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Our Lady Queen of Peace Catholic Church on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Our Lady Queen of Peace Catholic Church as an expression of the General Assembly's admiration for its rich spiritual heritage and tradition of service to the community.

**HOUSE JOINT RESOLUTION NO. 913**

*Commending the Noel C. Taylor Municipal Building.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, for 100 years, the Noel C. Taylor Municipal Building has housed several City of Roanoke departments and employees as they seek to serve and support the members of the community; and

WHEREAS, after the citizens of Roanoke voted to establish a municipal building and courthouse to better serve the residents of the growing community, construction began in 1915, and the building was dedicated in 1916; and

WHEREAS, incorporating Greek and Roman architectural styles, the Noel C. Taylor Municipal Building was designed by the firm of Frye & Chesterman and inspired by the White City buildings of the Chicago World's Fair and the City Beautiful Movement; it was constructed by King Lumber Company of Charlottesville; and

WHEREAS, the Noel C. Taylor Municipal Building was enhanced with an annex in the 1970s, and in 2000, it was renamed for Noel C. Taylor, a longtime Roanoke mayor and respected leader in the civil rights movement; and

WHEREAS, in 2015, the City of Roanoke plans to renovate and reopen the Campbell Avenue entrance to the Noel C. Taylor Municipal Building to contribute to the revitalization of downtown Roanoke; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Noel C. Taylor Municipal Building on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher P. Morrill, city manager of Roanoke, as an expression of the General Assembly's admiration for the Noel C. Taylor Municipal Building's unique place in local history.

### HOUSE JOINT RESOLUTION NO. 914

*Commending the National Federation of the Blind.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015, the National Federation of the Blind celebrates its 75th anniversary as the oldest and largest organization in the United States led by blind people, bringing them together to work collectively to improve their lives; and

WHEREAS, the National Federation of the Blind (NFB) was founded in 1940; its first logo featured the words "Security, Equality, and Opportunity," all of which were pressing needs for the nation's blind people; and

WHEREAS, in the early days, the leaders of the NFB focused on those three goals by working to help blind people live independently, have equal opportunity in employment, and have equal access to housing, transportation, and places of public accommodation; and

WHEREAS, the philosophy of the NFB is that a person's blindness should not be the characteristic that defines his future; the organization works to raise the expectations of the nation's blind people so that they can live the lives they want; and

WHEREAS, a network of local chapters, state affiliates, and nationwide divisions make up the NFB; the National Federation of the Blind of Virginia, which is one of 52 affiliates, has 15 chapters throughout the Commonwealth; and

WHEREAS, the Virginia chapter of the NFB also consists of several divisions that focus on specific areas of interest to blind persons, including divisions for students, parents, and merchants; the Virginia chapter also has a deaf-blind division and additionally, it sponsors an association to promote the use of Braille; and

WHEREAS, as the leading force for the nation's blind people and the voice of the nation's blind, the NFB—and its Virginia chapter—improves lives through advocacy, education, research, technology, and programs that encourage independence and self-confidence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Federation of the Blind on the occasion of its 75th anniversary as the oldest and largest organization in the United States led by blind people, bringing them together to work collectively to improve their lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Kasey, president of the National Federation of the Blind of Virginia, as an expression of the General Assembly's respect and admiration for the organization's tireless work on behalf of blind people.

### HOUSE JOINT RESOLUTION NO. 915

*Commending Patricia Ann Keller Douglas.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Patricia Ann Keller Douglas, a respected leader in the Southwest Virginia farming community, retired from the Virginia Angus Association; and

WHEREAS, a native of North Dakota, Patricia "Patty" Ann Keller Douglas grew up on her family's grain, hog, and cattle farm, learning the value of hard work and responsibility at a young age; and

WHEREAS, Patty Douglas attended Concordia College in Minnesota, where she met her future husband, Garfield; the couple honeymooned in the Commonwealth, visiting Kinloch Farm in Fauquier County and Lee's Hill Angus in Fredericksburg; and

WHEREAS, Patty Douglas helped manage the family farm in North Dakota before returning to the Commonwealth in 1955; in 1970, she and her family founded Tartan Angus Farm in Wythe County; and

WHEREAS, in 1981, Patty Douglas began a rewarding career as office manager for the Virginia Angus Association; she used her communications skills and farming expertise to gain the trust and respect of Angus breeders throughout the Commonwealth and the United States; and

WHEREAS, a loyal and highly professional employee, Patty Douglas handled membership concerns, produced monthly newsletters, and managed finances for the Virginia Angus Association and the annual Virginia Beef Cattle Improvement Association bull sales, among other organizations and events; and

WHEREAS, Patty Douglas earned numerous awards and accolades throughout her career; she was inducted into the Virginia Angus Association Hall of Merit in 1998 and has earned the nickname The First Lady of Virginia Angus; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patricia Ann Keller Douglas on the occasion of her retirement from the Virginia Angus Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Ann Keller Douglas as an expression of the General Assembly's admiration for her many contributions to Southwest Virginia and farming in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 916

*Commending Kwame Alexander.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, acclaimed writer Kwame Alexander of Reston won the prestigious 2015 Newbery Medal for children's literature for *The Crossover*, a book written in verse about twin boys, age 12, who play basketball; and

WHEREAS, the Newbery Medal, named for John Newbery, an 18th-century British bookseller, is considered the highest award in children's literature; it is awarded annually to the author of the most distinguished contribution to American literature for children by the Association for Library Service to Children, a division of the American Library Association; and

WHEREAS, Kwame Alexander is a writer and publisher who has written for the stage and television, recorded a CD, performed around the world, produced jazz and book festivals, hosted a radio show, and taught high school; he is the son of Dr. E. Curtis Alexander and Barbara Alexander of Chesapeake; and

WHEREAS, as the author of 18 books, Kwame Alexander also encourages young people to write; he founded Book-in-a-Day, a program that teaches and empowers teenagers to write; it has produced more than 3,000 student authors from the United States, Canada, and the Caribbean; and

WHEREAS, Kwame Alexander is also the author of *Acoustic Rooster and His Barnyard Band*, about a jazz-loving rooster who wants to win a talent contest, which was an NAACP Image Award nominee; *He Said, She Said*, a book for young adults; and *And Then You Know*, one of several collections of poetry he has written; and

WHEREAS, as an ambassador for writing and literacy, Kwame Alexander has traveled far and wide and has led delegations to Italy, Brazil, and Ghana; he also has visited many schools in the Commonwealth, where his poetry workshops inspire and motivate both students and teachers; and

WHEREAS, Kwame Alexander has been a keynote speaker for the Virginia State Reading Association, featured author at the Virginia Festival of the Book in Charlottesville, writer-in-the-schools at Oscar Smith High School in Chesapeake, poet-in-residence for the Loudoun County Public Library, literacy ambassador for LitWorld, and judge for the Miss Ghana Tourism Project; and

WHEREAS, Kwame Alexander said that the humility and gratitude he felt upon hearing he had won the Newbery Medal was as meaningful as the praise he received from a young person who admitted that despite not liking to read he could not put *The Crossover* down; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kwame Alexander of Reston for winning the prestigious 2015 Newbery Medal for children's literature for *The Crossover*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kwame Alexander as an expression of the General Assembly's congratulations and admiration for his literary talent, contributions to American literature, and enthusiastic efforts to spread a love of poetry, writing, and reading to young people in the Commonwealth and around the world.

### HOUSE JOINT RESOLUTION NO. 917

*Celebrating the life of Angeles H. Delloro.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Angeles H. Delloro, a respected veteran of the Vietnam War and a dedicated community leader in Virginia Beach, died on December 20, 2014; and

WHEREAS, a native of Nabua, Camarines Sur, Philippines, Angeles Delloro served the United States during the Vietnam War as a member of the United States Navy; and

WHEREAS, Angeles Delloro earned a Purple Heart during the war and retired after a 20-year military career; and

WHEREAS, Angeles Delloro was an admired leader in the Filipino community in Virginia Beach; he was a member of several cultural organizations and served as past president of the Bicol Association of Tidewater; and

WHEREAS, Angeles Delloro worked to strengthen and enhance the community as a past grand knight of the Knights of Columbus San Lorenzo Council; and

WHEREAS, Angeles Delloro will be fondly remembered and greatly missed by his beloved wife of 54 years, Juanita; children, Angeles, Ricardo, Romeo, David, and Lolita; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Angeles H. Delloro, a veteran and a community leader in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Angeles H. Delloro as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 918

*Commending Christine Lawson.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, for 25 years, Christine Lawson has ably served and supported the Lake Barcroft Association in Fairfax County as assistant lake manager and lake manager; and

WHEREAS, the Lake Barcroft community shares its name with a privately owned lake, which is known for its excellent fishing; the community is administered by the Lake Barcroft Association, where Christine Lawson has worked for more than two decades; and

WHEREAS, Christine Lawson began her career with the Lake Barcroft Association as assistant lake manager in 1980; she served in that capacity until 1989, when she became lake manager; and

WHEREAS, in the course of her duties, Christine Lawson has diligently updated and maintained the resident database, managed the annual billing cycling and collections, distributed beach tags and boat registration decals, and helped organize Lake Barcroft Association events; and

WHEREAS, Christine Lawson's leadership is evident in the many strong relationships she develops with residents and her tireless efforts to strengthen the Lake Barcroft Association; and

WHEREAS, during her tenure as lake manager, Christine Lawson has been the heart of the community, upholding the special spirit of the lake through her compassion, dedication, and hard work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christine Lawson for her exceptional service as assistant lake manager and lake manager of Lake Barcroft Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christine Lawson as an expression of the General Assembly's admiration for her many contributions to the Lake Barcroft Association.

### HOUSE JOINT RESOLUTION NO. 919

*Commending the Eastside High School one-act play team.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Eastside High School one-act play team of Coeburn claimed its first state title, winning the Virginia High School League Group 1A/2A state theatre championship in December 2014; and

WHEREAS, the Eastside High School one-act play team won the Conference 48 tournament and 1A West regional tournament to advance to the state competition; Kailey Kyle won the best acting award at the conference tournament, and Kailey Kyle and Kaitlyn Hall won the best acting award at the regional tournament; and

WHEREAS, the Eastside High School one-act play team performed *Mother Hicks*, a compelling story about an orphan girl during the Great Depression; the play incorporates complex themes about stereotypes and individuals' need to feel accepted in society; and

WHEREAS, the talented members of the Eastside High School one-act play team contributed to the team championship with a variety of skills, including playing roles, creating the backdrop, performing music and sound effects, and coordinating lighting; Kailey Kyle and Kaitlyn Hall also won the best acting award at the state tournament; and

WHEREAS, the victory is a testament to the skill and hard work of the student actors and crew, the leadership of the coaches and faculty, and the enthusiastic support of the entire Eastside High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Eastside High School one-act play team on winning the 2014 Virginia High School League Group 1A/2A state theatre championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shane Burke, coach of the Eastside High School one-act play team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 920**

*Commending the Giles High School football team.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the Giles High School football team of Pearisburg capped off a tremendous 2013 season by winning the Virginia High School League Group 2A state title on December 14; and

WHEREAS, the exciting overtime victory for the undefeated Giles Spartans came after Dakoda Shrader caught a touchdown pass in the final second of regular play to tie the game; and

WHEREAS, the Spartans faced a talented squad from Brunswick High School; each side displayed determination and grit throughout the game, which was held at Salem Stadium; and

WHEREAS, the 20-19 victory came during Giles coach Jeff Williams' sixth year as head coach, and it was his first state title as coach; he is no stranger to hoisting a state trophy for the county, as he had been a player and an assistant coach during the school's previous championship seasons; and

WHEREAS, with this win, the Spartans now own four state championship trophies; the 2013 victory is due to the talent and discipline of the Giles football team, the dedication of head coach Jeff Williams and his staff, and the encouragement of the community; and

WHEREAS, the Pearisburg squad had a long road to victory in 2013; this was the first season to feature an expanded playoff schedule, which meant that the team had to win 15 games to claim the state title; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Giles High School football team for winning the 2013 Virginia High School League Group 2A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Williams, head coach of the Giles High School football team, as an expression of the General Assembly's congratulations and admiration for the team's perseverance and skill.

**HOUSE JOINT RESOLUTION NO. 921**

*Commending Robert Cellell Dalton.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, after 20 years of diligent service to the residents of Wythe County, Robert Cellell Dalton retires in 2015 as county administrator; and

WHEREAS, a graduate of Hillsville High School, Cellell Dalton served his country in the United States Army during the Vietnam War, earning the Bronze Star and the Purple Heart; and

WHEREAS, after receiving a degree in civil engineering from Wytheville Community College, Cellell Dalton pursued a 15-year career with Anderson & Associates, Inc., where he worked on community enhancement projects, such as water and sewer improvements and industrial site development; and

WHEREAS, in 1995, Cellell Dalton became the director of the Wythe County Department of Water and Wastewater; he oversaw the installation of a new sewer system that serves approximately 600 customers, expanded the county water system from 700 customers to 2,100 customers, and developed a water treatment facility for the New River Valley region; and

WHEREAS, after becoming county administrator in 1997, Cellell Dalton focused on strengthening the county's infrastructure to attract new businesses and industries and investing in the county's future; and

WHEREAS, Cellell Dalton worked with the Wythe County School Board and the Board of Supervisors to initiate multimillion-dollar construction and renovation projects for local schools, resulting in improvements to Max Meadows Elementary School, Rural Retreat High School, Sheffey Elementary School, and Rural Retreat Middle School; and

WHEREAS, Cellell Dalton oversaw the acquisition and development of Wythe County Progress Park, an industrial park accompanied by new rail and road corridors, which has attracted national businesses to the region, leading to the creation of 600 new job opportunities; and

WHEREAS, Cellell Dalton also offered his wisdom and leadership to the New River Valley Regional Water Authority, Wythe/Bland Joint Public Service Authority, Crossroads Regional Industrial Facility, New River Valley Regional Jail Authority, and the Tourism Advisory Committee; and

WHEREAS, after his well-earned retirement from public office, Cellell Dalton plans to remain in Wythe County and continue to serve the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Cellell Dalton on the occasion of his retirement as county administrator of Wythe County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Cellell Dalton as an expression of the General Assembly's admiration for his leadership and service to Wythe County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 922**

*Commending Samir N. Saliba.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, in 2014, Samir N. Saliba, the longest-serving faculty member of Emory & Henry College in Washington County, received the William and Martha DeFriece Award for his 50 years of exceptional service to and leadership of the college; and

WHEREAS, a native of Lebanon, Samir Saliba earned bachelor's, master's, and doctoral degrees from Tulane University; in 1964, he joined the faculty of Emory & Henry College, where he established the Political Science Department and served as department chair from 1968 to 1972 and 1985 to 2005; and

WHEREAS, also serving as chair of the Division of Social Sciences, Samir Saliba was responsible for setting the division's high academic standards and hired several notable faculty members; and

WHEREAS, as dean of faculty from 1972 to 1984, Samir Saliba was the second-longest serving dean in the history of the college; he developed a new curriculum that emphasized the emerging concept of globalization and worked with other private colleges in the Commonwealth to create the Tuition Assistance Grant; and

WHEREAS, Samir Saliba also served as interim president of the college from 1972 to 1973, has served as the advisor for the pre-law program since 1984, and is the director of the Center for International Studies at Emory & Henry College; he has held the titles of Hawthorne Professor of Political Science and Meyung-Alley Professor of International Studies; and

WHEREAS, Samir Saliba has earned many other awards and accolades for his visionary teaching methods and support for his students and fellow faculty members; the Samir N. Saliba Endowment for International Education at Emory & Henry College is named in his honor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Samir N. Saliba on receiving the 2014 William and Martha DeFriece Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samir N. Saliba as an expression of the General Assembly's admiration for his exceptional legacy of service to the Emory & Henry College community.

**HOUSE JOINT RESOLUTION NO. 923**

*Commending Carolyn Honeycutt.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Carolyn Honeycutt, who preserved the records and history of Carroll County and its residents as clerk of the Carroll Circuit Court for more than two decades, retires in March 2015; and

WHEREAS, a native of Carroll County, Carolyn Honeycutt worked as a speech-language pathologist in local schools before following in the footsteps of her grandfather and great-grandfather as a public servant; and

WHEREAS, elected as circuit court clerk in 1991, Carolyn Honeycutt became the first woman to serve as a constitutional officer of Carroll County when she took office in 1992; and

WHEREAS, Carolyn Honeycutt immediately set out to modernize and streamline operations at the clerk's office; when she began her career, court dockets were handwritten and land records were entered manually and stored on microfilm; and

WHEREAS, today, the Carroll Circuit Court stores court cases, records, and other information on secure databases, with a five-station, handicap-accessible deed room where citizens can research land and tax records; Carolyn Honeycutt also witnessed numerous other improvements to the courthouse, including the installation of security cameras and changes in police escort procedures; and

WHEREAS, deeply respected among her coworkers, Carolyn Honeycutt built an astounding institutional knowledge of the people and places of Carroll County and cultivated many lasting friendships in the community; and

WHEREAS, throughout her career, Carolyn Honeycutt ably managed countless high-stress, time-sensitive projects and situations, and she took great pleasure in serving and helping members of the public; and

WHEREAS, Carolyn Honeycutt is an exemplar of the professionalism, dedication, and hard work displayed by local public servants and government employees throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carolyn Honeycutt on the occasion of her retirement as clerk of the Carroll Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carolyn Honeycutt as an expression of the General Assembly's admiration for her dedicated service to the residents of Carroll County and the Commonwealth and best wishes on a well-earned retirement.

**HOUSE JOINT RESOLUTION NO. 924**

*Celebrating the life of Walter Blair Keller, Jr.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Walter Blair Keller, Jr., a respected farmer, historian, and community leader in Washington County, died on February 18, 2015; and

WHEREAS, a lifelong resident of Washington County, Blair Keller was a charter member of Boy Scouts of America Troop 70 in Green Spring and the first in the troop to attain the rank of Eagle Scout; he remained an active volunteer in Scouting throughout his life; and

WHEREAS, Blair Keller served the region and the Commonwealth as a farmer; he was a board member of the Southwest Virginia 4-H Club and a statistician with the Virginia Agricultural Statistics Service; and

WHEREAS, Blair Keller was proud of his family's deep roots in the region, and he helped preserve Washington County's natural and historical resources as a charter member of the Mount Rogers chapter of the Appalachian Trail Club and a board member of the Overmountain Victory Trail Association; and

WHEREAS, serving on the steering committee of the Abingdon Muster Grounds, Blair Keller was instrumental in the creation of the Call to Arms Colonial Education Program at the site; the W. Blair Keller, Jr., Interpretive Center at the Abingdon Muster Grounds was named in his honor in 2010; and

WHEREAS, a man of deep and abiding faith, Blair Keller enjoyed fellowship and worship with the community at Green Spring Presbyterian Church and Watauga Chapel, where he held several leadership roles; and

WHEREAS, Blair Keller will be fondly remembered and greatly missed by his wife of 65 years, Gilda; children, Teresa and Walter III, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Walter Blair Keller, Jr., a farmer, historian, and community leader in Washington County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Walter Blair Keller, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 925**

*Commending the Honorable J. Michael Gamble.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, J. Michael Gamble, a former chief judge of the 24th Judicial Circuit of Virginia and an outstanding member of the Amherst community, retires as a judge in 2015; and

WHEREAS, a native of Marion, Michael Gamble graduated from Nelson County High School and earned a bachelor's degree and a law degree from the University of Virginia; and

WHEREAS, a dedicated member of his community, Michael Gamble helped rescue a young boy and led search efforts in the aftermath of Hurricane Camille in 1969; and

WHEREAS, Michael Gamble served his country as a member of the United States Army and the United States Army Reserve, attaining the rank of captain and serving as a company commander; and

WHEREAS, Michael Gamble practiced law in Amherst from 1974 to 1991; during that period, he also served as a substitute judge, the assistant commissioner of accounts of the Amherst County Circuit Court, and attorney for the Town of Amherst and Amherst County School Board; and

WHEREAS, Michael Gamble became a judge of the 24th Judicial Circuit of Virginia in 1991 and has presided with great fairness and wisdom over circuit courts in the region for more than two decades; and

WHEREAS, admired for his leadership and expertise, Michael Gamble was elected as a chief judge of the 24th Judicial District of Virginia for three terms, beginning in 1992, 1995, and 2005; he has also served as a mentor judge since 2011; and

WHEREAS, well-respected in the legal field, Michael Gamble has been a member of numerous professional organizations, committees, and commissions and has served as a member of the Boyd-Graves Conference since 2004; and

WHEREAS, Michael Gamble offered his time and wise leadership to the community as a charter member of the Amherst County Museum and Historical Society and a member of the Amherst Rotary Club and Amherst Jaycees; and

WHEREAS, a man of great integrity, Michael Gamble served the community and the Commonwealth with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable J. Michael Gamble on the occasion of his retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable J. Michael Gamble as an expression of the General Assembly's admiration for his contributions to the Amherst community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 926**

*Commending Mary Harvey-Halseth.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Mary Harvey-Halseth, a faithful, hardworking public servant and community leader, worked to enhance the Lexington community as a member of the Lexington City Council; and

WHEREAS, a native of Arlington, Mary Harvey-Halseth grew up in Washington, D.C., and earned a bachelor's degree from George Mason University and a master's degree from Virginia Commonwealth University; and

WHEREAS, Mary Harvey-Halseth has shared the joy of music with others as a piano teacher for more than 40 years; she now has three students and occasionally performs at local venues or volunteers to play at churches; and

WHEREAS, for more than 20 years, Mary Harvey-Halseth has generously volunteered her time, talents, and leadership with numerous civic and service organizations in Lexington; and

WHEREAS, desirous to be of further service to the community, Mary Harvey-Halseth ran for and was elected to the Lexington City Council, where she helped residents better understand city ordinances and was a voice for fiscal responsibility; and

WHEREAS, during her tenure on the Lexington City Council, Mary Harvey-Halseth supported fundraising efforts to revitalize Sunrise Rotary Skate Park and introduced an initiative to improve the welfare of pets in underserved communities; and

WHEREAS, Mary Harvey-Halseth and her husband, Richard, have two grown sons, both of whom live in California; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Harvey-Halseth for her service to the public as a member of the Lexington City Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Harvey-Halseth as an expression of the General Assembly's admiration for her contributions to the Lexington community and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 927**

*Commending Linda Byers.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Linda Byers, a faithful public servant to the residents of Amherst County who worked to strengthen and enhance the community, retired as commissioner of the revenue in July 2014; and

WHEREAS, a lifelong resident of Amherst County, Linda Byers worked in the office of the Amherst Circuit Court, then joined the Amherst Department of the Commissioner of the Revenue in 1981; and

WHEREAS, Linda Byers was elected commissioner of the revenue in 2004; she was responsible for assessing the value of real estate and personal property taxes, and she ably served the department and the taxpayers of Amherst County during her tenure; and

WHEREAS, Linda Byers witnessed numerous milestones for the department and adapted to many changes in technology and procedures; when she joined the department, work was done on typewriters, accounting machines, and carbon paper; and

WHEREAS, under Linda Byers' leadership, the department focused on providing excellent customer service; she worked diligently to help members of the public understand the tax process; and

WHEREAS, Linda Byers cared deeply for the well-being of her fellow residents, even traveling to the homes of elderly community members to help them fill out forms for a tax-relief program; and

WHEREAS, an exemplar of the professionalism and dedication displayed by local public servants throughout the Commonwealth, Linda Byers left a legacy of excellence to her successor as commissioner of the revenue; and

WHEREAS, Linda Byers plans to spend her well-earned retirement traveling with her husband, Michael, and looks forward to finding new ways to serve and support the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linda Byers on the occasion of her retirement as Amherst County commissioner of the revenue; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda Byers as an expression of the General Assembly's admiration for her service to Amherst County and best wishes for a happy retirement.

**HOUSE JOINT RESOLUTION NO. 928**

*Commending George Pryde.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, George Pryde ably served his fellow Lexington residents on the Lexington City Council, where he worked to strengthen and enhance the community; and

WHEREAS, desirous to be of service to the community, George Pryde ran for and was elected to the Lexington City Council in 2010; he served as vice mayor and chaired the Physical Services Committee; and

WHEREAS, George Pryde also represented the best interests of the Lexington community on the Central Shenandoah Planning District Commission; and

WHEREAS, George Pryde helped found the Lexington Police Department Foundation, and he is a former board member of the Rockbridge Area Health Center; and

WHEREAS, proud of the region's and the Commonwealth's unique contributions to American history, George Pryde is a longtime historical interpreter at the Stonewall Jackson House, a member of the Rockbridge Historical Society, and a member of the Lexington Civil War Roundtable; and

WHEREAS, working to further enhance the quality of life in the region, George Pryde founded the Rockbridge Readers reading group in 2003, and he is a former president of the Lexington Sunrise Rotary Club; he also teaches the Junior Achievement program at Central Elementary School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George Pryde for his service as a member of the Lexington City Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George Pryde as an expression of the General Assembly's admiration for his achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 929**

*Celebrating the life of Paul P. Arrington.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Paul P. Arrington of Haysi, who was a longtime member of the Haysi Town Council, former railroad engineer, retired store manager, member of several local civic and charitable organizations, a veteran of the United States Armed Forces, and a devoted husband, died on January 3, 2015; and

WHEREAS, Paul Arrington, who was born in Buchanan County, was the son of Robert and Bertha Arrington; he served in the United States Army and was a veteran of the Korean conflict; and

WHEREAS, a dedicated public servant, Paul Arrington ably served on the Haysi Town Council for 25 years, providing advice and guidance to local officials and the residents of the town in Dickenson County in far Southwest Virginia; and

WHEREAS, Paul Arrington was an engineer for Norfolk & Western Railway, which is now part of Norfolk Southern Corporation, and he also was manager of a Virginia Alcoholic Beverage Control store until he retired; and

WHEREAS, additionally, Paul Arrington made valuable contributions to the people of Dickenson County as a charter member of the Haysi Community Clinic; he also was a lifetime member of the Loyal Order of Moose and served on the board of directors of the Willowbrook Country Club in Breaks; and

WHEREAS; Paul Arrington will be greatly missed and fondly remembered by Rebecca, his wife of 41 years, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paul P. Arrington of Haysi, who was a longtime member of the Haysi Town Council, former railroad engineer, retired store manager, member of several local civic and charitable organizations, a veteran of the United States Armed Forces, and a devoted husband; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul P. Arrington as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 930**

*Commending Dickenson County.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2009, the Dickenson County School Board, facing drastic budget cuts, declining enrollment, decreased curriculum offerings, and the costs of maintaining 50-year-old buildings, came together with the Dickenson County Board of Supervisors and the Industrial Development Authority to actively seek funding for the construction of new school facilities; and

WHEREAS, with the active involvement of the United States Department of Agriculture, Rural Development, and the United States Army Corps of Engineers, a plan was developed to consolidate three high schools (Clintwood High School, Ervinton High School, and Haysi High School), the Dickenson County Career Center, and all middle school students on one centrally located campus named Ridgeview; and

WHEREAS, the priorities for the design of Ridgeview were to provide Dickenson County's children with a safe environment that would allow them to obtain a high-quality 21st century education and to be a source of pride and inspiration for the community; and

WHEREAS, Ridgeview will utilize local natural gas from within Dickenson County along with other designs and machinery that will enable Ridgeview to serve as an emergency shelter for the community in the event of any weather related emergency or other catastrophic event; and

WHEREAS, in August 2015, Ridgeview will open and offer a wide variety of state-of-the-art instructional, athletic, and extracurricular opportunities to the children of Dickenson County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dickenson County for developing a quality educational program and inspiring school facilities to better serve local students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dickenson County as an expression of the General Assembly's appreciation for what a community can accomplish when it works together in unison for the greater good.

### HOUSE JOINT RESOLUTION NO. 931

*Celebrating the life of Clynard C. Belcher.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Clynard C. Belcher, a respected businessman and community leader in Haysi, died on February 15, 2015; and WHEREAS, Clynard Belcher learned the value of hard work and responsibility at a young age, growing up on the family farm in Haysi; and

WHEREAS, after graduating from Haysi High School, Clynard Belcher joined many of the other young men of his generation in service to his country during World War II; he trained in communications and served under General George S. Patton in France and Germany; and

WHEREAS, after returning home from the war, Clynard Belcher established Belcher Insurance Agencies, which has served the coalfield region of Southwest Virginia for 64 years; and

WHEREAS, Clynard Belcher cared deeply for Dickenson County and worked to promote tourism in the community and helped establish the tourism committee; he also helped establish the local Chamber of Commerce and served as its first president; and

WHEREAS, a man of deep and abiding faith, Clynard Belcher enjoyed fellowship and worship with the community at Dickenson First Presbyterian Church, where he had served as an elder for more than 50 years; and

WHEREAS, predeceased by his infant son, Clynard Terrance, Clynard Belcher will be fondly remembered and greatly missed by his wife of 67 years, Anita; children, Rebecca, Judy, Hugh, and Kerry, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clynard C. Belcher, a businessman and community leader in Haysi; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clynard C. Belcher as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 932

*Celebrating the life of Sharon Kay Gilbert Clevinger.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Sharon Kay Gilbert Clevinger of Lebanon, a longtime teacher at three high schools in Southwest Virginia, who also was a cheerleading coach, a loyal friend, and a devoted wife and mother, died on January 2, 2015; and

WHEREAS, Sharon Clevinger was born in Richlands and graduated from Richlands High School; she received a bachelor's degree from Emory & Henry College and a master's degree from Radford University; and

WHEREAS, in 1975, Sharon Clevinger began her teaching career at Whitewood High School in Buchanan County; in 1979, she started working at Honaker High School in Russell County, where she taught English and was a cheerleading coach; and

WHEREAS, Sharon Clevinger later transferred to Lebanon High School, where she taught until she retired in 2010; during her 35 years in the classroom, she made a lasting impression on many of her students, who lovingly referred to her as "Mrs. C"; and

WHEREAS, Sharon Clevinger was a member of the Beta Psi Chapter of Delta Kappa Gamma, a society of outstanding teachers; and

WHEREAS, in addition to her husband, Roger, Sharon Clevinger will be greatly missed and fondly remembered by her daughter, Katherine, and by many other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sharon Kay Gilbert Clevinger of Lebanon, a longtime teacher at three high schools in Southwest Virginia, who also was a cheerleading coach, a loyal friend, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sharon Kay Gilbert Clevinger as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 933

*Celebrating the life of William E. Cline, DDS.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, William E. Cline, DDS, a prominent dentist who served the Abingdon community for more than four decades, died on January 5, 2015; and

WHEREAS, William Cline graduated from William King High School and earned a bachelor's degree from Emory & Henry College and a medical degree from the Medical College of Virginia School of Dentistry; and

WHEREAS, Dr. Cline helped ensure the oral health and overall well-being of the members of the Abingdon community for 44 years as a dentist; and

WHEREAS, Dr. Cline also worked to enhance the quality of life in Abingdon as a member of the Abingdon Civitan Club and Faith in Action; and

WHEREAS, Dr. Cline enjoyed fellowship and worship with the community as a lifetime member of Abingdon United Methodist Church, where he offered his wisdom and leadership on many committees; and

WHEREAS, Dr. Cline will be fondly remembered and greatly missed by his wife of 54 years, Betty; children, William and Sara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William E. Cline, DDS, a respected dentist in Abingdon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William E. Cline, DDS, as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 934

*Commending the ADAMS Center.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, for more than three decades, the ADAMS Center in Sterling has strengthened the Northern Virginia community by providing health care services, interfaith advocacy, and youth and adult education opportunities while at the same time facilitating civic engagement; and

WHEREAS, founded in 1983, the ADAMS (All Dulles Area Muslim Society) Center is a nonprofit community organization that proudly serves thousands of individuals and families throughout Northern Virginia; and

WHEREAS, the ADAMS Center organizes a wide variety of educational and social events and participates in interdenominational programs and activities in the region; the center's main campus houses classrooms and a multipurpose hall and gymnasium for community events; and

WHEREAS, the ADAMS Center has two additional full-service campuses in Ashburn and Chantilly and six satellite campuses, with plans to expand the Sterling campus and construct another site in Gainesville; and

WHEREAS, the ADAMS Center also offers free health care services through the ADAMS Health Clinic and the ADAMS Compassionate Healthcare Network (ACHN), which consists of 80 volunteers, including 30 doctors; the ACHN refers patients to specialists free of charge; and

WHEREAS, the ADAMS Center has succeeded in its mission to serve and support the community with the hard work of its 25 staff members and executive committee, the devotion of countless volunteers, and many generous donations from individuals, organizations, and businesses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the ADAMS Center for more than 30 years of comprehensive service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the ADAMS Center as an expression of the General Assembly's admiration for the center's contributions to Northern Virginia.

### HOUSE JOINT RESOLUTION NO. 935

*Commending the Virginia Council for Private Education.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Virginia Council for Private Education was organized in 1974 to facilitate a statewide framework for communication and cooperation among private schools, public school counterparts, state and local governments, and other agencies and organizations in the Commonwealth; and

WHEREAS, the Virginia Council for Private Education established a Commission on Accreditation in July 1985 "for the purpose of approving appropriate accreditation processes for nonpublic schools in order to secure recognition for those schools by the State Department of Education"; and

WHEREAS, the Board of Education ceased accrediting nonpublic schools, and at its meeting on April 25, 1985, recognized the accreditation process for nonpublic schools as administered through the Virginia Council for Private Education to be officially effective on July 1, 1987; and

WHEREAS, in 2000, the General Assembly enacted a statute granting oversight of private nursery, preschool, elementary, and secondary school accreditation to the Virginia Council for Private Education in the Code of Virginia and guaranteeing the quality of student credits transferring from state-recognized private schools to public schools and recognizing teacher licensure credits for time accrued in these private schools; and

WHEREAS, the Virginia Council for Private Education, a private non-profit organization, was designed to provide a state function at no cost to the Commonwealth to demonstrate accountability, increase accessibility to, and encourage the development of high-quality and diverse private schools; and

WHEREAS, the Virginia Council for Private Education continually develops its accreditation standards and processes through an extensive association peer review system that requires quality improvement, assures the public that the purpose and philosophy of private schools are being fulfilled, promotes professional development, improves student learning environments, and assures compliance with health and safety requirements at both the association and individual school levels; and

WHEREAS, the Virginia Council for Private Education's public commitment to accountability and high-quality educational opportunities for children in the Commonwealth is demonstrated through the diverse educational philosophies of each of its 14 state-recognized accrediting and four other-affiliated member associations: AdvancED, American Montessori Society, Association of Christian Teachers and Schools, Association of Christian Schools International, Association of Classical Christian Schools, Association of Military Colleges and Schools of the United States, Christian Schools International, Church Schools in the Diocese of Virginia, International Christian Accrediting Association, International League of Christian Schools, North American Christian School Accrediting Agency, Seventh Day Adventist Schools of the Potomac Conference, Southeastern District, Lutheran Schools—Missouri Synod, Southern Association of Independent Schools, Virginia Association of Independent Schools, Virginia Association of Independent Specialized Education Facilities, Virginia Catholic Education Association-Arlington and Richmond, Virginia Independent Schools Association, and the Virginia Independent Schools Athletic Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend the Virginia Council for Private Education on the occasion of its 30th anniversary of accrediting private schools in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Council for Private Education as an expression of the General Assembly's appreciation for its many contributions to education in the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 936

*Commending Moore Street Missionary Baptist Church.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Moore Street Missionary Baptist Church celebrates its 140th anniversary of service and ministry to the Jackson Ward neighborhood, the Richmond region, and the Commonwealth in 2015; and

WHEREAS, in 1875, a group of people led by the Reverend William Troy, purchased property in Richmond's Sheep Hill neighborhood to establish a church; Moore Street Missionary Baptist Church was founded as an offshoot of Second Baptist Church; and

WHEREAS, Moore Street Missionary Baptist Church was organized and dedicated on April 18, 1875; the following Sunday, April 25, 1875, the choir and Sunday school were formed, and before the year ended, the church's first Trustee Board and Deacon Board were established; and

WHEREAS, the Reverend William Troy was the first pastor of Moore Street Missionary Baptist Church, and from 1881 to 1894 the pastorate was held by four people; in 1895, the Reverend Randall Johnson became pastor and served for 30 years; and

WHEREAS, during the Reverend Randall Johnson's tenure, the membership of Moore Street Missionary Baptist Church increased to 2,317 people and a Baptist Young People's Union was established; in 1908, the church moved to its present location at 1408 West Leigh Street in Richmond; and

WHEREAS, after the Reverend Randall Johnson retired in 1925, the Reverend Dr. Gordon B. Hancock became pastor of Moore Street Missionary Baptist Church; during his 38-year tenure, membership increased, the Social Center was built, and the church hired its first social worker, established a hospital committee, and sponsored a Boy Scout Troop; and

WHEREAS, after the Reverend Gordon Hancock's retirement in 1963, the Reverend Dr. Gilbert G. Campbell became pastor; and

WHEREAS, in the last 50 years, Moore Street Missionary Baptist Church has been renovated, new ministries have been added, and in 1994, the Reverend Dr. Alonza Lawrence became pastor; he continues to oversee the church's vibrant urban ministry and its major role in the life of the Jackson Ward community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend historic Moore Street Missionary Baptist Church on the occasion of its 140th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Alonza Lawrence, pastor of Moore Street Missionary Baptist Church, as an expression of the General Assembly's congratulations and admiration for its service and ministry to Richmond and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 937

*Commending the Reverend Dr. Alonza Lee Lawrence.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2014, the Reverend Dr. Alonza Lee Lawrence celebrated 20 years of service and ministry as pastor of Moore Street Missionary Baptist Church in Richmond; and

WHEREAS, the Reverend Alonza Lawrence, a native of Franklin, attended Virginia Polytechnic Institute and State University and received a bachelor's degree from Virginia Union University; he earned a master's degree from Virginia Union University and a doctoral degree from Union Theological Seminary; and

WHEREAS, in 1983, the Reverend Alonza Lawrence assumed his first pastorate when he was called to lead Westwood Baptist Church; previously, he had served as an intern at the church and also had worked as youth minister and assistant to the pastor; and

WHEREAS, in November 1994, the Reverend Alonza Lawrence became the ninth pastor of historic Moore Street Missionary Baptist Church in Richmond; during his more than two decades as pastor, the congregation has grown and he has established many new ministries and outreach efforts; and

WHEREAS, the Reverend Alonza Lawrence is an active participant in local, regional, and international ministries and church organizations; he is a member of the Baptist General Convention of Virginia and has been president of American Baptist Churches of the South; and

WHEREAS, locally, the Reverend Alonza Lawrence has been president of the Jackson Ward and Vicinity Ministers' Conference and has made many valuable contributions as a member of the Baptist Ministers' Conference of Richmond and Vicinity; and

WHEREAS, the Reverend Alonza Lawrence has completed the Pastoral Excellence Program of the Lott Carey Baptist Missions Convention, which gave him the opportunity to minister to people in Jamaica, Zimbabwe, Guyana, and South Africa; and

WHEREAS, the Reverend Alonza Lawrence also is an educator; he has taught in the Richmond Public School system and at Virginia Union University; currently, he is an adjunct professor in the Samuel DeWitt Proctor School of Theology of Virginia Union University; and

WHEREAS, during his tenure as pastor of Moore Street Missionary Baptist Church, the Reverend Alonza Lawrence has encouraged his congregation to seek new heights in their spiritual growth and development; he is a meek and humble man who enjoys working with many different groups and readily embraces new and innovative challenges; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Alonza Lee Lawrence on the occasion of his 20th year of service and ministry as pastor of Moore Street Missionary Baptist Church in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Alonza Lee Lawrence as an expression of the General Assembly's congratulations and admiration for his many years of ministering to the congregation of Moore Street Missionary Baptist Church and to the people of Richmond, the Commonwealth, and the world.

### HOUSE JOINT RESOLUTION NO. 938

*Celebrating the life of Zora M. McCall Brownell.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Zora M. McCall Brownell of Loudoun County, a selfless and devoted community leader who believed that volunteerism is a central tenant of the American ideal, died on March 12, 2014; and

WHEREAS, a native of Baltimore, Maryland, Zora M. McCall "Mac" Brownell worked for the Federal Bureau of Investigation and volunteered with the USO during World War II; she married her husband, Jim, on April 1, 1945; and

WHEREAS, in 1959, Mac Brownell and her family moved to a dairy farm in Bluemont, where she began to build an incomparable legacy of service to the residents of Loudoun County; and

WHEREAS, Mac Brownell served as the director of volunteers at Loudoun Memorial Hospital from 1973 to 1980, declining any pay for the salaried position; she also chaired the Loudoun County Red Cross and served on the board of directors of the American Red Cross; and

WHEREAS, Mac Brownell was most passionate about supporting seniors in Loudoun County; she worked with the Loudoun County Commission on Aging and was instrumental in the creation of the Carver Senior Center; and

WHEREAS, as the longtime chair of the Friends of Loudoun Adult Day Care Centers, Mac Brownell raised funds through Nancy's Cookies to establish adult care facilities in Leesburg and Sterling; and

WHEREAS, Mac Brownell also donated her time and wise leadership to several other organizations, boards, committees, and commissions at the local and state levels; she earned many awards and accolades for her tireless and benevolent service; and

WHEREAS, Mac Brownell enjoyed fellowship and worship with the community as a member of St. Andrew Presbyterian Church in Purcellville, where she served as a ruling elder; and

WHEREAS, Mac Brownell will be fondly remembered and greatly missed by her husband, Jim; children, James, Mark, and Scott, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Zora M. McCall Brownell, a pillar of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Zora M. McCall Brownell as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 939

*Commending Craig M. MacLean.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Craig M. MacLean, executive director and chief executive officer of Horizon Goodwill Industries, has ably served communities in the Commonwealth, Maryland, West Virginia, and Pennsylvania; and

WHEREAS, prior to joining Horizon Goodwill Industries (HGI), Craig MacLean served as a faculty member of several colleges and universities; he also offered his leadership and expertise to the Ford Foundation, the Republic of the Philippines, and the New York City Board of Education; and

WHEREAS, Craig MacLean joined HGI in 1980 as a vocational rehabilitation specialist; based in Cumberland, he was responsible for vocational rehabilitation programs in two Maryland counties; and

WHEREAS, in 1984, Craig MacLean became the executive director and chief executive officer of HGI, and within a year, HGI was named a pilot site for Supported Employment and had secured state set-aside contracts; and

WHEREAS, under Craig MacLean's leadership, HGI expanded to West Virginia in 1986 and opened a day habilitation program to serve individuals with profound developmental disabilities; the organization also earned its first SourceAmerica contract; and

WHEREAS, by the 1990s, HGI had grown from four stores to 12, expanding to Pennsylvania and the Commonwealth, including a branch location in Winchester; Craig MacLean helped existing programs flourish and pioneered new initiatives, such as a reentry and expungement program for ex-offenders; and

WHEREAS, during Craig MacLean's tenure, HGI became one of the first members of the Pennsylvania Association of Goodwills and the Virginia Goodwill Network, and he ensured that the organization had a strong presence in advocacy initiatives at state and federal levels; and

WHEREAS, Craig MacLean also worked to enhance the quality of life of community members with numerous civic and service organizations; he was honored by the Washington County United Way for his distinguished service in 2011; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Craig M. MacLean, executive director and chief executive officer of Horizon Goodwill Industries, for his leadership and service to community members in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Craig M. MacLean as an expression of the General Assembly's admiration for his contributions to communities in the Commonwealth, Maryland, West Virginia, and Pennsylvania.

### HOUSE JOINT RESOLUTION NO. 940

*Commending Darryl C. Smith, Sr.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Darryl C. Smith, Sr., a dedicated public servant who worked to support and inspire the youth of the Purcellville community, retires as Chief of the Purcellville Police Department in April 2015; and

WHEREAS, during his nine-year tenure as chief, Darryl Smith helped the Purcellville Police Department achieve and maintain state accreditation, ensuring high-quality service to members of the public; and

WHEREAS, overseeing a period of rapid growth for the town, Darryl Smith ably and efficiently managed the Purcellville Police Department; he worked to update the department's vehicles and equipment and implemented an innovative staffing model; and

WHEREAS, a hands-on leader, Darryl Smith took an active role in building trust between his officers and individuals, groups, and businesses in the community, and he was particularly passionate about connecting with local youths; and

WHEREAS, Darryl Smith instituted a series of youth engagement and outreach programs, including Homework Club, the Back to School Picnic, and the End of School Picnic; and

WHEREAS, in recognition of Darryl Smith's efforts, the Purcellville Police Department received the Virginia Municipal League Achievement Award in 2007 and was named as a semifinalist for the Webber Seavey Award for Quality in Law Enforcement from the International Association of Chiefs of Police in 2009; and

WHEREAS, Darryl Smith is an exemplar of the professionalism, tireless devotion, and care for the community shown by law-enforcement officers throughout the Commonwealth; he leaves a legacy of excellence to his successor as police chief; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Darryl C. Smith, Sr., on the occasion of his retirement as police chief of Purcellville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darryl C. Smith, Sr., as an expression of the General Assembly's admiration for his leadership and service to the residents of Purcellville.

### HOUSE JOINT RESOLUTION NO. 941

*Commending the United States Navy Reserve.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, since the birth of the nation, brave citizens have answered the call to serve at sea, from the proposition of a national naval militia by Thomas Jefferson in 1805, through the Civil War, which saw these units augmented in support of the United States Navy, to the Spanish-American War in 1898, in which 4,215 militia men supported the United States Navy; and

WHEREAS, in 1915, the United States Congress officially established the Federal Navy Reserve, and for the last 100 years, Navy Reserve sailors have participated in every major conflict, with more than 300,000 serving in World War I; more than two million serving in World War II, including former Presidents John F. Kennedy and George H. W. Bush; 130,000 serving in Korea; one out of every seven sailors serving in Vietnam; over 22,000 mobilizing for the first Gulf War; and 1,500 serving in Bosnia and Kosovo; and

WHEREAS, with more than 70,000 Navy Reserve sailors mobilized since September 2001 to support the Global War on Terrorism, the Navy Reserve of today is ready, trained, and aligned and integrated with active-duty military forces; and

WHEREAS, the mission of the Navy Reserve is to provide strategic depth and deliver operational capabilities to the United States Navy and Marine Corps and other branches of the United States Armed Forces, from peace to war; and

WHEREAS, Navy Reserve sailors are patriots who balance the demands of family, community, civilian employment, and military readiness, hailing from local communities in every state and representing the interests of the nation; they are deeply connected to the American people and embody the spirit of the American ideal; and

WHEREAS, the Commonwealth has thousands of serving Navy Reserve sailors in three Navy Operational Support Centers in Norfolk, Richmond, and Roanoke; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United States Navy Reserve on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the United States Navy Reserve as an expression of the General Assembly's admiration for its contributions to safeguarding the nation.

### HOUSE JOINT RESOLUTION NO. 942

*Commending Laura Pearson.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Laura Pearson, who served the community of Philomont in western Loudoun County with great dedication as postmaster for 50 years, retired on January 9, 2015; and

WHEREAS, the role of postmaster of Philomont is a family affair for Laura Pearson; the village's first postmaster was a cousin, her grandfather and father-in-law also served as postmasters of Philomont, and she became the town's postmaster in 1965 after her brother-in-law died suddenly while serving in that position; and

WHEREAS, Laura Pearson was appointed postmaster by President Lyndon B. Johnson, through his Postmaster General John A. Gronouski; she has worked for her entire postal career at the tiny country post office, located in the back of Philomont General Store; and

WHEREAS, postal customers enjoyed being greeted by Laura Pearson's smile and friendly manner; when she started as postmaster in Philomont five decades ago, a first-class stamp cost five cents, and there were 40 mail boxes; today, "Forever" stamps are preferred by customers, and Philomont has 200 mailboxes; and

WHEREAS, as postmaster, Laura Pearson often was at the center of the close-knit community; from her office behind a small counter in the back of the general store, she served customers, dispensed postage, handed over mail, and kept abreast of goings-on in the area; and

WHEREAS, in retirement, Laura Pearson plans to continue her involvement in the community; she is a local historian and belongs to the ladies auxiliary of the Philomont Volunteer Fire Department, Roszell Chapel United Methodist Church, and other organizations; and

WHEREAS, Laura Pearson was a dedicated employee of the United States Postal Service and has fond memories of her decades as postmaster—describing her customers as her best friends—and she leaves a legacy of uncommon service and commitment to ensuring that each day's work was done before she went home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laura Pearson, who served the community of Philomont in western Loudoun County with great dedication as postmaster for 50 years, on the occasion of her retirement on January 9, 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laura Pearson as an expression of the General Assembly's respect and admiration for her dedication and service to the people of Philomont, Loudoun County, and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 943

*Commending Nichols Hardware.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Nichols Hardware, a family-owned business in Purcellville, celebrated its 100th anniversary in 2014; and

WHEREAS, opened by Edward E. Nichols, Sr., in 1914 as Nichols & Warner, Nichols Hardware originally stocked horse collars for local farmers and handmade dolls for children; the store retains much of its traditional charm, but with a much-expanded inventory; and

WHEREAS, Nichols Hardware stocks everything local residents might need; everything from snow shovels and sleds to fishing gear, tools, household supplies, gardening supplies, window screens, and cutlery can be found tucked down one of the store's wood-floored aisles; and

WHEREAS, over the years, Nichols Hardware experienced several milestones and witnessed great change and growth in Purcellville; the store has been a local landmark, known for its longstanding generosity and support for the community; and

WHEREAS, Nichols Hardware was the subject of a documentary in 2011, titled *Nichols: The Last Hardware Store*, which details the store's long history, unique charms, and service to generations of loyal customers; and

WHEREAS, Ken Nichols, the third-generation owner of the store, commemorated the 100th anniversary of Nichols Hardware with a special celebration in December 2014, with family, friends, fellow business owners, and customers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nichols Hardware on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Nichols as an expression of the General Assembly's admiration for Nichols Hardware's legacy of service to the residents of Loudoun County.

### HOUSE JOINT RESOLUTION NO. 944

*Commending Flint Hill Elementary School.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015 and 2016, Flint Hill Elementary School in Fairfax County celebrates 60 years of giving students the tools and support to develop a strong foundation for lifelong learning and to become responsible, successful members of society; and

WHEREAS, opened as a 10-room schoolhouse under principal Elizabeth Burke in 1955, Flint Hill Elementary School served children in the growing community of Vienna; additions in the 1960s doubled the school's capacity, and in the 1970s, the school welcomed students from Oakton; and

WHEREAS, Flint Hill Elementary School was recognized with an Excellence in Design award for its renovations in 1994 to incorporate a new library and media center, a computer center, a television studio, a parent and professional library, and a special room for language instruction; and

WHEREAS, using the Fairfax County Public Schools Program of Studies at each grade level, Flint Hill Elementary School honors each student's individual learning style and supports students' social development; and

WHEREAS, as a Positive Behavior Support school, the faculty and staff of Flint Hill Elementary School emphasize and reward respect and positive behaviors among the student body to ensure strong emotional and social growth, as well as exceptional academic achievement; and

WHEREAS, Flint Hill Elementary School has succeeded in its mission thanks to the dedication of its faculty and staff, the hard work of its student body, and the support of parents and the community; and

WHEREAS, Flint Hill Elementary School will commemorate its 60th anniversary with events throughout the year, and in 2016, it will open a time capsule that was sealed during the school's 50th anniversary year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Flint Hill Elementary School on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Salvador Rivera, principal of Flint Hill Elementary School, as an expression of the General Assembly's admiration for the school's dedication to its students and service to the Fairfax County community.

### HOUSE JOINT RESOLUTION NO. 945

*Celebrating the life of Gerald William Maravetz.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Gerald William Maravetz of Vienna, a retired veteran of the United States Armed Forces who also served as a civilian employee of the United States Navy, an active volunteer in the community, a man of faith, and a devoted husband and father, died on February 11, 2015; and

WHEREAS, Gerald "Jerry" William Maravetz was born on his family's farm in Schley, Iowa; he joined the United States Navy in 1949 and proudly served for 21 years, retiring as a master chief (CTACM); and

WHEREAS, Jerry Maravetz continued to serve his country as a civilian employee of the United States Navy; he was deputy inspector general of the Naval Security Group, and when he retired for a second time, in 1994, he had served his country for 46 years; and

WHEREAS, an active community volunteer, Jerry Maravetz spent many hours at Frying Pan Farm Park in Fairfax County; because he was reared on his family's farm, he was familiar with farm operations and found fulfillment in repairing long-unused agricultural equipment, and he also greatly enjoyed teaching children about farm life and the animals there; and

WHEREAS, Jerry Maravetz was a man of faith who enjoyed fellowship and worship at St. Mark Catholic Church in Vienna, where he was a valued member and filled many roles; and

WHEREAS, Jerry Maravetz, who was predeceased by his wife, Marie, will be greatly missed and fondly remembered by his children, Glenn and Jean, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gerald William Maravetz of Vienna, a retired veteran of the United States Armed Forces who also served as a civilian employee of the United States Navy, an active volunteer in the community, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gerald William Maravetz as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 946

*Commending William Crosby Hairston.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, William Crosby Hairston, who has ably served as a member of the Ridgeway Town Council for 36 years, retired in 2014; and

WHEREAS, William Hairston was first elected to the Ridgeway Town Council on May 2, 1978; for much of his time as a member of the town council, he also served as vice mayor of the town in Henry County; and

WHEREAS, during his more than three decades of service to the people of Ridgeway, William Hairston has played a key role in many developments; the town received a Community Development Block Grant enabling it to rehabilitate 20 housing units, demolish one structure, and install water and sewer lines as well as a 3-inch main and a duplex pump station; and

WHEREAS, additionally, in 2001, during William Hairston's tenure on the Ridgeway Town Council, the town adopted a zoning ordinance and established a Zoning Board and a Board of Zoning Appeals; and

WHEREAS, William Hairston and the Ridgeway Town Council adopted a Comprehensive Plan for Ridgeway, and a major improvement to the town's infrastructure—the replacement of a bridge on U.S. Route 220S Business—also occurred during his tenure as a member of the town's governing body; and

WHEREAS, while William Hairston served on the Ridgeway Town Council, the town became the owner of an existing park; Ridgeway Town Park now features a gazebo, playground equipment, picnic tables, and electrical improvements also have been made; and

WHEREAS, during William Hairston's service on the town council, two holiday festivals have been established at Ridgeway Town Park, and three "Welcome to Ridgeway" signs were installed at entrances to the town; and

WHEREAS, in addition to being a dedicated public servant, William Hairston has further served the community as an active member of Antioch Baptist Church, where he has held many leadership positions; he also has been a Scoutmaster of Boy Scout Troop 178 for 25 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Crosby Hairston, a member of the Ridgeway Town Council for 36 years, on the occasion of his retirement in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Crosby Hairston as an expression of the General Assembly's respect and admiration for his many years of dedicated public service to the Town of Ridgeway and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 947

*Commending 360IT Partners.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, 360IT Partners of Virginia Beach celebrates its 20th anniversary in 2015 of providing information technology systems and support services to a wide variety of customers in southeastern Virginia; and

WHEREAS, the mission of 360IT Partners, which was founded in 1995, is to reliably deliver outstanding information technology (IT) systems and support services to clients that improve productivity, uptime, and profitability; the company is accredited by the Better Business Bureau of Greater Hampton Roads and also is a member of the Hampton Roads Chamber of Commerce; and

WHEREAS, the staff of 360IT Partners has IT expertise in the many types of business operations found throughout Hampton Roads, including manufacturing, distribution, legal, financial, insurance, health care, and ship building and repair; the company is proud to be an industry leader in information technology systems and support; and

WHEREAS, 360IT Partners has won many accolades in recent years; in 2014, it was ranked 298th on the MSPmentor 501 list, making it one of the top managed services providers worldwide, and in 2013, it was named Small Business of the Year for 2013 by the Hampton Roads Chamber of Commerce; and

WHEREAS, 360IT Partners also was honored in 2013 as one of the Commonwealth's 50 fastest-growing companies by the Virginia Chamber of Commerce, joining the chamber's Fantastic 50 list, and *Inc.* magazine named the company to the 2013 *Inc.* 5000 list of the fastest-growing privately held companies in the United States; and

WHEREAS, the staff of 360IT Partners continues to oversee the company's growth and strong sales; the company is committed to making a positive impact in the region and attributes its success to a talented team and the many faithful clients it has served in the last two decades; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend 360IT Partners on the occasion of its 20th anniversary in 2015 and for providing award-winning information technology systems and support services to a wide variety of customers in southeastern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martin Joseph, president and chief executive officer of 360IT Partners, as an expression of the General Assembly's congratulations and admiration for the company's many years of growth and business success.

### HOUSE JOINT RESOLUTION NO. 948

*Commending Michael Torrech.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Michael Torrech of Chesapeake, a philanthropist and respected leader in shipbuilding and the maritime industry, retired as chief executive officer of American Maritime Holdings in September 2014; and

WHEREAS, Michael Torrech earned a bachelor's degree from Old Dominion University and began his distinguished maritime career as an apprentice at Norfolk Shipbuilding and Drydock Corporation, which is now BAE Systems; and

WHEREAS, after serving as president of Técnico Corporation, Michael Torrech co-founded American Maritime Holdings, and under his exceptional leadership, it grew to become one of the largest employee-owned maritime industrial companies in the United States; and

WHEREAS, Michael Torrech is a trusted mentor to countless fellow entrepreneurs and maritime workers; to ensure a strong, well-educated maritime workforce, he established the AMH Apprentice Program and is a founding member and chair of the National Maritime Education Council; and

WHEREAS, deeply respected by his peers, Michael Torrech serves on the boards of the Shipbuilders Council of America and the Virginia Ship Repair Association; he also works to strengthen the industry through the United States Small Business Administration 8(a) Mentor-Protégé Program; and

WHEREAS, generously volunteering his time and talents with several civic and service organizations, Michael Torrech is the chair of Orphan Helpers, a nonprofit organization that serves children and youths in Central America; and

WHEREAS, Michael Torrech has received numerous awards and accolades for his good work, including the 2002 Distinguished Alumni Award from Old Dominion University and recognition from the Great Bridge Rotary Club for his 20 years of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Torrech on the occasion of his retirement as chief executive officer of American Maritime Holdings; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Torrech as an expression of the General Assembly's admiration for his many contributions to the Chesapeake community and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 949

*Celebrating the life of Jerome Kersey.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, Jerome Kersey, a distinguished Longwood College alumnus, versatile professional basketball player, and devoted teammate and friend, died on February 18, 2015; and

WHEREAS, a native of Clarksville, Jerome Kersey graduated from Longwood College (now Longwood University), where he averaged 17 points and 11.3 rebounds per game and scored 1,756 career points; he was named All-American twice and broke several school records; and

WHEREAS, Jerome Kersey was drafted by the Portland Trail Blazers in the second round of the 1984 National Basketball Association (NBA) draft, and he helped the team reach two NBA Finals in 1990 and 1992; he ranks second on Portland's career games list with 831 appearances; and

WHEREAS, over the course of 17 seasons, Jerome Kersey also played with the Golden State Warriors, the Los Angeles Lakers, the Seattle SuperSonics, the San Antonio Spurs, and the Milwaukee Bucks; he won the NBA Championship with San Antonio in 1999; and

WHEREAS, throughout his professional career, Jerome Kersey made 1,153 regular-season appearances and averaged 10.3 points and 5.5 rebounds per game; and

WHEREAS, Jerome Kersey was respected as a fierce competitor on the court, earning the nickname "No Mercy Kersey," but was also known off the court for his friendly demeanor, bright smile, and dedication to his friends and teammates; and

WHEREAS, Jerome Kersey retired as a player in 2001 and served as an assistant coach of the Milwaukee Bucks in 2004-2005; he remained an active servant to the community and had recently attended an African American History Month event with several former players at a school in Portland, Oregon; and

WHEREAS, Jerome Kersey will be fondly remembered and greatly missed by numerous family members, friends, and former teammates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jerome Kersey, a Longwood College alumnus and professional basketball star; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jerome Kersey as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 950

*Commending first responders to the Cherrystone Campgrounds tornado.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, on July 24, 2014, an EF-1 tornado touched down on the Cherrystone Campgrounds, at Cherrystone Family Camping and RV Resort in Cape Charles, that overturned multiple recreational vehicles and damaged property and trees; and

WHEREAS, the tornado also caused a tractor trailer to flip on Lankford Highway in Northampton County and was accompanied by severe rain and golf-ball-sized hail; the event tragically resulted in multiple fatalities and numerous major and minor injuries; and

WHEREAS, the Northampton County Board of Supervisors declared a state of emergency, and fire and police departments, medical personnel, and citizens quickly responded to the incident to assess the damage, care for the injured, and liaise with local hospitals to provide timely treatment; and

WHEREAS, from Northampton County, the Cape Charles Rescue Service, Cape Charles Volunteer Fire Company, Cape Charles Police Department, Cheriton Volunteer Fire Company, Community Volunteer Fire Company, Eastville Volunteer Fire Company, Eastville Police Department, Exmore Police Department, Northampton County Sheriff's Office, Northampton County Department of EMS, Northampton Fire Rescue, Northampton County Public Schools, Northampton County Administration staff, and Northampton County Social Services all worked to safeguard members of the public in the aftermath of the tornado; and

WHEREAS, numerous Accomack County units responded to the disaster, including the Accomack County Sheriff's Office, Accomack County Department of Public Safety, Bloxom Volunteer Fire Company, Melfa Volunteer Fire and Rescue, Onancock Volunteer Fire Department, Onley Volunteer Fire-Rescue, Parksley Volunteer Fire Company, and Wachapreague Volunteer Fire Company; and

WHEREAS, Cherrystone Campgrounds staff, Virginia Marine Resources Commission, Virginia Marine Police, Virginia Conservation Police, Chesapeake Bay Bridge-Tunnel Police, Kiptopeke State Park Police, Virginia State Police, the Red Cross, Shore Transport, Virginia Beach Fire and EMS, NASA Wallops Flight Facility Fire Department, and the Incident Management Team of the Chesapeake Fire Department also responded to the incident to offer expertise and assistance; and

WHEREAS, the actions of the first responders to the Cherrystone Campgrounds tornado are a testament to the professionalism, dedication, and loyalty to the community displayed by first responders throughout the Commonwealth and the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the first responders to the Cherrystone Campgrounds tornado for their efficient, effective, and well-coordinated efforts in response to an emergency situation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the first responders to the Cherrystone Campgrounds tornado as an expression of the General Assembly's admiration for the actions of all units involved in the aftermath of this incident.

**HOUSE JOINT RESOLUTION NO. 951**

*Celebrating the life of Baylies Brewster.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Baylies Brewster of Norfolk, who worked for *Style Weekly* in Richmond and the *Virginian-Pilot* newspaper in Norfolk, former dean of students at Hollins College who was a mentor to many alumnae, a woman of faith, and a devoted mother and grandmother, died on February 1, 2015; and

WHEREAS, in 1957, Baylies Brewster graduated from Hollins College, now known as Hollins University; she was active in many areas of college life—a member of two sports teams, president of the first Hollins Abroad group, and president of the Student Government Association in her senior year; and

WHEREAS, Baylies Brewster returned to work for Hollins College in 1969 as associate dean of students and later became dean of students; she was well-regarded by students and staff for her dedication to promoting what was best for the students and the school; and

WHEREAS, an effective administrator and mentor, Baylies Brewster developed many student services and activities programs, especially the highly regarded Hollins Outdoor Program; a lecture fund was established in her name in honor of her many contributions to Hollins College; and

WHEREAS, Baylies Brewster left her position at her alma mater in 1984 to pursue a master's degree from Simmons College; she then worked for *Style Weekly* in Richmond and the *Virginian-Pilot* newspaper in Norfolk; and

WHEREAS, after retiring in 2005, Baylies Brewster became involved in many areas of community life; she enjoyed worship and fellowship at Christ and St. Luke's Episcopal Church, where she served on the church vestry and was a Stephen's Minister; and

WHEREAS, Baylies Brewster also looked forward to being with friends at her Thursday morning church group and at monthly book club gatherings; she very much enjoyed walks to the gym and was devoted to her two dachshunds; and

WHEREAS, Baylies Brewster will be greatly missed and fondly remembered by many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Baylies Brewster of Norfolk, who worked for *Style Weekly* and the *Virginian-Pilot* newspaper, former dean of students at Hollins College and a mentor for many alumnae, a woman of faith, and a devoted mother and grandmother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Baylies Brewster as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 952**

*Commending the Richmond Metropolitan Area Group of the National Coalition of 100 Black Women, Inc.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, the Richmond Metropolitan Area Group of the National Coalition of 100 Black Women, Inc., celebrates its charter ceremony on March 28, 2015, as an advocacy organization focusing on three issues of great importance to the African American community; and

WHEREAS, the Richmond Metropolitan Area Group of the National Coalition of 100 Black Women, Inc., will work to raise awareness of the causes, symptoms, and treatment of mental health issues and be an advocate for women living in poverty and women who are victims of domestic violence; and

WHEREAS, the National Coalition of 100 Black Women, Inc. (NCBW), was founded in 1981 as a leadership forum for all black women; the group's mission is to advocate on behalf of black women and girls, promoting leadership development and gender equality in the areas of health, education, and economic empowerment; and

WHEREAS, the National Coalition of 100 Black Women, Inc., is a nonprofit organization that addresses common issues in members' communities, families, and personal lives, and promotes racial equality; and

WHEREAS, the mission of the Richmond Metropolitan Area Group of the NCBW is to advocate on behalf of black women and other women of color through national and local actions and strategic alliances; and

WHEREAS, the members of the Richmond Metropolitan Area Group of the NCBW will work hard as they aggressively develop awareness campaigns to help bring about positive change in the lives of African American women and girls; and

WHEREAS, with the chartering of the Richmond Metropolitan Area Group of the NCBW, the group will be an effective vehicle for women in the community to fortify their combined resources and efforts to promote and strengthen the empowerment and economic sustainability of black women and girls; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Metropolitan Area Group of the National Coalition of 100 Black Women, Inc., on the occasion of its chartering ceremony on March 28, 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Delta Bowers, president of the Richmond Metropolitan Area Group of the National Coalition of 100 Black Women, Inc., as an expression of the General Assembly's respect and admiration for the organization's determination to advocate for and make a difference in the lives of the less fortunate in the African American community.

### HOUSE JOINT RESOLUTION NO. 953

*Celebrating the life of Thelma Anthony Jones-Hawthorne.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Thelma Anthony Jones-Hawthorne of Richmond, a woman of faith who was active in many church ministries and other civic and charitable organizations, a joyful and loving person, and a devoted wife and mother, died on December 21, 2014; and

WHEREAS, Thelma Jones-Hawthorne was a native of Bluefield, West Virginia, and graduated from Elkhorn High School in Elkhorn, West Virginia, where she was a cheerleader and an athlete; she moved to Richmond with her sister, Juanita, to attend Virginia Union University; and

WHEREAS, in addition to attending college, Thelma Jones-Hawthorne became a fashion model and worked at the Medical College of Virginia Hospital, now part of Virginia Commonwealth University Medical Center, where she met her future husband, James Stephen Jones, Sr.; and

WHEREAS, Thelma Jones-Hawthorne and her husband began raising a family after he returned from serving in the United States military during World War II; she was a dedicated housewife and mother and also taught children at a nearby recreation center; and

WHEREAS, while her children were young, Thelma Jones-Hawthorne was actively involved in youth organizations; she was a den mother of a Boy Scout troop, a troop leader with the Girl Scouts of the USA, and a leader of a school parent-teacher association; and

WHEREAS, Thelma Jones-Hawthorne entered the work force when her oldest child started college; she later studied to be a nursing assistant and worked in several convalescent homes and rehabilitation centers; and

WHEREAS, known as a joyful and fun-loving person, Thelma Jones-Hawthorne loved dancing, telling jokes, and socializing with friends and neighbors; and

WHEREAS, Thelma Jones-Hawthorne was a faithful and active member of the Sixth Baptist Church, where she served with the culinary ministry and church aid workers and was a charter member of the ladies auxiliary ushers board; and

WHEREAS, Thelma Jones-Hawthorne, who was preceded in death by her first husband, James Stephen Jones, Sr., and by her second husband, Predzel Hawthorne, Sr., will be fondly remembered by her children, Sandra, Yvonne, Sheila, Ronald, and Lawrence, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thelma Anthony Jones-Hawthorne of Richmond, a woman of faith who was active in many church ministries and other civic and charitable organizations, a joyful and loving person, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thelma Anthony Jones-Hawthorne as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 954

*Celebrating the life of William W. Stanton VI.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, William W. Stanton VI, a dedicated educator for more than 30 years, a devoted friend, a veteran of the United States military, and a loving husband and father, died on August 28, 2014; and

WHEREAS, William "Bill" W. Stanton VI was born in Washington, D.C., and graduated from St. John's College High School; he earned a bachelor's degree from the University of Richmond and later received a master's degree from Virginia Commonwealth University; and

WHEREAS, from 1970 to 1980, Bill Stanton was a member of the United States Army Reserves, serving as a Chaplain Assistant, Specialist 6th Class, in the 56th Hospital Medical Unit; and

WHEREAS, Bill Stanton began his teaching career in Louisa County; he also taught in the Counties of Henrico and Chesterfield and in the City of Richmond; he was a kindergarten through eighth grade teacher and he also taught high school English in summer school and adult education classes; and

WHEREAS, passionately devoted to making a difference in the lives of his students, Bill Stanton's purpose in life was to inspire others to aspire and to seek out the talents and gifts of his pupils; he was frequently recognized as an outstanding teacher and was especially drawn to the Woodville Model Elementary School community; and

WHEREAS, Bill Stanton had many interests; he was a gifted songwriter, often composing songs to help motivate his students to do their best; he belonged to the National Society, Sons of the American Revolution, traveled widely, and was an advocate for affordable proton therapy medical treatment; and

WHEREAS, Bill Stanton was a devoted friend who loved people and loved life; he will be greatly missed and fondly remembered by his wife, Diane; his children, William, Samantha, and Stephanie, and their families; and many other family members, friends, former students, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William W. Stanton VI, a dedicated educator for more than 30 years, a devoted friend, a veteran of the United States military, and a loving husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William W. Stanton VI as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 955

*Commending Binford Middle School.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015, Binford Middle School in Richmond celebrates its 100th anniversary of working to develop and provide the finest educational program to meet the changing needs of its students and staff; and

WHEREAS, the school was named for James H. Binford, who served from 1870 to 1876 as the first superintendent of Richmond Public Schools; it was the fifth junior high school in the United States, reflecting the growing national support of the junior high school concept; and

WHEREAS, when the doors to Binford Middle School first opened in 1915, the school had a staff of approximately 35 and an enrollment of 500 students, who were under the supervision of Joseph Sanders, the school's first principal; and

WHEREAS, throughout its storied history, the vision of the faculty and staff of Binford Middle School has been to develop lifelong learners who continue to grow as responsible citizens; the entire school community is committed to meeting the changing needs of students and their families; and

WHEREAS, the mission of Binford Middle School is to provide high-quality, nurturing educational experiences so that each student is challenged to achieve his full potential; high expectations and best practices are established for each child, and collaboration and engagement are key objectives; and

WHEREAS, the faculty and staff of Binford Middle School help each student develop academically, socially, and psychologically and focus on preparing young people to succeed in high school and adulthood, contribute to society, earn a living through worthwhile and satisfying work, and live with dignity in a complex and changing world; and

WHEREAS, the staff at Binford Middle School also motivate students to develop responsibility, self-reliance, and positive moral values; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Binford Middle School in Richmond on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the principal of Binford Middle School as an expression of the General Assembly's congratulations and admiration for its storied history and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 956

*Celebrating the life of McEva R. Bowser.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, McEva R. Bowser of Richmond, a longtime educator who also served on the Richmond School Board, an active member of many community organizations, a woman of faith, and a devoted wife and mother, died on February 10, 2015; and

WHEREAS, McEva Bowser was a native of Elizabeth City, North Carolina, and earned a bachelor's degree from Elizabeth City State University; she also studied at Columbia University and Virginia Commonwealth University, where she received a master's degree; and

WHEREAS, McEva Bowser worked for the Richmond Public Schools as a teacher for many years and also as a consultant and curriculum specialist; after her retirement, she continued to serve the City of Richmond and its students as a member of the Richmond School Board from 1994 to 1998; and

WHEREAS, many organizations benefited from McEva Bowser's guidance and leadership; she was active in Alpha Kappa Alpha Sorority, Inc., the Richmond chapter of The Links, Inc., and Jack and Jill, Inc., and she was a member of the auxiliary of the Richmond Medical Society; and

WHEREAS, McEva Bowser was a woman of faith who enjoyed fellowship and worship at St. Philip's Episcopal Church, where she was a member of St. Anne's Guild; and

WHEREAS, McEva Bowser, who was preceded in death by her husband, Dr. Barrington H. Bowser, Sr., will be greatly missed and fondly remembered by her children, Angela and Barrington, Jr., and their families, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of McEva R. Bowser of Richmond, a longtime educator who also served on the Richmond School Board, an active member of many community organizations, a woman of faith, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of McEva R. Bowser as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 957

*Commending William David Rice.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, William David Rice, who has provided exemplary service in an ever-changing environment of media, technology, and government, retires as media services advisor at the Virginia Information Technologies Agency, having served the citizens of the Commonwealth as a state employee for 30 years; and

WHEREAS, William "Bill" David Rice has provided media support for the "State of the Commonwealth" address for five governors and assisted with video messaging for six governors; and

WHEREAS, Bill Rice has responded directly to citizens via the Virginia.gov website in a timely manner with accurate and helpful information regarding state government; and

WHEREAS, Bill Rice provided audio and visual media support for meetings and events at the Virginia Information Technologies Agency (VITA) and provided planning and logistical support for VITA conferences and off-site events, the Virginia Geographic Information Network, the state Wireless E-911 Services Board, and other state agencies; and

WHEREAS, Bill Rice has written precise and well-timed press releases and articles for VITA's internal and external communications efforts that reflect positively on VITA, VITA staff, and state government in general; and

WHEREAS, Bill Rice has always expressed concern for the best interests of the Commonwealth, VITA, and state employees, assisting and carrying out activities related to Virginia Public Service Week, the Commonwealth of Virginia Campaign, the Governor's Bowl Food and Fund Drive at VITA, and a wide variety of other activities and duties as assigned; and

WHEREAS, Bill Rice supports arts and cultural events in Richmond, having served as an artist host for the Richmond Folk Festival for 10 years, writing music reviews and performing freelance videography; and

WHEREAS, Bill Rice was born and raised in Richmond and received a bachelor's degree from Virginia Commonwealth University; he is the doting father of two children, Jenna and Derek; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William David Rice for his extensive, productive, and dedicated service to the Commonwealth on the occasion of his retirement as media services advisor at the Virginia Information Technologies Agency; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William David Rice as an expression of the General Assembly's congratulations and admiration for his commitment and service to the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 958

*Commending Langley High School.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, in 2015, Langley High School in McLean celebrates 50 years of preparing students for success in higher education and careers and responsible citizenship; and

WHEREAS, located in the northeast corner of Fairfax County, just across the Potomac River from Washington, D.C., Langley High School was established in 1965 and honors the region's rich heritage; and

WHEREAS, Langley High School takes its name from Langley Manor, home estate of Thomas Lee, the Governor of Virginia from 1749 to 1750, who was one of the first colonists to envision the new world as a separate nation with a capital situated on the Potomac River; and

WHEREAS, in keeping with a traditional theme, the Langley High School nickname is the Saxons, and the school's colors are forest green and old gold with white trim; and

WHEREAS, Langley High School serves students in grades nine through 12 with an outstanding, comprehensive curriculum and numerous student organizations, activities, and athletic programs; and

WHEREAS, Langley High School offers one of the best advanced placement programs in the area, with more than 20 advanced placement classes in every discipline; it is one of only two Fairfax County Public Schools to offer a Russian language course; and

WHEREAS, Langley High School is consistently ranked as one of the top high schools in the Commonwealth and the United States; in 2013, it was ranked as the second best high school in the Commonwealth by *U.S. News and World Report*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Langley High School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce Butler, interim principal of Langley High School, as an expression of the General Assembly's admiration for the school's service to its students and Fairfax County.

### HOUSE JOINT RESOLUTION NO. 959

*Celebrating the life of Betty Van Yahres.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Betty Van Yahres of Charlottesville, who with her husband established Van Yahres Tree Company and who was a volunteer in many civic and charitable organizations and a devoted wife and mother, died on February 7, 2015; and

WHEREAS, a native of McKeesport, Pennsylvania, Betty Van Yahres earned a bachelor's degree from Seton Hill University and worked first for H. J. Heinz Company and then for Shell Oil Company in California; and

WHEREAS, Betty Van Yahres then met her husband, Mitchell Van Yahres, at Cornell University, where she earned a master's degree; after the couple married in 1948, they moved to Charlottesville and started Van Yahres Tree Company; and

WHEREAS, as the couple settled in Charlottesville and began to raise a family, Betty Van Yahres became active in local civic groups, including the University League, Friends of the Library, and Heritage Repertory Theater; she also was cochair of Madison House and president of Community Child Aid; and

WHEREAS, additionally, Betty Van Yahres contributed her time and talents to the Church of the Holy Comforter Parish Council, and she was a member of the board of Camp Holiday Trails, Shelter for Help in Emergency, and WVPT public television station in Harrisonburg; and

WHEREAS, Betty Van Yahres also supported her husband's political career as he represented the residents of Charlottesville in local and state government; she helped in his election campaigns and while he served in office; and

WHEREAS, Betty Van Yahres, who was predeceased by her husband and by a daughter, Christine, will be fondly remembered by her children, Mike, Mark, Keith, Beth, and Laura, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Betty Van Yahres of Charlottesville, who with her husband established Van Yahres Tree Company and who was a volunteer in many civic and charitable organizations and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betty Van Yahres as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 960

*Celebrating the life of Adam Fortune.*

Agreed to by the House of Delegates, February 26, 2015

Agreed to by the Senate, February 26, 2015

WHEREAS, Adam Fortune, a beloved educator and football coach at Tuscarora High School in Loudoun County, died on July 7, 2014; and

WHEREAS, born in Naples, Italy, Adam Fortune graduated from Loudoun County High School and earned a bachelor's degree from Frostburg State University; and

WHEREAS, Adam Fortune promoted health and wellness among the youth of the community as a physical education teacher at Lucketts Elementary School and Catoctin Elementary School; he served as an assistant football coach at Broad Run High School from 1999 to 2009 and helped lead the team to two state championships; and

WHEREAS, Adam Fortune joined Tuscarora High School in its inaugural year in 2010 and had served as defensive coordinator of the football team since then; he constructed a stifling defensive package that held many talented teams to low scores; and

WHEREAS, known for his positive attitude and sense of humor, Adam Fortune was a trusted mentor who gave his players the tools and encouragement to achieve greatness on and off the field; he leaves behind a legacy of excellence for his fellow coaches and educators; and

WHEREAS, Fortune Field at Tuscarora High School was renamed in Adam Fortune's honor; inspired by his memory, the Tuscarora High School football team went undefeated during the 2014 regular season and advanced to the Virginia High School League Group 5A state final; and

WHEREAS, Adam Fortune will be fondly remembered and greatly missed by his wife, Jennifer, and numerous other family members, friends, colleagues, and students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Adam Fortune; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Adam Fortune as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 961

*Election of Circuit Court Judges, General District Court Judges, and Juvenile and Domestic Relations District Court Judges.*

Agreed to by the House of Delegates, February 25, 2015

Agreed to by the Senate, February 25, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Seventh Judicial Circuit, term commencing July 1, 2015.

One judge for the Ninth Judicial Circuit, term commencing July 1, 2015.

One judge for the Eleventh Judicial Circuit, term commencing July 1, 2015.

One judge for the Thirteenth Judicial Circuit, term commencing July 1, 2015.

One judge for the Fourteenth Judicial Circuit, term commencing July 1, 2015.

One judge for the Nineteenth Judicial Circuit, term commencing July 1, 2015.

One judge for the Nineteenth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twentieth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twenty-fourth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twenty-fourth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twenty-sixth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twenty-sixth Judicial Circuit, term commencing July 1, 2015.

One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2015.

One judge for the Thirty-first Judicial Circuit, term commencing July 1, 2015.

One judge for the Thirty-first Judicial Circuit, term commencing July 1, 2015.

One judge for the Thirty-first Judicial Circuit, term commencing July 1, 2015.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the First Judicial District, term commencing July 1, 2015.

One judge for the Second Judicial District, term commencing July 1, 2015.

One judge for the Fourth Judicial District, term commencing July 1, 2015.

One judge for the Seventh Judicial District, term commencing July 1, 2015.

One judge for the Seventh Judicial District, term commencing July 1, 2015.

One judge for the Thirteenth Judicial District, term commencing July 1, 2015.

One judge for the Fourteenth Judicial District, term commencing July 1, 2015.

One judge for the Fourteenth Judicial District, term commencing November 1, 2015.

One judge for the Nineteenth Judicial District, term commencing July 1, 2015.

One judge for the Nineteenth Judicial District, term commencing July 1, 2015.

One judge for the Nineteenth Judicial District, term commencing July 1, 2015.

One judge for the Twenty-fourth Judicial District, term commencing July 1, 2015.

One judge for the Twenty-sixth Judicial District, term commencing July 1, 2015.

One judge for the Twenty-seventh Judicial District, term commencing July 1, 2015.

One judge for the Thirty-first Judicial District, term commencing July 1, 2015.

One judge for the Thirty-first Judicial District, term commencing July 1, 2015.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Fifteenth Judicial District, term commencing July 1, 2015.

One judge for the Fifteenth Judicial District, term commencing July 1, 2015.  
 One judge for the Fifteenth Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-second Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-third Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-third Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-fourth Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-fourth Judicial District, term commencing August 1, 2015.  
 One judge for the Twenty-sixth Judicial District, term commencing July 1, 2015.  
 One judge for the Twenty-eighth Judicial District, term commencing July 1, 2015.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

### HOUSE JOINT RESOLUTION NO. 962

*Adjournment Sine Die.*

Agreed to by the House of Delegates, February 27, 2015

Agreed to by the Senate, February 27, 2015

WHEREAS, the House of Delegates and the Senate are ready to adjourn sine die; now, therefore, be it  
 RESOLVED by the House of Delegates, the Senate concurring, That a committee of six on the part of the House of Delegates and four on the part of the Senate, be appointed to inform the Governor that the Regular Session of the 2015 General Assembly is ready to adjourn sine die and to inquire if he has any communication to make.

### HOUSE RESOLUTION NO. 189

*Commending H. V. Traywick, Jr.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, it is the task of an author, in Samuel Johnson's view, "to teach what is not known, or . . . to let new light in upon the mind," so that readers may "take a second view of things hastily passed over, or negligently regarded"; and

WHEREAS, an author may "turn over half a library to make one book"—as again Dr. Johnson observed; and

WHEREAS, H. V. "Bo" Traywick, Jr., has mastered more than half a library in producing a major new work on the Sesquicentennial of the War Between the States, *Empire of the Owls*; and

WHEREAS, among those commending H. V. Traywick, Jr.'s, work, Frank E. Eakin, Ph.D., professor of Jewish and Christian studies at the University of Richmond, has observed that "Traywick has enabled the unique but often silenced voice of the South to be heard. . . . Letting individuals of the [War] period speak for themselves is crucially important, for it both challenges long held perceptions and serves to redeem those often falsely castigated . . ."; and

WHEREAS, H. V. Traywick, Jr., the son of the late H. V. Traywick, Sr., and his widow, Flo Traywick, of Lynchburg, was graduated from E. C. Glass High School and in 1967 was graduated from Virginia Military Institute with a degree in civil engineering and a commission in the United States Army; and

WHEREAS, H. V. Traywick, Jr., is a combat veteran of the Vietnam War, having served first with the 82nd Airborne Division and subsequently as commander of an engineer company, earning the Bronze Star; and

WHEREAS, having embarked after his military service on a series of adventures—as traveler, deep-sea diver, and surveyor, among other pursuits—H. V. Traywick, Jr., settled, after a fashion, on a career as captain of a tugboat plying the waters of the Atlantic seaboard; and

WHEREAS, a devoted and prodigious reader, H. V. Traywick, Jr., more recently earned a master's degree in liberal arts from the University of Richmond, with a focus on war and cultural revolution; and

WHEREAS, forebears of H. V. Traywick, Jr., have participated in virtually all of the major military and cultural revolutions experienced and alternately achieved or prevented by the people of Virginia; and

WHEREAS, through his father's line, H. V. Traywick, Jr., is descended from Lieutenant John Lampkin Crute, who fought during the Revolutionary War as a lieutenant in the 4th Virginia Regimental Continental Line commanded by Abraham Buford, surviving "Buford's Massacre" inflicted by the British General Banastre Tarleton at Hanging Rock, South Carolina; and

WHEREAS, H. V. Traywick, Jr., is the great-grandson of the Reverend Joseph Benjamin Traywick, who served as a private in the 6th North Carolina Regiment under General Jubal Early of Lynchburg, participating in the battles of Cold Harbor, Lynchburg, Monocacy, Washington, and Third Winchester, only to be captured at the Battle of Fisher's Hill, subsequently surviving confinement to a Union prison camp; and

WHEREAS, H. V. Traywick, Jr., is the great-great-nephew of Joseph Crute, owner with his wife of Clifton, the home in Buckingham County that Union General Ulysses S. Grant expropriated for his headquarters on the evening before the surrender of the Army of Northern Virginia on April 9, 1865; and

WHEREAS, it was a daughter of the Crutes who, on the fateful evening before the surrender by the Confederate Army commanded by General Robert E. Lee, and though a mere toddler, switched General Grant on his boots, exclaiming, "Look, Papa! I can whip the Yankees!"; and

WHEREAS, drawing upon his own experiences of war and cultural revolution, drawing upon a rich and even heroic lineage, and drawing, too, upon a vast reservoir of records bequeathed to us by those who lived the history of a bygone era, H. V. Traywick, Jr., has, in *Empire of the Owls*, presented Virginia readers with a wealth of original source material on "The Tragic Era" of 1861-1865; now, therefore, be it

RESOLVED by the House of Delegates, That H. V. Traywick, Jr., hereby be commended for the admirable scholarship he has manifested in *Empire of the Owls*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to H. V. Traywick, Jr., upon the occasion of a forum on his work to be held in Richmond.

### HOUSE RESOLUTION NO. 190

*Commending the Honorable Watkins Moorman Abbitt, Jr.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, the political culture of the Commonwealth has for centuries been enriched by the participation—often in offices of leadership—of individuals rooted for generations in a particular place, and bound across the generations by ties of blood and kindred custom to the distinctive communities of their inheritance; and

WHEREAS, "the needs of the soul" adumbrated by the philosopher-saint Simone Weil begin with rootedness in enduring traditions as the sole guarantor of ordered life and livelihood, hence of political order; and

WHEREAS, each of the distinctive regions of the Commonwealth is noted for the cultivation of singular types of husbandry, industry, manner, and even accent that combine to produce the archetype by which a *Virginian* may be recognized from among all the peoples of the earth; and

WHEREAS, unique among the regions of the Commonwealth, the Southside of Virginia, graced by small towns within an expanse of farmland and woods, has contributed an array of historical and political figures noted at once for the virtues of the soil—patience, diligence, endurance, artfulness, and wisdom notable among them; and

WHEREAS, the mystical influences of the scorching sun of high summer, of the soft sideways light of the low sun of deep winter, of the colorful rituals of spring as seeds planted in autumn burst forth in new life, the companionship of animals, and the conversation of the front porch are among the shared experiences that combine to form the distinctive character of the citizen—and of the politician—of the Southside; and

WHEREAS, for these reasons and more, the Southside is famed for breeding men and women fierce alike in their loyalties and enmities and unyielding in the defense of their liberties; and

WHEREAS, one of the signal embodiments of these characteristics and of this heritage is the Honorable Watkins M. Abbitt, Jr., of Appomattox; and

WHEREAS, the forebears of Watkins M. Abbitt, Jr., have been settled in Appomattox and the surrounding Southside since the colonial era, so that, verily, their history is part and parcel of every Virginian's history; and

WHEREAS, the making of history, including by service in elective office, is as it were second nature to the life and lineage of Watkins M. Abbitt, Jr., who was an esteemed member of the Virginia House of Delegates for a full quarter-century; and

WHEREAS, this is the year of the Sesquicentennial of the dramatic conclusion of the War Between the States for the fabled Army of Northern Virginia, whose surrender occurred in tiny Appomattox Court House on April 9, 1865; and

WHEREAS, among those who laid down his arms alongside those of General Robert E. Lee on that fateful Spring day in 1865 was Colonel George W. Abbitt—the great-grandfather of Watkins M. Abbitt, Jr.; and

WHEREAS, Colonel George W. Abbitt, who was born in Appomattox in 1826, enlisted in the Confederate States Army on June 19, 1861, only a month before the first major battle of the War at Manassas; and

WHEREAS, George W. Abbitt fought continuously through the war with Company B of the 46th Virginia Infantry, rising by the Spring of 1865 to the rank of captain; and

WHEREAS, Captain George W. Abbitt was awarded a field promotion to colonel for bravery in saving the life of General Henry A. Wise—formerly Governor of Virginia—in the bloody Battle of Sailor's Creek near Farmville on April 6, 1865; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Watkins M. Abbitt, Jr., hereby be commended for the centuries of contributions to the history of Virginia by which his family—himself of course included—has been characterized; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Watkins M. Abbitt, Jr., upon the occasion of his remarks at a ceremony on April 9, 2015,

in—fittingly—Appomattox Court House, honoring the Sesquicentennial of the sanguinary adventures that occurred within his community, indeed, within the bounds of the very land upon which he himself resides, on April 9, 1865.

### HOUSE RESOLUTION NO. 191

*Celebrating the life of John Sidney Davenport IV.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, John Sidney Davenport IV, a prominent business leader and an active member of the Richmond community, died on September 4, 2014; and

WHEREAS, a lifelong resident of Richmond, Sidney Davenport graduated from St. Christopher's School and earned a bachelor's degree from Hampden-Sydney College, where he was a member of Kappa Sigma fraternity; and

WHEREAS, Sidney Davenport began his accomplished professional career with First Mortgage Corporation; he later became the executive vice president and director of Ryland Mortgage and a director of Dynex Capital, Inc.; and

WHEREAS, an avid golfer and tennis player, Sidney Davenport was a member of The Shankers golf group, Kinloch Golf Club, and the Richmond German Club, and he donated his time and leadership as a board member of the Country Club of Virginia; and

WHEREAS, Sidney Davenport enjoyed fellowship and worship with the community as a longtime member of Grace & Holy Trinity Episcopal Church in Richmond; and

WHEREAS, Sidney Davenport will be fondly remembered and greatly missed by his wife, Barbara; daughters, Elizabeth, Jean, Anne, and Mary, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Sidney Davenport IV, a respected business leader and active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Sidney Davenport IV as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 193

*Celebrating the life of Steve Stavros Calos.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, Steve Stavros Calos, a dedicated state government worker and an admired member of the Richmond community, died on November 14, 2014; and

WHEREAS, a native of Danville, Steve Calos graduated from the honors program at the University of North Carolina at Chapel Hill; and

WHEREAS, Steve Calos returned to the Commonwealth as a public information officer in Richmond; he later became the executive director of Common Cause Virginia, where he successfully advocated for various issues related to the public good; and

WHEREAS, Steve Calos also founded and chaired the Virginia Network for Campaign Finance Reform and served as executive director of the Virginia Association of Soil and Water Conservation Districts; and

WHEREAS, generously volunteering his time and talents to enhance the community, Steve Calos helped establish and led Boy Scout Troop 498, which has been named one of the top Catholic-sponsored troops in the nation, and served as the president of the Forest Hills Neighborhood Association; and

WHEREAS, a man of deep and abiding faith who was proud of his Greek heritage, Steve Calos enjoyed fellowship and worship as a member of Saints Constantine and Helen Greek Orthodox Church, serving on the parish council; and

WHEREAS, Steve Calos will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Steve Stavros Calos, a hard-working state government employee and an active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Steve Stavros Calos as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 194**

*Celebrating the life of the Honorable Joseph Benedict Benedetti.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, the Honorable Joseph Benedict Benedetti, a dedicated public servant who represented the residents of Richmond in the Virginia General Assembly for more than a decade, died on November 19, 2014; and

WHEREAS, Joseph Benedetti joined many of the other young men of his generation in service to his country, deploying to Japan with occupation forces following World War II; he then earned a bachelor's degree from The College of William and Mary, where he was a member of the Army Reserve Officer Training Corps; and

WHEREAS, commissioned as a lieutenant in the United States Army in 1951, Joseph Benedetti served during the Korean War and earned a Bronze Star for Valor; after the war, he returned to the Commonwealth and earned a law degree from the University of Richmond; and

WHEREAS, Joseph Benedetti served members of the community as an attorney before winning election to the Virginia House of Delegates in 1982; representing the 68th District, he was named Outstanding Freshman Legislator in 1983 and reelected in 1984; and

WHEREAS, in 1986, Joseph Benedetti was elected to the Senate of Virginia, representing the 10th District; he served three terms until his well-earned retirement in 1998; and

WHEREAS, throughout his distinguished career in public service, Joseph Benedetti sponsored and supported many important pieces of legislation to benefit all Virginians and offered his leadership and wisdom to numerous committees; he was also named Senate Republican Floor Leader in 1996; and

WHEREAS, Joseph Benedetti generously supported the Richmond community through several charitable organizations, the Boy Scouts of America, the Knights of Columbus, the Kiwanis Club, and the American Legion; he sat on the board of visitors of Saint Gertrude High School and Benedictine College Preparatory and enjoyed fellowship and worship as an active member of Saint Benedict Catholic Church; and

WHEREAS, respected for his collegial nature and firm commitment to bettering the lives of all Virginians, Joseph Benedetti was a man of integrity who served the Commonwealth with distinction; and

WHEREAS, Joseph Benedetti will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Joseph Benedict Benedetti, a dedicated public servant who represented the residents of Richmond in both houses of the Virginia General Assembly; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Joseph Benedict Benedetti as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 195**

*Commending the Ocean Lakes High School football team.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, the Ocean Lakes High School football team won the 2014 Virginia High School League Group 6A championship on December 13, 2014, the first state football title in the Virginia Beach school's history, and the crowning touch to an undefeated season; and

WHEREAS, with a score of 30-24, the Ocean Lakes team defeated the Wildcats of Centreville High School, the defending title holder; the Dolphins' win came in overtime, making for an intensely exciting finish for the newly crowned state champions; and

WHEREAS, the Virginia High School League Group 6A championship game was played at Scott Stadium at the University of Virginia; the Ocean Lakes team had prepared long and hard for the Wildcats' variety of defenses; and

WHEREAS, senior Ocean Lakes offensive player Jaason Lewis rushed for a school record of 267 yards in the title game; he scored three touchdowns, including the winning play during overtime; the experienced offensive line also played a key role; and

WHEREAS, the victory marks the first time since 2004 that a public school in Virginia Beach has won a state title; Ocean Lakes High School has been a top contender in recent years, and the win was especially satisfying to those who had played in the 2012 championship game; and

WHEREAS, the Ocean Lakes Dolphins trailed 10-7 at halftime; during the second half, the Dolphins scored a field goal and two touchdowns and thought victory was theirs, but the game went into overtime after their opponents scored two touchdowns in three minutes during the fourth quarter; and

WHEREAS, the Dolphins maintained their steely focus during overtime and scored the winning touchdown on the first play of their possession; the team's preparation and dedication held them in good stead throughout the championship season; and

WHEREAS, the 2014 victory is a tribute to the team's talent and discipline, the hard work of head coach Chris Scott and his staff, and the strong support of the entire Ocean Lakes High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Ocean Lakes High School football team hereby be commended for winning the 2014 Virginia High School League Group 6A championship, the first state football title in the Virginia Beach school's history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Scott, head coach of the Ocean Lakes High School football team, as an expression of the House of Delegates' admiration and congratulations for this outstanding athletic accomplishment.

### HOUSE RESOLUTION NO. 196

*Commending LEAD VIRGINIA.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, LEAD VIRGINIA was established in 2005 by leaders from across the Commonwealth who recognized a need for a nonpartisan, nonprofit statewide leadership development program; and

WHEREAS, each year, LEAD VIRGINIA calls together 50 leaders from private, public, and nonprofit organizations and educates those leaders on Virginia's statewide and regional issues and leadership challenges; and

WHEREAS, LEAD VIRGINIA's curriculum focuses on specific economic, educational, and health issues; the organization builds social capital among leaders through the shared experience of seven intensive monthly sessions held across the Commonwealth; and

WHEREAS, LEAD VIRGINIA provides leaders with the opportunity to experience firsthand the rich diversity and resources of the Commonwealth, while exploring and collaborating on solutions to Virginia's statewide challenges that respect regional differences; and

WHEREAS, LEAD VIRGINIA will reach a milestone of 500 alumni in 2015; alumni have served in positions of leadership locally, regionally, and statewide, including on numerous state boards and commissions; and

WHEREAS, LEAD VIRGINIA graduates influence policy, perspective, and innovation at all levels in their public and private sector roles; and

WHEREAS, LEAD VIRGINIA has created an invaluable legacy of leadership for Virginia during its first decade, with alumni working diligently to shape and strengthen the future of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That LEAD VIRGINIA hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to LEAD VIRGINIA as an expression of the House of Delegates' admiration for its work to empower and support strong, well-informed leaders throughout the Commonwealth.

### HOUSE RESOLUTION NO. 197

*Commending Kay Beazley.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, in 2014, Kay Beazley, a dedicated, enthusiastic civil servant, retired as the postmaster of Studley in Hanover County; and

WHEREAS, after relocating to Studley from Warrenton in 1973, Kay Beazley found employment as a part-time assistant at the Studley post office, which was then located behind a counter in the Studley General Store; and

WHEREAS, the post office was later moved to a small building nearby, housing post office boxes for approximately 150 families; Kay Beazley continued to serve the community and became postmaster in 1980; and

WHEREAS, throughout her career, Kay Beazley responded admirably to the challenges of working in a small-town post office, such as when customers would call the post office with messages for the general store or when packages arrived with only nicknames and no street address; and

WHEREAS, the only full-time employee of the post office for many years, Kay Beazley served an average of 50 customers each day and became a touchstone of the community, making numerous dear friends during her time as postmaster; and

WHEREAS, Kay Beazley plans to spend her well-earned retirement traveling and visiting with her beloved family members; now, therefore, be it

RESOLVED by the House of Delegates, That Kay Beazley hereby be commended on the occasion of her retirement as the postmaster of the Studley community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kay Beazley as an expression of the House of Delegates' admiration for her dedicated service to the residents of Studley and best wishes for a happy retirement.

**HOUSE RESOLUTION NO. 198**

*Celebrating the life of Wayne Dallas Fuller.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, Wayne Dallas Fuller of Winston-Salem, North Carolina, a former resident of the Newport News area who served the Commonwealth and the United States as a ship fitter for aircraft carriers, died on December 5, 2014; and

WHEREAS, a native of Randolph County, North Carolina, Wayne Fuller graduated from Denton High School and studied at Draughon's Business College in Winston-Salem; he became a ship fitter at Newport News Shipbuilding, which today is a division of Huntington Ingalls Industries, Inc.; and

WHEREAS, Wayne Fuller was a ship fitter on Essex-class aircraft carriers; when World War II broke out, he enlisted in the United States Army, and as a battalion sergeant major, he managed harbor operations at the Port of Manila in the Philippines; and

WHEREAS, after being discharged in 1946, Wayne Fuller embarked on a career in the telecommunications industry; he was a career employee of Western Electric, which later became part of AT&T and then Lucent Technologies, and today is known as Alcatel-Lucent; and

WHEREAS, Wayne Fuller studied at Elon University and at the University of Virginia while working in administrative positions for the company; he became an expert in government and private-sector procurement and retired as manager of purchasing; and

WHEREAS, in retirement, Wayne Fuller dedicated his life to helping those who are less fortunate; his leadership abilities and positive outlook were evident in his work with Habitat for Humanity, the Second Harvest Food Bank of Northwest North Carolina, and his church; and

WHEREAS, a man of faith, Wayne Fuller was a member of First Presbyterian Church during the 17 years he lived in Burlington, North Carolina, and was a 52-year member of First Presbyterian Church in Winston-Salem, where he was a deacon and financial administration volunteer; and

WHEREAS, predeceased by his wife of 66 years, Jonlyn, and two children, Amy and Ray, Wayne Fuller will be greatly missed and fondly remembered by his son, David; his children's families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Wayne Dallas Fuller of Winston-Salem, North Carolina, a former resident of the Newport News area who served the Commonwealth in the shipbuilding industry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wayne Dallas Fuller as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 199**

*Commending Farrar W. Howard, Jr.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, Farrar W. Howard, Jr., has served with distinction as Sheriff of New Kent County since 1980, admirably representing the county for more than 35 years during a time of immense growth and technological change; he is the longest-serving active sheriff in the Commonwealth; and

WHEREAS, Farrar W. "Wakie" Howard, who was reared in Charles City County, graduated from the University of Richmond in 1975 and returned home to teach middle school before entering law enforcement; he was hired as a deputy sheriff in New Kent County in 1977; and

WHEREAS, when Wakie Howard was elected Sheriff of New Kent County in 1979, he was the youngest sheriff in the Commonwealth; he has been reelected six times and is highly respected by his employees, fellow law-enforcement officers, and throughout the community; and

WHEREAS, Wakie Howard has ably served the Commonwealth; he is past president of the Virginia Sheriffs' Association and was chair of the association's Legislative Committee; he also is a founding member and past chair of the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, additionally, Wakie Howard has been a member of the National Sheriffs' Association highway safety commission; he also received a gubernatorial appointment to the Virginia Forensic Science Board and has served on numerous other state boards and commissions; and

WHEREAS, in 2008, at the urging of the employees of the New Kent County Sheriff's Office, the Board of Supervisors named the new sheriff's department facility the F.W. Howard, Jr. Law Enforcement Building, in honor of Wakie Howard's commitment and service to the people of New Kent County; and

WHEREAS, in addition to leading the New Kent County Sheriff's Office, Wakie Howard was a member of both the Providence Forge volunteer rescue squad and the Providence Forge volunteer fire department and has belonged to many other community organizations; and

WHEREAS, Wakie Howard is a strong supporter and advocate for the law-enforcement profession and has used his years of experience to promote training for law-enforcement professionals, support legislative initiatives, and work for the betterment of his community; now, therefore, be it

RESOLVED by the House of Delegates, That Farrar W. Howard, Jr., Sheriff of New Kent County, hereby be commended for his many years of service to the people of New Kent County and for his commitment to improving the law-enforcement profession; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Farrar W. Howard, Jr., as an expression of the House of Delegates' admiration and respect for his years of dedication to furthering public safety in New Kent County and the Commonwealth.

### HOUSE RESOLUTION NO. 200

*Salaries, contingent and incidental expense.*

Agreed to by the House of Delegates, January 14, 2015

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2015 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

### HOUSE RESOLUTION NO. 201

*Commending the 2015 inductees into the Virginia Sports Hall of Fame.*

Agreed to by the House of Delegates, January 16, 2015

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resources center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2015 inductees as follows:

The Class of 2015

*Fletcher Arritt*

Fletcher Arritt became the head postgraduate basketball coach at Fork Union Military Academy in 1970. He was one of the most successful basketball coaches in the Commonwealth, with at least 400 players advancing to the college ranks and many to professional careers. Fork Union won over 75 percent of its games during his tenure. After more than four decades at the helm, he retired with a career record of 890 wins and 283 losses.

*Cherie Greer Brown*

Cherie Greer Brown is a former Virginia women's lacrosse All-American. A three-time first-team All-American for the University of Virginia Cavaliers, she was the NCAA Division I Defensive Player of the Year in 1994 and her jersey was retired by the university. She was a member of the 1993, 1997, 2001, and 2005 U.S. Women's World Cup teams, winning three world championships. She was named the Most Outstanding Player of the Championship Game in the 1997 and 2001 World Cups. In 2000, she was named a member of the *Lacrosse Magazine* All-Century Team, and in 2009, she was inducted into the National Lacrosse Hall of Fame.

*Johnny Grubb*

Johnny Grubb was born in Richmond and attended Meadowbrook High School. In 1971, he was selected with the 24th pick of the Major League Baseball draft by the San Diego Padres. He signed with the Padres and made his major league debut on September 10, 1972. Throughout his 16-year career in Major League Baseball, he played for the San Diego Padres, Cleveland Indians, Texas Rangers, and Detroit Tigers. He helped lead the 1984 Detroit Tigers to a World Series Championship. In 1,424 major league games, he collected 1,153 career hits and 99 home runs and achieved a career batting average of .278.

*Paul Hatcher*

A native of Bassett, Paul Hatcher attended Bridgewater College before becoming the winningest basketball coach in Virginia High School League history. In a 43-year career at Robert E. Lee High School in Staunton, he compiled a record of 897 victories and 174 losses—a win rate of 84 percent—and four state titles. He coached from 1968 to 2011 and never had a losing season. He was named the Virginia High School League State Coach of the Year 11 times and was a seven-time VHSL All-Star Game Coach.

*Angela Hucles*

A native of Virginia Beach, Angela Hucles attended Norfolk Academy, where she was a Parade All-American soccer selection in 1995. She attended the University of Virginia, where she became soccer All-American and was named to the All-ACC team for four straight seasons. She scored 59 goals and is the all-time leading goal scorer in Virginia Women's Soccer. After graduating, she embarked on an extraordinary professional and international career highlighted by two Olympic Gold Medals and two World Cup appearances for the U.S. Women's National Soccer Team.

*Mike Stevens*

For more than three decades, Mike Stevens has been working to put Virginia's athletes and their sports in the spotlight. During his 23-year tenure as the sports director of Southwest Virginia's CBS affiliate, he served as a reporter and lead anchorman and did live play-by-play broadcasts for high school football, college basketball, minor league baseball, and stock car racing. In addition, he was a fixture on the station's marquee sports program, Friday Football Extra. He hosted over 350 consecutive episodes of the half-hour high school football show that became the model for hundreds of other such programs around the country.

*Ben Wallace*

Ben Wallace was an All-American at Virginia Union University in Richmond before becoming one of the most feared players in the National Basketball Association (NBA). Over his 16-year NBA career, he played for the Washington Bullets/Wizards, Orlando Magic, Detroit Pistons, Chicago Bulls, and Cleveland Cavaliers. He led the Detroit Pistons to an NBA Championship during the 2003-2004 season. Over his career, he was a four-time NBA All-Star, four-time NBA Defensive Player of the Year, three-time All-NBA Second Team selection, five-time NBA All-Defensive First Team selection, and two-time NBA rebounding champion and an NBA blocks leader. He amassed career totals of 6,254 points, 10,482 rebounds, and 2,137 blocks; now, therefore, be it

RESOLVED by the House of Delegates, That Fletcher Arritt, Cherie Greer Brown, Johnny Grubb, Paul Hatcher, Angela Hucles, Mike Stevens, and Ben Wallace hereby be commended as the 2015 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2015 inductees as an expression of the House of Delegates' congratulations and admiration for the inductees' many contributions to the world of sports.

**HOUSE RESOLUTION NO. 203***Commending Mark Ryan.*

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, in 2014, Mark Ryan, an exceptional youth soccer coach in Loudoun County, received awards at regional and state levels for his accomplishments and leadership on and off the field; and

WHEREAS, Mark Ryan earned the United States Youth Soccer (USYS) 2014 Region I Boys Competitive Coach of the Year Award and the Virginia Youth Soccer Association (VYSA) 2014 Boys Competitive Coach of the Year Award; and

WHEREAS, a member of Loudoun Soccer for three years, Mark Ryan serves as the travel director and head coach of the Northern District of the Olympic Development Program; he led the Loudoun 98 Red boys' team to the USYS National Championship in 2013; and

WHEREAS, Mark Ryan's high standards and excellent record as both a coach and a travel director made him a clear choice for the awards, which recognize coaches for overall performance, player development, personal development, and citizenship; and

WHEREAS, a trusted leader to his athletes and an admired mentor and friend to colleagues, Mark Ryan has touched countless lives and strengthened competitive soccer in Loudoun County and the Commonwealth; and

WHEREAS, Mark Ryan will be presented the USYS Region I Competitive Coach of the Year Award and the VYSA Competitive Coach of the Year Award at ceremonies in Philadelphia and Arlington in January 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Mark Ryan hereby be commended on receiving regional and state awards for his achievements as a youth soccer coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Ryan as an expression of the House of Delegates' admiration for his dedication to serving and supporting young athletes in Loudoun County.

**HOUSE RESOLUTION NO. 204***Celebrating the life of Julie Fangming Ho Rao.*

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Julie Fangming Ho Rao of McLean, an enthusiastic volunteer and an accomplished dietitian, died on August 30, 2014; and

WHEREAS, a native of Chongqing, China, Julie Rao immigrated to the United States with her family in the 1950s and settled in the Washington, D.C., area; and

WHEREAS, Julie Rao graduated from Western High School, attended George Washington University, and earned a bachelor's degree from Columbia Union College and a master's degree from Rutgers University; and

WHEREAS, in 1969, Julie Rao became the chief dietitian of John F. Kennedy Medical Center in New Jersey; she later became the chief therapeutic dietitian at Holy Cross Hospital in Maryland and was promoted to chief production dietitian; and

WHEREAS, Julie Rao used her expertise to serve the youth of the community, becoming the food service supervisor for Area IV of Fairfax County Public Schools in 1975; and

WHEREAS, an active volunteer for the Republican Party, Julie Rao founded the Cosmo Republican Woman's Club and was recognized by the National Federation of Republican Women as one of its ten most outstanding grassroots organizers; and

WHEREAS, Julie Rao served on President Ronald W. Reagan's inauguration committee, organizing the first Asian-Pacific Presidential Ball; she then worked with Senator John W. Warner and served as a White House assistant in the Office of Public Liaison, before being appointed director of volunteers of the Organization for America's Future; and

WHEREAS, after serving on President George H. W. Bush's campaign, Julie Rao became the Asian Director of Inauguration Balls and a special assistant to the commissioner of the U.S. Food and Drug Administration; and

WHEREAS, Julie Rao will be fondly remembered and greatly missed by her beloved husband, David; children, Michael and Debbie, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Julie Rao, an accomplished dietician and volunteer in McLean; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julie Rao as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 205

*Commending Danny Hunley.*

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Danny Hunley, who had worked at Newport News Shipbuilding since 1974, starting as a welder trainee, retired as vice president of operations on December 31, 2014, after a 40-year career with the Commonwealth's largest industrial employer; and

WHEREAS, a resident of Mathews County, Danny Hunley had no long-term plan to stay at the shipyard when he first began working there, but his potential soon became evident to his supervisors, and over the years, he was entrusted with numerous responsibilities; and

WHEREAS, Newport News Shipbuilding, which is a division of Huntington Ingalls Industries, Inc., is the nation's sole designer, builder, and refueler of nuclear-powered aircraft carriers; the company also designs and builds nuclear-powered submarines and commercial ships; and

WHEREAS, earlier in his career, Danny Hunley served as director for trades, education, and training at Newport News Shipbuilding; he also was program manager of the international product tanker construction program and was department head of industrial measurement, accuracy control, ship fitters, and welders; and

WHEREAS, Danny Hunley became vice president for trades, education, and training in 2005; as vice president of operations, he was responsible for production labor resources and processes, plant engineering and maintenance, waterfront support services, training, instructional design, and The Apprentice School; and

WHEREAS, under Danny Hunley's leadership, the shipbuilding company built a new state-of-the-art Apprentice School in downtown Newport News; the school opened in 2012, and in addition to learning a trade, apprentices also can pursue a bachelor's degree from Old Dominion University; and

WHEREAS, there was a sea change in the methods and construction processes used at Newport News Shipbuilding during Danny Hunley's four decades at the vast complex along the James River; slide rules were essential tools in the 1970s, and the earliest calculators cost a week's salary; and

WHEREAS, over the years, Danny Hunley observed how the use of cutting-edge technology such as 3-D modeling and optically guided measurements helped the 23,000 employees at Newport News Shipbuilding build and maintain the highly specialized and complex vessels that make up the country's nuclear-powered fleet, a vital component of our nation's military might; and

WHEREAS, Danny Hunley, who graduated from The Apprentice School and Saint Leo University, received the prestigious Tenneco Leadership Award, the Newport News Shipbuilding President's Model of Excellence Award for leadership, and other recognitions during his career; and

WHEREAS, Danny Hunley was a demanding and caring supervisor who also was a voice for the craftsman; he often demonstrated great compassion and was admired for showing others what traits are necessary to be a respected and visionary leader; now, therefore, be it

RESOLVED by the House of Delegates, That Danny Hunley hereby be commended for his 40 years of service to Newport News Shipbuilding, from his start as a welder trainee in 1974 to retiring as vice president of operations at the Commonwealth's largest industrial employer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danny Hunley as an expression of the House of Delegates' respect and admiration for his leadership at one of the Commonwealth's largest industries—an integral part of the nation's defense capabilities—and best wishes in retirement.

### HOUSE RESOLUTION NO. 206

*Celebrating the life of Linwood Custalow, M.D.*

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Linwood Custalow, M.D., a member of the Mattaponi Tribe, a respected physician in Newport News, an active participant in many medical and faith-based organizations, and a devoted husband and father, died on December 19, 2014; and

WHEREAS, Linwood "Little Bear" Custalow was born on the Mattaponi reservation in King William County and was the first Native American to graduate from a medical college in the Commonwealth; he received a degree from the Medical College of Virginia in 1964; and

WHEREAS, during a 38-year career, Linwood Custalow specialized in ear, nose, and throat medicine, facial plastic surgery, and treatment of allergies; he helped found the Association of American Indian Physicians and he also assisted in providing health care to members of the Mattaponi Tribe; and

WHEREAS, Linwood Custalow was a diplomate of the American Board of Otolaryngology; he also was a member of the National Board of Medical Examiners, a fellow of the American Academy of Otolaryngology-Head and Neck Surgery, and a member of the International College of Surgeons and many other medical organizations; and

WHEREAS, in 1966, Linwood Custalow was named an Outstanding Young Man of America; he also was honored as an Outstanding Personality of the South in 1968, and he received the Unknown Indian Award in 1990 for his service to Native American communities; and

WHEREAS, Linwood Custalow made valuable contributions as a member of the boards of Youth for Christ/USA, Youth Challenge, numerous churches, Bacone College, and Bluefield College, from which he received an associate's degree; and

WHEREAS, Linwood Custalow was active in tribal affairs and was historian of the Mattaponi Tribe; he also was co-author of *The True Story of Pocahontas, the Other Side of History*, which was published in 2007; and

WHEREAS, predeceased by his son, Darryl, Linwood Custalow will be greatly missed and fondly remembered by his wife, Barbara; his children, Beth, Amy, Lisa, and Julie and their families; his siblings and those in his extended family; members of the Mattaponi Tribe; and many friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Linwood Custalow, M.D., a member of the Mattaponi Tribe, who was a respected surgeon, an active participant in many medical and faith-based organizations, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Linwood Custalow, M.D., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 207

*Commending Hubbard Peanut Company, Inc.*

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, in 2014, Hubbard Peanut Company, Inc., in Sedley celebrated its 60th anniversary of producing a Virginia delicacy—delicious locally grown peanuts—that today is famous the world over; and

WHEREAS, Hubbard Peanut Company is the Commonwealth's oldest continuously family-owned-and-operated peanut processor; it began in 1954 when Dot Hubbard, a young mother who wanted to earn some extra money, developed a tasty method for cooking peanuts; and

WHEREAS, the snack soon was in great demand by her friends and neighbors, and Dot Hubbard's husband, HJ, was delivering one-ounce bags of Hubs Peanuts to customers around town and in surrounding Southampton County; and

WHEREAS, Hubs Peanuts were produced in the Hubbards' home, but the demand for the nutty snacks outgrew a typical kitchen; HJ Hubbard and some colleagues devised a peanut-processing system to accommodate the increased demand while ensuring strict quality control; and

WHEREAS, Dot Hubbard eventually needed assistance; she hired friends and neighbors to help skin the peanuts, and she would drive around Sedley with her children in the car, picking up tubs of prepared peanuts to cook once she returned home; and

WHEREAS, a mail-order business for Hubs Peanuts evolved through word of mouth as more people became enamored of the specialty food; in the 1950s the mail-order industry was in its infancy, but the Hubbards began shipping packages of peanuts, processing all orders by hand; and

WHEREAS, the Hubbards moved to a new home a mile away from where Hubs Peanuts were first made; the Hubbard Peanut Company plant has taken over the grounds of the family home, with offices, warehouses, and industrial kitchens now on the land where the family lived and played; and

WHEREAS, much of the equipment at the Hubbard Peanut Company plant was designed by HJ Hubbard; his manufacturing design acumen has stood the test of time as the company has grown and prospered; and

WHEREAS, Hubbard Peanut Company is still a family-owned entity; Dot and HJ Hubbard's four children now run the company, which processes and ships tins of Hubs Peanuts around the nation and around the world; now, therefore, be it

RESOLVED by the House of Delegates, That Hubbard Peanut Company, Inc., hereby be commended on the occasion of its 60th anniversary in business and for establishing Hubs Peanuts, a standard-bearer for delicious foods made in Virginia—and a snack known around the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynne Hubbard Rabil, president of Hubbard Peanut Company, Inc., as an expression of the House of Delegates' congratulations and admiration for developing a worldwide market for the Virginia peanut, one of the Commonwealth's tastiest and most historic foods.

### HOUSE RESOLUTION NO. 208

*Nominating a person to be elected to the Supreme Court of Virginia.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Supreme Court of Virginia as follows:

The Honorable D. Arthur Kelsey, of Suffolk, as a justice of the Supreme Court of Virginia for a term of twelve years commencing February 1, 2015.

### HOUSE RESOLUTION NO. 209

*Nominating persons to be elected to the Court of Appeals of Virginia.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Richard Y. AtLee, Jr., of York, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

The Honorable Mary Grace O'Brien, of Prince William, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

Wesley G. Russell, Jr., of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

### HOUSE RESOLUTION NO. 210

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Johnny E. Morrison, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing February 1, 2015.

The Honorable Michelle J. Atkins, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Gordon F. Willis, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing April 1, 2015.

The Honorable Cheryl V. Higgins, of Albemarle, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing April 1, 2015.

**HOUSE RESOLUTION NO. 211**

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Philip J. Infantino, III, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing April 1, 2015.

The Honorable Bruce A. Wilcox, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Gary A. Mills, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing April 1, 2015.

The Honorable M. Woodrow Griffin, Jr., of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Tonya Henderson-Stith, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing May 1, 2015.

The Honorable Colleen K. Killilea, of James City County, as a judge of the Ninth Judicial District for a term of six years commencing November 1, 2015.

The Honorable Pamela O'Berry, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing April 1, 2015.

Jacqueline S. McClenney, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing December 1, 2015.

The Honorable William J. Minor, Jr., of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2015.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing February 1, 2015.

The Honorable Jacqueline F. Ward Talevi, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing February 1, 2015.

The Honorable Richard A. Claybrook, Jr., of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing March 1, 2015.

The Honorable Amy B. Tisinger, of Shenandoah, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

The Honorable Gino W. Williams, of Floyd, as a judge of the Twenty-seventh Judicial District for a term of six years commencing April 1, 2015.

**HOUSE RESOLUTION NO. 212**

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Deborah L. Rawls, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing March 1, 2015.

The Honorable Michelle J. Atkins, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Jacqueline R. Waymack, of Prince George, as a judge of the Sixth Judicial District for a term of six years commencing June 1, 2015.

The Honorable Judith Anne Kline, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing April 1, 2015.

The Honorable Deborah S. Roe, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing May 1, 2015.

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2015.

The Honorable R. Michael McKenney, of Northumberland, as a judge of the Fifteenth Judicial District for a term of six years commencing May 1, 2015.

The Honorable Uley Norris Damiani, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing February 1, 2015.

The Honorable Thomas P. Sotelo, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2015.

The Honorable Hugh David O'Donnell, of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Robert C. Viar, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2015.

The Honorable Michael J. Bush, of Russell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing April 1, 2015.

Martha P. Ketron, of Russell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing February 1, 2015.

### HOUSE RESOLUTION NO. 213

*Nominating persons to be elected members of the Judicial Inquiry and Review Commission.*

Agreed to by the House of Delegates, January 20, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected members of the Judicial Inquiry and Review Commission as follows:

The Honorable H. Lee Chitwood, of Pulaski, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2015.

The Honorable Mary Bennett Malveaux, of Henrico, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2015, and for a term of four years commencing July 1, 2015.

Michael E. Untiedt, of Smyth, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2015.

### HOUSE RESOLUTION NO. 215

*Celebrating the life of Irving Althaus.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Irving Althaus, a well-known businessman and a respected member of the Newport News community, died on July 14, 2014; and

WHEREAS, a native of Ciechan—w, Poland, Irving Althaus endured several years in Nazi concentration camps during World War II; later in life, he would proudly participate in Holocaust survivor documentation projects, sharing his experiences to increase awareness and provide support to fellow survivors; and

WHEREAS, Irving Althaus immigrated to the United States after the war and became an American citizen in 1954; upon arriving, he used his training as an electrician to serve the community by wiring several homes in the Warwick Garden neighborhood of Newport News; and

WHEREAS, in the 1950s, Irving Althaus ran a newsstand outside Antine's Luncheonette, then worked with his cousin as the manager of Althaus Delicatessen and Caterers until his retirement in 1997; and

WHEREAS, over the course of his 46-year career, Irving Althaus became a well-known member of the community, providing delicious food for wedding receptions, family reunions, and other gatherings; he built many lifelong friendships and left a good impression on everyone he met; and

WHEREAS, admired for his hard work, positivity, and zest for life, Irving Althaus will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Irving Althaus, a successful businessman and beloved member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Irving Althaus as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 216

*Celebrating the life of Grant S. Williams, Sr.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Grant S. Williams, Sr., a respected member of the Hampton community and a proud veteran who served among the historic Tuskegee Airmen, died on June 22, 2014; and

WHEREAS, a native of Halifax County, Grant Williams joined many of the other young men of his generation in service to his country during World War II; he was inducted into the United States Army in 1942 and completed basic training at Tuskegee Army Air Field in Alabama; and

WHEREAS, in 1944, Grant Williams deployed to Italy with the 96th Air Service Group—one of the few all African American service groups serving in combat during the war—which provided field support to the 332nd Fighter Group; and

WHEREAS, Grant Williams earned a Bronze Star for his meritorious service and had risen to the rank of master sergeant when he received an honorable discharge in 1945; and

WHEREAS, after the war, Grant Williams joined the United States Army Reserve; he was recalled to active duty in 1950 and served his country in Japan, Turkey, and Vietnam before retiring as a chief master sergeant in the United States Air Force in 1975; and

WHEREAS, as a member of the Tidewater chapter of Tuskegee Airmen, Inc., Grant Williams worked diligently to preserve the history and heritage of African American World War II aviators; and

WHEREAS, in September 2010, Grant Williams was honored as the first and only Tuskegee Airman to be inducted into the United States Air Force CHIEFS Room; and

WHEREAS, Grant Williams enjoyed fellowship and worship with the community as a lifetime member of First Calvary Baptist Church in Hampton; he will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Grant S. Williams, Sr., a proud veteran and a respected member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Grant S. Williams, Sr., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 217

*Commending the Loudoun 98 Red girls' soccer team.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, the Loudoun 98 Red girls' soccer team won the Virginia Youth Soccer Association State Cup in the under-16 division on November 2, 2014; and

WHEREAS, the Loudoun 98 Red girls' soccer team defeated a talented team from the Braddock Road Youth Club in Springfield to claim the state title in the closely matched game; and

WHEREAS, after regulation and extra time ended in a draw, the resilient athletes of the Loudoun 98 Red girls' soccer team remained focused to win 4-3 on penalty kicks; and

WHEREAS, after the victory, the Loudoun 98 Red girls' soccer team was honored to be ranked as the top team at the state, regional, and national levels by *GotSoccer* magazine; and

WHEREAS, the victory is a testament to the hard work and determination of the athletes, the leadership of the coaches and staff, and the enthusiastic support of parents, friends, and members of the Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun 98 Red girls' soccer team hereby be commended on winning the 2014-2015 Virginia Youth Soccer Association State Cup in the under-16 division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Randall May, head coach of the Loudoun 98 Red girls' soccer team, as an expression of the House of Delegates' admiration for the team's accomplishments and best wishes for the future.

### HOUSE RESOLUTION NO. 218

*Celebrating the life of William Caleb Wharton.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, William Caleb Wharton, a junior at Hampden-Sydney College and a beloved member of the Richmond community, died on November 2, 2014; and

WHEREAS, a 2012 graduate of the Collegiate School in Richmond, Caleb Wharton was a talented athlete who played varsity football and lacrosse; he was also a valued teammate on the Amped Lax travel team; and

WHEREAS, Caleb Wharton attended Hampden-Sydney College, where he continued to play lacrosse and joined Sigma Alpha Epsilon fraternity; and

WHEREAS, a loyal and understanding friend to many, Caleb Wharton was sensitive to the needs of others and expressed genuine care for those around him; and

WHEREAS, known for his infectious laugh and positive attitude, Caleb Wharton spread joy to everyone he met; and

WHEREAS, Caleb Wharton will be fondly remembered and greatly missed by his parents, Abbie and Kemper; siblings, Conrad and Libba; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Caleb Wharton, a student at Hampden-Sydney College and a beloved member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Caleb Wharton as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 219

*Commending Southampton County Historical Society.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, in 2014, Southampton County Historical Society celebrated 50 years of working to collect, protect, and preserve artifacts and knowledge relevant to Southampton County's unique and storied history; and

WHEREAS, Southampton County Historical Society traces its roots to 1964, when John C. Parker of Franklin sent letters to members of the community soliciting support for the formation of a local historical society; and

WHEREAS, the group that would become Southampton County Historical Society met in November 1964 and established its mission to seek out, arrange, and display facts and items of local interest; and

WHEREAS, Southampton County Historical Society held its first official meeting in the Walter Cecil Rawls Library and Museum in February 1965 and elected Charles Fox Urquhart, Jr., as president; the society resolved to make a list of all local buildings constructed prior to 1850, obtain documents related to the county's past and arrange for their safekeeping, and restore old records at the Clerk of Court Office; and

WHEREAS, in April 1965, Southampton County Historical Society had 58 members and agreed to meet four times each year, including one joint meeting with the Southampton Archeological Society; by 1966, the society had achieved nonprofit status and grown to more than 100 members; and

WHEREAS, in the late 1960s, Southampton County Historical Society worked with the Virginia Historic Landmarks Commission to identify possible locations for the landmarks registry and discussed writing a local history book; the society also considered an arrangement with Walter Cecil Rawls Library and Museum for the storage of local artifacts; and

WHEREAS, Southampton County Historical Society continued to expand in the 1970s, hosting over 200 people at a meeting in 1974; the society also acquired the Rochelle-Prince House as its permanent home; and

WHEREAS, in the 1980s, Southampton County Historical Society turned its focus to the study and preservation of artifacts related to Nat Turner and the Southampton Insurrection in 1831, and in 1989, the society acquired property for the construction of a museum; and

WHEREAS, Southampton County Historical Society held the grand opening of its museum in 1991, showcasing wood carvings made from the Sebrell Elm Tree, which was the largest elm tree in the United States before its death in 1988; and

WHEREAS, in 2000, Southampton County Historical Society erected markers on the Nat Turner insurrection route and acquired numerous pieces for a Nat Turner exhibit; the society also acquired the Rebecca Vaughan House and the Blount Building for use as a museum; now, therefore, be it

RESOLVED by the House of Delegates, That Southampton County Historical Society hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Southampton County Historical Society as an expression of the House of Delegates' admiration for the society's diligent contributions to the preservation of local history.

### HOUSE RESOLUTION NO. 220

*Celebrating the life of William Trenholm Hopkins III.*

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, William Trenholm Hopkins III, of Franklin, a dedicated municipal employee whose unflappable temperament and ability to work with people were appreciated by friends and coworkers alike, an outdoors enthusiast, and a devoted husband and father, died on January 4, 2015; and

WHEREAS, William "Bill" Trenholm Hopkins had been director of planning, engineering, and public works for the Town of Smithfield for almost two decades and often was sought out by town officials and residents for advice and guidance; and

WHEREAS, a graduate of Southampton Academy and Ferrum College and a member of High Street United Methodist Church, Bill Hopkins was involved in many organizations; he was a member of the Hunterdale Ruritan Club and served on the Board of Trustees of Southampton Academy; and

WHEREAS, friends and colleagues recall with great fondness Bill Hopkins' love of life; he found pleasure and companionship in many activities, including golf, hunting, and cooking delicious meals for family and friends; and

WHEREAS, Bill Hopkins had a compassionate spirit, was kind to everyone he met, and enjoyed the many different tasks he faced each day in his work for the Town of Smithfield; he liked people and had a gift for diffusing tense situations; and

WHEREAS, Bill Hopkins will be greatly missed and fondly remembered by his wife, Lou Anne; his daughter, Rachael; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Trenholm Hopkins III, a dedicated municipal employee whose unflappable temperament and ability to work with people were appreciated by friends and coworkers alike, an outdoors enthusiast, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Trenholm Hopkins III as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 221

*Commending Sean Thomas Grapin.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Sean Thomas Grapin of Vienna, a diligent and hardworking member of Boy Scouts of America Troop 345, attains the rank of Eagle Scout in 2015 after becoming one of the few Scouts to earn all 135 merit badges; and

WHEREAS, only a limited number of Scouts meet the standards of excellence necessary to achieve the rank of Eagle Scout by earning at least 21 merit badges and demonstrating Scout Spirit and troop leadership; and

WHEREAS, at 11 years old, Sean Grapin is the youngest Scout to have earned all 135 merit badges and one of the youngest Scouts to attain the rank of Eagle Scout; he and his brother, Eric, are the first Scouts from Northern Virginia to have earned all 135 merit badges; and

WHEREAS, Sean Grapin and his brother conducted extensive research to determine the best order in which to earn their merit badges; the brothers traveled to 17 states to achieve the feat, joining fewer than 240 Scouts who have previously earned all possible merit badges; and

WHEREAS, for his Eagle Scout Project, Sean Grapin helped build a bridge over a muddy area at a nearby nature preserve; and

WHEREAS, a student at Vienna Adventist Academy, Sean Grapin hopes to continue his involvement with Scouting and pursue a career as a zoologist; and

WHEREAS, Sean Grapin exemplifies the noble ideals of the Boy Scouts of America and donated his time and talents to provide a valuable service to the community through his Eagle Scout Project; and

WHEREAS, Sean Grapin's Eagle Scout Court of Honor ceremony will take place on February 1, 2015, in Fairfax; now, therefore, be it

RESOLVED by the House of Delegates, That Sean Thomas Grapin hereby be commended for earning all 135 Boy Scouts of America merit badges and attaining the rank of Eagle Scout in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sean Thomas Grapin as an expression of the House of Delegates' admiration for his exceptional accomplishments and best wishes for the future.

### HOUSE RESOLUTION NO. 222

*Commending Loudoun County Public Schools.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Loudoun County Public Schools received the 2015 Programs That Work award for its geospatial science program, which allows students to develop critical thinking skills with real-world applications in the geographic information systems field; and

WHEREAS, the Programs That Work awards are presented annually by the Virginia Mathematics and Science Coalition to honor schools and organizations with effective, innovative student or teacher programs that promote the processes and skills associated with science, technology, engineering, and mathematics (STEM); and

WHEREAS, established as a dual enrollment course with James Madison University (JMU) in 2006, the Loudoun County Public Schools geospatial science program was tested extensively over a three-year period; the program expanded to two additional schools in 2009 and was available to seven schools in 2014; and

WHEREAS, students in the program are trained on specialized software and equipment, learn how to create and interpret maps, and analyze data; students examine science and social science questions and study the role of engineers in urban design; and

WHEREAS, at the conclusion of the course, students undertake a month-long final project of their own choosing; the project mirrors authentic activities in the geographic information systems profession, and students present and defend their results before a panel of JMU faculty and fellow students; and

WHEREAS, the innovative program appeals to both gifted students, who appreciate the focus on advanced critical thinking skills, and special needs students, who enjoy the ability to learn and succeed in a project-based environment that reflects real-world contexts; and

WHEREAS, students from Loudoun County Public Schools demonstrated their proficiency in geospatial science at the 2014 Esri International User Conference, where they took first place in a map gallery competition; many students have earned valuable internships as a result of the program; and

WHEREAS, a testament to the success of the program, Loudoun County Public Schools is developing an advanced course for students to take in their junior and senior years of high school, as well as a kindergarten through eighth grade program to begin building students' interest in STEM at a young age; and

WHEREAS, Loudoun County Public Schools and other Programs That Work award recipients from around the Commonwealth received their awards at a formal ceremony in Richmond on January 20, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Loudoun County Public Schools hereby be commended on receiving the 2015 Programs That Work award for its geospatial science program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loudoun County Public Schools as an expression of the House of Delegates' admiration for the school system's ongoing commitment to promoting the importance of science, technology, engineering, and math curriculums for all students.

### HOUSE RESOLUTION NO. 223

*Celebrating the life of Paul Macrae Montgomery.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Paul Macrae Montgomery of Newport News, a leading financial expert whose innovative methods earned him the respect of investors, economists, and financial publications throughout the United States, died on September 6, 2014; and

WHEREAS, a proud, lifelong resident of Newport News, Paul Montgomery graduated from Warwick High School and earned a bachelor's degree from The College of William and Mary and a master's degree from the University of Virginia; and

WHEREAS, in 1971, Paul Montgomery began his career in finance with the firm that would later become Legg Mason Wood Walker, Inc.; in 2003, he founded Montgomery Capital Management, which now manages over \$50 million in investments; and

WHEREAS, Paul Montgomery was respected for his knowledge and honesty; he authored the widely-read *Universal Economics* newsletter and was a regular commentator for the *New York Times*, the *Wall Street Journal*, *USA Today*, *Barron's*, and *Grant's Interest Rate Observer*; and

WHEREAS, a keen student of history, Paul Montgomery asserted that many standard theories and statistical series of financial forecasts do not adequately address human factors and consistently demonstrated that markets move in cycles; and

WHEREAS, a godly man who lived his faith through his actions, Paul Montgomery believed in the value of service to others and enjoyed fellowship and worship with the community at St. Andrews Episcopal Church; and

WHEREAS, Paul Montgomery will be fondly remembered and greatly missed by his wife, Wendy; children, Charles, Jeb, and Courtney, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Paul Macrae Montgomery, a visionary financial expert and an admired member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Macrae Montgomery as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 224

*Commending Jeremy Mogollon Rivera.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Jeremy Mogollon Rivera, a dedicated and hardworking member of Boy Scouts of America Troop 1146 in Annandale, attained the rank of Eagle Scout in 2014; and

WHEREAS, a candidate for this highest rank in Scouting must complete a rigorous program of training and demonstrate proficiency in leadership and other Scouting techniques; and

WHEREAS, only a limited number of Scouts meet the standards of excellence necessary to achieve the rank of Eagle Scout; Jeremy Rivera met the requirements by earning at least 21 merit badges, demonstrating Scout Spirit and leadership in his troop, and planning and completing a service project; and

WHEREAS, for his Eagle Scout project, Jeremy Rivera sought to preserve and protect the local environment by cleaning up a tree-planting site near the entrance to a hiking trail at Lake Accotink Park in North Springfield; and

WHEREAS, Jeremy Rivera helped remove numerous invasive species of plants to allow local plant life to flourish in the area and ensure that trees at the site continue to grow, directly benefiting local residents and visitors to the park; and

WHEREAS, Jeremy Rivera exemplifies the ideals of the Boy Scouts of America and carried out a valuable service to the community through his Eagle Scout project; now, therefore, be it

RESOLVED by the House of Delegates, That Jeremy Mogollon Rivera hereby be commended for attaining the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeremy Mogollon Rivera as an expression of the House of Delegates' admiration for his accomplishments in service to the community.

### HOUSE RESOLUTION NO. 225

*Commending Bill Harrelson.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Bill Harrelson of Fredericksburg, a retired airline pilot, successfully circumnavigated the globe, crossing both the North and South Poles in a light aircraft between December 28, 2014, and January 20, 2015; and

WHEREAS, pending verification from Fédération Aéronautique Internationale in Switzerland, Bill Harrelson will hold the record for the fastest circumnavigation of the world in a light aircraft, besting the previous record, which was set over a five-month period by a now-deceased aviator; and

WHEREAS, Bill Harrelson completed the series of multiple legs in his Lancair IV, which he had assembled from a kit with these flights in mind; the plane has nine fuel tanks, but no built-in oxygen system, no weather radar, no external deicing equipment, and no turbocharger, adding to the already challenging endeavor; and

WHEREAS, with minimal sponsorship, Bill Harrelson relied on the dedicated work of his wife, Sue, and other family, friends, volunteers, and fellow aviators to prepare for the journey; during the flights he communicated with his support team via text message on Skype; and

WHEREAS, Bill Harrelson began his precisely scheduled trip in Kinston, North Carolina, on December 28, 2014; he headed south to Montevideo, Uruguay, and on to Punta Arenas, Chile, before setting out towards Antarctica, where his first attempt at a circumnavigation had stalled in 2013 when he encountered severe weather; and

WHEREAS, conquering the snow and ice of the South Pole, Bill Harrelson returned to Chile to conduct repairs on his autopilot system, then continued on to Papeete, Tahiti, and Hamilton, New Zealand; and

WHEREAS, Bill Harrelson completed a long leg across the Pacific Ocean to Honolulu, Hawaii, then made land in San Luis Obispo, California; he continued up the coast to Fairbanks, Alaska, where he prepared for his final leg across the North Pole; and

WHEREAS, for the final leg of the journey, Bill Harrelson faced a 5,520-mile flight in 24-hour darkness from Fairbanks, over the North Pole, and south across Canada; flying by instruments and relying on his exceptional skill, he reached the North Pole, then returned to Kinston on January 20, 2015; and

WHEREAS, with his inspirational effort, Bill Harrelson has displayed the courage, perseverance, and indomitable spirit that are hallmarks of many great Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Bill Harrelson hereby be commended on completing a daring circumnavigation of the world, crossing both the North and South Poles in his single engine light aircraft; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bill Harrelson as an expression of the House of Delegates' admiration for his record-breaking accomplishments.

### HOUSE RESOLUTION NO. 226

*Commending Erin Adams.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Erin Adams, a dedicated educator at Laurel Meadow Elementary School in Mechanicsville who strives to create new and better opportunities for all of her students, was named the 2015 Teacher of the Year by Hanover County Public Schools; and

WHEREAS, developing a passion for education at a young age, Erin Adams earned bachelor's and master's degrees from the University of Virginia; she fulfilled her lifelong dream to become a teacher in 2004, joining the faculty of Pole Green Elementary School; and

WHEREAS, in 2008, Erin Adams transferred to Laurel Meadow Elementary School, where she taught second-grade language arts, math, science, and social studies until 2012, when she became a third-grade teacher of math, science, and social studies; and

WHEREAS, respected for her ability to connect with students and identify their individual learning capabilities, Erin Adams uses innovative techniques and technology to enhance the learning experience; she encourages students to demonstrate proficiency in different ways and develops hands-on activities to create an engaging, interactive classroom; and

WHEREAS, Erin Adams began working with students with disabilities through a high school project and has made it her personal mission to support students with autism spectrum disorders; she works diligently to balance the social, emotional, and educational needs of students with autism; and

WHEREAS, using a collaborative approach to best serve students with autism, Erin Adams facilitates open, honest communication among parents, her fellow teachers, and school administrators; recognizing that each child is unique, she is willing to try new approaches to discover what works best for each student; and

WHEREAS, actively supporting her students in and out of the classroom, Erin Adams often attends school sports and activities, and she is an enthusiastic volunteer in the community; and

WHEREAS, Erin Adams has earned numerous other awards and accolades for her good work, including the 2008 Mechanicsville Teacher of the Year award and the 2004 Meritorious New Teacher Candidate award; now, therefore, be it

RESOLVED by the House of Delegates, That Erin Adams hereby be commended on being named the 2015 Teacher of the Year by Hanover County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Erin Adams as an expression of the House of Delegates' admiration for her innovative teaching methods and commitment to her students.

### HOUSE RESOLUTION NO. 227

*Commending Dwight S. Newingham.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Dwight S. Newingham, a pastor, counselor, leader, and mentor to thousands of people, who served for 24 years as executive director of the Gathering of Men, a faith-based organization headquartered in Newport News, retired on December 31, 2014; and

WHEREAS, Dwight S. "Ike" Newingham has worked in several faith-based ministries in his career; he was manager of Youth for Christ in Newport News for many years, working with high school students, and also was regional and national training director of the organization; and

WHEREAS, in addition to introducing young people to Christian teaching and practices, Ike Newingham was director of Christ Together on the Peninsula, which brought pastors and their churches together for fellowship and service, with a goal of transforming the lives of Peninsula residents; and

WHEREAS, for more than 40 years, Ike Newingham helped plan and host the annual Commonwealth Prayer Breakfast, through the Virginia Fellowship; each year at the General Assembly, elected officials and citizens of the Commonwealth gather for worship, prayer, and guidance; and

WHEREAS, in his role at the Gathering of Men, Ike Newingham's care and compassion has been felt by thousands of men as they sought spiritual leadership and empowerment to guide their actions into becoming the best they can be; and

WHEREAS, through the Gathering of Men, Ike Newingham has hosted marriage and parenting seminars that were attended by more than 15,000 people, and outreach breakfast programs that reached more than 13,000 people; and

WHEREAS, on a personal level, Ike Newingham has worked with people seeking help with substance abuse issues, and also has counseled thousands of people at no charge; for more than four decades, he has been a mentor to many young men; and

WHEREAS, Ike Newingham has led small group leadership sessions and sponsored seminars on issues important to men, such as fatherhood, discipleship, and meaningful success; he also has taken part in family life conferences, faith-based crusades, and Christian concerts; and

WHEREAS, by example and deed, Ike Newingham encouraged all those with whom he came in contact to consider the role of faith in their lives, and he has supported and empowered people to live confident and purposeful lives; now, therefore, be it

RESOLVED by the House of Delegates, That Dwight S. Newingham hereby be commended on the occasion of his retirement as executive director of the Gathering of Men, and for his work as a pastor, counselor, leader, and mentor to thousands of people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dwight S. Newingham as an expression of the House of Delegates' respect and admiration for his unwavering faith and dedication to helping all people.

### HOUSE RESOLUTION NO. 228

*Commending Jay Coakley.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Jay Coakley, founder of Ellie's Hats in South Riding, has worked diligently to raise awareness of childhood cancer research and support children with cancer in Northern Virginia and throughout the United States; and

WHEREAS, in 2013, Jay Coakley, a physical education teacher, began collecting hats for a five-year-old student named Ellie who had lost all of her hair as a result of chemotherapy and radiation treatments for cancer; and

WHEREAS, Jay Coakley collected more than 140 hats and donated most of them to other children with cancer at Inova Fairfax Hospital; he was moved to establish a nonprofit organization to continue bringing the same joy into children's lives; and

WHEREAS, with generous help from the community, Jay Coakley and Ellie's Hats have allowed children who have lost their hair as a result of chemotherapy and radiation to maintain their confidence and sense of self-expression; and

WHEREAS, during Childhood Cancer Awareness Month in September and throughout the year, Jay Coakley participates in events to further support children with cancer and their families; and

WHEREAS, Jay Coakley and the Giordano family of Leesburg collaborated on a campaign to obtain support for a gold ribbon childhood cancer awareness specialty license plate in the Commonwealth; and

WHEREAS, through his dedication to the cause, Jay Coakley has raised awareness of childhood cancer, leading to increased donations for childhood cancer research, which he hopes will lead to a cure for the disease; now, therefore, be it

RESOLVED by the House of Delegates, That Jay Coakley hereby be commended for his efforts to raise awareness of childhood cancer research and enhance the lives of children with cancer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Coakley as an expression of the House of Delegates' admiration for his leadership and generous support for young cancer patients in the Commonwealth and throughout the nation.

### HOUSE RESOLUTION NO. 229

*Commending John Mills.*

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, John Mills, an innovative music teacher in Sterling, received the Outstanding Early Music Educator Award from James Madison University in January 2015 for his efforts to share the joys of music with his students and the community; and

WHEREAS, the Outstanding Early Music Educator Award is given to educators who have developed comprehensive and effective music curriculums, demonstrated service and leadership within the music profession, and supported the music program at James Madison University (JMU); and

WHEREAS, John Mills teaches Band 6, Band 7, and Band 8 at River Bend Middle School; he is responsible for the gold and purple beginning bands, intermediate band, advanced band, and jazz and chamber music ensembles at the school; and

WHEREAS, also serving as the camp director for the Potomac Falls Summer Band Academy and director of the Potomac Falls private lessons program, John Mills is a trusted mentor for music students in and out of the classroom; and

WHEREAS, John Mills collaborates with JMU faculty on music research projects, and he is a member of numerous peer organizations, including the Virginia Music Educators Association; and

WHEREAS, John Mills arranges and composes music for private clients and works with other teachers and college professors to build community and share teaching methods; he also performs various types of music in the Commonwealth and in Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, That John Mills hereby be commended on receiving the 2015 Outstanding Early Music Educator Award from James Madison University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Mills as an expression of the House of Delegates' admiration for his commitment to his students and leadership in the music field.

### HOUSE RESOLUTION NO. 230

*Celebrating the life of Damion L. West.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Damion L. West of Richmond was killed in the line of duty on July 9, 2009, while safeguarding members of the community as a security guard; and

WHEREAS, a native of Richmond, Damion West graduated from Virginia Randolph Community High School; and

WHEREAS, Damion West found employment as a security guard at the Ivy Walk Apartments complex, where he worked to ensure the safety of residents and their property; and

WHEREAS, Damion West's death is a reminder of the service and sacrifices of all security personnel, who work diligently to uphold the law and protect their communities; and

WHEREAS, a certified bricklayer, Damion West also generously volunteered his time and talents to enhance the quality of life of his fellow Richmond residents by building homes in the Church Hill, Highland Park, and Northside neighborhoods; and

WHEREAS, Damion West enjoyed fellowship and worship with the community as an active member of the Temple of Judah in Church Hill; and

WHEREAS, Damion West cared deeply for his family; he was always willing to help a friend or neighbor in need, and he strove to spread joy to everyone he met; and

WHEREAS, Damion West is fondly remembered and greatly missed by his fiancée, Alicia; children, De'aire and Damion, Jr.; parents, Patricia and Lamont; brother, Anthony; grandmother, Constance; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Damion L. West, a beloved member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Damion L. West as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 231

*Commending the William Campbell Combined School golf team.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the William Campbell Combined School golf team won the 2014 Virginia High School League Group 1A golf championship—the first state golf title in school history; and

WHEREAS, the William Campbell golf team from Naruna in Campbell County was undefeated after winning the state title on October 14, 2014; the Generals finished the season with a 19-0 record; and

WHEREAS, the William Campbell High School team's closest competitor during the state competition was a talented group from Galax High School; the Generals won by 10 strokes during the two-day match, 668 points to 678 points; and

WHEREAS, at the championship, which was held at Glenrochie Country Club in Abingdon, junior Noah Jennings was the low scorer for the William Campbell Combined School team on the first day with 78 points; the next day, Josiah Singleton led with a 79; the entire team stayed focused throughout the event; and

WHEREAS, the Generals were determined to take the trophy back to Campbell County; the team took third place in the 2013 state competition, and throughout the 2014 golf season the golfers focused on returning to the state finals—and winning; and

WHEREAS, the victory was a team effort and head coach Brandon Barksdale gave credit to the players for setting a high standard and achieving it; the William Campbell Combined School golf team also received great support from the entire school community; and

WHEREAS, head coach Brandon Barksdale also received recognition for his and the William Campbell golf team's accomplishments; he was named Conference 44 and 1A East Regional Coach of the Year for 2014; now, therefore, be it

RESOLVED by the House of Delegates, That the William Campbell Combined School golf team hereby be commended for winning the 2014 Virginia High School League Group 1A golf championship—the first state golf title in school history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brandon Barksdale, head coach of the William Campbell Combined School golf team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding achievement.

### HOUSE RESOLUTION NO. 232

*Celebrating the life of Dorothy Seal Tolbert.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Dorothy Seal Tolbert of Newport News, who had an active and fulfilling life in the workplace and as a community volunteer, and who was a lifelong learner, a woman of faith known for her kindness and lovely smile, and a devoted wife and mother, died on January 24, 2015; and

WHEREAS, Dorothy Tolbert, who was known to her friends and family as Dot, was born in Norge and graduated from Toano High School; she attended business college before becoming an employee of C&P Telephone Company-Bell Atlantic; and

WHEREAS, Dot Tolbert also served for two years in the United States Armed Forces as a medical and surgical technician in the Army Medical Corps; she met her husband at Fort Eustis; and

WHEREAS, after her military service, Dot Tolbert returned to the telephone company, which is now known as Verizon, where she enjoyed a lengthy and rewarding career for 35 years, retiring as a business system designer engineer; and

WHEREAS, continuing her education, Dot Tolbert attended The College of William and Mary, Virginia Wesleyan College, and Christopher Newport University, earning a business diploma; she also was a member of the LifeLong Learning Society at Christopher Newport University; and

WHEREAS, Dot Tolbert generously gave of her time and talents as a volunteer for many local organizations, including the American Cancer Society's Relay for Life; she also was a 25-year volunteer at Riverside Regional Medical Center and was a member of the Red Hat Society; and

WHEREAS, other organizations that benefited from Dot Tolbert's leadership were the Woman's Club of Newport News, where she was a member for 26 years and served as club president for three years, and the volunteer auxiliary of Riverside Regional Medical Center, where she also was president; and

WHEREAS, Dot Tolbert was active in local politics and belonged to the Newport News Republican City Committee; she also was a member of the Virginia Peninsula Unit of Parliamentarians; and

WHEREAS, for more than 50 years, Dot Tolbert belonged to the Verizon Peninsula TelecomPioneers and served as an officer and board member; she also greatly contributed to many other local civic organizations; and

WHEREAS, Dot Tolbert's many friends remember her kindness and generosity—especially her warm smile; she was a woman of faith and belonged to Temple Baptist Church for 58 years, where she taught Sunday school; and

WHEREAS, Dot Tolbert will be greatly missed and fondly remembered by her husband, T. P. "Bob" Tolbert; her son, Robert, and his family; and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dorothy Seal Tolbert of Newport News, who was a dedicated employee of C&P Telephone Company-Bell Atlantic, an active community volunteer, a lifelong learner, a woman of faith who was known for her kindness and lovely smile, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy Seal Tolbert as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 233

*Celebrating the life of Carol Capó.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Carol Capó of Hampton, a former opinion editor for the *Daily Press* newspaper, a passionate advocate for the value that public art brings to cities, a former grant writer and consultant, an active community volunteer, and a devoted wife and mother, died on January 29, 2015; and

WHEREAS, Carol Capó was born in Buckhannon, West Virginia, and attended The College of William and Mary, where she earned a bachelor's degree and two master's degrees; and

WHEREAS, earlier in her career, Carol Capó had served as director for grants and research at The Mariners' Museum and Park, and she also had worked as a freelance grant writer and was a consultant to educators; and

WHEREAS, for 10 years, Carol Capó was a member of the editorial staff of the *Daily Press* in Newport News, eventually becoming opinion editor; she possessed a sharp wit, noble heart, and fearless courage in writing about controversial and important issues; and

WHEREAS, in her newspaper work, Carol Capó was known as a fact-finding journalist who was greatly admired for her skill at clearly defining the essence of issues or situations, and her objective reporting; and

WHEREAS, Carol Capó left the newspaper business to follow her passion—a love of art—and she worked to encourage communities to invest in public art; she spent 10 years as executive director of the Newport News Public Art Foundation; and

WHEREAS, during Carol Capó's tenure with the public art foundation, many pieces of sculpture were installed in Newport News, including "Handshake," a prominent cast aluminum work that is situated in a traffic circle in the busy Oyster Point business district; and

WHEREAS, Carol Capó was an advocate for the civic value of art in urban places; she wholeheartedly believed that public art made a city an attractive and appealing place, providing beauty and joy—and perhaps moments of perplexity and deep contemplation—to residents and visitors; and

WHEREAS, many organizations benefited from Carol Capó's involvement, including the altar guild of St. Andrew's Episcopal Church and the Junior League of Hampton Roads, where she was a sustaining member; she also served on several boards related to education and the arts; and

WHEREAS, Carol Capó, who was predeceased by her husband, Stephen, will be greatly missed and fondly remembered by her daughter, Katherine, and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carol Capó of Hampton, who was a former opinion editor for the *Daily Press* newspaper, a passionate advocate for the value that public art brings to cities, a former grant writer and consultant, an active community volunteer, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carol Capó as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 234**

*Celebrating the life of Louise Wenzel Blanchard.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Louise Wenzel Blanchard of Richmond, a former employee of the Clerk's staff of the Virginia House of Delegates and an educator who worked to bring the joy of music into her students' lives, died on November 15, 2014; and

WHEREAS, a native of Tucker, Arkansas, Louise Blanchard cultivated her love of music as a young woman and graduated from the Westminster Choir College of Rider University in New Jersey; and

WHEREAS, sharing her musical talents with others, Louise Blanchard worked as a piano teacher in Waynesboro and Richmond for many years; and

WHEREAS, together with her husband, David, Louise Blanchard was instrumental in the establishment of the Waynesboro Concert Association, a nonprofit organization that has attracted live music acts to the region for decades; and

WHEREAS, Louise Blanchard served the Commonwealth as an employee of the Clerk of the House of Delegates in the Journal and Records department for eight years, between 1987 and 1995; and

WHEREAS, Louise Blanchard enjoyed fellowship and worship with the community as a member of St. Michael's Episcopal Church in Bon Air; and

WHEREAS, predeceased by her husband, David, Louise Blanchard was the loving matriarch of a large family; she will be fondly remembered and greatly missed by her children, Chase, Brooke, Baird, Courtney, and John, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Louise Wenzel Blanchard, a passionate music teacher and dedicated state employee; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Louise Wenzel Blanchard as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 235**

*Commending Wesley Garris.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Wesley Garris, a distinguished public servant in the Town of Windsor, retires as a member of the Windsor Town Council in 2015, after more than 40 years of working to enhance the quality of life of his fellow residents; and

WHEREAS, a lifetime resident of Windsor, Wesley Garris learned the value of hard work and service to the community at a young age, delivering newspapers and cutting lawns for many of his neighbors; and

WHEREAS, Wesley Garris pursued a career as nuclear inspector at Newport News Shipbuilding, where he retired in 1999; and

WHEREAS, desirous to be of further service to the community, Wesley Garris ran for the Windsor Town Council in 1965 at the age of 26; though he didn't win his first election, he was asked by the mayor to run again in 1967 to fill the term of a retiring member; and

WHEREAS, Wesley Garris was elected to the council in 1967; at the time, council members took an active role in conducting the business of the town, and as a member of the cemetery committee, he sold grave sites and even tended to the cemetery grounds; and

WHEREAS, Wesley Garris served on the council until 1984, returned in 1988, and was elected mayor in 1996; as mayor, he oversaw the renovation of the old firehouse into a municipal building and the town's bicentennial celebration in 2002; and

WHEREAS, Wesley Garris also strengthened the future of the town by annexing almost three square miles of land, which increased the town's population by more than 1,400 people; after stepping down as mayor in 2002, he returned as a council member in 2004; and

WHEREAS, after his well-earned retirement, Wesley Garris plans to devote more time to his family and his faith; and

WHEREAS, respected for his candor, Wesley Garris is an exemplar of the professionalism, vision, and dedication shown by public servants throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Wesley Garris hereby be commended on the occasion of his retirement as a member of the Windsor Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wesley Garris as an expression of the House of Delegates' admiration for his leadership and tireless service to the residents of the Town of Windsor and the Commonwealth.

**HOUSE RESOLUTION NO. 236**

*Celebrating the life of James Banks Brown, Jr.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, James Banks Brown, Jr., an outstanding and pioneering public servant who was the former chair of the Isle of Wight County Board of Supervisors and the Isle of Wight County School Board, a professional career employee of the United States Navy in Hampton Roads, and a devoted husband and father, died on January 17, 2015; and

WHEREAS, James Brown, who was known as Jimmie, was a native of Carrollton; after graduating from Isle of Wight Training School and Howard University, he was hired in 1962 as a naval architect at the Norfolk Naval Shipyard Design Division in Portsmouth; and

WHEREAS, in 1969, Jimmie Brown joined the Naval Surface Warfare Center Combatant Craft Department, beginning a distinguished career at the technical support center, which is the primary source for watercraft design and system engineering; and

WHEREAS, in his work at the Combatant Craft Department, Jimmie Brown helped recruit engineers from historically black colleges and universities; he also was the author of five scientific papers and was promoted many times, retiring in 2001; and

WHEREAS, giving back to his community was central to Jimmie Brown's life; he was a member of the Isle of Wight County School Board for 30 years and became the first black person to be elected chair, a position he held for three terms; and

WHEREAS, Jimmie Brown also served the people of Isle of Wight County as a member of the board of supervisors; his leadership and advice were well-regarded and he also served as vice chair and chair of the board of supervisors; and

WHEREAS, in recognition of his dedication and many contributions to the people of Isle of Wight County, Jimmie Brown was named an outstanding citizen of Isle of Wight County for his public service and citizenship, the only black person to be so honored; and

WHEREAS, Jimmie Brown was a member of Omega Psi Phi Fraternity, Inc., which named him its Citizen of the Year and also honored him as Omega Man of the Year; additionally, he was a member of Main Street Baptist Church; and

WHEREAS, Jimmie Brown will be greatly missed and fondly remembered by Kaye, his wife of 53 years; his children, Monica and James III, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Banks Brown, Jr., an outstanding and pioneering public servant who was the former chair of the Isle of Wight County Board of Supervisors and the Isle of Wight County School Board, a professional career employee of the United States Navy in Hampton Roads, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Banks Brown, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 237**

*Commending Mary Jane Hogue.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Mary Jane Hogue, a passionate historian who has worked to protect and preserve the history and heritage of the Richmond area, retires as executive director of Historic Richmond in 2015; and

WHEREAS, throughout her 33-year career with Historic Richmond, including eight years as executive director, Mary Jane Hogue helped the organization fulfill its mission to preserve the city's distinctive character, promote revitalization of historic buildings and neighborhoods, and highlight the city's contributions to architecture in the Commonwealth; and

WHEREAS, under Mary Jane Hogue's leadership, Historic Richmond saved the National Theater from demolition and helped the downtown landmark grow into a thriving entertainment venue; and

WHEREAS, Mary Jane Hogue promoted and encouraged efforts to create more attractive gateways to the city and revitalize neighborhoods to create safer, stronger communities; and

WHEREAS, during Mary Jane Hogue's tenure, Historic Richmond stabilized and sold the Patterson-Schutte House, one of the few remaining 18th-century houses in the area, the Turner-Sinton House in Church Hill, and the Meredith House and 617 St. Peter Street in Jackson Ward; and

WHEREAS, respected for her vision and outstanding fiscal management, Mary Jane Hogue was instrumental in the restoration and reopening of the Monumental Church, which has become a premier venue for weddings in Richmond; and

WHEREAS, through her professionalism, dedication, and care for the community, Mary Jane Hogue leaves a legacy of excellence for her successor at Historic Richmond; now, therefore, be it

RESOLVED by the House of Delegates, That Mary Jane Hogue hereby be commended for her devoted service to the Richmond community on the occasion of her retirement as executive director of Historic Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Jane Hogue as an expression of the House of Delegates' admiration for her role as a defender of Richmond's past and an advocate for its future.

### HOUSE RESOLUTION NO. 238

*Commending Cabell F. Willis.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Cabell F. Willis, a member of the Virginia Military Institute Class of 2014, was named a Capital One Academic All-American and All-District athlete for 2013-2014, earning the Institute a place on the Capital One Academic All-American first team; and

WHEREAS, in June 2014, the Virginia Military Institute (V.M.I.) was ranked 14th in the nation in NCAA Division I track and field and cross country by the College Sports Information Directors of America as a result of the dedication and hard work of Cabell Willis; and

WHEREAS, Cabell Willis earned honors as an Academic All-American athlete for the second consecutive year, adding to his four track and field trophies awarded for Conference Scholar-Athlete of the Year with a fifth for cross country, and eight NCAA All-Academic Conference medals for the highest athlete GPA, highlighting V.M.I.'s standards for academics and athletics; and

WHEREAS, Cabell Willis was elected the distance team captain in April 2012, serving for two years as cadre for matriculating team members, as a 1st Battalion regimental staff sergeant, and as a lieutenant, providing academic support and intellectual leadership to the Corps of Cadets; and

WHEREAS, as a recipient of the Jacobs Sportsmanship Award in 2010, Cabell Willis used his experience to encourage V.M.I.'s cross country team to place the honor of the Corps of Cadets above self, helping the team win the NCAA Conference Men's Cross Country Sportsmanship Award; he also earned the Frank A. Liddell, Jr., Silver V.M.I. Chalice for Excellence in Cross Country Leadership in 2013 and contributed to VMI's 2013-2014 Big South Institutional Sportsmanship Award; and

WHEREAS, Cabell Willis graduated from V.M.I. on May 16, 2014, with distinction and Institute honors; he was second in his class of 291 cadets of the 501 that matriculated in 2010, committing himself to the vindication of Virginia's honor and the defense of its rights; and

WHEREAS, on May 14, 2014, General J. H. Binford Peay III, Superintendent of V.M.I., presented Cabell Willis with the Lt. Randolph T. Townsend V.M.I. Gold Medal for the top graduate in history, the Institute Honors Thesis Award for the most outstanding thesis of a graduating cadet, and the Wilbur S. Hinman, Jr., Research Award for excellence in conducting research; and

WHEREAS, on May 16, 2014, the Superintendent of V.M.I. presented Cabell Willis with the second Jackson-Hope Medal for earning a cumulative GPA of 3.979, the second-highest attainment in scholarship, accompanied by the Colonel Sterling Murray Heflin 1916 Academic Proficiency Award; and

WHEREAS, Cabell Willis has brought great honor to the Commonwealth on a national level, and his performance is a reflection of the superintendent's leadership and the efforts of faculty and staff at V.M.I. to encourage students to contribute and excel beyond physical or mental abilities, while developing good character and maintaining integrity; now, therefore, be it

RESOLVED by the House of Delegates, That Cabell F. Willis hereby be commended for earning first-team honors from Capital One as an Academic All-American and All-District track and field and cross country athlete; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cabell F. Willis as an expression of the House of Delegates' admiration for his accomplishments as an athlete and leader at the Virginia Military Institute.

### HOUSE RESOLUTION NO. 239

*Commemorating the life and legacy of Janie Porter Barrett.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, 2015 marks the 150th anniversary of the birth of Janie Porter Barrett, a dedicated educator and passionate civic leader who worked to enhance the quality of life and education for African American women in the Commonwealth; and

WHEREAS, born in Athens, Georgia, in 1865, Janie Porter was educated at Hampton Normal and Agricultural Institute, one of the first training schools for freed people, which later became Hampton University; and

WHEREAS, Janie Porter served the youths of Georgia and the Commonwealth as a teacher before marrying Harris Barrett in 1889 and settling in Hampton, where they raised four children; and

WHEREAS, Janie Barrett was an active leader in the Hampton community, establishing the Locust Street Social Settlement, which hosted vocational clubs and classes, as well as youth athletic programs; and

WHEREAS, in 1908, Janie Barrett founded and became the first president of the Virginia State Federation of Colored Women's Clubs; during her 32-year tenure as president, the organization purchased a farm in Hanover County that became the Industrial Home School for Colored Girls; and

WHEREAS, later renamed the Virginia Industrial School for Colored Girls, the school opened in 1915 and taught vocational skills; Janie Barrett also actively worked to prevent the exploitation and mistreatment of former students; and

WHEREAS, in the 1920s, Janie Barrett continued to advocate for equal rights and social justice as a member of the Virginia Commission on Interracial Cooperation, the Richmond Urban League, and the National Association of Commissions for Women; and

WHEREAS, Janie Barrett died in 1948; the school she founded was later renamed the Janie Porter Barrett School for Girls, in honor of her exceptional legacy of care and support for the African American community; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Janie Porter Barrett hereby be commemorated on the 150th anniversary of her birth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Historical Society and the Hanover Heritage Alliance as an expression of the House of Delegates' admiration for Janie Porter Barrett's achievements as an educator and community leader.

### HOUSE RESOLUTION NO. 240

*Commending Sherry E. Peterson.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Sherry E. Peterson, the admired longtime chief executive officer of the Alzheimer's Association Greater Richmond Chapter, retires on July 1, 2015, after almost 17 years of service; and

WHEREAS, established in 1981, the Alzheimer's Association Greater Richmond Chapter is one of over 70 chapters of the Alzheimer's Association, the world leader in Alzheimer's research and support; its mission is to eliminate Alzheimer's disease through the advancement of research, to provide and enhance care and support for all affected, and to reduce the risk of dementia through the promotion of brain health; and

WHEREAS, Sherry Peterson helped the Greater Richmond Chapter thrive, and under her able leadership as chief executive officer for 17 years, the chapter grew from one full-time employee to 16 employees with headquarters in Richmond and regional offices in Fredericksburg, Gloucester, and Colonial Heights, serving more than 11,000 individuals annually; and

WHEREAS, Sherry Peterson has worked in the nonprofit world more than 40 years, including 17 years in child welfare and six years in education; and

WHEREAS, through her leadership and professionalism, Sherry Peterson leaves a legacy of excellence and compassion in the Alzheimer's and dementia care arena; now, therefore, be it

RESOLVED by the House of Delegates, That Sherry E. Peterson hereby be commended for her 17 years of service on the occasion of her retirement as chief executive officer of the Alzheimer's Association Greater Richmond Chapter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherry E. Peterson as an expression of the House of Delegates' admiration for her dedication and contributions to the Alzheimer's and dementia cause throughout the Commonwealth.

### HOUSE RESOLUTION NO. 241

*Commending Robert Carter Redman III.*

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Robert Carter Redman III, a sophomore at Poquoson High School and a hardworking member of Boy Scouts of America Troop 28, attained the rank of Eagle Scout in 2015; and

WHEREAS, only a limited number of Scouts meet the standards of excellence necessary to achieve the rank of Eagle Scout; Carter Redman met and exceeded the requirements by earning 24 merit badges, demonstrating Scout spirit and leadership in his troop, and planning and completing a service project; and

WHEREAS, Carter Redman is an active leader in Boy Scouts of America Troop 28 in Poquoson; he updates and maintains the troop's website as troop webmaster, and he guides other Scouts in the methods to protect and preserve the environment as a Leave No Trace trainer; and

WHEREAS, for his Eagle Scout project, Carter Redman developed a plan to restore more than 90 parking lot bumpers at Tabernacle United Methodist Church, saving the church thousands of dollars and creating safer, more attractive grounds; and

WHEREAS, a generous volunteer in the community, Carter Redman is active in his church, has participated in mission trips to Louisiana and Florida, and has served as an assistant youth basketball coach; he was elected by his Scouting peers to the Order of the Arrow, a national honor society for Scouts; and

WHEREAS, Carter Redman plans to attend Virginia Polytechnic Institute and State University and pursue a degree in engineering or architecture; he will also continue to serve his fellow Scouts, his church, and his community; and

WHEREAS, Carter Redman exemplifies the ideals of the Boy Scouts of America and carried out a valuable service to the community through his Eagle Scout project; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Carter Redman III hereby be commended for attaining the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Carter Redman III as an expression of the House of Delegates' admiration for his remarkable achievements and best wishes for the future.

### HOUSE RESOLUTION NO. 243

*Commending the Altavista Combined School football team.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Altavista Combined School football team won the Virginia High School League Group 1A state championship on December 13, 2014; and

WHEREAS, the Altavista Combined School Colonels defeated a talented team from Essex High School 22-20; the game, which was held at Salem Stadium, marks the Colonels' second consecutive state championship; and

WHEREAS, the Altavista Colonels were undefeated in 2014 and finished the year with a 15-0 record; the victory gives Altavista Combined School its third state championship in six years; and

WHEREAS, Altavista Colonels quarterback Juan Thornhill scored two of the team's three touchdowns; he ran for a four-yard touchdown in the first quarter and also had a 40-yard run into the end zone in the fourth quarter; and

WHEREAS, the Altavista Colonels' remaining touchdown came when Demetrius Johnson caught a 24-yard touchdown pass from quarterback Juan Thornhill shortly before halftime; and

WHEREAS, many people contributed to the Altavista Colonels' undefeated season, including the hardworking staff, which is led by head football coach Mike Scharnus; the examples set by the team's captains and graduating seniors also inspired the players to do their best; and

WHEREAS, the enthusiastic support of the entire Altavista Combined School community helped spur the Colonels to achieve the team's first perfect season since 1969; now, therefore, be it

RESOLVED by the House of Delegates, That the Altavista Combined School football team hereby be commended for winning the 2014 Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Scharnus, head coach of the Altavista Combined School football team, as an expression of the House of Delegates' congratulations and admiration for the team's stellar accomplishments and undefeated season.

### HOUSE RESOLUTION NO. 244

*Commending the Stone Bridge High School girls' swim team.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Stone Bridge High School girls' swim team won the 2015 Virginia High School League Group 5A Conference 14 championship, continuing a strong season for the talented swimmers from Ashburn; and

WHEREAS, the Stone Bridge High School swimmers decisively defeated second-place Broad Run High School by a score of 424 to 327.5 points at the conference meet, which was held on January 30, 2015; in all, a total of six schools participated in the Conference 14 championship meet; and

WHEREAS, the 2015 conference win was especially gratifying for the members of the team from Loudoun County as they placed second at the 2014 conference meet; that loss made the Stone Bridge High School swimmers work harder throughout the year; and

WHEREAS, the Stone Bridge Bulldogs won the meet's three relay events: the 200-yard medley relay, the 200-yard freestyle relay, and the 400-yard freestyle relay; the four swimmers on the 200-yard freestyle relay team broke a school record from 2009 with a time of 1:41.52; and

WHEREAS, the depth of the Stone Bridge High School team was evident in its victories in the 200-yard freestyle race and the 100-yard butterfly event, both of which were won by Andi Mack; in the 100-yard breaststroke race, Lizzy Mandrgoc took first place; and

WHEREAS, the head coach of the Stone Bridge High School girls' swim team, Katherine Hackett, cited the team's depth of talent as a key factor in helping them to win the 2015 Conference 14 championship; and

WHEREAS, the members of the Stone Bridge Bulldogs girls' swim team also received great support throughout the season from their families and from the students, staff, and fans of Stone Bridge High School; now, therefore, be it

RESOLVED by the House of Delegates, That the Stone Bridge High School girls' swim team hereby be commended for winning the 2015 Virginia High School League Group 5A Conference 14 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katherine Hackett, head coach of the Stone Bridge High School girls' swim team, as an expression of the House of Delegates' congratulations and admiration for the team's talent, hard work, and success.

### HOUSE RESOLUTION NO. 245

*Celebrating the life of R. Fern Spencer.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, R. Fern Spencer of Midlothian, a state employee for over 28 years, died on February 4, 2015; and

WHEREAS, a native of Martinsville, Fern Spencer graduated from the University of Virginia with a bachelor's degree in accounting; and

WHEREAS, Fern Spencer's long history of service to the Commonwealth included numerous accomplishments involving all aspects of accounting and budget management; and

WHEREAS, Fern Spencer was certified by the Association of Government Accountants as a government financial manager and attended the Virginia Executive Institute; and

WHEREAS, while working at the Department of Accounts, Fern Spencer was credited with having directed fiscal operations of the Department of Accounts and the Department of the State Internal Auditor, and the accounts payable functions for the Department of Planning and Budget and the Department of the Treasury; and

WHEREAS, as the founding chief financial and investment officer of the Virginia529 College Savings Plan, Fern Spencer was responsible for all accounting, program operations budgeting, investment management oversight, and financial compliance and reporting functions for the nation's largest Section 529 college savings plan; and

WHEREAS, after 28 years of service to the Commonwealth, Fern Spencer retired as chief financial officer of the Virginia Museum of Fine Arts and treasurer of the Virginia Museum of Fine Arts Foundation; and

WHEREAS, Fern Spencer also worked at New York Private Bank & Trust as a vice president and chief financial officer, and she served as a principal and chief compliance officer of HPM Partners LLC, a subsidiary of Emigrant Bancorp; and

WHEREAS, Fern Spencer will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of R. Fern Spencer, a dedicated state government employee; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of R. Fern Spencer as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 246

*Celebrating the life of the Reverend Dr. David Traynham Anderson.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Reverend Dr. David Traynham Anderson of Henrico County, a former chaplain at St. Christopher's School in Richmond, who was a Methodist minister before becoming an Episcopal priest and serving in various capacities in the Diocese of Virginia, died on May 27, 2014; and

WHEREAS, the Reverend Dr. David Anderson, son of the Honorable Howard P. and Mildred W. Anderson, was born on June 16, 1954, in Halifax, Virginia, and graduated from Washington and Lee University; he received a master's degree from Vanderbilt Divinity School and a doctoral degree from Union Theological Seminary; and

WHEREAS, the Reverend Dr. David Anderson was ordained a United Methodist minister in 1980 and served Burkeville Charge and Reveille United Methodist Church in Richmond; and

WHEREAS, beginning in 1986, the Reverend Dr. David Anderson became chaplain of St. Christopher's School in Richmond, a ministry he loved; in addition to his pastoral duties, he taught history and was chair of the religion department, senior class adviser, and assistant lacrosse coach; and

WHEREAS, for the Reverend Dr. David Anderson, his work as director of community service at St. Christopher's School was especially fulfilling as he showed the boys that leaders are servants first; they tutored in city schools, worked in the James River Park system, and volunteered in low-income areas; and

WHEREAS, the Reverend Dr. David Anderson served on the board of the Peter Paul Development Center in Richmond and was chair while its new facility was under construction; he also was a member of the Founder's Board of Anna Julia Cooper Episcopal School in Richmond; and

WHEREAS, the Reverend Dr. David Anderson also was educated in Anglican studies at Cambridge University in England and Virginia Theological Seminary; in 2000, he was ordained in the Episcopal church and he worked for the

Episcopal Diocese of Virginia in several capacities, including serving as chief of a commission on ministry, chair of the Committee on Priesthood, and member of a grants committee; and

WHEREAS, in 2003, the Reverend Dr. David Anderson became assistant rector of St. Stephen's Episcopal Church and then was named vicar, and in 2011, he was named rector of Saint James the Less Episcopal Church in Ashland; and

WHEREAS, the Reverend Dr. David Anderson will be greatly missed and fondly remembered by his wife, Mary; children, Matthew, Meaghan, and Alexa; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Dr. David Traynham Anderson of Henrico County, former chaplain at St. Christopher's School in Richmond, a former Methodist minister, and an Episcopal priest; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. David Traynham Anderson as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 247

*Commending the Honorable Rodham T. Delk, Jr.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Honorable Rodham T. Delk, Jr., a circuit court judge of the 5th Judicial Circuit of Virginia and a dedicated servant to the community and the Commonwealth, retired on March 1, 2014; and

WHEREAS, Rodham Delk grew up in Smithfield and earned a bachelor's degree from the Virginia Military Institute and a law degree from the University of Virginia; and

WHEREAS, a respected and accomplished attorney, Rodham Delk practiced law in Smithfield for 21 years and served as a town attorney for Smithfield and Windsor; and

WHEREAS, in 1993, Rodham Delk was appointed as a judge of the 5th Judicial Circuit of Virginia, which covers the Counties of Isle of Wight and Southampton and the Cities of Franklin and Suffolk; and

WHEREAS, the first judge from Isle of Wight County appointed to the circuit court since the 1970s, Rodham Delk presided with great fairness and wisdom until his well-earned retirement in 2014; and

WHEREAS, a man of great integrity, Rodham Delk served the Counties of Isle of Wight and Southampton and the Cities of Franklin and Suffolk with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Rodham T. Delk, Jr., hereby be commended on the occasion of his retirement as a judge of the 5th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Rodham T. Delk, Jr., as an expression of the House of Delegates' admiration for his service to the Commonwealth.

### HOUSE RESOLUTION NO. 248

*Commending Robert Bent.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Robert Bent has worked tirelessly to enhance the lives of his fellow disabled veterans and their families in the Commonwealth for more than 28 years; and

WHEREAS, Robert "Bob" Bent served his country in the United States Army; joining the military as an enlisted private, he served in combat during the Vietnam War and retired as a decorated lieutenant colonel; and

WHEREAS, although injured in the line of duty, Bob Bent continued his service to his fellow veterans as a volunteer, working with the Disabled American Veterans (DAV); and

WHEREAS, Bob Bent served in leadership positions in the local DAV chapter and Department of Virginia DAV and at the national level as a member of the National Executive Committee; and

WHEREAS, in 1987, Bob Bent developed and organized the DAV Department of Virginia Service Commission, which he has led as chair; and

WHEREAS, Bob Bent also directs and supervises the DAV transportation program in the Commonwealth, a program that has provided over 125,300 veterans with free transportation to Veterans Health Administration Medical Centers since 1987; and

WHEREAS, as chair, Bob Bent has directed the Local Veterans Assistance Program, which has facilitated over 650,000 hours of volunteer time to assist disabled veterans in Virginia since 2010; and

WHEREAS, Bob Bent has been a mentor, advisor, and confidant to more than 25 Department of Virginia DAV commanders, chapter commanders, and untold numbers of disabled veterans; and

WHEREAS; Bob Bent is known across the nation by DAV members as "Mr. DAV" for his tireless advocacy for disabled veterans and families, including those veterans incarcerated in correctional facilities or facing serious legal issues; and

WHEREAS, after 28 years as chair of the DAV Department of Virginia Service Commission, Bob Bent is relinquishing his post to pursue other opportunities within the DAV; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Bent hereby be commended for his service to the Commonwealth as chair of the Disabled American Veterans Department of Virginia Service Commission; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Bent as an expression of the House of Delegates' admiration for his dedication and contributions to disabled veterans and their families in the Commonwealth.

### HOUSE RESOLUTION NO. 249

*Commending John Mosesso.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, for more than two decades, John Mosesso has generously devoted his time and talents to many organizations and cultural events in Herndon and the surrounding area; he is a longtime volunteer for schools, sports programs, and community ventures; and

WHEREAS, John Mosesso's work on behalf of the Town of Herndon is extensive; for more than 20 years he has been the volunteer coordinator for the Herndon Festival, a four-day outdoor event that attracts an average of 80,000 people to historic downtown Herndon; and

WHEREAS, from 1991 to 2013, John Mosesso was chair of the annual Herndon High School Homecoming Parade, which brings thousands of spectators to watch numerous floats, school bands, neighborhood clubs and teams, and local officials march through town; it is one of Herndon's most anticipated civic events; and

WHEREAS, additionally, John Mosesso provides advice and leadership as president of the Park View High School Parent-Teacher-Student Organization, and in 2007-2008, he was president of the Forest Grove Elementary Parent Teacher Association; and

WHEREAS, John Mosesso has also lent his organizational talents to two volleyball leagues; he has been administrator of Northwest Youth Volleyball and was Sterling Middle School coach and Sterling representative to Loudoun Youth Volleyball; and

WHEREAS, another community group that benefited from John Mosesso's volunteer efforts was the Federal Children's Center of Northern Virginia, now known as the Herndon Children's Center, where he served on the board of directors; and

WHEREAS, John Mosesso was a member of the advisory board for the Sterling Community Center, and was president and chair of the board of the Greater Herndon Jaycees; and

WHEREAS, in 2000, John Mosesso was named Herndon Citizen of the Year by the Times Community Newspapers; his leadership, dedication, and commitment have made the Herndon community a better place for those who live, work, and visit there; now, therefore, be it

RESOLVED by the House of Delegates, That John Mosesso hereby be commended for his dedicated volunteer service to organizations and cultural events in Herndon and the surrounding area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Mosesso as an expression of the House of Delegates' respect and admiration for his outstanding support and leadership.

### HOUSE RESOLUTION NO. 250

*Commending the Haysi High School football team.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Haysi High School football team won the Virginia High School League Group 1A state quarterfinal game on November 29, 2014; and

WHEREAS, the Haysi High School Tigers finished the regular season with an impressive 8-2 overall record and a 2-1 record in Conference 47; and

WHEREAS, after defeating J. I. Burton High School and Covington High School in the first two rounds of the playoffs, the Haysi High School Tigers met the Galax High School Maroon Tide in the state quarterfinal, winning the tense game by a score of 29-28; and

WHEREAS, the Haysi High School Tigers advanced to the state semifinal and faced the 2013 state championship runners-up, the Essex High School Trojans; and

WHEREAS, the successful season is a testament to the hard work and dedication of the athletes, the leadership of the coaches and staff, and the energetic support of the entire Haysi High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Haysi High School football team hereby be commended on winning the 2014 Virginia High School League Group 1A state quarterfinal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Colley, head coach of the Haysi High School football team, as an expression of the House of Delegates' admiration for the team's accomplishments.

**HOUSE RESOLUTION NO. 251**

*Commending Castlewood High School.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Castlewood High School won \$100,000 in the 2014 Celebrate My Drive safe-driving contest for teen drivers; the signature accomplishment makes the school in Russell County one of 10 high schools nationwide to achieve the honor; and

WHEREAS, to receive the highest recognition in the contest, which is sponsored by State Farm, the students at Castlewood High School had to get as many teenagers as possible older than 14 to commit to being safe drivers; and

WHEREAS, State Farm sponsors the Celebrate My Drive driver safety initiative, which encourages students to develop safe driving habits by using an upbeat and positive message to newly minted drivers; 2014 is the second year that Castlewood High School has won an award; and

WHEREAS, one way that Celebrate My Drive promotes good driving habits is with its 2N2 message to new drivers: keep two eyes on the road and two hands on the wheel, both of which will help teenage drivers avoid being distracted and build confidence; and

WHEREAS, more than 3,000 schools participated in Celebrate My Drive in 2014; Castlewood High School was one of five educational institutions in the small school category to win \$100,000; in 2013, the high school won a \$25,000 award; and

WHEREAS, students at Castlewood High School have earmarked part of the 2014 prize money to create an outdoor classroom and lunch pavilion; a committee of students will decide on other worthwhile projects while reserving 10 percent of the funds for a teen driver safety program; now, therefore, be it

RESOLVED by the House of Delegates, That Castlewood High School hereby be commended for being named one of 10 national winners of \$100,000 in the 2014 Celebrate My Drive contest for teen drivers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nathan Breeding, principal of Castlewood High School, as an expression of the House of Delegates' admiration and congratulations for the school's efforts to raise awareness and promote safe driving habits among the Commonwealth's youngest drivers.

**HOUSE RESOLUTION NO. 252**

*Commending Jill Branham.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Jill Branham won the 2014 Dickenson-Buchanan County Business Challenge and used the tools and talents learned during the challenge to open her own business; and

WHEREAS, the Dickenson-Buchanan County Business Challenge was established to support local entrepreneurs by People Inc., a nonprofit organization dedicated to building stronger communities and helping people achieve their dreams; and

WHEREAS, as part of the program, Jill Branham and the other entrants learned about marketing, cash flow planning, operations planning, E-commerce, credit management, and financing; and

WHEREAS, over the course of the eight-week program, Jill Branham and the other entrants developed and submitted business plans to a panel of three judges; and

WHEREAS, after presenting her business plan in November 2014, Jill Branham received the first-place award and a cash prize to invest in her business; and

WHEREAS, the victory allowed Jill Branham to achieve her dream of entrepreneurship; she opened Main Street Pizzeria and Grill in Haysi on December 8, 2014; and

WHEREAS, Jill Branham is an exemplar of the hard work and dedication shown by Virginian entrepreneurs and small business owners, whose tireless efforts strengthen their communities and ensure economic growth throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Jill Branham hereby be commended on winning the Dickenson-Buchanan County Business Challenge and opening her own restaurant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jill Branham as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 253**

*Commending S. Richmond Gallaeer.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, S. Richmond Gallaeer, of the Pomoco Auto Group in Newport News, is the 2015 *Time Magazine Quality Automobile Dealer of the Year* nominee for Virginia; and

WHEREAS, S. Richmond "Rick" Gallaeer's career in the auto industry has spanned 45 years, including three decades with the Pomoco Auto Group, where he serves as president; and

WHEREAS, an active and dedicated member of his community, Rick Gallaeer has supported a wide array of industry and community causes for many years; and

WHEREAS, Rick Gallaeer has been a leader in his community, serving on the board of directors of the United Way of the Virginia Peninsula, the Virginia Air and Space Center, the Greater Peninsula NOW, and the Virginia Peninsula Chamber of Commerce; and

WHEREAS, Rick Gallaeer was recognized by the Southern Christian Leadership Conference as Citizen of the Year in 2012 and received the Patrick Henry Award from Governor James S. Gilmore III in 2001; and

WHEREAS, Rick Gallaeer is committed to promoting opportunities for the disabled in his community through his service and leadership of VersAbility Resources, which supports more than 1,000 individuals with disabilities every year through employment opportunities, community living, day support, and early childhood programs; and

WHEREAS, an active and dedicated member of his industry, Rick Gallaeer has served his customers and his community with a generous spirit and has been an example to dealers in his community and around the Commonwealth; and

WHEREAS, Rick Gallaeer has served his industry as an active member of the Virginia Automobile Dealers Association and the Hampton Roads Automobile Dealers Association, including service as a member of the board of directors for both organizations; and

WHEREAS, Rick Gallaeer served as chair of the Virginia Automobile Dealers Association in 2013 and as president of the Hampton Roads Automobile Dealers Association in 2004, leading all his fellow franchise dealers as their top elected officer; now, therefore, be it

RESOLVED by the House of Delegates, That S. Richmond Gallaeer hereby be commended on his selection as the 2015 *Time Magazine Quality Automobile Dealer of the Year* nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to S. Richmond Gallaeer as an expression of the House of Delegates' congratulations and best wishes.

**HOUSE RESOLUTION NO. 254**

*Commending Benjamin A. Vaughan.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Benjamin A. Vaughan, head coach of the Isle of Wight Academy boys' basketball team, celebrated his 600th victory on January 23, 2015, becoming one of only three high school basketball coaches in the Commonwealth to achieve that milestone; and

WHEREAS, Benjamin "Benny" A. Vaughan is a leader on and off the basketball court at Isle of Wight Academy; he has worked at the school for 44 years, first as a teacher and guidance counselor, and for the past 25 years, as headmaster of the school, which offers pre-kindergarten through 12th grade; and

WHEREAS, Benjamin Vaughan was quick to credit the hard work and talent of the basketball players he has coached over the years for his achievement; he began coaching at Isle of Wight Academy in 1970 and has become the only private-school coach in the Commonwealth to win 600 games; and

WHEREAS, combining two roles at Isle of Wight Academy—headmaster and head coach—gives Benny Vaughan the opportunity to better know his students; establishing connections with his charges through involvement in sports has been a major reason he has coached for so long; and

WHEREAS, Benny Vaughan provided valuable guidance to many players who recall the lessons he taught—the value of preparation, organization, and competitiveness, and how those values should always be tempered with humility and a focus on faith and family; and

WHEREAS, in recent years, some graduates have returned to the school as assistant coaches, and as adults they continued to benefit from Benny Vaughan's mentoring and advice; the coach now frequently coaches the sons of former players at Isle of Wight Academy; and

WHEREAS, as basketball coach at Isle of Wight Academy for 39 years, Benny Vaughan has been an esteemed role model for the entire school community; a banner recognizing his teams' 600 wins hangs in the school gymnasium, and the basketball court has been named in his honor; now, therefore, be it

RESOLVED by the House of Delegates, That Benjamin A. Vaughan, boys' basketball coach and headmaster of Isle of Wight Academy, hereby be commended on the occasion of his 600th win as coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Benjamin A. Vaughan as an expression of the House of Delegates' congratulations and admiration on his outstanding accomplishment as a coach and for his work to educate and develop young people of character both in the classroom and on the court.

### HOUSE RESOLUTION NO. 255

*Commending the winners of the Pete Shepherd Volunteer Public Water Access Service Award.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the winners of the 2014 Pete Shepherd Volunteer Public Water Access Service Award, a team of volunteers who clean and care for Perrin Wharf, have carried out exceptional service to the residents of and visitors to Gloucester County; and

WHEREAS, the Pete Shepherd Volunteer Public Water Access Service Award is presented by the Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) to recognize the efforts of an individual or team of volunteers who support the organization's mission to ensure safe public access to the waterways of the Middle Peninsula; and

WHEREAS, the award is named for Pete Shepherd, the owner of Shepherd's Waterfront Properties in Gloucester County and the first volunteer for the MPCBPAA in 2003, who has logged countless hours of generous service to the community throughout his life; and

WHEREAS, the award-winning team, which is made up of Carmen L. Haywood, Susan Haywood Jenkins, Corin Barbour, Eva Sanders, Holly Jenkins-McCook, and Chris McCook, regularly visits Perrin Wharf to collect and dispose of trash, collecting approximately 30 bags of trash each year; and

WHEREAS, the winners of the inaugural Pete Shepherd Volunteer Public Water Access Service Award have donated their time and talents to ensure that Perrin Wharf in Gloucester County remains clean and presentable as a commercial seafood wharf and public access site; now, therefore, be it

RESOLVED by the House of Delegates, That the winners of the 2014 Pete Shepherd Volunteer Public Water Access Service Award hereby be commended for their dedicated service to Gloucester County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the winners of the Pete Shepherd Volunteer Public Water Access Service Award as an expression of the General Assembly's admiration for the team's commitment to preserving the environment and natural resources of the Middle Peninsula.

### HOUSE RESOLUTION NO. 256

*Celebrating the life of John George Turner.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, John George Turner, a proud veteran of World War II and an admired, hardworking member of the community, died on February 16, 2015; and

WHEREAS, a native of Henry County, John Turner joined many of the other young men of his generation in service to his country during World War II; he served in the United States Army in 1942 and was assigned to Company B of the 305th Engineer Combat Battalion, where he rose to the rank of sergeant; and

WHEREAS, known as the Blue Ridgers, John Turner and Company B earned a reputation as a courageous, hard-charging unit that helped clear the way for the allied advance at great peril; the unit conducted assault crossings to build or repair bridges, swept roads for mines and booby traps, and cleared debris and road blocks, as well as other construction duties; and

WHEREAS, John Turner participated in campaigns in Northern France, the Ardennes Forest during the famed Battle of the Bulge, the Rhineland, and Central Europe, landing on the beaches of Normandy and fighting from the Argentan to the banks of the Enns River in Austria; and

WHEREAS, after his honorable discharge in December 1945, John Turner returned to the Commonwealth and married his beloved wife, Tinie, in 1948; and

WHEREAS, earning a reputation as a hard worker who could excel at any job, John Turner was employed by local garages, then joined Stanley Furniture, where he ran a bowling machine; he also worked at Bassett Superior Lines, Bassett Table Company, and Ferrum College, before retiring from Stanley Furniture in 1986; and

WHEREAS, John Turner will be fondly remembered and greatly missed by his wife, Tinie; daughter, Shirley, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John George Turner, a respected veteran and an active member of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John George Turner as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 257**

*Commending the Broad Run High School wrestling team.*

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Broad Run High School wrestling team defeated five other schools to win the Virginia High School League Group 5A Conference 14 wrestling tournament on February 6, 2015; and

WHEREAS, the Broad Run High School Spartans from Ashburn in Loudoun County emerged victorious with a final score of 217 points over its closest competitor, Freedom High School, which scored 191 points; and

WHEREAS, two members of the Broad Run High School wrestling team won individual championships at the meet; Timmy Brown won in the 113-pound class and Brandon Steel was the winner of the 182-pound class; and

WHEREAS, additionally, five Spartans were runners-up in their weight classes: Tyler Corbo, Daniel Giglio, Paolo Cardella, Michael Battista, and Ewen Riordan; and four wrestlers scored third-place finishes: Spencer Evans, Mateo Rodriguez, Nick Taylor, and Jacob Puterio; and

WHEREAS, the all-around strength of the wrestling team was most gratifying to Broad Run High School wrestling coach JJ Totaro; some team members who also play football were encouraged to join the wrestling team, and their talent and skill contributed to the team's impressive win; and

WHEREAS, the 2015 victory is the Broad Run High School wrestling team's first conference win since 1995; Coach Totaro credited the win to the hard work of the entire team—especially those wrestlers who did more than was asked of them; and

WHEREAS, the talented and motivated Spartans received strong support from their families and from the students, faculty, and staff of Broad Run High School throughout the wrestling season—all of those factors also contributed to the team's outstanding performance; now, therefore, be it

RESOLVED by the House of Delegates, That the Broad Run High School wrestling team hereby be commended for winning the 2015 Virginia High School League Group 5A Conference 14 wrestling tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Head Coach JJ Totaro and Assistant Coach Josh Costa of the Broad Run High School wrestling team, as an expression of the House of Delegates' congratulations and admiration for the wrestling team's outstanding achievement.

**HOUSE RESOLUTION NO. 258**

*Commending the Appomattox Machine Pitch All-Stars baseball team.*

Agreed to by the House of Delegates, February 23, 2015

WHEREAS, the Appomattox Machine Pitch All-Stars baseball team capped off an outstanding 2014 season by winning the inaugural Virginia Machine Pitch tournament; and

WHEREAS, the Appomattox Machine Pitch All-Stars consist of a group of energetic and talented seven-year-old and eight-year-old boys who also won an earlier invitational machine pitch tournament that was held in Brookneal; the team's record for the invitational tournament was 4-1; and

WHEREAS, during the double-elimination state tournament, which also was held in Brookneal from July 4-10, 2014, the Appomattox Machine Pitch All-Stars team was undefeated; during the six-game event, the boys scored runs in the double digits in all but one game; and

WHEREAS, Appomattox Machine Pitch All-Stars team member Dylan Hackett was awarded the state tournament's Batting Champion award for his batting average of .650; and

WHEREAS, the members of the Appomattox Machine Pitch All-Stars baseball team advanced to the World Series, held in Texarkana, Arkansas, July 18-20, 2014; the group played with skill and determination and returned home with many great memories; and

WHEREAS, the hard-working members of the Appomattox Machine Pitch All-Stars and the coaching staff received great support from their families, friends, and the entire Appomattox community as they advanced to the World Series; and

WHEREAS, the members of the Appomattox Machine Pitch All-Stars baseball team are Dylan Hackett, Peyton Garrett, Kyle Davis, Camden Perkins, Camden Joy, Camden Harrison, Reid Fanney, Gabe Nitti, Daniel McGhee, Otis Cartrett, Jack Wilkerson, and Colin Martin; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox Machine Pitch All-Stars baseball team hereby be commended for a stellar 2014 season and for winning the inaugural Virginia Machine Pitch tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Davy Hackett, head coach of the Appomattox Machine Pitch All-Stars baseball team, as an expression of the House of Delegates' congratulations and admiration for the team's remarkable performance and best wishes for future success.

**HOUSE RESOLUTION NO. 259**

*Commending the Rustburg Angels All-Stars softball team.*

Agreed to by the House of Delegates, February 23, 2015

WHEREAS, the Rustburg Angels All-Stars softball team enjoyed a stellar 2014 season, winning both the district and state softball championship titles; and

WHEREAS, the run to the championship for the group of talented softball players began early in the 2014 season as the team got off to a 3-0 start; for the season, the Rustburg Angels had an outstanding 13-3 record; and

WHEREAS, the Rustburg Angels won the district title in June with four wins and no losses at the tournament, which was held in Concord; they advanced to the state championship in July in Crewe, winning the double elimination tournament; and

WHEREAS, the energetic young members of the Rustburg Angels All-Stars team then went on to play in the 2014 championship of the Dixie Youth Softball series; they were one of 11 softball teams participating in the tournament, which was held in North Myrtle Beach, South Carolina; and

WHEREAS, the Rustburg Angels garnered a 5-2 record in the double elimination tournament, which was held August 3-8; they were the 2014 Dixie Youth Softball World Series runner-up; and

WHEREAS, the talented members of the 2014 Rustburg Angels All-Stars softball team are Tinsley Abbott, Eden Bigham, Emily Coates, Tori Jackson, Aysia Jiovenetta, Jordan Lacks, Anna Maddox, Brianna Moore, Destiny Ochs, Delaney Scharnus, Layla Scott, and Kelci Suddith; now, therefore, be it

RESOLVED by the House of Delegates, That the Rustburg Angels All-Stars softball team hereby be commended for an outstanding 2014 season and for winning the district and state softball titles; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katie Bigham, head coach of the Rustburg Angels All-Stars softball team, as an expression of the House of Delegates' congratulations and admiration for the team's remarkable performance and best wishes for continued success.

**HOUSE RESOLUTION NO. 260**

*Commending Bob and Annie Bryant.*

Agreed to by the House of Delegates, February 23, 2015

WHEREAS, for 25 years, Bob and Annie Bryant have worked to strengthen the infrastructure of Central Virginia by restoring and operating old railroad lines through their company, Buckingham Branch Railroad; and

WHEREAS, after retiring from a career with CSX Transportation in 1988, Bob Bryant purchased a 17-mile stretch of nearly abandoned track in the Blue Ridge Mountains, convincing his former employer and a local banker that he could make the track profitable; and

WHEREAS, Bob and Annie Bryant used state grant fund matches to rebuild and refurbish the track, now known as the Buckingham Division, which runs from Dillwyn to Bremo Bluff; and

WHEREAS, starting Buckingham Branch Railroad with just two employees, Bob and Annie Bryant turned the single-track Buckingham Division into a reliable branch route for outbound commercial trains; by 2004, the staff had grown to 13, including their children, Mark and Lois; and

WHEREAS, in 2004, Bob and Annie Bryant won the competition to lease a 200-mile line between Richmond and Clifton Forge, now known as the Richmond & Alleghany Division, which carries inbound and outbound commercial goods and Amtrak trains; and

WHEREAS, in 2009, Buckingham Branch Railroad continued to grow under Bob and Annie Bryant's leadership, acquiring a 58-mile line from Burkeville to the North Carolina border; today, the family-run business employs nearly 100 workers and sees more than 4,000 trains operating on its tracks each year; and

WHEREAS, Bob and Annie Bryant serve the community through a partnership with the Old Dominion Chapter of the National Railway Historical Society to offer seasonal rides on vintage passenger cars on the Buckingham Division line, as well as rides on "Santa Trains" each December; and

WHEREAS, respected for their honesty, integrity, and strength of character, Bob and Annie Bryant are fine examples for other aspiring businessmen in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Bob and Annie Bryant hereby be commended for their exceptional service to Central Virginia on the occasion of Buckingham Branch Railroad's 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob and Annie Bryant as an expression of the House of Delegates' admiration for their accomplishments in service to the residents of and visitors to the Commonwealth.

**HOUSE RESOLUTION NO. 261**

*Celebrating the life of Stephen E. Beck, Jr.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Stephen E. Beck, Jr., of Burke, a passionate supporter of people with disabilities who touched countless lives through his actions and advocacy, died on December 8, 2014; and

WHEREAS, Stephen Beck earned a bachelor's degree from Ithaca College and worked for Dominion Electric Supply in Chantilly, where he served as assistant vice president of operations; and

WHEREAS, the devoted father of a child with Down Syndrome, Stephen Beck was committed to enhancing the quality of life of all people with disabilities and their families; he served as the vice chair and longtime board member of both the National Down Syndrome Society and Down Syndrome Association of Northern Virginia; and

WHEREAS, over an eight-year period, Stephen Beck advocated for the passage of the Stephen Beck, Jr., Achieving a Better Life Experience (ABLE) Act of 2014, which enables individuals with disabilities and their families to establish tax-free savings accounts for education, medical, job training, housing, or transportation expenses; and

WHEREAS, the ABLE Act passed the United States House of Representatives with overwhelming support on December 3, 2014, with Stephen Beck in attendance, and subsequently passed the United States Senate and was signed into law in 2014; the ABLE Act represents the first major legislative reform for the disabled since the passage of the Americans with Disabilities Act of 1990; and

WHEREAS, the ABLE Act was renamed in Stephen Beck's honor, and his daughter, Natalie, will be the first beneficiary of an ABLE account, fulfilling his mission to not only secure a better future for his daughter, but help others do the same for their children; and

WHEREAS, Stephen Beck will be fondly remembered and greatly missed by his wife, Catherine; daughters, Natalie and Mariae Rose; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Stephen E. Beck, Jr., a passionate advocate for people with disabilities and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stephen E. Beck, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 262**

*Commending Karen Cardwell.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Karen Cardwell, who has served the citizens of Chesterfield County with great diligence and responsibility as an employee of the Chesterfield County General District Court Clerk's Office for more than four decades, retires on March 1, 2015; and

WHEREAS, Karen Cardwell's entire professional career has been in service to the people of Chesterfield County and the Commonwealth; she began working for the General District Court Clerk's Office on January 12, 1973; and

WHEREAS, the Chesterfield County General District Court Clerk's Office has been Karen Cardwell's only employer; during her 42 years of service to Chesterfield County, the hallmark of her work has been her exemplary diligence and outstanding work ethic; and

WHEREAS, with great dedication, loyalty, and presence, Karen Cardwell has been an invaluable employee of the Chesterfield County General District Court Clerk's Office; her efficiency and conscientious work ethic have aided in the smooth operation of what is often a busy hub of court-related activity; and

WHEREAS, the work of a clerk's office is a vital component of an effective judicial system, helping to ensure that every person who appears in court receives fair treatment and that the records in each and every case are handled properly; Karen Cardwell has spent her career in service to these bedrock principles; and

WHEREAS, many people come in contact with the Chesterfield County General District Court Clerk's Office each year, and Karen Cardwell's skills and dedication have contributed to seeing that the Clerk's Office handles its workload capably and efficiently; and

WHEREAS, over the course of her career, Karen Cardwell has overseen the records of numerous civil and criminal cases and has ably served several judges of the 12th Judicial District of Virginia as the population of Chesterfield County grew and the court's workload increased; and

WHEREAS, during her tenure, Karen Cardwell has overseen many significant historical milestones and adapted to changes in technology and procedures, helping to guide the Chesterfield County General District Court forward; now, therefore, be it

RESOLVED by the House of Delegates, That Karen Cardwell, who has been an exemplary employee of the Chesterfield County General District Court Clerk's Office for 42 years, hereby be commended on the occasion of her retirement in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Cardwell as an expression of the House of Delegates' respect and admiration for her many years of service to the people of Chesterfield County and the Commonwealth.

### HOUSE RESOLUTION NO. 263

*Commending the Honorable Cynthia D. Kinser.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, the Honorable Cynthia D. Kinser, a deeply respected attorney and judge who dedicated her life to upholding the laws of the Commonwealth, retired as Chief Justice of the Supreme Court of Virginia in 2014; and

WHEREAS, a native of Pennington Gap in Lee County, Cynthia Kinser graduated from the University of Tennessee and earned a law degree from the University of Virginia; and

WHEREAS, in 1977, Cynthia Kinser served as a law clerk for a United States District Court judge; in 1980, she became Lee County's first female Commonwealth's Attorney, where she served until 1984 when she went into private practice; and

WHEREAS, Cynthia Kinser was appointed as a United States magistrate judge in 1990 and served in that capacity until 1997, when she was appointed to the Supreme Court of Virginia to fill an unexpired term; she was reappointed in 1998; and

WHEREAS, in 2011, Cynthia Kinser was chosen as the first female Chief Justice of the Supreme Court of Virginia; she presided with great fairness and wisdom until her well-earned retirement; and

WHEREAS, Cynthia Kinser received numerous accolades throughout her legal career and her 17 years of service to the Supreme Court of Virginia; in 2011, she earned the prestigious Thomas Jefferson Foundation Medal in Law from the University of Virginia and Monticello; and

WHEREAS, a woman of great integrity, Cynthia Kinser served the Lee County community and the Commonwealth with the utmost professionalism, dedication, and distinction, and she leaves a legacy of excellence to her successor as chief justice; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Cynthia D. Kinser hereby be commended on the occasion of her retirement as Chief Justice of the Supreme Court of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Cynthia D. Kinser as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

### HOUSE RESOLUTION NO. 264

*Celebrating the life of Frances Elizabeth Simpson Winstead.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Frances Elizabeth Simpson Winstead, a devoted nurse practitioner and compassionate caregiver in Portsmouth, died on July 30, 2014; and

WHEREAS, a native of Saint Pauls, North Carolina, Frances Winstead learned the value of hard work and responsibility at a young age; she attended public schools in Bladen County, North Carolina, and graduated from Bladen County Training School; and

WHEREAS, Frances Winstead earned a licensed practical nurse certification and began working at Portsmouth General Hospital in 1967, where she helped care for patients for nearly three decades; and

WHEREAS, Frances Winstead joined the staff of the Pines Residential Treatment Center and served in various quality assurance roles; throughout her 50-year career in nursing, she received many awards and accolades for her commitment to excellence in health care delivery and administration; and

WHEREAS, Frances Winstead was dedicated to lifelong learning; she attended numerous certification programs and seminars and enrolled at Norfolk State University to gain additional knowledge to better serve her patients; and

WHEREAS, Frances Winstead cared deeply for her family and worked to instill her passion for education in her children, and she served as the secretary of the Cavalier Manor Athletic Association; and

WHEREAS, a woman of deep and abiding faith, Frances Winstead enjoyed fellowship and worship with the community as a longtime member of Third Baptist Church, where she was a member of the Sanctuary Choir and the Nurses Ministry; and

WHEREAS, Frances Winstead will be fondly remembered and deeply missed by her husband of nearly 53 years, Harold; sons, Harold, Jr., Huron, Hilton, and Harrison, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Frances Elizabeth Simpson Winstead, a devoted nurse and beloved member of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frances Elizabeth Simpson Winstead as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 265**

*Commending the George Mason University Green Machine.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, the George Mason University Green Machine, the university's accomplished pep band, was ranked first on NCAA.com's High Five: Best Pep Bands list in 2015; and

WHEREAS, the George Mason University (GMU) Green Machine was established in the 1980s by students of George Mason University in Fairfax; and

WHEREAS, the GMU Green Machine gained a fulltime faculty position when Dr. Michael "Doc Nix" Nickens joined the band after the success of the GMU men's basketball team in the 2006 NCAA Championships; and

WHEREAS, the GMU Green Machine has won numerous competitions and contests for pep bands; it was named Champion of the 2006 NCAA Battle of the Bands, the 2008 and 2009 CAA Best Pep Band by CAAZone.com, and the Most Entertaining Pep Band in College Basketball by Bleacher Report; and

WHEREAS, the GMU Green Machine has had numerous notable performances, including at the 2007 ESPN Old Spice Classic's Pep Band Challenge, the 2009 NCAA Frozen Four, where Doc Nix and the Green Machine performed as Bemidji State University's pep band, the 2011 and 2012 Colonial Athletic Association's Breakfast with the Bands intercollegiate pep band showcase, the 2012 celebration of the 40th Anniversary of George Mason University, the 2013 inauguration of George Mason University President Ángel Cabrera, and the 2014 Inaugural Parade of Governor Terence R. McAuliffe; and

WHEREAS, GMU Green Machine members have gone on to perform with multiple premier musical units, such as the United States Navy Band and the United States Air Force Academy Band; and

WHEREAS, the GMU Green Machine's rehearsals have been viewed more than 22 million times on the Internet; now, therefore, be it

RESOLVED by the House of Delegates, That the George Mason University Green Machine hereby be commended on being ranked first on the High Five: Best Pep Bands list by NCAA.com; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the George Mason University Green Machine as an expression of the House of Delegates' admiration for the band's work to pep up the athletes and fans of George Mason University and represent one of the premier universities of the Commonwealth.

**HOUSE RESOLUTION NO. 266**

*Commending the Sinfonicron Light Opera Company.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, in 2014-2015, the Sinfonicron Light Opera Company, a student theater group at The College of William and Mary, celebrates its 50th anniversary of producing theater that enchants audiences and enriches the community; and

WHEREAS, the student-run theater group in Williamsburg mounts a full-scale theatrical production each year; in January, for its golden jubilee, Sinfonicron players staged *Pirates of Penzance*, an enduringly popular operetta by Gilbert and Sullivan; and

WHEREAS, Sinfonicron was formed in 1964 and is a partnership of four student organizations at The College of William and Mary: Phi Mu Alpha Sinfonia, Delta Omicron music fraternity, Nu Kappa Epsilon music sorority, and the Student Theater Organization; and

WHEREAS, Sinfonicron productions are the main fundraising vehicle for the student groups and the proceeds from the shows help support the arts; Sinfonicron stages a play each January in a rotating three-year schedule of two Gilbert and Sullivan plays and one non-Gilbert and Sullivan show; and

WHEREAS, each winter, the students who are involved in Sinfonicron's production give up two weeks of their break between semesters and return to campus for a whirlwind of preparation and rehearsals; and

WHEREAS, over the years, the Williamsburg community has strongly supported the theatrical company and the size of the endeavor also has grown from the Little Theatre in the basement of the Campus Center to the main theater of Phi Beta Kappa Hall, where Sinfonicron's performances of the *Pirates of Penzance* were staged in 2015; and

WHEREAS, in the last 50 years, the Sinfonicron players have staged *The Mikado*, *H.M.S. Pinafore*, *The Yeomen of the Guard*, and other operettas by Gilbert and Sullivan; the group's repertoire also includes *Evita*, *West Side Story*, *Into the Woods*, *Thoroughly Modern Millie*, and *City of Angels*; and

WHEREAS, five performances of *Pirates of Penzance* were staged for Sinfonicron's 50th anniversary season; and

WHEREAS, Sinfonicron's golden jubilee performance was held on the evening of January 24, 2015; all Sinfonicron alumni and friends were invited, as were members of the Sinfonicron Guild, a group of supporters of the light opera company; now, therefore, be it

RESOLVED by the House of Delegates, That the Sinfonicron Light Opera Company of The College of William and Mary hereby be commended on the occasion of its 50th anniversary during 2014-2015 for producing theater that enchants audiences and enriches the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kathryn Knoerl, producer of the Sinfonicon Light Opera Company, as an expression of the House of Delegates' congratulations and admiration for creating a lasting musical theater tradition that is enjoyed by The College of William and Mary and the greater Williamsburg community.

### HOUSE RESOLUTION NO. 267

*Commending Chad Green.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, in 2014, Chad Green of Seaford coauthored *The Crown & Cardinal*, an espionage thriller highlighting many of the unique historical elements, people, and places of the Virginia Peninsula; and

WHEREAS, Chad Green was born to Dr. William T. Green and Joan Green and grew up in Newport News; he graduated from Hampton Roads Academy and earned a bachelor's degree from the University of Alabama and a law degree from Samford University; and

WHEREAS, Chad Green returned to York County in 2006 to practice law and is married to Ashley Alverson of Tuscaloosa, Alabama; and

WHEREAS, Chad Green, who is also a licensed captain and commercial waterman, coauthored *The Crown & Cardinal* with G. Tom Ward; the book centers on a plot to disrupt a peace conference between Israel and Palestine at Yorktown; and

WHEREAS, the book follows Shaun Kelly, a reporter for a Yorktown newspaper, as he uncovers a nefarious network of spies, terrorists, and members of a secret society bent on destroying the conference and assassinating world leaders; Chad Green named many characters after friends or prominent members of the community; and

WHEREAS, Chad Green incorporated several elements of the area's history into the book's fast-paced story, and he featured some of his favorite restaurants, including Smokin' Joe's, Harpoon Larry's, Surf Rider, Joe & Mimma's, and the Yorktown Pub; and

WHEREAS, the self-published book is 365 pages and was printed by Caldwell Printing in the Denbigh section of Newport News; Chad Green and G. Tom Ward have sold several thousand copies and held book signings in five cities; now, therefore, be it

RESOLVED by the House of Delegates, That Chad Green hereby be commended on the publication and success of his novel *The Crown & Cardinal*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chad Green as an expression of the House of Delegates' admiration for his success as a self-published author and efforts to promote the history and culture of the Virginia Peninsula.

### HOUSE RESOLUTION NO. 268

*Commending Rucker A. Tibbs, Sr.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Rucker A. Tibbs, Sr., has taught hundreds of people how to fly in an aviation career that has spanned more than 50 years; he spearheaded the building of New London Airport in Bedford County, and has been an invaluable member of the Civil Air Patrol; and

WHEREAS, Rucker Tibbs made his first solo flight on July 4, 1955, and received his pilot's license in 1956; he also possessed a commercial license and was a certified flight instructor; he is known for his many contributions to the aviation community, especially as a flight instructor and in his work with young people; and

WHEREAS, Rucker Tibbs proudly served in the United States Army as a mechanic working on Sherman tank engines; they were made from modified aircraft engines, the same kind that Rucker Tibbs later would become familiar with in his aviation career; and

WHEREAS, after his military service, Rucker Tibbs developed the New London Drag Strip and Airport, a general aviation airport near Lynchburg, which today houses 55 aircraft; and

WHEREAS, Rucker Tibbs managed the New London Airport until he retired in 1984, but he continued his affiliation with the airport until it was sold in 2005; today, at age 92, he continues to own and operate Rucker Tibbs Aviation, a fixed-base operator; and

WHEREAS, Rucker Tibbs has been an active member of the Civil Air Patrol (CAP) since 1956, serving as pilot, mission pilot, and squadron commander; in 1972, he was assigned to the Virginia Wing and was chief check pilot for more than 22 years, and he also was chief maintenance officer, mission coordinator, and mountain mission pilot; and

WHEREAS, as a longtime member of the Virginia Wing of the CAP, Rucker Tibbs participated in multiple search and rescue missions, and he was a lieutenant colonel in the CAP when he was inducted into the Virginia Aviation Hall of Fame in 1988; and

WHEREAS, because of his outstanding service to the Commonwealth and to aviation, Rucker Tibbs has received many recognitions; he was named Virginia Airman of the Year in 1981 and was honored in 1975 by the Virginia Wing of the CAP Senior Outstanding Member; he also has received many other honors during a distinguished career; now, therefore, be it

RESOLVED by the House of Delegates, That Rucker A. Tibbs, Sr., who has made numerous contributions to the field of aviation in the Commonwealth as a flight instructor, airport manager, and invaluable member of the Civil Air Patrol, hereby be commended for his dedication and service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rucker A. Tibbs, Sr., as an expression of the House of Delegates' respect and admiration for his commitment and many years of service to the field of aviation and to the Commonwealth.

### HOUSE RESOLUTION NO. 269

*Commending the Loudoun First Responders Foundation.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the Loudoun First Responders Foundation works diligently to support the law-enforcement officers, firefighters, emergency medical personnel, and other first responders who serve and protect the members of the Loudoun County community; and

WHEREAS, the Loudoun First Responders Foundation, a nonprofit organization based in Leesburg, raises money and builds partnerships with other service organizations, individuals, and businesses to provide financial support to any Loudoun County public safety officer facing injury, illness, or other conditions sustained in the line of duty; and

WHEREAS, the Loudoun First Responders Foundation works to honor the service and sacrifices of public safety officers and their families and builds mutual trust and respect with the community by allowing individuals, organizations, and businesses to take active roles in public safety concerns; and

WHEREAS, the Loudoun First Responders Foundation also facilitates educational opportunities for members of local police, firefighting, and rescue departments; and

WHEREAS, the benevolent mission of the Loudoun First Responders Foundation is a reminder of the daily dangers faced by law-enforcement officers, firefighters, emergency medical personnel, and other first responders as they work to safeguard and strengthen the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun First Responders Foundation hereby be commended for its important work to support first responders and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun First Responders Foundation as an expression of the House of Delegates' admiration for the organization's contributions to the Loudoun County community.

### HOUSE RESOLUTION NO. 270

*Celebrating the life of Violet Kaleh Carmona Bateman.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Violet Kaleh Carmona Bateman, a distinguished volunteer and community activist in Herndon, died on December 30, 2014; and

WHEREAS, a longtime resident of Herndon, Violet Bateman passionately served and supported the community as a member of what is now the Dulles Regional Chamber of Commerce for almost 50 years; and

WHEREAS, Violet Bateman promoted the idea of a local community center and worked tirelessly to secure funding for what would become the Herndon Community Center; and

WHEREAS, Violet Bateman was also a member of the committee that developed the Herndon Harbor House, an affordable housing project for elderly residents; she formed Herndon Harbor Housing, Inc., a nonprofit organization, to raise money for the project; and

WHEREAS, with Violet Bateman's exceptional leadership and the support of the Town of Herndon and the Fairfax County Department of Housing and Redevelopment Authority, the Herndon Harbor House opened on October 9, 1998; and

WHEREAS, Violet Bateman earned many awards and accolades for her good work, including the Herndon Dulles Chamber of Commerce Lifetime Achievement Award in 2009 and recognition from the Fairfax County Board of Supervisors and the Fairfax County Redevelopment and Housing Authority; and

WHEREAS, Violet Bateman enjoyed fellowship and worship with the community as an active member of St. Timothy's Episcopal Church, and she had most recently lived in Bealeton on her daughter and son-in-law's farm; and

WHEREAS, Violet Bateman will be fondly remembered and greatly missed by her children, Richard, Gregory, and Carla Jean, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Violet Kaleh Carmona Bateman, an admired volunteer and community leader in Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Violet Kaleh Carmona Bateman as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 271

*Commending Eastside High School.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Eastside High School in Coeburn was named a national winner in the 2014 Celebrate My Drive safe driving awareness contest; and

WHEREAS, the students at Eastside High School won \$25,000 for their successful efforts to instill in new drivers the importance of staying aware and avoiding distractions; the Celebrate My Drive competition, which is sponsored by State Farm, awarded cash prizes to 100 schools across North America; and

WHEREAS, during the 2014 competition period, students at the school in Wise County were tasked with securing safe-driving commitments from as many teenagers as possible, ages 14 and older; the Celebrate My Drive program aims to instill safe driving awareness in young people who have just started driving; and

WHEREAS, Eastside High School was among the more than 3,000 schools in North America to take part in the Celebrate My Ride program; the contest's upbeat and positive message aims to make safe driving habits something that young drivers do routinely; and

WHEREAS, with the prize money, the students at Eastside High School plan to create a memorial honoring students and adults killed in automobile accidents; they also will hold a safe driving expo and attend the Virginia Model General Assembly to present driving legislation; and

WHEREAS, the senior class of Eastside High School plans to travel to Atlanta using part of the money from the Celebrate My Drive award, and the students are working on implementing safe driving activities for the school's junior/senior prom; now, therefore, be it

RESOLVED by the House of Delegates, That Eastside High School in Coeburn hereby be commended for winning \$25,000 in the 2014 Celebrate My Drive contest; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bryan Crutchfield, interim principal of Eastside High School, as an expression of the House of Delegates' admiration and congratulations for the school's winning effort to instill a commitment to safe driving habits in the Commonwealth's youngest drivers.

### HOUSE RESOLUTION NO. 272

*Commending Wolf Hills Brewing Company.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Wolf Hills Brewing Company, a craft beer brewery in historic Abingdon, celebrated five years of providing exceptional products to the community in 2014; and

WHEREAS, founded in 2009 by Chris L. Burcher, Cameron Bell, Richard Buddington, Jr., and Matt Bundy, Wolf Hills Brewing Company takes its name from a story about Daniel Boone encountering wolves in the area that would later become Abingdon; and

WHEREAS, Wolf Hills Brewing Company has thrived in its early years, crafting fresh, savory beers that have received acclaim in the region; the company hired Drake M. Scott as its head brewer in 2012; and

WHEREAS, Wolf Hills Brewing Company combines time-honored brewing techniques with the freshest ingredients to offer a wide range of core, seasonal, and specialty beers, available on tap or by the can at several local restaurants and the brewery's tasting room; and

WHEREAS, with its commitment to excellence, Wolf Hills Brewing Company contributes to the Commonwealth's reputation as a premier source of craft beers; now, therefore, be it

RESOLVED by the House of Delegates, That Wolf Hills Brewing Company hereby be commended on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wolf Hills Brewing Company as an expression of the House of Delegates' admiration for its contributions to the region and the Commonwealth and best wishes for the future.

**HOUSE RESOLUTION NO. 273**

*Commending The Improvement Association.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, The Improvement Association, established in 1968, is a Community Action Agency working to alleviate the causes of poverty in the Counties of Dinwiddie, Sussex, Surry, Greensville, and Brunswick and the City of Emporia; and

WHEREAS, The Improvement Association has been providing Head Start services in Southside Virginia since 1998; and

WHEREAS, Head Start is a national, federally funded program that provides comprehensive early childhood education, health, nutrition, and parent involvement services to low-income children and their families; 2015 marks the 50th anniversary of the establishment of Head Start; and

WHEREAS, The Improvement Association provides comprehensive Head Start services in the Counties of Dinwiddie, Sussex, Surry, Greensville, and Brunswick and the City of Emporia; and

WHEREAS, The Improvement Association facilitates increased school readiness for 262 Head Start children annually; and

WHEREAS, The Improvement Association leverages community resources to ensure that Head Start children receive age-appropriate health screenings; and

WHEREAS, The Improvement Association leverages community resources to ensure that the parents or guardians of Head Start children receive comprehensive services related to education, employment, and permanent housing; now, therefore, be it

RESOLVED by the House of Delegates, That The Improvement Association hereby be commended for its many years of service to the Commonwealth as a Head Start provider; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Improvement Association as an expression of the House of Delegates' admiration for its many contributions to children and families in Southside Virginia.

**HOUSE RESOLUTION NO. 274**

*Commending the Honaker High School football team.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the Honaker High School football team finished the regular season undefeated to advance to the playoffs and won the Virginia High School League Group 1A state quarterfinal game on November 29, 2014; and

WHEREAS, the Honaker High School Tigers finished the regular season 10-0 and won the Black Diamond District title; the Tigers defeated Twin Springs High School and Radford High School in the first and second rounds of the playoffs; and

WHEREAS, in the state quarterfinal, the Honaker High School Tigers defeated the Wythe High School Maroons by an impressive score of 35-3; and

WHEREAS, the Honaker High School Tigers advanced to the state semifinal against the defending state champions, the Altavista Combined School Colonels; and

WHEREAS, the successful season is a testament to the hard work of all the athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Honaker High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honaker High School football team hereby be commended on winning the 2014 Virginia High School League Group 1A state quarterfinal game after an undefeated regular season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Hubbard, head coach of the Honaker football team, as an expression of the House of Delegates' admiration for the team's accomplishments.

**HOUSE RESOLUTION NO. 275**

*Commending the Honorable J. Samuel Glasscock.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the Honorable J. Samuel Glasscock was honored by the Paul D. Camp Community College Foundation with the creation of the Sam Glasscock-Fred Quayle Annual Fund in 2014; and

WHEREAS, as a member of the Paul D. Camp Community College local board, Samuel Glasscock has developed policies to enhance educational opportunities for students throughout the service region and give them the tools and knowledge to become effective leaders in their careers and communities; and

WHEREAS, the Sam Glasscock-Fred Quayle Annual Fund will help provide Paul D. Camp Community College with supplemental funds to ensure that students continue to receive a high-quality educational experience; and

WHEREAS, the Sam Glasscock-Fred Quayle Annual Fund was named in honor of J. Samuel Glasscock and Frederick M. Quayle to recognize their diligent service to the Paul D. Camp Community College; and

WHEREAS, Samuel Glasscock will receive recognition for his dedicated support for Paul D. Camp Community College at a fundraising dinner in 2015; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable J. Samuel Glasscock hereby be commended for his legacy of service on the occasion of the creation of the Sam Glasscock-Fred Quayle Annual Fund; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable J. Samuel Glasscock as an expression of the General Assembly's admiration for his numerous contributions to the Paul D. Camp Community College.

### HOUSE RESOLUTION NO. 276

*Commending the Honorable Frederick M. Quayle.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the Honorable Frederick M. Quayle was honored by the Paul D. Camp Community College Foundation with the creation of the Sam Glasscock-Fred Quayle Annual Fund in 2014; and

WHEREAS, as one of the members of the Paul D. Camp Community College Foundation board, Frederick Quayle helps support the college through fundraising efforts and promotes the college to members of the media and the public; and

WHEREAS, the Sam Glasscock-Fred Quayle Annual Fund will help provide Paul D. Camp Community College with supplemental funds to ensure that students continue to receive a high-quality educational experience; and

WHEREAS, the Sam Glasscock-Fred Quayle Annual Fund was named in honor of J. Samuel Glasscock and Frederick M. Quayle to recognize their diligent service to the Paul D. Camp Community College; and

WHEREAS, Frederick Quayle will receive recognition for his dedicated support for the Paul D. Camp Community College at a fundraising dinner in 2015; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Frederick M. Quayle hereby be commended for his legacy of service on the occasion of the creation of the Sam Glasscock-Fred Quayle Annual Fund; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Frederick M. Quayle as an expression of the General Assembly's admiration for his numerous contributions to the Paul D. Camp Community College.

### HOUSE RESOLUTION NO. 277

*Celebrating the life of Constance Violet Glenn Allen.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Constance Violet Glenn Allen of Chesapeake, an award-winning public affairs director for WAVY-TV, a leader in many community and civic organizations in Hampton Roads, and a devoted mother, died on February 2, 2015; and

WHEREAS, Constance "Connie" Violet Glenn Allen was born in Spartanburg, South Carolina, and attended the city's public schools; she enrolled at Florida Agricultural and Mechanical University and received a bachelor's degree from North Carolina College, now North Carolina Central University; and

WHEREAS, Connie Allen earned a master's degree from Indiana University and pursued doctoral studies at the University of North Carolina at Chapel Hill; and

WHEREAS, Connie Allen worked for WAVY-TV in Hampton Roads as public affairs director and as the producer of "Bottom Line," a show that featured interviews of and discussion of current affairs by community leaders, local political officials, educators, clergy, and others; and

WHEREAS, during her tenure at WAVY-TV, Connie Allen was executive producer of "Kid Talk," an educational show for children, and she helped implement the Young Achiever program, which recognized outstanding young people from throughout Hampton Roads; and

WHEREAS, the recipient of many local and national accolades and broadcasting awards during her career, Connie Allen was a longtime officer of the National Broadcast Association for Community Affairs; and

WHEREAS, community involvement was important to Connie Allen; she served as president of the Chesapeake-Virginia Beach Chapter of Delta Sigma Theta Sorority, of which she was a life member, and as president of the Norfolk Chapter of The Links, Inc.; and

WHEREAS, Connie Allen was the first black president of the Indian River Junior High School Parent-Teacher Association, the Girl Scout Council of Greater Tidewater, now the Girl Scout Council of Colonial Coast, and the YWCA South Hampton Roads; she also was the first black woman to chair the Chesapeake Housing and Redevelopment Authority; and

WHEREAS, Connie Allen contributed her time and expertise to the United Way of South Hampton Roads, the Governor's School for the Arts, the I. Sherman Greene Chorale, Inc., and many other civic and community organizations; and

WHEREAS, Connie Allen will be greatly missed and fondly remembered by her children, Jennifer and David, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Constance Violet Glenn Allen of Chesapeake, an award-winning public affairs director for WAVY-TV, a leader in many community and civic organizations in Hampton Roads, and a devoted mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Constance Violet Glenn Allen as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 278

*Commending Mercy Seat Reformed Zion Union Apostolic Church.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Mercy Seat Reformed Zion Union Apostolic Church in Warfield celebrates its 145th anniversary in 2015 of "walking in the spirit of excellence"; the church traces its roots to the arrival of an itinerant preacher in nearby Mecklenburg County in the late 1860s; and

WHEREAS, James R. Howell, an elder in the African Methodist Episcopal Church, came to the Commonwealth from Philadelphia, Pennsylvania, in late 1865; he eventually settled in the Five Forks Boydton area of Mecklenburg County; and

WHEREAS, discovering that African American residents in the area worshipped separately from the white residents—meeting anywhere that was available for worship, James Howell quickly began to work with local ministers to establish local Zion Societies; and

WHEREAS, under the guidance of James Howell and John M. Bishop, a local preacher, Mercy Seat Reformed Zion Union Apostolic Church was founded and built in Brunswick County on land given by former slaveholders; and

WHEREAS, in the church's early days, members met one Sunday a month for worship; baptisms took place in Sturgeon Creek, and the congregation held annual revival services for five days each summer; and

WHEREAS, throughout its life, Mercy Seat Reformed Zion Union Apostolic Church has had an active congregation and ministry; the church was remodeled many times, but by the 1950s, the members decided to build a new church, and in 1959, the Mercy Seat Church family began worshipping in the new space; and

WHEREAS, further improvements have been made to Mercy Seat Reformed Zion Union Apostolic Church over the years, including an addition in the 1980s, a fellowship hall and baptizing pool in the 1990s, and other beautification and restoration projects; and

WHEREAS, Mercy Seat Reformed Zion Union Apostolic Church's ministry includes a music program, a missionary outreach effort, Sunday school, services honoring the church's young people, a women's day and a men's day, and an annual gospel program and homecoming service; and

WHEREAS, one goal of Mercy Seat Reformed Zion Union Apostolic Church is to incorporate technology to attract a larger audience and improve the worship experience; in 2015, the church's website went into operation, helping to reach people far beyond its Warfield home; now, therefore, be it

RESOLVED by the House of Delegates, That Mercy Seat Reformed Zion Union Apostolic Church in Warfield hereby be commended on the occasion of its 145th anniversary in 2015 and for "walking in the spirit of excellence"; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Danny L. Boyd, pastor of Mercy Seat Reformed Zion Union Apostolic Church, as an expression of the House of Delegates' congratulations and admiration for its many accomplishments during the church's long history and best wishes for an equally strong future.

### HOUSE RESOLUTION NO. 279

*Celebrating the life of Michael Trenton Rose.*

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Michael Trenton Rose, a beloved member of the Courtland community, died on February 19, 2015; and

WHEREAS, Michael Rose graduated from Southampton High School in Courtland, where he was a standout member of the football team; and

WHEREAS, Michael Rose cared deeply for his friends and family, and he brought joy to everyone he met; he married his high school sweetheart, Natasha, and they had two beautiful children; and

WHEREAS, Michael Rose was a valued employee of the Cost Plus World Market distribution center in Windsor, receiving unique items and specialty foods from around the world and helping to ensure their safe delivery to stores throughout the Commonwealth and the country; and

WHEREAS, Michael Rose will be fondly remembered and greatly missed by his wife, Natasha; children, Gabriel and Autumn; parents, Larry and Yvonne; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michael Trenton Rose; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Trenton Rose as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 280

*Commending Patricia Keatts.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, Patricia Keatts, who has served with great dedication and distinction as town clerk of the Town of Rocky Mount for 25 years, retired on January 31, 2015; and

WHEREAS, Patricia Keatts became town clerk on January 2, 1990, when the office consisted of one table, one chair, a typewriter, and a file cabinet; today, the Town's municipal building bustles with activity; and

WHEREAS, in addition to her duties as town clerk, Patricia Keatts has been the executive assistant to the town manager of Rocky Mount, in which position she has worked with four town managers and five mayors during her career; and

WHEREAS, Patricia Keatts' tenure as town clerk included the conversion of the municipal government of Rocky Mount from a mayoral to a town manager form of government; and

WHEREAS, in 2006 Patricia Keatts obtained a Certified Municipal Clerk designation from the International Institute of Municipal Clerks, and in 2010 she received the organization's Master Municipal Clerk designation; the Virginia Municipal Clerks Association named her Clerk of the Year in 2012; and

WHEREAS, Patricia Keatts also has served the community as a member of the board and chair of the Franklin County Family Resource Center and as a member of the boards of the Franklin County Court Appointed Special Advocates program and United Way of Franklin County; now, therefore, be it

RESOLVED by the House of Delegates, That Patricia Keatts hereby be commended on the occasion of her retirement in 2015 as town clerk of the Town of Rocky Mount for 25 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Keatts as an expression of the House of Delegates' respect and admiration for her many years of service to the people of Rocky Mount and the Commonwealth.

### HOUSE RESOLUTION NO. 281

*Commending the Fauquier High School wrestling team.*

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the Fauquier High School wrestling team won the 2015 Virginia High School League Group 4A wrestling championship on February 20, 2015; and

WHEREAS, it was the first state title for the Fauquier High School wrestlers, who in recent years have been a member of wrestling's top tier among Group 4A schools; the team has placed in the top 10 for the last eight seasons and was state champion runner up twice; and

WHEREAS, the Fauquier High School Falcons defeated a talented second-place team from Hanover High School—129 points to 105 points—to clinch the state title at the meet, which was held at the Salem Civic Center; and

WHEREAS, the Fauquier High School wrestlers had lost to Hanover High School in 2014 by a close margin in team standings, 96 points to 90.5 points, and were extremely motivated to win in 2015; the wrestlers were disciplined and focused throughout the entire 2014-2015 season; and

WHEREAS, six of the nine wrestlers on the Fauquier High School wrestling team participated in the state finals, and three of the school's participants took home a second individual state title at the 2015 state championship; Daniel Ariola was the winner of the 120-pound weight class, Matt Raines won the 138-pound weight class, and Garrett Tingen was the winner of the 152-pound weight class; and

WHEREAS, Doug Fisher, head coach of the Fauquier High School wrestling team, said that the team's strong foundation was a factor in winning the championship; some members of the team come from families with a long tradition of high school wrestling; and

WHEREAS, the members of the Fauquier High School wrestling team worked hard throughout the season; the team also drew great support and encouragement from their families and from the entire Fauquier High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Fauquier High School wrestling team hereby be commended for winning the 2015 Virginia High School League Group 4A wrestling championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Fisher, head coach of the the Fauquier High School wrestling team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding accomplishment.

**HOUSE RESOLUTION NO. 282**

*Commending the Hidden Valley High School boys' swim team.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the 2014-2015 Hidden Valley High School boys' swim team won the Virginia High School League Group 3A swim and dive championship on February 20, 2015; and

WHEREAS, the victory is the Hidden Valley High School boys' swim team's third consecutive state title; the talented swimmers from Roanoke County have a consistently strong lineup and performed well at the state swim and dive meet; and

WHEREAS, the Hidden Valley High School swimmers defeated a talented second-place team from Lafayette High School by a score of 286 points to 256 points at the state meet, which was held at the Christiansburg Aquatic Center; and

WHEREAS, sophomore Greg Reed, who joined the Hidden Valley High School boys' swim team this school year, broke two state records at the championship meet, in the 200-yard freestyle event and the 500-yard freestyle event; and

WHEREAS, Danielle Dillon, head coach of the Hidden Valley High School boys' swim team, was pleased that the swimmers were victorious in what she thought would be their stiffest competition of the 2014-2015 season; and

WHEREAS, the members of the Hidden Valley High School boys' swim team received strong support from their families during the swim and dive season; the students, faculty, and the entire school community also greatly encouraged the team throughout its third consecutive championship season; now, therefore, be it

RESOLVED by the House of Delegates, That the Hidden Valley High School boys' swim team hereby be commended for winning the 2015 Virginia High School League Group 3A swim and dive championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danielle Dillon, head coach of the Hidden Valley High School boys' swim team, as an expression of the House of Delegates' congratulations and admiration for the team's stellar achievement.

**HOUSE RESOLUTION NO. 283**

*Commending the Ashburn Volunteer Fire and Rescue Department.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Ashburn Volunteer Fire and Rescue Department has been serving the community since 1944, protecting the lives and property of the residents of Ashburn and Loudoun County; and

WHEREAS, the mission of the Ashburn Volunteer Fire and Rescue Department (AVFRD) is to protect lives by providing the best possible fire, rescue, emergency, and medical response services; the department also strives to be an active part of the community and is proactive in its campaigns promoting fire safety, education, and prevention; and

WHEREAS, a Baptist minister in the area and a small group of citizens formed the Ashburn Volunteer Fire Company in 1944 after two tragic fires in the community; fundraising efforts began in 1945, and the company's first truck, a 1929 pumper, was purchased in November; and

WHEREAS, until the Ashburn Volunteer Fire Company built a firehouse in 1947, the pumper was housed in a shed during warm weather and in a cow barn during the winter, where heat generated by the cattle kept the vehicle from freezing; and

WHEREAS, in 1946, members of the Ashburn Volunteer Fire Company recorded 11 fire calls in a rural area that had many dairy farms; throughout the remainder of the 20th century, the farmland in and around Ashburn was transformed into suburban communities of houses, townhomes, businesses, shopping centers, and parks; and

WHEREAS, rescue services eventually were added to the company's responsibilities, and its name was changed to the Ashburn Volunteer Fire and Rescue Department; today, the AVFRD has 200 active members; and

WHEREAS, the dedicated volunteer emergency responders of the AVFRD work in tandem with career firefighters; the volunteers staff two fire stations nightly, one in Ashburn and one in Lansdowne, protecting and serving the community they call home; now, therefore, be it

RESOLVED by the House of Delegates, That the Ashburn Volunteer Fire and Rescue Department hereby be commended for protecting the lives and property of the residents of Ashburn and Loudoun County for more than 70 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the chief of the Ashburn Volunteer Fire and Rescue Department as an expression of the House of Delegates' respect and admiration for the tireless efforts and dedication of the members of the Ashburn Volunteer Fire and Rescue Department.

**HOUSE RESOLUTION NO. 284**

*Commending Andi Mack.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Andi Mack, a senior at Stone Bridge High School in Loudoun County, won the 2015 girls' 200-yard freestyle event at the Virginia High School League Group 5A Swimming and Diving Championship on February 21, 2015; and

WHEREAS, Andi Mack won the freestyle event with a time of 1:52.15, setting a state record for Virginia High School League (VHSL) Group 5A competition; the meet was held at the Collegiate School Aquatics Center in Chesterfield County; and

WHEREAS, Andi Mack, who is from Ashburn, has been a competitive swimmer for 10 years and has been a member of the Stone Bridge High School girls' swim team since she was a freshman; she also is a longtime swimmer for Nation's Capital Swim Club; and

WHEREAS, during the 2015 VHSL Group 5A Conference 14 swim championship in January, which was won by the Stone Bridge High School girls' swim team, Andi Mack contributed to her school's conference victory by winning the 200-yard freestyle competition and the 100-yard butterfly event; and

WHEREAS, in addition to freestyle, Andi Mack also specializes in the butterfly and is a National qualifier; she plans to swim for the University of North Carolina in college, fulfilling a long-held goal to swim competitively for a Division I school; and

WHEREAS, additionally, Andi Mack is an excellent student at Stone Bridge High School and is in the top five percent of her class; now, therefore, be it

RESOLVED by the House of Delegates, That Andi Mack, a senior at Stone Bridge High School in Loudoun County, hereby be commended for winning the 2015 girls' 200-yard freestyle event at the Virginia High School League Group 5A Swimming and Diving Championship on February 21, 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andi Mack as an expression of the House of Delegates' congratulations and admiration for her outstanding achievement and best wishes in the future.

**HOUSE RESOLUTION NO. 285**

*Commending Lee Health & Rehab Center.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Lee Health & Rehab Center in Pennington Gap was honored by the American Health Care Association and the National Center for Assisted Living with a Bronze-Commitment to Quality Award for 2014; and

WHEREAS, Lee Health & Rehab Center, which is part of Commonwealth Care of Roanoke, was recognized by the national health care organizations for ongoing efforts to improve the quality of care for its elderly patients and residents and individuals with disabilities; and

WHEREAS, Lee Health & Rehab Center offers expert nursing and rehabilitation services as well as long-term and respite care in a compassionate and comfortable environment; additional services include physical therapy, occupational therapy, and speech/language pathology; and

WHEREAS, receiving a Bronze-Commitment to Quality Award from the American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL) is the first step in a comprehensive program for skilled nursing and post-acute care centers to assist them in achieving specific performance goals; and

WHEREAS, the staff at Lee Health & Rehab has put systems in place to promote continuous quality improvement in order to deliver superior care to the patients and residents of the center, which is in Lee County; and

WHEREAS, the requirements that the employees of Lee Health & Rehab met to achieve the AHCA/NCAL's Bronze award designation included developing a profile of the center, which contained the center's vision and mission statements and an assessment of customers' expectations; and

WHEREAS, additionally, the staff of Lee Health & Rehab, which worked as a team on the project to earn the award, also had to demonstrate an ability to implement a performance improvement system for the health care center; and

WHEREAS, to recognize the hard work that the employees at Lee Health & Rehab put forth to receive the Bronze-Commitment to Quality Award from AHCA/NCAL, the staff, residents, and patients at Lee Health & Rehab enjoyed a reception on October 9, 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Lee Health & Rehab Center in Pennington Gap hereby be commended for being honored with a 2014 Bronze-Commitment to Quality Award from the American Health Care Association and the National Center for Assisted Living; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Ham, administrator of Lee Health & Rehab Center, as an expression of the House of Delegates' respect and

admiration for the center's goal to provide top quality care and rehabilitation services to the elderly and people with disabilities in Lee County and the surrounding area.

### HOUSE RESOLUTION NO. 286

*Commending the National Aeronautics and Space Administration.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the commercial space launch industry is in a dynamic state, with the development of innovative, fully reusable booster rockets leading to changes in the global market share for commercial, civil, and military space launches; and

WHEREAS, it is essential for the Commonwealth to keep its commercial space launch facility competitive in a changing market, which is expected to continue growing through the end of the decade; and

WHEREAS, Space Exploration Technologies Corporation and Blue Origin are currently perfecting reusable space launch booster rockets, which could reduce the cost to achieve low-earth orbit to as little as 1/100 of the current cost by the end of the decade; and

WHEREAS, the United States Air Force is now conducting an environmental impact study related to landing first-stage Falcon 9 boosters at Cape Canaveral, Florida, in the near future, a study that the Federal Aviation Administration will review prior to issuing any launch or landing permits in Florida or the Commonwealth; and

WHEREAS, for NASA's Wallops Flight Facility to remain competitive as a national, licensed, orbital spaceport, it is important for the National Aeronautics and Space Administration to undertake an environmental impact study related to landing space launch booster rockets at the facility and to update its assessment related to human space flight from the facility; and

WHEREAS, NASA's Wallops Flight Facility and the Mid-Atlantic Regional Spaceport represent an investment in federal and state infrastructure exceeding \$1 billion, to be leveraged to generate the maximum return in a changing commercial space launch market; and

WHEREAS, a comprehensive environmental impact statement related to landing fully reusable space launch booster rockets at NASA's Wallops Flight Facility will aid in the determination of the role the Virginia Commercial Space Flight Authority will play in shaping the commercial space launch market and the desirability of future NASA Space Act Agreements; now, therefore, be it

RESOLVED by the House of Delegates, That the National Aeronautics and Space Administration hereby be commended for exploring all options to ensure the safety and continuing viability of NASA's Wallops Flight Facility and maximize the facility's potential through the use of fully reusable commercial booster rockets and spacecraft; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the administrator of the National Aeronautics and Space Administration, the director of NASA's Wallops Flight Facility, and the executive director of the Virginia Commercial Space Flight Authority.

### HOUSE RESOLUTION NO. 287

*Commending the Lions Club of Falls Church.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Lions Club of Falls Church celebrates its 75th anniversary of service to the community and the Commonwealth in 2015; and

WHEREAS, the Lions Club of Falls Church, chartered in 1940, is the oldest service organization in Falls Church; it was founded by a group of young professionals who wished to join together to volunteer in the community and share in service activities; and

WHEREAS, the Arlington Host Lions Club sponsored the Falls Church club, and on May 28, 1940, at the Washington Golf & Country Club, the Lions Club of Falls Church was chartered; its 20 founding members were led by the president, Burns N. Gibson, Sr.; and

WHEREAS, the Lions Club of Falls Church first met in a room provided by Burns Gibson at his combined motel, restaurant, and service station; over the years, meetings have been held at other clubs and at restaurants; the club currently meets monthly at the Italian Café in Falls Church; and

WHEREAS, between 1945 and 1965, the Lions Club of Falls Church sponsored five additional Lions clubs in the area—the Mt. Vernon, Centreville, Manassas, Herndon, and Merrifield Lions clubs all were offshoots of the Falls Church club; and

WHEREAS, the motto of Lions clubs is "We Serve"; the members of the Lions Club of Falls Church have supported many worthwhile efforts and organizations during the last 75 years, including helping to establish the Child Development Center; and

WHEREAS, the Lions Club of Falls Church donated more than \$60,000 to the Child Development Center, which has helped make the center a model for similar facilities throughout the United States; much of the money the club has raised comes from a golf tournament and from citrus sales; and

WHEREAS, additionally, the Lions Club of Falls Church has donated thousands of dollars to organizations that help blind persons and to the Falls Church Volunteer Fire Department and youth sports organizations; the club also is known for its work to provide eyeglasses and eye exams to less fortunate people; now, therefore, be it

RESOLVED by the House of Delegates, That the Lions Club of Falls Church hereby be commended on the occasion of its 75th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the president of the Lions Club of Falls Church as an expression of the House of Delegates' congratulations for its many years of dedicated service to the community and the Commonwealth.

### HOUSE RESOLUTION NO. 288

*Commending Congressional Schools of Virginia.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, during the 2014-2015 academic year, Congressional Schools of Virginia in Falls Church celebrates its 75th anniversary of preparing children to embrace the opportunities and responsibilities they will face as global citizens; and

WHEREAS, Congressional Schools of Virginia was founded in Arlington in 1939 for children ages three to five, and added grades one through four a year later; by the 1950s, Congressional School educated pupils through the eighth grade; and

WHEREAS, during the first 20 years of its existence, Congressional Schools moved several times; in 1960, having grown to include grades nine through 12, a new campus opened on Sleepy Hollow Road in Falls Church; and

WHEREAS, in 1979, when the institution was reorganized, its name was changed to Congressional Schools of Virginia, and the upper school was phased out in the mid-1980s, with the final class graduating in 1987; today, the school, which serves children from infancy through eighth grade, is thriving; and

WHEREAS, the diverse student population at the Congressional Schools of Virginia is part of an enriching learning environment; additionally, the school works to develop a strong partnership with parents; and

WHEREAS, the modern facilities of the Congressional Schools of Virginia include a gymnasium/auditorium and two technology centers; each classroom has an interactive whiteboard and many interactive media and virtual classroom tools; and

WHEREAS, Congressional Schools of Virginia features early childhood, lower, and middle school programs in a dynamic learning environment; the school also has summer camp programs with a variety of academic, athletic, and other specialty offerings; and

WHEREAS, the courses offered at Congressional Schools of Virginia continually evolve and expand; speech and drama classes have recently been introduced in the middle school, and students also can participate in many extracurricular activities, clubs, and teams; now, therefore, be it

RESOLVED by the House of Delegates, That Congressional Schools of Virginia in Falls Church hereby be commended on the occasion of its 75th anniversary during the 2014-2015 academic year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet F. Marsh, executive director of the Congressional Schools of Virginia, as an expression of the House of Delegates' congratulations and admiration for its many years of success in preparing children to embrace the opportunities and responsibilities they will face as global citizens and best wishes for the future.

### HOUSE RESOLUTION NO. 289

*Commending the Virginia Manufactured and Modular Housing Association.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, for five decades, the Virginia Manufactured and Modular Housing Association has represented the factory-built housing industry and advocated for affordable housing options and opportunities for families in the Commonwealth; and

WHEREAS, established in 1965 as the Virginia Trailer Association, the Virginia Manufactured and Modular Housing Association serves as a strong, effective voice for retailers, community owners, and manufacturers of mobile or factory-built homes; and

WHEREAS, the Virginia Manufactured and Modular Housing Association supported the creation of clear regulatory and statutory distinctions between manufactured and modular homes and legislation to allow manufactured homes on the same footing as modular and site-built homes in areas zoned for agriculture; and

WHEREAS, the Virginia Manufactured and Modular Housing Association helped prevent unlawful discrimination against factory-built housing and supported the provision of resources to validate the value of manufactured homes; and

WHEREAS, providing further leadership in the field, the Virginia Manufactured and Modular Housing Association supported the establishment of the Virginia Manufactured Housing Board and worked to clarify the rights and responsibilities of local governments in enforcing state laws relating to factory-built houses; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Manufactured and Modular Housing Association hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Manufactured and Modular Housing Association as an expression of the House of Delegates' admiration for the organization's support for the factory-built housing industry and contributions to the Commonwealth.

### HOUSE RESOLUTION NO. 290

*Celebrating the life of Charles B. Walker.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Charles B. Walker of Mechanicsville, a deeply respected businessman and government official who worked to ensure efficiency and prosperity in the Commonwealth, died on February 16, 2015; and

WHEREAS, a native of Richmond, Charles Walker learned the value of hard work, responsibility, and attention to detail at a young age; he graduated from John Marshall High School and earned a bachelor's degree from the University of Richmond; and

WHEREAS, after beginning his professional career as an accountant, Charles Walker served as president of a chain of hardware stores before he was appointed to serve as state comptroller in 1974; and

WHEREAS, Charles Walker later served as Secretary of Administration and Finance to Governor John N. Dalton, where he worked to modernize the Commonwealth's financial management systems; and

WHEREAS, a knowledgeable and pragmatic leader, Charles Walker worked with members of both parties to ensure the best outcomes for all Virginians; he also served as vice chair and chair of the board of trustees of the Virginia Retirement System; and

WHEREAS, in 1980, Charles Walker returned to the private sector as an officer and director of Ethyl Corporation, which later became NewMarket Corporation; and

WHEREAS, after his well-earned retirement, Charles Walker developed real estate in the Northern Neck and offered his leadership and wisdom to the Virginia Rail Policy Institute, which promotes rail initiatives, such as increased commuter services between Richmond and Washington, D.C.; and

WHEREAS, Charles Walker will be fondly remembered and greatly missed by his wife of 55 years, Sylvia; daughters, Stacey and Lisa Diane, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles B. Walker, a distinguished businessman and state government official; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles B. Walker as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 291

*Commending Eternal Life Church.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Eternal Life Church in Franklin celebrates its 10th anniversary in 2015; the nondenominational church, which was founded by the Reverend Alvin Blow, is proud of its spiritual growth during the last decade and its increase in members; and

WHEREAS, Eternal Life Church came into being after the Reverend Alvin Blow had a vision to start a nondenominational church; soon after, a charter for the church was drafted and a name for the new congregation was chosen; and

WHEREAS, the Reverend Alvin Blow has been a church-going person all his life, but he never envisioned becoming a pastor; previously, he had felt a calling to the ministry, but was reluctant, feeling that the responsibility would be too great; and

WHEREAS, before becoming a pastor, the Reverend Alvin Blow was an assistant football coach at Southampton High School; he realized in 2002 that he was called to preach after a short conversation with a student in his office one day, a person he never saw again; and

WHEREAS, the Reverend Alvin Blow attended seminary in Norfolk and was ordained in 2004; the ministry that would come to be known as Eternal Life Church also was taking root, having met for the first time at a hotel in Franklin with about 10 members; and

WHEREAS, in 2010, Eternal Life Church, under the Reverend Alvin Blow's guidance and leadership, moved into a building on Barrett Street in downtown Franklin that the congregation repurposed; the current membership is about 100 people; and

WHEREAS, the Reverend Alvin Blow is proud of the church's growth in the last decade and is thankful for the spiritual growth shown by the members of Eternal Life Church; he has great appreciation for their devotion and their generous hearts; and

WHEREAS, Eternal Life Church is looking to the future; the congregation has purchased land on U.S. Route 58 and hopes to expand soon; the Reverend Alvin Blow anticipates many big and positive changes for the church he founded 10 years ago; now, therefore, be it

RESOLVED by the House of Delegates, That Eternal Life Church in Franklin hereby be commended on the occasion of its 10th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Alvin Blow, pastor of Eternal Life Church, as an expression of the House of Delegates' congratulations and admiration for the ministry and work of the church he founded and best wishes for a future of promise and fulfillment.

### HOUSE RESOLUTION NO. 292

*Celebrating the life of Cynthia Murphy Elkin.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Cynthia Murphy Elkin, who for many years was a valued leader in the Falls Church community, a dear friend and mentor to many people, and a devoted wife and mother, died on February 13, 2015; and

WHEREAS, Cynthia "Cindy" Murphy Elkin, and her husband, James S. Elkin, opened Point of View Eyewear on West Broad Street, and the couple also were important members of the Falls Church Chamber of Commerce; and

WHEREAS, after her husband's death, Cindy Elkin helped implement the James S. Elkin Award for Humanitarianism, awarded annually by the Falls Church Chamber of Commerce; she also served on the association's board of directors; and

WHEREAS, Cindy Elkin ensured that Point of View Eyewear participated as a business partner of Falls Church City Public Schools, and she served as a member and chair of the Business in Education Partnership Council; she led Point of View Eyewear's work with the school division to ensure that children in need received eye exams and eyeglasses; and

WHEREAS, Cindy Elkin also was a strong supporter and volunteer with the Virginia Hospital Medical Brigade and its medical missions to Honduras; and

WHEREAS, throughout her life, Cindy Elkin had many friends who recall her friendliness, humanity, creativity, and gentleness, and they appreciated the joy and sunshine she brought into the lives of those she held dear; and

WHEREAS, Cindy Elkin, who was predeceased by James, her husband of more than 30 years, and by a daughter, Kathy, will be greatly missed and fondly remembered by her children, Haley, Valerie, James, and Clyde, and their families; 11 grandchildren and one great-grandchild; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Cynthia Murphy Elkin, who for many years was a valued leader in the Falls Church community, a dear friend and mentor to many people, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cynthia Murphy Elkin as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 293

*Commending Virginia Triad/S.A.L.T.*

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, 2015 marks the 20th anniversary of Virginia Triad/S.A.L.T., one of the fastest-growing and most successful crime prevention partnerships in the Commonwealth; and

WHEREAS, the first Virginia Triad/S.A.L.T. (Seniors And Law Enforcement Together) cooperative agreement was signed on January 17, 1995, and two decades later, has led to the inclusion of 200 counties, cities, and towns in similar partnerships; and

WHEREAS, Virginia Triad/S.A.L.T. partnerships are widely recognized for their innovative approach to the prevention of crimes against senior citizens, and the National Association of Triads, Inc., has recognized the Commonwealth as having more active Triad/S.A.L.T. partnerships than any other state in the nation; and

WHEREAS, each year Virginia Triad/S.A.L.T. partnerships provide crime prevention information to thousands of seniors throughout the Commonwealth and help prevent instances of fraud and scams against more vulnerable members of the adult population; and

WHEREAS, Virginia Triad/S.A.L.T. partnerships are busy year-round building crime-fighting relationships between older citizens and their local law-enforcement representatives and discovering new ways to enhance the lives of adults who have already helped their children and grandchildren grow and prosper; and

WHEREAS, the success of the Virginia Triad/S.A.L.T. partnerships is due in large part to the tireless efforts of its senior citizen volunteers; and

WHEREAS, coordinated by the Office of the Attorney General, Virginia Triad/S.A.L.T. has experienced remarkable success over its 20-year history, to the benefit of senior citizens throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia Triad/S.A.L.T. hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Triad/S.A.L.T. Council as an expression of the House of Delegates' admiration for the program's achievements and best wishes for the future.

### HOUSE RESOLUTION NO. 294

*Celebrating the life of David I. Meiselman.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, David I. Meiselman of Fairfax County, a distinguished economist and retired professor in the graduate economics program at Virginia Polytechnic Institute and State University, a highly regarded teacher and researcher, a veteran of the United States military, and a devoted husband and father, died on December 3, 2014; and

WHEREAS, after serving in the United States Army during World War II, David Meiselman received a bachelor's degree from Boston University and master's and doctoral degrees from the University of Chicago; and

WHEREAS, David Meiselman's doctoral thesis, "The Term Structure of Interest Rates," won a prize from the Ford Foundation and was instrumental in the creation of futures markets and other financial concepts that today are in wide use; and

WHEREAS, David Meiselman conducted pioneering research in many different economic disciplines and on public policy issues; he taught at the University of Chicago, the Johns Hopkins University, Macalester College, and the University of Minnesota; and

WHEREAS, David Meiselman was the author of five books and more than 100 articles; he had wide-ranging interests in economic policies and issues, and his work has been cited in many academic and research publications; and

WHEREAS, in 1971, David Meiselman moved to Merrybrook in Fairfax County; he helped build Virginia Polytechnic Institute and State University's graduate level economics program in Northern Virginia; in all, he taught in the Commonwealth for more than 25 years; and

WHEREAS, during an outstanding career, David Meiselman was a senior economist for the United States Treasury, the United States House of Representatives, and the Organization of American States and served as a visiting scholar and later senior economist in the Office of the Comptroller of the Currency; and

WHEREAS, David Meiselman worked at several research and educational institutions, including the Manhattan Institute, where he was a founder and member of the board of directors, the Heritage Foundation, the Cato Institute, and the American Enterprise Institute; and

WHEREAS, in great demand for his expertise and insight, David Meiselman was a consultant to the United States Secretary of the Treasury, the World Bank, the New York Stock Exchange, and other government agencies and private companies; and

WHEREAS, in retirement, David Meiselman and his wife, Winifred, spent much time working to preserve their antebellum home, Merrybrook, near Herndon, which is a historic Civil War site and is listed on the National Register of Historic Places; and

WHEREAS, in addition to his wife, Winifred, David Meiselman will be greatly missed and fondly remembered by his children, Shmuel "Sam," Ellen, and Nina, and their families, and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of David I. Meiselman of Fairfax County, a distinguished economist and retired professor in the graduate economics program at Virginia Polytechnic Institute and State University, a highly regarded teacher and researcher, a veteran of the United States military, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David I. Meiselman as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 295

*Commending the Dulles South Food Pantry.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, the Dulles South Food Pantry is a multifaith organization that provides nutritious food, personal supplies, and other services to people in need, regardless of their income, religious affiliation, or other criteria; and

WHEREAS, the Dulles South Food Pantry, which opened in June 2014, is located at the historic white Chapel at Arcola United Methodist Church in Dulles; it serves Loudoun County residents who live in the Dulles South area; and

WHEREAS, the Dulles South Food Pantry is an all-volunteer organization that focuses on feeding the hungry and promoting the self-sufficiency of those who receive assistance from the food pantry; volunteers also have helped customers with writing resumes and cover letters; and

WHEREAS, many area residents make food and tax-deductible monetary donations to the Dulles South Food Pantry, and caring volunteers help ensure that the food pantry runs smoothly; children as young as 10—if they are accompanied by a volunteering parent—also are welcome to help at the food pantry; and

WHEREAS, the Dulles South Food Pantry gladly accepts donations of nonperishable food and also accepts produce and bakery items on the first, third, and fifth Wednesdays of the month, which are the days that the pantry distributes food; and

WHEREAS, since it opened, the Dulles South Food Pantry has provided food assistance to more than 130 family households in the Dulles South area; nearly half of the food pantry's guests are younger than 17; now, therefore, be it

RESOLVED by the House of Delegates, That the Dulles South Food Pantry hereby be commended for its work to feed those who are hungry in the Dulles South area and to promote self-sufficiency among those who use its services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlene Jones, president of the Dulles South Food Pantry, as an expression of the House of Delegates' respect and admiration for the organization's work to help those who are hungry and in need in the Dulles South area.

### HOUSE RESOLUTION NO. 296

*Commending Old Ox Brewery.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Old Ox Brewery, a family-owned craft beer brewery in Ashburn, opened in 2014 and has helped make Loudoun County a special place to live with its exceptional products and community involvement; and

WHEREAS, located just off the Loudoun County Parkway and near the Washington & Old Dominion Trail, Old Ox Brewery takes its name from Old Ox Road, one of the oldest roads in Loudoun County, which originally connected the county's farmers to the surrounding region; and

WHEREAS, Old Ox Brewery partners with local farmers to ensure fresh ingredients and cultivates strong relationships with restaurants, businesses, and retailers; Old Ox beers are available on tap at many restaurants in the region and from the brewery's on-site tasting room; and

WHEREAS, in its 30-barrel brew house, Old Ox Brewery brews three core beers, a session India pale ale, a Belgian golden ale, and a rye porter, as well as seasonal and specialty beers; the brewery planned to produce more than 2,000 barrels in its first year, with a goal to increase annual production to 20,000 in the future; and

WHEREAS, Old Ox Brewery represents the entrepreneurial spirit of Virginians and has contributed to the Commonwealth's stature as a producer of some of the nation's best craft beers; now, therefore, be it

RESOLVED by the House of Delegates, That Old Ox Brewery, a thriving startup brewery in Ashburn, hereby be commended on the occasion of its first anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Old Ox Brewery as an expression of the House of Delegates' admiration for the brewery's success and best wishes for the future.

### HOUSE RESOLUTION NO. 297

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the House of Delegates, February 25, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Gary A. Mills, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing July 1, 2015.

Richard H. Rizk, of Williamsburg, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2015.

Dennis M. Martin, of Petersburg, as a judge of the Eleventh Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Phillip L. Hairston, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable John Marshall, of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Penney S. Azcarate, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

Stephen C. Shannon, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

Douglas L. Fleming, Jr., of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable R. Edwin Burnette, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Michael T. Garrett, of Amherst, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

Neil Randolph Bryant, of Winchester, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2015.

Alexander R. Iden, of Winchester, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable H. Lee Harrell, of Wythe, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Tracy C. Hudson, of Manassas, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

Kimberly A. Irving, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Steven S. Smith, of Manassas, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

### HOUSE RESOLUTION NO. 298

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the House of Delegates, February 25, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Stephen J. Telfeyan, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2015.

David Whitted, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2015.

Robert F. Hagans, Jr., of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2015.

Tasha D. Scott, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2015.

Tyneka Lynette Duncan Flythe, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2015.

M. Scott Stein, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2015.

David M. Hicks, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2015.

B. Craig Dunkum, of Chesterfield, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2015.

John K. Honey, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing November 1, 2015.

Manuel A. Capsalis, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Michael J. Lindner, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Tina L. Snee, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Stephanie S. Maddox, of Amherst, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2015.

Ian R. D. Williams, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

Erin J. DeHart, of Bland, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2015.

Robert P. Coleman, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2015.

Angela L. Horan, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2015.

**HOUSE RESOLUTION NO. 299**

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the House of Delegates, February 25, 2015

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

John E. Franklin, of Fredericksburg, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Andrea M. Stewart, of Spotsylvania, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Frank G. Uvanni, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Timothy W. Allen, of Franklin County, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2015.

Hilary D. Griffith, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2015.

John Weber, III, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2015.

Jeffrey P. Bennett, of Amherst, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2015.

Mary K. Driskill, of Lynchburg, as a judge of the Twenty-fourth Judicial District for a term of six years commencing August 1, 2015.

Kevin C. Black, of Shenandoah, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

Joseph B. Lyle, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2015.

**HOUSE RESOLUTION NO. 300**

*Celebrating the life of Laurence R. Dutton.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Laurence R. Dutton of Chesapeake, who had a long and distinguished civilian career at the Norfolk Naval Shipyard and who was a veteran of the United States Army, a man of faith, and a devoted husband and father, died on February 19, 2015; and

WHEREAS, Laurence Dutton was born in Lowell, Massachusetts, and was raised in Concord, Massachusetts, and Carlisle, Massachusetts; he attended Harvard University and Northeastern University and then had various jobs before joining the United States Army; and

WHEREAS, Laurence Dutton spent three years as a paratrooper for the 82nd Airborne Division; after he completed his military service, he earned a bachelor's degree from the University of Massachusetts at Amherst; and

WHEREAS, in 1963, Laurence Dutton started working at the Norfolk Naval Shipyard's Nuclear Power Division, beginning a career as a civilian employee of the United States Navy that spanned more than 46 years; and

WHEREAS, Laurence Dutton held various positions of increasing responsibility at the Norfolk Naval Shipyard, and in 1973, he was named chief design engineer; in that role, he was known for his technical abilities and hands-on leadership and for ensuring that his division provided responsive, high-quality waterfront support; and

WHEREAS, during his tenure as head of the design division at Norfolk Naval Shipyard, Laurence Dutton developed several innovative practices, including the Planning Yard and Ship Alteration Improvement Programs and an on-site waterfront engineering support organization; and

WHEREAS, Laurence Dutton received many awards and accolades during his career, including the Navy Distinguished Civilian Service Award, the highest award given to a civilian employee; and

WHEREAS, the American Society of Naval Engineers honored Laurence Dutton with its Harold E. Saunders Award for his exceptional service and significant contributions to naval engineering; and

WHEREAS, Laurence Dutton retired from civil service work in 2009, having served since 1998 as a director reporting directly to two Naval Sea Systems Command (NAVSEA) divisions; he continued to provide consulting services to NAVSEA until shortly before he died; and

WHEREAS, Laurence Dutton was a member of St. Christopher's Episcopal Church in Portsmouth; he was very active in the church, serving on the Endowment Committee, and he was a member of the vestry and also had been senior warden; and

WHEREAS, Laurence Dutton will be greatly missed and fondly remembered by his wife, Betty; his children, Laurie and Jeff, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Laurence R. Dutton of Chesapeake, former chief design engineer and director at the Norfolk Naval Shipyard, a veteran of the United States Army, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Laurence R. Dutton as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 301

*Commending the Clarke County High School wrestling team.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, the Clarke County High School wrestling team claimed its first state title, winning the Virginia High School League Group 2A state championship on February 20, 2015; and

WHEREAS, the Clarke County High School wrestling team earned 121 points to top Grundy High School, the defending champions, by 2.5 points in the tense state final; Mark Alexander clinched the victory with his win in the third-place match of the 220-pound final; and

WHEREAS, the Clarke County High School Eagles stayed focused, even after the two-day event was condensed to one day due to inclement weather; the team had two individual champions, with Bayne Gordon winning in the 120-pound final and Bryan Wallace winning in the 182-pound final; and

WHEREAS, three of the Clarke County High School Eagles finished in second place in their class, Cody Schneeman, Brendan Ciaburri, and Logan Withers; and

WHEREAS, the victory is a testament to the skill and hard work of the student-athletes, the dedicated leadership of the coaches and staff, and the loyal support of the entire Clarke County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Clarke County High School wrestling team hereby be commended on winning the 2015 Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jon Van Sice, head coach of the Clarke County High School wrestling team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

### HOUSE RESOLUTION NO. 302

*Commending the Vienna Woman's Club.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, in 2015, the Vienna Woman's Club celebrates its 60th anniversary as a service and civic organization for the people of Vienna and the surrounding Fairfax County community; and

WHEREAS, throughout its history, the members of the Vienna Woman's Club have supported the Vienna community in many ways; they helped establish the Patrick Henry Library and donated funds in support of the Vienna Community Center; and

WHEREAS, for many years, the Vienna Woman's Club has awarded college scholarships to local high school seniors; the organization also donates money to elementary schools in Vienna for students at risk; and

WHEREAS, members of the Vienna Woman's Club have held fundraising events on behalf of cancer research and for various organizations, including Final Salute, Inc., which aids homeless women veterans, and Companions for Heroes, a group that matches shelter dogs with returning combat veterans; the club also has supported Alternative House in its work with at-risk children and their families; and

WHEREAS, additionally, the Vienna Woman's Club makes contributions to the Lamb Center, provides volunteers to work at the Food for Others warehouse, donates funds to Our Daily Bread, helps with activities at a local nursing home, and provides winter coats to less fortunate children; and

WHEREAS, for many years, the members of the Vienna Woman's Club have worked behind the scenes at the popular Holiday Sing-A-Long, which is held at the Filene Center at Wolf Trap National Park for the Performing Arts; now, therefore, be it

RESOLVED by the House of Delegates, That the Vienna Woman's Club hereby be commended on the occasion of its 60th anniversary as a service and civic organization serving the people of Vienna and the surrounding Fairfax County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the president of the Vienna Woman's Club as an expression of the House of Delegates' respect and admiration for its work on behalf of the residents of Vienna and Fairfax County.

**HOUSE RESOLUTION NO. 303**

*Commending Hollin Meadows Elementary School.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, in 2015, Hollin Meadows Elementary School in Fairfax County celebrates its 50th anniversary of providing excellence in education by ensuring that every child receives the best education possible in a respectful, safe, and nurturing environment; and

WHEREAS, Hollin Meadows Elementary School opened in 1965 and serves several historical neighborhoods, including Gum Springs, the oldest African American community in Fairfax County, and Hollin Hills, a mid-century planned community featuring more than 400 architecturally modern homes; and

WHEREAS, in 1994, Hollin Meadows Elementary School became one of Fairfax County's first Science and Math Focus Schools, and in 1997, it was one of the first schools in the county to have a full-day kindergarten program; and

WHEREAS, Hollin Meadows Elementary School's outdoor learning space features a Virginia native habitat garden, a form and texture garden, a woodland habitat, and a flower and vegetable garden; the outdoor learning area encompasses nearly 14,000 square feet; and

WHEREAS, lettuce grown in Hollin Meadows Elementary School's vegetable garden is served at the school's annual Thanksgiving luncheon; more than 1,000 students, family members, and guests take part in the feast, which is a highlight of the school year; and

WHEREAS, for many years, the students and staff at Hollin Meadows Elementary School have emphasized healthy eating and physical activity; a visit from First Lady Michelle Obama and United States Secretary of Agriculture Tom Vilsack in 2009 recognized the school's commitment to healthful eating habits and the benefits of physical activity; and

WHEREAS, in 2011, Hollin Meadows Elementary School was recognized as a finalist for an Intel School of Distinction Award in the area of elementary mathematics, one of many recognitions the school has received; and

WHEREAS, with a current enrollment of 665 diverse learners in pre-kindergarten through sixth grade, Hollin Meadows Elementary School focuses on actively engaging all students in learning so that they can achieve their full potential; a vibrant Parent Teacher Association also supports those efforts; now, therefore, be it

RESOLVED by the House of Delegates, That Hollin Meadows Elementary School in Fairfax County hereby be commended on the occasion of its 50th anniversary of providing excellence in education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jon Gates, principal of Hollin Meadows Elementary School, as an expression of the House of Delegates' congratulations and admiration for the school's determination to see that all students receive the best education possible and best wishes as it continues to educate the children of Fairfax County.

**HOUSE RESOLUTION NO. 304**

*Commending Michael Battista.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Michael Battista, a sophomore at Broad Run High School in Loudoun County, won an individual state wrestling title at the 2015 Virginia High School League Group 5A wrestling championship meet; and

WHEREAS, Michael Battista defeated Garrett Griffith of Potomac Falls High School in the 160-pound weight class at the championship meet; the title matches were held on February 20, 2015, at James Robinson Secondary School in Burke; and

WHEREAS, the final score in the double-overtime match was 8-7; Michael Battista was nearly pinned in the first period, but he did not let that deter him, remaining focused throughout the rest of the competition; and

WHEREAS, it was the fourth time that the two wrestlers had faced each other during the 2014-2015 season, and with the win at James Robinson Secondary School, Michael Battista took home his first individual state title; and

WHEREAS, Michael Battista's impressive performance was gratifying to JJ Totaro, head coach of the Broad Run High School wrestling team, who knew that the talented athlete would do whatever was needed to best represent the school and the wrestling team; and

WHEREAS, Michael Battista is the first wrestler to win an individual state title in wrestling for Broad Run High School since 1999; the entire wrestling team worked well together throughout the season; now, therefore, be it

RESOLVED by the House of Delegates, That Michael Battista of Broad Run High School hereby be commended for winning the 2015 individual state wrestling title in the 160-pound weight class at the Virginia High School League Group 5A wrestling championship meet; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Battista as an expression of the House of Delegates' congratulations and admiration for his outstanding achievement.

**HOUSE RESOLUTION NO. 305**

*Celebrating the life of Keith A. Bodamer.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Keith A. Bodamer of Vienna, a tireless volunteer and generous community leader, died on February 19, 2015; and

WHEREAS, a native of West Virginia, Keith Bodamer graduated from West Virginia University, where he was a member of the Air Force Reserve Officer Training Corps; he served his country as a member of the United States Air Force and was stationed in Texas; and

WHEREAS, after completing his military service, Keith Bodamer returned to West Virginia and pursued a long career in the telephone communications industry, retiring from Verizon; and

WHEREAS, Keith Bodamer and his family relocated to Vienna in 1979; a longtime Rotarian, he joined the Vienna Rotary Club in 1996 and quickly became one of the club's most active members; and

WHEREAS, as an original member of the Viva Vienna Town Festival Committee, Keith Bodamer chaired the sponsorship committee and helped collect many generous donations for local and international charitable organizations; and

WHEREAS, Keith Bodamer helped double the membership of the Vienna Rotary Club as membership chair and served as president in 2000 and 2001; he was named Vienna Rotarian of the Year in 2003 and was a six-time Paul Harris Fellow; and

WHEREAS, Keith Bodamer also served as a board member of Shepherd Center of Vienna/Oakton, where he chaired the fundraising committee; and

WHEREAS, enjoying fellowship and worship with the community as a longtime member of the Church of the Holy Comforter, Keith Bodamer served on several committees and led fundraising efforts to support the church's renovation; and

WHEREAS, Keith Bodamer will be fondly remembered and greatly missed by his wife, Mimi; children, Nancy, Rodney, and Brad, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Keith A. Bodamer, a respected community leader in Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Keith A. Bodamer as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 306**

*Celebrating the life of Martha Ann McCroskey Groves.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Martha Ann McCroskey Groves, a native of Benhams and the longtime owner of Misty's Florist in the Tri-Cities, a woman of faith, and a devoted wife and mother, died on October 29, 2014; and

WHEREAS, Martha Groves grew up on a family farm in Washington County and opened Misty's Florist in 1980; she delighted in greeting everyone who entered the business and was determined to provide outstanding customer service; and

WHEREAS, under Martha Groves' careful supervision, Misty's Florist won many awards, including being named "Best Florist" in the Tri-Cities several times; the company also was named Florist of the Year and was recognized by Teleflora, a floral wire service company, for recording the most sales nationally; and

WHEREAS, in August 2014, Martha Groves expanded her business operations by opening a second florist shop, in Abingdon; and

WHEREAS, Martha Groves was a supporter and honorary member of the Future Farmers of America chapter at John S. Battle High School in Washington County; she enjoyed spending time with the students and attended the club's annual banquet each year; and

WHEREAS, companionship and family were dear to Martha Groves and she especially enjoyed playing Rook with friends and loved ones; she was a woman of faith who was a charter member of Franklin Chapel; and

WHEREAS, Martha Groves will be greatly missed and fondly remembered by her children, Deborah, Elmer, and Robert, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Martha Ann McCroskey Groves, owner of Misty's Florist in the Tri-Cities, a woman of faith, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Martha Ann McCroskey Groves as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 307**

*Celebrating the life of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.).*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), a distinguished veteran and a respected leader in the Fairfax County community, died on February 17, 2015; and

WHEREAS, John Albert "Al" Bornmann, Jr., grew up in New Smyrna Beach, Florida, and graduated from the United States Military Academy with a commission as a second lieutenant; he later furthered his education with master's degrees from the Georgia Institute of Technology and Southern Illinois University, and he qualified as a professional engineer in Florida and the Commonwealth; and

WHEREAS, Second Lieutenant Bornmann's first assignment was with the 43rd Engineer Brigade, and he served in Vietnam with the 39th Engineer Battalion from 1968 to 1969; he continued to rise through the ranks, serving at postings throughout the United States and Germany; and

WHEREAS, Lieutenant Colonel Bornmann's final assignment was with the Office of the Secretary of Defense; over the course of his distinguished military career, he earned a Bronze Star Medal, a Bronze Star Medal with a V Device, the Purple Heart, the Meritorious Service Medal, the Air Medal, the Army Commendation Medal, and several other decorations; and

WHEREAS, after his retirement from military service, Lieutenant Colonel Bornmann worked for SRA International, Inc., for more than two decades; he continued to support his fellow veterans, serving as president of the Fort Belvoir Chapter of the Armed Forces Communications and Electronics Association in 2000; and

WHEREAS, Lieutenant Colonel Bornmann was a proud, lifelong member of the Boy Scouts of America, attaining the rank of Eagle Scout as a young man; he served in leadership positions at troop and district levels and earned the prestigious Silver Beaver Award; and

WHEREAS, Lieutenant Colonel Bornmann worked to strengthen and enhance the Fairfax County community by volunteering his time and wise leadership with several other civic and service organizations; he served as president of the Stratford on the Potomac Section Four Neighborhood Association, cochair of the Mount Vernon Council of Citizens' Associations, senior warden of St. Aidan's Episcopal Church, and a member of the steering committee of the Mount Vernon Neighborhood Friends; and

WHEREAS, Lieutenant Colonel Bornmann will be fondly remembered and greatly missed by his wife of 47 years, Priscilla; children, Kirsten and John III, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), a decorated war hero and respected community leader in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 308**

*Commending Scott K. York.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Scott K. York, who has ably served the people of Loudoun County for more than two decades, retires as chair of the Loudoun County Board of Supervisors in 2015, ending a career in public service that has spanned 25 years; and

WHEREAS, Scott York's tenure in Loudoun County government began in 1991 when he became the Sterling District's representative to the Loudoun County Planning Commission; in 1995, he was elected to the Loudoun County Board of Supervisors; and

WHEREAS, Scott York was elected chair of the Loudoun County Board of Supervisors in 1999 and was reelected chair in 2003, 2007, and 2011; he is a member of the board of supervisors' Finance, Government Services and Operations Committee, the Economic Development Committee, and the Transportation and Land Use Committee; and

WHEREAS, Scott York has represented the citizens of Loudoun County in many regional organizations, including the Metropolitan Washington Council of Governments' Board of Directors, the National Capital Region Transportation Planning Board, the Northern Virginia Transportation Authority, where he is chair of the Finance Committee, and numerous other boards and commissions; and

WHEREAS, additionally, Scott York has been a member of the board of directors of the Virginia Association of Counties, the Northern Virginia Regional Commission, the Route 28 Transportation Improvement District Commission, and he is chair of the Dulles Corridor Advisory Committee; and

WHEREAS, among the accomplishments that have occurred during Scott York's service on the Loudoun County Board of Supervisors are many transportation enhancements throughout the county and a renewed emphasis on economic

development; he also has worked to preserve Loudoun's scenic countryside, especially in the western portion of the county; and

WHEREAS, during Scott York's tenure on the board of supervisors, Loudoun County has been one of the fastest-growing counties in the nation, and he is proud of the area's vibrant, diverse, and growing rural economy; business investment in the county—especially the data center industry—also has increased; and

WHEREAS, Scott York especially appreciates the work of the dedicated and professional staff of the Loudoun County government, whose efforts, combined with the work of the board of supervisors, continue to make Loudoun County an attractive destination to families and businesses; now, therefore, be it

RESOLVED by the House of Delegates, That Scott K. York hereby be commended on the occasion of his retirement in 2015 for his dedicated service as a member of the Loudoun County Board of Supervisors for almost two decades, including serving as chair for 15 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott K. York as an expression of the House of Delegates' respect and admiration for his tireless work on behalf of the people of Loudoun County and the Commonwealth.

### HOUSE RESOLUTION NO. 309

*Celebrating the life of Gabriella Sophia Thompson.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Gabriella Sophia Thompson, a strong, beloved member of the Chantilly community, died at the age of four on December 20, 2014, after a two-year battle with hepatoblastoma, an uncommon, malignant liver cancer; and

WHEREAS, Gabriella "Gabbie" Sophia Thompson attended Pleasant Valley United Methodist Preschool, where she made many friends and spread joy to others with her smile and sense of humor; and

WHEREAS, Gabbie Thompson inspired friends and family members with her positive attitude and imagination; she enjoyed dressing up as a princess and fulfilled her last wish to see a unicorn with the help and creativity of a local horse owner; and

WHEREAS, Gabbie Thompson will be fondly remembered and greatly missed by her parents, Kristin and Greg; her twin sister, Izzie; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gabriella Sophia Thompson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gabriella Sophia Thompson as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 310

*Commending Total Action for Progress.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Total Action for Progress, a community action agency in Roanoke, has helped build safe, healthy communities and helped families achieve economic and personal independence through education, employment, and affordable housing options for 50 years; and

WHEREAS, inspired by the Economic Opportunity Act of 1964, E. Cabell Brand worked with local government officials in the City of Roanoke and the Counties of Roanoke and Botetourt, to secure federal funding for what would become Total Action for Progress (TAP); and

WHEREAS, originally known as Total Action Against Poverty, TAP was officially established as a private, nonprofit community action agency on April 28, 1965; and

WHEREAS, in October 1965, TAP established its first year-round Head Start classroom, which was the first school program in the Roanoke Valley to be integrated from its inception; and

WHEREAS, TAP grew to become one of the most active and successful community action organizations, offering more than 30 programs to low-income residents of the Roanoke Valley and the Commonwealth, including the Child Health Investment Partnership, Virginia CARES, and the Virginia Water Project; many former TAP programs have gone on to become thriving independent agencies; and

WHEREAS, TAP strives to create a community where all people can achieve their fullest economic and social potential by ensuring access to opportunities for personal development, creating new opportunities, and mobilizing the goodwill and resources of the entire community; and

WHEREAS, with a dedicated staff of more than 300 individuals, TAP serves people in 11 localities, and it has succeeded in its mission to encourage self-reliance and empower less fortunate members of the community thanks in part to many generous donations from individuals, families, businesses, and organizations and the hard work of countless volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Total Action for Progress hereby be commended for its contributions to the Roanoke Valley and all the citizens of the Commonwealth on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annette Lewis, acting president and chief executive officer of Total Action for Progress, as an expression of the House of Delegates' admiration for the program's legacy of service to the Commonwealth.

### HOUSE RESOLUTION NO. 311

*Commending Burrell Memorial Hospital.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Burrell Memorial Hospital opened 100 years ago, on March 18, 1915, as the only hospital in Roanoke caring for the area's African American population; and

WHEREAS, the hospital was named in memory of Dr. Isaac David Burrell, an African American physician who died following gallstone surgery in Washington, D.C.; he was forced to travel in a train's baggage car to seek medical treatment because he could not be operated on in Roanoke's existing segregated hospitals; and

WHEREAS, when it opened, Burrell Memorial Hospital was a 10-bed facility, and Dr. Lylburn C. Downing was the superintendent of the hospital, a position he held until 1947; and

WHEREAS, a few years after it opened, Burrell Memorial Hospital moved into the former Allegheny Institute building at the corner of McDowell Avenue and Park Street, now 7th Street; in 1955, a new hospital building opened at the same site; and

WHEREAS, Burrell Memorial Hospital remained a prominent African American institution in Roanoke until 1965, when all hospitals were ordered to desegregate; the hospital closed in 1979, but the building was renovated a few years later and today is the home of Blue Ridge Behavioral Healthcare; now, therefore, be it

RESOLVED by the House of Delegates, That the dedicated medical professionals who helped open Burrell Memorial Hospital and the hundreds of people who worked for Burrell Memorial Hospital during its 64 years of service hereby be commended on the occasion of the 100th anniversary of the founding of Burrell Memorial Hospital; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Harrison Museum of African American Culture as an expression of the House of Delegates' respect and admiration for Burrell Memorial Hospital's years of service to the African American community in Roanoke and Southwest Virginia.

### HOUSE RESOLUTION NO. 312

*Commending Carolee Cooke.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Carolee Cooke, who has worked for the United States Department of Veterans Affairs for 50 years, retired on February 12, 2015; and

WHEREAS, Carolee Cooke spent most of her career as a publications clerk at the Martinsburg VA Medical Center (VAMC), which serves members of the military in Clarke, Fauquier, Frederick, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties and the Cities of Harrisonburg and Winchester; and

WHEREAS, most of Carolee Cooke's career at the VAMC was in the Education Learning Resources Services and Medical Administration Services departments; when she first started work at the medical center in 1965, she was a perk clerk in the dietetics section, serving coffee to veterans directly from a conveyor belt; and

WHEREAS, Carolee Cooke held several other positions during her career with the Department of Veterans Affairs; she worked on the telephone switchboard as a relief operator and also was a teletype operator; and

WHEREAS, working alongside veterans was Carolee Cooke's favorite part of her work, and she found it gratifying to see members of the military make progress; some patients at the VAMC take part in an in-house vocational rehabilitation program to help prepare them for competitive employment in the future; and

WHEREAS, in retirement, Carolee Cooke looks forward to traveling with her two daughters and working with her church; she said she will miss her routine at VAMC and the daily contact with friends and coworkers; now, therefore, be it

RESOLVED by the House of Delegates, That Carolee Cooke hereby be commended on the occasion of her retirement after 50 years of dedicated service at the Martinsburg VA Medical Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carolee Cooke as an expression of the House of Delegates' respect and admiration for her commitment and service to our nation's veterans.

**HOUSE RESOLUTION NO. 313**

*Commending Star of the Sea Catholic Church.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Star of the Sea Catholic Church in Virginia Beach celebrates 100 years of spiritual leadership and community outreach in 2015; and

WHEREAS, Star of the Sea Catholic Church began as a mission parish for residents of and visitors to Virginia Beach, and it was officially established as an affiliate of the Basilica of Saint Mary of the Immaculate Conception in 1915; and

WHEREAS, in its early years, Star of the Sea Catholic Church had a congregation of 25 families under Philip Brennan, the church's first pastor, who served for more than three decades; the regular congregation had nearly doubled by 1918; and

WHEREAS, in 1958, Star of the Sea Catholic Church built the Star of the Sea Catholic School to serve the youth of the community; the school has been named a National Blue Ribbon School of Excellence; and

WHEREAS, Star of the Sea Catholic Church carried out renovations to better serve the growing congregation in 1995, and a new parish hall was completed in 2007; and

WHEREAS, the congregation of Star of the Sea Catholic Church will commemorate the church's 100th anniversary with mass and a special celebration on August 15, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Star of the Sea Catholic Church hereby be commended for its contributions to and spiritual leadership of the residents of Virginia Beach on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Esteban DeLeon, pastor of Star of the Sea Catholic Church, as an expression of the House of Delegates' admiration for the church's long tradition of service to the community.

**HOUSE RESOLUTION NO. 314**

*Commending Marie Boyd.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Marie Boyd, a generous community leader and tireless volunteer in Hampton Roads, was named 2014 Citizen of the Year by the *Daily Press*; and

WHEREAS, the Citizen of the Year award recognizes individuals who strive to make the Virginia Peninsula a better place to live and work by addressing the causes of poverty, mentoring the youth of the community, or making neighborhoods safer; and

WHEREAS, a native of Puerto Rico, Marie Boyd grew up in a military family and settled in the Denbigh area of Virginia Beach; she graduated from Menchville High School and furthered her education at Peninsula Academy of Criminal Justice and Thomas Nelson Community College; and

WHEREAS, Marie Boyd worked in law enforcement and served as a paralegal before becoming the volunteer chaplain of the Newport News Fire Department; and

WHEREAS, possessed of a desire to enhance the quality of life of her fellow residents, Marie Boyd created Saving People and Recycling Kindness (SPARK) to distribute donated furniture and clothing to those in need; and

WHEREAS, Marie Boyd expanded the SPARK program and established the Hampton Roads Good Samaritan Fund as a nonprofit organization in 2008; she facilitates and encourages community service by connecting members of the community in need with people who want to help; and

WHEREAS, with the Hampton Roads Good Samaritan Fund, Marie Boyd delivers donated furniture, appliances, clothing, and other items to local residents and helps pay for utility bills or home repairs in emergencies; in 2012, the organization raised more than \$66,000 in donations; and

WHEREAS, Marie Boyd and her husband, Wesley, have three daughters, Kristina, Elizabeth, and Meredith, all of whom enthusiastically support Marie Boyd's service to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Marie Boyd hereby be commended on being named 2014 Citizen of the Year by the *Daily Press*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marie Boyd as an expression of the House of Delegates' admiration for her legacy of service to the Hampton Roads community.

**HOUSE RESOLUTION NO. 315**

*Celebrating the life of Leonid Kotlyar.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Leonid Kotlyar, a courageous World War II veteran and a beloved father and grandfather in the Newport News community, died on October 20, 2014; and

WHEREAS, a native of Haisyn, Ukraine, Leonid Kotlyar fought against the Nazis during World War II, and in 1941, he was captured by the Nazis and sent to what was then the Bergen-Belsen prisoner of war camp; and

WHEREAS, in 1943, Bergen-Belsen became part of the concentration camp system, and Leonid Kotlyar bravely endured great hardship while held in the camp for the duration of the war; the camp was liberated by British forces in 1945; and

WHEREAS, after the war, Leonid Kotlyar became the director of distribution for a large food distribution company; and

WHEREAS, in 1991, Leonid Kotlyar immigrated to the United States and settled in Newport News, seeking new and better opportunities for his family; and

WHEREAS, on October 9, 1996, Leonid Kotlyar became a citizen of the United States of America; and

WHEREAS, possessed of a keen intellect, Leonid Kotlyar spoke five languages, delighted friends and family members with his musical talents, and wrote a memoir about his experiences as a concentration camp survivor; and

WHEREAS, predeceased by his wife, Tatyana, Leonid Kotlyar will be fondly remembered and greatly missed by his children, Semyon and Yana, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Leonid Kotlyar, a World War II veteran and a valued member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leonid Kotlyar as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 316**

*Commending the Christiansburg High School wrestling team.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, the Christiansburg High School wrestling team won the Virginia High School League Group 3A state championship on February 20, 2015 to claim its 14th consecutive state wrestling title; and

WHEREAS, after a dominant 149.5-point victory in the regional tournament, the Christiansburg High School Blue Demons advanced to the state finals at the Salem Civic Center; the team stayed focused even when the two-day event was compressed to one day due to inclement weather; and

WHEREAS, the Christiansburg High School Blue Demons won the day with three individual champions, finishing with 153 points and topping the runners-up by 68.5 points; and

WHEREAS, Christiansburg High School's Marshall Keller secured an 8-0 victory in the 120-pound final, Hunter Bolen won 9-0 in the 138-pound final, and Creed Lumppp won in the 152-pound final; and

WHEREAS, the victory is a testament to the skill and determination of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Christiansburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Christiansburg High School wrestling team hereby be commended on winning the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Christiansburg High School wrestling team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 317**

*Celebrating the life of David G. Helmer.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, David G. Helmer, a former executive with Norfolk Southern Corporation and generous community leader in Roanoke, died on February 21, 2015; and

WHEREAS, a native of Oklahoma, David Helmer graduated from Oklahoma State University, where he was a member of the Reserve Officers' Training Corps; he remained a loyal alumnus of the university throughout his life; and

WHEREAS, David Helmer served his country during the Vietnam War as a member of the United States Army and retired from the military as a major; and

WHEREAS, a lifelong rail enthusiast, David Helmer applied for a job at Norfolk and Western Railway; he worked his way up to become director of the costs section at Norfolk Southern in Roanoke; and

WHEREAS, David Helmer worked to protect and preserve the history and heritage of the region as former president and director of the board of the Historical Society of Western Virginia; he also helped establish the O. Winston Link Museum and served on the advisory committee; and

WHEREAS, a humble man who worked tirelessly to strengthen and enhance the community, David Helmer was active with the Roanoke Kiwanis Club, North Cross School, and many other civic and service organizations; and

WHEREAS, David Helmer will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of David G. Helmer, a respected businessman and community leader in Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David G. Helmer as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 318

*Celebrating the life of Robert Luther Sales, Sr.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Robert Luther Sales, Sr., of Madison Heights, a veteran of World War II who took part in the D-Day invasion of France, a timber executive and land developer, a member of many veterans' organizations, a man of faith, and a devoted husband and father, died on February 23, 2015; and

WHEREAS, Robert "Bob" Luther Sales, Sr., was a native of Monroe who enlisted in the Virginia National Guard as a teenager; he was a member of Company B, 116th Infantry Regiment from Lynchburg during the Allied invasion of Normandy; and

WHEREAS, of the 30 men who were in his landing craft on June 6, 1944, Bob Sales was the only one to survive D-Day; he abandoned his radio equipment in the water to keep from drowning, and when he made it ashore he knew that to survive he had to keep crawling forward; and

WHEREAS, Bob Sales, who was promoted to staff sergeant shortly after the D-Day invasion, fought in World War II for another six months until he was gravely wounded in Germany; he received many recognitions for his military service, including three Purple Hearts, the Silver Star, and many other citations; and

WHEREAS, after recovering from his war injuries, Bob Sales became a pulp wood dealer and land developer; he owned Sales and White Timber Company, and he also was a charter member of Northminster Presbyterian Church and belonged to the Elks Club; and

WHEREAS, on February 11, 2014, during a visit to the United States, Francois Hollande, the President of France, honored Bob Sales as a Knight of the Legion of Honor for helping to liberate France during World War II; and

WHEREAS, the Legion of Honor event was held at Joint Base Myer-Henderson Hall in Arlington; Bob Sales chartered a limousine to make sure that he and his 20 guests would arrive at the ceremony on time and in style; and

WHEREAS, Bob Sales was a life member of several veterans' organizations, including the Veterans of Foreign Wars, the Blinded Veterans Association, the Combat Infantrymen's Association, Inc., and the Military Order of the Purple Heart; and

WHEREAS, Bob Sales built a memorial on his property to honor the 113 men from Company B who were killed during World War II; he said that he paid homage to their sacrifice by remembering them as they were in the 1940s—young men in their prime, full of life and laughter; and

WHEREAS, Bob Sales will be greatly missed and fondly remembered by his wife, Alice; his children, Robert, Jr., and Donna, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Luther Sales, Sr., of Madison Heights, a World War II veteran who took part in the D-Day invasion, a timber executive and land developer, a member of many veterans' organizations, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Luther Sales, Sr., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 319

*Commending the Washington County Victim/Witness Assistance Program.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, the Washington County Victim/Witness Assistance Program, led by Director Sharon Reed and administered by the office of Washington County Commonwealth's Attorney Nicole M. Price, was named 2014 Program of the Year by the Virginia Criminal Injuries Compensation Fund; and

WHEREAS, the Program of the Year Award is presented to a victim assistance program in the Commonwealth that has gone above and beyond to assist victims of violent crimes and their families in meeting the financial burdens associated with those crimes; and

WHEREAS, the Washington County Victim/Witness Assistance Program received the Program of the Year Award for its high number of claims generated relative to the population, resulting in more than \$20,000 in payments to victims in the locality; and

WHEREAS, the Washington County Victim/Witness Assistance Program was also recognized for its responsiveness in determining the eligibility of claims and its efficiency in providing support to members of the community in need; and

WHEREAS, the Washington County Victim/Witness Assistance Program has further strengthened the community by meeting with school officials, emergency managers, and law-enforcement officers to support the creation of Family Assistance Centers, where families can meet and gather information after a tragedy or during an emergency; now, therefore, be it

RESOLVED by the House of Delegates, That the Washington County Victim/Witness Assistance Program hereby be commended on being named the 2014 Program of the Year by the Virginia Criminal Injuries Compensation Fund; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Sharon Reed, director of the Washington County Victim/Witness Assistance Program, and Nicole M. Price, Washington County Commonwealth's Attorney, as an expression of the House of Delegates' admiration for the program's outstanding service to the members of the community.

### HOUSE RESOLUTION NO. 320

*Commending Michael R. Frey.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Michael R. Frey, who has served as a member of the Fairfax County Board of Supervisors since 1992, and has represented the Sully District with distinction since its creation, will retire from the Board in 2015; and

WHEREAS, Michael Frey leaves a strong record of accomplishment as a Board member, including bringing the Udvar-Hazy Air and Space Museum to the Sully District, making significant improvements to Route 28, expanding the Centreville Historic District, supporting the Fairfax County Animal Shelter and programs and ordinances to advance the welfare of animals, and bringing the World Police and Fire Games to Fairfax County; and

WHEREAS, among his other duties as a Board member, Michael Frey has worked tirelessly on land use issues, chairing the Board's Development Process Committee since 1992; and

WHEREAS, Michael Frey has ably represented Fairfax County on a number of regional bodies, including the Washington Metropolitan Council of Governments' Transportation Planning Board and the Inova Health Care Services Board; and

WHEREAS, in addition to his six terms of service on the Board, Michael Frey worked for 13 years as staff in Board offices, dedicating 37 years to Fairfax County; and

WHEREAS, Michael Frey will be remembered for his annual participation in fundraising for research on cures for childhood cancer by shaving his head for "St. Baldrick's Day" and for always having a treat in his pocket for working dogs who visited Board meetings; and

WHEREAS, Michael Frey is well-known for his bipartisan approach to governing, his diligent constituent service, his long-time involvement in his community, his passion for sports, and his love of animals; now, therefore, be it

RESOLVED by the House of Delegates, That Michael R. Frey hereby be commended for his many years of dedicated public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael R. Frey as an expression of the House of Delegates' respect and admiration for his tireless work on behalf of the people of Fairfax County and the Commonwealth.

### HOUSE RESOLUTION NO. 321

*Commending the Virginia National Guard.*

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, the courageous soldiers and airmen of the Virginia National Guard have made outstanding and valuable contributions to the defense of the United States and the security of the Commonwealth and have advanced the cause of freedom around the world; and

WHEREAS, since the terrorist attacks of September 11, 2001, more than 15,000 Virginia soldiers and airmen have served on active duty in support of Operations Noble Eagle, Enduring Freedom, Iraqi Freedom, and New Dawn, helping to maintain security in the United States and further the cause of freedom around the world; and

WHEREAS, soldiers from the Emporia-based 1710th Transportation Company, the Virginia Beach-based 1945th Contingency Contracting Team, the Sandston-based Detachment 26, Operational Support Airlift Command, and the Fort Pickett-based 134th Chaplain Support Team returned from successful federal active duty mobilizations in 2014; and

WHEREAS, soldiers from Virginia Beach-based 529th Combat Sustainment Support Battalion deployed to Kuwait and Iraq, where they are providing mission command for critical sustainment operations and supporting combat units throughout the Central Command region; and

WHEREAS, when the F-22 Raptor fighter jet flew its first combat missions against Islamic State of Iraq and the Levant targets, Virginia National Guard Airmen from the 192nd Fighter Wing worked side-by-side with active duty forces; and

WHEREAS, since 2001, more than 7,300 Virginia National Guard personnel have responded to fires, floods, hurricanes, snow storms, and other natural disasters, assisting citizens of the Commonwealth, as well as other states, in their time of need; and

WHEREAS, Virginia National Guard aviators, using UH-72 Lakota helicopters, provided aerial detection and monitoring support to the United States Department of Homeland Security and Customs and Border Protection along the border between the United States and Mexico; and

WHEREAS, more than 225 soldiers, airmen, and members of the Virginia Defense Force supported the inauguration of Governor Terrence R. McAuliffe, and soldiers provided a variety of assistance after heavy snow created hazardous road conditions across the state in February 2015; and

WHEREAS, Virginia Army and Air Guard engineers from the 276th Engineer Battalion and 203rd RED HORSE Squadron supported the City of Petersburg by removing derelict structures associated with the drug trade; and

WHEREAS, more than 120 members of the all-volunteer Virginia Defense Force augmented local law enforcement to help make sure the Winchester Apple Blossom Festival went smoothly; the Virginia Defense Force continues to be integrated into every major operation conducted by the Virginia National Guard and embodies the spirit of selfless service; and

WHEREAS, the Virginia National Guard could not perform its mission without the support of the civilian workforce, families, employers, and community members; and

WHEREAS, the Virginia National Guard is recognized as one of the best in the nation in many critical areas and provides a ready, reliable, relevant, and rapidly responding force that deploys as directed by the Governor of Virginia to assist state and local authorities; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia National Guard and its dedicated soldiers, airmen, Virginia Defense Force members, and civilian employees hereby be commended for their devotion to duty and many outstanding and valuable contributions to the defense of the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to General Timothy P. Williams, adjutant general of Virginia, as an expression of the House of Delegates' admiration and gratitude for the service and sacrifices of the patriotic soldiers, airmen, Virginia Defense Force members, and civilian employees of the Virginia National Guard.

### SENATE JOINT RESOLUTION NO. 218

*Requesting the Department of Education to study the feasibility of implementing a program in the Commonwealth to track teacher turnover by developing exit questionnaires and other means. Report.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, America's schools are struggling with a growing teacher dropout problem that is draining resources, diminishing teaching quality, and undermining our ability to close the student academic achievement gap; and

WHEREAS, high teacher turnover adversely affects public education in the Commonwealth while accountability for costs and reasons for teacher turnover go unreported to taxpayers and members of the General Assembly; and

WHEREAS, the National Commission on Teaching and America's Future (NCTAF) estimates that the annual cost of public school teacher turnover could be over \$7.3 billion nationwide; and

WHEREAS, this new estimate is significantly higher than the most recent estimate of \$4.9 billion in annual costs presented in a report by the Alliance for Excellent Education in 2005 and takes into account recent increases in the size of the teacher workforce and the rate of teacher turnover; and

WHEREAS, the NCTAF estimate, which is based on the cost generated by teachers who leave their school or district during a given year, does not include (i) the district's cost for teachers who move from school to school within a district in search of a better position or (ii) any federal or state investments that are lost when a teacher leaves the profession. Accordingly, if all of these costs were taken into account, the true cost to the nation would be far in excess of \$7 billion; and

WHEREAS, the attrition rate among public school teachers has grown by 50 percent over the past 15 years. Nationally, the annual teacher turnover rate has risen to 16.8 percent, while in urban schools the annual teacher turnover rate is over 20 percent, and in some schools and districts the teacher dropout rate is actually higher than the student dropout rate; and

WHEREAS, in 1994, former U.S. Secretary of Education Richard W. Riley warned the nation that we would need to hire two million teachers within 10 years to offset the retirement of teachers of the "Baby Boom" generation. Over the next decade, we exceeded that goal by hiring approximately 2.25 million teachers, but during that same decade 2.7 million teachers withdrew from public education, over 2.1 million of whom left the profession before their expected age of retirement; and

WHEREAS, the Commonwealth has reported the retirement of record numbers of teachers, including individuals who choose to retire before reaching full retirement age; and

WHEREAS, on average, teachers today do not remain in the profession as long as previous generations of teachers did, and the attrition rate among new teachers has increased by more than 40 percent during the past 16 years; and

WHEREAS, because our school divisions have historically relied on a steady supply of new teachers, virtually no school division in the country has systems in place to track or control the teacher turnover rate; in the absence of systems of measurement, our school divisions have no way of knowing how much money they are losing, the caliber of teachers they are losing, or which schools are suffering the most adverse consequences of turnover; and

WHEREAS, because the odds of young teachers departing the profession are 184 percent higher than those of middle-aged teachers, the customary practice of continually hiring new teachers does not provide a reliable solution to the staffing challenges confronting our school divisions and undermines our efforts to improve teaching effectiveness; as the attrition rate of new teachers steadily increases, the country continues to pursue recruitment practices that place underprepared, inexperienced individuals alone in the classroom and often in the most challenging schools and classrooms; and

WHEREAS, it is worth noting that the increase in teacher turnover in the mid-1990s came at the same time that school divisions throughout the country increased efforts to expand the pool of potential teachers via alternative pathways into the profession, and, ironically, although the influx of more new teachers increased the speed of the revolving door into the teaching profession, the new teachers did not stabilize the teaching workforce and teaching quality in high-need schools did not measurably improve; and

WHEREAS, our leaders in public education are in need of clear, current, and accurate data on teacher turnover and its costs in formats that make it possible to analyze, manage, and control those costs as a first step toward reducing the turnover rate among our teachers and in order to make sound investments in teaching quality; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Education be requested to study the feasibility of implementing a program in the Commonwealth to track teacher turnover by developing exit questionnaires and other means.

In conducting its study, the Department of Education shall consider and make recommendations regarding (i) an exit questionnaire for teachers separating from service or choosing early retirement that includes reasons for leaving as a function of school climate, comparative salaries of neighboring school divisions, job demands as a reflection of teacher time, nonteaching duties, student behavior, classroom management, autonomy in the classroom, opportunities for growth and improvement, and health and family considerations in conjunction with (ii) use of the NCTAF Teacher Turnover Cost Calculator and its associated background information to estimate the dollars spent on teacher turnover for a specific school or school division in the Commonwealth or enable school leaders to design and conduct their own detailed teacher turnover cost analyses.

All agencies of the Commonwealth shall provide assistance to the Department for this study, upon request.

The Department shall complete its meetings by November 30, 2015, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2016 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 221

*Commending Cliffview Church of God.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, in 2015, Cliffview Church of God celebrates 100 years of serving and uplifting the members of the Galax community through worship services, ministries, and outreach; and

WHEREAS, originally known as the Hickory Flat Church of God, Cliffview Church of God was established in 1915 in the Hickory Flat community of Carroll County as a branch of the international, Pentecostal Church of God in Cleveland, Tennessee; and

WHEREAS, the Reverend H. L. Trim served as the first pastor of Cliffview Church of God, and each of his 19 successors followed his example by leading and inspiring the members of the congregation; and

WHEREAS, throughout its history, Cliffview Church of God remained at the same location on Fries Road, but received numerous enhancements thanks to the hard work and generosity of its members; and

WHEREAS, the current sanctuary of Cliffview Church of God was built by members of the church in 1974 under the direction of the Reverend Thomas L. Bird, who served as pastor between 1969 and 1988 and helped the congregation grow to several hundred members; and

WHEREAS, under the leadership of the Reverend D. G. Fox from 1988 to 2001, Cliffview Church of God continued to grow in membership and maintained financial stability, allowing the church to build the Family Life Center for community functions; and

WHEREAS, the Reverend Ron Hill joined Cliffview Church of God in 2002, and under his leadership, members of the congregation have adhered to the church's motto to be Laborers in God's Harvest Together and continued to enhance the community through various ministries and outreach programs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cliffview Church of God on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ron Hill, pastor of Cliffview Church of God, as an expression of the General Assembly's admiration for the church's long tradition of spiritual leadership and service to the Galax community.

### SENATE JOINT RESOLUTION NO. 222

*Commending Jacqueline L. Shuck.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Jacqueline L. Shuck, executive director of the Roanoke-Blacksburg Regional Airport Commission, retired in 2014; and

WHEREAS, Jacqueline "Jacque" Shuck was appointed executive director of the Airport Commission in 1989; one of the first female airport administrators, she ably served the air travel needs of 19 counties in the Commonwealth and West Virginia; and

WHEREAS, as one of the longest-serving airport administrators in the Commonwealth, Jacque Shuck was a catalyst for growth and numerous enhancements at the Roanoke-Blacksburg Regional Airport; and

WHEREAS, Jacque Shuck increased efficiency by gaining control of all financial and administrative functions of the airport from the City of Roanoke; she oversaw structural improvements, modernization of safety and maintenance equipment, and implementation of policies to raise money for future projects; and

WHEREAS, after September 11, 2001, Jacque Shuck worked with the Federal Aviation Administration to install new security measures; in 2003, Roanoke-Blacksburg Regional Airport became only the 13th airport in the country to install the Engineered Material Arresting System to prevent aircraft overruns; and

WHEREAS, during Jacque Shuck's tenure, the airport constructed a new control tower, a corporate hanger, and a rescue and firefighting facility; the airport also renovated the terminal building and expanded parking facilities, adding shuttles and ADA-compliant walkways; and

WHEREAS, Jacque Shuck helped the airport achieve early retirement of its bond debt in 2008, secured millions of dollars in state and federal grants, and greatly increased airport cash reserves; and

WHEREAS, most recently, Jacque Shuck instituted a project to enhance signage and the airport entrance and added Blacksburg to the airport's name; in 2013, the airport successfully handled more than 600,000 passengers and more than 23 million pounds of cargo; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jacqueline L. Shuck on the occasion of her retirement as executive director of the Roanoke-Blacksburg Regional Airport Commission; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jacqueline L. Shuck as an expression of the General Assembly's admiration for her tireless dedication to ensuring access to safe, reliable air travel in the region.

### SENATE JOINT RESOLUTION NO. 223

*Commending Sandra Levin.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Sandra Levin, the admired longtime president and chief executive officer of the Virginia Association of Nonprofit Homes for the Aging, retired on November 5, 2014, after 27 years of service; and

WHEREAS, founded in 1973, the Virginia Association of Nonprofit Homes for the Aging is a statewide organization of not-for-profit retirement housing communities, nursing homes, assisted living facilities, and continuing care retirement communities; and

WHEREAS, Sandra Levin helped the association thrive, and under her able leadership as president and chief executive officer for 27 years, the association enabled not-for-profit retirement communities to care for Virginia's seniors, who are not only living longer, healthier lives but also remaining active in their communities at an older age and remaining productive members of the Commonwealth longer than ever before; and

WHEREAS, Sandra Levin not only assisted in the development of more effective services for seniors but also advocated for the passage of legislation and regulations that ensure the protection and well-being of Virginia's senior population; and

WHEREAS, with her vibrant personality and gifted wit, Sandra Levin helped maintain the association's welcoming and passionate atmosphere and ensured its smooth operation; and

WHEREAS, through her leadership and professionalism, Sandra Levin leaves a legacy of excellence in the long-term care industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sandra Levin for her 27 years of service on the occasion of her retirement as president and chief executive officer of the Virginia Association of Nonprofit Homes for the Aging; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sandra Levin as an expression of the General Assembly's admiration for her dedication and contributions to the long-term care industry throughout the Commonwealth.

### SENATE JOINT RESOLUTION NO. 225

*Celebrating the life of Major Michael Donahue, USA.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Major Michael Donahue, USA, a former faculty member at Liberty University and a courageous soldier, was killed in action on September 16, 2014, in Afghanistan; and

WHEREAS, a native of Ohio, Michael Donahue became a paratrooper in the United States Army; he rose to the rank of major and served three tours of duty in South Korea, Iraq, and Afghanistan; and

WHEREAS, from 2008 to 2010, Major Donahue served as an assistant professor in the Reserve Officers' Training Corps at Liberty University, where he had earned his master's degree and was pursuing a doctorate; and

WHEREAS, an enthusiastic and deeply respected educator, Major Donahue inspired countless students to achieve greatness through his positivity, devotion, and compassion; and

WHEREAS, Major Donahue earned many awards and decorations, including the Bronze Star Medal, the Purple Heart, the Defense Meritorious Service Medal, and the Meritorious Service Medal; and

WHEREAS, Major Donahue made the ultimate sacrifice while serving with the XVIII Airborne Corps at a special operations base near Kabul, Afghanistan; and

WHEREAS, Major Donahue's sacrifice is a reminder of the many dangers faced by American men and women in uniform, whose dedication to duty and country places them in harm's way throughout the world; and

WHEREAS, Major Donahue will be fondly remembered and greatly missed by his wife, Sherri; children, Victoria, Seamus, and Bailey; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Major Michael Donahue, USA, a dedicated educator and a respected member of the United States military; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Major Michael Donahue, USA, as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 226

*Commemorating the 240th anniversary of George Mason's Virginia Declaration of Rights in 2016.*

Agreed to by the Senate, February 2, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, on May 6, 1776, in response to a recommendation of the Continental Congress meeting in Philadelphia that the colonies draft documents necessary for the creation of new governments, the fifth Virginia Convention was convened in Williamsburg; and

WHEREAS, the Virginia Convention established a committee to draft a constitution and bill of rights; according to historical accounts, Delegate George Mason arrived in Williamsburg on May 17, 1776, and was appointed to the prestigious committee; and

WHEREAS, as primary author, George Mason undertook the monumental task of writing the requested constitution and bill of rights, which was reviewed by the committee, presented to the full Convention, and ratified as the Virginia Declaration of Rights on June 12, 1776; and

WHEREAS, the Virginia Declaration of Rights expressed ideas of seminal importance that proved influential during the transformative period in American history and that are still relevant today; and

WHEREAS, in Article 1 of the Virginia Declaration of Rights, George Mason penned, "That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety"; and

WHEREAS, in subsequent articles, George Mason expressed, articulated, and called for fundamental liberties and freedoms such as freedom of religion, freedom of the press, and the right to a uniform government; he further defined the rights of persons accused of a crime, including the right to a speedy trial by a jury of one's peers and without excessive bail, the right to confront one's accuser, and rights to protect the accused from self-incrimination; and

WHEREAS, George Mason provided a framework of government in the Virginia Declaration of Rights based on the belief that all power is vested in and derived from the people and that government exists for the benefit, protection, and security of the people; he emphasized the separation of powers and the basic necessity of representation for the people whom government serves; and

WHEREAS, in subsequent decades following the ratification of the Virginia Declaration of Rights in 1776, George Mason's timeless expressions of rights, liberties, and the purpose and necessary structure of a unified government has served as the primary influence for multiple state constitutions, the United States Constitution and Bill of Rights, the French Declaration of the Rights of Man and of the Citizen, and the United Nations' Universal Declaration of Human Rights; and

WHEREAS, George Mason expressed the importance of the pursuit of happiness as an inherent right of the individual; his words significantly inspired and informed the drafting of the Declaration of Independence, which was ratified less than one month after the ratification of the Virginia Declaration of Rights; and

WHEREAS, in recognition of the significant universal impact of the Virginia Declaration of Rights and of George Mason as its principal author, it is fitting and proper that appropriate events recognize and signal the 240th anniversary of the ratification of the Virginia Declaration of Rights throughout the year of 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 240th anniversary of George Mason's Virginia Declaration of Rights be commemorated in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Scott M. Stroh, III, Executive Director of Gunston Hall, requesting that he further disseminate copies of this resolution to his respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

### SENATE JOINT RESOLUTION NO. 228

*Endorsing the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education. Report.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, pursuant to § 23-9.6:1 of the Code of Virginia, the State Council of Higher Education for Virginia (Council or SCHEV) is charged with the development of a statewide strategic plan for higher education that reflects the goals and objectives of the Virginia Higher Education Opportunity Act (Top Jobs Act) and the Restructured Higher Education Financial and Administrative Operations Act (Restructuring Act), identifies a coordinated approach to state and regional goals, and emphasizes the future needs for higher education in the Commonwealth; and

WHEREAS, as the Commonwealth's coordinating agency, SCHEV is required to advocate for and promote the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education; lead state-level postsecondary strategic planning, policy development, and implementation based on research and analysis; facilitate collaboration among institutions of higher education to enhance quality and create operational efficiencies; and work with institutions and governing boards on board development; and

WHEREAS, in executing its charge, SCHEV has collaborated successfully with students and families; institutions of higher education; the pre-kindergarten through grade 12 education system; community organizations; local, regional, and state business leaders; and members and staff of the legislative and executive branches and has reviewed relevant data, projections, and documents, including the strategic plans of institutions of higher education, the six-year plans of public institutions of higher education, and the Joint Legislative Audit and Review Commission's reports on public higher education cost and efficiency in response to House Joint Resolution 108 (2012); and

WHEREAS, in fulfillment of its duty, the Council has approved a framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education in the Commonwealth that is grounded in the Commonwealth's changing economy and demographics, its regional differences, and the current and future needs of its citizens for postsecondary education and training; and

WHEREAS, within this planning framework, SCHEV has articulated a mission for higher education in the Commonwealth ("advance postsecondary learning, research and public service that enhance the civic and financial health of the Commonwealth and the well-being of all its people"); expressed a vision for higher education in the Commonwealth ("transform the lives of Virginians, our communities and our Commonwealth"); set four overarching goals for higher education in the Commonwealth ("(i) provide affordable access for all; (ii) optimize student success for work and life; (iii) drive change and improvement through innovation and investment; and (iv) advance the economic and cultural prosperity of the Commonwealth and its regions"); and offered multiple tactical strategies for achieving each goal; and

WHEREAS, when uncertain state revenues and economic and technological disruption challenge the diversity, quality, and value of higher education in the Commonwealth, the Commonwealth must make strategic decisions guided by a shared vision and common goals; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the framework of the statewide strategic plan for higher education developed by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education be endorsed; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies for the statewide strategic plan for higher education be developed and approved by the State Council of Higher Education for Virginia as the Commonwealth's vision and plan for higher education; and, be it

RESOLVED FURTHER, That such framework shall serve to guide the planning and resource allocation decisions of the General Assembly as the Commonwealth seeks to provide quality education and in-demand skills for a changing populace, as well as opportunities for economic development and job growth; and, be it

RESOLVED FURTHER, That the mission, vision, goals, and strategies expressed in the statewide strategic plan framework also guide the development of the strategic plan and six-year plan at each public institution of higher education, as well as the agency plan for SCHEV, and that SCHEV report annually on the Commonwealth's progress toward achieving these goals and targets to the Governor, General Assembly, institutions of higher education, and the public; and, be it

RESOLVED FINALLY, That the State Council of Higher Education for Virginia shall submit annually to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of each Regular Session of the General Assembly for six years, beginning with the 2016 Session, and shall be posted on the Virginia General Assembly's website.

### SENATE JOINT RESOLUTION NO. 229

*Commending Willie and Sue Simpson.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Willie and Sue Simpson of Rice in Prince Edward County helped preserve the history and heritage of the Commonwealth by transferring 130 acres of land to Sailor's Creek Battlefield Historical State Park in 2014; and

WHEREAS, working with the Civil War Trust, the largest nonprofit battlefield preservation organization in the United States, Willie and Sue Simpson transferred 12 acres fee simple and 118 acres conservation easement at Marshall's Crossroads to the care of Virginia State Parks; and

WHEREAS, Sailor's Creek Battlefield was the site of one of the last battles of the war, and the Confederate defeat there factored heavily into General Robert E. Lee's decision to surrender the Army of Northern Virginia on April 9, 1865; and

WHEREAS, the land provided by Willie and Sue Simpson will allow for interpretation of the Marshall's Crossroads area, a critical strategic goal of both Union and Confederate forces during the battle; and

WHEREAS, Willie and Sue Simpson's efforts to preserve the Commonwealth's historic battlefields secure a lasting legacy for all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Willie and Sue Simpson for transferring 130 acres of historically significant land to Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Willie and Sue Simpson as an expression of the General Assembly's admiration for their generous contributions to preserving and protecting the history of the Commonwealth.

### SENATE JOINT RESOLUTION NO. 230

*Commending Shirley Fowlkes.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Shirley Fowlkes of the Town of Burkeville helped preserve the history and heritage of the Commonwealth by transferring 115.12 acres of land, including the site of a Confederate fort, to High Bridge Trail State Park in 2014; and

WHEREAS, working with the Civil War Trust, the largest nonprofit battlefield preservation organization in the United States, Shirley Fowlkes demonstrated her dedication to the preservation of the Commonwealth's historical treasures by transferring the land and the fort to the care of Virginia State Parks; and

WHEREAS, High Bridge, a crossing of the Appomattox River near Farmville, was the site of several engagements between Union forces and retreating Confederate forces, the results of which contributed to General Robert E. Lee's decision to surrender the Army of Northern Virginia on April 9, 1865; and

WHEREAS, the land provided by Shirley Fowlkes has ensured that more areas are open to the public and allowed for more complete interpretations of the battlefield, including the remains of a period wagon road and one of the best-preserved Civil War forts in the vicinity; and

WHEREAS, Shirley Fowlkes's efforts to preserve the Commonwealth's historic battlefields secure a lasting legacy for all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Shirley Fowlkes for transferring more than 115 acres of historically significant land to Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Shirley Fowlkes as an expression of the General Assembly's admiration for her generous contributions to preserving and protecting the history of the Commonwealth.

### SENATE JOINT RESOLUTION NO. 231

*Commending Jimmy and Sondra Garnett.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Jimmy and Sondra Garnett of Rice in Prince Edward County have helped preserve the history and heritage of the Commonwealth by transferring more than 623 acres of land to Sailor's Creek Battlefield Historical State Park; and

WHEREAS, over a period of several years, Jimmy and Sondra Garnett demonstrated their dedication to the Sailor's Creek Battlefield Historical State Park and the preservation of the Commonwealth's historical treasures by transferring more than 623 acres of conservation easements to the care of Virginia State Parks; and

WHEREAS, Sailor's Creek Battlefield was the site of one of the last battles of the war, and the Confederate defeat there factored heavily into General Robert E. Lee's decision to surrender the Army of Northern Virginia on April 9, 1865; and

WHEREAS, the land provided by Jimmy and Sondra Garnett has ensured that more areas are open to the public and allowed for more complete interpretations of the three distinct engagements of the battles at Hillsman and Lockett Farms and Marshall's Crossroads; and

WHEREAS, Jimmy and Sondra Garnett's efforts to preserve the Commonwealth's historic battlefields secure a lasting legacy for all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jimmy and Sondra Garnett for transferring more than 623 acres of historically significant land to Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jimmy and Sondra Garnett as an expression of the General Assembly's admiration for their generous contributions to preserving and protecting the history of the Commonwealth.

### SENATE JOINT RESOLUTION NO. 232

*Celebrating the life of Jean R. Packard.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Jean R. Packard, a passionate advocate for environmental issues and a proud public servant who was the first woman to chair the Fairfax County Board of Supervisors, died on October 21, 2014; and

WHEREAS, a respected pioneer for women leaders throughout the Commonwealth, Jean Packard chaired the Fairfax County Board of Supervisors from 1972 to 1975; and

WHEREAS, Jean Packard dedicated much of her life to the preservation of the county's parks and natural resources, including the Occoquan River; she served with the Northern Virginia Regional Park Authority for 24 years; and

WHEREAS, Jean Packard was the first woman in the Commonwealth elected to a Soil and Water Conservation District board; she further served the community as president of the Fairfax County Federation of Citizens Associations; and

WHEREAS, a diligent and active steward of the environment at the local, state, and national levels, Jean Packard offered her leadership and wisdom as a national board member of the Sierra Club; and

WHEREAS, in September 2014, Jean Packard oversaw the groundbreaking ceremony for the Occoquan Regional Park waterfront, which will feature the Jean R. Packard Occoquan Center, a learning center overlooking the river; and

WHEREAS, Jean Packard received many awards and accolades for her good work, including the Northern Virginia Conservation Trust's 2011 lifetime achievement award, which was renamed the Jean R. Packard Award in her honor; and

WHEREAS, leaving a legacy of excellence to future public servants in Fairfax County, Jean Packard will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jean R. Packard, a proud public servant in Fairfax County and an inspirational community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jean R. Packard as an expression of the General Assembly's respect for her memory.

### SENATE JOINT RESOLUTION NO. 235

*Directing the Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund. Report.*

Agreed to by the Senate, February 2, 2015

Agreed to by the House of Delegates, February 25, 2015

WHEREAS, the increasing cost of housing is having a serious impact on the daily budgets of people across the Commonwealth; and

WHEREAS, over the past five years, increases in rental costs throughout Virginia have significantly outpaced the growth of Virginia's median family income; and

WHEREAS, in 2012 over one-third of Virginia households were housing cost burdened, meaning more than 30 percent of their income was spent on housing, with Virginia now the most expensive state for rental housing in the Southeast; and

WHEREAS, the Virginia Housing Trust Fund is proven to be an important tool in reducing and ending homelessness among veterans, children, families, and individuals throughout the Commonwealth; and

WHEREAS, the Virginia Housing Trust Fund needs a dedicated source of funding that will keep the Fund whole while starting to build a substantial balance to address the Commonwealth's housing crisis; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Housing Commission be directed to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund.

In conducting its study, the Virginia Housing Commission (the Commission) shall examine all sources of revenue tax collection.

Technical assistance shall be provided to the Commission by the Department of Taxation. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 242

*Requesting the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development to jointly study the feasibility of incorporating programs to support existing high-growth companies into the state's current economic development programs and activities. Report.*

Agreed to by the Senate, February 2, 2015

Agreed to by the House of Delegates, February 17, 2015

WHEREAS, existing high-growth companies, also known as "second-stage" companies, are privately-held enterprises with high potential for growth that (i) employ fewer than 100 employees, (ii) generate annual revenues of \$50 million or less, and (iii) have moved beyond the startup phase of business development to become established businesses within the local and regional community; and

WHEREAS, existing high-growth companies are a critical component of local and regional economies by creating jobs, increasing the volume of local and regional income, and attracting outside capital; and

WHEREAS, between 2009 and 2013, while comprising only 8.7 percent of all companies in the Commonwealth, existing high-growth companies accounted for over 34 percent of the jobs and approximately 35 percent of total sales; and

WHEREAS, currently the emphasis of the state's economic development programs and activities is to encourage business startups and recruit businesses to come into an area or region; and

WHEREAS, programs and initiatives focused on assisting existing high-growth companies provide critical strategic information customized to an individual company's needs, including (i) identifying market trends, potential competitors, and unknown resources; (ii) mapping geographic areas for targeted marketing; and (iii) raising company visibility in search engine results and increased web traffic; and

WHEREAS, this information may be key to propelling the existing high-growth company to its next phase of growth; and

WHEREAS, the mission of the Virginia Economic Development Partnership Authority includes encouraging the expansion of existing Virginia businesses, such as existing high-growth companies; and

WHEREAS, the Department of Housing and Community Development works to improve the economic vitality of Virginia communities; and

WHEREAS, there is a need to balance the Commonwealth's economic development efforts to more adequately support existing high-growth companies; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development be requested to jointly study the feasibility of incorporating programs to support existing high-growth companies into the state's current economic development programs and activities.

In conducting its study, the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development shall include the review of the program established by the National Center for Economic Gardening and other programs and initiatives that are focused on supporting existing high-growth companies.

All agencies of the Commonwealth shall provide assistance to the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development for this study, upon request.

The Virginia Economic Development Partnership Authority and the Department of Housing and Community Development shall complete their meetings by November 30, 2015, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2016 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 243

*Directing the Joint Legislative Audit and Review Commission to review the Department of Veterans Services. Report.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 17, 2015

WHEREAS, the Department of Veterans Services (the Department) was established by the Virginia General Assembly in 2003 under the Secretary of Administration; and

WHEREAS, the Joint Legislative Audit and Review Commission has not previously undertaken a review of the Department, yet the Department is now reporting to the Secretary of Veterans and Defense Affairs, its third Secretariat since 2003; and

WHEREAS, the Department is responsible for the establishment, operation, administration, and maintenance of offices and programs related to services for Virginia-domiciled veterans of the armed forces of the United States and their eligible spouses, orphans, and dependents, including, but not limited to, benefits claims processing and all medical care centers and veterans cemeteries owned and operated by the Commonwealth; and

WHEREAS, the Department is organized into six service delivery sections—Benefits, Veterans Education Training and Employment, Veterans Care Centers, Veterans Cemeteries, the Virginia War Memorial, and the Virginia Wounded Warrior Program; and

WHEREAS, the Department operates 23 benefits services offices throughout the Commonwealth where veterans and their dependents receive free assistance in developing and filing claims for federal veterans benefits; and

WHEREAS, the Department operates the Commonwealth's three veterans cemeteries, which provide burial and perpetual care services to veterans and eligible dependents; and

WHEREAS, the Department operates the Commonwealth's two Veterans Care Centers with a combined 400-bed capacity for the provision of long-term physical, occupational, and speech therapy, as well as therapeutic recreation, social and spiritual activities, and other services such as an on-site pharmacy; and

WHEREAS, the Department executes the Virginia Wounded Warrior Program, which provides support to Virginia's veterans, members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves, and their family members; and

WHEREAS, Virginia has the nation's seventh-largest veteran population and the nation's highest veteran population as a percentage of total state population, and this veteran population is expected to grow over the next four years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to review the Department of Veterans Services.

In conducting its review, the Joint Legislative Audit and Review Commission shall (i) examine the changing demographics of the newest generations of veterans (post-9/11) and consider what changes are needed to the services currently provided by the Department; (ii) assess ways the Department is able to reach Virginia veterans such that all new veterans have easy access to information and services; (iii) assess the number, roles, and allocation of staff; (iv) assess whether the needs of Virginia veterans are adequately addressed through the benefits claims process; (v) review the Virginia Wounded Warrior Program for any existing overlap of services provided by other state agencies and, in view of the unique care needs of veterans, determine whether or how such services can effectively be provided by other state agencies to reduce

duplication and reduce the costs of providing such services; (vi) assess the delivery of services at state cemeteries to ensure services are consistent and determine if there are any possible efficiencies in consolidating daily or fiscal operations; (vii) assess the effectiveness of coordination with other agencies and the U.S. Department of Veterans Affairs; (viii) examine whether the statutory definition of "veteran" affects whom the Department is able to serve; (ix) review the structures and approaches by which other states carry out veterans affairs functions; and (x) review any other issues and make recommendations as appropriate.

All agencies of the Commonwealth, including the Department of Veterans Services, Department of Medical Assistance Services, Department of Social Services, Department of Health, Department of Military Affairs, and Department of Human Resource Management, shall provide assistance to the Joint Legislative Audit and Review Commission for this review, upon request. The Department of Veterans Services shall furnish information, including departmental records, to Joint Legislative Audit and Review Commission staff as requested in accordance with §§ 30-59 and 30-69 of the Code of Virginia.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 245

*Designating the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia.*

Agreed to by the Senate, February 2, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, sexual violence is a very serious public health problem and, together with the related problems of unwanted sexual contact and verbal sexual harassment, is a major human rights and social justice issue affecting millions of women, men, and children in the United States; and

WHEREAS, the risk of sexual violence is not limited to interactions with strangers; perpetrators can include current and former intimate partners, a family member, a friend or acquaintance, or a known individual in a position of power or trust; and

WHEREAS, according to the federal Centers for Disease Control and Prevention (CDC), nearly 1 in 5 women and 1 in 71 men have been raped in their lifetime; approximately 1 in 20 women and men have experienced sexual violence other than rape; and 13 percent of women and 6 percent of men have experienced sexual coercion during their lifetime; and

WHEREAS, the Centers for Disease Control and Prevention has reported that, nationally, 37.4 percent of female rape victims were first raped between ages 18 and 24, and a study of undergraduate women found that 19 percent of study participants had experienced attempted or completed sexual assault since entering college; of female rape victims, 42.2 percent were raped before age 18 (29.9 percent were between the ages of 11 and 17 and 12.3 percent were younger than 11); and 27.8% of male rape victims were younger than 11; and

WHEREAS, sexual violence can have long-term physical and mental health consequences, including sexually transmitted diseases, unwanted pregnancy, anger, stress, distrust of others, eating disorders, depression, and suicide; and

WHEREAS, the recognition of the month of April as national Sexual Assault Awareness Month traces its roots to "Take Back the Night," organized women's protests against sexual violence during the 1970s in England; the coordinated activities expanded to protest sexual violence against men and women and evolved into a global movement that took hold in the United States; and

WHEREAS, during the national Sexual Assault Awareness Month in April each year, the National Sexual Violence Resource Center and other interested local, state, and national groups partner to highlight the problem of sexual violence, educate the public, and advocate for the prevention of sexual violence; and

WHEREAS, many states and organizations join the effort each year to raise awareness of the causes, effects, and prevention of sexual violence, and the theme in 2015 is "Safer Campuses, Brighter Futures, Prevent Sexual Violence"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the advisory council of the National Sexual Violence Resource Center and to Deborah D. Tucker, executive director of the National Center on Domestic and Sexual Violence, so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

**SENATE JOINT RESOLUTION NO. 246**

*Commending John D. Bassett III.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, John D. Bassett III, a champion of American industry who has dedicated his life to strengthening the Galax economy and ensuring market fairness for American and Virginian companies, was inducted into the American Furniture Hall of Fame in 2013; and

WHEREAS, the sixth member of his extended family to be inducted into the American Furniture Hall of Fame, John Bassett received the honor during the High Point Market furnishings trade show in October 2013; and

WHEREAS, a native of Bassett in Henry County, an area named after his grandfather, John Bassett served his country as a member of the United States Army; returning from a posting in Germany in 1962, he helped steward the family business—Bassett Furniture—by running factories in Henry County and North Carolina; and

WHEREAS, in 1983, John Bassett joined and revitalized the Vaughan-Bassett Furniture Company in Galax; by 2014, the company had become the largest wood furnishings manufacturer in the United States, employing approximately 750 workers in Galax and Elkins, North Carolina, with plans to expand thanks to John Bassett's leadership and courage; and

WHEREAS, a respected visionary in the industry, John Bassett encouraged workers to focus on quality when many American manufacturing companies transitioned to an outsourcing model; he helped his company succeed by modernizing equipment, ensuring premier customer service, and introducing an efficient five-day delivery model; and

WHEREAS, facing stiff competition from cheap imports, John Bassett traveled to China to gather evidence of price dumping, a violation of World Trade Organization rules; his investigation resulted in the world's largest anti-price-dumping petition and the distribution of millions of dollars of duties to American companies; and

WHEREAS, John Bassett kept insurance costs low by investing in the well-being of his employees; he oversaw the establishment of the Vaughan-Bassett Free Clinic, a facility staffed by nurse practitioners where workers and their families can receive free care; and

WHEREAS, John Bassett's efforts kept the furniture industry in Galax alive, saving hundreds of jobs; his story has been immortalized in the book *Factory Man: How One Furniture Maker Battled Offshoring, Stayed Local, and Helped Save an American Town*, by Beth Macy; and

WHEREAS, John Bassett is an exemplar of the tenacity, strength, and dedication of American workers and an inspiration to other innovators and entrepreneurs throughout the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John D. Bassett III on being inducted into the American Furniture Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John D. Bassett III as an expression of the General Assembly's admiration for his contributions to American industry and his work to protect the livelihoods of his fellow Virginians and Galax residents.

**SENATE JOINT RESOLUTION NO. 247**

*Commending the Patrick County Sheriff's Office.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, the Patrick County Sheriff's Office joined a select group of law-enforcement agencies in October 2014 when it became accredited by the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, under the guidance of Patrick County Sheriff Dan Smith, the staff of the sheriff's office worked very hard for several years to attain accreditation by the Virginia Law Enforcement Professional Standards Commission (VLEPSC); it is one of only 92 agencies to be accredited; and

WHEREAS, accreditation by the VLEPSC helps to ensure that a law-enforcement agency in the Commonwealth is following established professional practices; it provides a way to measure a department's performance, programs, and services; and

WHEREAS, the entire staff of the Patrick County Sheriff's Office was united in its mission to become accredited; the VLEPSC designation will help the sheriff's office work more effectively and efficiently; and

WHEREAS, training, cooperation, and developing effective communication strategies are among the criteria used to achieve VLEPSC accreditation; as an accredited agency the Patrick County Sheriff's Office is committed to working with the public to prevent and fight crime; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Patrick County Sheriff's Office for receiving accreditation from the Virginia Law Enforcement Professional Standards Commission; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dan Smith, the sheriff of Patrick County, as an expression of the General Assembly's respect and admiration for his leadership in achieving this law-enforcement accreditation for his office.

### SENATE JOINT RESOLUTION NO. 248

*Commending LEAD VIRGINIA.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, LEAD VIRGINIA was established in 2005 by leaders from across the Commonwealth who recognized a need for a nonpartisan, nonprofit statewide leadership development program; and

WHEREAS, each year, LEAD VIRGINIA calls together 50 leaders from private, public, and nonprofit organizations and educates those leaders on Virginia's statewide and regional issues and leadership challenges; and

WHEREAS, LEAD VIRGINIA's curriculum focuses on specific economic, educational, and health issues; the organization builds social capital among leaders through the shared experience of seven intensive monthly sessions held across the Commonwealth; and

WHEREAS, LEAD VIRGINIA provides leaders with the opportunity to experience firsthand the rich diversity and resources of the Commonwealth, while exploring and collaborating on solutions to Virginia's statewide challenges that respect regional differences; and

WHEREAS, LEAD VIRGINIA will reach a milestone of 500 alumni in 2015; alumni have served in positions of leadership locally, regionally, and statewide, including on numerous state boards and commissions; and

WHEREAS, LEAD VIRGINIA graduates influence policy, perspective, and innovation at all levels in their public and private sector roles; and

WHEREAS, LEAD VIRGINIA has created an invaluable legacy of leadership for Virginia during its first decade, with alumni working diligently to shape and strengthen the future of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend LEAD VIRGINIA on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to LEAD VIRGINIA as an expression of the General Assembly's admiration for its work to empower and support strong, well-informed leaders throughout the Commonwealth.

### SENATE JOINT RESOLUTION NO. 249

*Celebrating the life of Dennis Owen Burnett.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Dennis Owen Burnett, a man whose enthusiasm, energy, and vision were focused on fostering a healthy economy for the Shenandoah Valley and a friend to all who knew him, died on October 21, 2014; and

WHEREAS, a native of Waynesboro, Dennis Burnett graduated from Fort Defiance High School and attended Blue Ridge Community College; earlier in his career he was deputy director of the Shenandoah Valley Regional Airport and had been an executive with Colgan Air, Inc.; and

WHEREAS, at the time of his death, Dennis Burnett, who lived in Staunton, was executive director of the Shenandoah Valley Partnership; he had spent most of his professional life in business and economic development and was a tireless, upbeat, and visionary promoter of the area; and

WHEREAS, before starting work at the Shenandoah Valley Partnership in 2013, Dennis Burnett had become the first director of economic development for Augusta County; in his fourth year as director, the county gained more than 330 jobs and \$110.9 million in business investment; and

WHEREAS, a longtime supporter of the community, Dennis Burnett was involved with the United Way of Greater Augusta, the Rotary Club of Staunton-Augusta County, the Virginia Economic Developers Association, and he recently had received a gubernatorial appointment to the Virginia Manufacturing Development Commission; and

WHEREAS, Dennis Burnett will be remembered for his exuberance, ability to motivate and lead others, and unceasing dedication to ensuring a healthy and growing economy for the people and businesses of the Shenandoah Valley; and

WHEREAS, Dennis Burnett will be greatly missed and fondly remembered by his wife, Cynthia; his father, Vernon; many other family members; and a multitude of friends and colleagues from throughout the Shenandoah Valley; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dennis Owen Burnett, a dedicated public servant who strove to make the Shenandoah Valley a vibrant and healthy place for all who live there; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dennis Owen Burnett as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 250

*Celebrating the life of Dee E. Floyd.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Dee E. Floyd, a proud public servant, hardworking entrepreneur, and active leader in the Rockingham County community, died on November 28, 2014; and

WHEREAS, a native of Clover Hill, Dee Floyd attended Dayton High School and served his country as a member of the United States Navy; he deployed to the Pacific Ocean aboard the USS *Mount McKinley* and participated in the nuclear tests at Bikini Atoll; and

WHEREAS, Dee Floyd returned to the Commonwealth and graduated from Bridgewater College in three years as one of the first recipients of a bachelor of science degree in business administration; and

WHEREAS, a loyal employee of the Colgate-Palmolive Company for almost 30 years, Dee Floyd was possessed of an entrepreneurial spirit and owned several businesses, including the Gerundo Family Campground; and

WHEREAS, Dee Floyd served the community as the chair of the Rockingham County Republican Party and as a member of the local Zoning Board of Appeals, the Planning Commission, and several other committees and organizations; and

WHEREAS, beginning in 1987, Dee Floyd further cultivated a love and respect for the importance of public service as a legislative aide in the Senate of Virginia for seven years; and

WHEREAS, in 2000, Dee Floyd won a seat on the Rockingham County Board of Supervisors and worked diligently to enhance the quality of life of his fellow residents, winning reelection in 2001, 2005, and 2009; and

WHEREAS, Dee Floyd lived his deep faith through his actions, always working to care for his beloved family and serve and support all members of the community; and

WHEREAS, Dee Floyd will be fondly remembered and greatly missed by his wife, Martha; children, Debra, Susan, Cheryl, and Steven, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dee E. Floyd, a dedicated public servant, entrepreneur, and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dee E. Floyd as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 251

*Celebrating the life of Roy Thomas Stephenson.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Roy Thomas Stephenson, who was managing editor of the *Staunton News Leader*, former vice mayor of Staunton, a valued civic leader, a veteran of the United States military, and a devoted husband and father, died on November 24, 2014; and

WHEREAS, a native of McKinley, Roy Thomas Stephenson, who was known as Tommy, was managing editor of the *Staunton News Leader* from 1968 to 1992 and trained many journalists; some of them vividly recall—with fondness and respect—his role in shaping their careers, and his sharp eye regarding proper English usage; and

WHEREAS, Tommy Stephenson possessed a deep love for the city of Staunton and the surrounding community; he had many friends and often gleaned news stories from meetings he attended or while dining at local restaurants; and

WHEREAS, dedicated to the betterment of his community and the nation, Tommy Stephenson served in the United States Air Force; he was a member and former vice mayor of the Staunton City Council, where he supported programs for young people and senior citizens; and

WHEREAS, Tommy Stephenson was a valued member of the Headwaters Soil and Water Conservation District, the Middlebrook Ruritan Club, the Kiwanis Club of Staunton, the Staunton-Augusta-Waynesboro Habitat for Humanity, the Valley Mission, and the America's Birthday Celebration, Inc., committee; and

WHEREAS, Tommy Stephenson enjoyed raising cattle at his farm in Augusta County, gardening, and baseball; his friends especially remember his leadership abilities, his kindness, and his inability to say a harsh word about anyone; and

WHEREAS, a man of faith, Tommy Stephenson enjoyed fellowship and worship at Redeemer Lutheran Church in McKinley; and

WHEREAS, Tommy Stephenson will be greatly missed and fondly remembered by his wife, Wanda; his children, Drew and Gwen, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Roy Thomas Stephenson of Staunton, who served his nation and the community as an influential newspaper editor, a supporter of many civic and charitable organizations, a military veteran, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roy Thomas Stephenson as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 253

*Commending John Otho Marsh, III, M.D.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, John Otho Marsh, III, M.D., of Augusta County has been named Country Doctor of the Year for 2014 by Staff Care, a physician staffing company; and

WHEREAS, the Country Doctor of the Year award is given to a primary care physician who works in a community of fewer than 30,000 people; the award honors the spirit, skill, and dedication of America's rural medical practitioners; Dr. Marsh practices in the village of Middlebrook; and

WHEREAS, Dr. Marsh, who became a rural medical practitioner in 1996 after serving as a physician in the United States Army, established a medical practice in rural Augusta County, an area where he has family ties; and

WHEREAS, during his military career, Dr. Marsh was a surgeon for the Army Special Forces; in 1993, he tended to many wounded soldiers who were injured during a severe fire in Mogadishu, Somalia, that became known as the Black Hawk Down incident; and

WHEREAS, soon after treating dozens of wounded soldiers, Dr. Marsh was injured in a mortar attack and was transported to Germany for intensive treatment; he credits a 24-hour prayer vigil led by members of his church in Swoope for helping to save his life; and

WHEREAS, for nearly 20 years, Dr. Marsh has provided medical care to the people who live in the Shenandoah Valley; recently, he opened a second medical clinic at White's Travel Plaza on Interstate 81 in Raphine to treat long-haul truckers and patients who live nearby; and

WHEREAS, Dr. Marsh derives great satisfaction from his work despite the long hours involved; in addition to seeing patients at his clinics, he makes rounds at the local hospital, conducts house calls, and regularly attends to residents at a nearby nursing home; and

WHEREAS, Dr. Marsh gives much credit for the success of his busy practice to those around him, including his office staff and his wife, Barbara, who is a nurse at the clinic, and his children, Adam, Madeline, Doug, and Isabelle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John Otho Marsh, III, M.D., of Augusta County for being named Country Doctor of the Year for 2014 by Staff Care; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Otho Marsh, III, M.D., as an expression of the General Assembly's respect and admiration for his many years of providing medical care to the people of Augusta County, the Shenandoah Valley, the Commonwealth, and the nation.

### SENATE JOINT RESOLUTION NO. 257

*Confirming appointments by the Governor of certain persons communicated May 13, 2014.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly May 13, 2014.

#### AGRICULTURE AND FORESTRY

##### Virginia Sheep Industry Board

**Rosalea R. Potter**, 3673 Big Hill Road, **Lexington**, Virginia 24450, Member, appointed April 8, 2014, for a term of three years beginning March 9, 2014, and ending March 8, 2017, to succeed Robert Couch.

**David Shiflett**, 368 Patterson Mill Road, **Grottoes**, Virginia 24441, Member, appointed April 8, 2014, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed himself.

**J. Alvin Thomas, Jr.**, 1112 Thomas Road, **Dillwyn**, Virginia 23936, Member, appointed April 8, 2014, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed Robin Freeman.

**Larry W. Weeks**, 430 Baynes Road, **Waynesboro**, Virginia 22980, Member, appointed April 8, 2014, for a term of three years beginning March 9, 2014, and ending March 8, 2017, to succeed Carroll McCheyne Swortzel.

**Donald Lee Wright, Jr.**, 12333 Deerfield Lane, **Glade Spring**, Virginia 24340, Member, appointed April 8, 2014, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed himself.

#### **AUTHORITY**

##### **Virginia Port Authority**

**G. Robert Aston, Jr.**, 4417 Glencove Drive, **Portsmouth**, Virginia 23703, Member, appointed April 17, 2014, to serve an unexpired term beginning April 17, 2014, and ending June 30, 2016, to succeed James Boyd.

**Alan A. Diamonstein**, 29 Indigo Dam Road, **Newport News**, Virginia 23606, Member, appointed April 17, 2014, to serve an unexpired term beginning April 17, 2014, and ending June 30, 2017, to succeed Jeffrey B. Wassmer.

**Gary T. McCollum**, 3901 Meeting House Road, **Virginia Beach**, Virginia 23455, Member, appointed April 17, 2014, to serve an unexpired term beginning April 17, 2014, and ending June 30, 2017, to succeed Robert Stanton.

**Val S. McWhorter**, 406 Surrey Lane SE, **Vienna**, Virginia 22180, Member, appointed April 17, 2014, to serve an unexpired term beginning April 17, 2014, and ending June 30, 2017, to succeed Scott Bergeron.

**John G. Milliken**, 1818 South Arlington Ridge Road, **Arlington**, Virginia 22202, Member, appointed April 17, 2014, to serve an unexpired term beginning April 17, 2014, and ending June 30, 2017, to succeed Craig P. Coy.

#### **COMMERCE AND TRADE**

##### **Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects**

**Charles F. Dunlap**, 401 Lynnhaven Drive, **Winchester**, Virginia 22602, Member, appointed April 11, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Nancy McIntyre.

**Andrew Mark Scherzer**, 11940 Old Buckingham Road, **Midlothian**, Virginia 23113, Member, appointed April 11, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Christine Snetter**, 11110 Royal Lane, **Providence Forge**, Virginia 23140, Member, appointed April 11, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Michael LeMay.

##### **Board for Contractors**

**Herbert Jackson Dyer, Jr.**, 12470 Newfound Falls Lane, **Doswell**, Virginia 23047, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

##### **Board of Coal Mining Examiners**

**Douglas E. Deel**, 1356 Crow Pass Road, **Breaks**, Virginia 24607, Member, appointed April 11, 2014, to serve an unexpired term beginning August 22, 2013, and ending June 30, 2016, to succeed Arvil H. McConnell.

##### **Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals**

**Thomas Wayne Fore**, 2541 Richmond Highway, **Gladstone**, Virginia 24553, Member, appointed April 11, 2014, for a term of three years beginning January 1, 2013, and ending December 31, 2016, to succeed Frank Davis.

##### **Real Estate Appraiser Board**

**Michael G. Miller**, 108 Tonbridge Road, **Richmond**, Virginia 23221, Member, appointed April 3, 2014, for a term of four years beginning April 3, 2014, and ending April 2, 2018, to succeed himself.

**Laura L. Sánchez del Solar**, 3014 Montfort Loop, **Henrico**, Virginia 23294, Member, appointed April 3, 2014, for a term of four years beginning April 3, 2014, and ending April 2, 2018, to succeed herself.

**Fay B. Silverman**, 3040 Lynndale Road, **Virginia Beach**, Virginia 23452, Member, appointed April 3, 2014, for a term of four years beginning April 3, 2014, and ending April 2, 2018, to succeed Sandra Johnson.

##### **Virginia Apprenticeship Council**

**Danny E. Amos**, 6609 Fernwood Street, **Henrico**, Virginia 23228, Member, appointed April 11, 2014, for a term of three years beginning June 21, 2012, and ending June 20, 2015, to succeed himself.

##### **Virginia Asian Advisory Board**

**Eric Lin**, 8232 MacAndrew Court, **Chesterfield**, Virginia 23838, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Dilip Sarkar**, 245 West Freemason Street, **Norfolk**, Virginia 23510, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Francis Stevens**, 14011 Sagebrook Road, **Midlothian**, Virginia 23112, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jose Montano.

##### **Virginia Coal Mine Safety Board**

**Michael Roy Kennedy**, 4258 Bull Hill Road, **St. Paul**, Virginia 24283, Member, appointed May 5, 2014, to serve at the pleasure of the Governor beginning May 5, 2014, to succeed Max Kennedy.

**Joseph H. Tate**, 1837 Rose Ridge, **Clintwood**, Virginia 24228, Member, appointed May 5, 2014, to serve at the pleasure of the Governor beginning May 5, 2014, to succeed Ernest Benko.

##### **Virginia Manufactured Housing Board**

**David C. Bridges**, 6756 Mt. Cross Road, **Danville**, Virginia 24540, Member, appointed April 3, 2014, for a term of four years beginning April 1, 2014, and ending March 31, 2018, to succeed Walter Hughes.

**Shawna J. Cheney**, 323 Mohler's Loop, **Lexington**, Virginia 24450, Member, appointed April 4, 2014, for a term of four years beginning April 1, 2014, and ending March 31, 2018, to succeed Carey A. Brace.

**Walter S. Cleaton**, 7924 Goodes Ferry Road, **South Hill**, Virginia 23970, Member, appointed April 3, 2014, for a term of four years beginning April 1, 2014, and ending March 31, 2018, to succeed himself.

**Earl T. Satterwhite**, 5 Hay Field Drive, **Boones Mill**, Virginia 24065, Member, appointed April 4, 2014, for a term of four years beginning April 1, 2014, and ending March 31, 2018, to succeed himself.

**Virginia Offshore Wind Development Authority**

**Brian Redmond**, 9709 Old Club Trace, **Richmond**, Virginia 23238, Member, appointed April 11, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

**Virginia Racing Commission**

**Isaac Clinton Miller**, 634 West Locust Street, **Woodstock**, Virginia 22664, Member, appointed April 23, 2014, to serve an unexpired term beginning March 20, 2014, and ending December 31, 2018, to succeed Philip T. O'Hara.

**COMPACT**

**Southeast Interstate Low-Level Radioactive Waste Management Compact**

**Steven Harrison**, 12086 Cheroy Woods Court, **Ashland**, Virginia 23005, Member, appointed April 17, 2014, to serve at the pleasure of the Governor beginning May 2, 2014, to succeed Richard Weeks.

**DESIGNATED**

**State Rehabilitation Council for the Blind and Vision Impaired**

**Virginia Ann Olliff**, 5457 Bradley Pines Circle, Apartment C, **Sandston**, Virginia 23150, Member, appointed April 15, 2014, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Douglas Powell.

**Judith O. Swystun**, 2000 East Ocean View Avenue, **Norfolk**, Virginia 23503, Member, appointed April 15, 2014, for a term of three years beginning October 1, 2012, and ending September 30, 2015, to succeed Anna Burns.

**Vint Hill Economic Development Authority**

**William G. Downey**, 6594 Wellspring Court, **Warrenton**, Virginia 20187, Member, appointed April 3, 2014, for a term of six years beginning March 19, 2014, and ending March 18, 2020, to succeed himself.

**Mary Leigh McDaniel**, 4500 Achilles Lane, **Marshall**, Virginia 20115, Member, appointed April 3, 2014, for a term of six years beginning March 19, 2014, and ending March 18, 2020, to succeed herself.

**David W. Vos**, 3620 Double J Lane, **Delaplane**, Virginia 20144, Member, appointed April 8, 2014, for a term of six years beginning March 19, 2013, and ending March 18, 2019, to succeed himself.

**Birge Watkins**, 832 Blackwell Road, **Warrenton**, Virginia 20186, Member, appointed April 9, 2014, for a term of six years beginning March 19, 2013, and ending March 18, 2019, to succeed himself.

**HEALTH AND HUMAN RESOURCES**

**Advisory Board on Massage Therapy**

**Jermaine Mincey**, 201 North Ripley Street, Apartment TL 1, **Alexandria**, Virginia 22304, Member, appointed April 22, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Ruth Smith.

**Board of Long-Term Care Administrators**

**Shervonne Banks**, 4410 Claiborne Square, Suite 334, **Hampton**, Virginia 23666, Member, appointed April 8, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Kathleen Fletcher.

**Board of Medical Assistance Services**

**Mirza Baig**, 649 Deerfield Farm Court, **Great Falls**, Virginia 22066, Member, appointed April 23, 2014, for a term of four years beginning March 8, 2013, and ending March 7, 2017, to succeed Kay Horney.

**Maureen Sue Hollowell**, 187 Green Kemp Road, **Virginia Beach**, Virginia 23462, Member, appointed April 10, 2014, to serve an unexpired term beginning May 1, 2013, and ending March 7, 2015, to succeed David Darden.

**Peter R. Kongstedt**, 1464 Buena Vista Avenue, **McLean**, Virginia 22101, Member, appointed April 10, 2014, for a term of four years beginning March 8, 2014, and ending March 7, 2018, to succeed Ashley Taylor.

**McKinley L. Price**, 938 Shore Drive, **Newport News**, Virginia 23607, Member, appointed April 10, 2014, for a term of four years beginning March 8, 2014, and ending March 7, 2018, to succeed J. Mott Robertson, MD.

**Board of Social Services**

**Danny Avula**, 1110 Oakwood Avenue, **Richmond**, Virginia 23223, Member, appointed April 14, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Aradhana Sood.

**Willie T. Greene, Sr.**, 111 Carriage Drive, **Galax**, Virginia 24333, Member, appointed April 14, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Joanne Webster**, 7643 Hill Drive, **Richmond**, Virginia 23225, Member, appointed April 14, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Deborah White.

**Commonwealth Neurotrauma Initiative Advisory Board**

**Patrik Sandas**, 1551 Dairy Road, **Charlottesville**, Virginia 22903, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Teresa Poole.

**State Child Fatality Review Team**

**Lisa M. Beitz**, 14002 Southshore Road, **Midlothian**, Virginia 23112, Member, appointed April 24, 2014, for a term of three years beginning July 1, 2013, and ending June 30, 2016, to succeed Patricia Cullen.

**Statewide Independent Living Council**

**Kenneth Jessup**, 624 Sea Oats Way, **Virginia Beach**, Virginia 23451, Member, appointed May 6, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed himself.

**Kathryn M. Merritt**, 5604 Tumbleweed Circle, Apartment E, **Henrico**, Virginia 23228, Member, appointed May 6, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed Ellen Shackelford.

**Lauren Snyder Roche**, 22 Robert Bruce Road, **Poquoson**, Virginia 23662, Member, appointed May 6, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

**Patricia Harvey Stevenson**, 105 Blincoe Lane, **Charlottesville**, Virginia 22902, Member, appointed May 6, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

**INDEPENDENT****State Lottery Board**

**Robert M. Howard**, 2328 Red Tide Road, **Virginia Beach**, Virginia 23451, Member, appointed April 3, 2014, for a term of five years beginning January 15, 2014, and ending January 14, 2019, to succeed himself.

**NATURAL RESOURCES****Board of Historic Resources**

**Drew A. Gruber**, 117 Sharps Road, **Williamsburg**, Virginia 23188, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Jeanne Evans.

**Virginia Land Conservation Foundation**

**Amy Saucier Kelley**, 306 North 26th Street, #119, **Richmond**, Virginia 23223, Member, appointed April 23, 2014, to serve an unexpired term beginning July 1, 2010, and ending June 30, 2014, to succeed Brooks Smith.

**John Paul Woodley, Jr.**, 9617 Staysail Court, **Burke**, Virginia 22015, Member, appointed April 23, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Robert Davenport.

**PUBLIC SAFETY AND HOMELAND SECURITY****Virginia Parole Board**

**Karen Downing Brown**, 51 Edenbrook Drive, **Hampton**, Virginia 23666, Vice Chair, appointed April 11, 2014, to serve at the pleasure of the Governor beginning April 11, 2014, to succeed herself.

**A. Lincoln James**, 3424 Cheyenne Road, **Richmond**, Virginia 23235, Member, appointed April 11, 2014, to serve at the pleasure of the Governor beginning April 11, 2014, to succeed Rita Angelone.

**Sherman P. Lea**, 1638 Lonna Drive NW, **Roanoke**, Virginia 24019, Member, appointed April 11, 2014, to serve at the pleasure of the Governor beginning April 11, 2014, to succeed Fred Quayle.

**Minor F. Stone**, 222 Valleau Road, **Norfolk**, Virginia 23502, Member, appointed April 11, 2014, to serve at the pleasure of the Governor beginning April 11, 2014, to succeed himself.

**TRANSPORTATION****Commonwealth Transportation Board**

**Henry L. Connors, Jr.**, 13705 General Slocum Court, **Fredericksburg**, Virginia 22407, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2014, to succeed Cord A. Sterling.

**James W. Dyke, Jr.**, 2125 Cabots Point Lane, **Reston**, Virginia 20191, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2014, to succeed Fran E. Fisher.

**E. Scott Kasprovicz**, 22639 Fox Croft Road, **Middleburg**, Virginia 20117, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2017, to succeed Hollis D. Ellis.

**Court G. Rosen**, 3062 Lockridge Road, **Roanoke**, Virginia 24014, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2014, to succeed Allen Louderback.

**Shannon Valentine**, 1487 Langhorne Road, **Lynchburg**, Virginia 24503, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2015, to succeed Mark J. Peake.

**Marty Williams**, 8858 River Road, **Richmond**, Virginia 23229, Member, appointed May 1, 2014, to serve an unexpired term beginning May 1, 2014, and ending June 30, 2014, to succeed W. Sheppard Miller.

**VETERANS AND DEFENSE AFFAIRS****Board of Veterans Services**

**Belinda Pinckney**, 3509 Schuerman House Drive, **Fairfax**, Virginia 22050, Member, appointed April 9, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed Alfredo Sample.

**SENATE JOINT RESOLUTION NO. 258**

*Confirming appointments by the Governor of certain persons communicated June 16, 2014.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain agency heads made by Governor Terry McAuliffe and communicated to the General Assembly June 16, 2014.

**Sandra J. Adams**, 102 Governor Street, **Richmond**, Virginia 23219, Commissioner, Department of Agriculture and Consumer Services, effective June 6, 2014, to serve at the pleasure of the Governor, to succeed Matt Lohr.

**Melvin Carter**, 1005 Technology Park Drive, **Glen Allen**, Virginia 23059, Executive Director, Department of Fire Programs, effective May 5, 2014, to serve at the pleasure of the Governor, to succeed William Shelton.

**Jay W. DeBoer**, 9960 Mayland Drive, Suite 400, **Richmond**, Virginia 23233, Director, Department of Professional and Occupational Regulation, effective April 28, 2014, to serve at the pleasure of the Governor, to succeed Gordon Dixon.

**Paula Otto**, 900 East Main Street, **Richmond**, Virginia 23219, Director, Virginia Lottery, effective March 25, 2014, to serve at the pleasure of the Governor, to succeed herself.

**Jeffrey D. Stern**, 10501 Trade Court, **North Chesterfield**, Virginia 23236, State Coordinator, Department of Emergency Management, effective May 12, 2014, to serve at the pleasure of the Governor, to succeed Michael Cline.

**Crafton O. Wilkes**, 102 Governor Street, Suite 206, **Richmond**, Virginia 23219, Administrator, Milk Commission, effective June 1, 2014, to serve at the pleasure of the Governor, to succeed Rodney Phillips.

**Timothy P. Williams**, 5901 Beulah Road, **Sandston**, Virginia 23150, Adjutant General, Department of Military Affairs, effective June 1, 2014, to serve at the pleasure of the Governor, to succeed Daniel Long.

### SENATE JOINT RESOLUTION NO. 259

*Confirming appointments by the Governor of certain persons communicated August 1 and August 11, 2014.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly August 1 and 11, 2014:

#### AGENCY HEADS

**Edgardo Cortés**, 1100 Bank Street, 1st Floor, **Richmond**, Virginia 23219, Commissioner, Department of Elections, effective July 1, 2014, to serve at the pleasure of the Governor, to fill a new position.

**June W. Jennings**, 13712 Brandycrest Drive, **Chesterfield**, Virginia 23832, State Inspector General, effective June 27, 2014, to fill an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Michael Morehart.

#### ADMINISTRATION

##### Art and Architectural Review Board

**Sanford Bond**, 1518 West Avenue, **Richmond**, Virginia 23220, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charles McDowell.

**Robert S. Mills**, 30 Lexington Road, **Richmond**, Virginia 23226, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kathleen Frazier.

**Faithe M. Norrell**, 8110 Cavendish Lane, **Richmond**, Virginia 23227, Member, appointed June 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Gray Dodson.

**Burchell Pinnock**, 4917 New Kent Road, **Richmond**, Virginia 23235, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Clinton K. Good.

**Helen A. Wilson**, 1033 Bridlewood Trail, **Keswick**, Virginia 22947, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Constance Warnock.

##### Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

**Susan S. Alefantis**, 6513 Brawner Street, **McLean**, Virginia 22101, Member, appointed May 28, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Laura Garrett.

**Leslie Greene Bowman**, Post Office Box 316, **Charlottesville**, Virginia 22902, Member, appointed May 28, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed G. William Greer.

**Cynthia H. Conner**, 412 Prince Street, **Alexandria**, Virginia 22314, Member, appointed May 27, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Charles Macfarlane.

**Beverly B. Davis**, 8304 Paigley Place, **Richmond**, Virginia 23229, Member, appointed May 28, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Tyler Allen.

**Will Paulsen**, 2040 North Pantops Drive, **Charlottesville**, Virginia 22911, Member, appointed May 28, 2014, to serve an unexpired term beginning May 28, 2014, and ending March 31, 2018, to succeed Virginia Holton.

**Jane M. Plum**, 2073 Cobblestone Lane, **Reston**, Virginia 20191, Member, appointed May 29, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Rebecca Matney.

**Monica Rao**, 9903 Colony Bluff Drive, **Henrico**, Virginia 23238, Member, appointed May 28, 2014, to serve a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Richard Carter.

**Alexander G. Reeves, Jr.**, 3810 Dover Road, **Richmond**, Virginia 23221, Member, appointed May 28, 2014, to serve an unexpired term beginning May 28, 2014, and ending March 31, 2018, to succeed Kathryn Watkins.

**Davis C. Rennolds**, 5707 Park Avenue, **Richmond**, Virginia 23226, Member, appointed May 28, 2014, for a term of five years beginning April 1, 2014, and ending March 31, 2019, to succeed Robert Strohm.

**Brownie Beahm Ritenour**, 437 Clicks Lane, **New Market**, Virginia 22844, Member, appointed June 5, 2014, to serve an unexpired term beginning May 28, 2014, and ending March 31, 2018, to succeed Rita Moyer Smith.

#### **Council on Women**

**Lashrecce D. Aird**, 2363 Fort Lee Road, **Petersburg**, Virginia 23803, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Leslie Anderson.

**Meta Braymer**, 4308 Monument Park, **Richmond**, Virginia 23230, Member, appointed July 29, 2014, to serve an unexpired term beginning July 26, 2014, and ending June 30, 2015, to succeed Carey Sousa.

**Carol Rick Gibbons**, 4301 Welby Drive, **Midlothian**, Virginia 23113, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Bakula Dave.

**Meredith Johnson Harbach**, 9420 Michelle Place, **Richmond**, Virginia 23229, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Nicole Neily.

**Sally A. Mullikin**, 3126 Kensington Avenue, **Richmond**, Virginia 23221, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Camille Fleenor.

**Marcia Simone Price**, 914 Shore Drive, **Newport News**, Virginia 23607, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Dawn James.

**Susan Johnston Rowland**, 1234 Edgewood Avenue, **Chesapeake**, Virginia 23324, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Brenda Fastabend.

**Rita Surratt**, 188 Chancellor Lane, **Clintwood**, Virginia 24228, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

#### **AGRICULTURE AND FORESTRY**

##### **Board of Forestry**

**D. Keith Drohan**, 14145 Burruss Lane, **Ruther Glen**, Virginia 22546, Member, appointed July 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Thomas W. Evelyn.

**James D. Harder**, 1303 Crestview Drive, **Blacksburg**, Virginia 24060, Member, appointed July 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Nadine Block.

**J. Kenneth Morgan, Jr.**, Post Office Box 514, **Clarksville**, Virginia 23927, Member, appointed July 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

##### **Virginia Horse Industry Board**

**William David Lamb**, 17110 James Madison Highway, **Gordonsville**, Virginia 22942, Member, appointed June 10, 2014, for a term of three years beginning June 20, 2014, and ending June 19, 2017, to succeed himself.

**Harold C. McKenzie III**, 3212 Laurel Drive, **Blacksburg**, Virginia 24060, Member, appointed June 12, 2014, for a term of three years beginning June 20, 2013, and ending June 19, 2016, to succeed himself.

##### **Virginia Small Grains Board**

**Ellen Matthews Davis**, 7610 Davis Pond Road, **West Point**, Virginia 23181, Member, appointed July 8, 2014, to serve an unexpired term beginning September 1, 2013, and ending August 31, 2016, to succeed John Mills.

**James H. Hundley III**, 1024 Cloverfield Lane, **Champlain**, Virginia 22438, Member, appointed July 8, 2014, to serve an unexpired term beginning September 1, 2013, and ending August 31, 2016, to succeed himself.

#### **AUTHORITIES**

##### **Virginia Biotechnology Research Park Authority**

**Kenneth E. Ampy**, 14307 Clemons Drive, **Midlothian**, Virginia 23114, Member, appointed June 25, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Ronald Wright.

**Eric S. Edwards**, 6431 Burnt Mills Lane, **Moseley**, Virginia 23120, Member, appointed July 10, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Zobair Younossi.

##### **Virginia Port Authority Board of Commissioners**

**J. William Cofer**, 1440 Waters Edge Drive, **Virginia Beach**, Virginia 23452, Member, appointed June 26, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Frank Laughon.

**Faith B. Power**, 1005 Heth Place, **Winchester**, Virginia 22601, Member, appointed June 16, 2014, to serve an unexpired term beginning May 21, 2014, and ending June 30, 2016, to succeed Ting Xu.

**John N. Pullen**, 7 Hillaire Lane, **Richmond**, Virginia 23229, Member, appointed June 25, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Deborah C. Waters**, 6729 Crittenden Road, **Suffolk**, Virginia 23432, Member, appointed July 17, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Juliann Clemente.

##### **Virginia Public School Authority Board of Commissioners**

**Jay Bhandari**, 2118 Tysons Executive Court, **Dunn Loring**, Virginia 22027, Member, appointed June 24, 2014, for a term of six years beginning July 1, 2014, and ending June 30, 2020, to succeed Kanchana Thamodaran.

**Walter J. Mika, Jr.**, 5612 Eastbourne Drive, **Springfield**, Virginia 22151, Member, appointed July 15, 2014, for a term of six years beginning July 1, 2014, and ending June 30, 2020, to succeed James Holland.

## COMMERCE AND TRADE

### Auctioneers Board

**William McGuire Farmer**, 431 Homeplace Drive, **Salem**, Virginia 24153, Member, appointed July 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Bryant.

**Michael S. Phillips**, 1101 Haxall Point, #208, **Richmond**, Virginia 23219, Member, appointed July 22, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Marie Torrans.

**Linda W. Terry**, 225 Gun Club Road, **Richmond**, Virginia 23221, Member, appointed July 9, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed George Daniel.

### Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

**Christopher M. Stone**, 924 Queen Elizabeth Drive, **Virginia Beach**, Virginia 23452, Member, appointed July 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Combs.

### Board for Barbers and Cosmetology

**Robert D. Jones II**, 211 Fulham Circle, **Richmond**, Virginia 23227, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jessie Anders.

**Thomas Daniel Jones**, 4179 Electric Road, **Roanoke**, Virginia 24018, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Sean Sweeney.

**Anne R. McCaffrey**, 1237 Lorraine Avenue, **Richmond**, Virginia 23227, Member, appointed June 26, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Virginia Sanders.

**Jonathan W. Minor**, 5410 New Kent Highway, **Quinton**, Virginia 23141, Member, appointed April 14, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Lonnie Quesenberry**, 163 King Street, **North Tazewell**, Virginia 24630, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Gail Mayhue.

**Tony M. Williams**, 7491 Sherwood Crossing, **Mechanicsville**, Virginia 23111, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Daniel Chapman.

### Board of Accountancy

**Andrea M. Kilmer**, 801 Costa Grande Drive, **Virginia Beach**, Virginia 23456, Member, appointed June 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

### Board of Coal Mining Examiners

**Bennie B. Johnson**, 68 Woodland Circle, Post Office Box 1351, **Lebanon**, Virginia 24266, Member, appointed May 13, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Gerald Kendrick.

### Board of Directors of the Virginia Resources Authority

**Thomas L. Hasty III**, 1320 Baffly Loop, **Chesapeake**, Virginia 23320, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Board of Directors of the Virginia Tourism Authority

**Terry L. Stroud**, 2350 Castlebridge Road, **Midlothian**, Virginia 23113, Member, appointed June 20, 2014, for a term of six years beginning July 1, 2014, and ending June 30, 2020, to succeed Cal Simmons.

**Paul H. van Leeuwen**, 332 Laskin Road, Apartment 401, **Virginia Beach**, Virginia 23451, Member, appointed June 20, 2014, for a term of six years beginning July 1, 2014, and ending June 30, 2020, to succeed David Hummel.

### Board of Housing and Community Development

**John W. Ainslie, Jr.**, 2110 Windward Shore Drive, **Virginia Beach**, Virginia 23451, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Shekar Narasimhan**, 2502 Sandburg Street, **Dunn Loring**, Virginia 22027, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Tito Munoz.

**Thomas I. Shields, Jr.**, 3184 Village Drive, **Waynesboro**, Virginia 22980, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Cemetery Board

**Enid Walker Butler**, 200 Gaslight Way, **Williamsburg**, Virginia 23188, Member, appointed June 6, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Pamela Lundy.

**Armistead W. Dudley**, 7729 Dunfield Place, Apartment 1A, **Norfolk**, Virginia 23505, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jane Garland.

### Center for Rural Virginia

**Andrew D. Whitley**, 210 Hillview Drive, **Chilhowie**, Virginia 24319, Member, appointed June 6, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Keith Miller.

### Common Interest Community Board

**Mary Elizabeth Jonson**, 14281 Bakerwood Place, **Haymarket**, Virginia 20169, Member, appointed June 26, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Frederick Ahlberg.

**Kimberly Beard Kacani**, 10215 Rounding Run, **Henrico**, Virginia 23238, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Christiaan P. Melson**, 4520 Waverly Crossing Lane, **Chantilly**, Virginia 20151, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Katherine E. Waddell**, 8130 East Greystone Circle, **Henrico**, Virginia 23229, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Miyun Sung.

**David Watts**, 8717 Mary Lee Lane, **Annandale**, Virginia 22003, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Douglas Rogers.

#### **Fair Housing Board**

**Myra Howard**, 706 Spottswood Road, **Richmond**, Virginia 23229, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Matthew Kim.

**Linda R. Melton**, 2605 Park Green Way, **Glen Allen**, Virginia 23060, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed F. Thomas Eck.

**Larry B. Murphy**, 4106 Rockridge Place, **Chester**, Virginia 23831, Member, appointed June 17, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Mark Kinser.

**Andrew Reisinger**, 14871 Haven Way Lane, **Ashland**, Virginia 23005, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Robert W. Schaberg**, 9109 Windover Court, **Henrico**, Virginia 23229, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Thomas Gifford.

#### **Real Estate Board**

**Jennifer Barton Boysko**, 940 Locust Street, **Herndon**, Virginia 20170, Member, appointed June 26, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Nathaniel Brown.

**Antonio M. Elias**, 818C Cabell Avenue, **Charlottesville**, Virginia 22903, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jorge Lozano.

**Sandra W. Ferebee**, 421 West Bute Street, Unit #302, **Norfolk**, Virginia 23510, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Joseph K. Funkhouser II**, 320 Fairway Drive, **Harrisonburg**, Virginia 22802, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Tobacco Indemnification and Community Revitalization Commission**

**Rebecca Coleman**, 2507 Wadlow Gap Highway, Post Office Box 217, **Gate City**, Virginia 24251, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Cindy Thomas.

**Melissa Neff Gould**, 168 College Avenue, **Danville**, Virginia 24541, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Connie Nyholm.

**Franklin D. Harris**, 2901 Crayton Lane, **Amelia**, Virginia 23002, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Burgess Hamlet.

**Edward Owens**, 121 Robin Hood Road, Post Office Box 946, **South Boston**, Virginia 24592, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Beth Rhinehart.

#### **Virginia Apprenticeship Council**

**Robert B. Benson**, 6613 Saint Pauls Road, **King George**, Virginia 22485, Member, appointed July 21, 2014, to serve an unexpired term beginning June 21, 2013, and ending June 20, 2016, to succeed Ashby Kilgore.

#### **Virginia Asian Advisory Board**

**Imran Akram**, 9396 Farmingdale Court, **Great Falls**, Virginia 22066, Member, appointed June 3, 2014, to serve an unexpired term beginning June 3, 2014, and ending June 30, 2017, to succeed Michael Liew.

**Julia J. Kim**, 2750 Gallows Road, Apartment 630, **Vienna**, Virginia 22180, Member, appointed July 10, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Andrew Ko.

**Natalie T. Nguyen**, 5367 Taney Avenue, Apartment 101, **Alexandria**, Virginia 22304, Member, appointed June 3, 2014, to serve an unexpired term beginning June 3, 2014, and ending June 30, 2017, to succeed Chin Wang.

**Kirtesh D. Patel**, 2126 River Oaks Drive, **Salem**, Virginia 24153, Member, appointed June 3, 2014, to serve an unexpired term beginning June 3, 2014, and ending June 30, 2017, to succeed Suwattana Sugg.

**John R. Smith, Jr.**, 11705 Kimbolton Place, **Glen Allen**, Virginia 23059, Member, appointed June 3, 2014, to serve an unexpired term beginning June 3, 2014, and ending June 30, 2017, to succeed Ray Obispo.

#### **Virginia Board for Asbestos, Lead, and Home Inspectors**

**Colleen G. Becker**, 3634 South Square, **Williamsburg**, Virginia 23188, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

#### **Virginia Housing Development Authority**

**Lemella Y. Carrington**, 4802 Chardon Road, **Richmond**, Virginia 23231, Member, appointed June 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jacqueline Black.

**Timothy M. Chapman**, 1232 Tottenham Court, **Reston**, Virginia 20194, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Virginia Offshore Wind Development Authority**

**Mary C. Doswell**, 6010 Saint Andrews Lane, **Richmond**, Virginia 23226, Member, appointed June 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Phillip S. Green**, 2230 George C. Marshall Drive, #1203, **Falls Church**, Virginia 22043, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ron Ritter.

**Deborah E. Miller**, 4216 Oak Hill Drive, **Annandale**, Virginia 22003, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Douglas Lynn Faulkner.

**Virginia Small Business Financing Authority**

**Nicholas T. Jordan**, 220 20th Street, Apartment 1906, **Arlington**, Virginia 22202, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Jacquemin.

**Gail L. Letts**, 4400 Welby Drive, **Midlothian**, Virginia 23113, Member, appointed June 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Song Park.

**COMPACTS**

**Southern Regional Education Board**

**Janet D. Howell**, 11338 Woodbrook Lane, **Reston**, Virginia 20194, Member, appointed July 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mark Cole.

**Virginia Council on the Interstate Compact on Educational Opportunity for Military Children**

**Steven R. Staples**, 3715 Mesa River, **Williamsburg**, Virginia 23188, Member, appointed June 25, 2014, to serve at the pleasure of the Governor beginning June 25, 2014, to succeed Patricia Wright.

**DESIGNATED**

**Governor's Commemorative Commission Honoring the Contributions of the Women of Virginia**

**Krysta N. Jones**, 5101 8th Road South, #314, **Arlington**, Virginia 22204, Member, appointed June 24, 2014, to serve at the pleasure of the Governor beginning June 27, 2014, to succeed Rita McClenny.

**Poet Laureate of Virginia**

**James Ronald Smith**, 616 Maple Avenue, **Richmond**, Virginia 23226, Poet Laureate, appointed June 20, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Sofia Starnes.

**EDUCATION**

**Christopher Newport University Board of Visitors**

**Bill Ermatinger**, 1724 Centennial Drive, **Toano**, Virginia 23168, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Margo Taylor.

**Vicki Siokis Freeman**, 100 Nat Turner Boulevard, **Newport News**, Virginia 23606, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Charles Bradford Hunter**, 511 Mount Vernon Avenue, **Portsmouth**, Virginia 23707, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Bryan Meals.

**Gabriel A. Morgan, Sr.**, Post Office Box 150, **Newport News**, Virginia 23607, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Bill Thomas.

**Ella P. Ward**, 1517 Pine Grove Lane, **Chesapeake**, Virginia 23321, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Delceno Miles.

**College of William and Mary Board of Visitors**

**Sue H. Gerdelman**, 3025 Kitchum's Close, **Williamsburg**, Virginia 23185, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Christopher M. Little**, 154 Three Ponds Lane, **McDowell**, Virginia 24458, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edward Flippen.

**William H. Payne II**, 10213 Raintree Commons Lane, **Henrico**, Virginia 23238, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Louis Schroeder.

**Lisa E. Roday**, 9624 Sloman Place, **Henrico**, Virginia 23238, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charles Banks.

**George Mason University Board of Visitors**

**Mahfuz Ahmed**, 1126 Marlene Lane, **Great Falls**, Virginia 22066, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Tony Jimenez.

**Claire Dwoskin**, 1255 Crest Lane, **McLean**, Virginia 22101, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Steve Mullins.

**Jon M. Peterson**, 6318 Pohick Station Road, **Fairfax Station**, Virginia 22039, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed C. Daniel Clemente.

**Tracy Schar**, 10029 Windy Hollow Road, **Great Falls**, Virginia 22066, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Nancy Pfothenauer.

**Institute for Advanced Learning and Research**

**Betty Jo Foster**, 1388 Rocksprings Road, **Ringgold**, Virginia 24586, Member, appointed July 21, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

**Chris A. Lumsden**, 409 Monroe Street, **South Boston**, Virginia 24592, Member, appointed May 19, 2014, to serve an unexpired term beginning October 1, 2013, and ending June 30, 2015, to succeed Leigh Cockram.

**James Madison University Board of Visitors**

**William T. Bolling**, 7995 Strawhorn Drive, **Mechanicsville**, Virginia 23116, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kenneth Bartee.

**Warren K. Coleman**, 3801 Reynard Court, **Henrico**, Virginia 23233, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ronald Devine.

**Vanessa M. Evans**, 4605 Briarwood Drive, **Charlottesville**, Virginia 22911, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Steven Smith.

**Lucy Hutchinson**, 3510 Blair Road, **Falls Church**, Virginia 22041, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Susan Allen.

**Edward H. Rice**, 2217 Halcyon Lane, **Vienna**, Virginia 22181, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lois Forbes.

#### **Longwood University Board of Visitors**

**Eileen M. Anderson**, 12401 Chadsworth Place, **Glen Allen**, Virginia 23059, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Judi Lynch.

**Katherine Elam Busser**, 1 Lower Tuckahoe Road West, **Richmond**, Virginia 23238, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ronald White.

**David H. Hallock**, 3062 Lockridge Road, **Roanoke**, Virginia 24014, Member, appointed June 19, 2014, to serve an unexpired term beginning July 1, 2011, and ending June 30, 2015, to succeed Jane Maddux.

**Lucia Anna Trigiani**, 710 South Union Street, **Alexandria**, Virginia 22314, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edward Gordon.

#### **Norfolk State University Board of Visitors**

**Lamont Bagby**, 912 Wellston Court, **Glen Allen**, Virginia 23059, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed D. Dickerson.

**Elwood Bernard Boone III**, 1097 Caton Drive, **Virginia Beach**, Virginia 23454, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edward Hamm.

**Thomas N. Chewning**, 4800 Lockgreen Circle, **Richmond**, Virginia 23226, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Bryan D. Cuffee**, 300 32nd Street, Suite 400, **Virginia Beach**, Virginia 23451, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Larry A. Griffith**, Post Office Box 513, **Annandale**, Virginia 22003, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Christel Lewis.

#### **Old Dominion University Board of Visitors**

**Carlton Bennett**, 120 South Lynnhaven Road, Suite 100, **Virginia Beach**, Virginia 23454, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Luke Hillier.

**Jay Harris**, 126 Tiffany Lane, **Bristol, Connecticut** 06010, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jeffrey Ainslie.

**William D. Sessoms, Jr.**, 4817 Ocean Front Avenue, **Virginia Beach**, Virginia 23451, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Dee Gilmore.

**Lisa B. Smith**, 320 College Place, **Norfolk**, Virginia 23510, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Marc Jacobson.

**Fred J. Whyte**, 1533 West Little Neck Road, **Virginia Beach**, Virginia 23452, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Radford University Board of Visitors**

**Andrew B. Fogarty**, 12831 Chesdin Point Court, **Chesterfield**, Virginia 23838, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Milton Johns.

**Susan Whealler Johnston**, 453 South Buckmarsh Street, **Berryville**, Virginia 22611, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Linda Whitley Taylor.

**Steve A. Robinson**, 304 Westside Drive, **Chapel Hill, North Carolina** 27516, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Javaid E. Siddiqi**, 12800 Millstep Terrace, **Midlothian**, Virginia 23112, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Stephan Cassaday.

**Christopher Wade**, 9930 Hobart Court, **Fairfax**, Virginia 22032, Member, appointed July 23, 2014, to serve an unexpired term beginning July 16, 2014, and ending June 30, 2017, to succeed Michael Hurt.

#### **Roanoke Higher Education Authority Board of Trustees**

**Robert A. Archer**, 401 High Street, **Salem**, Virginia 24153, Member, appointed July 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Tony Walker.

**Charles A. Price, Jr.**, 3101 Willow Road, **Roanoke**, Virginia 24017, Member, appointed July 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mike Wray.

**Patricia White-Boyd**, 2508 Round Top Road, **Roanoke**, Virginia 24012, Member, appointed July 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Dennis Cronk.

#### **Science Museum of Virginia Board of Trustees**

**Eucharia Jackson**, 13273 Kellington Lane, **Richmond**, Virginia 23238, Member, appointed June 5, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Charles Warren.

**Linda Nash**, 9108 Windover Court, **Richmond**, Virginia 23229, Member, appointed June 19, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed James Starkey.

**James T. Roberts**, 3816 Brennen Robert Place, **Glen Allen**, Virginia 23060, Member, appointed June 5, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Everett Howerton.

**Southern Virginia Higher Education Center Board of Trustees**

**Douglas E. Lee**, 4311 Greenway Place, **Lynchburg**, Virginia 24503, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Abbott.

**Charlette T. Woolridge**, 406 South Main Street, **Lawrenceville**, Virginia 23868, Member, appointed June 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Loretta B. Harris.

**Southwest Virginia Higher Education Center Board of Trustees**

**Steven C. Cochran**, 2175 Maple Lane, **Blacksburg**, Virginia 24060, Member, appointed July 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Rainero.

**Christine P. Kinser**, 2776 Clear Fork Road, **Tazewell**, Virginia 24651, Member, appointed July 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Fred Marion.

**State Board for Community Colleges**

**Thomas M. Brewster**, 172 Angel Lane, **Falls Mills**, Virginia 24613, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Bruce Meyer.

**William C. Hall, Jr.**, 3142 Monument Avenue, **Richmond**, Virginia 23221, Member, appointed June 13, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Mirta Martin.

**Eleanor B. Saslaw**, 5304 Woodland Estates Way, **Springfield**, Virginia 22151, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Michael Thomas.

**Michael J. Schewel**, 318 Greenway Lane, **Richmond**, Virginia 23226, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Sasha Gong.

**State Council of Higher Education for Virginia**

**Marge Connelly**, 2580 Palmer Drive, **Keswick**, Virginia 22947, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Joann DiGennaro.

**Henry D. Light**, 1221 South Fairwater Drive, **Norfolk**, Virginia 23508, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Julious Smith.

**William L. Murray**, 3712 Barrington Bridge Place, **Richmond**, Virginia 23233, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mary Haddad.

**The Library Board**

**Jon Bowerbank**, 194 Willow Brook Drive, **Rosedale**, Virginia 24280, Member, appointed July 11, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Kristin Cabral**, 1869 Rhode Island Avenue, **McLean**, Virginia 22101, Member, appointed July 1, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Meyera Oberndorf.

**M. David Skiles**, 14155 Autumn Circle, **Centreville**, Virginia 20121, Member, appointed July 11, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**University of Mary Washington Board of Visitors**

**Holly T. Cuellar**, 921 Balboa Avenue, **Coronado, California** 92118, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Carlos Del Toro**, 2 Brittany Lane, **Stafford**, Virginia 22554, Member, appointed July 11, 2014, to serve an unexpired term beginning July 10, 2014, and ending June 30, 2017, to succeed Tabitha Geary.

**R. Edward Houck**, 306 Woodfield Drive, **Spotsylvania**, Virginia 22553, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Joseph Wilson.

**Fred M. Rankin III**, 4 Derby Drive, **Fredericksburg**, Virginia 22405, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Xavier Richardson.

**University of Virginia and Affiliated Schools Board of Visitors**

**L.D. Britt**, 335 Tindall's Court, **Suffolk**, Virginia 23436, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Linwood Rose.

**Frank M. Conner III**, 412 Prince Street, **Alexandria**, Virginia 22314, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Timothy Robertson.

**Barbara Fried**, 5924 Fried Farm Road, **Crozet**, Virginia 22932, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Marvin Gilliam.

**John G. Macfarlane III**, 71 Five Mile River Road, **Darien, Connecticut** 06820, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Hunter Craig.

**Virginia Commission for the Arts**

**Robert K. Behr**, 5118 Johnson Lane, **Chincoteague Island**, Virginia 23336, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Tina Lea.

**Dorothy Blackwell**, 502 Taylor Street, **Lexington**, Virginia 24450, Member, appointed June 13, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Ann Trinkle.

**Lorita C. Daniels**, 6011 Sunlight Mountain, **Spotsylvania**, Virginia 24450, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Marcia Thalhimer.

**Jay H. Dick**, 7813 Bold Lion Lane, **Alexandria**, Virginia 22315, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Marcia Speck.

**Jo Hodgin**, 3810 Rose Lane, **Annandale**, Virginia 22003, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Ann Rust.

**John V. Rainero**, 12473 King Mill Pike, **Bristol**, Virginia 24202, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Lisa Alderman.

**Grace H. Wolf**, 1306 Monroe Street, **Herndon**, Virginia 20170, Member, appointed June 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Willie Dell.

#### **Virginia Commonwealth University Board of Visitors**

**William M. Ginther**, 2605 Autumnfield Road, **Midlothian**, Virginia 23113, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Franklin P. Hall**, 5104 Riverside Drive, **Richmond**, Virginia 23225, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kamlesh Dave.

**Colette Wallace McEachin**, 304 North Wilkinson Road, **Richmond**, Virginia 23227, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kay James.

**Alexander B. McMurtrie, Jr.**, 9211 Forest Hill Avenue, Suite 105, **Richmond**, Virginia 23235, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Virginia Military Institute Board of Visitors**

**Bruce C. Gottwald, Jr.**, 600 East Main Street, Suite 2125, **Richmond**, Virginia 23219, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Conrad Mercer Hall**, 215 Brooks Avenue, **Norfolk**, Virginia 23510, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Paul Fraim.

**Richard K. Hines V**, 5 Nacoochee Place, **Atlanta, Georgia** 30305, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed W. Robertson.

**Joe R. Reeder**, 106 West Rosemont Avenue, **Alexandria**, Virginia 22301, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Patricia Hickerson.

#### **Virginia Polytechnic Institute and State University Board of Visitors**

**Michael J. Quillen**, 15121 Washington Way, **Bristol**, Virginia 24202, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Wayne Robinson**, 2373 Brandt Village, **Greensboro, North Carolina** 27455, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Suzanne Obenshain.

**Mehul Sanghani**, 10303 Forest Maple Road, **Vienna**, Virginia 22182, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Rocovich.

**Horacio A. Valeiras**, 7650 Exchange Place, **La Jolla, California** 92037, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Holtzman.

#### **Virginia State University Board of Visitors**

**Harry E. Black**, 3900 North Charles Street, Apartment 1309, **Baltimore, Maryland** 21218, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Thursa D. Crittenden**, 2124 Soundings Crescent Court, **Suffolk**, Virginia 23435, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Allyn Carnam.

**Charlie W. Hill**, 1 Ambassador Drive, **Hampton**, Virginia 23666, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James Starkey.

**Alma C. Hobbs**, 6901 Stratford Townes Way, **Richmond**, Virginia 23225, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Catherine Gillespie.

**Xavier R. Richardson**, 8121 Lee Jackson Circle, **Spotsylvania**, Virginia 22553, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed E. Murphy.

### **FINANCE**

#### **Advisory Council on Revenue Estimates**

**Nancy Howell Agee**, 802 Cherrywood Road, **Salem**, Virginia 24153, Member, to serve at the pleasure of the Governor beginning July 15, 2014, to succeed Deborah Petrine.

**Richard Scott Blackley**, 43414 Turnberry Isle Court, **Leesburg**, Virginia 20176, Member, to serve at the pleasure of the Governor beginning July 17, 2014, to succeed Russ Ramsey.

**William G. Crutchfield, Jr.**, 2406 Northfield Road, **Charlottesville**, Virginia 22901, Member, to serve at the pleasure of the Governor beginning July 11, 2014, to succeed Hobey Bauhan.

**Albert J. Dwoskin**, 1255 Crest Lane, **McLean**, Virginia 22101, Member, to serve at the pleasure of the Governor beginning July 11, 2014, to succeed Michael Frazier.

**Thomas F. Farrell II**, 120 Tredegar Street, **Richmond**, Virginia 23219, Member, to serve at the pleasure of the Governor beginning July 11, 2014, to succeed himself.

**B. Keith Fulton**, 301 Virginia Street, Unit 613, **Richmond**, Virginia 23219, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to succeed himself.

**William M. Grace**, 310 Fairway Lane, **Yorktown**, Virginia 23693, Member, to serve at the pleasure of the Governor beginning July 15, 2014, to succeed himself.

**Robert D. Hardie**, 2115 Dogwood Lane, **Charlottesville**, Virginia 22901, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to succeed himself.

**James A. Hixon**, 3329 Kline Drive, **Virginia Beach**, Virginia 23452, Member, to serve at the pleasure of the Governor beginning July 11, 2014, to succeed himself.

**C. Burke King**, 1831 Hanover Avenue, **Richmond**, Virginia 23220, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to succeed himself.

**Jeffrey M. Lacker**, 2620 Stuart Avenue, Unit 3E, **Richmond**, Virginia 23220, Member, to serve at the pleasure of the Governor beginning July 11, 2014, to succeed himself.

**Robin S. Lineberger**, 1159 Orlo Drive, **McLean**, Virginia 22102, Member, to serve at the pleasure of the Governor beginning July 17, 2014, to succeed Frank Genovese.

**Stephen C. Movius**, 6618 Van Winkle Drive, **Falls Church**, Virginia 22044, Member, to serve at the pleasure of the Governor beginning July 15, 2014, to succeed Richard Gilliam.

**Jonas E. Neihardt**, 611 South Fairfax Street, **Alexandria**, Virginia 22314, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to succeed himself.

**Clement Michael Petters**, 206 Hilton Terrace, **Newport News**, Virginia 23601, Member, to serve at the pleasure of the Governor beginning July 14, 2014, to succeed himself.

**C. Larry Pope**, 319 East Landing, **Williamsburg**, Virginia 23185, Member, to serve at the pleasure of the Governor beginning July 16, 2014, to succeed Karen Booth-Adams.

**Mitchell N. Shear**, 1255 25th Street Northwest, Apartment 1016, **Washington, District of Columbia** 20037, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to fill a vacant position.

**Jody M. Wagner**, 7106 Oceanfront Avenue, **Virginia Beach**, Virginia 23451, Member, to serve at the pleasure of the Governor beginning July 10, 2014, to succeed Jennifer Morgan.

#### **Council on Virginia's Future**

**Michael J. Cassidy**, 407 Horsepen Road, **Richmond**, Virginia 23229, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edward Gillespie.

**Aneesh P. Chopra**, 2516 North Upland Street, **Arlington**, Virginia 22207, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Wynne.

#### **Debt Capacity Advisory Committee**

**Ronald L. Tillet**, 14550 Sarum Terrace, **Midlothian**, Virginia 23113, Member, appointed June 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Joint Advisory Board of Economists**

**Christine Chmura**, 10481 Old Washington Highway, **Glen Allen**, Virginia 23059, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed herself.

**Stephen S. Fuller**, 1200 North Nash Street, Apartment 203, **Arlington**, Virginia 22209, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Richard Rahn.

**Alice Louise Kassens**, 158 Grey Fox Lane, **Fincastle**, Virginia 24090, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Omar Al-Ubaydli.

**Tu T. Le**, 11000 Wooferton Court, **Midlothian**, Virginia 23112, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Matthew Mitchell.

**Ann Battle Macheras**, 12301 Sentury Meadow Drive, **Richmond**, Virginia 23233, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed David A. Brat.

**A. Fletcher Mangum**, 2817 Sable Road, **Richmond**, Virginia 23233, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed himself.

**Daniel C. Messerschmidt**, 1928 Gaymoor Terrace, **Lynchburg**, Virginia 24503, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed himself.

**Roy L. Pearson**, 4400 Chickasaw Court, **Williamsburg**, Virginia 23188, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Richard Mattoon.

**Michelle Albert Vachris**, 4312 Lookout Road, **Virginia Beach**, Virginia 23455, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed John Albertine.

**Mark P. Vitner**, 714 East 10th Street, **Charlotte, North Carolina** 28202, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed himself.

**Roy H. Webb**, 4336 Hickory Road, **Richmond**, Virginia 23235, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed himself.

**Gilbert R. Yochum**, 1220 Course View Circle, **Virginia Beach**, Virginia 23455, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed himself.

#### **Treasury Board**

**Douglas W. Densmore**, 2625 South Jefferson, **Roanoke**, Virginia 24014, Member, to serve at the pleasure of the Governor beginning July 21, 2014, to succeed Shaza Andersen.

**William W. Harrison, Jr.**, 207 54th Street, **Virginia Beach**, Virginia 23451, Member, to serve at the pleasure of the Governor beginning July 24, 2014, to succeed himself.

**Luis R. Mejia**, 913 North Kemper Street, **Alexandria**, Virginia 22304, Member, to serve at the pleasure of the Governor beginning July 24, 2014, to succeed K. David Boyer.

#### **HEALTH AND HUMAN RESOURCES**

##### **Advisory Board on Genetic Counseling**

**Heather A. Creswick**, 1112 Grove Avenue, **Richmond**, Virginia 23220, Member, appointed July 8, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new seat.

**Marilyn Jerome Foust**, 7822 Swinks Mill Court, **McLean**, Virginia 22102, Member, appointed July 8, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to fill a new seat.

**John M. Quillin**, 10112 Ashley Manor Lane, **Mechanicsville**, Virginia 23116, Member, appointed July 8, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new seat.

**Lori Swain**, 2404 Burke Avenue, **Alexandria**, Virginia 22301, Member, appointed July 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to fill a new seat.

**Matthew J. Thomas**, 101 Baylor Place, **Charlottesville**, Virginia 22902, Member, appointed July 8, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new seat.

##### **Advisory Board on Respiratory Care**

**Sherry Compton**, 6356 Yellowrose Lane, **Mechanicsville**, Virginia 23111, Member, appointed July 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James Mullins.

**Hollee Freeman**, 11206 Blendon Lane, **Richmond**, Virginia 23238, Member, appointed July 15, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Damie Carter.

**Lois A. Rowland**, 14606 Mill Spring Circle, **Midlothian**, Virginia 23112, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Stan Holland.

**Daniel D. Rowley**, 1039 Wintergreen Lane, **Charlottesville**, Virginia 22903, Member, appointed July 6, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Bruce K. Rubin**, 2401 Loreines Landing Lane, **Henrico**, Virginia 23233, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Michael Blumberg.

##### **Behavioral Health and Developmental Services Board**

**Sandra F. Price-Stroble**, 1363 Sparrow Court, **Harrisonburg**, Virginia 22802, Member, appointed June 18, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Cheryl Ivey Green.

**Amelia Ross-Hammond**, 1008 Spindle Crossing, **Virginia Beach**, Virginia 23455, Member, appointed June 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

##### **Board of Counseling**

**Cinda Caiella**, 3058 River Road West, **Goochland**, Virginia 23063, Member, appointed June 16, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Zena Bowen.

**Scott Johnson**, 2801 Windy Ridge Lane, **Blacksburg**, Virginia 24060, Member, appointed June 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Scott.

**Sandra Malawer**, 1313 Vincent Place, **McLean**, Virginia 22101, Member, appointed May 21, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

**Joan Normandy-Dolberg**, 10721 Sandy Run Trail, **Fairfax Station**, Virginia 22039, Member, appointed May 21, 2014, to serve an unexpired term beginning May 21, 2014, and ending June 30, 2016, to succeed Linda Seeman.

**Vivian Sanchez-Jones**, 2610 Belle Avenue, Northeast, **Roanoke**, Virginia 24012, Member, appointed May 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Michael Fletcher.

**Holly J. Tracy**, 110 Maycox Avenue, Suite 3, **Norfolk**, Virginia 23505, Member, appointed June 5, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charlotte Markva.

##### **Board of Dentistry**

**John M. Alexander**, 2708 Monument Avenue, **Richmond**, Virginia 23220, Member, appointed June 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jeffrey Levin.

##### **Board of Funeral Directors and Embalmers**

**R. Thomas Slusser, Jr.**, 4701 Riverland Road, **Clifton Forge**, Virginia 24422, Member, appointed June 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Blair Nelsen.

**Junius H. Williams, Jr.**, 21 Shamrock Drive, **Portsmouth**, Virginia 23701, Member, appointed June 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

##### **Board of Medicine**

**John Randolph Clements**, 3244 Allendale Street, Southwest, **Roanoke**, Virginia 24014, Member, appointed June 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Jasmine E. Gore**, 3903 Galena Avenue, **Hopewell**, Virginia 23860, Member, appointed July 10, 2014, to serve an unexpired term beginning June 8, 2014, and ending June 30, 2017, to succeed Jane Maddux.

**Maxine Lee**, 5432 Woodchuck Lane, **Roanoke**, Virginia 24018, Member, appointed June 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Hickman.

**Board of Nursing**

**Joana C. Garcia**, 9525 Crosspointe Drive, **Fairfax Station**, Virginia 22039, Member, appointed July 14, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Karen Schultz.

**Marie F. Gerardo**, 612 Coralview Court, **Midlothian**, Virginia 23114, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Allison Gregory.

**Jeanne Ellis Holmes**, 4708 Barrel Point Road, **Prince George**, Virginia 23875, Member, appointed July 9, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

**Jennifer Marie Phelps**, 20 Jesup Way, Apartment 303, **Lynchburg**, Virginia 24502, Member, appointed July 23, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed John Horn.

**Board of Physical Therapy**

**Allen R. Jones, Jr.**, 550 Kerry Lake Drive, **Newport News**, Virginia 23602, Member, appointed June 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Maroon.

**Sarah C. Schmidt**, 42 Seminole Trail, **Palmyra**, Virginia 22963, Member, appointed July 15, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Board of Social Work**

**Maria Eugenia del Villar**, 9675-A Main Street, **Fairfax**, Virginia 22031, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Arthur Mayer.

**Yvonne P. Haynes**, 107 South 5th Street, **Richmond**, Virginia 23219, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Dolores S. Paulson**, 7643 Leesburg Pike, **Falls Church**, Virginia 22043, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Susan Horne-Quatannens.

**Commonwealth Council on Aging**

**Valerie L'Herrou**, 1006 Bevrige Road, **Richmond**, Virginia 23226, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Nancy New.

**Shewling Moy**, 741 Pinebrook Drive, **Virginia Beach**, Virginia 23462, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Karen Fortier.

**Roberto Quinones**, 1337 Macbeth Street, **McLean**, Virginia 22102, Member, appointed July 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Veronica E. Williams**, 531 Stockton Street, **Hampton**, Virginia 23669, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Juanita Bailey.

**Sandra Williamson-Ashe**, 1445 Monarch Reach, **Chesapeake**, Virginia 23320, Member, appointed July 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Susan McCammon.

**Commonwealth Neurotrauma Initiative Advisory Board**

**Scott Dickens**, 9 North Sheppard Street, **Richmond**, Virginia 23221, Member, appointed July 8, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Terry Glenn.

**Family and Children's Trust Fund**

**Frank Blechman**, 7900 Wolf Run Hills Road, **Fairfax Station**, Virginia 22039, Member, appointed May 23, 2014, to serve an unexpired term beginning May 23, 2014, and ending June 30, 2016, to succeed Katherine Waddell.

**Dawn Chillon**, 11491 Watkins Road, **Rockville**, Virginia 23146, Member, appointed June 3, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Donna Hyland.

**Betty Wade Coyle**, 1333 West Princess Anne Road, **Norfolk**, Virginia 23507, Member, appointed May 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Pamela F. Kennedy**, 108 Pine Hill Drive, **Winchester**, Virginia 22603, Member, appointed May 23, 2014, to serve an unexpired term beginning May 23, 2014, and ending June 30, 2017, to succeed Ann McGrady.

**Sandra Kay Kovacs**, 24326 Briscoe Drive, **Bristol**, Virginia 24202, Member, appointed May 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Thomas Atwood.

**Judy Kurtz**, 2245 Haversham Close, **Virginia Beach**, Virginia 23454, Member, appointed May 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Shak Hill.

**Andria P. McClellan**, 531 Warren Crescent, **Norfolk**, Virginia 23507, Member, appointed May 23, 2014, to serve an unexpired term beginning May 23, 2014, and ending June 30, 2017, to succeed Ramon Rodriguez.

**Nikki P. Nicholau**, 4809 Cutshaw Avenue, **Richmond**, Virginia 23230, Member, appointed June 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Leigh Pence.

**Lisa Specter-Dunaway**, 705 West 33rd Street, **Richmond**, Virginia 23225, Member, appointed May 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**State Board of Health**

**James H. Edmondson, Jr.**, 1651 Old Meadow Road, Suite 305, **McLean**, Virginia 22102, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kay R. Curling.

**Linda T. Hines**, 10524 Krenmore Lane, **Chester**, Virginia 23831, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Benita Miller**, 4102 Dover Road, **Richmond**, Virginia 23221, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Faye O. Prichard**, 511 Chapman Street, **Ashland**, Virginia 23005, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**State Child Fatality Review Team**

**Jessica T. Pickett**, 7 Wiltshire Drive, **Stafford**, Virginia 22554, Member, appointed June 9, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Steve DeLuca.

**State Emergency Medical Services Advisory Board**

**Michel B. Aboutanos**, 21 West Runswick Drive, **Richmond**, Virginia 23238, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ajai Malhotra.

**Sherrin Cherrell Alsop**, 13325 Newtown Road, **Newtown**, Virginia 23126, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed B.R. Blevins.

**Samuel T. Bartle**, 2340 Burroughs Street, **Richmond**, Virginia 23235, Member, appointed July 9, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Robin Foster.

**Gary Critzer**, 125 Pheasant Run, **Waynesboro**, Virginia 22980, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Valeta C. Daniels**, 3508 Woodmere Drive, **Richmond**, Virginia 23234, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Wayne Myers, Jr.

**Lisa M. Dodd**, 6160 Pond Grass Road, **Mechanicsville**, Virginia 23111, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James R. Dudley.

**Stephen J. Elliott**, 3 Buck Island Road, **Palmyra**, Virginia 22963, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Jason D. Ferguson**, 183 Cambridge Drive, **Daleville**, Virginia 24083, Member, appointed June 17, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed John Dale Wagoner.

**Joan F. Foster**, 300 Woodland Avenue, **Lynchburg**, Virginia 24503, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Andrea Oakes.

**S. Denene Hannon**, 1930 Captain Drive, **Salem**, Virginia 24153, Member, appointed June 17, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Dreama Chandler.

**Jon Henschel**, 9871 Woodbine Way, **New Market**, Virginia 22844, Member, appointed June 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Larry Oliver.

**H. David Hoback**, 3352 Skylar Court, **Roanoke**, Virginia 24012, Member, appointed June 17, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Sudha Jayaraman**, 2620 Stuart Avenue, Unit 1E, **Richmond**, Virginia 23220, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Allen Yee.

**Jason R. Jenkins**, 14274 Wythridge Way, **Haymarket**, Virginia 20169, Member, appointed June 17, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2015, to succeed Gary Samuels.

**Cheryl L. Lawson**, 505 Kristy Court, **Newport News**, Virginia 23602, Member, appointed June 17, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2015, to succeed J. David Barrick.

**Marilyn K. McLeod**, 1437 Trents Ferry Road, **Lynchburg**, Virginia 24503, Member, appointed June 17, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

**Christopher L. Parker**, 1116 Lakeview Drive, **Lynchburg**, Virginia 24502, Member, appointed June 24, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Cathy Fox.

**Anita Perry**, 21003 Sweetland Court, **Abingdon**, Virginia 24211, Member, appointed June 17, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

**José V. Salazar**, 400 Drew Court, **Sterling**, Virginia 20165, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Brian Hricik.

**Kelly G. Southard**, 20250 Monrovia Road, **Orange**, Virginia 22960, Member, appointed July 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed R. Christian Eudailey.

**Daniel C. Wildman**, 327 Hulls Chapel Road, **Fredericksburg**, Virginia 22406, Member, appointed June 17, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2015, to succeed Anthony Wilson.

**State Executive Council for At-Risk Youth and Families**

**Robert S. Coleman**, 316 Wendwood Drive, **Newport News**, Virginia 23602, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2015, to fill a new seat.

**Anita D. Filson**, 6 East Johnson Street, **Staunton**, Virginia 24401, Member, appointed June 25, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to fill a new seat.

**Catherine M. Hudgins**, 12000 Bowman Towne Drive, **Reston**, Virginia 20190, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2015, to fill a new seat.

**Janice L. Schar**, 10102 Harewood Court, **Great Falls**, Virginia 22066, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Martin Nohe.

**Jeanette Troyer**, 23227 Lilliston Avenue, **Accomac**, Virginia 23301, Member, appointed June 26, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Robert Price.

## INDEPENDENT

**Board of Directors of the Virginia Birth-Related Neurological Injury Compensation Program**

**Vicki W. Harris**, 11205 Carrington Green Drive, **Glen Allen**, Virginia 23060, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed J. Scott Walters.

**Neal C. Schulwolf**, 5101 Holly Road, **Virginia Beach**, Virginia 23451, Member, appointed June 13, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Chesapeake Bay Bridge and Tunnel Commission**

**Christine Snead**, 6 Cooks Circle, **Hampton**, Virginia 23669, Member, appointed July 9, 2014, to serve an unexpired term beginning July 1, 2014, and ending May 14, 2016, to succeed Christopher G. Stuart.

**Jeffrey K. Walker**, 10182 Seaside Road, **Nassawadox**, Virginia 23413, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed J. W. Salm.

**Virginia College Savings Plan**

**Ross A. Mugler**, 11 Oakville Road, **Hampton**, Virginia 23669, Member, appointed June 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Amy Nisenson.

**Virginia Commonwealth University Health System Authority Board of Directors**

**Arlene Denise Bohannon**, 14700 Chesdin Shores Place, **Chesterfield**, Virginia 23838, Member, appointed June 25, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed PonJola Coney.

**George P. Emerson, Jr.**, 1900 Channel View Terrace, **Chester**, Virginia 23836, Member, appointed June 30, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Katherine Busser.

**Tyrone Nelson**, 1448 Village Field Drive, **Henrico**, Virginia 23231, Member, appointed June 15, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Thomas Gottwald.

**Virginia Foundation for the Humanities and Public Policy**

**Binh The Nguyen**, 8857 Merecourt Lane, **McLean**, Virginia 22102, Member, appointed June 4, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Lacy Ward.

**Virginia-Israel Advisory Board**

**Irving M. Blank**, 1804 Staples Mill Road, **Richmond**, Virginia 23230, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Michael Blachman.

**Marc K. Broklawski**, 24 Berea Knolls Drive, **Fredericksburg**, Virginia 22406, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Todd House.

**Eileen Filler-Corn**, 8741 Center Road, **Springfield**, Virginia 22152, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Kilberg.

**William R. Frank**, 12523 Evansdale Road, **Henrico**, Virginia 23233, Member, appointed July 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jay Ipson.

**Aviva Shapiro Frye**, 130 Shadow Hill Lane, **Bristol**, Virginia 24201, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Samuel Simon.

**Joyce Slavin Scher**, 5 Cedaridge Road, **Richmond**, Virginia 23226, Member, appointed June 25, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Maya Eckstein.

## LEGISLATIVE

**Capitol Square Preservation Council**

**Annie Kasper**, 212 Culpeper Road, **Richmond**, Virginia 23229, Member, appointed June 20, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Cortland Putbresi.

**Commission on Youth**

**Deirdre S. Goldsmith**, 24555 Walden Road, **Abingdon**, Virginia 24210, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Gary Close.

**Small Business Commission**

**E. Dana Dickens III**, 9212 Wigneil Street, **Suffolk**, Virginia 23433, Member, appointed June 12, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Owen Van Syckle.

**Paul A. Miller**, 7513 Detwiller Drive, **Clifton**, Virginia 20124, Member, appointed June 12, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Jane-Scott Cantus.

**Atif M. Qarni**, 7698 Well Street, **Manassas**, Virginia 20111, Member, appointed June 12, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Gena Burr.

## NATURAL RESOURCES

**Board of Conservation and Recreation**

**Patricia A. Jackson**, 9497 Williamsville Road, **Mechanicsville**, Virginia 23116, Member, appointed June 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mark Smith.

**Andrew C. Jennison**, 807 Meadow Lane, **Vienna**, Virginia 22180, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Andrea Young.

**Isaac J. Sarver**, 5395 Collins Street, Post Office Box 1044, **Dublin**, Virginia 24084, Member, appointed June 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed George Melnyk.

### Board of Game and Inland Fisheries

**Watkins M. Abbitt, Jr.**, 8043 Old Courthouse Road, **Appomattox**, Virginia 24522, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lisa Caruso.

**Clayton L. Spruill**, 2640 Archdale Drive, **Virginia Beach**, Virginia 23456, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Curtis Colgate.

### Board of Trustees of the Virginia Outdoors Foundation

**John L. Richardson**, 10470 Pleasant Vale Road, **Delaplane**, Virginia 20144, Member, appointed June 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charles Seilheimer.

**Thomas G. Slater, Jr.**, 96 Old Bridge Lane, **Richmond**, Virginia 23229, Member, appointed June 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Matthew Lohr.

### State Air Pollution Control Board

**Samuel A. Bleicher**, 1800 North Oak Street, #1007, **Arlington**, Virginia 22209, Member, appointed June 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Roger Chaffe.

**Rebecca R. Rubin**, 724 Lee Avenue, **Fredericksburg**, Virginia 22401, Member, appointed July 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jo Anne Webb.

### State Water Control Board

**Robert L. Dunn**, 4105 Millwood Road, **Chester**, Virginia 23831, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Roberta A. Kellam**, Post Office Box 205, **Franktown**, Virginia 23354, Member, appointed July 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Pruitt.

### Virginia Cave Board

**Michele Baird**, 5413 Macqueen Drive, **Virginia Beach**, Virginia 23464, Member, appointed July 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**David A. Ek**, 2140 Courthouse Road, **Catlett**, Virginia 20119, Member, appointed July 17, 2014, to serve an unexpired term beginning June 20, 2014, and ending June 30, 2016, to succeed Ruth Blankenship.

**Stephen T. Lindeman**, 6630 Hayters Gap Road, **Saltville**, Virginia 24370, Member, appointed July 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Virginia Marine Resources Commission

**Chad Ballard III**, 5421 Walton Avenue, **Norfolk**, Virginia 23508, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Tankard.

**John E. Zydron, Sr.**, 624 Water Oak Court, **Chesapeake**, Virginia 23322, Member, appointed June 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Bryan Plumlee.

### Virginia Soil and Water Conservation Board

**C. Frank Brickhouse, Jr.**, 2116 Whittamore Road, **Chesapeake**, Virginia 23322, Member, appointed September 12, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed himself.

**Gary W. Hornbaker**, 90 Lord Fairfax Highway, **Berryville**, Virginia 22611, Member, appointed November 8, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

**Jerry L. Ingle**, Route 4 Box 4836, **Jonesville**, Virginia 24263, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Stephen Lohr**, 11621 Zirkle Lane, **Broadway**, Virginia 22815, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Raymond L. Simms**, 7 Bainbridge Lane, **Fredericksburg**, Virginia 22407, Member, appointed November 8, 2012, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

### Virginia Waste Management Board

**Michael Benedetto**, 2201 Sisters Walk Court, **Virginia Beach**, Virginia 23454, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Tyrone Murray.

**Jeffrey T. Crate**, 1450 Falcon Ridge Road, **Blacksburg**, Virginia 24060, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Thomas V. Van Auken.

**Eric K. Wallace**, 7837 Westmont Lane, **McLean**, Virginia 22102, Member, appointed July 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Larisa Dobriansky.

## PUBLIC SAFETY AND HOMELAND SECURITY

### Alcoholic Beverage Control Board

**Henry L. Marsh III**, 2500 East Cary Street, **Richmond**, Virginia 23223, Commissioner, appointed July 2, 2014, to serve at the pleasure of the Governor beginning July 7, 2014, to succeed Jeffrey L. Painter.

**Jeffrey L. Painter**, 3110 Ferncliff Road, **Richmond**, Virginia 23225, Chair, appointed April 14, 2014, to serve at the pleasure of the Governor beginning April 14, 2014, to succeed Neal Insley.

### Criminal Justice Services Board

**John Anthony Manuel Boneta**, 2628 Five Oaks Road, **Vienna**, Virginia 22181, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Peter Baruch.

**Jeffrey S. Brown**, 8315 King Drive, **Disputanta**, Virginia 23842, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Vanessa Reese Crawford**, 1616 Kings Road, **Petersburg**, Virginia 23805, Member, appointed June 30, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2017, to succeed Dennis Proffitt.

**Michelle R. Mosby**, 2804 Geneva Drive, **Richmond**, Virginia 23224, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ted Byrd.

**Kevin Pittman**, 7593 Duneiden Lane, **Manassas**, Virginia 20109, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Carol Adams.

**Bobby D. Russell**, 1701 Blair Road Southwest, **Roanoke**, Virginia 24015, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Kelvin L. Wright**, 304 Albemarle Drive, **Chesapeake**, Virginia 23322, Member, appointed June 30, 2014, for term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Rick Clark.

**Stephanie Michelle Wright**, 3821 Griffith Place, **Alexandria**, Virginia 22304, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Aaron Wheeler.

#### **Secure Commonwealth Panel**

**John L. Bell, Jr.**, 1632 Kepler Bend, **Virginia Beach**, Virginia 23454, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Glendell Hill.

**John A. Braun**, 6374 Dockser Terrace, **Falls Church**, Virginia 22041, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Paul Conway.

**Patrick E. DeConcini**, 300 Woodside Drive, **Hampton**, Virginia 23669, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Bert Mizusawa.

**Paul Diamond**, 5220 Park Ridge Court, **Crozet**, Virginia 22932, Member, appointed July 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Cynthia Romero-Munoz.

**Michael Lawrence Hamlar**, 3151 Rutrough Road, **Roanoke**, Virginia 24014, Member, appointed July 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Joe Inge.

**Lettie V. Pokey Harris**, 169 Dry Fork Road, **Chilhowie**, Virginia 24319, Member, appointed June 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Anna McRay.

**James A. Redick**, 600 Edwin Drive, **Virginia Beach**, Virginia 23462, Member, appointed June 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Reuben K. Varghese**, 1939 Columbia Pike, Number 32, **Arlington**, Virginia 22204, Member, appointed June 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Norris Royston.

**Angelina Williams**, 590 Malbon Avenue, **Norfolk**, Virginia 23502, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Barclay Winn.

#### **State Board of Corrections**

**John F. Anderson, Jr.**, 731 Apple Pie Ridge Road, **Winchester**, Virginia 22603, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kurt Boshart.

**Yvonne Jones Bibbs**, 604 Deter Road, **Richmond**, Virginia 23225, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Felipe Cabacoy.

**Phyllis J. Randall**, 19221 Creek Field Circle, **Leesburg**, Virginia 20176, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William Osborne.

**Bobby N. Vassar**, 2910 Montrose Avenue, **Richmond**, Virginia 23222, Member, appointed June 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Peter Decker.

#### **Virginia Fire Services Board**

**H. Lee Day III**, 1626 Great Oak Road, **Forest**, Virginia 24551, Member, appointed June 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Richard Burch.

**David E. Layman**, 24 West Riverpoint Drive, **Hampton**, Virginia 23669, Member, appointed June 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edwin Smith.

**Bettie Reeves-Nobles**, 23315 Brookwood Circle, **Carrollton**, Virginia 23314, Member, appointed June 18, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Felix Sarfo-Kantanka.

**Peter C. Svoboda**, 515 West 28th Street, **Richmond**, Virginia 23225, Member, appointed June 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Thomas Moffett.

#### **Virginia Parole Board**

**Karen Downing Brown**, 51 Edenbrook Drive, **Hampton**, Virginia 23666, Chair, appointed May 16, 2014, to serve at the pleasure of the Governor beginning May 16, 2014, to succeed William Muse.

**Algie T. Howell, Jr.**, 859 Benwood Road, **Norfolk**, Virginia 23502, Vice Chairman, appointed July 2, 2014, to serve at the pleasure of the Governor beginning July 8, 2014, to succeed Karen Brown.

### **TRANSPORTATION**

#### **Commonwealth Transportation Board**

**Henry L. Connors, Jr.**, 13705 General Slocum Court, **Fredericksburg**, Virginia 22407, Member, appointed June 27, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Alison DeTuncq**, 1900 Franklin Drive, **Charlottesville**, Virginia 22911, Member, appointed June 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**James W. Dyke, Jr.**, 2125 Cabots Point Lane, **Reston**, Virginia 20191, Member, appointed June 27, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Court G. Rosen**, 3062 Lockridge Road, **Roanoke**, Virginia 24014, Member, appointed June 27, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Marty Williams**, 8858 River Road, **Richmond**, Virginia 23229, Member, appointed June 27, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Transportation District Commission of Hampton Roads**

**Linwood O. Branch III**, 720 Winwood Drive, **Virginia Beach**, Virginia 23451, Member, appointed July 2, 2014, to serve an unexpired term beginning January 1, 2014, and ending June 30, 2016, to succeed Betsy Atkinson.

#### **Virginia Aviation Board**

**Derek M. Hardwick**, 5181 Brawner Place, **Alexandria**, Virginia 22304, Member, appointed June 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed David L. Young.

**Daniel G. Oakey**, 12719 Poplar Forest Drive, **Henrico**, Virginia 23233, Member, appointed June 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Alexander Vogel.

#### **Virginia Commercial Space Flight Authority**

**Bittle W. Porterfield III**, 2831 Wilton Road, **Roanoke**, Virginia 24014, Member, appointed June 18, 2014, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed Vincent C. Boles.

**Kay N. Sears**, 2403 Stryker Avenue, **Vienna**, Virginia 22181, Member, appointed June 18, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2016, to succeed Carol A. Staubach.

#### **VETERANS AND DEFENSE AFFAIRS**

##### **Board of Veterans Services**

**William G. Haneke**, 8603 Royal Birkdale Drive, **Chesterfield**, Virginia 23832, Member, appointed June 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Susan Bates Hippen**, 5909 Cold Harbor Court, **Virginia Beach**, Virginia 23464, Member, appointed June 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Katherine Kohler.

**James O. Icenhour, Jr.**, 101 Shinnecock, **Williamsburg**, Virginia 23188, Member, appointed June 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jay Patrick Murray.

**Donald B. Kaiserman**, 5908 Ketterley Row, **Glen Allen**, Virginia 23059, Member, appointed June 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

##### **Joint Leadership Council of Veterans Service Organizations**

**Richard J. Rinaldo**, 500 Heacox Lane, **Newport News**, Virginia 23608, Member, appointed July 10, 2014, to serve an unexpired term beginning June 19, 2014, and ending June 30, 2015, to succeed Thomas A. Richards.

##### **Veterans Services Foundation**

**John D. Lesinski**, 210 Grand View Road, **Washington**, Virginia 22747, Member, appointed June 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Peter Trainer.

**Matice J. Wright**, 2166 Harithy Drive, **Dunn Loring**, Virginia 22027, Member, appointed June 13, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Juanita Farrow.

##### **Virginia Military Advisory Council**

**Vivian W. Greentree**, 1312 Knox Place, **Alexandria**, Virginia 22304, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Norma Magpoc.

**Michael J. McCalip**, 2113 Jellico Court, **Woodbridge**, Virginia 22191, Member, to serve at the pleasure of the Governor beginning June 3, 2014, to succeed Donald Loren.

**Terron D. Sims II**, 2005 Key Boulevard, Apartment 578, **Arlington**, Virginia 22201, Member, to serve at the pleasure of the Governor beginning June 4, 2014, to succeed Bryce Reeves.

##### **Virginia War Memorial Board**

**April C. Cheek-Messier**, 1456 Meadors Mill Road, **Bedford**, Virginia 24523, Member, appointed June 16, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Albert G. Pianalto.

**Bernard L. Henderson, Jr.**, 10416 Huntsmoor Drive, **Richmond**, Virginia 23233, Member, appointed June 16, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Wade Zirkle.

**Bert W. Holmes, Jr.**, 5921 Tajo Avenue, **Virginia Beach**, Virginia 23455, Member, appointed June 12, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Angelo Joseph Punaro**, 5230 11th Road North, **Arlington**, Virginia 22205, Member, appointed June 13, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

### **SENATE JOINT RESOLUTION NO. 260**

*Confirming appointments by the Governor of certain persons communicated October 1, 2014.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly October 1, 2014.

**Tracey Jeter**, 10115 Ebenshire Court, **Oakton**, Virginia 22124, Director, Department of Small Business and Supplier Diversity, appointed September 8, 2014, to serve at the pleasure of the Governor beginning September 8, 2014, to succeed Ida McPherson.

#### **Aquaculture Advisory Board**

**John E. Hofmeyer, Jr.**, 22431 Pinewood Road, **Williamsburg**, Virginia 23185, Member, appointed September 11, 2014, to serve an unexpired term beginning April 9, 2014, and ending June 30, 2016, to succeed Robert Bloxom.

**Heather T. Lusk**, 3499 Upshurs Neck Road, **Quinby**, Virginia 23423, Member, appointed August 12, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed J. Gardner.

**Anthony Marchetti, Jr.**, 68 Fitzhugh Street, **White Stone**, Virginia 22578, Member, appointed August 12, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Harvey Drewer.

#### **Charitable Gaming Board**

**Tanya A. Conrad**, 6 Cumberland Drive, **Newport News**, Virginia 23608, Member, appointed August 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Renee Maxey.

**Randy Green**, 7096 Aquarius Drive, **Mechanicsville**, Virginia 23111, Member, appointed August 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**James Lewis**, 620 South Washington Street, **Alexandria**, Virginia 22314, Member, appointed August 19, 2014, to serve an unexpired term beginning July 1, 2011, and ending June 30, 2015, to succeed Michael Sheffield.

**Elizabeth A. Sword**, 25040 United States Highway 19, **Cedar Bluff**, Virginia 24609, Member, appointed August 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Clay Dawson.

#### **Hampton Roads Sanitation District Commission**

**Rick N. Elofson**, 21 Paula Maria Drive, **Newport News**, Virginia 23606, Member, appointed August 7, 2014, for a term of four years beginning June 8, 2014, and ending June 7, 2018, to succeed himself.

**Vishnu K. Lakdawala**, 4112 Cheswick Lane, **Virginia Beach**, Virginia 23455, Member, appointed August 7, 2014, for a term of four years beginning June 8, 2014, and ending June 7, 2018, to succeed himself.

**Willie Levenston, Jr.**, 1207 Ross Drive, **Portsmouth**, Virginia 23701, Member, appointed September 9, 2014, to serve an unexpired term beginning June 8, 2011, and ending June 7, 2015, to succeed B. Anne Davis.

**Susan M. Rotkis**, 300 Woodside Drive, **Hampton**, Virginia 23669, Member, appointed August 7, 2014, to serve an unexpired term beginning June 8, 2012, and ending June 7, 2016, to succeed Vincent Behm, Jr.

#### **Board for Contractors**

**Vance T. Ayres**, 7226 Persimmon Lane, **King George**, Virginia 22485, Member, appointed September 17, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Wyatt Walton.

**Gene E. Magruder**, 602 River Road, **Newport News**, Virginia 23601, Member, appointed September 17, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed A. Bruce Williams.

**Jeffrey Shawn Mitchell**, 42826 Ravenglass Drive, **Broadlands**, Virginia 20148, Member, appointed September 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Chancey Walker.

**Michael D. Redifer**, 167 Pheasant Run, **Waynesboro**, Virginia 22980, Member, appointed September 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Douglas Murrow.

#### **Board for Professional and Occupational Regulation**

**Laurence A. Benenson**, 919 North Kemper Street, **Alexandria**, Virginia 22304, Member, appointed July 24, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Heather Martin.

**Suzanne H. Conrad**, 1004 Heth Place, **Winchester**, Virginia 22601, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Sheree Tsai.

**James W. Head**, 112 North Plum Street, **Richmond**, Virginia 23220, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Delceno Miles.

**H. Scott Johnson, Jr.**, 7700 White Willow Court, **Springfield**, Virginia 22153, Member, appointed July 22, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Laurie Buchwald.

**Martin A. Mooradian**, 740 Worsham Road, **Richmond**, Virginia 23235, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Barsa.

**Shelly A. Simonds**, 24 Oakland Drive, **Newport News**, Virginia 23601, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mick Shaw.

#### **Board for Waste Management Facility Operators**

**Christopher A. Chiodo**, 14461 Woodleigh Drive, **Chester**, Virginia 23831, Member, appointed September 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Maurice Witcher.

**Justin L. Williams**, 1900 East Cary Street, Apartment 316, **Richmond**, Virginia 23223, Member, appointed September 16, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Debra Miller.

#### **Board of Accountancy**

**Matthew P. Boshier**, 4308 Sulgrave Road, **Richmond**, Virginia 23221, Member, appointed August 28, 2014, to serve an unexpired term beginning June 13, 2014, and ending June 30, 2016, to succeed David A. Brat.

### Safety and Health Codes Board

**Louis J. Cernak, Jr.**, 5705 Old Clifton Road, **Clifton**, Virginia 20124, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Marc Olmsted.

**John D. Fulton**, 8083 Beattiemill Drive, **Mechanicsville**, Virginia 23111, Member, appointed August 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Michael Pischke.

**Travis M. Parsons**, 7204 Wayne Drive, **Annandale**, Virginia 22003, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charles Bird.

**Daniel A. Sutton**, 16257 Evergreen Valley Road, **Timberville**, Virginia 22853, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

**Thomas A. Thurston**, 900 Rasmussen Drive, **Sandston**, Virginia 23150, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Virginia Board for Asbestos, Lead and Home Inspectors

**Sandra Baynes**, 117 Greengable Way, **Chesapeake**, Virginia 23322, Member, appointed September 22, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Dolores Daniels.

**Erich J. Fritz**, 2905 Parkwood Avenue, **Richmond**, Virginia 23221, Member, appointed September 22, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Bonnie Atwood.

**Gene E. Magruder**, 602 River Road, **Newport News**, Virginia 23601, Member, appointed September 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed D. Todd Vander Pol.

### Virginia Latino Advisory Board

**Gonzalo J. Aida**, 56 East Lock Lane, Unit 4, **Richmond**, Virginia 23226, Member, appointed August 8, 2014, to serve a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Aleyda Kasten.

**Carolina Espinal**, 2034 South Shirlington Road, **Arlington**, Virginia 22204, Member, appointed August 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Carmen Williams.

**Christopher J. Falcon**, 6909 Jefferson Avenue, **Falls Church**, Virginia 22042, Member, appointed August 8, 2014, to serve an unexpired term beginning October 15, 2011, and ending October 14, 2015, to succeed Esteban Nieto.

**Charlotte Fritts**, Post Office Box 1440, **Winchester**, Virginia 22604, Member, appointed August 14, 2014, to serve a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jorge Lozano.

**Julio Cesar Idrobo**, 410 South Maple Avenue, Apartment 319, **Falls Church**, Virginia 22046, Member, appointed August 8, 2014, to serve a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jason Miyares.

**Aida Pacheco**, 7271 Hidden Lake Estate Drive, **Mechanicsville**, Virginia 23111, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Federico Morales.

**Christine Lockhart Poarch**, 103 Keesling Avenue, **Salem**, Virginia 24153, Member, appointed September 9, 2014, to serve an unexpired term beginning August 28, 2014, and ending October 14, 2015, to succeed Omar Rashid.

**Gloria Maria Pe-a Rockhold**, 1417 Lester Drive, **Charlottesville**, Virginia 22901, Member, appointed August 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Deborah Mu-oz.

**Alex Rodriguez**, 4011 Oxford Street, **Annandale**, Virginia 22003, Member, appointed August 11, 2014, to serve an unexpired term beginning October 15, 2012, and ending October 14, 2016, to succeed Victor Gomez.

**Estuardo V. Rodriguez, Jr.**, 10610 Oak Place, **Fairfax**, Virginia 22030, Member, appointed August 8, 2014, to serve an unexpired term beginning October 15, 2012, and ending October 14, 2016, to succeed Gabriel Rojas.

**Vivian Sanchez-Jones**, 2610 Belle Avenue, Northeast, **Roanoke**, Virginia 24012, Member, appointed August 11, 2014, to serve an unexpired term beginning October 15, 2012, and ending October 14, 2016, to succeed Beatriz Amberman.

**Zuraya Tapia-Hadley**, 4712 31st Street South, **Arlington**, Virginia 22206, Member, appointed August 14, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Laura Ramirez Drain.

**Gresilda A. Tilley-Lubbs**, 4943 Laryn Lane, **Roanoke**, Virginia 24018, Member, appointed August 8, 2014, for a term of four years beginning October 15, 2012, and ending October 14, 2016, to succeed herself.

**John Villamil-Casanova**, 5963 Fincastle Drive, **Manassas**, Virginia 20112, Member, appointed August 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Flux Neo.

**Lucero Soto Wiley**, 430 West Princess Anne Road, **Norfolk**, Virginia 23517, Member, appointed August 8, 2014, to serve an unexpired term beginning October 15, 2011, and ending October 14, 2015, to succeed Desi Arnaiz.

### Virginia Nuclear Energy Consortium Authority

**Mary Alice A. Hayward**, 1155 F Street Northwest, Suite 800, **Washington, District of Columbia** 20004, Member, appointed August 6, 2014, to serve an unexpired term beginning June 23, 2014, and ending June 30, 2015, to succeed Michael Rencheck.

### Virginia Offshore Wind Development Authority

**John R. Broderick**, 5001 Woodbury Avenue, **Norfolk**, Virginia 23508, Member, appointed September 18, 2014, to serve an unexpired term beginning January 1, 2014, and ending June 30, 2016, to succeed John Jester.

### Legislative Advisory Council to the Southern Regional Education Board

**David L. Bulova**, 10905 Spurlock Court, **Fairfax**, Virginia 22032, Member, appointed September 18, 2014, to serve at the pleasure of the Governor beginning September 19, 2014, to succeed Robert Tata.

**Janet Denison Howell**, 11338 Woodbrook Lane, **Reston**, Virginia 20194, Member, appointed September 18, 2014, to serve at the pleasure of the Governor beginning September 19, 2014, to succeed Mark Cole.

**Mamie E. Locke**, 37 Wills Way, **Hampton**, Virginia 23666, Member, appointed September 18, 2014, to serve at the pleasure of the Governor beginning September 19, 2014, to succeed Thomas Garrett.

**Jennifer L. McClellan**, 1821 Park Avenue, **Richmond**, Virginia 23220, Member, appointed September 18, 2014, to serve at the pleasure of the Governor beginning September 19, 2014, to succeed Tag Greason.

#### **Local Government Advisory Committee to the Chesapeake Bay Executive Council**

**Richard A. Baugh**, 79 Hope Street, **Harrisonburg**, Virginia 22801, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed Debbie Ritter.

**Ruby A. Brabo**, 16843 Fairfax Drive, **King George**, Virginia 22485, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed James Eskridge.

**Janine F. Burns**, 165 Cow Neck Boulevard, Post Office Box 54, **Hallieford**, Virginia 23068, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed Laurence J. Trala.

**Penelope A. Gross**, 6417 Fifth Street, **Alexandria**, Virginia 22312, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed herself.

**Lawrence J. Land**, 105 Old Carrollton Road, **North Chesterfield**, Virginia 23236, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed Rosemary Wilson.

**Ernest J. Lehmann**, 621 North Saint Asaph Street, Apartment 303, **Alexandria**, Virginia 22314, Member, appointed September 10, 2014, to serve at the pleasure of the Governor beginning September 10, 2014, to succeed Sheila S. Noll.

#### **Scientific and Technical Advisory Committee to the Chesapeake Bay Executive Council**

**Kirk J. Havens**, 1095 Cherry Row Lane, **Plainview**, Virginia 23156, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Virginia Council on the Interstate Compact on Educational Opportunity for Military Children**

**Jill Gaitens**, 892 Sandoval Drive, **Virginia Beach**, Virginia 23454, Member, appointed August 6, 2014, to serve at the pleasure of the Governor beginning August 15, 2014, to succeed Marlene Bremseth.

**John B. Gordon, III**, 11001 Carrington Green Drive, **Glen Allen**, Virginia 23060, Member, appointed August 11, 2014, to serve at the pleasure of the Governor beginning August 15, 2014, to succeed William Boshier.

**Frank E. Hughlett**, 734 Leyte Road, **Virginia Beach**, Virginia 23451, Member, appointed August 11, 2014, to serve at the pleasure of the Governor beginning August 15, 2014, to succeed Tammy Smith.

**Bradley Williams**, Post Office Box 1573, **Gloucester**, Virginia 23601, Member, appointed August 11, 2014, to serve at the pleasure of the Governor beginning August 15, 2014, to succeed David O. Anderson.

#### **Governor's Commemorative Commission Honoring the Contributions of the Women of Virginia**

**EJ Scott**, 10127 South Grant Avenue, **Manassas**, Virginia 20110, Member, appointed August 13, 2014, to serve at the pleasure of the Governor beginning August 15, 2014, to succeed Mary Easterly.

#### **Southeastern Public Service Authority**

**Clarence W. McCoy**, 3408 Canterbury Drive, **Portsmouth**, Virginia 23703, Member, appointed August 7, 2014, to serve an unexpired term beginning April 4, 2014, and ending December 31, 2017, to succeed G. Timothy Oksman.

#### **Board of Regents of Gunston Hall**

**Elaine Carter Blaylock**, 10245 Epping Lane, **Dallas, Texas** 75229, Member, appointed September 3, 2014, for a term of five years beginning October 26, 2012, and ending October 25, 2017, to succeed herself.

**Harrison Glynn Giddens**, 902 South Dakota Avenue, **Tampa, Florida** 33606, Member, appointed September 3, 2014, to serve an unexpired term beginning October 27, 2012, and ending October 25, 2015, to succeed Mrs. David Thomas Moody.

**Penn Ervin Grove**, 8608 Sandhurst Drive, **Knoxville, Tennessee** 37923, Member, appointed September 3, 2014, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2015, to succeed Mrs. Thomas Hooke McCallie, III.

**Nancy H. Keuffel**, 1329 West Indian Mound, **Bloomfield Hills, Michigan** 48301, Member, appointed September 3, 2014, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed Mary E. Hardesty.

**Barbara Camp Linville**, 899 Rosemary Road, **Lake Forest, Illinois** 60045, Member, appointed September 3, 2014, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed Mary Elizabeth Norton.

**Linda H. Mattingly**, 844 Merriewood Lane, **McLean**, Virginia 22102, Member, appointed September 3, 2014, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to fill a new seat.

**Rowena Day Bond Van Dyke**, 5 Sugar Creek Trail, **St. Louis, Missouri** 63122, Member, appointed September 3, 2014, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed Nancy E. Kennedy.

**Virginia Simonds White**, 30 Dover Road, **Dover, Massachusetts** 02030, Member, appointed September 3, 2014, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed Elizabeth Martin.

#### **Board of Regents of the James Monroe Law Office Museum and Memorial Library**

**G. Scott Walker**, 921 Marye Street, **Fredericksburg**, Virginia 22401, Member, appointed September 11, 2014, for a term of two years beginning July 1, 2013, and ending June 30, 2015, to succeed Roger C. Braxton, Jr.

#### **Board of Trustees of the Frontier Culture Museum of Virginia**

**Nwachukwu Anakwenze**, 77 Saddleback Road, **Rolling Hills, California** 90274, Member, appointed August 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Joseph G. Fitzgerald**, 93 Middlebrook Street, **Harrisonburg**, Virginia 22801, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Scott MacMillan.

**Dianne Fulk**, 11830 Fort Turley Trail, **Linville**, Virginia 22834, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James Morris.

**Clifford Garstang**, 1853 Old Greenville Road, **Staunton**, Virginia 24401, Member, appointed August 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Cheryl Talley.

**Nanalou W. Sauder**, 160 Kendal Drive, Apartment T 14, **Lexington**, Virginia 24450, Member, appointed August 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Frank McDonough.

**Patricia Ellen Swecker**, 425 New York Avenue, **Harrisonburg**, Virginia 22801, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lynn Mitchell.

**Emmett W. Toms, Jr.**, 698 Entry School Road, **Waynesboro**, Virginia 22980, Member, appointed August 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Board of Trustees of the Jamestown-Yorktown Foundation**

**Paul D. Koonce**, 4112 Oxford Road, **Richmond**, Virginia 23221, Member, appointed September 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Nancy Robertson McNeerney**, 1349 Woodside Drive, **McLean**, Virginia 22102, Member, appointed August 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Susan Genovese.

**Fred D. Thompson, Jr.**, 43786 Abbott Place, **Ashburn**, Virginia 20147, Member, appointed September 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### **Board of Trustees of the Virginia Museum of Fine Arts**

**Martin J. Barrington**, 704 Big Woods Place, **Manakin Sabot**, Virginia 23103, Member, appointed August 22, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Tyler W. Bishop**, 3907 Seminary Avenue, **Richmond**, Virginia 23227, Member, appointed August 21, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Charles Levine.

**Louise B. Cochrane**, 1500 Westbrook Court, #2102, **Richmond**, Virginia 23227, Member, appointed August 22, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed herself.

**Ivan P. Jecklin**, 640 Walsing Drive, **Richmond**, Virginia 23229, Member, appointed August 22, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Kenneth S. Johnson**, 16 Tow Path Lane South, **Richmond**, Virginia 23221, Member, appointed August 22, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed James Cherry.

**Pamela C. Reynolds**, Post Office Box 17010, **Richmond**, Virginia 23226, Member, appointed August 19, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Jane Knox.

#### **Board of Visitors of the School for the Deaf and Blind**

**Michael P. Asip**, 3673 Old Buckingham Road, **Powhatan**, Virginia 23139, Member, appointed September 3, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Jane McNeil.

**Alice Frick**, 1433 Dennison Avenue, **Staunton**, Virginia 24401, Member, appointed September 3, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed herself.

**Ann Latham-Anderson**, 1280 Amber Ridge Road, **Charlottesville**, Virginia 22901, Member, appointed September 10, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Helen Sandidge.

**John C. Pleasants**, 2663 Portugee Road, **Sandston**, Virginia 23150, Member, appointed September 3, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

**Judy S. Sorrell**, 790 Blue Ridge Drive, **Staunton**, Virginia 24401, Member, appointed September 10, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Rachel Bavister.

**Paula Young-Johnson**, 11555 Greenwood Road, **Glen Allen**, Virginia 23059, Member, appointed September 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Donna Gateley.

#### **New College Institute**

**Gracie Agnew**, 532 John Baker Road, **Fieldale**, Virginia 24089, Member, appointed August 28, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Edelen.

#### **Old Dominion University Board of Visitors**

**Ross A. Mugler**, 11 Oakville Road, **Hampton**, Virginia 23669, Member, appointed August 7, 2014, to serve an unexpired term beginning August 1, 2014, and ending June 30, 2017, to succeed Jodi Gidley.

#### **State Board for Community Colleges**

**Carolyn S. Berkowitz**, 6544 Raftelis Road, **Burke**, Virginia 22015, Member, appointed August 27, 2014, to serve an unexpired term beginning July 19, 2014, and ending June 30, 2015, to succeed Stephen Gannon.

#### **Virginia Water Resources Research Center Statewide Advisory Board**

**David L. Bulova**, 10905 Spurlock Court, **Fairfax**, Virginia 22032, Member, appointed August 12, 2014, to serve at the pleasure of the Governor beginning September 1, 2014, to succeed J. Wesley Kleene.

**J. Michael Foreman**, 42 Oak Grove Road, **Palmyra**, Virginia 22963, Member, appointed August 12, 2014, to serve at the pleasure of the Governor beginning September 1, 2014, to succeed Richard Weeks.

**Joseph H. Maroon**, 12900 Watch Hill Court, **Midlothian**, Virginia 23114, Member, appointed August 12, 2014, to serve at the pleasure of the Governor beginning September 1, 2014, to succeed Ron Dodson.

### Board of the Virginia Public Building Authority

**Carolyn L. Bishop**, 1650 Raymond Place Court, **Powhatan**, Virginia 23139, Member, appointed August 21, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Robert Maddux.

### Advisory Board for the Deaf and Hard-of-Hearing

**Shantell Lewis**, 1104 Northbury Avenue, **Richmond**, Virginia 23231, Member, appointed September 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Deborah L. Pfeiffer**, 404 Lakeland Crescent, **Yorktown**, Virginia 23693, Member, appointed September 16, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

### Advisory Board on Behavior Analysis

**Keri S. Bethune**, 3202 Arrowhead Road, **Harrisonburg**, Virginia 22801, Member, appointed August 4, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to fill a new seat.

**Amanda A. Kusterer**, 3813 Hill Monument Parkway, **Richmond**, Virginia 23227, Member, appointed August 4, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new seat.

**Kate Lewis**, 1001 Wasena Avenue, **Roanoke**, Virginia 24015, Member, appointed August 4, 2014, for a term of one year beginning July 1, 2014, and ending June 30, 2015, to fill a new seat.

**Asha Patton Smith**, 3 South Montague Street, **Arlington**, Virginia 22204, Member, appointed August 4, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new seat.

**Patricia C. Taylor**, 5827 Westhall Drive, **Crozet**, Virginia 22932, Member, appointed August 4, 2014, for a term of one year beginning July 1, 2014, and ending June 30, 2015, to fill a new seat.

### Advisory Board on Physician Assistants

**Rachel A. Carlson**, 2273 Hunting Ridge Road, **Winchester**, Virginia 22603, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Eileen F. Davis**, 4940 Old Main Street, FL208, **Richmond**, Virginia 23231, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kishore Thota.

**Thomas G. Parish**, 3860 Thalia Drive, **Virginia Beach**, Virginia 23452, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**James T. Potter**, 159 Ridgefield Road, **Wise**, Virginia 24293, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Portia Tomlinson**, 1013 Stokes Drive, **Roanoke**, Virginia 24019, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Paul Marino.

### Alzheimer's Disease and Related Disorders Commission

**Sharon E. Davis**, 817 North Irving Street, **Arlington**, Virginia 22201, Member, appointed August 7, 2014, to serve an unexpired term beginning June 12, 2014, and ending June 30, 2016, to succeed Nick Faraone.

### Board of Dentistry

**Sharon W. Barnes**, 1408 Oakbrooke Avenue, **Alexandria**, Virginia 22308, Member, appointed August 27, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Myra Howard.

### Board of Health Professions

**Helene D. Clayton-Jeter**, 10414 Van Patten Lane, **Great Falls**, Virginia 22066, Member, appointed August 26, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Jonathan Noble.

**Frazier W. Frantz**, 1301 Hampton Boulevard, Unit 210, **Norfolk**, Virginia 23517, Member, appointed August 27, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Irene Farquhar.

**Yvonne Patricia Haynes**, 11718 Westbury Bluff Drive, **Midlothian**, Virginia 23114, Member, appointed August 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Allen R. Jones, Jr.**, 550 Kerry Lake Drive, **Newport News**, Virginia 23602, Member, appointed August 26, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2016, to succeed Robert Maroon.

**Robert H. Logan III**, 2222 York Road Southwest, **Roanoke**, Virginia 24015, Member, appointed August 26, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Vilma Seymour.

**Trula E. Minton**, 401 Winterslow Road, **Richmond**, Virginia 23235, Member, appointed August 26, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Allison Gregory.

**Martha S. Perry**, 1311 Vincent Place, **McLean**, Virginia 22101, Member, appointed August 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Maureen Clancy.

**Ellen B. Shinaberry**, 746 Wild Cherry Lane, **Harrisonburg**, Virginia 22801, Member appointed August 26, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Robert Rhodes.

**Jacquelyn M. Tyler**, 639 Freemans Cross Road, **Freeman**, Virginia 23856, Member, appointed August 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Paul Conway.

**James D. Watkins**, 1635 Big Bethel Road, **Hampton**, Virginia 23666, Member, appointed September 3, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2016, to succeed Jeffrey Levin.

**J. Paul Welch II**, 87 Reisingers Road, **Warsaw**, Virginia 22572, Member, appointed September 4, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2016, to succeed Blair Nelsen.

**James Wells**, 215 Henrico Road, **Front Royal**, Virginia 22630, Member, appointed August 26, 2014, to serve an unexpired term beginning July 1, 2011, and ending June 30, 2015, to succeed Fernando Martinez.

**Board of Pharmacy**

**Jody H. Allen**, 3031 Mount Hill Drive, **Midlothian**, Virginia 23113, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Melvin L. Boone, Sr.**, 674 Fernwood Farms Road, **Chesapeake**, Virginia 23320, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Pratt Stelly.

**Michael I. Elliott**, 1041 Brockland Court, **Forest**, Virginia 24551, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Rhodes.

**Sheila Kay Wilson Elliott**, 4337 Midfield Parkway, **Portsmouth**, Virginia 23703, Member, appointed August 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Crady Adams.

**Ellen Shinaberry**, 746 Wild Cherry Lane, **Harrisonburg**, Virginia 22801, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Community Integration Advisory Commission**

**Tameka F. Burroughs**, 3131 Bethany Court, **Harrisonburg**, Virginia 22801, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Carter Harrison.

**Sandra A. Cook**, 1946 Walton Street, **Petersburg**, Virginia 23805, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Kelly Hickok.

**Susan A. Elmore**, 158 Breezy Hill Drive, **Colonial Heights**, Virginia 23834, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jack Morgan.

**Stephen P. Grammer**, 1541 Wyndham Drive, Apartment A, **Vinton**, Virginia 24179, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Contreras.

**Danny L. Hodges**, 6 Edith Court, **Hampton**, Virginia 23669, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Larry Little.

**Lynn J. McCrobie**, 227 Moran Creek Road, **Weems**, Virginia 22576, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**E. Ayn Welleford**, 3471 Riverview Drive, **Richmond**, Virginia 23225, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Heather Tace.

**Monica Wiley**, 1608 Oak Place Boulevard, Apartment 102, **Henrico**, Virginia 23804, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Joshua Wilson.

**Shareen Young-Chavez**, 21149 Baileys Lane, **South Chesterfield**, Virginia 23803, Member, appointed August 20, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Alice Ess.

**Emergency Medical Services Advisory Board**

**Julia Marsden**, 9322 Jackson Street, **Burke**, Virginia 22015, Member, appointed August 5, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Carol Lee Fischer-Strickler.

**Foundation for Healthy Youth**

**Valerie L. Bowman**, 3213 Stratford Road, **Richmond**, Virginia 23225, Member, appointed September 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Gunther.

**Glory Leigh Gill**, 14 Tripp Terrace, **Hampton**, Virginia 23666, Member, appointed September 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Sarah Melton.

**Sarah Bedard Holland**, 2630 Laclede Avenue, **Richmond**, Virginia 23233, Member, appointed September 8, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Leek.

**Ritsu Kuno**, 14230 Kenmont Drive, **Midlothian**, Virginia 23113, Member, appointed September 8, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2018, to succeed Kevin Cooper.

**Robert Leek**, 120 Ridings Cove, **Williamsburg**, Virginia 23185, Member, appointed August 5, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Richard Baxter Gilliam.

**Sarah Tollison Melton**, 23104 Virginia Trail, **Bristol**, Virginia 24202, Member, appointed September 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Stephen Reardon.

**Kristina N. Powell**, 3219 Eagles Watch, **Williamsburg**, Virginia 23188, Member, appointed September 19, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Claudia Tellez.

**Vineeta T. Shah**, 4820 Old Main Street, Apartment 604, **Richmond**, Virginia 23231, Member, appointed September 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Don Gehring.

**State Rehabilitation Council for the Blind and Vision Impaired**

**John C. Bailey**, 4219 Linden Street, **Fairfax**, Virginia 22030, Member, appointed August 26, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed Marguerite Bardone.

**Rebecca J. Bridges**, 3105 14th Street South, **Arlington**, Virginia 22204, Member, appointed September 18, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed herself.

**Wanda Barnes Council**, 841 Wilderness Way, **Newport News**, Virginia 23608, Member, appointed September 9, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Debbie Pfeiffer.

**Jonathan Isaac Crisp**, 8614 Parkland Terrace, **Toano**, Virginia 23168, Member, appointed September 9, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Nikki Jeffords.

**Nichole C. Drummond**, 7610 Savannah Street, #102, **Falls Church**, Virginia 22043, Member, appointed August 4, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed Catherine Burzio.

**Elizabeth V. Horn**, 3011 East Weyburn Road, **Richmond**, Virginia 23235, Member, appointed August 7, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed Celia Yette.

**Valerie Augburn Walker**, 247 Anne Drive, **Newport News**, Virginia 23601, Member, appointed September 9, 2014, for a term of three years beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

#### **Statewide Independent Living Council**

**Mary-Margaret P. Cash**, 1813 Buford Road, **Bon Air**, Virginia 23235, Member, appointed September 15, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Theresa Preda.

**Christopher O. Grandle**, 931 Churchmans Mill Road, **Stuarts Draft**, Virginia 24477, Member, appointed September 16, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Carmela Greer.

**Cindy Gwinn**, 1225 Fernleaf Drive, **North Chesterfield**, Virginia 23235, Member, appointed September 15, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Lee Price.

**Catherine Ivy Kennedy**, 4956 Willow Point Lane, **Virginia Beach**, Virginia 23464, Member, appointed September 16, 2014, to serve an unexpired term beginning April 10, 2014, and ending September 30, 2015, to succeed Lisbet Dula.

**Rick L. Mitchell**, 9224 Huntington Woods Drive, **Mechanicsville**, Virginia 23116, Member, appointed September 15, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Jane Ward Solomon.

**Petrina Thomas**, 20048 Cedar Grove Road, **Culpeper**, Virginia 22701, Member, appointed September 15, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed herself.

**Bernard R. Werwie, Jr.**, 165 Greenhill Lane, **Fredericksburg**, Virginia 22405, Member, appointed September 16, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Shawn Utt.

#### **Virginia Board for People with Disabilities**

**Vicki Beatty**, 2209 West Grace Street, **Richmond**, Virginia 23220, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Carl Tate.

**Linda G. Broady-Myers**, 21 East Leigh Street, #301, **Richmond**, Virginia 23219, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Michael J. Carrasco**, 119 Normandy Hill Drive, **Alexandria**, Virginia 22304, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Margaret Disney.

**Carina K. Elgin**, 2548 Bull Run Mountain Road, **The Plains**, Virginia 20198, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Carol Lewin.

**John Kelly, Jr.**, 11532 Hill Meade Lane, **Woodbridge**, Virginia 22192, Member, appointed August 4, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed S. Holsinger.

**Donna J. Lockwood**, 5805 Goolagong Drive, **Virginia Beach**, Virginia 23464, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed April Niamtu.

**Atima Omara-Alwala**, 1530 Key Boulevard, Apartment 310, **Arlington**, Virginia 22209, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Kelly.

**Angela Sadsad**, 5409 Wallingford Arch, **Virginia Beach**, Virginia 23464, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Ed Turner**, 300 West Franklin Street, Apartment 103-W, **Richmond**, Virginia 23220, Member, appointed August 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Dorothy Clark.

#### **Virginia Health Workforce Development Authority**

**Eleanor Cantrell**, Post Office Box 2866, **Wise**, Virginia 24293, Member, appointed August 19, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed herself.

**Ralph R. Clark, III**, 12305 Pleasant Lake Terrace, **Richmond**, Virginia 23233, Member, appointed August 19, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed himself.

**Nancy E. Dunlap**, 10 East Pavilion, University of Virginia, **Charlottesville**, Virginia 22903, Member, appointed August 28, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Dixie Tooke-Rawlins.

**Shirley Rogers Gibson**, 11325 McCauliff Court, **Richmond**, Virginia 23236, Member, appointed August 19, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed herself.

**R. Neal Graham**, 11229 Fox Meadow Drive, **Henrico**, Virginia 23233, Member, appointed August 19, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed Nancy Stern.

**Deborah J. Johnston**, 5230 Wythe Avenue, **Richmond**, Virginia 23220, Member, appointed August 28, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Mike Kerner.

**Lori A. Rutherford**, 2328 Wycliffe Avenue, Southwest, **Roanoke**, Virginia 24014, Member, appointed August 19, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed Frank Farmington.

### Chesapeake Bay Bridge and Tunnel Commission

**John F. Malbon**, 1401 Carolyn Drive, **Virginia Beach**, Virginia 23451, Member, appointed August 6, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Capitol Square Preservation Council

**Jane M. Plum**, 2073 Cobblestone Lane, **Reston**, Virginia 20191, Member, appointed August 6, 2014, to serve an unexpired term beginning June 1, 2013, and ending June 30, 2015, to succeed G. William Greer.

### Manufacturing Development Commission

**Dennis O. Burnett**, 441 Barrenridge Road, **Staunton**, Virginia 24401, Member, appointed August 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed David Lohr.

**Angeline D. Godwin**, 44 Old Meadow Drive, **Stanleytown**, Virginia 24168, Member, appointed August 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jerry Robertson.

**B. Scott Tilley**, 1268 Hickory Lane, **Virginia Beach**, Virginia 23452, Member, appointed August 25, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Brett A. Vassey**, 5711 Harbour Ridge Road, **Midlothian**, Virginia 23112, Member, appointed August 28, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### Board of Historic Resources

**Margaret T. Peters**, 612 West Franklin Street, Unit 8-A, **Richmond**, Virginia 23220, Member, appointed August 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lacy Ward.

**Ashley Atkins Spivey**, 3300 East Broad Street, **Richmond**, Virginia 23223, Member, appointed August 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James Rich.

### Board of Trustees of the Virginia Museum of Natural History

**Christine S. Baggerly**, 410 Seminole Drive, **Danville**, Virginia 24540, Member, appointed August 11, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Melissa Neff Gould.

**Monica T. Monday**, 936 Mulberry Road, **Martinsville**, Virginia 24112, Member, appointed August 11, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed herself.

**James W. Severt, II**, 3110 Dumbarton Street Northwest, **Washington, District of Columbia** 20007, Member, appointed August 12, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

### Virginia Cave Board

**Janet Tinkham**, 360 Kings Drive, **Fort Valley**, Virginia 22652, Member, appointed August 28, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

### Virginia Land Conservation Foundation

**Byron M. Adkins, Jr.**, Post Office Box 53, **Ruthville**, Virginia 23147, Member, appointed September 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Amy Saucier Kelley.

**Susan E. Donner**, 318 South Main Street, **Suffolk**, Virginia 23434, Member, appointed September 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Beals.

**Joan Fenton**, 3705 Country Lane, **Charlottesville**, Virginia 22903, Member, appointed September 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Albert Weed.

**Jay C. Ford**, Post Office Box 77, **Quinby**, Virginia 23423, Member, appointed September 9, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Bonnie Moorman.

**Anna Logan Lawson**, 1575 Catawba Road, **Daleville**, Virginia 24083, Member, appointed September 9, 2014, for a term of four years beginning July 1, 2011, and ending June 30, 2015, to succeed herself.

**Albert C. Pollard, Jr.**, 48 Steamboat Road, **Irvington**, Virginia 22480, Member, appointed September 9, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Margaret Davis.

### Advisory Committee on Juvenile Justice

**Marilyn G. Brown**, 7709 Hillview Avenue, **Richmond**, Virginia 23229, Member, appointed August 1, 2014, to serve an unexpired term beginning June 6, 2014, and ending June 30, 2015, to succeed Antonio Sutton.

**Lorenzo R. Collins, Sr.**, 1816 Magnolia Ridge Drive, **Glen Allen**, Virginia 23059, Member, appointed August 1, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Alison Carlin.

**John B. Dougherty**, 1211 West 42nd Street, **Richmond**, Virginia 23225, Member, appointed August 1, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Chuck Brady.

**Lindsay R. Fisher**, 1307 Whitley Court, **Chester**, Virginia 23836, Member, appointed August 1, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Kevin Appel.

**Melvin Johnson**, 1200 West Broad Street, **Richmond**, Virginia 23220, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Andrew Slater.

**Sarah Lewis**, 1206 L University Terrace, **Blacksburg**, Virginia 24060, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Catherine Watts.

**Regina M. O'Brien**, 103 Big Limb Lane, **Stephens City**, Virginia 22655, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to fill a new seat.

**C. Shane Ringressy**, 9900 Hunters Mill Road, Apartment J/L, **Blacksburg**, Virginia 24060, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Amanda Johnson.

**Debbie H. Smith**, 9900 Willow Bank Road, **Charles City**, Virginia 23030, Member, appointed August 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Matthew Geary.

**Deirdre L. Smith**, 2652 Jefferson Park Circle, **Charlottesville**, Virginia 22903, Member, appointed August 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Dwight Jones.

#### **Information Technology Advisory Council**

**Sandra J. Adams**, 5561 Holman Drive, **Glen Allen**, Virginia 23059, Member, appointed August 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Cathy Nott.

**Anjan Chimaladinne**, 25312 Fairbanks Place, **Chantilly**, Virginia 20152, Member, appointed July 18, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Dendy Young.

**Clyde E. Cristman**, 9170 Willis Church Road, **Henrico**, Virginia 23231, Member, appointed September 4, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Valerie E. Thomson.

**Kent C. Dickey**, 4107 Wythe Avenue, **Richmond**, Virginia 23221, Member, appointed August 28, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Joy Hughes.

**David Ihrie**, 2214 Rock Hill Road, Suite 600, **Herndon**, Virginia 20170, Member, appointed August 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Karen Jackson.

**Monte Johnson**, 42413 Hollyhock Terrace, **Ashburn**, Virginia 20148, Member, appointed July 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed James Walton.

**Charles Kilpatrick**, 13106 Woodruff Court, **Fredericksburg**, Virginia 22408, Member, appointed August 22, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Richard Holcomb.

**Salvatore Lupica**, 4621 Devonshire Road, **Richmond**, Virginia 23225, Member, appointed September 5, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Broadway.

**Kelly Thomasson Mercer**, 109 Arlington Street, **Ashland**, Virginia 23005, Member, appointed August 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Jennifer Augur.

**Judith G. Napier**, 3300 Riverglade Road, **Powhatan**, Virginia 23139, Member, appointed August 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Robert Kemmler.

**Richard F. Sliwoski**, 901 McDonough Street, Apartment 312, **Richmond**, Virginia 23224, Member, appointed August 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Belchior Mira.

**Ernest F. Steidle**, 1511 Chatham Road, **Waynesboro**, Virginia 22980, Member, appointed August 26, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**David A. Von Moll**, 2006 Deauville Road, **Richmond**, Virginia 23235, Member, appointed August 28, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Sharon L. Kitchens.

#### **Innovation and Entrepreneurship Investment Authority**

**Timothy D. Sands**, 225 Grove Lane, **Blacksburg**, Virginia 24061, Member, appointed August 28, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Charles W. Steger.

**Michael R. Steed**, 4100 Rosemary Street, **Chevy Chase, Maryland** 20815, Member, appointed September 3, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Wayne Hunter.

**Teresa A. Sullivan**, Post Office Box 400224, **Charlottesville**, Virginia 22903, Member, appointed August 20, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed herself.

#### **Veterans Services Foundation**

**Kathleen B. Levingston**, 1208 Althea Court, **Chesapeake**, Virginia 23322, Member, appointed September 25, 2014, to serve an unexpired term beginning August 7, 2014, and ending June 30, 2016, to succeed James R. Schenck.

### **SENATE JOINT RESOLUTION NO. 261**

*Confirming appointments by the Governor of certain persons communicated December 1, 2014.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly December 1, 2014.

#### **AGENCY HEAD**

**John L. Newby II**, 4000 Harcourt Lane, **Richmond**, Virginia 23233, Commissioner of the Department of Veterans Services, effective October 9, 2014, to serve at the pleasure of the Governor, to succeed Paul Galanti.

#### **AGRICULTURE AND FORESTRY**

##### **Board of Agriculture and Consumer Services**

**Kay Johnson Smith**, 3515 South 17th Street, **Arlington**, Virginia 22204, Member, appointed October 7, 2014, to serve an unexpired term beginning September 5, 2013, and ending February 28, 2015, to succeed Patrick Toulme.

**Corn Board**

**G. Henry Goodrich**, 1116 Goodrich Fork Road, **Wakefield**, Virginia 23888, Member, appointed November 5, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**E. Phillip Hickman, III**, Post Office Box 266, 36289 Justice Road, **Horntown**, Virginia 23395, Member, appointed November 5, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Lyle Pugh.

**Wesley S. Marshall**, 557 Burketown Road, **Weyers Cave**, Virginia 24486, Member, appointed November 3, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Cotton Board**

**Shelley S. Butler Barlow**, 696 Cherry Grove Road, **Suffolk**, Virginia 23432, Member, appointed October 29, 2014, for a term of three years beginning September 26, 2012, and ending September 25, 2015, to succeed herself.

**Jon L. Black**, 5440 Roxbury Road, **Charles City**, Virginia 23030, Member, appointed October 29, 2014, for a term of three years beginning September 26, 2014, and ending September 25, 2017, to succeed Bruce Johnson.

**T. Steele Byrum**, 19517 Beale Place Drive, **Zuni**, Virginia 23898, Member, appointed October 21, 2014, for a term of three years beginning September 26, 2012, and ending September 25, 2015, to succeed James Jones.

**Joey G. Doyle**, 1626 James River Junction, **Emporia**, Virginia 23847, Member, appointed October 22, 2014, for a term of three years beginning September 26, 2012, and ending September 25, 2015, to succeed himself.

**Lee Randolph Everett**, 18291 Concord Sappony Road, **Stony Creek**, Virginia 23882, Member, appointed October 21, 2014, for a term of three years beginning September 26, 2014, and ending September 25, 2017, to succeed Lance Everett.

**Michael E. Grizzard**, 13050 Rivers Mill Road, **Capron**, Virginia 23829, Member, appointed October 29, 2014, for a term of three years beginning September 26, 2013, and ending September 25, 2016, to succeed himself.

**David L. Long**, 25160 Lankford Highway, **Cape Charles**, Virginia 23310, Member, appointed November 13, 2014, for a term of three years beginning September 26, 2014, and ending September 25, 2017, to succeed himself.

**Paul W. Rogers, III**, 34535 Warrique Road, **Wakefield**, Virginia 23888, Member, appointed October 21, 2014, for a term of three years beginning September 26, 2013, and ending September 25, 2016, to succeed Clay Lowe.

**Egg Board**

**Ellen D. Baber**, 542 Amphthill Road, **Cartersville**, Virginia 23027, Member, appointed November 5, 2014, to serve at the pleasure of the Governor beginning November 5, 2014, to succeed herself.

**Hobart P. Bauhan**, 1100 Ridgewood Road, **Harrisonburg**, Virginia 22801, Member, appointed July 9, 2014, to serve at the pleasure of the Governor beginning July 9, 2014, to succeed Neal H. Martin.

**Lori Wagner Campbell**, 19541 Monroe Road, **Damascus**, Virginia 24236, Member, appointed November 5, 2014, to serve at the pleasure of the Governor beginning November 5, 2014, to succeed herself.

**Lance R. Minear**, 2807 Annakay Crossing, **Midlothian**, Virginia 23113, Member, appointed July 9, 2014, to serve at the pleasure of the Governor beginning July 9, 2014, to succeed himself.

**Paul L. Ruszler**, 2821 Wrights Way, **Blacksburg**, Virginia 24060, Member, appointed July 17, 2014, to serve at the pleasure of the Governor beginning July 17, 2014, to succeed himself.

**W. Keith Sheets**, 8534 Overbrook Drive, **McGaheysville**, Virginia 22840, Member, appointed November 5, 2014, to serve at the pleasure of the Governor beginning November 5, 2014, to succeed himself.

**Rodney Y. Wagner**, 15135 Litton Road, **Abingdon**, Virginia 24210, Member, appointed November 5, 2014, to serve at the pleasure of the Governor beginning November 5, 2014, to succeed himself.

**Milk Commission**

**Kate Blair Farmer**, 102 Leftwich Street, **Gretna**, Virginia 24557, Member, appointed October 21, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Zachary Hatcher.

**Bruce E. Mayer**, 1146 Blue Knoll Road, **Vinton**, Virginia 24179, Member, appointed October 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Beasley.

**Peanut Board**

**Wayne C. Barnes**, 19315 Courthouse Road, **Dinwiddie**, Virginia 23841, Member, appointed November 5, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Ernest L. Blount**, 5336 Rolfe Highway, **Elberon**, Virginia 23846, Member, appointed November 5, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Michael J. Marks, Sr.**, 22833 Popes Station Road, **Capron**, Virginia 23829, Member, appointed November 6, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

**Potato Board**

**William S. Floyd, Sr.**, 4198 Pear Plain Lane, **Machipongo**, Virginia 23405, Member, appointed November 5, 2014, for a term of four years beginning June 20, 2013, and ending June 19, 2017, to succeed himself.

**David L. Hickman**, Post Office Box 310, 6188 Dublin Farm Road, **Horntown**, Virginia 23395, Member, appointed November 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Jimmy F. Holland**, 2170 Fleming Road, **New Church**, Virginia 23415, Member, appointed November 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**L. Bruce Holland**, 28321 Holland Lane, **New Church**, Virginia 23415, Member, appointed November 5, 2014, for a term of four years beginning June 20, 2013, and ending June 19, 2017, to succeed himself.

**David L. Long**, 25160 Lankford Highway, **Cape Charles**, Virginia 23310, Member, appointed November 5, 2014, for a term of four years beginning June 20, 2013, and ending June 19, 2017, to succeed himself.

**H. Bruce Richardson, Jr.**, Post Office Box 85, **Capeville**, Virginia 23313, Member, appointed November 12, 2014, for a term of four years beginning June 20, 2014, and ending June 19, 2018, to succeed himself.

#### **Sheep Industry Board**

**William R. Baker**, 41469 Springvalley Lane, **Leesburg**, Virginia 20175, Member, appointed October 20, 2014, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed himself.

**Cecil W. King**, Post Office Box 148, 5217 Buena Vista Road, **Pulaski**, Virginia 24301, Member, appointed October 20, 2014, for a term of three years beginning March 9, 2013, and ending March 8, 2016, to succeed himself.

**Peter F. Martens III**, 10357 Waggys Creek Road, **Dayton**, Virginia 22821, Member, appointed October 29, 2014, to serve an unexpired term beginning October 29, 2014, and ending March 8, 2016, to succeed Gerald McCammon.

**John Lawson Roberts, Jr.**, 7000 Military Road, **Amelia**, Virginia 23002, Member, appointed October 20, 2014, for a term of three years beginning March 9, 2014, and ending March 8, 2017, to succeed Joseph Meek.

#### **Soybean Board**

**Harrison A. Moody**, 10876 Zilles Road, **Blackstone**, Virginia 23824, Member, appointed October 21, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed himself.

**Susan A. Watkins**, 16002 Namozine Road, **Sutherland**, Virginia 23885, Member, appointed October 21, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Keith Dunn.

**Robert W. White, Jr.**, 3004 Seaboard Road, **Virginia Beach**, Virginia 23456, Member, appointed October 21, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed himself.

**J. Colin Whittington**, 13601 Genito Road, **Amelia**, Virginia 23002, Member, appointed October 21, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Juan W. Whittington.

#### **COMMERCE AND TRADE**

##### **Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects**

**Cameron C. Stiles**, 315 Calley Street, **Ashland**, Virginia 23005, Member, appointed October 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lorri Finn.

**Michael W. Zmuda**, 9010 Safflower Court, **Mechanicsville**, Virginia 23116, Member, appointed October 7, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Nancy McIntyre.

##### **Board for Hearing Aid Specialists and Opticians**

**Edward L. De Gennaro**, 4921 Terrace Arbor Circle, **Midlothian**, Virginia 23112, Member, appointed October 29, 2014, to serve an unexpired term beginning October 3, 2014, and ending June 30, 2016, to succeed Bill Russ.

##### **Board for Waste Management Facility Operators**

**Ellen Clark Thacker**, 510 Sandpiper Cove, **Yorktown**, Virginia 23692, Member, appointed November 19, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2015, to succeed Peter Cao.

**Timothy P. Torrez**, 1224 Nottoway Avenue, **Richmond**, Virginia 23227, Member, appointed November 19, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Holland, Jr.

##### **Board of Directors of the Virginia Tourism Authority**

**Catherine D. Brillhart**, 213 Autumn Drive, **Bristol**, Virginia 24201, Member, appointed October 30, 2014, for a term of six years beginning July 1, 2014, and ending June 30, 2020, to succeed Susan Platt.

##### **Tobacco Indemnification and Community Revitalization Commission**

**Cecil E. Shell**, 8617 Longview Drive, **Kenbridge**, Virginia 23944, Member, appointed October 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Gayle Barts.

**Richard L. Sutherland**, 166 Caty Sage Road, **Elk Creek**, Virginia 24326, Member, appointed October 9, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John Stallard.

##### **Virginia Apprenticeship Council**

**Daniel L. Brookman**, 4 Elliott Place, **Hampton**, Virginia 23664, Member, appointed October 30, 2014, for a term of three years beginning June 21, 2014, and ending June 20, 2017, to succeed Earl Dickerson.

**Darold S. Kemp**, 29052 Walters Highway, **Carrsville**, Virginia 23315, Member, appointed October 30, 2014, for a term of three years beginning June 21, 2014, and ending June 20, 2017, to succeed himself.

##### **Virginia Board for Asbestos, Lead and Home Inspectors**

**James E. Haltigan**, 275 Swoope Road, **Swoope**, Virginia 24479, Member, appointed October 15, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Keith Cronan.

##### **Virginia Board of Workforce Development**

**Doris Crouse-Mays**, 1846 Lovers Lane, **Vinton**, Virginia 24179, Member, appointed October 2, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

**Barry DuVal**, 136 Randolph's Green, **Williamsburg**, Virginia 23185, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Mary Hughes Hynes**, 1503 North Highland Street, **Arlington**, Virginia 22201, Member, appointed October 2, 2014, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2015, to succeed Linda Johnson.

**Brett A. Vassey**, 5711 Harbour Ridge Road, **Midlothian**, Virginia 23112, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Thomas L. Walker**, 1331 Laurel Ridge Lane, **Chesapeake**, Virginia 23322, Member, appointed October 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Christine Kennedy.

**Virginia Economic Development Partnership**

**Ernest Lee Coburn, III**, Post Office Box 884, 205 Town Square Street, **Glade Spring**, Virginia 24340, Member, appointed October 8, 2014, to serve an unexpired term beginning May 31, 2014, and ending December 31, 2015, to succeed Carole Pratt.

**COMPACTS**

**Citizens Advisory Committee to the Chesapeake Bay Executive Council**

**Dale A. Gardner**, 4410 Donnelley Drive, **Bridgewater**, Virginia 22812, Member, appointed October 1, 2014, to serve an unexpired term beginning January 1, 2013, and ending December 31, 2016, to succeed Nancy L. Alexander.

**Paula Hill Jasinski**, 1801 Holly View Drive, **Gloucester Point**, Virginia 23062, Member, appointed October 1, 2014, to serve an unexpired term beginning January 1, 2011, and ending December 31, 2014, to succeed John A. Cosgrove.

**Metropolitan Washington Airports Authority**

**C. Charles Caputo**, 12304 Westwood Hills Drive, **Herndon**, Virginia 20171, Member, appointed November 10, 2014, for a term of six years beginning November 24, 2014, and ending November 23, 2020, to succeed Bruce Gates.

**Bruce A. Gates**, 4135 Seminary Road, **Alexandria**, Virginia 22304, Member, appointed November 24, 2014, to serve an unexpired term beginning November 16, 2014, and ending November 23, 2016, to succeed Tom Davis.

**Katherine K. Hanley**, 11776 Stratford House Place, Unit 1109, **Reston**, Virginia 20190, Member, appointed November 10, 2014, for a term of six years beginning November 24, 2014, and ending November 23, 2020, to succeed Elaine McConnell.

**Potomac River Basin Commission of Virginia**

**Paul Alexander Holland**, 2000 North Upland Street, **Arlington**, Virginia 22207, Member, appointed October 9, 2014, to serve an unexpired term beginning March 1, 2013, and ending February 28, 2017, to succeed Dann M. Sklarew.

**Potomac River Fisheries Commission**

**Ida C. Hall**, 1430 Jarvis Point Road, **Kilmarnock**, Virginia 22482, Member, appointed October 1, 2014, for a term of four years beginning September 10, 2014, and ending September 9, 2018, to succeed herself.

**Scientific and Technical Advisory Committee to the Chesapeake Bay Executive Council**

**Joshua G. Behr**, 423 Carl Street, **Norfolk**, Virginia 23505, Member, appointed November 5, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Cynthia Jones.

**EDUCATION**

**A.L. Philpott Manufacturing Extension Partnership Board of Trustees  
(aka GENEDGE Alliance)**

**Jonathan R. Alger**, 916 Oak Hill Drive, **Harrisonburg**, Virginia 22801, Member, appointed November 18, 2014, for a term of four years beginning June 6, 2014, and ending June 30, 2018, to succeed John Broderick.

**Hans de Koning**, 5913 Old Greenway Drive, **Glen Allen**, Virginia 23059, Member, appointed October 23, 2014, for a term of four years beginning June 6, 2014, and ending June 30, 2018, to succeed Mark George.

**John A. Downey**, 287 Fairway Drive, **Harrisonburg**, Virginia 22802, Member, appointed October 23, 2014, for a term of four years beginning June 6, 2014, and ending June 30, 2018, to succeed Jack Lewis.

**Roy C. Irvine**, 6800 Edwin Drive, **Petersburg**, Virginia 23803, Member, appointed October 23, 2014, for a term of four years beginning June 6, 2014, and ending June 30, 2018, to succeed Angela Kelly-Wiecek.

**Wayne P. Stilwell**, 8452 Summer Breeze Place, **Manassas**, Virginia 20112, Member, appointed November 3, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Sander Dukas.

**Meiky Tollman**, 12124 Ormond Drive, **Richmond**, Virginia 23233, Member, appointed November 12, 2014, for a term of four years beginning June 6, 2014, and ending June 30, 2018, to succeed himself.

**Anna H. Yarashus**, 1501 Taylor Point Drive, **Chesapeake**, Virginia 23321, Member, appointed November 13, 2014, to serve an unexpired term beginning April 19, 2014, and ending June 30, 2016, to succeed Stanley A. Brantley, Jr.

**Board of Education**

**Sal Romero, Jr.**, 1032 Bridle Court, **Harrisonburg**, Virginia 22801, Member, appointed October 20, 2014, to serve an unexpired term beginning September 3, 2014, and ending January 29, 2018, to succeed Andrew Ko.

**Board of Trustees of the Virginia Museum of Fine Arts**

**Michele O. Petersen**, 7012 Arbor Lane, **McLean**, Virginia 22011, Member, appointed October 9, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Thurston R. Moore.

**Board of Visitors for Gunston Hall**

**David S. Mercer**, 818 Marshall Lane, **Alexandria**, Virginia 22302, Member, appointed October 10, 2014, for a term of one year beginning October 1, 2014, and ending September 30, 2015, to succeed Kevin Gentry.

**Penelope Payne**, 1742 Swann Street Northwest, **Washington, District of Columbia** 20009, Member, appointed October 10, 2014, for a term of one year beginning October 1, 2014, and ending September 30, 2015, to succeed herself.

**Timothy J. Sargeant**, 8803 Cross Chase Circle, **Fairfax Station**, Virginia 22039, Member, appointed October 9, 2014, for a term of one year beginning October 1, 2014, and ending September 30, 2015, to succeed himself.

### Commonwealth Health Research Board

**John R. Onufer**, 2715 East Grace Street, **Richmond**, Virginia 23223, Member, appointed November 3, 2014, to serve an unexpired term beginning April 1, 2013, and ending March 31, 2018, to succeed Fred Hadeed.

### FINANCE

#### Board of the Virginia College Building Authority

**Katharine M. Bond**, 10325 Sonny Meadows Lane, **Mechanicsville**, Virginia 23116, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Alicia Hughes.

**Dennis C. LaGanza**, 2914 Mayer Place, **Alexandria**, Virginia 22302, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John R. Vogt.

**McLain T. O'Ferrall, Jr.**, 2137 Burroughs Street, **Richmond**, Virginia 23235, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed William J. Vakos.

**Lane B. Ramsey**, 9800 Gates Bluff Drive, **Chesterfield**, Virginia 23832, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Anne C.H. Conner.

### HEALTH AND HUMAN RESOURCES

#### Advisory Board on Acupuncture

**Lynn M. Almloff**, 287 Independence Boulevard, Suite 210, **Virginia Beach**, Virginia 23462, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Janet L. Borges**, 8401 Patterson Avenue, Suite 103, **Richmond**, Virginia 23229, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Floyd Herdrich.

**Sharon Crowell**, 18 Coloma Court, **Sterling**, Virginia 20164, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Elaine Komarow.

**Leslie Rubio**, 1705 Georgia Avenue, **Richmond**, Virginia 23220, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mari Eder.

**Chheany Ung**, 3800 Electric Road, Suite 307, **Roanoke**, Virginia 24018, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

#### Advisory Board on Athletic Training

**Deborah B. Corbatto**, 10810 Stanhope Place, **Fairfax**, Virginia 22032, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Brent Arnold.

**Michael J. Puglia**, 4108 Boscobel Avenue, **Richmond**, Virginia 23225, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Mitchell Callis.

**Sara L. Whiteside**, 17673 Brockman Road, **Orange**, Virginia 22960, Member, appointed October 1, 2014, to serve an unexpired term beginning July 1, 2011, and ending June 30, 2015, to succeed Jon Almquist.

#### Advisory Board on Occupational Therapy

**Karen L. Lebo**, 212 Roseneath Road, **Richmond**, Virginia 23221, Member, appointed October 29, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Eleanor Levi.

**Kathryn B. Skibek**, 15361 Wits End Drive, **Woodbridge**, Virginia 22193, Member, appointed October 29, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Jean Hearst.

#### Board of Audiology and Speech-Language Pathology

**Ann Tucker Gleason**, 23 Hemlock Place, **Zion Crossroads**, Virginia 22942, Member, appointed November 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Martin L. Lenhardt**, 1608 Mouring Lane, **Hayes**, Virginia 23072, Member, appointed November 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Lillian Beahm.

**Angela Williams Moss**, 8005 Sycamore Lane, **Henrico**, Virginia 23228, Member, appointed October 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Wanda Pritekel.

**Laura Purcell Verdun**, 2608 Iron Forge Road, **Oak Hill**, Virginia 20171, Member, appointed October 24, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

#### Board of Counseling

**Jane Engelken Nevins**, 8600 Larkhaven Terrace, **Fairfax Station**, Virginia 22039, Member, appointed October 29, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Patricia Mullen.

#### Board of Psychology

**James L. Werth, Jr.**, 21300 Golden View Drive, **Bristol**, Virginia 24202, Member, appointed November 3, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Edward Peck.

#### Board of Veterinary Medicine

**Ellen G. Hillyer**, 4702 Sylvan Road, **Richmond**, Virginia 23225, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Constance Pozniak.

#### Family and Children's Trust Fund

**Candace Bryan Abbey**, 4118 23rd Street North, **Arlington**, Virginia 22207, Member, appointed October 9, 2014, to serve an unexpired term beginning August 12, 2014, and ending June 30, 2018, to succeed Nikki Nicholau.

**Yasmine R. Taeb**, 1530 Key Boulevard, Apartment 517, **Arlington**, Virginia 22209, Member, appointed October 16, 2014, to serve an unexpired term beginning October 14, 2014, and ending June 30, 2016, to succeed James Isaac.

### Public Guardian and Conservator Advisory Board

**Naila Alam**, 1183 Cypress Tree Place, **Herndon**, Virginia 20170, Member, appointed October 2, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Kate Mason.

**James F. Almand**, 5526 18th Road North, **Arlington**, Virginia 22205, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Aundria Foster.

**Paul G. Izzo**, 4720 West Grace Street, **Richmond**, Virginia 23230, Member, appointed October 2, 2014, for a term of three years beginning July 1, 2014, and ending June 20, 2017, to succeed Kathryn Pryor.

**George McAndrews**, 2517 Lakevale Drive, **Vienna**, Virginia 22181, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Demaris Miller.

**Rose A. Palmer**, 234 Claiborne Drive, **Williamsburg**, Virginia 23185, Member, appointed October 23, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Eileen Reinaman.

**James R. Talbert**, 20 Betz Lane, **Hampton**, Virginia 23666, Member, appointed October 2, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2016, to succeed Debra Holloway.

**Cathy V. Thompson**, 1910 Sheffield Road Southwest, **Roanoke**, Virginia 24015, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed John M. Powell.

**Veronica E. Williams**, 531 Stockton Street, **Hampton**, Virginia 23669, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Karen Fortier.

### Scientific Advisory Committee

**Randall E. Beaty**, 2411 Marlton Drive, **Austin, Texas** 78703, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Maureen C. Bottrell**, 1007 Mountfort Court Southwest, **Vienna**, Virginia 22180, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed José Almirall.

**Richard P Meyers**, 1713 Sadlers Wells Drive, **Herndon**, Virginia 20170, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Alphonse Poklis**, 1806 Windingridge Drive, **Henrico**, Virginia 23238, Member, appointed October 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

### State Health Department Sewage Handling and Disposal Appeal Review Board

**Dean Stone**, 1083 Riverbend Drive, **Rocky Mount**, Virginia 24151, Member, appointed October 16, 2014, to serve at the pleasure of the Governor beginning October 17, 2014, to succeed Billy R. Sutherland.

### State Rehabilitation Council

**Tonya Fowler**, 315 Lynn Street, **Danville**, Virginia 24541, Member, appointed October 2, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Thalia Simpson-Clement.

**Shannon M. Haworth**, 1109 Welborne Drive, **Richmond**, Virginia 23229, Member, appointed October 2, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed Cheryl Johnson.

**Samantha M. Hollins**, 2301 New Berne Road, **Richmond**, Virginia 23228, Member, appointed October 2, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed John Eisenberg.

**Delores Ann Johnson**, 1445 Devon Lane, Apartment G, **Harrisonburg**, Virginia 22801, Member, appointed October 2, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed J. Bryant Neville.

**Bruce D. Phipps**, 5119 Carter Grove Circle, **Roanoke**, Virginia 24012, Member, appointed October 31, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Rummy J. Mohta.

**Lauren Snyder Roche**, 22 Robert Bruce Road, **Poquoson**, Virginia 23662, Member, appointed October 14, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed Philip Sieck.

**Sally J. Thompson**, 245 Manchester Drive, **Hampton**, Virginia 23666, Member, appointed October 2, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed herself.

### Virginia Board for People with Disabilities

**Travis Webb**, 9519 21st Bay Street, Apartment 1D, **Norfolk**, Virginia 23518, Member, appointed October 9, 2014, to serve an unexpired term beginning April 19, 2014, and ending June 30, 2016, to succeed Everlene Brewer.

### Virginia Board for the Blind and Vision Impaired

**Tina Hawley**, 2 Jonquil Lane, **Newport News**, Virginia 23606, Member, appointed October 1, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ronald Hamm.

**Marsha Hester**, 1101 Haxall Point, Unit 511, **Richmond**, Virginia 23219, Member, appointed October 1, 2014, for term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Lynn Lesko**, 100 Signature Way, Apartment 827, **Hampton**, Virginia 23666, Member, appointed October 1, 2014, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Alice Malbone.

### Virginia Interagency Coordinating Council

**Catherine H. Cook**, 1250 Chatham Road, **Waynesboro**, Virginia 22980, Member, appointed November 19, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Lissa Power-deFur.

**Bonnie Grifa**, 458 Supplejack Court, **Chesapeake**, Virginia 23320, Member, appointed October 30, 2014, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Jean Odachowski.

**Wyonnie V. Harsley**, 9101 Stone Garden Drive, **Lorton**, Virginia 22079, Member, appointed October 30, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Catherine Cook.

**Daun Sessoms Hester**, 330 West Brambleton Avenue, #1111, **Norfolk**, Virginia 23510, Member, appointed November 6, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed Annie B. Crockett-Stark.

**Angela D. Leonard**, 404 Longwood Lane, **Blue Ridge**, Virginia 24064, Member, appointed November 6, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed herself.

**Kathleen M. McCauley**, 2305 Floyd Avenue, **Richmond**, Virginia 23220, Member, appointed October 30, 2014, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed herself.

**Jean S. Odachowski**, 1107 Cherokee Trail, **Martinsville**, Virginia 24112, Member, appointed November 19, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Sandra Woodward.

**Allan J. Phillips**, 12005 Wayland Street, **Oakton**, Virginia 22124, Member, appointed October 30, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2015, to succeed himself.

**Catherine Rey**, 2333 Fillmore Circle, **Chesterfield**, Virginia 23235, Member, appointed October 30, 2014, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Barbara Barrett.

**Kelly Walsh-Hill**, 7444 Ashley Drive, **Warrenton**, Virginia 20187, Member, appointed October 30, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed herself.

**Kerry Lee White**, 13204 Fitzwater Drive, **Nokesville**, Virginia 20181, Member, appointed October 30, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Frederick Beaman.

#### INDEPENDENT

##### Board of Directors of the Virginia Birth-Related Neurological Injury Compensation Program

**Lydia A. Byrd**, 914 North 35th Street, **Richmond**, Virginia 23223, Member, appointed October 23, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed Françoise Mullen.

##### Virginia College Savings Plan

**Edward H. Bersoff**, 7710 Woodmont Avenue, Unit 1210, **Bethesda, Maryland** 20814, Member, appointed October 30, 2014, to serve an unexpired term beginning November 1, 2014, and ending June 30, 2018, to succeed Ross A. Mugler.

#### NATURAL RESOURCES

##### Alexandria Historical Restoration and Preservation Commission

**K. Carter Batey, Jr.**, 113 South Iris Street, **Alexandria**, Virginia 22304, Member, appointed October 1, 2014, for a term of four years beginning August 1, 2014, and ending July 31, 2018, to succeed R. Brent Blevins.

**Christopher J. Yianilos**, 811 Beverley Drive, **Alexandria**, Virginia 22302, Member, appointed October 1, 2014, for a term of four years beginning August 1, 2014, and ending July 31, 2018, to succeed Carole Walker.

#### PUBLIC SAFETY AND HOMELAND SECURITY

##### State Board of Corrections

**Tammi Lambert**, 12225 Creekview Circle, Apartment 302, **Woodbridge**, Virginia 22192, Member, appointed November 12, 2014, to serve an unexpired term beginning November 4, 2014, and ending June 30, 2017, to succeed Cortland Putbrese.

**Colin P. O'Dawe**, 2125 Whispering Sands Lane, **Virginia Beach**, Virginia 23455, Member, appointed November 14, 2014, to serve an unexpired term beginning May 27, 2014, and ending June 30, 2016, to succeed Linda Curtis.

##### Secure Commonwealth Panel

**R. Michael Mohler**, 7816 Marconi Court, **Springfield**, Virginia 22153, Member, appointed October 17, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Charles Werner.

#### TECHNOLOGY

##### Virginia Geographic Information Network Advisory Board

**Clyde E. Cristman**, 9170 Willis Church Road, **Henrico**, Virginia 23231, Member, appointed November 20, 2014, to serve an unexpired term beginning November 20, 2014, and ending June 30, 2015, to succeed Joseph Maroon.

#### TRANSPORTATION

##### Aerospace Advisory Council

**Peter Bale**, 6327 Cleveland Street, **Chincoteague**, Virginia 23336, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Hollister Cantus.

**Matthew E. Bannon**, 206 44th Street, **Virginia Beach**, Virginia 23451, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Michelle Frank.

**Oktay Baysal**, 4545 Commerce Street, **Virginia Beach**, Virginia 23462, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Robert Ash.

**Charles R. Chambers, Jr.**, 2500 North Van Dorn Street, PH28, **Alexandria**, Virginia 22302, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Ian McDonald.

**Stephen G. Jurczyk**, 3644 Bridgewater Drive, **Williamsburg**, Virginia 23188, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Lesa Roe.

**James C. McDaniel, Jr.**, 9520 Donegal Farm, **Scottsville**, Virginia 24590, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Eric Loth.

**Rose Mooney**, 4801 Butler Road, **Glyndon, Maryland** 21071, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Christopher Hall.

**Dale K. Nash**, 2648 Willow Lawn Way, **Virginia Beach**, Virginia 23456, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Billie Reed.

**Daniel Tani**, 10109 Nedra Drive, **Great Falls**, Virginia 22066, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed John Schumacher.

**Todd McGregor Yeatts**, 626 23rd Street South, **Arlington**, Virginia 22202, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed Kenneth Reightler.

**William A. Wrobel**, Post Office Box 194, 13088 Arbuckle Neck Road, **Assawoman**, Virginia 23303, Member, appointed October 2, 2014, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to succeed himself.

#### **Medical Advisory Board for the Department of Motor Vehicles**

**Susan DiGiovanni**, 3000 Sagebrook Place, **Midlothian**, Virginia 23112, Member, appointed October 29, 2014, for a term of four years beginning October 1, 2014, and ending September 30, 2018, to succeed herself.

**Hetzal Hartley**, 5989 Scotford Court, **Roanoke**, Virginia 24018, Member, appointed October 29, 2014, to serve an unexpired term beginning October 1, 2012, and ending September 30, 2016, to succeed Parker Dooley.

**Mark Sochor**, 409 Altamont Circle, **Charlottesville**, Virginia 22902, Member, appointed October 29, 2014, for a term of four years beginning October 1, 2014, and ending September 30, 2018, to succeed Jennifer Miles-Thomas.

### **SENATE JOINT RESOLUTION NO. 265**

*Commending Ashland D. Fortune.*

Agreed to by the Senate, January 22, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Ashland D. Fortune, the longtime sheriff of Louisa County, has ably served and safeguarded members of the community for more than five decades; and

WHEREAS, a lifelong resident of Louisa County, Ashland Fortune graduated from Louisa County Public Schools and attended Virginia State University; and

WHEREAS, Ashland Fortune began his law-enforcement career as a member of the Town of Louisa Police Department in 1964; he rose through the ranks to become chief and ably led the department for 30 years; and

WHEREAS, in 1999, Ashland Fortune was elected sheriff, becoming the first African American sheriff in the history of Louisa County; deeply respected for his many contributions to the community, he was reelected in 2004, 2008, and 2012; and

WHEREAS, Ashland Fortune has implemented effective programs to better serve and protect Louisa County residents; he formed the first auxiliary police force and established a drug awareness program in local public schools; and

WHEREAS, a respected leader in the law-enforcement community, Ashland Fortune is a member of the National Sheriffs' Association, the Virginia Sheriffs' Association, the Fraternal Order of Police, and the Virginia Association of Chiefs of Police; and

WHEREAS, Ashland Fortune volunteered his time and wise leadership as a member of Crime Clinic and the local Transportation Safety Committee and as a board member of the Central Virginia Regional Jail, the Central Shenandoah Criminal Justice Training Academy, and Crime Solvers; and

WHEREAS, a man of deep and abiding faith, Ashland Fortune enjoys fellowship and worship with the community at Galilee Baptist Church, where he serves as a deacon and a Sunday School teacher; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ashland D. Fortune for his exceptional service to the people of Louisa County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ashland D. Fortune as an expression of the General Assembly's admiration for his professionalism, leadership, and devotion to serving others.

### **SENATE JOINT RESOLUTION NO. 266**

*Commending the Glenvar High School football team.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, the Glenvar High School football team won its first Virginia High School League championship, claiming the Group 2A title on December 13, 2014; and

WHEREAS, the 2014 Glenvar Highlanders from Roanoke County defeated a talented squad from Wilson Memorial High School in overtime at nearby Salem Stadium; the final score was 20-14; and

WHEREAS, the Glenvar High School football team came out strong during the first quarter; quarterback Zack Clifford threw a touchdown pass to Elliot Stigall, and a 5-yard carry by Tyler Smith yielded the team's second touchdown; and

WHEREAS, the score was tied 14–14 at halftime and the second half was scoreless; the Glenvar Highlanders scored on the game's second possession in overtime with a 13-yard run into the end zone by Zack Clifford; and

WHEREAS, the victory capped an impressive season for the hardworking members of the Glenvar High School team; they ended the 2014 season with an outstanding 14–1 record; and

WHEREAS, the Highlanders' head coach is Kevin Clifford; he, his staff, and the hardworking players received support throughout the season from the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Glenvar High School football team for winning the 2014 Virginia High School League Group 2A championship, the school's first state football title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kevin Clifford, head coach of the Glenvar High School football team, as an expression of the General Assembly's admiration for the football team's outstanding performance and championship season.

### SENATE JOINT RESOLUTION NO. 267

*Celebrating the life of Joe Hampton France.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Joe Hampton France, an admired business, civic, and community leader and beloved citizen of the Commonwealth whose generosity touched countless individuals, died on May 29, 2014; and

WHEREAS, a native of Sangerville, Joe France was raised in the Palmyra area of Fluvanna County, and graduated from Virginia Polytechnic Institute and State University with a degree in civil engineering; he married his beloved wife, Martha Anne, before settling in Manassas; and

WHEREAS, with a handshake agreement in 1962, Joe France and Charlie Ross founded the award-winning civil engineering firm Ross, France & Ratliff in Manassas; they continued to work together for 52 years, forming a lifelong friendship based on that handshake; and

WHEREAS, under Joe France's leadership, Ross, France & Ratliff built an elegant and much-admired headquarters building on Sudley Road in Manassas, utilizing a classic architectural style; and

WHEREAS, Joe France was appointed by the Manassas City Council to the City of Manassas Economic Development Authority (EDA) and elected chair of the EDA, a position he held until his passing; and

WHEREAS, a savvy businessman who wanted to help other businesses flourish, Joe France was elected to the Flory Small Business Center, Inc., board of directors in 1991; and

WHEREAS, a man of the highest integrity, Joe France was elected chair of the Flory Small Business Center board in 1992 and reelected 22 times; he served as chair until his death, sharing his business skills and wisdom with the Flory Small Business Center's distinguished board of directors, staff, and clients; and

WHEREAS, Joe France was a valuable resource to the board and staff of the Flory Small Business Center's economic development program, using his substantial business talents to analyze issues, bring people together, propose solutions to many diverse business issues, and work behind the scenes to promote economic development; and

WHEREAS, Joe France brought his considerable skills and positive attitude to the Shenandoah Valley, where he shared his business acumen with the Mather Architects in Harrisonburg and enjoyed doing rewarding work and riding his John Deere tractor on the family farm in McGaheysville; and

WHEREAS, committed to the well-being of his neighbors, Joe France was an active and faithful member of Grace United Methodist Church, serving in the choir, on the administrative board, and as a teacher of the progressive Sunday School; and

WHEREAS, generous with his time and resources, Joe France was an active Rotarian; he served as president of the Rotary Club of Manassas and was a Paul Harris Fellow; and

WHEREAS, Joe France never met a stranger, and he offered his good nature and substantial talents to a wide variety of businesses and economic, civic, and community organizations; and

WHEREAS, believing deeply in the value of hard work and dedication, Joe France never retired and continued to serve the members of the community until the end of his life; and

WHEREAS, Joe France was extremely proud of his children, Susan, Leigh Anne, and John, and their families, and he cared deeply for his five grandchildren, who knew him as Papa Joe; and

WHEREAS, Joe France will forever be lovingly remembered and greatly missed by numerous family members, friends, employees, colleagues, and members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of an exceptional Virginian, Joe Hampton France; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joe Hampton France as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 268**

*Directing the Joint Legislative Audit and Review Commission to study the Commonwealth's Medicaid program. Report.*

Agreed to by the Senate, February 27, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Commonwealth's program of medical assistance services, also known as the Medicaid program, is the largest program in the Commonwealth's budget, accounting for more than \$8 billion in combined state and federal funds in fiscal year 2014; and

WHEREAS, the Commonwealth's Medicaid program has become increasingly complex as coverage has expanded to include services related to long-term care, behavioral health, and developmental disabilities; and

WHEREAS, elderly Virginians and Virginians with disabilities represent a minority of enrollees in the Medicaid program but account for the majority of expenditures for medical assistance services and generally receive services through a fee-for-service rather than a managed care system; and

WHEREAS, a review of the eligibility process, particularly for long-term care services, could lead to strategies that strengthen the integrity of the program, improve efficiencies, and ensure that limited financial resources are directed to the individuals and families who most require assistance; and

WHEREAS, in light of budgetary pressures facing states across the nation, promising models of care and administrative processes have been implemented to lower costs associated with medical assistance services while maintaining and improving patient outcomes; and

WHEREAS, a comprehensive and analytical review of the Medicaid program should build upon and not duplicate the knowledge and findings from completed studies; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the Commonwealth's Medicaid program. In conducting its study, the Joint Legislative Audit and Review Commission shall review (i) the processes used to determine eligibility, including the financial eligibility screening process for long-term care services, whether asset sheltering could be further prevented and asset recoveries improved, and the effectiveness of existing fraud and abuse detection and prevention efforts; (ii) whether the most appropriate services are provided in a cost-effective manner; (iii) evidence-based practices and strategies that have been successfully adopted in other states and could be used in the Commonwealth; and (iv) other relevant issues, and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Office of the Secretary of Health and Human Resources and the Department of Medical Assistance Services. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**SENATE JOINT RESOLUTION NO. 270**

*Celebrating the life of Talmadge Theodore Williams.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Talmadge Theodore Williams of Arlington, a respected business leader, admired educator, and passionate activist who devoted his life to building stronger, more inclusive communities, died on September 27, 2014; and

WHEREAS, a native of Radford, Talmadge Williams honorably served his country as a member of the United States Army and enjoyed a fulfilling career in education, serving as a professor, a dean, and a developer of educational materials; and

WHEREAS, tirelessly supporting members of the Arlington community, Talmadge Williams founded and led several nonprofit organizations, including Computers 4 Students and Parent Allies for Student Success; and

WHEREAS, an inspirational and visionary leader, Talmadge Williams promoted social justice and worked to empower members of the community as a president of the Arlington branch of the NAACP; and

WHEREAS, for over 15 years, Talmadge Williams worked diligently to secure a physical location for the Black Heritage Museum of Arlington, which currently exists as a website showcasing over 300 years of African American contributions to local history; and

WHEREAS, Talmadge Williams generously offered his time and wise leadership to many other civic and service organizations, including the Arlington County Bicentennial Celebration Task Force, the Arlington County Chief of Police Advisory Board, the George Mason University School of Education Advisory Board, the Ballston Clarendon Partnership, and the Bluemont Civic Association; and

WHEREAS, Talmadge Williams encouraged the Arlington community to invest in its future, supported fair and accountable government, and sought to create new opportunities for all Arlington residents; and

WHEREAS, Talmadge Williams will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Talmadge Theodore Williams, a pillar of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Talmadge Theodore Williams as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 272

*Directing the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management. Report.*

Agreed to by the Senate, February 26, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Article XI, Section 1 of the Constitution of Virginia states that it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources and protect its waters for the benefit, enjoyment, and general welfare of the people of the Commonwealth; and

WHEREAS, § 62.1-11 of the Code of Virginia stipulates that the right to the use of water or to the flow of water from any natural stream, lake, or other watercourse is limited to what may be reasonably required for the beneficial use of the public and that the intent of the Commonwealth is to maintain flow conditions to protect instream beneficial uses and public water supplies for human consumption; and

WHEREAS, Virginia has a complex water system that includes many aquifers, nine major watersheds, and 52,232 miles of rivers and freshwater streams with a total combined flow of 22.5 billion gallons per day; and

WHEREAS, there is no statewide, comprehensive assessment of state and local water resource plans and their role in the water withdrawal permit process, and the Department of Environmental Quality is currently developing a State Water Plan to build upon and guide local and regional water supply plans; and

WHEREAS, the Department of Environmental Quality issues water protection permits for surface water and groundwater withdrawals, and it has reported potential risk to the water supply, including groundwater, given changes in population and demand for water for industrial, recreational, and residential use; and

WHEREAS, recent withdrawals of groundwater in eastern Virginia may have contributed to topographical and hydrological changes, including lower water tables, land subsidence, and higher risk of saltwater contamination of groundwater; and

WHEREAS, the Department of Environmental Quality has appropriated approximately \$40 million annually for water protection functions, including planning, permitting, and compliance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's water resource planning and management.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) assess the extent to which groundwater and surface water consumption is unsustainable, the potential effects of any unsustainable consumption, and the risk of overconsumption in the future; (ii) assess the effectiveness of the state's permitting process for groundwater and surface water withdrawals; (iii) assess the effectiveness of state and local water resource planning, particularly with regard to groundwater, including the role state and local plans play in water withdrawal permitting; (iv) examine the adequacy of current funding and staff levels for managing Virginia's water resources; (v) consider the need for strategies and practices to preserve or increase the amount of groundwater and surface water available for future consumption; and (vi) review any other issues and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Environmental Quality, the State Water Control Board, and the Virginia Department of Health. All agencies of the Commonwealth, local governments, and water resource authorities shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall

be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 273

*Requesting the Department of Environmental Quality to study the projected health benefits of the proposed federal Clean Power Plan in comparison with the projected health benefits of existing regulations. Report.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, for many years the federal Clean Air Act has strictly regulated pollution by ozone and particulate matter in order to protect air quality; and

WHEREAS, the Clean Air Act continues to require the U.S. Environmental Protection Agency (EPA) to revise the existing air quality regulations periodically to protect public health; and

WHEREAS, the EPA recently offered new rules for coal-fired power plants in the form of a proposed Clean Power Plan (the Plan); and

WHEREAS, as a central justification for the Plan, the EPA projects reductions in ozone and particulate matter, leading to air quality improvements; and

WHEREAS, the EPA asserts that the health benefits resulting from such air quality improvements will exceed the costs of the Plan to consumers, the power industry, and the economy; and

WHEREAS, whatever reductions in ozone and particulate matter are projected to result from the Plan appear to be unrelated to the Plan's stated purpose of addressing climate change; and

WHEREAS, the EPA appears to be attributing to the Plan a number of health benefits that would occur in any case as a result of ongoing enforcement and revision of existing air quality regulations; and

WHEREAS, the EPA Regulatory Impact Analysis (RIA) for the Plan, referring to the National Ambient Air Quality Standards (NAAQS), acknowledges: "However, it is possible that some costs and benefits estimated in this RIA may account for the same air quality improvements as estimated in the illustrative NAAQS RIAs"; and

WHEREAS, if the EPA is claiming the same health benefits under two different sets of regulations, its effort to attribute future pollution reductions to the proposed Plan amounts to "double counting"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Environmental Quality be requested to study the projected health benefits of the proposed federal Clean Power Plan in comparison with the projected health benefits of existing regulations.

In conducting its study, the Department of Environmental Quality shall analyze, and consider other analyses of, the projections for ozone and particulate matter reductions in the Plan and (i) determine the accuracy of such projections and the likelihood that such projections will lead to air quality improvements; (ii) compare projections of the national cost of the Plan to the health benefits projected to result from the Plan and complete a cost-benefit analysis; (iii) determine the likelihood that the health benefits attributed to the Plan by the EPA would arise in the absence of the Plan; and (iv) determine the extent to which the EPA uses otherwise-expected benefits to public health as a justification for the Plan.

All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings by November 30, 2015, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2016 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 274

*Directing the Joint Legislative Audit and Review Commission to update its 2006 study of the impact of regulations on Virginia's manufacturing sector. Report.*

Agreed to by the Senate, February 2, 2015

Agreed to by the House of Delegates, February 17, 2015

WHEREAS, Senate Joint Resolution No. 360 (2005) directed the Joint Legislative Audit and Review Commission (JLARC) to evaluate the total cost of compliance by Virginia manufacturers with state and federal environmental, economic, workplace, and tax regulations and to compare the cost of regulatory compliance borne by Virginia manufacturers with the costs of regulatory compliance borne by manufacturers in other Mid-Atlantic and Southern states; and

WHEREAS, the Joint Legislative Audit and Review Commission completed its study in November 2006 (Senate Document No. 18) and estimated that Virginia manufacturers spent between \$923 million and \$3.49 billion in 2005 in

complying with state and federal regulations, which averages between \$3,121 and \$11,791 per employee as estimated by JLARC; and

WHEREAS, the Joint Legislative Audit and Review Commission study also concluded that Virginia's manufacturing sector lost approximately 66,000 jobs between 2000 and 2005; and

WHEREAS, while the Joint Legislative Audit and Review Commission concluded that Virginia's regulations do not greatly expand upon federal regulations, it is crucial for the economic vitality of Virginia's manufacturers that this remains the case; and

WHEREAS, updating the research and analysis performed by the Joint Legislative Audit and Review Commission in 2005 would provide General Assembly members with more current information for use in crafting regulatory policies in Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to update its 2005 study of the impact of regulations on Virginia's manufacturing sector.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) estimate the current costs to Virginia manufacturers to comply with federal and state regulations and provide an explanation of how current costs differ from costs evaluated in 2005; (ii) evaluate the degree to which Virginia expands upon federal regulations; (iii) review major actions taken by state agencies since 2005 that have either increased or decreased the costs of regulatory compliance for Virginia manufacturers; (iv) compare the costs of regulatory compliance by industry sectors in Virginia, including manufacturing; and (v) to the extent data is available, compare the costs of regulatory compliance borne by Virginia manufacturers with the costs of regulatory compliance borne by manufacturers in other Mid-Atlantic and Southern states.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the Director shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 275

*Celebrating the life of Wendell Scott, Sr.*

Agreed to by the Senate, January 15, 2015

Agreed to by the House of Delegates, January 23, 2015

WHEREAS, Wendell Scott, Sr., a highly talented driver and the first African American to win a NASCAR premier series event, who died on December 23, 1990, will be inducted into the NASCAR Hall of Fame with the class of 2015; and

WHEREAS, a native of Danville, Wendell Scott joined many of the other young men of his generation in service to his country with the United States Army during World War II; he returned from the war and used his experience as a mechanic to open a garage and later drove a taxi in the area; and

WHEREAS, fulfilling a longtime dream to become a stock car racer, Wendell Scott made his debut on the Dixie Circuit in 1952, winning his first race after only two weeks; with his obvious natural talent and tough, but smart, style of driving, he earned the respect and admiration of both fans and competitors; and

WHEREAS, courageously facing prejudice from organizers and lacking a major sponsor, Wendell Scott maintained his own vehicles, often raced with out-of-date equipment, and enlisted family members as his pit crew, which was led by his sons, Frank and Wendell, Jr.; and

WHEREAS, a determined competitor, Wendell Scott won the Dixie Circuit Virginia State Championship in 1959 and moved up to the Grand National Series (now Sprint Cup Series) in 1961; throughout his career, he made 495 starts, finished in the top five 20 times, and was a top 10 finisher 147 times; and

WHEREAS, in 1963, Wendell Scott became the first African American driver to win a race in what is now the Sprint Cup Series; starting in 15th place at Speedway Park in Jacksonville, Florida, he led the field for 27 laps and won by two full laps; and

WHEREAS, despite being initially denied the victory and never receiving the trophy, Wendell Scott continued to race until 1973; his best season came in 1966, when he finished sixth in points; and

WHEREAS, Wendell Scott's family was presented with a trophy for his victory in 2010, 20 years after his death in 1990, and his inspirational story has become the subject of numerous documentaries and biographies; he was inducted into the International Motorsports Hall of Fame in Talladega, Alabama, in 1999, and a historical marker commemorating his legacy was erected in Danville in 2013; and

WHEREAS, the Wendell Scott Foundation, founded by Wendell Scott's grandson, Warrick, and his siblings and cousins, works to honor his memory and legacy by establishing programs to serve and support at-risk youth in the Commonwealth, including educational and career initiatives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Wendell Scott, Sr., an accomplished stock car racer and a beacon for social justice, on the occasion of his induction into the NASCAR Hall of Fame in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wendell Scott, Sr., as an expression of the General Assembly's respect for his memory and historic achievements.

### SENATE JOINT RESOLUTION NO. 289

*Celebrating the life of Julian H. Council.*

Agreed to by the Senate, January 29, 2015

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Julian H. Council, a loyal employee of the Ford Motor Company and a devoted husband and father in Chesapeake, died on December 19, 2014; and

WHEREAS, a native of North Carolina, Julian Council was affectionately known as Spur by friends and family members; and

WHEREAS, Julian Council pursued employment with the Ford Motor Company as a machinist at the Norfolk Assembly Plant; he worked there for almost 46 years, winning numerous awards for his creativity and exceptional craftsmanship; and

WHEREAS, after his well-earned retirement, Julian Council enjoyed working in his yard and spending time with his beloved family; and

WHEREAS, a man of deep and abiding faith, Julian Council enjoyed fellowship and worship with the community as a member of Great Bridge Baptist Church, where he served as treasurer of the Amen Sunday School class; and

WHEREAS, Julian Council will be fondly remembered and greatly missed by his wife of 44 years, Anne; children, Julian, Jr., Shirley, and Steve, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Julian H. Council, a dedicated employee of the Ford Motor Company and an active member of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Julian H. Council as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 295

*Commending Comfort Zone Camp.*

Agreed to by the Senate, January 22, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, for more than 15 years, Comfort Zone Camp has provided assistance, solace, and understanding to children who have experienced the death of a parent, sibling, or primary caregiver; and

WHEREAS, Lynne Hughes founded Comfort Zone Camp in Richmond and held the first camp in May 1999, to provide a safe and fun camp environment where children who are grieving the loss of a loved one are heard, understood, and taught healthy ways to process their grief; and

WHEREAS, the mission of Comfort Zone Camp is to provide grieving children with a voice, a place, and a community in which to heal, grow, and lead more fulfilling lives; the organization envisions a world where children are not forgotten and do not grieve alone but benefit from wide community support; and

WHEREAS, the camps are free of charge and are held throughout the year in several places in the United States; confidence-building programs and age-based support groups are key components of Comfort Zone Camp; and

WHEREAS, Comfort Zone Camp helps bereaved young people break through the sometimes overwhelming emotional isolation that they can feel; adult and student volunteers—some of whom were Comfort Zone campers when they were younger—provide steadfast care and understanding; and

WHEREAS, the boys and girls who attend Comfort Zone Camp are 7 to 17 years old; camp sessions range from one to four days and each camper is carefully paired with a buddy for the entire time who offers friendship, mentoring, and support; and

WHEREAS, in its 15 years of existence, Comfort Zone Camp has served children from throughout the United States and from Canada, the United Kingdom, and Australia; the non-profit organization has offices in California, Massachusetts, New Jersey, and Virginia; and

WHEREAS, Comfort Zone Camp receives generous support from individuals, corporations, organizations, and foundations; the organization also works with groups that hope to hold a camp in their area; and

WHEREAS, an online community called HelloGrief.org is part of the Comfort Zone program; the social media site offers opportunities for young people to discuss the impact of their loss and share meaningful anecdotes and recollections by means of forums, blog posts, and online memorial walls; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Comfort Zone Camp for more than 15 years of dedicated service to children who are grieving the loss of a parent, sibling, or primary caregiver; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mary Beth McIntire, chief executive officer of Comfort Zone Camp, as an expression of the General Assembly's heartfelt appreciation and gratitude for the organization's selfless work offering solace and understanding to bereaved children in a safe and fun camp environment.

### SENATE JOINT RESOLUTION NO. 296

*Confirming appointments by the Senate Committee on Rules.*

Agreed to by the Senate, February 10, 2015

Agreed to by the House of Delegates, February 17, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments made by the Senate Committee on Rules:

1. Appointment to the **Virginia Commonwealth University Health System Authority Board** pursuant to § 23-50.16:5 of the Code of Virginia:

**The Honorable Ryan T. McDougle**, Post Office Box 187, **Mechanicsville**, Virginia 23111, Member, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed the Honorable A. Donald McEachin.

2. Appointments to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

**John Bennett**, 5657 Saint James Court, **Richmond**, Virginia 23225, Member, for a term of two years beginning July 1, 2014, and ending June 30, 2016, to fill a new position.

**The Honorable John H. Chichester**, 290 Crowder Point Drive, **Reedville**, Virginia 22539, Member, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to fill a new position.

**Bill Leighty**, 3200 Norfolk Street, **Richmond**, Virginia 23230, Member, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to fill a new position.

**The Honorable Thomas K. Norment, Jr.**, Post Office Box 6205, **Williamsburg**, Virginia 23188, Member, for a term coincident for the term for which he has been elected to the Senate of Virginia, to fill a new position.

3. Appointments to the **Tobacco Indemnification and Community Revitalization Commission** pursuant to § 3.2-3102 of the Code of Virginia:

**The Honorable Charles W. Carrico, Sr.**, Post Office Box 1100, **Galax**, Virginia 24333 for a term coincident with his term of office in the Senate ending January 13, 2016.

**The Honorable Frank M. Ruff, Jr.**, Post Office Box 332, **Clarksville**, Virginia 23927 for a term coincident with his term of office in the Senate ending January 13, 2016.

**The Honorable Ralph K. Smith**, Post Office Box 91, **Roanoke**, Virginia 24002 for a term coincident with his term of office in the Senate ending January 13, 2016.

**The Honorable William M. Stanley, Jr.**, 13508 Booker T. Washington Highway, **Moneta**, Virginia 24121 for a term coincident with his term of office in the Senate ending January 13, 2016.

### SENATE JOINT RESOLUTION NO. 297

*Celebrating the life of the Honorable R. Terrence Ney.*

Agreed to by the Senate, January 22, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, the Honorable R. Terrence Ney of Philomont, a judge of the Circuit Court of the 19th Judicial Circuit of Virginia, died on November 24, 2014; and

WHEREAS, Terrence Ney graduated from King George High School and earned a bachelor's degree from Harvard College and a law degree from the University of Texas; and

WHEREAS, after completing his education, Terrence Ney returned to the Commonwealth and practiced law for more than 30 years with Boothe, Prichard, & Dudley, LLP, a small firm that eventually joined McGuire Woods, LLP; and

WHEREAS, specializing in appellate law, Terrence Ney lectured on mechanics' liens, arbitration and award, the United States Court of Appeals, and construction contracts and litigation; he served as the editor of the 1986, 1992, and 2001 editions of *Appellate Practice—Virginia and Federal Courts*; and

WHEREAS, in 1999, Terrence Ney was appointed judge of the Circuit Court of the 19th Judicial Circuit of Virginia in Fairfax County; he presided over the court with great fairness and wisdom for almost 16 years; and

WHEREAS, Terrence Ney appears as counsel of record in 32 reported opinions of the United States Fourth Circuit Court of Appeals and the Supreme Court of Virginia, and he authored more than 160 reported opinions as a judge of the Fairfax County Circuit Court; and

WHEREAS, Terrence Ney served the community as a member of the board of directors of Loudoun Hospital, the first president of the Snickersville Turnpike Association, and the chair of the City of Fairfax Democratic Committee; he served as the pro bono general counsel of Philomont Volunteer Fire Department and the Middleburg Humane Foundation for many years; and

WHEREAS, deeply respected in the legal field, Terrence Ney served as the president of the Virginia Bar Association in 1995 and the chair of the judicial section of the Virginia Bar Association from 2001 to 2003; he passed along his wisdom to a new generation of attorneys as a distinguished adjunct professor at George Mason University; and

WHEREAS, Terrence Ney earned many awards and accolades for his good work, including the President's Award for Outstanding Service from the Fairfax Bar Association and the Award for Excellence in Civil Litigation from the Virginia Association of Defense Attorneys; and

WHEREAS, a man of great integrity, Terrence Ney served Fairfax County, the Northern Virginia region, and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, Terrence Ney will be fondly remembered and greatly missed by his beloved wife, Ursula; daughters, Anja and Shaler, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable R. Terrence Ney, a judge of the Circuit Court of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable R. Terrence Ney as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 301

*Commending Morgan Lumber Company, Inc.*

Agreed to by the Senate, January 22, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Morgan Lumber Company, Inc., in Red Oak celebrated its 75th anniversary in 2014; the manufacturer of southern yellow pine lumber has been a family-run business for more than four generations; and

WHEREAS, when it was founded in 1939 by J.C. Morgan and his sons, Billy and Willard, Morgan Lumber Company's operations and equipment were primitive and labor-intensive; a manual portable ground sawmill was transported from place to place and the work was done on site; and

WHEREAS, in its early years, Morgan Lumber Company's portable mill produced about 5,000 board feet of lumber daily, and a crew of 10, accompanied by horses or a tractor, felled the trees, hauled the logs, and fed them into the mill; and

WHEREAS, the company's finished product was used in building and bridge construction and for railroad crossties; today, Morgan Lumber Company produces at its modern computerized facility in Charlotte County more than 200,000 board feet of lumber a day for a variety of uses; and

WHEREAS, the mission of Morgan Lumber Company is to consistently and efficiently produce for its customers value-added products of superior quality while providing employees with a safe and positive work environment; and

WHEREAS, under the leadership of J. Kenneth Morgan, Jr., chair of Morgan Lumber Company, the company has invested wisely in both people and equipment—and the company's commitment to safety is paramount; and

WHEREAS, Morgan Lumber Company has 85 employees who operate highly specialized equipment, and a fleet of trucks to transport the lumber; the company has invested in a computerized sawmill, a dry kiln, and a planer mill; and

WHEREAS, in addition to the lumber mill, two other companies are now part of the Morgan Lumber Company enterprise: Morgan Lumber Sales brokerage trades lumber in the eastern part of the United States, and Sunrise Shavings produces and bags kiln-dried pine shavings for the equine and pet markets; and

WHEREAS, Morgan Lumber Company is in the forefront of the Commonwealth's lumber industry and is committed to being a good steward of the environment; it supports Virginia's Reforestation of Timberlands State Fund and the company promotes best management practices for its logging operations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Morgan Lumber Company, Inc., on the occasion of its 75th anniversary in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to J. Kenneth Morgan, Jr., chair of Morgan Lumber Company, Inc., as an expression of the General Assembly's admiration and congratulations for the company's many years of business success and for being a responsible steward of one of the Commonwealth's renewable natural resources.

## SENATE JOINT RESOLUTION NO. 303

*Confirming appointments by the Governor of certain persons communicated January 13, 2015.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 13, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons be made by Governor Terry McAuliffe and communicated to the General Assembly January 13, 2015.

## AGENCY HEAD

**Ellen Marie Hess**, 2316 Logan Street, **Richmond**, Virginia 23235, Commissioner of the Virginia Employment Commission, effective January 12, 2015, to serve at the pleasure of the Governor, to succeed John Broadway.

## ADMINISTRATION

## State Board of Elections

**James B. Alcorn**, 1900 Winterfield Road, **Midlothian**, Virginia 23113, Member, appointed December 3, 2014, to serve an unexpired term beginning December 2, 2014, and ending January 31, 2015, to succeed Donald Palmer.

## AUTHORITY

## Board of Directors of the Virginia Recreational Facilities Authority

**Kelvin C. Bratton**, 5520 Gloster Drive, Apartment 1A, **Roanoke**, Virginia 24019, Member, appointed December 16, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Carolyn D. Fidler**, 428 Cedar Avenue, **Vinton**, Virginia 24179, Member, appointed December 16, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed herself.

**David A. Hurt**, 814 Truman Hill Road, **Hardy**, Virginia 24101, Member, appointed December 16, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Deborah H. Pitts**, 1505 Shorevue Circle, **Hardy**, Virginia 24101, Member, appointed December 18, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed Elmer C. Hodge.

**William H. Tanger**, 257 Dancing Tree Lane, **Roanoke**, Virginia 24019, Member, appointed December 16, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed himself.

**Shawn M. Utt**, 13 6th Street, NE, **Pulaski**, Virginia 24301, Member, appointed December 18, 2014, for a term of five years beginning July 1, 2014, and ending June 30, 2019, to succeed John C. Renick.

## COMMERCE AND TRADE

## Safety and Health Codes Board

**David Martinez**, 44393 Oakmont Manor Square, **Ashburn**, Virginia 20147, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Gregory Hart.

## State Building Code Technical Review Board

**W. Shaun Pharr**, 7313 Blair Road NW, **Washington, District of Columbia** 20012, Member, appointed November 24, 2014, to serve at the pleasure of the Governor beginning November 24, 2014, to succeed R. Schaefer Oglesby.

## Virginia Asian Advisory Board

**Patrick A. Mulloy**, 304 West Masonic View Avenue, **Alexandria**, Virginia 22301, Member, appointed January 8, 2015, to serve an unexpired term beginning January 3, 2015, and ending June 30, 2017, to succeed Angie Leung Williams.

## Virginia Coal Mine Safety Board

**Brett A. Holbrook**, 11349 Reedy Creek Road, **Bristol**, Virginia 24202, Member, appointed December 9, 2014, for a term of four years beginning December 9, 2014, and ending June 30, 2018, to succeed Foster Tankersley.

## Virginia Latino Advisory Board

**Cecilia E. Barbosa**, 9606 George's Bluff Road, **Richmond**, Virginia 23229, Member, appointed January 8, 2015, to serve an unexpired term beginning January 1, 2015, and ending June 30, 2018, to succeed Charlotte Fritts.

## Virginia Racing Commission

**Charles W. Steger**, 1507 Palmer Drive, **Blacksburg**, Virginia 24060, Member, appointed January 7, 2015, for a term of five years beginning January 1, 2015, and ending December 31, 2019, to succeed Stran L. Trout.

## COMPACT

## Citizens Advisory Committee to the Chesapeake Bay Executive Council

**Paula Hill Jasinski**, 1801 Holly View Drive, **Gloucester Point**, Virginia 23062, Member, appointed January 8, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed herself.

## EDUCATION

## Board of Regents of Gunston Hall

**Jane Jordan Barganier (Mrs. James Irby Barganier)**, 2331 Fernway Drive, **Montgomery, Alabama** 36111, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Kristin Smith Cahn von Seelen**, 610 Pembroke Road, **Bryn Mawr, Pennsylvania** 19010, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed Mrs. Henry R. Raab.

**Margo D. Caylor**, 6422 East Speedway Boulevard, Suite 130, **Tucson, Arizona** 85710, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed Mrs. John A. Jenkins.

**Katherine M. Davis**, 205 Choctaw Road, **Louisville, Kentucky** 40207, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed Mrs. William Allan Blodgett.

**Martha Flanders**, 209 Avenue E, **Metairie, Louisiana** 70005, Member, appointed January 7, 2015, to serve an unexpired term beginning October 26, 2014, and ending October 25, 2017, to succeed Sally C. Goodyear.

**Sara Smith Hill (Mrs. Harry R. Hill, Jr.)**, 32 Woodmont Drive, **Lawrenceville, New Jersey** 08648, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Winafrid Avery Jenkins**, 15 River Place Drive, #1544, **South Portland, Maine** 04106, Member, appointed January 7, 2015, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed herself.

**Gale Morgan Kane**, 1200 Kane Hill, **Bartlesville, Oklahoma** 74006, Member, appointed January 7, 2015, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed Angela Pringos Box.

**Anita M. Barbey Liebow (Mrs. Todd L. Liebow)**, 316 NW Hilltop Road, **Portland, Oregon** 97210, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Frances Wood Loughlin (Mrs. David Castello Loughlin)**, 1407 South Live Oak Parkway, **Wilmington, North Carolina** 28403, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Anne Underwood Robertson McAteer**, 2937 Broderick Street, **San Francisco, California** 94123, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed Mrs. Hugh A. Merrill.

**Elizabeth Knox Peters (Mrs. William Anthony Peters)**, 8410 Southeast 45th Street, **Mercer Island, Washington** 98040, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Katherine B. Shutkin**, 7800 North River Road, **River Hills, Wisconsin** 53217, Member, appointed January 7, 2015, to serve an unexpired term beginning October 26, 2013, and ending October 25, 2018, to succeed Katrina H. Hatton.

**Virginia S. Snider (Mrs. Ronald Albert Snider)**, 407 Church Street, **Mobile, Alabama** 36602, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

**Loulie Eugenia Tarbutton (Mrs. Hugh McMaster Tarbutton)**, 619 Linton Road, **Sandersville, Georgia** 31082, Member, appointed January 7, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

#### **New College Institute**

**Naomi L. Hodge-Muse**, 300 Stonewall Jackson Trail, **Martinsville, Virginia** 24112, Member, appointed December 11, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed George Lyle.

#### **HEALTH AND HUMAN RESOURCES**

##### **Advisory Board on Polysomnographic Technology**

**Debra A. Akers**, 319 Hutton Circle, **Virginia Beach, Virginia** 23454, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Marie F. Quinn**, 1750 Rockcrest Road, **Bon Air, Virginia** 23235, Member, appointed December 12, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Anna M. Rodriguez**, 2115 Old Store Road, **Maidens, Virginia** 23102, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Michelle Sartelle**, 12404 Locustgrove Road, **Richmond, Virginia** 23238, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed herself.

**Robert D. Vorona**, 2641 South Kings Road, **Virginia Beach, Virginia** 23452, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

##### **Advisory Board on Radiological Technology**

**Joyce Oakes Hawkins**, 9054 Greenlake Circle, **Mechanicsville, Virginia** 23116, Member, appointed December 30, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Elizabeth Meixner.

**Bonnie Goodbody Kettlewell**, 11741 Kilrenny Road, **Midlothian, Virginia** 23113, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed LaChele Gray.

**Margaret E. Toxopeus**, 1579 Cedar Creek Grade, **Winchester, Virginia** 22602, Member, appointed December 2, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Karsten Konerding.

##### **Board of Funeral Directors and Embalmers**

**Ibrahim A. Moiz**, 20747 Bridalveil Falls Terrace, **Sterling, Virginia** 20165, Member, appointed December 4, 2014, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Walter Ball.

### Board of Health Professions

**Kevin Doyle**, 1216 Raintree Drive, **Charlottesville**, Virginia 22901, Member, appointed December 2, 2014, to serve an unexpired term beginning December 12, 2014, and ending June 30, 2015, to succeed Charlotte Markva.

**Laura Purcell Verdun**, 2608 Iron Forge Road, **Oak Hill**, Virginia 20171, Member, appointed December 2, 2014, to serve an unexpired term beginning December 12, 2014, and ending June 30, 2015, to succeed Wanda Pritekel.

### State Board of Health

**Mary Margaret Whipple**, 3556 North Valley Street, **Arlington**, Virginia 22207, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Eric Deaton.

### State Rehabilitation Council for the Blind and Vision Impaired

**Jeanne S. Armentrout**, 8310 Cardington Drive, **Roanoke**, Virginia 24019, Member, appointed December 3, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Richard Gonzalez.

**Justin Graves**, 51 Cannon Ridge Drive, **Fredericksburg**, Virginia 22405, Member, appointed December 16, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Richard Gonzalez.

**Kenneth W. Jessup**, 624 Sea Oats Way, **Virginia Beach**, Virginia 23451, Member, appointed December 18, 2014, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Melanie Brunson.

### Virginia Board for People with Disabilities

**Mark McGregor**, 30 Balsam Court, **Charles Town, West Virginia** 25414, Member, appointed December 2, 2014, to serve an unexpired term beginning November 19, 2014, and ending June 30, 2018, to succeed Linda Broady-Myers.

### Virginia Interagency Coordinating Council

**Sandra Puryear Woodward**, 1250 Sunset Lane, **Waynesboro**, Virginia 22980, Member, appointed December 2, 2014, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2017, to succeed Virginia Heuple.

### INDEPENDENT

#### State Lottery Board

**Cynthia D. Lawrence**, 2509 Nottingham Road, Southeast, **Roanoke**, Virginia 24014, Member, appointed January 7, 2015, for a term of five years beginning January 15, 2015, and ending January 14, 2020, to succeed herself.

### JUDICIAL

#### Virginia Criminal Sentencing Commission

**Kemba Smith Pradia**, 3608 Cainhoy Lane, **Virginia Beach**, Virginia 23462, Member, appointed December 12, 2014, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed Marsha Garst.

**Emily Renda**, 1306 Preston Avenue, Apartment 11A, **Charlottesville**, Virginia 22903, Member, appointed December 15, 2014, to serve an unexpired term beginning November 6, 2014, and ending December 31, 2017, to succeed Rosemary Tribble.

**Shannon L. Taylor**, 7401 Normandy Drive, **Richmond**, Virginia 23229, Member, appointed December 11, 2014, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed Harvey Bryant.

### LEGISLATIVE

#### Manufacturing Development Commission

**Amanda N. Glover**, 2846 Churchville Avenue, **Staunton**, Virginia 24401, Member, appointed December 2, 2014, to serve an unexpired term beginning October 22, 2014, and ending June 30, 2018, to succeed Dennis Burnett.

### NATURAL RESOURCES

#### Virginia Coastal Land Management Advisory Council

**Jill G. Bieri**, Post Office Box 155, **Nassawadox**, Virginia 23413, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Barry R. Truitt.

**John A. Davenport**, 23157 Prince Henry Lane, **Onancock**, Virginia 23417, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed William Denny.

**David M. Fick**, 13348 Full Measure Lane, Post Office Box 208, **Pungoteague**, Virginia 23422, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Jody W. Bundy.

**Jay C. Ford**, Post Office Box 77, **Quinby**, Virginia 23423, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Preston Trower.

**Thomas J. Gallivan**, 5456 Bayford Road, **Franktown**, Virginia 23354, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Thelma Peterson.

**Curtis W. Smith**, 15128 Locust Street, **Onancock**, Virginia 23417, Member, appointed December 3, 2014, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Grayson Chesser.

### PUBLIC SAFETY AND HOMELAND SECURITY

#### Board of Juvenile Justice

**Tyren C. Frazier**, 15001 Badestowe Drive, **Chesterfield**, Virginia 23832, Member, appointed December 4, 2014, to serve an unexpired term beginning December 1, 2014, and ending June 30, 2017, to succeed William Boshier.

**Dana G. Schrad**, 10254 Stratford Hall Court, **Mechanicsville**, Virginia 23116, Member, appointed December 4, 2014, to serve an unexpired term beginning December 1, 2014, and ending June 30, 2015, to succeed Anthony Bailey.

**TECHNOLOGY****Information Technology Advisory Council**

**John L. Newby II**, 4000 Harcourt Lane, **Richmond**, Virginia 23233, Member, appointed December 5, 2014, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Chris McIntosh.

**SENATE JOINT RESOLUTION NO. 304**

*Commending Faye O. Prichard.*

Agreed to by the Senate, January 22, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Faye O. Prichard, a diligent public servant who has worked tirelessly to ensure responsible growth in the Town of Ashland and improve the quality of life of her fellow residents, was elected to her fourth term on the Ashland Town Council in 2014; and

WHEREAS, an alumna of Virginia Commonwealth University (VCU), Faye Prichard has served young men and women as an educator for 15 years and currently serves as the director of writing at the VCU Honors College; and

WHEREAS, desirous to be of further service to the community, Faye Prichard ran for a seat on the Ashland Town Council and was elected in 2002; she ably served as mayor from 2004 to 2014, exhibiting a passion for long-term regional planning and sustainable, long-term economic development projects to ensure a high quality of life; and

WHEREAS, Faye Prichard has represented the residents of Ashland on the Richmond Regional Planning District Commission, the Virginia Municipal League, the Richmond Metropolitan Planning Organization, and the Greater Richmond Chamber of Commerce; and

WHEREAS, an active member of the community, Faye Prichard and her husband have lived in Ashland for more than 30 years; they have one grown daughter and two grandchildren in Hanover County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Faye O. Prichard for her outstanding service to the residents of the Town of Ashland and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Faye O. Prichard as an expression of the General Assembly's admiration for her dedicated leadership.

**SENATE JOINT RESOLUTION NO. 306**

*Commending Virginia Organizing.*

Agreed to by the Senate, January 29, 2015

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, in 2015, Virginia Organizing, a nonprofit organization with chapters throughout the Commonwealth, celebrates 20 years of empowering and encouraging individuals to work together to strengthen their communities; and

WHEREAS, Virginia Organizing was founded in August 1995 as the Virginia Organizing Project; and

WHEREAS, Virginia Organizing was the first statewide organization formed to encourage the active participation by different constituencies of people on a variety of issues; and

WHEREAS, Virginia Organizing is a grassroots organization dedicated to helping people address the issues that affect the quality of their lives and has members in every region of the Commonwealth; and

WHEREAS, throughout its history, Virginia Organizing has built relationships with diverse individuals and groups across the state, enhancing their ability to work together for positive change; and

WHEREAS, Virginia Organizing has facilitated many Dismantling Racism workshops and hundreds of leadership training programs in all parts of the Commonwealth; and

WHEREAS, Virginia Organizing has worked on local, state, and national campaigns on a variety of issues, including affordable housing, children's issues, criminal justice, discrimination, economic security for families (jobs, minimum wage, living wage, predatory lending), education, environment, fair elections, health care, immigration, poverty, anti-racism, sexual orientation, tax reform, and other social justice issues; and

WHEREAS, Virginia Organizing has encouraged non-partisan participation in the electoral process by preparing and distributing hundreds of thousands of statewide voter guides, registering voters, helping individuals restore their voting rights, and encouraging people to vote through phone banking, door-to-door canvassing, and providing transportation to the polls; and

WHEREAS, Virginia Organizing has received national and state awards and accolades for its work to organize for change in local communities and for making a deep and meaningful commitment to those who are traditionally disenfranchised in their communities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia Organizing on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Virginia Organizing as an expression of the General Assembly's congratulations and appreciation for its dedicated service to the people of Virginia.

### SENATE JOINT RESOLUTION NO. 307

*Commending Robert P. Schultze.*

Agreed to by the Senate, January 29, 2015

Agreed to by the House of Delegates, January 30, 2015

WHEREAS, Robert P. Schultze will retire on March 1, 2015, as director of the Virginia Retirement System after more than 38 years of devoted service to the Commonwealth and its public employees and retirees; and

WHEREAS, Robert Schultze holds a bachelor's degree in industrial engineering and a master's degree in business administration, both from the State University of New York at Buffalo, and completed the Virginia Executive Institute; and

WHEREAS, before becoming the director of the Virginia Retirement System, Robert Schultze held a number of positions in Virginia state government in the legislative and executive branches, including executive commissioner of the Department of Taxation, staff director of the House Appropriations Committee, executive director of the Virginia Education Loan Authority, and deputy chief of staff to Governor L. Douglas Wilder; and

WHEREAS, Robert Schultze served on the Board of the National Association of State Retirement Administrators and was appointed to the Governmental Accounting Standards Advisory Council to provide consultation on new governmental accounting standards; and

WHEREAS, during his tenure as Virginia Retirement System director, Robert Schultze envisioned and oversaw the modernization of the agency's computer systems, which will result in improved service to the more than 600,000 members, retirees, and beneficiaries; he guided the agency through pension reform and was instrumental in efforts to increase funding for the plan; and

WHEREAS, during his tenure as executive commissioner for the Department of Taxation, Robert Schultze led a program to modernize the agency's processes and computer systems, which was funded by incremental tax revenues generated through enhanced compliance systems and resulted in a wide range of new customer services and an enhanced service orientation; and

WHEREAS, Robert Schultze demonstrated leadership skills, served with integrity, and provided dedicated service to the Commonwealth and its citizens in all of his positions; after 38 years of distinguished service with the Commonwealth, he looks forward to the challenges that await him in the private sector; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert P. Schultze for his many contributions to the Commonwealth on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert P. Schultze as an expression of the General Assembly's gratitude for his exemplary service to the Commonwealth and its employees and retirees and best wishes in his future endeavors.

### SENATE JOINT RESOLUTION NO. 309

*Celebrating the life of Stephen Boddie Wiggins.*

Agreed to by the Senate, January 29, 2015

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, Stephen Boddie Wiggins, a friend to many in the Chesapeake community, died on September 15, 2014; and  
WHEREAS, a native of Norfolk, Stephen "Steve" Wiggins earned a bachelor's degree from East Carolina University, where he was a member of Pi Lambda Phi fraternity; and

WHEREAS, a hardworking and dedicated employee, Steve Wiggins worked with the Liberty Mutual and Prudential insurance companies for more than 35 years; and

WHEREAS, a man of deep and abiding faith, Steve Wiggins enjoyed fellowship and worship with the community as an active member of Great Bridge Baptist Church, where he served as a deacon; and

WHEREAS, Steve Wiggins cared deeply for his family and took great pleasure in supporting them in all of their endeavors; an avid sports fan, he offered his time and leadership as the head coach of his sons' baseball team; and

WHEREAS, Steve Wiggins will be fondly remembered and greatly missed by his loving wife of 41 years, Ann; children, Michael, Kristopher, and Stephen, and their families; mother, Gloria; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Stephen Boddie Wiggins; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Stephen Boddie Wiggins as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 310**

*Commending The Steward School baseball team.*

Agreed to by the Senate, January 29, 2015

Agreed to by the House of Delegates, February 6, 2015

WHEREAS, The Steward School baseball team won its first state championship in 2014, capping an outstanding season by capturing the Virginia Independent Schools Athletic Association Division II state championship; and

WHEREAS, the school in Henrico County has fielded a baseball team for only 10 years; the Steward Spartans defeated a talented squad from the Miller School of Albemarle 2–0 in the title game, which was played on May 18, 2014; and

WHEREAS, the Steward Spartans had a young roster in 2014 as seven starting players had graduated the previous spring; however, that did not deter Coach Bruce Secrest or the team, which ended the season with an 18-5 record; and

WHEREAS, the members of The Steward School baseball team realized that they had to work together as a group—not as individuals—to achieve their best; to reach that goal, the group came up with the idea of "stepping into the circle"—meaning that a player was wholly committed to the team; and

WHEREAS, The Steward School baseball players began "stepping into the circle" one by one, signifying a commitment to compete for the good of the team; the player signed his name inside a circle that was drawn on a sheet of paper, which was taken to all games; and

WHEREAS, during the three-game state tournament, which was held at Shepherd Stadium in Colonial Heights, Steward pitcher Nic Enright was on the mound for 14 innings and did not give up a single run; and

WHEREAS, Nic Enright pitched seven shut-out innings for Steward; the junior allowed two hits and struck out 10 opponents, saying later that more than one-third of his pitches were sliders, which was confusing to the Miller School's batters; and

WHEREAS, Steward's two runs came when Dan McCarthy hit a fastball down the left field line, permitting Nic Enright to score from first base; Dan McCarthy later scored when the bases were loaded and Craig McLane was hit by a pitch; and

WHEREAS, The Steward School baseball team entered the mid-May tournament on a high note; the team had been undefeated since April 12, and after losing three of the first four games of the 2014 season, became stronger and more confident throughout the spring; and

WHEREAS, the support of the students, staff, and The Steward School community contributed to a winning season for the 2014 baseball team, whose members included Nic Enright, Craig McLane, Drew Barker, Ryan Doggett, Charlie Vaughan, Julian Wolz, BK Stancil, Sean Highfill, Nico Martinez, Dan McCarthy, Josiah Armstrong, Jay Charity, Jonathan Beigel, Zach Beigel, Theron Powell, Jackson Wellons, John Keefe, and Walker Poling; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend The Steward School baseball team for winning the 2014 Virginia Independent Schools Athletic Association Division II state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bruce Secrest, head coach of The Steward School baseball team, as an expression of the General Assembly's congratulations on an outstanding season.

**SENATE JOINT RESOLUTION NO. 311**

*Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2014 as winners of the Clean Water Farm Award; and

WHEREAS, ten of those farms were selected and announced at the December 2014 meeting of the Virginia Association of Soil and Water Conservation Districts by the Governor and the Department of Conservation and Recreation to represent the Commonwealth's 10 major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those 10 winners are:

James M. Harris, Tazewell County, for the Big Sandy/Tennessee River Basin;  
 Scott Bridgeforth, Windy Hills Farm, Lunenburg County, for the Chowan River Basin;  
 Rick Hall, Loblolly Farms, Accomack County, for the Coastal Basin;  
 Ronnie and Brenda Morris, Fox Mountain Farm, Albemarle County, for the James River Basin;  
 Brian and Kayla Umberger, Mountain Spring Farms LLC, Wythe County, for the New River Basin;  
 Joseph Rogers, Jr., Terra Farms, Loudoun County, for the Potomac River Basin;  
 Frank and Janet Ott, Marshfield Farms, Fauquier County, for the Rappahannock River Basin;  
 David and Liisa Wallace, Mulberry Farm, Patrick County, for the Roanoke River Basin;  
 Willis and Krystal Heatwole, Bethel Bend Farm, Rockingham County, for the Shenandoah River Basin; and  
 Helen Marie Taylor, Bloomsbury Farm, Orange County, for the York River Basin; now, therefore, be it  
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend and  
 congratulate the 10 River Basin Grand Winners of the Clean Water Farm Award; and, be it  
 RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the 10 River  
 Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their  
 commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

### SENATE JOINT RESOLUTION NO. 312

*Commending the Nelson County Future Farmers of America Farm Business Management team.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Nelson County Future Farmers of America Farm Business Management team placed second in the Farm Business Management career development event at the 87th National Future Farmers of America Convention and Expo in 2014; and

WHEREAS, the Nelson County Future Farmers of America (FFA) Farm Business Management team placed second out of 42 teams; in the individual standings, Deightan McClellan took fourth place, Zach Barnes placed sixth, Phillip Saunders placed seventh, and Noah Fitzgerald placed twenty-first, with each earning a gold medal; and

WHEREAS, the Nelson County FFA Farm Business Management team demonstrated their ability to use problem-solving skills and apply economic concepts to farm and ranch management issues, such as budgets, marketing, risk management, and planning and analysis; and

WHEREAS, the top 10 individual winners in the competition received a cash scholarship, and the Nelson County FFA Farm Business Management team earned a combined \$2,100; the team was coached by Ed McCann, Sr., who was named a Farm Business Fellow after the competition; and

WHEREAS, the Nelson County FFA Farm Business Management team won competitions at local and state levels to advance to the national event, held in Louisville, Kentucky; at the state competition Zachariah Phillips earned first place, Deightan McClellan earned second place, and Zach Barnes earned third place; and

WHEREAS, the members of the Nelson County FFA Farm Business Management team have gained valuable experience and skills that will help them better serve the Commonwealth as farmers, business leaders, and citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Nelson County Future Farmers of America Farm Business Management team on placing second in the Farm Business Management career development event at the 2014 National Future Farmers of America Convention and Expo; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ed McCann, Sr., head coach of the Nelson County Future Farmers of America Farm Business Management team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### SENATE JOINT RESOLUTION NO. 313

*Commending the Nelson County Middle School Future Farmers of America Agronomy team.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Nelson County Middle School Future Farmers of America Agronomy team placed second in the Agronomy career development event at the 87th National Future Farmers of America Convention and Expo in 2014; and

WHEREAS, the Nelson County Middle School Future Farmers of America (FFA) Agronomy team placed second out of 37 teams; in the individual national standings, Ruth Fitzgerald placed 11th, Patrick Saunders placed 14th, Jacob Saunders placed 21st, and Colin Morris placed 31st; and

WHEREAS, Ruth Fitzgerald earned a \$400 scholarship for her individual performance, and each team member received a gold medal for the team's performance; and

WHEREAS, coached by Scott Massie and Jamie Conner, the Nelson County Middle School FFA Agronomy team applied classroom knowledge of agronomic science to real-world situations and developed solutions for various scenarios, such as seed identification, grain grading, soil analysis, and other management issues; and

WHEREAS, to advance to the national event, held in Louisville, Kentucky, the Nelson County Middle School FFA Agronomy team won the junior and senior divisions at the state competition; Patrick Saunders placed first in the individual state competition; and

WHEREAS, the members of the Nelson County Middle School FFA have gained valuable experience and skills that will help them better serve the Commonwealth as farmers, leaders in their community, and citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Nelson County Middle School Future Farmers of America Agronomy team on placing second in the Agronomy career development event at the 2014 National Future Farmers of America Convention and Expo; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Scott Massie and Jamie Conner, coaches of the Nelson County Middle School Future Farmers of America Agronomy team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### SENATE JOINT RESOLUTION NO. 314

*Commending Thomas M. Little.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Thomas M. Little, a labor leader for the International Longshoremen's Association AFL-CIO, serves the Commonwealth as the international vice president of the Port of Hampton Roads, representing over 1,800 dock workers; and

WHEREAS, a longtime resident of Norfolk, Thomas Little graduated from Booker T. Washington High School; he developed a passion for labor leadership and graduated from the Southeastern Virginia AFL-CIO Leadership School and completed AFL-CIO political training; and

WHEREAS, Thomas Little has served in various elected positions for the International Longshoremen's Association (ILA) Local 1248, including as a member of the executive board, a business agent, and a convention, wage scale committee, and Hampton Roads District Council delegate; and

WHEREAS, Thomas Little has been a member of ILA Local 1248 for 45 years and has served as president since 2000; he is the acting president for ILA Local 1963, executive officer for the Virginia AFL-CIO, vice president for the Eastern Virginia Labor Federation, cochair of the HRSA-ILA Board of Trustees, cochair of the HRSA-ILA Contract Board, and president of the ILA Hampton Roads District Council; and

WHEREAS, as international vice president of the Port of Hampton Roads, Thomas Little was appointed to serve on grievance committees in Charleston, New Orleans, and Jacksonville; and

WHEREAS, Thomas Little has received numerous awards and accolades for his work to serve and support the community, including the Paul A. Askew Community Services Memorial Award, United Way Leadership Award, Implement the King Dream Award, and a certificate from the Diabetes Center Foundation; and

WHEREAS, Thomas Little and his wife, Glenda, are proud parents and grandparents and enjoy fellowship and worship with the community at New Calvary Baptist Church, where he served on the board of trustees; and

WHEREAS, emphasizing the importance of unity, Thomas Little challenges his longshoremen to "control your own destiny or someone else will, because a dream you dream alone is only a dream, but a dream you dream together is reality"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Thomas M. Little for his devoted service to the Hampton Roads community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thomas M. Little as an expression of the General Assembly's admiration for his leadership and dedication to the Commonwealth's maritime workers.

### SENATE JOINT RESOLUTION NO. 315

*Commending the Honorable Gwendolyn Jones Jackson.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Honorable Gwendolyn Jones Jackson, a highly respected former chief judge of the Norfolk General District Court of the Fourth Judicial District of Virginia, retires as a judge in February 2015 after 24 years of service; and

WHEREAS, Gwendolyn Jackson earned a bachelor's degree from Hampton University and a law degree from the University of Virginia; she practiced law for 17 years as a partner in the firm of Sams, Shelton, Anderson, and Jackson, specializing in real estate law, employment law, wills, adoptions, and incorporations; and

WHEREAS, well-known in the legal field, Gwendolyn Jackson was a charter member of the Tidewater Women's Bar Association and a member of several other professional organizations; she was appointed by the Norfolk City Council to the board of trustees of the Norfolk Employees' Retirement System and was later elected chair; and

WHEREAS, Gwendolyn Jackson was appointed as a judge of the Norfolk General District Court of the Fourth Judicial District of Virginia in 1991; she was the first African American woman appointed to any court in the Hampton Roads area and the second woman appointed as a judge in Norfolk; and

WHEREAS, originally assigned to the Traffic Division of the Norfolk General District Court, Gwendolyn Jackson ably responded to the high volume, presiding over more than 200,000 cases from 1991 to 1995; and

WHEREAS, in 1995, Gwendolyn Jackson transferred to the Civil Division of the Norfolk General District Court and handled more than 315,000 cases until 2004; at the time, Norfolk had the second-highest civil docket in the Commonwealth; and

WHEREAS, Gwendolyn Jackson was elected as chief judge from 2000 to 2004; during her tenure, she worked with the city manager and city council to plan the construction of a new courthouse and instituted an awards program for clerks; and

WHEREAS, as chief judge, Gwendolyn Jackson worked with the Virginia State Police, the Norfolk Police Department, and the Office of the Executive Secretary of the Supreme Court to serve better the members of the public by making Norfolk's high-volume traffic docket more efficient; and

WHEREAS, a woman of great integrity, Gwendolyn Jackson served the City of Norfolk and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, after her well-earned retirement, Gwendolyn Jackson will seek new opportunities to serve and enhance the lives of her fellow Norfolk community members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Gwendolyn Jones Jackson on the occasion of her retirement as a judge of the Norfolk General District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Gwendolyn Jones Jackson as an expression of the General Assembly's admiration for her years of dedication and devotion to the legal system and the citizens of the Commonwealth.

### SENATE JOINT RESOLUTION NO. 316

*Commending Jackson C. Tuttle II.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Jackson C. Tuttle II, a deeply respected public servant, retires as city manager of Williamsburg in June 2015 after more than two decades of leadership and service; and

WHEREAS, a native of Baltimore, Jackson "Jack" Tuttle earned a bachelor's degree from the University of North Carolina and served in the United States Navy before earning a master's degree from the University of West Florida; and

WHEREAS, Jack Tuttle began a long and fulfilling career in local government as an assistant city manager in Pensacola, Florida, and city manager in Gulf Breeze, Florida; he relocated to the Commonwealth in 1991, becoming the sixth city manager of the City of Williamsburg since 1932; and

WHEREAS, throughout his 24-year career as city manager, Jack Tuttle used his knowledge and expertise to develop innovative programs for the benefit of all local residents; he created the City Council's Goals, Initiatives, and Outcomes strategic planning process and the performance management system; and

WHEREAS, under Jack Tuttle's leadership, the City of Williamsburg provided outstanding public services at a low tax rate; his sound judgment and able leadership helped create a culture of excellence among local government officials and ensured the fiscal health of the city for years to come; and

WHEREAS, Jack Tuttle proudly facilitated open dialogue between citizens and the government and fostered strong relationships between the city and The College of William and Mary and Colonial Williamsburg; and

WHEREAS, Jack Tuttle served as president of the Virginia Local Government Management Association and retired from the United States Navy Reserve with the rank of captain; and

WHEREAS, Jack Tuttle earned numerous awards and accolades for his contributions to the Williamsburg community, including the 2014 Award for Career Excellence from the International City/County Management Association and the prestigious College of William and Mary Prentis Award; and

WHEREAS, after his retirement, Jack Tuttle will continue to teach local government management as an adjunct professor at Virginia Polytechnic Institute and State University; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jackson C. Tuttle II on the occasion of his retirement as city manager of Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jackson C. Tuttle II as an expression of the General Assembly's admiration for his dedicated service to and leadership of the City of Williamsburg and best wishes for a happy retirement.

**SENATE JOINT RESOLUTION NO. 318**

*Celebrating the life of Lieutenant J. Wesley Van Dorn.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Lieutenant J. Wesley Van Dorn, a devoted husband and father and a skilled United States Navy pilot who was proud to serve his country, died in the line of duty on January 8, 2014; and

WHEREAS, a native of Greensboro, North Carolina, Wesley Van Dorn graduated from Southeast Guilford High School, where he earned numerous academic honors and was a member of the tennis, lacrosse, and soccer teams; and

WHEREAS, Wesley Van Dorn attended the University of North Carolina at Chapel Hill and studied at the United States Military Academy; he graduated from the United States Naval Academy, where he had served on the honor council and was a standout member of the rugby team; and

WHEREAS, Lieutenant Van Dorn was assigned to Helicopter Mine Countermeasures Squadron 14, based out of Norfolk; he had deployed to the Republic of Korea and Bahrain, where he and his team worked to serve and safeguard military and civilian sailors; and

WHEREAS, a respected leader, Lieutenant Van Dorn was preparing to take on new responsibilities as a flight instructor; and

WHEREAS, Lieutenant Van Dorn made the ultimate sacrifice while piloting an MH-53 Sea Dragon off the coast of Virginia during a training mission; and

WHEREAS, a devout man, Lieutenant Van Dorn lived his faith through his actions; he was admired for his compassion, strength, integrity, and ability to spread joy to everyone he met; and

WHEREAS, Lieutenant Van Dorn will be fondly remembered and greatly missed by his loving wife, Nicole; sons, Jaxton and Maddox; parents, Mark and Susan; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant J. Wesley Van Dorn; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant J. Wesley Van Dorn as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 319**

*Commending the Virginia Cardinals baseball team.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Virginia Cardinals baseball team won the 2014 World Wood Bat Association Underclass World Championship, hosted by Perfect Game USA, in Fort Myers, Florida, at Major League Baseball spring-training facilities on October 13, 2014; and

WHEREAS, the Virginia Cardinals baseball team, which is based in Midlothian, is led by Head Coach Rich Graham; and

WHEREAS, the tournament-rostered players on the Cardinals squad include Jake Bartlett, Matoaca High School; Mitchell Carmody, James River High School; Steven Carpenter, New Kent High School; Robert Fultineer, Matoaca High School; John Gregory, Hanover High School; Christian Hague, Cosby High School; Khalil Lee, Flint Hill School; Jacob Long, Cosby High School; Grey Lyttle, Hanover High School; Henry Moore, Atlee High School; Liam Moreno, Beaver Country Day School; Noah Murdock, Colonial Heights High School; Vinnie Pasquantino, James River High School; Cayman Richardson, Hanover High School; Jackson Rivera, Prince George High School; Aaron Robinson, Monacan High School; and Justin Sorokowski, Lee-Davis High School; and

WHEREAS, Perfect Game USA established the World Wood Bat Association (WWBA) to govern the highest level of tournament baseball play; and

WHEREAS, the 2014 WWBA Underclass World Championship, which included 216 teams, is considered the premier fall baseball scouting event for underclassmen and is Perfect Game USA's most prestigious fall national championship tournament for players in the high school junior class or younger; and

WHEREAS, the Virginia Cardinals baseball team ended pool play as the number six seed, then won four initial playoff games to advance to the championship game; and

WHEREAS, the Virginia Cardinals defeated powerhouse teams from Florida, Wisconsin, Ohio, New Jersey, North Carolina, and Texas to reach the championship game; and

WHEREAS, the Virginia Cardinals scored in the game's first at bat to take the first lead its opponent had yielded, then broke the game open with a six-run fifth inning, and completed a mercy rule victory in the sixth inning; and

WHEREAS, the Virginia Cardinals allowed no stolen bases and committed only one error throughout the tournament and outscored opponents 59-10; and

WHEREAS, the win secured the Virginia Cardinals their first Perfect Game USA national championship and the only such championship ever for a Chesterfield County-based team; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Cardinals baseball team for winning the 2014 World Wood Bat Association Underclass World Championship, hosted by Perfect Game USA; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rich Graham, head coach of the Virginia Cardinals baseball team, as an expression of the General Assembly's congratulations and admiration for the team's stellar achievement.

### SENATE JOINT RESOLUTION NO. 320

*Celebrating the life of John Edward McDonald.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, John Edward McDonald of Williamsburg, who was director of financial and management services for James City County, a member of the Colonial Behavioral Health board of directors, and a devoted husband and father, died on November 29, 2014; and

WHEREAS, John McDonald had worked for James City County government for 37 years and was a respected friend to many local government officials and employees; he is remembered for his ability, integrity, and creativity as he diligently served the people of James City County; and

WHEREAS, a native of Denver, Colorado, John McDonald graduated from Robert E. Lee High School in Springfield; he enrolled at Virginia Polytechnic Institute and State University for a short period before enlisting in the United States Army, serving two tours in Vietnam; and

WHEREAS, after being honorably discharged, John McDonald received an associate's degree from Northern Virginia Community College, graduating summa cum laude; he then attended the University of Virginia, graduating with distinction with a bachelor's degree; and

WHEREAS, while at the University of Virginia, John McDonald, who was a member of the Raven Society and the Omicron Delta Kappa service fraternity, entered the field that would become his profession—he was treasurer of the class of 1973; and

WHEREAS, after first moving to New York to work for a major accounting firm, John McDonald and his wife, Lois, moved to Williamsburg, where he enrolled at The College of William and Mary, graduating with a master's degree in business administration; and

WHEREAS, in 1976, John McDonald became director of finance for James City County and later was named director of financial and management services, a position he held at the time of his death; he played a key role in putting together many James City County budgets during a time of tremendous growth; and

WHEREAS, during John McDonald's tenure, and as James City County's population more than tripled, the county financial and management services department kept pace; it was recognized for its financial reporting for 27 consecutive years by the Government Finance Officers Association; and

WHEREAS, John McDonald, who also served the community as a member of the board of directors of Colonial Behavioral Health and was chair for three years, is remembered for his leadership, financial expertise, and focus on what was best for the people of James City County; and

WHEREAS, John McDonald will be greatly missed and fondly remembered by his wife, Lois; their children, Matthew, Taylor, and Paige, and their families; his mother, Marjorie; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Edward McDonald of Williamsburg, director of financial and management services for James City County, a member of the Colonial Behavioral Health board of directors, a dedicated public servant, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Edward McDonald as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 321

*Commending the Trinity Episcopal School football team.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, on November 14, 2014, on a frozen football field in Charlottesville, the Trinity Episcopal School football team won the Virginia Independent Schools Athletic Association Division II state championship, completing the most successful football season in school history; and

WHEREAS, the third-ranked Titans from Trinity Episcopal School won the Virginia state title by defeating the top-ranked Saints of St. Anne's-Belfield School 20-10; and

WHEREAS, in order to earn a berth in the state championship game, the Titans of Richmond travelled to Virginia Beach and defeated second-ranked Bishop Sullivan Catholic High School 37-21; and

WHEREAS, the Trinity Episcopal Titans used a strong defense, turnovers, and a potent ground game in their victory over the St. Anne's-Belfield Saints to capture their first state title; and

WHEREAS, Head Coach Sam Mickens and the returning starters, who endured less successful seasons the previous two years, were rewarded for their perseverance and leadership with a state championship; and

WHEREAS, six members of the Titans were named First Team All-State: offensive lineman Jake Hogge, wide receiver Trevion Armstrong, halfback and defensive lineman Jack Freudenthal, linebacker Justin Jasper, defensive back Rimoni Dorsey, and quarterback and Division II Player of the Year Blake Bowen; and

WHEREAS, eight Trinity Episcopal football players were named to the Second Team and Honorable Mention All-State teams: wide receiver Jake Brown, offensive lineman Jack Cabell, offensive lineman Jake Chalkley, linebacker Stephen Traylor, defensive lineman Cody Gray, defensive back Zane Lewis, kicker Will Michael, and linebacker Trevor Taylor; and

WHEREAS, the Virginia Independent Schools Athletic Association awarded Head Coach Sam Mickens its 2014 Coach of the Year Award for the outstanding accomplishments of the Trinity Episcopal School football team; and

WHEREAS, the extraordinary performance of the 2014 Trinity Episcopal School football team has created a new level of excitement among the school's alumni, students, faculty, staff, and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Trinity Episcopal School football team on winning the 2014 Virginia Independent Schools Athletic Association Division II championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sam Mickens, head coach of the Trinity Episcopal School football team, as an expression of the General Assembly's congratulations and admiration for the team's exceptional performance and historic success.

### SENATE JOINT RESOLUTION NO. 322

*Commending Paul D. Camp Community College.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, for ten years, Paul D. Camp Community College in Franklin has provided students with the tools and knowledge to serve others as practitioners of technical nursing; and

WHEREAS, the General Assembly established in 1966 a statewide system of community colleges in the Commonwealth; and

WHEREAS, the Governor heralded the creation of the community college system by the General Assembly as "one of its finest acts and finest hours in this century"; and

WHEREAS, Paul D. Camp Community College officially opened for the 1971-1972 academic year and is now a multi-campus institution serving a geographic region comprising the communities of the Counties of Southampton and Isle of Wight and the Cities of Franklin and Suffolk; and

WHEREAS, Paul D. Camp Community College has served more than 40,000 students in credit and noncredit coursework in its history; and

WHEREAS, Paul D. Camp Community College established its own nursing program in the 2004-2005 academic year and has graduated more than 300 students from the program; graduates of the program have remained committed to the service and well-being of their local communities and excelled in the health care careers within those communities; and

WHEREAS, Paul D. Camp Community College's mission is to provide diverse learning opportunities to enhance the quality of life for students and the community; and

WHEREAS, Paul D. Camp Community College supports economic development and provides world-class workforce training and services and offers many career opportunities in both the public and private sectors through its nursing and allied health programs; and

WHEREAS, Paul D. Camp Community College continues to strive to meet the aspirations of its namesake to provide "a practical and economic answer to the future educational needs of thousands of Virginians"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Paul D. Camp Community College on the occasion of the 10th anniversary of its nursing program; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul W. Conco, president of Paul D. Camp Community College, as an expression of the General Assembly's congratulations on this historic milestone.

**SENATE JOINT RESOLUTION NO. 323**

*Commending Dominion Resources, Inc.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Dominion Resources, Inc., and its employees earned *Electric Light & Power* magazine's 2014 Utility of the Year distinction; and

WHEREAS, *Electric Light & Power* has been a leading voice of the electric utility industry since 1922; and

WHEREAS, the publication's editors rated Dominion on its customer satisfaction, philanthropic endeavors, infrastructure investments, environmental and sustainability initiatives, profitability, and management of market risks, among other metrics; and

WHEREAS, Dominion is headquartered in Richmond and is one of the nation's largest producers and transporters of energy; and

WHEREAS, Dominion's subsidiary, Dominion Virginia Power, has served electric customers in Virginia reliably and well since 1909; and

WHEREAS, Dominion Virginia Power serves 2.4 million residential, commercial, industrial, and governmental accounts in the Commonwealth; and

WHEREAS, the average Dominion Virginia Power customer lost power for 155 minutes in 2014, including major storms; it was the utility's best year for customer reliability since 2001; and

WHEREAS, in 2014, Dominion was recognized by *G.I. Jobs* magazine as one of the nation's most military-friendly employers, by *CR Magazine* as one of the 100 Best Corporate Citizens, and by *Forbes* as one of the most admired companies in the electric and gas utilities sector; and

WHEREAS, countless Virginians remain grateful for Dominion's outstanding service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dominion Resources, Inc., for winning *Electric Light & Power* magazine's prestigious Utility of the Year designation for 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thomas F. Farrell II, chair, president, and chief executive officer of Dominion Resources, Inc., as an expression of the General Assembly's gratitude and admiration for the company's commitment to service.

**SENATE JOINT RESOLUTION NO. 324**

*Celebrating the life of James Orie McReynolds.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, James Orie McReynolds, a dedicated civil servant who helped enhance the quality of life of his fellow residents as the longtime York County administrator, died on October 19, 2014; and

WHEREAS, a native of Newport News, James "Mac" McReynolds was raised in Hampton and graduated from Bethel High School; he earned a bachelor's degree from The College of William and Mary, where he began his professional career as the assistant director of general accounting; and

WHEREAS, desirous to be of service to the members of the York County community, Mac McReynolds pursued employment with the county as an accountant in 1983, and he became the director of budget and accounting in 1998; and

WHEREAS, in 1992, Mac McReynolds was promoted to director of financial and management services; he was officially appointed county administrator in May 2001; and

WHEREAS, holding the office for longer than any of his predecessors, Mac McReynolds supported valuable public safety initiatives, facilitated the transformation of the Yorktown waterfront into a mixed-use commercial area, and maintained the county's AAA bond rating; and

WHEREAS, by his visionary leadership and responsible fiscal stewardship, Mac McReynolds ensured a strong future for the York County community and leaves a legacy of excellence for his successor as administrator; and

WHEREAS, Mac McReynolds will be fondly remembered and greatly missed by his wife, Pam; children, James and Melissa, and their families; and numerous other family members, friends, and members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Orie McReynolds, a dedicated civil servant and respected leader in the York County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Orie McReynolds as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 325**

*Commending Mecklenburg County.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, in 2015, the residents of Mecklenburg County in Southside Virginia mark the county's 250th anniversary by celebrating the area's rich history and proud traditions; and

WHEREAS, established from Lunenburg County in 1764, Mecklenburg County was named for Queen Charlotte of Mecklenburg-Strelitz, wife of King George III of England, and held its first session of official business on March 1, 1765; and

WHEREAS, in its early days, Mecklenburg County's many plantations were primarily devoted to the cultivation of tobacco, and farming has remained an important aspect of county life throughout its history; and

WHEREAS, Mecklenburg County is defined by its rivers and lakes; the Roanoke River has brought extensive trade to the region and the Meherrin River, now a Virginia Scenic River that attracts canoeists and kayakers, once powered the county's grain mill industry; and

WHEREAS, Mecklenburg County's three major lakes offer more than 1,200 miles of shoreline for boating, fishing, and other outdoor activities, drawing hundreds of thousands of visitors from around the Commonwealth and the United States annually; and

WHEREAS, Mecklenburg County is a destination for historians, with the Prestwoud plantation home in Clarksville, the Boyd Tavern in Boydton, MacCallum More Museum and Gardens in Chase City, and the Tobacco Farm Life Museum of Virginia in South Hill; and

WHEREAS, in recent years, Mecklenburg County has invested in infrastructure to serve better the business community and founded training institutions in the fields of manufacturing, technology, health care, and computer science to create new opportunities for local residents; and

WHEREAS, Mecklenburg County, sitting between Richmond and Raleigh, North Carolina, offers a quaint, comfortable rural lifestyle with easy access to thriving metropolitan areas; and

WHEREAS, Mecklenburg County will hold four anniversary celebrations throughout 2015, each highlighting different aspects of the county's past, present, and future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mecklenburg County on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mecklenburg County as an expression of the General Assembly's admiration for the county's storied history and many contributions to the Commonwealth.

**SENATE JOINT RESOLUTION NO. 326**

*Celebrating the life of Horton Penrose Beirne.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Horton Penrose Beirne of Covington, a newspaper publisher, a supporter of many community and civic organizations, a man of faith, and a devoted husband and father, died on January 10, 2015; and

WHEREAS, Horton Beirne was the fourth generation of his family to run a newspaper; in the 19th century, his great-grandfather owned *The State* newspaper in Richmond, and his grandfather and father preceded him as publishers of what today is called *Virginian Review* in Covington; and

WHEREAS, one of Horton Beirne's earliest childhood memories was accompanying his father to work; while his father conducted business, he picked up lead slugs from the floor of the printing press to be melted down and reused in the printing process; he started working in the newsroom when he was 15; and

WHEREAS, Horton Beirne attended public schools in Covington and received his diploma from Alleghany County High School; while earning a bachelor's degree from Virginia Commonwealth University, he served as a photographer and editor of the university newspaper; and

WHEREAS, Horton Beirne spent his entire career in journalism; he worked for the *Richmond Times-Dispatch* for three years before returning to Covington in 1972 as production manager of the *Covington Virginian*; he was named the newspaper's editor in 1974; and

WHEREAS, under Horton Beirne's direction, the newspaper merged with the *Clifton Forge Daily Review* in 1988 and was renamed the *Virginian Review*; when his father died in 1992, Horton Beirne became publisher of the local newspaper; and

WHEREAS, the Virginia Press Association recognized Horton Beirne over the years with awards for columns, feature articles, and editorials he wrote, and for editing; he was president of the press association and served on the board; and

WHEREAS, Horton Beirne was a member of many civic organizations, including the Alleghany Historical Society, Alleghany Highlands Economic Development Corporation, Covington-Hot Springs Rotary Club, Alleghany Highlands

Christmas Mother program, and many other groups interested in the betterment of the community and preserving the rich history of the Alleghany Highlands; and

WHEREAS, Horton Beirne was a member of Emmanuel Episcopal Church and was deeply involved in its ministry; he served as a member of the vestry, was church treasurer for 25 years, Bible class teacher, and was an usher, lay reader, and member of the choir; and

WHEREAS, in addition to Mary Ann, his wife of 38 years, Horton Beirne will be greatly missed and fondly remembered by his children, Joy, Elizabeth, and Horton, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Horton Penrose Beirne of Covington, a newspaper publisher, a supporter of many community and civic organizations, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Horton Penrose Beirne as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 327

*Celebrating the life of the Honorable James Brady Murray.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Honorable James Brady Murray of Earlsville, a dedicated conservationist, businessman, and public servant who ably represented the residents of the Counties of Albemarle, Fluvanna, and Greene and the City of Charlottesville in the House of Delegates for eight years, died on January 2, 2015; and

WHEREAS, a native of Allenhurst, New Jersey, James Murray was born on the Fourth of July in 1920; he earned a bachelor's degree from Georgetown University and a degree in electrical engineering from Yale University; and

WHEREAS, joining many of the other young men of his generation as a member of the United States Navy during World War II, James Murray served on aircraft carriers in the Pacific Ocean and was stationed in Coronado, California; and

WHEREAS, after his honorable military service, James Murray moved to New York and became president of Murray Manufacturing, the electrical equipment company founded by his grandfather, Thomas E. Murray; and

WHEREAS, in 1953, James Murray relocated to the Commonwealth and founded Panorama Farms, where he began a long, fulfilling career as a farmer and conservationist; he presided over the Virginia Water Project and served on the Thomas Jefferson Sustainability Council and the Virginia Nature Conservancy Board, where he worked to balance responsible economic growth with conservation efforts; and

WHEREAS, James Murray taught at the University of Virginia and established and managed a local branch of Murray Manufacturing, which created 700 new job opportunities in Albemarle County; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, James Murray ran for and was elected to the Virginia House of Delegates; representing the residents of the Counties of Albemarle, Fluvanna, and Greene, as well as part of the City of Charlottesville, he served four terms from 1974 to 1982; and

WHEREAS, James Murray sponsored and supported many important pieces of legislation, including bills to designate the Rivanna as a National Wild and Scenic River, establish Piedmont Virginia Community College, allow organ donor designations on driver's licenses, and grant health maintenance organizations the right to operate in the Commonwealth; and

WHEREAS, James Murray served the community as the chair of the Albemarle County Electoral Board for 15 years, the chair of Piedmont Virginia Community College, director of the United Virginia Bank of Charlottesville, director of the Charlottesville Regional Chamber of Commerce, and a board member of several other agencies and civic organizations; and

WHEREAS, James Murray earned many awards and accolades for his leadership and service, including the Paul Goodloe McIntire Citizenship Award and the Virginia Conservationist of the Year award in 1991; a man of great integrity, he served the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, predeceased by his wife, Bunny, and one son, Latham, James Murray will be fondly remembered and greatly missed by his seven sons, 23 grandchildren, eight great-grandchildren, numerous other family members and friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable James Brady Murray, a respected businessman, passionate conservationist, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable James Brady Murray as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 328**

*Commending the Rock Ridge High School marching band.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, the Rock Ridge High School marching band from Ashburn won the USBands Class 1A competition for 2014, the first year of existence for the school—and the band; and

WHEREAS, the Rock Ridge High School band's victory came just a few weeks after the new building opened in September 2014; the school currently has only 9th- through 11th-grade students in its inaugural year and serves the growing population of Loudoun County; and

WHEREAS, band director Justin Ratcliff was one of the first people to be hired at Rock Ridge High School and he quickly got to work; in the summer before the school officially opened, the band already had formed and started practice; and

WHEREAS, most members of the Rock Ridge High School marching band are freshmen or sophomores who had never been in a marching band; despite their lack of experience, the band was eager to enter local and regional competitions; and

WHEREAS, the Rock Ridge High School band musicians took part in contests at Woodbridge High School, Hermitage High School, Millbrook High School, and at the Loudoun Valley band competition, winning first place in three of the competitions and second place in the fourth contest; and

WHEREAS, at the 2014 Virginia Band and Orchestra Directors Association marching assessment, the Rock Ridge High School marching band received a unanimous Superior rating, meaning that all seven judges ranked the group Superior; it is one of only five first-year bands to win such an honor; and

WHEREAS, at the USBands' state competition, the Rock Ridge High School band won the prestigious Cadets Award, outperforming 13 other school bands; the award recognizes excellence in creativity, performance, and overall effect; and

WHEREAS, strong support from parents, friends, fellow students, and the faculty and staff of Rock Ridge High School helped spur the musicians through many hours of rehearsal and performances during the 2014 marching band season; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Rock Ridge High School marching band for winning the 2014 USBands Class 1A competition; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Justin Ratcliff, director of the Rock Ridge High School marching band, as an expression of the General Assembly's congratulations and admiration for the new band's hard work, dedication, and success.

**SENATE JOINT RESOLUTION NO. 329**

*Commending the Herndon Woman's Club.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Herndon Woman's Club celebrated 75 years of service in 2014; the organization raises funds and provides volunteers for local, state, national, and international causes, focusing on education, public welfare, philanthropy, moral values, and civic and fine arts; and

WHEREAS, when it started in 1939 as the Junior Woman's Club of Herndon, members were single women 25 and younger; in its early days, the club helped staff the local library, rolled bandages as part of the war effort during World War II, and sent wedding gowns to war brides in England; and

WHEREAS, the Herndon Woman's Club helps to improve the community; in its early years, the group performed vision screenings at local schools; the Fairfax County club has awarded college scholarships for more than 50 years and sponsors a child to attend Camp Easter Seals UCP; and

WHEREAS, one longtime member of the Herndon Woman's Club is Elma Mankin, who has spent many hours on behalf of volunteer organizations working for the betterment of the town; on her 90th birthday in 2014, the woman's club gave her a surprise party; and

WHEREAS, soon after its founding, the Herndon Woman's Club became a member of the General Federation of Women's Clubs, whose signature effort is to prevent domestic violence; the Herndon club helps support a local shelter for victims of domestic abuse; and

WHEREAS, the Herndon Woman's Club is organized into six departments to most effectively meet its community service goals: the Arts, Conservation, Education, Home Life, International Outreach, and Public Issues; and

WHEREAS, members of the Herndon Woman's Club are actively involved with Herndon's annual Labor Day Festival; the group sponsors a charity fundraiser, the Fall Fashion Show, and supports veterans by participating in Wreaths Across America and helping the Honor Flight Network; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Herndon Woman's Club on its 75th anniversary and for its many decades of service during which members have raised funds for charity and volunteered for many varied and worthy causes; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pat Stark, president of the Herndon Woman's Club, as an expression of the General Assembly's congratulations and admiration for its generosity and worthwhile efforts and best wishes for the future.

### SENATE JOINT RESOLUTION NO. 330

*Celebrating the life of Scott Henry Gustavson.*

Agreed to by the Senate, February 5, 2015

Agreed to by the House of Delegates, February 13, 2015

WHEREAS, Scott Henry Gustavson of Lincoln, an advocate and a promoter of the town of Leesburg, a successful real estate broker, an avid sailor, a friend to many people, and a devoted husband and father, died on September 3, 2014; and

WHEREAS, Scott Gustavson was born in Washington, D.C., and grew up in Annandale and around the world, including the Dominican Republic and Hong Kong; he graduated from Annandale High School in 1982 and the University of San Francisco in 1989; and

WHEREAS, a proud veteran, Scott Gustavson served in the United States Marine Corps; he began his professional career as a stockbroker and worked in San Francisco for 10 years; and

WHEREAS, Scott Gustavson later moved to Loudoun County, eventually becoming president of Windward Commercial Real Estate Services; he became active in redevelopment efforts in Leesburg as his company owned several prominent buildings in town, including the Lightfoot restaurant and the *Leesburg Today* building; and

WHEREAS, in promoting downtown revitalization for Leesburg, Scott Gustavson was a chair of the Leesburg Economic Development Commission and served on the Leesburg Downtown Improvement Association; he was a member of the board of Loudoun Habitat for Humanity; and

WHEREAS, with a strong vision for Leesburg's future, Scott Gustavson was actively involved in planning the redevelopment of the former Barber and Ross property, which will be renamed Crescent Place; and

WHEREAS, Scott Gustavson, a man of faith, was a member of St. Andrew Presbyterian Church in Purcellville; he was an enthusiastic sailor and frequently competed in offshore races; and

WHEREAS, Scott Gustavson will be fondly remembered and greatly missed by his wife, Colleen; their children, Finn, Declan, and Britta; his mother, Joyce; his father and stepmother, Carl and Viki; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Scott Henry Gustavson, a strong advocate and promoter of the town of Leesburg, a successful real estate broker, an avid sailor, a friend to many people, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Scott Henry Gustavson as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 331

*Celebrating the life of Brock Anthony Michael Funk.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Brock Anthony Michael Funk, a teacher at Castlewood Elementary School, who was an exceptional baseball player at Grayson County High School and the University of Virginia's College at Wise, a man of great faith, and a loving husband and father, died on January 16, 2015; and

WHEREAS, Brock Funk, who was born in Galax and reared in Fries, was a 2004 graduate of Grayson County High School; he played varsity football and basketball and was a standout baseball pitcher who as a senior was named the Virginia High School League's Group A player of the year; and

WHEREAS, after high school, Brock Funk attended the University of Virginia's College at Wise and helped lead the school's baseball team to two consecutive regional tournaments; he ranks second in school history for pitching wins, with a collegiate won-lost record of 23-10; and

WHEREAS, a focused and intimidating competitor during a game, when he was off the field Brock Funk was kindhearted, low-key, and generous, with an amiable and humble nature; friends, former coaches, and opposing players remember his extraordinary talent and his laid-back demeanor; and

WHEREAS, a man of great faith throughout his life, Brock Funk found fulfillment in worship and fellowship at Mills Chapel Church in Castlewood, where he was a member; and

WHEREAS, Brock Funk, who was preceded in death by an infant daughter, Atley Grace, will be greatly missed and fondly remembered by his wife, Terri Anne, and his children Zoey and Ezekiel; and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Brock Anthony Michael Funk, a teacher at Castlewood Elementary School, who was an exceptional student athlete at Grayson County High School and the University of Virginia's College at Wise, a man of great faith, and a loving husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Brock Anthony Michael Funk as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 332

*Confirming appointments by the Governor of certain persons communicated January 29, 2015.*

Agreed to by the Senate, February 11, 2015

Agreed to by the House of Delegates, February 24, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly February 9, 2015:

#### ADMINISTRATION

##### State Board of Elections

**James B. Alcorn**, 1900 Winterfield Road, **Midlothian**, Virginia 23113, Member, appointed January 16, 2015, for a term of four years beginning February 1, 2015, and ending January 31, 2019, to succeed himself.

**Singleton B. McAllister**, 427 Walker Road, **Great Falls**, Virginia 22066, Member, appointed January 16, 2015, for a term of four years beginning February 1, 2015, and ending January 31, 2019, to succeed Kimberly Bowers.

**Clara Belle Wheeler**, 1754 Stony Point Road, **Charlottesville**, Virginia 22911, Member, appointed February 9, 2015, for a term of four years beginning February 1, 2015, and ending January 31, 2019, to succeed Charles Judd.

#### EDUCATION

##### State Historical Records Advisory Board

**Gerald P. Gaidmore, II**, 9927 Swallow Ridge, **Toano**, Virginia 23168, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed Robert Vejnar.

**Katherine Egnor Gruber**, 117 Sharps Road, **Williamsburg**, Virginia 23188, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed Joyce Kistner.

**Ervin L. Jordan, Jr.**, 811 Harris Road, **Charlottesville**, Virginia 22902, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed himself.

**Michele Lee**, 3119 Faber Drive, **Falls Church**, Virginia 22044, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed herself.

**Cydney A. Neville**, 3681 Tavern Way, **Triangle**, Virginia 22172, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed G. William Thomas, Jr.

**William B. Obrochta**, 3612 Noble Avenue, **Richmond**, Virginia 23222, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed Frances Pollard.

**Megan H. Rhyne**, 14 Foxcroft Road, **Williamsburg**, Virginia 23188, Member, appointed January 9, 2015, for a term of three years beginning November 1, 2014, and ending October 31, 2017, to succeed Michael Lynn.

##### Virginia State University Board of Visitors

**Daryl Cumber Dance**, 1701 Littleton Boulevard, **Henrico**, Virginia 23228, Member, appointed December 8, 2014, to serve an unexpired term beginning December 1, 2014, and ending June 30, 2016, to succeed William C. Boshier.

#### HEALTH AND HUMAN RESOURCES

##### Board of Nursing

**Mark D. Monson**, 368 High Bank Drive, **Bumpass**, Virginia 23024, Member, appointed January 15, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Louise Hartz.

##### Virginia Board for People with Disabilities

**Cynthia Conner Rudy**, 105 Oak Ridge Court, **Williamsburg**, Virginia 23188, Member, appointed January 12, 2015, to serve an unexpired term beginning December 3, 2014, and ending June 30, 2016, to succeed Kimberly Vanderland.

#### INDEPENDENT

##### Board of Trustees of the Virginia Retirement System

**Diana F. Cantor**, 6004 Oxbury Court, **Glen Allen**, Virginia 23059, Member, appointed January 27, 2015, for a term of five years beginning March 1, 2015, and ending February 29, 2020, to succeed herself.

## LEGISLATIVE

## Virginia Coal and Energy Commission

**Clarence K. Tong**, 629 Tivoli Passage Way, Alexandria, Virginia 22314, Member, appointed January 22, 2015, to serve an unexpired term beginning January 22, 2015, and ending June 30, 2015, to succeed Jodi Gidley.

## SENATE JOINT RESOLUTION NO. 333

*Commending Kingsley Edwin Haynes.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Kingsley Edwin Haynes, the Ruth D. and John T. Hazel, M.D., Faculty Chair and Eminent Scholar of the School of Public Policy at George Mason University, has served the young men and women of the Commonwealth as an educator and school administrator for more than 40 years; and

WHEREAS, Kingsley Haynes earned a bachelor's degree from Western Michigan University, a master's degree from Rutgers University, and a doctorate from Johns Hopkins University; and

WHEREAS, Kingsley Haynes pursued a rewarding career as a regional scientist and geographer, participating in regional economic development and natural resource management programs throughout the United States and in every corner of the world; and

WHEREAS, offering his expertise to the federal government, Kingsley Haynes has worked with the former Department of Health, Education, and Welfare, Department of Commerce, National Aeronautics and Space Administration, Department of Defense, National Science Foundation, Environmental Protection Agency, and Department of Transportation; and

WHEREAS, Kingsley Haynes has made many of his greatest contributions as an academic; he has inspired countless students as a professor of environmental management, policy analysis, urban planning methodology, and regional economic development; and

WHEREAS, after joining George Mason University as the dean of the Graduate School in 1990, Kingsley Haynes founded the School of Public Policy in 1992 and led the program until 2010; he helped the program grow from four faculty members and six students to one of the nation's top policy programs, with 75 faculty members, 350 staff, and 1,000 students; and

WHEREAS, Kingsley Haynes started the Urban Institute at McGill University, expanded the School of Public and Environmental Affairs at Indiana University, and founded the Lyndon B. Johnson School of Public Affairs at the University of Texas; and

WHEREAS, a prolific researcher and a distinguished scholar, Kingsley Haynes has directed research grants and contracts worth more than \$50 million and coauthored or edited 10 books and more than 400 articles and reports; and

WHEREAS, a respected member and leader of numerous professional organizations, Kingsley Haynes serves on the editorial board of more than a dozen scholarly journals and was a founding member of the Decision, Risk, and Management Sciences panel of the National Science Foundation; he has received countless awards and accolades for his exceptional body of work; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kingsley Edwin Haynes for his contributions to the Commonwealth as an educator and school administrator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kingsley Edwin Haynes as an expression of the General Assembly's admiration for his inspirational leadership and many achievements.

## SENATE JOINT RESOLUTION NO. 334

*Commending the Loudoun County High School volleyball team.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Loudoun County High School volleyball team displayed exceptional skill and determination by winning the Virginia High School League Group 4A state championship on November 22, 2014; and

WHEREAS, the Loudoun County High School Raiders set a state record, winning their seventh state championship with a sweep of the James Wood High School Colonels at the Siegel Center in Richmond; and

WHEREAS, the Loudoun County Raiders defeated the James Wood Colonels by scores of 25-14, 25-20, and 25-13 to finish the season with a 29-2 record and their third consecutive state title; and

WHEREAS, ably led by first-time head coach Sherrilyn Hanna, who had previously coached several current team members on the Loudoun Youth Volleyball middle school program, the Loudoun County Raiders had already beaten the James Wood Colonels in conference and regional games; and

WHEREAS, each athlete—Celine Nguyen, Emily Solis, Addi Williams, Rachael Cullen, Hannah Vandegrift, Madison Batts, Olivia Aycock, Rachel Voketaitis, Lauren Topper, Taylor Borup, Ciara Kain, Logan Robberstad, Hannah Aycock, Abby Wright, and Allie Sarver—contributed immensely to the victory; and

WHEREAS, the Loudoun County Raiders benefited from the leadership and guidance of all the coaches and staff and the enthusiastic support of their parents, friends, fellow students, and all the members of the Loudoun County High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the 2014 Loudoun County High School volleyball team for winning the Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sherrilyn Hanna, head coach of the Loudoun County High School volleyball team, as an expression of the General Assembly's admiration for the team's achievements.

### SENATE JOINT RESOLUTION NO. 335

*Celebrating the life of Marvin Bennett Milam.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Marvin Bennett Milam, the longtime city manager of Harrisonburg who helped the city grow in both size and population, died on November 17, 2014; and

WHEREAS, a native of Pittsylvania County, Marvin Milam grew up in Roanoke and learned the value of hard work and responsibility at a young age at summer construction jobs; he honorably served his country with the United States Army during the Korean War; and

WHEREAS, after returning home, Marvin Milam enjoyed a long career in the construction industry, then relocated to Harrisonburg in 1969 to become the city's third manager since 1952; and

WHEREAS, as the longest-serving city manager of Harrisonburg, Marvin Milam worked to enhance the lives of residents and to strengthen the city for more than two decades, until his well-earned retirement in 1991; and

WHEREAS, under Marvin Milam's tenure, the population of Harrisonburg more than doubled; he worked to improve the city's infrastructure, overseeing the construction of the Switzer Dam and the development of the local public transportation system; and

WHEREAS, a humble and efficient leader, Marvin Milam was a trusted mentor to his colleagues and a friend to many people in the community; he placed trust in his employees and was admired for his ability to inspire them to excel in service to the city; and

WHEREAS, Marvin Milam was an exemplar of the professionalism, dedication, and care for the community displayed by local public servants throughout the Commonwealth; and

WHEREAS, Marvin Milam will be fondly remembered and greatly missed by his wife of 63 years, Norma; children, Michael, Mark, Matt, and Mel, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Marvin Bennett Milam, an accomplished public servant in Harrisonburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marvin Bennett Milam as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 336

*Celebrating the life of the Honorable Donald W. Devine.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Honorable Donald W. Devine of Leesburg, a retired federal administrative law judge and a former Commonwealth's Attorney who was admired for his fairness and dedication to the legal process, died on October 1, 2014; and

WHEREAS, a native of Fort Sill, Oklahoma, Donald Devine earned a bachelor's degree from Yale University, then served his country as a member of the United States Army during the Korean War; and

WHEREAS, after the war, Donald Devine earned a law degree from the University of Virginia, where he served as class president and editor of the law review; in 1958, he moved to Leesburg with his family and practiced law with a local firm, where he earned the respect of the community for his honesty and generosity; and

WHEREAS, in 1971, Donald Devine became the Loudoun County Commonwealth's Attorney and won reelection in 1975 by a single vote; during his tenure, he helped the county grow and served as a leader and mentor to countless other local attorneys; and

WHEREAS, in 1979, Donald Devine became a federal administrative law judge; he handled numerous important cases, presiding with great fairness and wisdom until his retirement; and

WHEREAS, working to enhance the quality of life of his fellow Leesburg residents, Donald Devine volunteered his time and leadership as the president of the local Rotary Club and as a cofounder of the Loudoun Association for Retarded Citizens; and

WHEREAS, Donald Devine enjoyed fellowship and worship with the community as a longtime member of Saint John the Apostle Roman Catholic Church, where he was a member of the Knights of Columbus; and

WHEREAS, predeceased by his beloved wife, Patricia, Donald Devine will be fondly remembered and greatly missed by his children, Anne, Donald, Jr., Walter, Mary, and Oliver, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Donald W. Devine, a retired federal administrative law judge and Commonwealth's Attorney in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Donald W. Devine as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 337

*Commending Robert G. Templin.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Robert G. Templin has committed his life to improving the lives of Virginians through his efforts on workforce training, education, immigration policy, and economic development; and

WHEREAS, Robert Templin has served as president of the Northern Virginia Community College (NOVA) since 2002, where he has worked with local governments, businesses, community organizations, school districts, and universities to strengthen the Commonwealth's economy through innovative programs and services; and

WHEREAS, under Robert Templin's leadership, NOVA has served over 500,000 credit and noncredit students; and

WHEREAS, NOVA increased the number of graduates by over 120 percent to more than 6,000 graduates annually and now transfers more students to George Mason University, Virginia Commonwealth University, James Madison University, Virginia Polytechnic Institute and State University, and the University of Virginia than any other institution; and

WHEREAS, NOVA developed "Pathway to the Baccalaureate," an award-winning college access and baccalaureate completion program serving more than 10,000 students annually from 55 high schools and centers located in low-income, minority, and immigrant communities; and

WHEREAS, NOVA established the "SySTEMic Solutions" program to develop a sustainable science, technology, engineering, and mathematics (STEM) pipeline in Northern Virginia by engaging students in elementary school and inspiring them to continue to pursue STEM education in high school and college and in the workforce through a collaboration with schools, businesses, and community organizations; and

WHEREAS, NOVA has become the Commonwealth's leading minority-serving undergraduate institution, serving more African American students than the state's two public historically black universities combined, as well as 35 percent of all Latino students; nearly one-third of all Asian undergraduates in Virginia public higher education are currently enrolled at NOVA; and

WHEREAS, Robert Templin is the founding chair of Achieving the Dream, Inc., a national nonprofit organization serving more than 200 colleges in 34 states in order to help community college students, particularly low-income students and students of color, gain access to college, stay in school, and earn a postsecondary credential; and

WHEREAS, Robert Templin is the founding chair of the Virginia Commercial Space Flight Authority, which built the nation's fourth commercial space launch facility on Virginia's Eastern Shore, currently the primary launch facility for the resupply of the International Space Station; and

WHEREAS, prior to his service at NOVA, Robert Templin was the president of Virginia's Center for Innovative Technology, and under his leadership, the center was credited with helping to create or retain 12,000 high-tech jobs, attracting or creating 225 technology-based companies, and increasing sales and new capital investment by more than \$500 million; and

WHEREAS, Robert Templin has been named Newsmaker of the Year by *Virginia Business Magazine*; one of Washington's 150 Most Powerful People, Washingtonian of the Year, and one of 100 Tech Titans by *Washingtonian* magazine; one of the most important business leaders by the *Washington Business Journal*; and a Champion of Change by the White House; and

WHEREAS, Robert Templin has been honored with the Earle C. Williams Leadership in Technology Award from the Northern Virginia Technology Council, the Marta V. Wyatt Award from the Hispanic Committee of Virginia, the We Are America Now award from Northern Virginia Family Service, the Lifetime Achievement Award for Excellence in Virginia Government by Virginia Commonwealth University, the Community Foundation of the National Capital Region's Civic Spirit

Award for outstanding leadership in the Washington metropolitan region, and the Fairfax County Chamber of Commerce's James M. Rees Award for contributions to the economy and quality of life in Northern Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert G. Templin for his 13 years of distinguished service as an educator and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert G. Templin as an expression of the General Assembly's admiration and gratitude for his exemplary leadership and selfless dedication to providing and expanding educational opportunities to all Virginians.

### SENATE JOINT RESOLUTION NO. 338

*Commending William D. Fagan.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 19, 2015

WHEREAS, William D. Fagan, executive director of Bacon Street substance abuse treatment center in Williamsburg, steps down in 2015 after more than 40 years of service; and

WHEREAS, Bacon Street works with young people and families with substance abuse issues; it was founded in 1971 by concerned citizens and is a licensed nonprofit outpatient substance abuse center providing counseling, education, referrals, and prevention services; and

WHEREAS, William "Sandy" Fagan has spent his entire career focusing on youth substance abuse treatments; he has been involved with Bacon Street since its inception, first as a volunteer and board member, and in 1974, he joined the staff as a counselor; and

WHEREAS, after serving as clinical supervisor, Sandy Fagan, who lives in James City County, was named executive director of Bacon Street in 1977; throughout its existence, Bacon Street has stayed true to its mission to serve the youth in need who live in the Virginia Peninsula area; and

WHEREAS, Sandy Fagan's expertise in the area of substance abuse treatment started when he was a young man; he served in the United States Army as an infantry officer and worked for the United States Department of Defense developing substance abuse programs for military dependents; and

WHEREAS, because of his experience and expertise in the field of substance abuse treatment and prevention, Sandy Fagan has been asked to consult with many public and private organizations, including schools and universities, police departments, and major corporations; and

WHEREAS, for more than four decades, Sandy Fagan has served Bacon Street and its clients with professionalism and distinction; he has many ties to the area, having received a bachelor's degree and a master's degree from The College of William and Mary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William D. Fagan for more than 40 years of exemplary service as executive director of Bacon Street substance abuse treatment center in Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William D. Fagan as an expression of the General Assembly's respect and admiration for his dedication to helping young people and families in the Commonwealth who seek substance abuse treatment, and best wishes on his future endeavors.

### SENATE JOINT RESOLUTION NO. 339

*Commending John Henry Middleton, Jr.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, John Henry Middleton, Jr., a respected member of the Richmond community, celebrated his 100th birthday on December 29, 2014; and

WHEREAS, a native of Powhatan County, John Middleton attended Powhatan County Public Schools; he relocated to Chesterfield County and worked as a cook in a household; and

WHEREAS, John Middleton married his wife, the late Alease Taylor Middleton, in 1937, and the couple proudly raised 11 children; and

WHEREAS, possessed with a strong work ethic, John Middleton found employment with Virginia Excelsior Mills, worked in the logging industry, and was a school bus driver in Chesterfield County; and

WHEREAS, John Middleton was trained as a brick mason at Maggie L. Walker Trade School and pursued a career as a general contractor in Richmond; he worked on numerous projects in Shockoe Bottom until his well-earned retirement in 2008; and

WHEREAS, John Middleton has enjoyed fellowship and worship with the community at Mt. Sinai Baptist Church since 1939; he has served as a deacon, trustee, treasurer, Sunday School teacher, choir member, and quartet member and donated the land on which the church currently stands; and

WHEREAS, John Middleton has worked to enhance the Richmond community throughout his life and currently serves as a member of Trinity Masonic Lodge 44; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John Henry Middleton, Jr., on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Henry Middleton, Jr., as an expression of the General Assembly's admiration for his many contributions to the Richmond area.

### SENATE JOINT RESOLUTION NO. 340

*Celebrating the life of E. Cabell Brand.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, E. Cabell Brand, a respected businessman and distinguished philanthropist who championed economic and community development in the Roanoke Valley and beyond as the founder of Total Action for Progress, died on January 13, 2015; and

WHEREAS, a lifetime resident of Salem, Cabell Brand graduated from Andrew Lewis High School and earned a bachelor's degree from Virginia Military Institute (VMI) as class valedictorian; he continued his education at Harvard Business School and the University of Virginia; and

WHEREAS, while at VMI, Cabell Brand joined many of the other young men of his generation in service to his country during World War II; he deployed to Europe with the 70th Infantry Division of the United States Army, where he rose to the rank of captain and earned a Bronze Star Medal; and

WHEREAS, after returning home to finish his education, Cabell Brand worked in the Intelligence Office of the Berlin Military Government and for the United States Foreign Service; in 1949, he became president of the family business, Ortho-Vent Shoe Company, which he expanded into the Stuart McGuire Company and sold to the Home Shopping Network in 1986; and

WHEREAS, among his proudest accomplishments, Cabell Brand founded Total Action Against Poverty in 1965, which is now known as Total Action for Progress; as president and chair of the organization for 30 years, he helped provide career development, affordable housing, clean water, education, and legal aid to countless Virginians; and

WHEREAS, Total Action for Progress offers more than 30 programs to low-income residents of the Roanoke Valley; under Cabell Brand's leadership, the organization established Head Start, the Child Health Investment Partnership, Virginia CARES, and the Virginia Water Project; and

WHEREAS, Cabell Brand also founded the Cabell Brand Center for International Poverty and Research Studies, which has provided more than 500 students with the opportunity to study and research poverty, peace, and the environment and gain the knowledge to become effective community leaders; and

WHEREAS, Cabell Brand authored a memoir detailing his passion for community service titled *If Not Me, Then Who?*, which has become required reading in academic programs throughout the country and inspired countless future leaders; and

WHEREAS, Cabell Brand earned dozens of awards and accolades for his business acumen and service to those in need; he leaves behind a legacy of excellence for all citizens of the Commonwealth seeking to make a difference in their communities; and

WHEREAS, predeceased by his beloved wife of 49 years, Shirley, and five children, Ingrid, Marshall, Edward, Jr., Richard, and John, Cabell Brand will be fondly remembered and greatly missed by his daughters, Sylvia, Miriam, Caroline, and Liza, and their families and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of E. Cabell Brand, an accomplished businessman, passionate philanthropist, and devoted advocate for Virginians in need; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of E. Cabell Brand as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 341

*Celebrating the life of the Honorable George W. Harris, Jr.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, the Honorable George W. Harris, Jr., a retired judge of the 23rd Judicial District of Virginia and a respected leader in the Roanoke community, died on January 23, 2015; and

WHEREAS, a native of Lynchburg, George Harris graduated from Dunbar High School; he was one of the first African American students to enroll at the University of Virginia and remained a proud Wahoos fan for the rest of his life; and

WHEREAS, George Harris transferred to Virginia Union University, where he became active in the civil rights movement and received a bachelor's degree; he went on to earn a law degree from North Carolina Central University; and

WHEREAS, after completing his education, George Harris practiced law in Roanoke, where he earned a reputation for his strong work ethic, commitment to justice, and concern for members of the community; and

WHEREAS, in 1985, George Harris was appointed as a judge of the Roanoke General District Court of the 23rd Judicial District of Virginia; he was the first full-time African American judge appointed in the Roanoke Valley; and

WHEREAS, throughout his 20-year career on the bench, George Harris was admired for his intelligence and ability to judge character; he presided with great fairness and wisdom until his well-earned retirement in 2005; and

WHEREAS, George Harris was a leader in the legal field and served as a member of many peer and professional organizations, as well as president of the Old Dominion Bar Association; and

WHEREAS, George Harris offered his time and wise leadership to civic and service organizations, including the City of Roanoke School Board, the Southwest Virginia Community Development Fund, the Roanoke Valley Council of Community Services, the William A. Hunton YMCA, and the Legal Aid Society of the Roanoke Valley; and

WHEREAS, a man of great integrity, George Harris served the Roanoke Valley and the Commonwealth with dedication and distinction, and he left a legacy of excellence for his fellow judges in the Roanoke Valley; and

WHEREAS, George Harris will be fondly remembered and greatly missed by his wife, Helen; son George III, and his family; and numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable George W. Harris, Jr., a retired judge and an admired member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable George W. Harris, Jr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 342

*Commending Leidos.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Leidos was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Corporate Business Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Leidos, which relocated to Reston in 2013, is a worldwide leader in science and technology, developing innovative solutions to challenges in national security, health, and engineering; it is committed to responsible stewardship of the environment and actively supports employees as they work to enrich their communities; and

WHEREAS, Leidos works to provide for the basic needs and wellness of its neighbors by building strong relationships with nonprofit organizations and service groups; supporting, sponsoring, and celebrating employee volunteer opportunities; making charitable donations; and collaborating with local government agencies and other stakeholders to strengthen the region; and

WHEREAS, diligently supporting veterans, active-duty service members, and their families, Leidos employs nearly 4,000 veterans and contributes to charitable organizations and events with a similar mission; Leidos served as the first sponsor of the USO-Metro Firecracker 5K for the Troops in 2012; and

WHEREAS, Leidos is a champion of science, technology, engineering, and mathematics education in local schools from kindergarten through college; employees regularly volunteer their time and talents to mentor and motivate students, and the organization sponsored 12 For Inspiration and Recognition of Science and Technology robotics teams in the Reston area in 2014; and

WHEREAS, presenting a positive example of good leadership and ethical practices in the region, Leidos partnered with the Greater Reston Chamber of Commerce to support Ethics Day at South Lakes High School, a program that gives students the opportunity to learn how to respond to real ethical dilemmas; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Leidos for its efforts to strengthen the community and on its well-deserved honor as a 2015 Best of Reston Award recipient in the Corporate Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mike Coogan, director of corporate responsibility and communications for Leidos, as an expression of the General Assembly's admiration for the organization's contributions to science and technology in the Commonwealth and support for the Reston community.

**SENATE JOINT RESOLUTION NO. 343***Commending Francis C. Steinbauer.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Francis C. Steinbauer was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2015 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, as one of the original members of the Reston development team, Francis "Fran" Steinbauer has had a unique role as a planner, manager, and leader in the community for more than 50 years; and

WHEREAS, in Reston's early days, Fran Steinbauer served as a liaison to local government, state agencies, and development companies; he offered his leadership and expertise directly as the president of the Reston Land Corporation; and

WHEREAS, as president of the Reston Homeowners Association (now Reston Association) board of directors, Fran Steinbauer ensured that the needs and concerns of residents would be met by transitioning the association from developer control to homeowner control; and

WHEREAS, as president of Reston Interfaith Housing Corporation, Fran Steinbauer directed programs to acquire and renovate affordable housing options in the Herndon and Reston areas; he worked tirelessly to ensure that low-income families had a place to call home; and

WHEREAS, Fran Steinbauer has served as chair of the Reston Interfaith board of directors and Route 28 Tax District Advisory Board, vice president of the Fairfax County Chamber of Commerce board of directors, vice chair of the Fairfax County Affordable Dwelling Units Advisory Board, founder of the Reston Youth Athletic Association, and a trustee of Reston/Herndon FISH; and

WHEREAS, respected for his professionalism, generosity, and passion for service, Fran Steinbauer has been a strong advocate for members of the community in need and a pivotal leader in Reston; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Francis C. Steinbauer for his efforts to support and strengthen the community and on his well-deserved honor as a 2015 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Francis C. Steinbauer as an expression of the General Assembly's admiration for his enduring commitment to making Reston a special place in which to live, work, and play.

**SENATE JOINT RESOLUTION NO. 344***Commending Casey Veatch.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Casey Veatch was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with the prestigious 2015 Best of Reston Vade Bolton–Ann Rodriguez Legacy Award; and

WHEREAS, the Vade Bolton–Ann Rodriguez Legacy Award is given in memory of two past Best of Reston honorees who played a special role in the development, growth, and work of the Greater Reston Chamber of Commerce and Cornerstones, Inc. (formerly Reston Interfaith), and who shared a special passion and gift for mentoring and inspiring young people and future leaders; and

WHEREAS, Casey Veatch grew up in Reston during its early years, experiencing the community's values of inclusion and fellowship firsthand; he followed in the footsteps of his father, a former Best of Reston winner, to become a generous volunteer and leader; and

WHEREAS, Casey Veatch is a living example that one person can make a big difference in a community, and he has inspired and motivated others as a member and leader of numerous civic and service organizations; and

WHEREAS, as one of the founders of the High Tech Prayer Breakfast ministry in Northern Virginia, Casey Veatch has united thousands of local residents to help them grow together in faith and become leaders in their families, careers, and communities; and

WHEREAS, Casey Veatch was a longtime member of the board of directors for Northern Virginia Family Service, where he helped the board achieve its philanthropic mission through his tenacity and passion for service; he has helped organize the organization's annual gala for 15 years; and

WHEREAS, taking an active role in the lives of younger members of the Reston community, Casey Veatch has coached more than five youth basketball teams and has worked closely with Ethics Day at South Lakes High School, which teaches students how to respond to ethical dilemmas; and

WHEREAS, Casey Veatch worked to enhance the quality of life of his fellow residents as a member of Reston Chamber of Commerce and an officer in Leadership Fairfax, Inc., where he supported and mentored countless young leaders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Casey Veatch on his well-deserved honor as the 2015 Best of Reston Vade Bolton–Ann Rodriguez Legacy Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Casey Veatch as an expression of the General Assembly's admiration for his tireless dedication to the Reston community.

### SENATE JOINT RESOLUTION NO. 345

*Commending Eric Betzig, Ph.D.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Eric Betzig, Ph.D., a renowned physicist, inventor, and engineer at the Howard Hughes Medical Institute's Janelia Farm Research Campus in Loudoun County, received the 2014 Nobel Prize in chemistry for his contributions to super-resolved fluorescence microscopy; and

WHEREAS, the Nobel Prize, named for the Swedish industrialist and founder Alfred Nobel, is an international award presented each year by the Royal Swedish Academy of Sciences for outstanding achievements in chemistry, physics, medicine, literature, and peace; and

WHEREAS, experiencing a breakthrough while working privately in 2003, Dr. Betzig came to the Janelia Farm Research Campus to continue his scientific career after working for several years in his father's machine parts factory in Michigan; he had previously studied microscopy at Cornell University and Bell Labs; and

WHEREAS, Dr. Betzig determined that the green fluorescent protein in jellyfish could be used to enhance microscopes by creating cells that glow and developed a concept for a high-resolution microscope using the protein with biophysicist Harald Hess; and

WHEREAS, using the customer service skills learned working at Ann Arbor Machine Company, Dr. Betzig worked with practitioners to refine the microscope concept to best serve the needs of the scientific community; and

WHEREAS, because of Dr. Betzig's remarkable discoveries, optical microscopy has entered the nano-dimension; scientists are now able to visualize pathways of individual molecules inside living cells, with possible applications in understanding better Alzheimer's, Parkinson's, and Huntington's diseases; and

WHEREAS, Dr. Betzig will share the Nobel honor with two other scientists, Stefan Hell of Max Planck Institute for Biophysical Chemistry and William Moerner of Stanford University for their separate work on high-resolution microscopes; and

WHEREAS, the first Nobel Prize winner from Loudoun County, Dr. Betzig, brings honor to the Commonwealth and the scientists, engineers, advisors, and staff of the Janelia Farm Research Campus; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Eric Betzig, Ph.D., on receiving the 2014 Nobel Prize in chemistry for his work on microscopy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eric Betzig, Ph.D., as an expression of the General Assembly's admiration for his brilliant contributions to the scientific community.

### SENATE JOINT RESOLUTION NO. 346

*Designating May 10 through May 16, in 2015, and the second week of May, in each succeeding year, as Virginia Hospital Week in Virginia.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, hospitals and health systems in the Commonwealth play an integral role in providing vital health care services to all Virginians, 24 hours a day, seven days a week, 365 days a year, through acute care and specialty hospital services; and

WHEREAS, Virginia's hospitals and health systems provide almost \$3 billion in community support, handle over 3.6 million emergency department visits, 781,000 inpatient admissions, 1.9 million outpatients, and deliver over 100,000 babies annually; and

WHEREAS, Virginia's hospitals and health systems are economic drivers in the Commonwealth, contributing \$34.8 billion to the state economy in 2012 alone and directly and indirectly supporting 913,636 jobs, enough to rank among the top three employers in 45 percent of Virginia's counties and cities; and

WHEREAS, hospitals and health systems in the Commonwealth continue to provide the health care Virginians need and support local economies and communities; and

WHEREAS, Virginia hospitals and health systems proactively work to improve the health status, quality of care, safety, and satisfaction of their patients and communities; and

WHEREAS, Virginia's hospitals and health systems provide care to those who need it regardless of their ability to pay; and

WHEREAS, the Commonwealth's hospitals and health systems partner and collaborate with other organizations interested in making Virginia the healthiest state in the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate May 10 through May 16, in 2015, and the second week of May, in each succeeding year, as Virginia Hospital Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia Department of Health so that members of the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

### SENATE JOINT RESOLUTION NO. 347

*Commending Sheldon M. Retchin, M.D.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Sheldon M. Retchin, M.D., the senior vice president for health sciences of Virginia Commonwealth University and the chief executive officer of the Virginia Commonwealth University Health System, will transition to a new role at Ohio State University after 32 years of exemplary service to the Commonwealth; and

WHEREAS, Dr. Retchin received his undergraduate, medical, and master of public health degrees from the University of North Carolina at Chapel Hill, where he was a Robert Wood Johnson Clinical Scholar; and

WHEREAS, Dr. Retchin completed his postgraduate residency training at the Medical College of Virginia (MCV) Hospitals at Virginia Commonwealth University (VCU); and

WHEREAS, Dr. Retchin is a practicing, board certified internist with multiple professorships in the departments of internal medicine, gerontology, and health administration; and

WHEREAS, Dr. Retchin has been recognized as a national expert in health policy regarding costs and quality of care, and a thought leader on the role of the safety net in health services delivery through his 120 scholarly publications, testimony before Congress, and active engagement on the board of directors of America's Essential Hospitals; and

WHEREAS, Dr. Retchin has served on numerous statewide and national panels and committees, including as chair of the Access to Care workgroup of the Governor's Health Reform Commission, as chair of the Association of American Medical Colleges' Advisory Panel on Health Care, and most recently, as an appointed member of the federal Medicaid and CHIP Payment and Access Commission; and

WHEREAS, Dr. Retchin has provided leadership for the VCU schools of Allied Health Professions, Dentistry, Medicine, Nursing, and Pharmacy with combined enrollments of over 4,200 undergraduate, professional, and graduate students, representing a growth of 12 percent since 2004, and including nationally ranked programs in Nurse Anesthesia (first), Health Services Administration (fifth), and Rehabilitation Counseling (seventh); and

WHEREAS, Dr. Retchin has overseen the unprecedented growth of the VCU Health System, including the MCV Hospitals, Children's Hospital of Richmond at VCU, VCU Community Memorial Hospital, MCV Physicians, and Virginia Premier Health Plan; and

WHEREAS, during Dr. Retchin's tenure, the VCU Health System has consistently provided quality health care for the highest number of indigent patients by a single institution in the Commonwealth; and

WHEREAS, under Dr. Retchin's leadership, the VCU Health System launched the "Safety First, Every Day" initiative in 2008 with the goal of becoming the safest hospital in America and was recognized by the American Hospital Association (AHA) in 2014 with the AHA-McKesson Quest for Quality Award for its journey towards becoming a high reliability organization; and

WHEREAS, the VCU Health System has received numerous awards and accolades during Dr. Retchin's tenure for its outstanding service and delivery of quality health care to citizens of the Commonwealth, including recognition by the American Nurses Credentialing Center as a Magnet hospital in 2006 and re-designation in 2011, recognition as a Best Hospital in Virginia for two consecutive years (2012–2013 and 2013–2014) by *U.S. News & World Report*, and designation for Children's Hospital of Richmond at VCU as Virginia's first Level 1 Pediatric Trauma Center; and

WHEREAS, to ensure that all children in Central Virginia receive access to comprehensive services, Dr. Retchin led the collaboration with the Children's Hospital Foundation in June 2010 to establish the Children's Hospital of Richmond at VCU, which currently has providers in over 40 specialty areas who practice in 15 locations; and

WHEREAS, during Dr. Retchin's tenure, access to specialty care in Southside Virginia has been enhanced with the partnership between VCU Health System and Community Memorial Hospital; and

WHEREAS, Dr. Retchin supported the Commonwealth's efforts to enhance the management of quality and costs for Medicaid beneficiaries through the growth of Virginia Premier Health Plan as Virginia's second largest Medicaid Managed

Care organization, with enrollment that has increased from 14,000 in 1998 to over 186,000 Medicaid/FAMIS members and recently added over 6,300 enrollees in the Commonwealth Coordinated Care demonstration program in 2014; and

WHEREAS, during Dr. Retchin's tenure, the VCU Medical Center has increased the level of extramural funding for research by 20 percent, including the receipt of the \$20 million National Institutes of Health funded Clinical and Translational Science Award to the VCU School of Medicine in 2010, one of only 62 awards granted nationally and the only one granted in the Commonwealth, and the \$62 million Departments of Defense and Veterans Affairs funded Chronic Effects of Neurotrauma Consortium in 2013, the largest award ever given to study traumatic brain injury; and

WHEREAS, Dr. Retchin has overseen the development of major capital improvements on the MCV campus of VCU, including the Goodwin Research Laboratory at Massey Cancer Center in 2006, the School of Nursing building in 2007, the Critical Care Hospital in 2008, both the Molecular Medicine Research Building and the Baxter Perkinson Dental School addition in 2009, the School of Medicine McGlothlin Medical Education Center in 2013, the Children's Pavilion opening in 2016, and the replacement of the Virginia Treatment Center for Children slated to open in 2017; and

WHEREAS, an active leader and extraordinary visionary, Dr. Retchin has supported the evolution of undergraduate and graduate health professional education and positioned the VCU Medical Center as a preeminent academic health center ensuring care for the underserved and serving the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sheldon M. Retchin, M.D., on his 12 years of outstanding leadership as the senior vice president for health sciences of Virginia Commonwealth University and the chief executive officer of Virginia Commonwealth University Health System; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sheldon M. Retchin, M.D., as an expression of the General Assembly's admiration for his many achievements and best wishes in all his future endeavors.

### SENATE JOINT RESOLUTION NO. 348

*Celebrating the life of Samuel Bryan Chandler.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Samuel Bryan Chandler of Montross, a successful business owner, a dedicated public servant, a supporter of many civic and charitable organizations in Westmoreland County, a man of faith, and a devoted husband and father, died on September 23, 2014; and

WHEREAS, Samuel Bryan Chandler, who was known as Bryan, was an alumnus of The College of William and Mary and was a legacy member of Pi Kappa Alpha fraternity; he was a prominent businessperson in the Northern Neck and was a Chevrolet dealer for 45 years; and

WHEREAS, Bryan Chandler, the founder of automobile dealerships in Montross and Tappahannock, was a former member of the board of directors of the Virginia Automobile Dealers Association; he served on numerous other boards, including Riverside Tappahannock Hospital and Northern Neck State Bank, which is now part of Union First Market Bank; and

WHEREAS, public service was central to Bryan Chandler's life; he was mayor of Montross and had served on the town council; he strongly supported revitalization efforts in downtown Montross; and

WHEREAS, Bryan Chandler was a director and chair of the board of the Westmoreland County Museum and was a trustee of the Westmoreland County Poor School Society, an organization founded in 1812 to provide scholarships to young people in the county who could not afford an education; and

WHEREAS, Bryan Chandler enjoyed woodworking, cared deeply about Westmoreland County and Virginia's beautiful Northern Neck; he dearly loved Lawfield, his family farm, and he greatly treasured the area's deep heritage—a place where the nation took root; and

WHEREAS, a man of faith who is remembered for his kindness, fairness, and service to his community, Bryan Chandler was a lifelong member of St. James' Episcopal Church in Montross, where he served on the vestry and was Sunday School superintendent; and

WHEREAS, Bryan Chandler will be greatly missed and fondly remembered by Carol, his wife of 46 years; their children, Louis and Brandon, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Samuel Bryan Chandler of Montross, a successful business owner, a dedicated public servant, a supporter of many civic and charitable organizations in Westmoreland County, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel Bryan Chandler as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 349**

*Commending Courtney Paige Garrett.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Courtney Paige Garrett of Pamplin, a graduate student at Liberty University, was crowned Miss Virginia 2014 before an enthusiastic crowd at the Roanoke Civic Center on June 28, 2014; and

WHEREAS, an experienced pageant competitor, Courtney Garrett was named Miss Virginia's Outstanding Teen in 2009 and was crowned Miss State Fair of Virginia in 2014; she has competed in the Miss Virginia pageant for four consecutive years; and

WHEREAS, at the 2014 Miss Virginia pageant, Courtney Garrett displayed her exceptional talents as a singer, performing "Parla Più Piano" from *The Godfather*; a talented singer from a young age, she has performed classical and contemporary music throughout the Commonwealth and the nation, including at Carnegie Hall in New York City; and

WHEREAS, Courtney Garrett as Miss Virginia has traveled throughout the Commonwealth to motivate other young women to become leaders in their communities and promote her platform, Defying Disabilities, which was inspired by her experiences with her younger brother, Austin, who has cerebral palsy and autism; and

WHEREAS, a crucial aspect of Courtney Garrett's platform is raising awareness for the importance of sign language; she teaches basic and conversational sign language to help build empathy for and fellowship with people with disabilities by fostering better communication; and

WHEREAS, another aspect of Courtney Garrett's platform is her work to celebrate the perseverance of people with disabilities and promote respect, inclusion, and unity through her support for the Special Olympics; she serves as a volunteer and coach for Area 12 Special Olympics and is a former keynote speaker at the Virginia Special Olympics Summer Games; and

WHEREAS, after completing her education, Courtney Garrett plans to lead a life of service by founding a nonprofit organization to advocate for people with disabilities and provide multiple-disciplinary, inclusive educational programs involving the arts; and

WHEREAS, Miss Virginia Courtney Garrett advanced to the nationally televised Miss America 2015 pageant in September 2014 and was honored to be named first runner-up; and

WHEREAS, possessing an extraordinary combination of beauty, talent, intelligence, compassion, and dedication, Courtney Garrett has ably represented the Commonwealth during her reign as Miss Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Courtney Paige Garrett on her selection as Miss Virginia 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Courtney Paige Garrett as an expression of the General Assembly's congratulations and admiration for her achievements.

**SENATE JOINT RESOLUTION NO. 350**

*Commending Steve Farmer.*

Agreed to by the Senate, February 12, 2015

Agreed to by the House of Delegates, February 20, 2015

WHEREAS, Steve Farmer, owner of Steve Farmer Auto Sales, Inc., in Altavista was named the Virginia Independent Automobile Dealers Associations Quality Dealer of the Year for 2013; and

WHEREAS, the Virginia Independent Automobile Dealers Association (VIADA) Quality Dealer of the Year award recognizes independent automobile dealers for their contributions to the industry, community and professional service, and adherence to a code of ethics; and

WHEREAS, Steve Farmer was introduced to the world of automobile sales in 1970 as a salesman for Shively Chevrolet in Altavista; and

WHEREAS, Steve Farmer Auto Sales has been a member of VIADA for 28 years, since Steve Farmer opened the dealership in 1987; and

WHEREAS, Steve Farmer supports his community by serving on the Altavista Life Saving and First Aid Crew and leading the Hurt PTA, Altavista High School Colonels Club, and numerous fundraising efforts for both church and community projects; he has served as choir director and Sunday School teacher at his church; and

WHEREAS, Steve Farmer contributes to his community by helping organize and steer the annual Easter egg hunt for the physically and intellectually challenged for over 20 years and helping with delivery of over 100 holiday food baskets to those in need, as well as other community efforts, including the American Cancer Society's Relay for Life; and

WHEREAS, Steve Farmer and his son Steve Farmer, Jr., exemplify the strength of families working together; and

WHEREAS, Steve Farmer received Rotary Club Paul Harris Fellow designation and was the recipient of the Rotary Club 110 Percent Distinction Award; he was awarded the Altavista Area Chamber of Commerce Citizen of the Year Award in 2013; and

WHEREAS, Steve Farmer has made many contributions to VIADA throughout his career, serving on the board of directors in many capacities, including state president; and

WHEREAS, Steve Farmer was appointed by three Virginia governors to the Motor Vehicle Dealer Board, where he served for 10 years; and

WHEREAS, Steve Farmer is a hardworking businessman who represents the important role of small businesses in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Steve Farmer on his selection as the Virginia Independent Automobile Dealers Association Quality Dealer of the Year for 2013; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Steve Farmer as an expression of the General Assembly's appreciation for his achievements and best wishes in his future endeavors.

### SENATE JOINT RESOLUTION NO. 351

*Celebrating the life of John Edward Hughes.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, John Edward Hughes, an award-winning journalist and a respected resident of Staunton who took pride in serving the community and the Commonwealth, died on October 17, 2014; and

WHEREAS, a native of Roanoke, John Hughes graduated from Jefferson High School and earned a bachelor's degree from Washington and Lee University; he honorably served his country as a member of the United States Army; and

WHEREAS, John Hughes learned the value of hard work and responsibility at a young age; he held numerous jobs throughout his life and began his career as a journalist with what is now the *Roanoke Times* while he was a student; and

WHEREAS, during his 60-year career in journalism, John Hughes worked for the *Charlotte Observer* and the *News-Gazette*, where he was known for his column "Random Ramblings"; he cofounded a court reporting firm and was a familiar face at courthouses in Rockbridge County; and

WHEREAS, John Hughes served as the sports information director and curator of Lee Chapel at Washington and Lee University; in 2008, he was honored with a seat bearing his name at Wilson Field in recognition of his countless contributions to the university's athletic programs; and

WHEREAS, John Hughes was an avid racquetball player; he won several medals, including a gold medal, in the Virginia Senior Games and represented the Commonwealth in the National Senior Games, ranking 16th in the nation in the over-70 age group; and

WHEREAS, a dependable husband, father, grandfather, and brother, John Hughes cared deeply for his family, and he will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Edward Hughes, an admired journalist and active member of the Staunton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Edward Hughes as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 352

*Celebrating the life of Gertrude Weber.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Gertrude Weber of Albemarle County, a passionate advocate for the arts and the environment, who restored a historic property near Charlottesville, and who actively participated in the cultural life of the University of Virginia community, died on January 6, 2015; and

WHEREAS, Gertrude Weber was born in New York and grew up in a household that emphasized culture and the arts; during her youth, Gertrude Weber developed a passion for fine art and music that stayed with her for her entire life; and

WHEREAS, Gertrude Weber as a young adult was a bookkeeper, sales clerk, and model; she married Frederick Palmer Weber and the couple moved to Washington where they became active in political campaigns and the civil rights movement; and

WHEREAS, when the family moved back to New York, Gertrude Weber earned a bachelor's degree from Columbia University; she became active in the city's culinary community and started a successful antiques business; and

WHEREAS, in 1969, Gertrude Weber and her husband moved to Charlottesville, where they bought and lovingly restored Malvern—a dilapidated historic farmhouse that dated from 1795—and the grounds around it; and

WHEREAS, Gertrude Weber took an active role in the cultural life of the University of Virginia (UVA); her interest in historic preservation led to her involvement in restoring a large mural in Old Cabell Hall and installing a second mural in the building's lobby; and

WHEREAS, Gertrude Weber supported several music series at UVA and endowed a lectureship in the music department; she was a valued patron of the Bayly Art Museum and helped establish the museum's Baroque and Renaissance print collection; and

WHEREAS, concerned about serious environmental problems at a landfill not far from her home, Gertrude Weber was involved in a successful federal lawsuit that fined the landfill authority and ordered the operator to remediate the contaminated area; and

WHEREAS, Gertrude Weber, who was predeceased by her son David, will be greatly missed and fondly remembered by her son Michael and his family; and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gertrude Weber of Albemarle County, a lifelong patron of the arts, a forceful steward of the environment, a historic preservationist, and an active participant and valued contributor to the cultural life of the University of Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gertrude Weber as an expression of the General Assembly's respect for her memory.

### SENATE JOINT RESOLUTION NO. 353

*Commending Cabell F. Willis.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Cabell F. Willis, of the Virginia Military Institute Class of 2014, was named a Capital One Academic All-American and All-District athlete for 2013–2014, earning the Institute a place on the Capital One Academic All-American first team; and

WHEREAS, in June 2014, the Virginia Military Institute (V.M.I.) was ranked 14th in the nation in NCAA Division I track and field and cross country by the College Sports Information Directors of America as a result of the dedication and hard work of Cabell Willis; and

WHEREAS, Cabell Willis earned honors as an Academic All-American athlete for the second consecutive year, adding to his four track and field trophies awarded for Conference Scholar-Athlete of the Year with a fifth for cross country, and eight NCAA All-Academic Conference medals for the highest athlete GPA, highlighting V.M.I.'s standards for academics and athletics; and

WHEREAS, Cabell Willis was elected the distance team captain in April 2012, serving for two years as cadre for matriculating team members, as a 1st Battalion regimental staff sergeant, and as a lieutenant, providing academic support and intellectual leadership to the Corps of Cadets; and

WHEREAS, as a recipient of the Jacobs Sportsmanship Award in 2010, Cabell Willis used his experience to encourage V.M.I.'s cross country team to place the honor of the Corps of Cadets above self, helping the team win the NCAA Conference men's Cross Country Sportsmanship Award; he also earned the Frank A. Liddell, Jr., Silver V.M.I. Chalice for Excellence in Cross Country Leadership in 2013 and contributed to V.M.I.'s 2013–2014 Big South Institutional Sportsmanship Award; and

WHEREAS, Cabell Willis graduated from V.M.I. on May 16, 2014, with distinction and Institute honors; he was second in his class of 291 cadets of the 501 that matriculated in 2010, committing himself to the vindication of Virginia's honor and the defense of its rights; and

WHEREAS, on May 14, 2014, General J. H. Binford Peay III, superintendent of V.M.I., presented Cabell Willis with the Lieutenant Randolph T. Townsend V.M.I. Gold Medal for the top graduate in history, the Institute Honors Thesis Award for the most outstanding thesis of a graduating cadet, and the Wilbur S. Hinman, Jr., Research Award for excellence in conducting research; and

WHEREAS, on May 16, 2014, the superintendent of V.M.I. presented Cabell Willis with the second Jackson-Hope Medal for earning a cumulative GPA of 3.979, the second-highest attainment in scholarship, accompanied by the Colonel Sterling Murray Heflin 1916 Academic Proficiency Award; and

WHEREAS, Cabell Willis has brought great honor to the Commonwealth on a national level, and his performance is a reflection of the superintendent's leadership and the efforts of faculty and staff at V.M.I. to encourage students to contribute and excel beyond physical or mental abilities, while developing good character and maintaining integrity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cabell F. Willis for earning first-team honors from Capital One as an Academic All-American and All-District track and field and cross country athlete; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cabell F. Willis as an expression of the General Assembly's admiration for his accomplishments as an athlete and leader at the Virginia Military Institute.

### SENATE JOINT RESOLUTION NO. 354

*Commending the Archeological Society of Virginia.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, for 75 years, the Archeological Society of Virginia has raised awareness of the benefits of archeology, inspired generations of young archeologists, and encouraged individuals and communities to take an active role as stewards of the Commonwealth's historical resources; and

WHEREAS, founded in 1940, the Archeological Society of Virginia was incorporated as a nonprofit organization in 1963; with 600 members in 16 chapters, the society unites citizen scientists and professional archeologists; and

WHEREAS, headquartered at Kittiewan Plantation, a historic 720-acre farm in Charles City County, the Archeological Society of Virginia promotes the study of archeology and anthropology through publications, meetings, lectures, and exhibits; and

WHEREAS, the Archeological Society of Virginia encourages the proper handling, storage, and study of artifacts and conservation of archeological sites; the society collaborates with other entities to preserve artifacts and cultural sites facing damage or destruction due to rising sea levels or other threats; and

WHEREAS, the Archeological Society of Virginia trains citizens in the proper study of and care for archeological resources through the Archeological Technician Certification Program, which has served as a model for other states; students gain valuable experience while expanding the study of prehistoric and historic sites and collections; and

WHEREAS, the Archeological Society of Virginia keeps its members connected through an annual statewide meeting and an award-winning quarterly journal on archeology in the Commonwealth; the society maintains strong relationships with the Department of Historic Resources and peer organizations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Archeological Society of Virginia on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carole Nash, president of the Archeological Society of Virginia, as an expression of the General Assembly's admiration for the society's work to safeguard the Commonwealth's valuable historical resources.

### SENATE JOINT RESOLUTION NO. 355

*Celebrating the life of William Mackensen Dressler, Sr.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, William Mackensen Dressler, Sr., of Covington, an automobile dealer, a proud veteran of World War II, a strong supporter of businesses and civic organizations in Alleghany County, and a devoted husband and father, died on February 4, 2015; and

WHEREAS, William "Bill" Dressler was a native of Alleghany County and served in the United States Army in North Africa and Italy during World War II as part of the 1st Armored Division; in 1944, he was severely wounded during the amphibious invasion of Anzio and received the Purple Heart; and

WHEREAS, after the war, Bill Dressler owned Dressler Motors, Inc., in Covington; he was an automobile dealer for more than 50 years and was a member of the Virginia Automobile Dealers Association; and

WHEREAS, Bill Dressler belonged to the National Automobile Dealers Association and was a founding director and longtime treasurer of the South Atlantic Dodge Dealers Advertising Association; and

WHEREAS, working to promote economic development in Alleghany County and support civic endeavors, Bill Dressler was active in the Covington and Clifton Forge Industrial Development Association, the Covington Retail Merchants Association, and the Salvation Army Advisory Board; and

WHEREAS, Bill Dressler also belonged to many other organizations, including the Covington Lodge No. 610 of the Loyal Order of Moose and the Covington Lions Club, where he was president and delegate to the 1960 international convention in Chicago; and

WHEREAS, always proud of his military service to his country, Bill Dressler was a life member and former commander of Veterans of Foreign Wars Post 1033, Curtis A. Smith 116th Infantry Post; the 1st Armored Division Association; the Anzio Beachhead Veterans of World War II; and other veterans groups; and

WHEREAS, Bill Dressler was a man of faith who enjoyed fellowship and worship at Trinity Baptist Church and at Edgemont A. R. Presbyterian Church; and

WHEREAS, predeceased by his wife, Sallie, Bill Dressler will be greatly missed and fondly remembered by his children, Linda, Sandra, and Bill, Jr., and their families and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Mackensen Dressler, Sr., of Covington, an automobile dealer, a proud veteran of World War II, a strong supporter of businesses and civic organizations in Alleghany County, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Mackensen Dressler, Sr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 356

*Confirming appointments by the Governor of certain persons communicated February 10, 2015.*

Agreed to by the Senate, February 24, 2015

Agreed to by the House of Delegates, February 26, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly February 10, 2015.

#### AGRICULTURE AND FORESTRY

##### Virginia Wine Board

**Patrick G. Duffeler, II**, 5800 Wessex Hundred, **Williamsburg**, Virginia 23185, Member, appointed January 28, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Eleanor Wehner.

**David L. King**, 996 Half Mile Branch Road, **Crozet**, Virginia 22932, Member, appointed February 4, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Leonard T. Thompson**, 1122 Roses Mill Road, **Amherst**, Virginia 24521, Member, appointed October 9, 2013, for a term of four years beginning July 1, 2013, and ending June 30, 2017, to succeed John H. Stephens.

#### COMMERCE AND TRADE

##### Board for Contractors

**Jason C. Trenary**, 814 Payne Road, **Winchester**, Virginia 22603, Member, appointed February 4, 2015, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Deborah L. Tomlin.

##### Common Interest Community Board

**Paul L. Orlando, Jr.**, 12222 Folkstone Drive, **Oak Hill**, Virginia 20171, Member, appointed January 29, 2015, to serve an unexpired term beginning November 27, 2014, and ending June 30, 2015, to succeed Elena Ferranti.

##### State Building Code Technical Review Board

**Alan D. Givens**, 7393 Moccassin Lane, **Warrenton**, Virginia 20186, Member, appointed February 5, 2015, to serve at the pleasure of the Governor beginning March 23, 2014, to succeed James N. Lowe.

#### EDUCATION

##### Virginia Water Resources Research Center Statewide Advisory Board

**Melanie D. Davenport**, 8965 Bellefonte Road, **Richmond**, Virginia 23229, Member, appointed February 6, 2015, to serve at the pleasure of the Governor beginning February 6, 2015, to fill a new seat.

**Timothy D. Morse**, 13195 Fawnborough Road, **Montpelier**, Virginia 23192, Member, appointed February 6, 2015, to serve at the pleasure of the Governor beginning February 6, 2015, to succeed Thomas G. Botkins, Jr.

#### HEALTH AND HUMAN RESOURCES

##### Advisory Board on Midwifery

**Mayanne Zielinski**, 2816 Lee Oaks Place, #201, **Falls Church**, Virginia 22046, Member, appointed February 5, 2015, to serve an unexpired term beginning February 28, 2014, and ending June 30, 2016, to succeed Bettie Sheets.

##### Advisory Board on Radiological Technology

**Jan Gillespie Clark**, 10723 High Mountain Court, **Glen Allen**, Virginia 23060, Member, appointed February 5, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Renee J. Hess.

**Patti S. Hershey**, 269 Pinnacle Ridge Road, **Winchester**, Virginia 22602, Member, appointed February 5, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Rebecca Keith.

##### Board of Counseling

**Charles F. Gressard**, 117 South Stocker Court, **Williamsburg**, Virginia 23188, Member, appointed January 30, 2015, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to fill a new seat.

##### Virginia Interagency Coordinating Council

**Kristen Roorbach Jamison**, 4543 Garth Road, **Charlottesville**, Virginia 22901, Member, appointed February 4, 2015, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Corey Lynn Herd.

#### PUBLIC SAFETY AND HOMELAND SECURITY

##### Advisory Committee on Juvenile Justice

**Uley N. Damiani**, 520 King Street, 1st Floor, **Alexandria**, Virginia 22314, Member, appointed January 30, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Richard Campbell.

**SENATE JOINT RESOLUTION NO. 357**

*Commending Culpepper Garden.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, in 2015, Culpepper Garden, an award-winning residential community with 340 apartments for seniors aged 62 and older, celebrates 40 years of providing affordable housing and support services for seniors in Arlington County; and

WHEREAS, more than 50 years ago, a group of visionaries in Arlington County tackled the growing problem of affordable housing for seniors, and in 1975, after 10 years of work, their efforts resulted in the opening of Culpepper Garden; and

WHEREAS, situated on five acres in the heart of Arlington County, Culpepper Garden is named in honor of Dr. Charles Culpepper, a botanist who made his private property available as housing for low-income seniors; and

WHEREAS, with 204 independent living apartments, Culpepper Garden provided the elderly in the community with a safe, affordable, and caring place to live; in 1992, an additional 63 independent living apartments were added; and

WHEREAS, responding to the growing need for care with innovative and comprehensive services, Culpepper Garden proudly opened its assisted living wing with 73 apartments in 2000; it was the first low-income assisted living residence of its type in the United States, and it remains the only such community in Arlington County; and

WHEREAS, through its groundbreaking efforts, Culpepper Garden has become a national model for senior care by providing reduced housing costs; accessibility to services; and medical care, transportation, social connections, and supportive services for long-term assisted living; and

WHEREAS, the onsite staff members of Culpepper Garden provide top-quality management and exceptional care, and programs and opportunities are available through extraordinary partnerships with government agencies, nonprofit organizations, the faith-based community, and volunteers; and

WHEREAS, for 40 years, Culpepper Garden has led the way in providing quality, affordable housing and services for seniors and has provided a special place where aging family members, neighbors, and friends can remain active members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Culpepper Garden for its many contributions to Arlington County on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Culpepper Garden as an expression of the General Assembly's admiration for the center's long traditions of care for and service to senior members of the Arlington County community.

**SENATE JOINT RESOLUTION NO. 358**

*Designating March, in 2016 and in each succeeding year, as Colorectal Cancer Awareness Month in Virginia.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women in the United States, affecting men and women equally; and

WHEREAS, every three minutes, someone in the United States is diagnosed with colorectal cancer, and every 10 minutes someone in the United States dies from colorectal cancer in the United States; and

WHEREAS, the vast majority of colon cancer deaths can be prevented through proper screening and early detection; and

WHEREAS, only 39 percent of colorectal cancer patients have their cancers detected at an early stage; and

WHEREAS, the five-year survival rate of individuals diagnosed with early stage colorectal cancer is 90 percent but the five-year survival rate falls to 10 percent among individuals diagnosed after colorectal cancer has spread to other organs; and

WHEREAS, if the majority of people in the United States age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 70 percent; and

WHEREAS, African Americans, Hispanic Americans, Asian Americans, Native Americans, and Alaskan Natives are significantly less likely than Caucasians to be screened for colorectal cancer; and

WHEREAS, colorectal cancer is preventable, treatable, and beatable in most cases, and Colorectal Cancer Awareness Month provides a special opportunity to offer education on the importance of early detection and screening; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate March, in 2016 and in each succeeding year, as Colorectal Cancer Awareness Month; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the director of Fight Colorectal Cancer so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

**SENATE JOINT RESOLUTION NO. 359**

*Celebrating the life of Patricia Carolyn McWaters.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Patricia Carolyn McWaters, a beloved member of the Virginia Beach community, died on August 28, 2014; and

WHEREAS, a native of Paducah, Kentucky, Patricia "Patsy" McWaters was the youngest of three children, born to John Clifton and Lovie Julia Dowdy on March 7, 1928; and

WHEREAS, Patsy McWaters attended high school at St. Mary's Academy, followed by two years at Nazareth College, and graduated from Murray State University; and

WHEREAS, in 1948, Patsy McWaters married her high school sweetheart, Joe McWaters, and for 65 years they shared the joys of life by each other's side, creating a large family as they had always wanted; and

WHEREAS, Patsy McWaters and her husband were blessed with four children and then two of their children's spouses: Brenda, Joe, Jr., Jeff and his wife, Cindy, and Tim and his wife, Lynne; and

WHEREAS, Joe and Patsy McWaters' blessings continued with the arrival of five grandchildren: Jason, Lisa, Megan, Hunter, and Taylor, followed by six great-grandchildren: Connor, Josh, Noah, Micah, Emma, and Joe Leon; and

WHEREAS, Patsy McWaters was a dedicated third-grade teacher for several years, and she spent many years in medical practice office management; and

WHEREAS, for 42 years Patsy McWaters dedicated her life to her passion for working with those suffering and recovering from drug and alcohol addiction; and

WHEREAS, Patsy McWaters' magnetic personality and compassionate demeanor made her a friend to everyone she met; and

WHEREAS, Patsy McWaters led a faithful life and was an active member of Star of the Sea Parish; and

WHEREAS, Patsy McWaters was a loving and devoted wife, mother, grandmother, and great-grandmother who dedicated herself to her family; she was happiest when surrounded by her family and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Patricia Carolyn McWaters; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Carolyn McWaters, as an expression of the General Assembly's sympathy for her family and respect for her memory.

**SENATE JOINT RESOLUTION NO. 360**

*Reconfirming the appointment of the Director of the Department of Game and Inland Fisheries.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 27, 2015

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly reconfirm the following appointment by the Board of the Department of Game and Inland Fisheries pursuant to §§ 29.1-103 and 29.1-109 of the Code of Virginia:

**Robert W. Duncan**, 4010 West Broad Street, **Richmond**, Virginia 23230, to serve as Director of the Department of Game and Inland Fisheries effective February 10, 2008.

**SENATE JOINT RESOLUTION NO. 361**

*Celebrating the life of Charles L. Moseley.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Charles L. Moseley of Chesapeake, pastor emeritus of Great Bridge Baptist Church, a man of great faith, who touched thousands of lives during his five decades as a church leader and who was a proud veteran of the United States military, died on January 11, 2015; and

WHEREAS, Charles Moseley was born in Camden, South Carolina, and felt the call to ministry when he was a young man; after pursuing an associate's degree from Wingate Junior College, which is now Wingate University, and a bachelor's degree from Coker College, he entered Southeastern Baptist Theological Seminary, where he earned a second bachelor's degree; and

WHEREAS, Charles Moseley preached at many churches while he was studying at seminary and became pastor of two small churches in Dillon County, South Carolina; during this period, he met his future wife, Louise, who was director of education at First Baptist Church of Dillon; and

WHEREAS, in 1958, Charles Moseley and his wife moved to Valdese, North Carolina, where he became pastor of Abee's Grove Baptist Church; a few years later, he began a ministry at First Baptist Church of Carthage, North Carolina; and

WHEREAS, Charles Moseley was called to serve at Great Bridge Baptist Church in 1969, which was in a rural area near Norfolk; he led the church for 38 years during a time of tremendous growth and provided inspiring spiritual leadership; and

WHEREAS, during his time in Chesapeake, Charles Moseley earned a master's degree from Southeastern Baptist Theological Seminary; he proudly served in the National Guard for many years, retiring from the United States Army Reserve after 23 years of service; and

WHEREAS, throughout his ministry, Charles Moseley stressed that he was foremost a pastor, serving people whatever their needs were; he reached out to members during their times of greatest need—marriage; birth; death; in periods of crisis, sickness, sorrow, and fear; and in times of joy; and

WHEREAS, in addition to Louise, his wife of 57 years, Charles Moseley will be greatly missed and fondly remembered by his children, Chuck, Marty, Barry, Melanie, and Chris, and their families and by many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles L. Moseley of Chesapeake, pastor emeritus of Great Bridge Baptist Church, a man of great faith who touched thousands of lives during a long and distinguished career as a church leader, and a proud veteran of the United States military; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles L. Moseley as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 362

*Commending Elaine K. Echols.*

Agreed to by the Senate, February 19, 2015

Agreed to by the House of Delegates, February 24, 2015

WHEREAS, Elaine K. Echols of Stuarts Draft, the principal planner for Albemarle County, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it provides leadership in the areas of ethics, professional development, and standards of practice in community planning; and

WHEREAS, Elaine Echols was named a Fellow of the AICP for her contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, with more than 30 years of experience in the field, Elaine Echols has promoted inclusiveness, education, and good planning practices in Texas and the Commonwealth; and

WHEREAS, Elaine Echols helped enhance the Albemarle County community through her nationally recognized Neighborhood Model of urban design; she also designed plans for bikeways and walkways that have made Blacksburg safer for pedestrians and cyclists; and

WHEREAS, a devoted volunteer and a trusted mentor and teacher, Elaine Echols works to impart her knowledge and experience to students and fellow planning commissioners through classes and presentations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Elaine K. Echols on her selection as a Fellow of the American Institute of Certified Planners in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elaine K. Echols as an expression of the General Assembly's admiration for her contributions to Albemarle County and leadership in the planning field.

### SENATE JOINT RESOLUTION NO. 363

*Celebrating the life of Robert T. Marshall.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Robert T. Marshall, a successful entrepreneur and a respected business and community leader in Danville and Pittsylvania County, died on January 28, 2015; and

WHEREAS, a native of Pittsylvania County, Robert "Bobby" Marshall joined many of the other young men of his generation in service to his country during World War II in the United States Navy; he later served in the United States Army during the Korean War; and

WHEREAS, Bobby Marshall learned the value of hard work and responsibility from his father, who was a local businessman; he and his brother accepted leadership roles in the family sand business in 1945; and

WHEREAS, in the 1960s, Bobby Marshall formed Marshall Sand and Gravel, which later became Marshall Construction, beginning a long and fulfilling career as an entrepreneur in the construction and real estate industries; and

WHEREAS, a visionary business leader, Bobby Marshall worked to serve and strengthen the Danville and Pittsylvania County communities by encouraging and facilitating responsible growth; he was a champion for the well-being of his employees and all of his fellow community members; and

WHEREAS, throughout the course of his distinguished career, Bobby Marshall owned construction and trucking companies and several restaurants; his legacy lives on in the many homes, apartment complexes, and thriving commercial sites still enjoyed by local residents; and

WHEREAS, Bobby Marshall was a respected leader and a trusted mentor, who was admired as much for his business acumen as for his ability to understand the concerns of others and his delightful sense of humor; and

WHEREAS, an active member of the community, Bobby Marshall joined American Legion Post 325 and Veterans of Foreign Wars Post 647; he enjoyed fellowship and worship with the community at Grace Design United Methodist Church, where he was a trustee; and

WHEREAS, Bobby Marshall cared deeply for his family, and he will be fondly remembered and greatly missed by his beloved wife of nearly 65 years, Margaret; children, Robert, Jr., and Patricia, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert T. Marshall, a highly respected and successful entrepreneur and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert T. Marshall as an expression of the General Assembly's respect for his memory.

#### **SENATE JOINT RESOLUTION NO. 364**

*Commending Ted Edlich.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Ted Edlich, a tireless supporter of the Roanoke community, retired as the chief executive officer of Total Action for Progress in January 2015 after 40 years of exceptional leadership; and

WHEREAS, a native of New York City, Ted Edlich served as an educator in Texas before relocating to the Commonwealth to become a Presbyterian minister in Botetourt County, where he led 11 Presbyterian congregations in the establishment of an urban ministry in Southeast Roanoke; and

WHEREAS, believing that members of a community should care for and support one another, Ted Edlich joined Total Action for Progress (TAP), then known as Total Action Against Poverty, and went on to become the organization's second director in the 1970s; and

WHEREAS, under Ted Edlich's able leadership, TAP became one of the largest community action agencies in the Commonwealth, offering many services, including educational programs, employment training, shelters, low-income housing, and neighborhood and community development; and

WHEREAS, during the 1980s, Ted Edlich formed a team of grant writers to secure funding for the organization, ensuring that Virginia residents in need could continue to participate in TAP's many valuable programs; and

WHEREAS, admired as a visionary, Ted Edlich helped many TAP programs become thriving, independent nonprofits, such as Virginia CARES, Project Discovery, Feeding America Southwest Virginia, the Child Health Investment Partnership, This Valley Works, the Dumas Center, the Virginia Water Project, and the Terrace Apartments; and

WHEREAS, a hardworking, compassionate advocate for those in need, Ted Edlich has improved the quality of life of thousands of Virginians; with his active and articulate leadership style, he inspired countless others to follow his example; and

WHEREAS, after his well-earned retirement from TAP, Ted Edlich plans to spend more time with his beloved family and to continue serving the community as a consultant for other nonprofits; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ted Edlich on the occasion of his retirement as chief executive officer of Total Action for Progress; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ted Edlich as an expression of the General Assembly's admiration for his outstanding service and commitment to Virginians in need.

#### **SENATE JOINT RESOLUTION NO. 365**

*Commending Mary Hughes Hynes.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Mary Hughes Hynes has served on the Arlington County Board since 2008 and has served as its chair twice; and

WHEREAS, Mary Hynes's experiences with Arlington Public Schools led to her engagement in efforts to improve the community's schools; in 1994, she became the first elected school board member in nearly 40 years; and

WHEREAS, Mary Hynes served three times as chair of the Arlington School Board during her 12-year tenure there; and

WHEREAS, Mary Hynes has been active in civic life in Arlington for more than 30 years and has raised five children in the county, all of whom attended Arlington Public Schools; and

WHEREAS, Mary Hynes was instrumental in strengthening resident and business involvement in Arlington's emergency preparedness activities through the creation of the Emergency Preparedness Advisory Commission; and

WHEREAS, Mary Hynes has chaired the Governance Committee of the Washington Metropolitan Area Transit Authority Metro Board of Directors and served as a member of the Executive and Legislative Committees of the Northern Virginia Transportation Commission; and

WHEREAS, Mary Hynes serves on the Executive Board of the Virginia Municipal League, and last year was appointed by Governor Terry McAuliffe to serve on the Virginia Board of Workforce Development; and

WHEREAS, in 2013, Mary Hynes received the Metropolitan Washington Council of Governments (COG) Elizabeth and David Scull Award for Regional Leadership for her work as chair of COG's Region Forward Coalition; and

WHEREAS, Mary Hynes has effectively led Arlington's efforts to strengthen its government by enhancing civic participation, improving transparency and accountability, and increasing investment in Arlington's public physical infrastructure; and

WHEREAS, Mary Hynes has announced she will retire from the Arlington County Board when she completes her second term at the end of 2015; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mary Hughes Hynes for her many years of service to Arlington County and on the occasion of her retirement from the Arlington County Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mary Hughes Hynes as an expression of the General Assembly's admiration for her many contributions to Arlington County.

### SENATE JOINT RESOLUTION NO. 366

*Commending Walter Tejada.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Walter Tejada, a distinguished leader who has served the people of Arlington County as a 12-year member and the current vice chair of the Arlington County Board, retires in 2015; and

WHEREAS, a native of El Salvador, Walter Tejada moved to the United States at the age of 13 and later graduated from George Mason University with a degree in government and communication; and

WHEREAS, a resident of Arlington for over 20 years, Walter Tejada has been a community leader and has served on many citizen advisory groups including the Fiscal Affairs Advisory Commission, the Affordable Housing Task Force, the Sports Commission, the Neighborhood Day Organizing Committee, and the Bicentennial Celebration Task Force; and

WHEREAS, Walter Tejada was first elected to the Arlington County Board in 2003, and he has served as a member, vice chair, and chair; a respected leader in local government, he is active with the National Association of Counties; and

WHEREAS, Walter Tejada has been instrumental in convening community stakeholders to address a wide range of issues, such as affordable housing, civic engagement and volunteerism, community and economic development, education and employment, parks and recreation, tenant outreach and empowerment efforts, youth development programming, health and fitness, and nonprofit assistance; and

WHEREAS, seeing the need to work both inside and outside of government, Walter Tejada helped establish the Community Volunteer Network to encourage leadership among young adults and the Shirlington Employment and Education Center to provide opportunities for workers; and

WHEREAS, Governor Mark Warner recognized Walter Tejada's abilities and appointed him to serve as the first chair of the Virginia Latino Advisory Commission in 2003, and in 2006 Governor Tim Kaine appointed him to the Urban Policy Task Force; and

WHEREAS, working with many organizations, including the Smithsonian National Museum of American History Latino Advisory Council, Walter Tejada has honored the history and contributions of Latinos throughout the United States; and

WHEREAS, Walter Tejada has committed his life to providing a voice for the diverse communities in Arlington County; he strives daily to strengthen the county and help ensure the success and well-being of its residents; and

WHEREAS, Walter Tejada has announced he will retire from the Arlington County Board when he completes his third term at the end of 2015; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Walter Tejada for his 13 years of service to the public as a member, vice chair, and chair of the Arlington County Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Walter Tejada as an expression of the General Assembly's admiration for his many contributions to Arlington County.

### SENATE JOINT RESOLUTION NO. 367

*Commending Abby Raphael.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Abby Raphael, who has served as a member of the Arlington School Board since 2008, retires in 2015; and WHEREAS, Abby Raphael has been elected as school board chair twice by her colleagues; as chair she has made great strides for the school division and the students and families of Arlington; and

WHEREAS, a parent activist, Abby Raphael served as volunteer and vice chair of the Arlington Public Schools Advisory Council on Instruction, member of the Arlington Public Schools Budget Advisory Council and the Food Services Advisory Committee, president of the Arlington Science Focus Elementary School PTA, and representative to the County Council of PTAs; and

WHEREAS, Abby Raphael has served on the Second Chance Advisory Committee of the Arlington Partnership for Children, Youth and Families Foundation, which is an early intervention substance abuse program for Arlington youth; and

WHEREAS, in 2014 Abby Raphael was chosen by her regional school board colleagues to serve as chair of the Washington Area Boards of Education, where she worked to strengthen collaboration and cooperation in school divisions throughout the region; and

WHEREAS, Governor Terry McAuliffe appointed Abby Raphael to serve as a member of the Governor's Task Force on Combating Campus Sexual Violence; and

WHEREAS, Abby Raphael is a member of the National Capital Region Emergency Preparedness Council of the Metropolitan Washington Area Council of Governments; and

WHEREAS, a former Arlington County Assistant Commonwealth's Attorney, Abby Raphael earned her bachelor's degree from Duke University and her law degree from the University of Virginia; and

WHEREAS, Abby Raphael has lived in Arlington since 1989, and she and her husband, Stuart, have two daughters; and

WHEREAS, Abby Raphael announced that she will be retiring from the Arlington School Board at the completion of her term in 2015; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Abby Raphael for her years of service to Arlington Public Schools and her tenure on the Arlington School Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Abby Raphael as an expression of the General Assembly's admiration for her many contributions to Arlington County.

### SENATE JOINT RESOLUTION NO. 368

*Commending the Riverside Shore Memorial Hospital Auxiliary.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Riverside Shore Memorial Hospital Auxiliary, a volunteer organization supporting the patients and staff of Riverside Shore Memorial Hospital on the Eastern Shore, celebrates the 50th anniversary of its annual Hospital Ball in 2015; and

WHEREAS, what is now known as the Riverside Shore Memorial Hospital Auxiliary predates the current hospital and traces its roots to 1920, when a group of concerned citizens organized under Bessie Anderson to raise funds for the Eastern Shore's first hospital, which was completed in 1928; and

WHEREAS, the Auxiliary has supported Riverside Shore Memorial Hospital by raising funds for construction and renovations, scholarships and education for staff, the establishment of a mammography unit, and new equipment; and

WHEREAS, the Auxiliary hosts many events to support the Riverside Shore Memorial Hospital, including the annual Hospital Ball, the hospital's premier fundraising effort; in 2013, the Auxiliary pledged to raise \$520,000 by 2017, to be raised through the Hospital Ball, the Festival of Lights, the Antique Show, and the Althea Shelton Gift Shop; and

WHEREAS, 2015 marks the 50th anniversary of the Hospital Ball; the first Hospital Ball was held in 1965 and helped raise money for the construction of Riverside Shore Memorial Hospital's current facility in Nassawadox; and

WHEREAS, the Auxiliary has been recognized by the American Hospital Association for its dedication to the residents of the Eastern Shore and for its distinguished service to the hospital; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Riverside Shore Memorial Hospital Auxiliary on the occasion of the organization's 50th annual Hospital Ball; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Riverside Shore Memorial Hospital Auxiliary as an expression of the General Assembly's admiration for the organization's long tradition of support for the hospital and the Eastern Shore community.

### SENATE JOINT RESOLUTION NO. 369

*Commending Julie Pastor.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, on January 1, 2015, Julie Pastor retired as director of planning and zoning for Loudoun County after a distinguished 22-year career; and

WHEREAS, Julie Pastor ably supported Loudoun County during a period when it led the nation in growth; during her tenure, the population increased from 86,000 people to more than 330,000 people; and

WHEREAS, Julie Pastor implemented land use and planning concepts that formed the basis of the fiscal and economic vitality of the community, protected the area's natural and historical resources, and supported the rural economy while promoting responsible growth and development; and

WHEREAS, Julie Pastor oversaw the development of the first countywide transportation plan, the first heritage preservation plan, and the first bicycle and mobility master plan; and

WHEREAS, Julie Pastor introduced high-density mixed-use nodes and a phased approach to development that has successfully led to the approval of transit-oriented developments, in anticipation of Washington Metro Silver Line expansion; and

WHEREAS, Julie Pastor helped Loudoun County establish strong links between land use and fiscal management, supporting a fair approach to new development and capital planning that reduced taxpayer burden for new development; and

WHEREAS, having earned many awards and accolades for her leadership and service, Julie Pastor was inducted as a 2014 Fellow of the American Institute of Certified Planners for her contributions to the field and her dedication to the Loudoun County community; and

WHEREAS, known for her honesty, integrity, and commitment to excellence, Julie Pastor earned the respect of her peers throughout the community, the Commonwealth, and the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Julie Pastor on the occasion of her retirement as Loudoun County director of planning and zoning; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Julie Pastor as an expression of the General Assembly's admiration for her service to Loudoun County and the Commonwealth and best wishes on her well-earned retirement.

### SENATE JOINT RESOLUTION NO. 370

*Commending Farrar W. Howard, Jr.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Farrar W. Howard, Jr., has served with distinction as sheriff of New Kent County since 1980, admirably representing the county for more than 35 years during a time of immense growth and technological change; he is the longest-serving active sheriff in the Commonwealth; and

WHEREAS, Farrar "Wakie" Howard, who was reared in Charles City County, graduated from the University of Richmond in 1975 and returned home to teach middle school before entering law enforcement; he was hired as a deputy sheriff in New Kent County in 1977; and

WHEREAS, when Wakie Howard was elected sheriff of New Kent County in 1979, he was the youngest sheriff in the Commonwealth; he has been reelected six times and is highly respected by his employees, fellow law-enforcement officers, and throughout the community; and

WHEREAS, Wakie Howard has ably served the Commonwealth; he is past president of the Virginia Sheriffs' Association and was chair of the association's Legislative Committee; he is a founding member and past chair of the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, Wakie Howard proudly helped the New Kent County Sheriff's Office achieve accreditation through the Virginia Law Enforcement Professional Standards Commission in 2003; in 2007, it became the first department in the state to achieve reaccreditation with no returns, and in 2011, it became the first department in the state to achieve a second reaccreditation with no returns; and

WHEREAS, additionally, Wakie Howard has been a member of the National Sheriffs' Association highway safety commission; he received a gubernatorial appointment to the Virginia Forensic Science Board and has served on numerous other state boards and commissions; and

WHEREAS, in 2008, at the urging of the employees of the New Kent County Sheriff's Office, the Board of Supervisors named the new sheriff's department facility the F.W. Howard, Jr. Law Enforcement Building, in honor of Wakie Howard's commitment and service to the people of New Kent County; and

WHEREAS, in addition to leading the New Kent County Sheriff's Office, Wakie Howard was a member of both the Providence Forge volunteer rescue squad and the Providence Forge volunteer fire department and has belonged to many other community organizations; and

WHEREAS, Wakie Howard is a strong supporter and advocate for the law-enforcement profession and has used his years of experience to promote training for law-enforcement professionals, support legislative initiatives, and work for the betterment of his community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Farrar W. Howard, Jr., sheriff of New Kent County, for his many years of service to the people of New Kent County and for his commitment to improving the law-enforcement profession; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Farrar W. Howard, Jr., as an expression of the General Assembly's admiration and respect for his years of dedication to furthering public safety in New Kent County and the Commonwealth.

### SENATE JOINT RESOLUTION NO. 371

*Commending Laura Puleo.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Laura Puleo, a law student at Washington and Lee University, was crowned Miss Virginia USA 2015 before an energetic crowd at the Paramount Theater in Charlottesville in November 2014; and

WHEREAS, a resident of Lexington, Laura Puleo graduated cum laude from Duke University in 2012 with degrees in Latin and Ancient Greek; she considered careers in academia and law before attending the Washington and Lee University Law School, where she is currently in her third year; and

WHEREAS, a responsible and trustworthy student, Laura Puleo was elected as a representative to the Washington and Lee University Executive Committee, the student-run body charged with upholding the Honor System and allocating hundreds of thousands of dollars to student organizations each year; and

WHEREAS, during her reign, Laura Puleo will travel throughout the Commonwealth to promote her concept of modern womanhood, as well as supporting and building confidence for other young women and girls as they work to establish their own identities; and

WHEREAS, an experienced pageant competitor, Laura Puleo was the 2nd runner-up for Miss Virginia USA 2014 and Miss North Carolina USA 2012 and a top-10 finisher in Miss North Carolina USA 2013; and

WHEREAS, as the fourth of six children, Laura Puleo cares deeply for her family and enjoyed the enthusiastic support of her parents, siblings, and other family members and friends throughout the state competition; and

WHEREAS, Laura Puleo will represent the Commonwealth in the 2015 Miss USA competition, which will be televised nationally; and

WHEREAS, a woman of intelligence, talent, and dedication, Laura Puleo is an exceptional ambassador for the Commonwealth and a role model for other young women; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Laura Puleo on her selection as Miss Virginia USA 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Laura Puleo as an expression of the General Assembly's congratulations and admiration for her many accomplishments.

### SENATE JOINT RESOLUTION NO. 372

*Commending John J. Accordino, Ph.D.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, John J. Accordino, Ph.D., who has served as a professor of planning at Virginia Commonwealth University for 27 years, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it provides leadership in the areas of ethics, professional development, and standards of practice in city planning; and

WHEREAS, Dr. Accordino was named a Fellow of the AICP for his contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, Dr. Accordino has improved the practice of planning through innovative teaching and mentorship of students, focusing on community-based learning and innovations in the planning curriculum; and

WHEREAS, Dr. Accordino has provided leadership in the planning profession throughout the Richmond regional community and at Virginia Commonwealth University; and

WHEREAS, Dr. Accordino's scholarship has broken new ground on important planning issues and has empowered communities through direct policy applications; and

WHEREAS, students, alumni, planning practitioners, and fellow professors alike admire Dr. Accordino's passion and commitment to revitalizing mature communities and neighborhoods through thoughtful planning; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John J. Accordino, Ph.D., on his selection as a Fellow of the American Institute of Certified Planners in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John J. Accordino, Ph.D., as an expression of the General Assembly's admiration for his many contributions to the Richmond community and leadership in the planning field.

### SENATE JOINT RESOLUTION NO. 374

*Commending the Honorable George William Whitehurst.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Honorable George William Whitehurst, a dedicated public servant who represented the Second District of Virginia in the United States House of Representatives and a respected educator, was named the City of Norfolk's First Citizen in 2014; and

WHEREAS, the First Citizen of Norfolk is chosen annually by a group of Norfolk residents from nominations submitted by the general public; the First Citizen receives the Cosmopolitan Distinguished Service Medal from the Norfolk Club; and

WHEREAS, a native of Norfolk, William Whitehurst joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy; after returning home, he earned a bachelor's degree from Washington and Lee University, a master's degree from the University of Virginia, and a doctorate from West Virginia University; and

WHEREAS, in 1950, William Whitehurst began his career at what is now Old Dominion University as a history professor; he was later appointed dean of students and served in that capacity from 1963 to 1968; and

WHEREAS, desirous to be of further service to the Commonwealth, William Whitehurst ran for and was elected to the United States House of Representatives, where he ably represented the Second District of Virginia from 1969 to 1987; and

WHEREAS, William Whitehurst supported and sponsored many important pieces of legislation and offered his leadership and expertise as a longtime member of the House Armed Services Committee and as a member of the House Permanent Select Committee on Intelligence and the House Committee on Standards of Official Conduct; and

WHEREAS, after retiring from public office, William Whitehurst served for a decade as a representative to the North Atlantic Assembly of the North Atlantic Treaty Organization and for three terms on the Board of Visitors of the United States Naval Academy; and

WHEREAS, William Whitehurst currently serves as a Kaufman Lecturer in Public Affairs at Old Dominion University, where he teaches history and political science; a man of great integrity, he has served the Norfolk community and the Commonwealth with dedication and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable George William Whitehurst on being named the City of Norfolk's First Citizen in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable George William Whitehurst as an expression of the General Assembly's admiration for his achievements and contributions to the Commonwealth.

### SENATE JOINT RESOLUTION NO. 375

*Commending the Arlington Street People's Assistance Network, Inc.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, the Arlington Street People's Assistance Network, Inc., works to end homelessness in Arlington County by securing permanent housing and providing life-sustaining services to vulnerable individuals; and

WHEREAS, the Arlington Street People's Assistance Network, Inc., (A-SPAN) began in 1991 when two women started preparing bagged meals for people who were hungry and homeless; today, the nonprofit organization's broad scope includes providing housing, medical assistance, and other vital services; and

WHEREAS, the services provided by A-SPAN include several programs to end homelessness; those programs have offered rental subsidies and case management support to more than 70 individuals, including veterans, in Arlington County; A-SPAN is a key partner in the county's 10-year plan to end homelessness; and

WHEREAS, for more than 20 years, A-SPAN has operated Arlington County's Emergency Winter Shelter; the services offered at the shelter have expanded over the years and now include free medical care and housing placement directly from the shelter; and

WHEREAS, veteran outreach is one key component of A-SPAN's work; the group is the only nonprofit organization in Arlington County that is housing veterans, and it has helped more than 15 veterans secure living arrangements in the last two years; and

WHEREAS, in 2015, A-SPAN, in partnership with Arlington County government, will open a Homeless Services Center; the center will operate 24 hours a day and will be the only center in the Washington, D.C., area offering a shelter, a day program, and free medical services for homeless persons; and

WHEREAS, the Homeless Services Center will have a five-bed medical respite program, and a nurse practitioner will be part of the center's staff; these initiatives are part of A-SPAN's continuing commitment to improve the health of less fortunate Arlington residents; and

WHEREAS, A-SPAN has received awards and recognitions for its innovative work, including the Leadership Legacy Nonprofit Award and numerous James B. Hunter Human Rights Awards, and in 2011, A-SPAN was named Nonprofit of the Year by the Arlington Chamber of Commerce; and

WHEREAS, A-SPAN's tremendous growth in the last two decades has enabled it to work vigorously on behalf of homeless individuals and veterans; the group is committed to promoting housing, health, and the well-being of homeless individuals and veterans in Arlington County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Arlington Street People's Assistance Network, Inc., for its tireless work to end homelessness in Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kathy Sibert, president and chief executive officer of the Arlington Street People's Assistance Network, Inc., as an expression of the General Assembly's respect and admiration for its work in Arlington County and the Commonwealth to end homelessness and promote the well-being of individuals and veterans.

### SENATE JOINT RESOLUTION NO. 376

*Commending Swanson Middle School.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Swanson Middle School, an outstanding public school in Arlington, has helped students cultivate a passion for lifelong learning for 75 years; and

WHEREAS, originally known as Swanson Junior High School, Swanson Middle School was built in 1939 on land purchased from the Torreyson family using Public Works Administration funds; and

WHEREAS, Swanson Middle School opened in 1940 with Lena Wolfe as its first principal and served students in grades seven, eight, and nine; the school was named for Claude Swanson, a former member of the United States House of Representatives, United States Senator, Governor of Virginia, and Secretary of the Navy; and

WHEREAS, in 1978, Swanson Middle School became an intermediate school, serving students in grades seven and eight; it became a middle school, serving students in grades six, seven, and eight, in 1990; and

WHEREAS, Swanson Middle School offers a comprehensive curriculum and numerous student activities, organizations, and athletics programs to ensure that students receive a well-rounded education; and

WHEREAS, Swanson Middle School has succeeded in its mission thanks to the dedication of its faculty and staff, the hard work of its student body, and the support of parents and the community; and

WHEREAS, in 2006, Swanson Middle School was listed on the National Register of Historic Places as the oldest surviving middle school in Arlington County; and

WHEREAS, Swanson Middle School has earned numerous awards and accolades for its commitment to academic excellence and student achievement; in 2015, it was ranked by Niche as the top middle school in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Swanson Middle School on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Swanson Middle School as an expression of the General Assembly's admiration for the school's many contributions to the youth of the Arlington community.

**SENATE JOINT RESOLUTION NO. 377**

*Commending David Stuart Buchanan, Sr.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, David Stuart Buchanan, Sr., a dedicated community leader and volunteer, has devoted his life to serving and supporting his fellow Mecklenburg County residents; and

WHEREAS, a native of Clarksville, Stuart Buchanan learned the value of hard work and responsibility while working at his father's construction company; he attended the University of Richmond and served his country as a member of the United States Air Force during the Korean War; and

WHEREAS, Stuart Buchanan enjoyed a long and successful career with State Farm Insurance Company; he worked as an insurance agent in Clarksville, then opened a branch in Chase City, where he retired in 1995; and

WHEREAS, Stuart Buchanan is admired for his tireless community service; he has been active with Jaycees at local and state levels and was a former commander of the local Veterans of Foreign Wars Post and a former chair of the Mecklenburg County Social Services Board; and

WHEREAS, Stuart Buchanan and his late daughter, Julie, helped construct the Clarksville Enrichment Complex, which now houses the Clarksville YMCA and a distance learning center; and

WHEREAS, Stuart Buchanan chaired the project to construct the Mecklenburg County Veterans Memorial Monument; he drew plans, raised funds, and oversaw construction of the monument, which he personally cares for and maintains; and

WHEREAS, Stuart Buchanan and his wife, Marianne, have been married for 59 years and are the proud parents of Julie, who passed away in 2011, David, and Beth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend David Stuart Buchanan, Sr., a dedicated community leader and volunteer in Mecklenburg County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David Stuart Buchanan, Sr., as an expression of the General Assembly's admiration for his legacy of service to the community.

**SENATE JOINT RESOLUTION NO. 378**

*Celebrating the life of Claudia Emerson.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Claudia Emerson, former poet laureate of Virginia and the 2006 winner of the Pulitzer Prize for poetry, died on December 4, 2014; and

WHEREAS, a native of Chatham, Claudia Emerson managed a used-book store early in her career and was a part-time letter carrier; the scenery on the 86-mile mail route through rural southern Virginia helped inspire her to write poetry; and

WHEREAS, Claudia Emerson was educated at Chatham Hall and received a bachelor's degree from the University of Virginia in 1979; she also studied at the University of North Carolina at Greensboro, where she earned a master's degree; and

WHEREAS, Claudia Emerson taught at the University of Mary Washington starting in 1994; in 2013 she joined the faculty of Virginia Commonwealth University; throughout her time in the classroom she had a passion and love for teaching and helping her students grow; and

WHEREAS, in 2006, ten years after publishing her first book of poetry, Claudia Emerson won the Pulitzer Prize for poetry for *Late Wife*, a collection that examined the complexities of marriage, divorce, and death; and

WHEREAS, Claudia Emerson was named poet laureate of Virginia in 2008; she was awarded a Guggenheim Fellowship in 2011 and received fellowships from the Library of Congress, the Virginia Commission for the Arts, and the National Endowment for the Arts; and

WHEREAS, Claudia Emerson is the author of five collections of poetry in addition to *Late Wife*, the last of which is to be published posthumously; she published works in magazines and journals, including the *New Yorker* and *Poetry* magazine; and

WHEREAS, Claudia Emerson, who was predeceased by her father and brother, is survived by her husband, Kent Ippolito; her mother, Mollie; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Claudia Emerson, former poet laureate of Virginia and the 2006 winner of the Pulitzer Prize for poetry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Claudia Emerson as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 379**

*Commending Jerry M. Jenkins.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, in 2015, Jerry M. Jenkins, a grain producer and former tobacco farmer in Lunenburg County, received an award from the Virginia Farm Bureau Federation for his 40 years of service to the organization and countless contributions to agriculture in the Commonwealth; and

WHEREAS, an experienced and respected farmer, Jerry Jenkins began his career in agriculture as a Virginia Cooperative Extension agent in Gloucester County; he began farming in 1963 and served as a teacher in the Counties of Brunswick and Nottoway; and

WHEREAS, Jerry Jenkins further cultivated his farming expertise as the supervisor of tobacco production for British American Tobacco in Venezuela; he served as president of the Lunenburg County Farm Bureau; and

WHEREAS, as District 11 director of the Virginia Farm Bureau Federation (VFBF), the Commonwealth's largest farmers' advocacy group, Jerry Jenkins has ably represented farmers and producers in the Counties of Brunswick, Charlotte, Lunenburg, and Mecklenburg for four decades; and

WHEREAS, Jerry Jenkins offers his wise leadership to the VFBF as chair of the Flue-Cured Tobacco Advisory Committee, and he is a member of the Soybean and Feed Grains and Grain Marketing Advisory Committee; and

WHEREAS, Jerry Jenkins has served the Commonwealth as a former member of the Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS, Jerry Jenkins received the award at the VFBF board meeting in Richmond on January 28, 2015; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jerry M. Jenkins on receiving an award for his 40 years of service to the Virginia Farm Bureau Federation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jerry M. Jenkins as an expression of the General Assembly's admiration for his work to protect Virginia's farms and help ensure a fresh, safe, locally grown food supply in the Commonwealth.

**SENATE JOINT RESOLUTION NO. 380**

*Commending Nancy Pool.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Nancy Pool, the longtime president of the Halifax County Chamber of Commerce, retires on March 31, 2015, after 35 years of service to the residents and businesses of Halifax County; and

WHEREAS, Nancy Pool began her long and fulfilling career with the Halifax County Chamber of Commerce in 1980 as administrative assistant to the part-time executive director; and

WHEREAS, distinguishing herself by her hard work and leadership abilities, Nancy Pool became executive director in 1983 and guided the chamber through a period of growth and transition; and

WHEREAS, during Nancy Pool's tenure, the Halifax County Chamber of Commerce experienced a significant growth in membership and helped create leadership and advocacy groups in Halifax County; she offered her wisdom and expertise to the Halifax County Chamber of Commerce Senior Executive Roundtable; and

WHEREAS, under Nancy Pool's leadership, the Halifax County Chamber of Commerce earned accreditation through the United States Chamber of Commerce, created the Virginia Cantaloupe Festival, established the Route 501 Coalition, and hosted networking events and opportunities for members; and

WHEREAS, in 2004, Nancy Pool participated in the Vision 20/20 process, when the Halifax County Chamber of Commerce organized business and community leaders to develop a vision for future growth; she was instrumental in promoting tourism in the region; and

WHEREAS, Nancy Pool promoted business and responsible growth at the state and national levels, serving as a member of the Virginia Chamber of Commerce board and as a member and chair of the United States Chamber of Commerce Institute for Organizational Management Board of Regents; and

WHEREAS, Nancy Pool and her coworkers will celebrate her achievements and contributions to the region at the 60th annual meeting of the Halifax County Chamber of Commerce on March 10, 2015; and

WHEREAS, after her well-earned retirement, Nancy Pool will seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Nancy Pool on the occasion of her retirement as president of the Halifax County Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Nancy Pool as an expression of the General Assembly's admiration for her work to represent the best interests of the residents and businesses of Halifax County.

### SENATE JOINT RESOLUTION NO. 381

*Celebrating the life of Henry D. Parker, Jr.*

Agreed to by the Senate, February 25, 2015

Agreed to by the House of Delegates, February 26, 2015

WHEREAS, Henry D. Parker, Jr., a respected businessman and dedicated public servant who worked to strengthen and enhance the Prince George County community, died on February 16, 2015; and

WHEREAS, a lifelong resident of Prince George County, Henry Parker served his country as a member of the United States Army and was on active duty during the Cuban Missile Crisis; and

WHEREAS, after his honorable discharge, Henry Parker returned to his beloved home of Prince George County and began to build a legacy of service to the community; possessed of an entrepreneurial spirit, he owned and operated Parker's Grocery on James River Drive for more than 50 years; and

WHEREAS, desirous to be of further service to his fellow residents, Henry Parker ran for and was elected to the Prince George County Board of Supervisors, where he served for eight terms; and

WHEREAS, Henry Parker helped guide Prince George County through periods of growth and transition, including the expansion of Fort Lee, the establishment of the Rolls-Royce Crosspointe Campus, and the opening of the Commonwealth Center for Advanced Manufacturing; and

WHEREAS, a humble and generous man, Henry Parker made many anonymous donations to charitable groups and supported others with his time and leadership; he was an honorary member of the Burrowsville Ruritan Club and Burrowsville Volunteer Fire Department; and

WHEREAS, Henry Parker cultivated a love of baseball from a young age and shared his passion with others as a board member of the Babe Ruth Birthplace Museum in Baltimore, Maryland; and

WHEREAS, Henry Parker will be fondly remembered and greatly missed by numerous family members, friends, employees, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Henry D. Parker, Jr., a successful entrepreneur and diligent public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Henry D. Parker, Jr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 382

*Celebrating the life of Ralph E. Williams.*

Agreed to by the Senate, February 26, 2015

Agreed to by the House of Delegates, February 27, 2015

WHEREAS, Ralph E. Williams, a resident of Gloucester County and a dedicated member of the Gloucester County Republican Committee, passed away on January 1, 2015; and

WHEREAS, Ralph Williams served as chair of the Membership Subcommittee of the Gloucester County Republican Committee; and

WHEREAS, Ralph Williams helped the Gloucester County Republican Committee fulfill its mission to promote and promulgate the principles and ideals of the Republican Party, as stated in the Republican Party Platform and the Virginia Republican Creed, and to work to elect Republican candidates to public office; and

WHEREAS, Ralph Williams volunteered his time and leadership to Republican campaigns in numerous ways, including calling voters, installing large signs on highways, and working at the polls on election days; he diligently worked at the polls for seven hours on Election Day 2014; and

WHEREAS, Ralph Williams volunteered his time and intellect to educate the voting public on the issues by providing issue papers to Gloucester County Republican Committee members and by writing letters to the editor in local newspapers; and

WHEREAS, Ralph Williams, through his words and actions, consistently professed his belief in conservative principles of government and his commitment to restoring conservative values in the United States, the Commonwealth, and Gloucester County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ralph E. Williams; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ralph E. Williams as an expression of the General Assembly's respect for his memory.

**SENATE RESOLUTION NO. 54**

*Celebrating the life of Harvey Nathaniel Johnson, Jr.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Harvey Nathaniel Johnson, Jr., of Portsmouth, an admired community organizer who dedicated much of his life to the pursuit of social justice and service to others, died on September 19, 2014; and

WHEREAS, a native of Richmond, Harvey Johnson graduated from Booker T. Washington High School in Norfolk and earned a bachelor's degree from Virginia Union University; and

WHEREAS, Harvey Johnson began his professional career with the Portsmouth Redevelopment and Housing Authority, where he helped develop two public housing communities; and

WHEREAS, after the outbreak of World War II, Harvey Johnson joined the United States Army; serving with distinction in France, he rose from private to sergeant major in 11 months; and

WHEREAS, after his honorable discharge, Harvey Johnson earned two graduate degrees and became a professor of economics at what is now known as Norfolk State University; he later held several administrative positions at the university, including recruiter and director of public relations; and

WHEREAS, in the 1970s, Harvey Johnson offered his leadership and expertise to the Southeastern Tidewater Opportunity Project, became the director of the Golden State College program at Norfolk Naval Base, and founded the National Institute for Minority Economic Advancement; and

WHEREAS, throughout his many endeavors, Harvey Johnson strove to create new opportunities for local residents in need and empower individuals to achieve their full potential as happy, contributing members of the community; and

WHEREAS, a man of deep and abiding faith, Harvey Johnson enjoyed fellowship and worship with the community as an active member of Ebenezer Baptist Church for more than 80 years; and

WHEREAS, predeceased by his wife, Ruth, Harvey Johnson will be fondly remembered and greatly missed by his son, Harvey III, and his family and numerous other family members, friends, and members of the community; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Harvey Nathaniel Johnson, Jr., a respected community leader in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harvey Nathaniel Johnson, Jr., as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 55**

*Commending the National Aeronautics and Space Administration.*

Agreed to by the Senate, January 15, 2015

WHEREAS, the National Advisory Committee for Aeronautics was founded on March 3, 1915, "to supervise and direct the scientific study of the problems of flight, with a view to their practical solution"; and

WHEREAS, the National Advisory Committee for Aeronautics established the first civilian aeronautics laboratory, Langley Memorial Aeronautical Laboratory (LMAL), in Hampton in 1917; the lab developed unique wind tunnels, facilities, and flight test techniques to advance scientific knowledge of flight; and

WHEREAS, the contributions of the LMAL staff were recognized by five prestigious Collier Trophies for engine cowlings to reduce drag, efficient wing de-icing, wind tunnel research on the X-1 aircraft that broke the sound barrier, slotted-throat wind tunnel design for more accurate results at high speeds, and the Witcomb Area Rule for transonic aircraft design; and

WHEREAS, the LMAL performed numerous wind tunnel tests on pre-production and post-production aircraft to reduce drag, thus improving the performance of nearly every American World War II aircraft; and

WHEREAS, the LMAL was instrumental in the founding of additional National Advisory Committee for Aeronautics research laboratories that are now known as Wallops Flight Facility in Virginia, Ames Research Center and Armstrong Flight Research Center in California, and Glenn Research Center in Ohio, which became the core centers for the National Aeronautics and Space Administration (NASA); and

WHEREAS, the LMAL significantly advanced understanding of transonic, supersonic, and hypersonic flight through research by the Pilotless Aircraft Research Division and participation in the X-1 and X-15 research aircraft programs; from these programs, the Space Task Group was formed, which developed the Mercury, Gemini, and Apollo programs that put Americans in space and on the moon and went on to found Johnson Space Center in Texas; and

WHEREAS, on October 1, 1958, the National Advisory Committee for Aeronautics was dissolved, and all personnel and programs were transferred to the National Aeronautics and Space Administration, which carried on the committee's mission; and

WHEREAS, the LMAL became the NASA Langley Research Center on October 1, 1958, and continues to build on the research of the National Advisory Committee for Aeronautics to solve the challenges that exist in our nation's air

transportation system—congestion, safety, and environmental impacts—and to help develop technologies for on-demand air transportation, where goods and people can be delivered anytime, anywhere; and

WHEREAS, NASA Langley is working to make supersonic passenger travel possible and to safely integrate unmanned aerial systems into the national airspace; recognizing the importance of commercial space initiatives, NASA Langley is working with companies to advance their technology and manufacturing capabilities; and

WHEREAS, NASA Langley led the development of the Mars Viking mission and successfully landed the first two robotic landers on the surface of Mars, contributed to the development and operation of the Space Shuttle, and continues its critical spaceflight research with contributions to the nation's next human space transportation system development, including the Orion spacecraft and the Space Launch System; and

WHEREAS, NASA Langley made vital advancements through satellite-based observations that measure Earth's atmosphere in order to understand how human activities may affect the environment, and it developed remote sensing systems that continue to pave the way for new atmospheric discoveries that help protect Earth and its people with earlier and better-informed public policy decisions; now, therefore, be it

RESOLVED by the Senate of Virginia, That the National Aeronautics and Space Administration hereby be commended for its work to enable the United States' leadership in aeronautics and space on the occasion of the 100th anniversary of the establishment of the National Advisory Committee for Aeronautics; and

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the National Aeronautics and Space Administration as an expression of the Senate of Virginia's admiration for the legacy of the National Advisory Committee for Aeronautics and best wishes for continued success in the exploration and development of space, aeronautics, and earth sciences.

### SENATE RESOLUTION NO. 56

*Celebrating the life of Thelma Day Johnson.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Thelma Day Johnson, a dedicated educator, generous volunteer, and vibrant member of the Newport News community, died on October 17, 2014; and

WHEREAS, a native of New Jersey, Thelma "Tede" Johnson lived in Bemus Point, New York, for more than 40 years; and

WHEREAS, after earning degrees from State University of New York at Fredonia and State University of New York at Buffalo, Tede Johnson served the youth of the community as a special education teacher for many years; and

WHEREAS, after her well-earned retirement in 1987, Tede Johnson relocated to the Commonwealth to be closer to her family, for whom she cared deeply; and

WHEREAS, Tede Johnson became an active and admired member of the Newport News community, generously volunteering her time and talents with the Virginia Living Museum, where she logged more than 13,500 hours protecting and preserving the Commonwealth's natural resources; and

WHEREAS, a woman of strong and abiding faith, Tede Johnson enjoyed fellowship and worship with the community as a longtime member of Trinity Lutheran Church; and

WHEREAS, predeceased by her husband, Herman, and her son, Antone, Tede Johnson will be greatly missed and fondly remembered by her children, Rick and Valarie, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Thelma Day Johnson, a devoted educator, enthusiastic volunteer, and respected member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thelma Day Johnson as an expression of the Senate of Virginia's respect for her memory.

### SENATE RESOLUTION NO. 57

*Commending Haysi High School football team.*

Agreed to by the Senate, January 15, 2015

WHEREAS, the Haysi High School football team won the Virginia High School League Group 1A state quarterfinal game on November 29, 2014; and

WHEREAS, the Haysi High School Tigers finished the regular season with an impressive 8-2 overall record and a 2-1 record in Conference 47; and

WHEREAS, after defeating J. I. Burton High School and Covington High School in the first two rounds of the playoffs, the Haysi High School Tigers met the Galax High School Maroon Tide in the state quarterfinal, winning the tense game by a score of 29-28; and

WHEREAS, the Haysi High School Tigers advanced to the state semifinal and faced the 2013 state championship runners-up, the Essex High School Trojans; and

WHEREAS, the successful season is a testament to the hard work and dedication of the athletes, the leadership of the coaches and staff, and the energetic support of the entire Haysi High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Haysi High School football team hereby be commended on winning the 2014 Virginia High School League Group 1A state quarterfinal; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Colley, head coach of the Haysi High School football team, as an expression of the Senate of Virginia's admiration for the team's accomplishments.

### SENATE RESOLUTION NO. 58

*Commending Honaker High School football team.*

Agreed to by the Senate, January 15, 2015

WHEREAS, the Honaker High School football team finished the regular season undefeated to advance to the playoffs and won the Virginia High School League Group 1A state quarterfinal game on November 29, 2014; and

WHEREAS, the Honaker High School Tigers finished the regular season 10-0 and won the Black Diamond District title; the Tigers defeated Twin Springs High School and Radford High School in the first and second rounds of the playoffs; and

WHEREAS, in the state quarterfinal, the Honaker High School Tigers defeated the Wythe High School Maroons by an impressive score of 35-3; and

WHEREAS, the Honaker High School Tigers advanced to the state semifinal against the defending state champions, the Altavista Combined School Colonels; and

WHEREAS, the successful season is a testament to the hard work of all the athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Honaker High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honaker High School football team hereby be commended on winning the 2014 Virginia High School League Group 1A state quarterfinal game after an undefeated regular season; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Hubbard, head coach of the Honaker football team, as an expression of the Senate of Virginia's admiration for the team's accomplishments.

### SENATE RESOLUTION NO. 59

*Commending Castlewood High School.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Castlewood High School won \$100,000 in the 2014 Celebrate My Drive safe-driving contest for teen drivers; the signature accomplishment makes the school in Russell County one of 10 high schools nationwide to achieve the honor; and

WHEREAS, to receive the highest recognition in the contest, which is sponsored by State Farm, the students at Castlewood High School had to get as many teenagers as possible older than 14 to commit to being safe drivers; and

WHEREAS, State Farm sponsors the Celebrate My Drive driver safety initiative, which encourages students to develop safe driving habits by using an upbeat and positive message to newly minted drivers; 2014 is the second year that Castlewood High School has won an award; and

WHEREAS, one way that Celebrate My Drive promotes good driving habits is with its 2N2 message to new drivers: keep two eyes on the road and two hands on the wheel, both of which will help teenage drivers avoid being distracted and build confidence; and

WHEREAS, more than 3,000 schools participated in Celebrate My Drive in 2014; Castlewood High School was one of five educational institutions in the small school category to win \$100,000; in 2013, the high school won a \$25,000 award; and

WHEREAS, students at Castlewood High School have earmarked part of the 2014 prize money to create an outdoor classroom and lunch pavilion; a committee of students will decide on other worthwhile projects while reserving 10 percent of the funds for a teen driver safety program; now, therefore, be it

RESOLVED by the Senate of Virginia, That Castlewood High School hereby be commended for being named one of 10 national winners of \$100,000 in the 2014 Celebrate My Drive contest for teen drivers; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Nathan Breeding, principal of Castlewood High School, as an expression of the Senate of Virginia's admiration and congratulations for the school's efforts to raise awareness and promote safe driving habits among the Commonwealth's youngest drivers.

**SENATE RESOLUTION NO. 60**

*Commending John I. Burton High School.*

Agreed to by the Senate, January 15, 2015

WHEREAS, John I. Burton High School in Norton was named a \$25,000 winner in the 2014 Celebrate My Drive contest; and

WHEREAS, the Celebrate My Drive contest, which is sponsored by State Farm, uses positive and upbeat messages in its nationwide contest to stress the importance of awareness and safe driving habits for new drivers; and

WHEREAS, J. I. Burton High School students enthusiastically took part in the contest; they were tasked with obtaining safe driving commitments from as many young people as possible, ages 14 and older; and

WHEREAS, the safe driving commitment is an effort by State Farm to promote wise decision-making by new drivers, and the J. I. Burton High School students were strong proponents of spreading Celebrate My Drive's safety slogan: 2N2, keep two eyes on the road and two hands on the wheel; and

WHEREAS, J. I. Burton High School was one of more than 3,000 schools to participate in the 2014 Celebrate My Drive competition, and it was one of only 90 schools to win a \$25,000 grant for its success in motivating students to embrace safe driving habits; and

WHEREAS, the students of J. I. Burton High School plan to use the money to support academic programs, extracurricular clubs, and athletic programs; additionally, all winning schools are required to devote 10 percent of the cash award to programs that promote good driving habits; now, therefore, be it

RESOLVED by the Senate of Virginia, That John I. Burton High School hereby be commended for winning \$25,000 in the 2014 Celebrate My Drive safe driving contest; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Aaron Williams, principal of John I. Burton High School, as an expression of the Senate of Virginia's congratulations and admiration for promoting the importance of safe driving to the Commonwealth's newest drivers.

**SENATE RESOLUTION NO. 61**

*Commending Eastside High School.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Eastside High School in Coeburn was named a national winner in the 2014 Celebrate My Drive safe driving awareness contest; and

WHEREAS, the students at Eastside High School won \$25,000 for their successful efforts to instill in new drivers the importance of staying aware and avoiding distractions; the Celebrate My Drive competition, which is sponsored by State Farm, awarded cash prizes to 100 schools across North America; and

WHEREAS, during the 2014 competition period, students at the school in Wise County were tasked with securing safe-driving commitments from as many teenagers as possible, ages 14 and older; the Celebrate My Drive program aims to instill safe driving awareness in young people who have just started driving; and

WHEREAS, Eastside High School was among the more than 3,000 schools in North America to take part in the Celebrate My Drive program; the contest's upbeat and positive message aims to make safe driving habits something that young drivers do routinely; and

WHEREAS, with the prize money, the students at Eastside High School plan to create a memorial honoring students and adults killed in automobile accidents; they also will hold a safe driving expo and attend the Virginia Model General Assembly to present driving legislation; and

WHEREAS, the senior class of Eastside High School plans to travel to Atlanta using part of the money from the Celebrate My Drive award, and the students are working on implementing safe driving activities for the school's junior/senior prom; now, therefore, be it

RESOLVED by the Senate of Virginia, That Eastside High School in Coeburn hereby be commended for winning \$25,000 in the 2014 Celebrate My Drive contest; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bryan Crutchfield, interim principal of Eastside High School, as an expression of the Senate of Virginia's admiration and congratulations for the school's winning effort to instill a commitment to safe driving habits in the Commonwealth's youngest drivers.

**SENATE RESOLUTION NO. 62**

*Continuing the joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to study staffing levels and employment conditions at the Department of Corrections. Report.*

Agreed to by the Senate, February 9, 2015

WHEREAS, Senate Resolution No. 34 (2014) directed the joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to study staffing levels and employment conditions at the Department of Corrections; and

WHEREAS, it is the mission of the Virginia Department of Corrections to enhance public safety by providing effective programs and reentry services for, and supervision of, sentenced offenders in a humane, cost-efficient manner, consistent with sound correctional principles and constitutional standards; and

WHEREAS, the Virginia Department of Corrections aspires to be recognized as a model correctional agency and a proven innovative leader in the field; and

WHEREAS, the Commonwealth will be a safer place to live and work if the Department provides appropriate custody and supervision of, and programs and reentry practices for, offenders through its exemplary services; and

WHEREAS, the cornerstone of the Department is its employees, who embrace a common purpose and a commitment to the highest professional standards and excellence in public service; and

WHEREAS, the Department should maintain a responsible commitment to its employees and be a satisfying, rewarding, and safe place to work and grow professionally; and

WHEREAS, adequate staffing is critical to the Department's ability to fulfill its mission; and

WHEREAS, inadequate staffing levels can lead to lapses in safety and can place employees under extreme stress and at risk of other negative effects on their health; and

WHEREAS, an insufficient number of staff members or inadequate compensation for employees leads to rapid turnover, resulting in a lack of seasoned and experienced staff; and

WHEREAS, the joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules recommends continuing this study of staffing levels and employment conditions at the Department of Corrections for an additional year to adequately explore and address the issues facing the Department; now, therefore, be it

RESOLVED by the Senate of Virginia, That the joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules study of staffing levels and employment conditions at the Department of Corrections be continued.

In conducting its study, the joint committee shall examine the adequacy of staffing levels, employee health and safety, training practices, turnover rates, and compensation at the correctional facilities of the Commonwealth. The joint committee shall have a total membership of nine members that shall consist of five legislative members and four nonlegislative citizen members. Members shall be appointed as follows: three members of the Senate Committee on Rehabilitation and Social Services to be appointed by the Senate Committee on Rules upon the recommendation of the Chair of the Senate Committee on Rehabilitation and Social Services; two members of the Senate Committee on Rules to be appointed by the Senate Committee on Rules; and four nonlegislative citizen members to be appointed by the Senate Committee on Rules, of whom two shall be representatives of an association for correctional officers or employees and two shall be former correctional officers or employees. Nonlegislative citizen members of the joint committee shall be citizens of the Commonwealth of Virginia. The current members of the Senate Committee on Rehabilitation and Social Services and members of the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint committee and the Clerk of the Senate, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The joint committee shall elect a chairman and vice-chairman from among its membership, who shall be members of the Senate of Virginia.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by the Department of Corrections. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings to conduct this study during the 2015 interim, and the direct costs of this study shall not exceed \$14,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the Chairman of the Senate Committee on Rehabilitation and Social Services and the Clerk of the Senate.

The joint committee shall complete its meetings by November 30, 2015, and the chairman of the joint committee shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a Senate document. The executive summary and report shall be submitted as provided in the procedures

of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website; and, be it

RESOLVED FURTHER, That the provisions of this resolution continuing the joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules is contingent upon an appropriation effectuating the purposes of this resolution being included in a general appropriation act passed in 2015 by the General Assembly that becomes law.

### SENATE RESOLUTION NO. 63

*Commending the Virginia State University football team.*

Agreed to by the Senate, January 15, 2015

WHEREAS, the Virginia State University football team claimed its first championship since 1996, winning the Central Intercollegiate Athletic Association conference championship on November 15, 2014; and

WHEREAS, the Virginia State University Trojans defeated the Winston-Salem State University Rams 21-17 in a thrilling contest in Durham, North Carolina; and

WHEREAS, the Virginia State Trojans took an early 14-0 lead after returning a fumble for a 69-yard touchdown and recovering a fumble in the end zone; the team stayed focused throughout the game and sealed the victory with another touchdown with only 2:59 left in the fourth quarter; and

WHEREAS, in his college debut, freshman quarterback Niko Johnson was named most valuable player and ably led the Virginia State Trojans' offense with 125 passing yards, 76 rushing yards, and the game-winning touchdown; and

WHEREAS, Kavon Bellamy rushed for 68 yards and caught two receptions for 48 yards; Latrell Scott finished his second season as head coach of the Virginia State Trojans as the 2014 Football Coach of the Year in the conference; and

WHEREAS, finishing the season with a 10-3 overall record and a 7-0 conference record, the Virginia State Trojans achieved their goal of appearing in the National Collegiate Athletic Association Division II playoffs; entering as the number-three seed, the team advanced to the second round of the Super Region One bracket; and

WHEREAS, the successful season is a testament to the hard work and determination of all the players, the sound leadership of the coaches and staff, and the enthusiastic support of the entire Virginia State University community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia State University football team hereby be commended on winning the Central Intercollegiate Athletic Association conference championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia State University football team as an expression of the Senate of Virginia's admiration for the team's accomplishments.

### SENATE RESOLUTION NO. 64

*Commending Freddie W. Nicholas, Sr.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Freddie W. Nicholas, Sr., a visionary educator and school administrator, served the Commonwealth with distinction as the first African American college president in the Virginia Community College System; and

WHEREAS, a diligent student himself, Freddie Nicholas earned bachelor's and master's degrees from Virginia State University and a doctorate from the University of Virginia; and

WHEREAS, Freddie Nicholas helped prepare students for careers, higher education, and responsible citizenship as a teacher, department chair, and assistant principal at George Washington Carver Regional High School; and

WHEREAS, a champion for the importance of a good education, Freddie Nicholas also held positions at Virginia State University, Northern Virginia Community College, and J. Sargeant Reynolds Community College; and

WHEREAS, as the president of John Tyler Community College from 1979 to 1990, Freddie Nicholas was admired as a dedicated leader who oversaw great periods of growth and expansion, and he revitalized the John Tyler Community College Foundation; and

WHEREAS, Freddie Nicholas earned many awards and accolades for his good work over the years, and the Nicholas Student Center at John Tyler Community College is named in his honor; and

WHEREAS, Freddie Nicholas broke down barriers and boldly paved the way for other African American leaders in education; he built a legacy of excellence for both his successors as president of John Tyler Community College and college presidents, deans, and principals throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Freddie W. Nicholas, Sr., hereby be commended for his exceptional service to the Chester community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Freddie W. Nicholas, Sr., as an expression of the Senate of Virginia's admiration for his leadership of and dedication to the students of John Tyler Community College.

**SENATE RESOLUTION NO. 65***2015 Operating Resolution.*

Agreed to by the Senate, January 14, 2015

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Rules Committee during the 2015 Session. Necessary payments to cover salaries of temporary employees and the pages/messengers, per diem for legislative assistants who establish a temporary residence, per diem for pages/messengers and certain employees designated by the Clerk and reported to the Chair of the Senate Rules Committee, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

**SENATE RESOLUTION NO. 66***Commending the 2015 inductees into the Virginia Sports Hall of Fame.*

Agreed to by the Senate, January 15, 2015

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resources center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2015 inductees as follows:

The Class of 2015

*Fletcher Arritt*

Fletcher Arritt became the head postgraduate basketball coach at Fork Union Military Academy in 1970. He was one of the most successful basketball coaches in the Commonwealth with at least 400 players advancing to the college ranks and many to professional careers. Fork Union won over 75 percent of its games during his tenure. After more than four decades at the helm, he retired with a career record of 890 wins and 283 losses.

*Cherie Greer Brown*

Cherie Greer Brown is a former Virginia women's lacrosse All-American. A three-time first-team All-American for the University of Virginia Cavaliers, she was the NCAA Division I Defensive Player of the Year in 1994 and her jersey was retired by the university. She was a member of the 1993, 1997, 2001, and 2005 U.S. Women's World Cup teams, winning three world championships. She was named the Most Outstanding Player of the Championship Game in the 1997 and 2001 World Cups. In 2000, she was named a member of the *Lacrosse Magazine* All-Century Team, and in 2009, she was inducted into the National Lacrosse Hall of Fame.

*Johnny Grubb*

Johnny Grubb was born in Richmond and attended Meadowbrook High School. In 1971, he was selected with the 24th pick of the Major League Baseball draft by the San Diego Padres. He signed with the Padres and made his major league debut on September 10, 1972. Throughout his 16-year career in Major League Baseball, he played for the San Diego Padres, Cleveland Indians, Texas Rangers, and Detroit Tigers. He helped lead the 1984 Detroit Tigers to a World Series Championship. In 1,424 major league games, he collected 1,153 career hits and 99 home runs and achieved a career batting average of .278.

*Paul Hatcher*

A native of Bassett, Paul Hatcher attended Bridgewater College before becoming the winningest basketball coach in Virginia High School League history. In a 43-year career at Robert E. Lee High School in Staunton, he compiled a record of 897 victories and 174 losses—a win rate of 84 percent—and four state titles. He coached from 1968 to 2011 and never had a losing season. He was named the Virginia High School League State Coach of the Year 11 times and was a seven-time VHSL All-Star Game Coach.

*Angela Hucles*

A native of Virginia Beach, Angela Hucles attended Norfolk Academy, where she was a Parade All-American soccer selection in 1995. She attended the University of Virginia, where she became soccer All-American and was named to the All-ACC team for four straight seasons. She scored 59 goals and is the all-time leading goal scorer in Virginia Women's Soccer. After graduating, she embarked on an extraordinary professional and international career highlighted by two Olympic Gold Medals and two World Cup appearances for the U.S. Women's National Soccer Team.

*Mike Stevens*

For more than three decades, Mike Stevens has been working to put Virginia's athletes and their sports in the spotlight. During his 23-year tenure as the sports director of Southwest Virginia's CBS affiliate, he served as a reporter and lead anchorman and did live play-by-play broadcasts for high school football, college basketball, minor league baseball, and stock car racing. In addition, he was a fixture on the station's marquee sports program, Friday Football Extra. He hosted over 350 consecutive episodes of the half-hour high school football show that became the model for hundreds of other such programs around the country.

*Ben Wallace*

Ben Wallace was an All-American at Virginia Union University in Richmond before becoming one of the most feared players in the National Basketball Association (NBA). Over his 16-year NBA career, he played for the Washington Bullets/Wizards, Orlando Magic, Detroit Pistons, Chicago Bulls, and Cleveland Cavaliers. He led the Detroit Pistons to an NBA Championship during the 2003–2004 season. Over his career, he was a four-time NBA All-Star, four-time NBA Defensive Player of the Year, three-time All-NBA Second Team selection, five-time NBA All-Defensive First Team selection, and two-time NBA rebounding champion and an NBA blocks leader. He amassed career totals of 6,254 points, 10,482 rebounds, and 2,137 blocks; now, therefore, be it

RESOLVED by the Senate of Virginia, That Fletcher Arritt, Cherie Greer Brown, Johnny Grubb, Paul Hatcher, Angela Hucles, Mike Stevens, and Ben Wallace hereby be commended as the 2015 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2015 inductees as an expression of the Senate of Virginia's congratulations and admiration for the inductees' many contributions to the world of sports.

**SENATE RESOLUTION NO. 67***Commending Jill Branham.*

Agreed to by the Senate, January 15, 2015

WHEREAS, Jill Branham won the 2014 Dickenson-Buchanan County Business Challenge and used the tools and talents learned during the challenge to open her own business; and

WHEREAS, the Dickenson-Buchanan County Business Challenge was established to support local entrepreneurs by People Inc., a nonprofit organization dedicated to building stronger communities and helping people achieve their dreams; and

WHEREAS, as part of the program, Jill Branham and the other entrants learned about marketing, cash flow planning, operations planning, E-commerce, credit management, and financing; and

WHEREAS, over the course of the eight-week program, Jill Branham and the other entrants developed and submitted business plans to a panel of three judges; and

WHEREAS, after presenting her business plan in November 2014, Jill Branham received the first-place award and a cash prize to invest in her business; and

WHEREAS, the victory allowed Jill Branham to achieve her dream of entrepreneurship; she opened Main Street Pizzeria and Grill in Haysi on December 8, 2014; and

WHEREAS, Jill Branham is an exemplar of the hard work and dedication shown by Virginian entrepreneurs and small business owners, whose tireless efforts strengthen their communities and ensure economic growth throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jill Branham hereby be commended on winning the Dickenson-Buchanan County Business Challenge and opening her own restaurant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jill Branham as an expression of the Senate of Virginia's admiration for her achievements and best wishes for the future.

**SENATE RESOLUTION NO. 68***Commending the Richlands High School football team.*

Agreed to by the Senate, January 22, 2015

WHEREAS, the Richlands High School football team won the Virginia High School League Group 2A state quarterfinal on November 29, 2014; and

WHEREAS, finishing the regular season with a 7-3 overall record and a 3-0 conference record, the Richlands High School football team's high-powered offense racked up an average of 33 points per game, led by senior quarterback River Michaels, who threw for over 1,500 yards; and

WHEREAS, the Richlands High School Blue Tornado defeated talented teams from Lebanon High School and Marion Senior High School in the first and second rounds of the playoffs; and

WHEREAS, the Richlands High School Blue Tornado defeated the Gate City Blue Devils 35-28 to advance to the Virginia High School League Group 2A state semifinal, where they faced the Wilson Memorial Green Hornets; and

WHEREAS, the successful season is a testament to the skill and dedication of the athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Richlands High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Richlands High School football team hereby be commended on winning the 2014 Virginia High School League Group 2A state quarterfinal; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Greg Mance, head coach of the Richlands High School football team, as an expression of the Senate of Virginia's admiration for the team's accomplishments.

### SENATE RESOLUTION NO. 69

*Celebrating the life of George Crocker, Sr.*

Agreed to by the Senate, January 22, 2015

WHEREAS, George Crocker, Sr., a faithful man of God who was the retired station manager of the Ettrick Post Office and who was a devoted husband and father, died on December 7, 2014; and

WHEREAS, George Crocker was born and reared on historic Pocahontas Island in Petersburg; he graduated from Peabody High School and attended Richard Bland College and the Virginia Seminary; and

WHEREAS, George Crocker was industrious and resourceful; he worked for Titmus Optical Inc., before becoming a postal employee; he then spent 35 years with the United States Postal Service as a mail clerk and finance clerk, and retired as the Ettrick station manager; and

WHEREAS, an abiding faith was the hallmark of George Crocker's long and full life; he accepted Christ at an early age and for many years enjoyed fellowship and worship at Tabernacle Baptist Church in Petersburg; and

WHEREAS, when Tabernacle Baptist Church was without a pastor and in danger of ending its ministry, George Crocker, who was a deacon at the church for more than 50 years, assumed responsibility for making sure the Sunday worship services continued; and

WHEREAS, George Crocker was chair of the Deacons' Ministry at Tabernacle Baptist Church for 30 years; he also participated in the men's fellowship, assisted with a Boy Scout troop, served as treasurer for more than 40 years, and was a valuable contributor to many other church ministries; and

WHEREAS, George Crocker, whose life exemplified service to the Lord, was chair of Tabernacle Baptist Church's Senior Citizens Ministry, and in that capacity he worked with the Petersburg Department of Parks and Leisure Services on events and programs for older residents; and

WHEREAS, George Crocker attended many national church conventions and was affiliated with the Sunday School department of the Unified Shiloh Baptist Association, The Baptist Sunday School and Baptist Training Union Congress of Virginia, and was a trustee of the Children's Home of Virginia Baptist, Inc.; and

WHEREAS, in 2013, George Crocker was named a Hometown Hero by the Allen, Allen, Allen & Allen law firm in recognition of his volunteer work for his church and community; he was named a "Community Gem" by the Alease Cooley Memorial Tent, and received many other recognitions; and

WHEREAS, George Crocker, who was predeceased by his son, Timothy, will be greatly missed and fondly remembered by his wife, Nancy; his children, Wayne, Karen, and George, Jr., and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of George Crocker, Sr., whose abiding faith guided his life, who ably served as the station manager of the Ettrick Post Office, and who was devoted to his wife and family; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Crocker, Sr., as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 70

*Establishing the Rules of the Senate.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

#### RULES OF THE SENATE

##### I.

##### Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, on the first day of the session following the election of the Senate, a President pro tempore who shall serve for a term of ~~four years~~ *coincident with the member's current term of office* and be a senior member in the Senate.

2 (b). In the event of the absence, disability or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer. Further, the President pro tempore shall be the Chair of the Commission on Interstate Cooperation of the Senate.

2 (c). The President pro tempore shall have the right to name in open session, or if he is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during his absence; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

## II.

### Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8 of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

## III.

### The Pages.

7. The Senate shall elect 11 Pages representing each of the Congressional districts and five Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the chair of the caucus of the majority party; one by the majority leader; and one by the minority leader. The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

## IV.

### The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be elected by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the Chair, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five days notice by certified mail of the time, place and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the Chair or the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the

same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates then seniority shall be based upon longest continuous service in the House of Delegates and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the south side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide office supplies for official use by the Senators.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of messengers as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules and the Chairs of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the Chair of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the Chair on the Committee on Rules and the Chair of the respective Committee. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. The Clerk of the Senate shall have supervision over all employees of the Senate. During sessions, the Clerk shall provide office supplies for official use by the Senators.

10 (b). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, either by individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar which shows the business of the Senate. The Clerk shall have printed and placed on the desk of each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed and bound with the manual and rules, etc., the Constitution of Virginia and the Constitution of the United States for the use of the Senators. Supplements to said manual shall be issued as circumstances may require.

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

#### V.

##### Sergeant-at-Arms and Doorkeepers.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; and, representatives of the news media in such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media who cannot be accommodated with seats at press tables on the floor may also be entitled to seats in a reserved section of the gallery.

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.

17 (f). A Doorkeeper shall direct all persons not entitled to entry on the floor of the Senate, as set out above, to the gallery of the Senate.

#### VI.

##### Standing Committees.

18. At the commencement of each session after the election of Senators, a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules for ~~a term current terms~~ coincident with their ~~term~~ terms of office in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. The President of the Senate shall be empowered to break a tie vote, where there is an equal division among the Senators, on matters pertaining to committee assignments and other matters relating to the organization of the Senate.

18 (a). A Committee on Agriculture, Conservation and Natural Resources, 15 Senators, to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and salt water fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor, ~~46~~ 15 Senators, to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation and unemployment matters.

18 (c). A Committee for Courts of Justice, 15 Senators, to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.

18 (d). A Committee on Education and Health, 15 Senators, to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; mental retardation and health professions.

18 (e). A Committee on Finance, 15 Senators, to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation and all matters concerning the expenditure of funds of the Commonwealth.

18 (f). A Committee on General Laws and Technology, 15 Senators, to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

18 (g). A Committee on Local Government, 15 Senators, to consider matters of local government in the counties, cities, towns, regions or districts, planning boards and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections, 15 Senators, to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee for Courts of Justice for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services, 15 Senators, to consider matters concerning alcoholic beverages; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation, 15 Senators, to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee for Courts of Justice.

## VII.

### Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and other Senators to comprise not more than 17. The Chair of the Committee on Rules shall not be Chair of any standing Committee. The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study committees or commissions; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning

constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and members appointed by the Chair to equal the number of House members appointed to the subcommittee, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

19 (c). The Chair of the Committee on Rules, in consultation with the Clerk, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. The Chair, in consultation with the Clerk, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. The Chair, in consultation with the Clerk, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

19 (e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (f). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (g). Any Senator who wishes to present a person to the Senate shall first seek the approval of the Chair of the Committee on Rules. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, 48 hours prior to the time of the presentation. The Chair shall determine the merit of the presentation and notify the Senator of the decision. The submission of the written request and the approval of the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.

19 (h). The Committee on Rules shall make all Senate appointments to study committees and commissions in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. Senate membership on all joint subcommittees and commissions with the House of Delegates shall be of equal membership. If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

## VIII.

### Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth and as nearly as practicable with equal membership of resident Senators from the several congressional districts of the Commonwealth as the same exist on the date of election of the Senate. Senators shall serve terms on such Committees coincident with their current terms of office. No member shall

be removed from a Committee, except by a ~~two-thirds~~ majority vote of the members present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. When the Committees are elected, the Senator first named shall be the Chair, *except that in the case of the Committee for Courts of Justice and the Committee on Finance, the first two Senators named to these Committees shall be Co-Chairs. All references in these Rules to the Chair of a standing Committee shall be interpreted to include and apply to the Co-Chairs.* A Senator shall serve as Chair of only one of the standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. At the first meeting of the Committee, the Chair may appoint and announce a vice chair.

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. All votes on bills shall be recorded.

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, in writing on committee proxy forms, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd-numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.

20 (j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee on Rules and the Chair of the respective Committee. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 (k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall not take final votes and shall only make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 (l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings or studies, as the Committees deem appropriate.

20 (m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 (n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the Finance Committee.

20 (o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public.

20 (p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For such other expenses as may be occasioned by the conduct of any Committee study, payments shall have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee or study to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair of the Committee on Rules, in consultation with the Clerk.

## IX.

### Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

(a) A period of devotions.

(b) A roll call of members present.

(c) The reading of the Journal.

(d) A period to be called the "morning hour," for the following purposes:

i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.

ii. to recognize and welcome visitors to the Senate.

iii. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.

(e) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)

(f) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

(g) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members present and voting, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority of those present and voting. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions or other business originating in the Senate and all bills, resolutions or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designation "Uncontested Calendar" and "Regular Calendar," and be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) which receive a dissenting vote or abstention in Committee, or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be removed from the Uncontested Calendar at any time at the request of any Senator. Resolutions which do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11 of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated or who is unavailable to sign the legislation. Upon the approval of the Committee on Rules, electronic filing of bills and resolutions may be permitted. Any bill or resolution offered for introduction in the Senate may show two or more Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted material or words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates who requests in writing to the Clerk that he be added as a co-patron of any bill or resolution, provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, shall be listed in the Journal as a co-patron of such bill or resolution, and shall be so listed on such bill or resolution at its next printing, if any.

Any member of the Senate or House of Delegates may also request in writing to the Clerk that his name be removed as a co-patron of any bill or resolution provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, and thereafter his name shall not be listed in the Journal as a co-patron of such bill or resolution, nor shall his name be listed on such bill or resolution at its next printing, if any.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules.

No Senator may introduce more than a combined total of ten commending and memorial resolutions each session, except for the Chair of the Committee on Rules when introducing such resolutions according to custom or protocol.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution which has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29. Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 47 (a) or Rule 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

#### X.

##### The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

#### XI.

##### Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided, *or in the case of judicial elections*. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

## XII.

## Committees of Conference.

39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the chief patron(s) of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

39 (b). When a committee of conference is meeting it shall inform the Clerk of the place of meeting; and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

## XIII.

## Debate.

40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. The use of props is prohibited on the floor of the Senate.

40 (b). The use of audible electronic devices used for transmitting and receiving communications is prohibited in Senate committee rooms and the Senate Chamber. The use of cellular telephones is prohibited in Senate committee rooms and the Senate Chamber. Violations of this rule shall be punishable as prescribed by the Committee on Rules.

41. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

42. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

43. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

44. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

45. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

46. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

(i) A motion to adjourn.

(ii) A motion calling for a vote on the pending question.

(iii) A motion calling for a vote on the previous question.

(iv) A motion to suspend the Rules.

(v) A motion to close debate.

(vi) A motion to limit debate.

(vii) A motion to extend the limit of debate.

(viii) A motion to reconsider matters not debatable.

(ix) A motion to change, in case of two or more special and continuing orders.

47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

(i) A motion for a special and continuing order.

(ii) A motion to appeal a ruling of the Chair.

47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, for the pending question, for the previous question, or to amend; which several motions shall have precedence in the order in which they are herein set out.

47 (f). Except as otherwise provided herein, the provisions of Rule 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken.

However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter.

Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the Chair of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such Chair or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

49. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the Senators present and voting. These Rules may be suspended by a vote of two-thirds of the Senators present and voting. If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.

XVI.

Appeals.

50. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie. The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.

XVII.

Committee of the Whole.

51. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members present and voting. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a chair to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the Chair of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session. Nothing in this rule shall prohibit a Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. No member

shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel. The members shall be nominated by the Committee on Privileges and Elections of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

XX.

Court of Impeachment.

54. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

55. he votes required shall be as set forth in the Appendix to these Rules.

XXII.

Construction of Rules.

56. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules. In the construction of the Rules, reference shall be had to the following sources in the following order:

- (a) Jefferson's Manual of Parliamentary Practice.
- (b) Mason's Manual of Legislative Procedure.
- (c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX

VOTES REQUIRED PURSUANT TO CONSTITUTION

OR RULES OF THE SENATE

(1) Appeals from ruling of chair to overrule chair	-- a majority of the members present and voting, not less than.....11 (Rule 50)
(2) Bills: (a) Ordinary bills	-- a majority of the members voting, not less than.....16 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
(b) Appropriation, Claim or Demand of State, Debt or Charge, New Office, Tax	-- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
(c)(1) Bonds, general obligation	-- a majority of the members elected, not less than.....21 (Const. Art. X, Sec. 9(b))
(2) Bonds, revenue	-- 2/3 of the members elected, not less than.....27 (Const. Art. X, Sec. 9(c))
(d) Charter or "Special Act" for county, city, town or regional government	-- 2/3 of the members elected, not less than.....27 (Const. Art. VII, Sec. 1) (Same for House amendment

	or Conference report)
(e) Printing or Reading dispensed	-- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 11)
(f) Creating new office	-- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11)
(3) Censure of a Senator	-- a majority of the members elected, not less than.....21 (Rule 18(h) and Rule 53(b))
(4) Committee of the Whole, to go into	-- a majority of the members present and voting, not less than.....11 (Rule 51)
(5) Constitution, amending	
(a) Virginia Constitution Bills or Resolutions proposing to amend	-- a majority of the members elected, not less than.....21 (Const. Art. XII, Sec. 1)
(b) Amendment to Bill or Resolution proposing to amend Virginia Constitution	-- a majority of the members elected, not less than.....21 (Const. Art. XII, Sec. 1)
(c) Virginia Constitutional Convention, calling of	-- 2/3 of the members elected, not less than.....27 (Const. Art. XII, Sec. 2)
(d) United States Constitution, Resolutions proposing to ratify and amend	-- a majority of the members present and voting, not less than.....11
(e) United States Constitution, Resolutions proposing calling of a convention to amend	-- a majority of the members present and voting, not less than.....11
(6) Discharging Committee	-- a majority of the members voting, not less than 2/5 of the members elected.....16 (Const. Art. IV, Sec. 11)
(7) Division of question required	-- 1 Senator.....1 (Rule 31)
(8) Emergency Clause	-- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 13)
(9) Expulsion of a Senator	-- 2/3 of the members elected, not less than.....27 (Const. Art. IV, Sec. 7; Sec. 10; Rule 18(h) and Rule 53(b))
(10) Extended Session 30 days	-- 2/3 of the members elected, not less than.....27 (Const. Art. IV, Sec. 6)
(11) Governor, disability of	-- 3/4 of the members elected, not less than.....30 (Const. Art. V, Sec. 16)

- (12) Governor's recommendation for amending bill -- a majority of the members present.  
In case of refusal, bill again sent to Governor  
(Const. Art. V, Sec. 6)
- (13) Impeachment -- 2/3 of the members present,  
not less than.....14  
(Const. Art. IV, Sec. 17;  
Sec. 10)
- (14) Journal, reading waived
- (a) All sessions except reconvened special sessions with no business -- a majority of the members voting  
not less than.....11  
(Rule 3)
- (b) Reconvened special sessions with no business -- 2 Senators.....2  
(Rules 3 and 5)
- (15) Protest entered upon Journal -- 1/3 of the members present,  
not less than.....7  
(Rule 32)
- (16) Reading or printing of a Bill dispensed -- 4/5 of the members voting,  
not less than.....17  
(Const. Art. IV, Sec. 11)
- (17) Recorded vote, yeas and nays
- (a) Floor -- 1/5 of the members present  
(Const. Art. IV, Sec. 10 and Rule 30)
- (b) Committee -- 1/5 of the Committee members present
- (18) Referring certain violations of Conflict of Interest Act to Attorney General -- a majority of the members voting,  
not less than.....11  
(Rule 18(h) and Rule 53(b))
- (19) Reprimand of a Senator -- a majority of the members present and voting,  
not less than.....11  
(Rule 18(h) and Rule 53(b))
- (20) Resolutions other than those proposing a Constitutional amendment -- a majority of the members voting,  
not less than.....16
- (21) Suspending or amending Rules
- (a) Regular quorum -- 2/3 of the members present and voting,  
not less than.....14  
(Rule 49)
- (b) Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution -- 2/3 of the quorum,  
not less than.....11  
(Rule 49)
- (22) (a) Special and Continuing Order -- a majority of the members present and voting,  
not less than.....11  
(Rule 23(a))

- (b) Changing Special and Continuing Order -- a majority of the members present and voting, not less than.....11 (Rule 23(b))
- (23) Supreme Court, Increase size of -- 3/5 of the members elected, voting at 2 consecutive regular sessions, not less than.....24 (Const. Art. VI, Sec. 2)
- (24) Veto, to override -- 2/3 of the members present, not less than a majority of the members elected...21 (Const. Art. V, Sec. 6)
- (25) Votes on elections, impeachments or expulsions of a Senator -- names to be recorded in Journal (Const. Art. IV, Sec. 10) (also see Secs. 7 & 17)
- (26) Vote to remove Senator from a Committee -- ~~2/3~~ a majority of the members present and voting, not less than.....~~14~~ 11 (Rule 20(a))
- (27) Vote to elect Senator(s) to Committee -- a majority of members present and voting, not less than.....11 (Rule 18)
- (28) Interruption of the Calendar -- unanimous consent of members present (Rule 25(d))
- (29) Amend Senate bill or resolution after third reading -- unanimous consent (Rule 28(a))
- (30) Reconsideration
- (a) Floor (Second and subsequent Reconsideration) -- unanimous consent of members present (Rule 48(a))
- (b) Committee -- unanimous consent of the committee if later than the next meeting (Rule 48(b))
- (31) President pro tempore's substitute to continue to preside over the Senate -- unanimous consent of members present (Rule 2(c))
- (32) Call of the Senate to send for absentee(s) -- at least 9 Senators (Rule 5)
- (33) Adjournment
- (a) Daily Session -- at least 2 Senators (Rule 5)
- (b) Certain Special Session -- at least 2 Senators (Rule 5)
- (c) Certain Reconvened Session of a Special Session -- at least 2 Senators (Rule 5)

- (34) Quorum
- (a) Emergency -- at least 16 Senators  
(Const. Art. IV, Sec. 8)
- (b) Daily Session -- a majority of members elected,  
not less than.....21  
(Const. Art. IV, Sec. 8; Rule 5)
- (c) Reconvened Session -- a majority of members elected,  
not less than.....21
- (d) Certain Special Session -- at least 2 Senators (Rule 5)
- (e) Certain Reconvened Session of a Special Session -- at least 2 Senators (Rule 5)
- (f) Committee -- at least 8 Senators  
(Rule 20(e))
- (35) Election of "Interim" Clerk -- a majority of Committee members present and voting at least 5 Senators
- (36) Confirmation of Virginia Conflict of Interest and Ethics Advisory Council Appointments -- a majority vote of  
(i) the members present of the majority party and  
(ii) the members present of the minority party

### SENATE RESOLUTION NO. 71

*Nominating a person to be elected to the Supreme Court of Virginia.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the Supreme Court of Virginia as follows:

The Honorable D. Arthur Kelsey, of Suffolk, as a justice of the Supreme Court of Virginia for a term of twelve years commencing February 1, 2015.

### SENATE RESOLUTION NO. 72

*Nominating persons to be elected to the Court of Appeals of Virginia.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Richard Y. AtLee, Jr., of York, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

The Honorable Mary Grace O'Brien, of Prince William, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

Wesley G. Russell, Jr., of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing February 1, 2015.

### SENATE RESOLUTION NO. 73

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Johnny E. Morrison, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing February 1, 2015.

The Honorable Michelle J. Atkins, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Gordon F. Willis, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing April 1, 2015.

The Honorable Cheryl V. Higgins, of Albemarle, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing April 1, 2015.

### SENATE RESOLUTION NO. 74

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Philip J. Infantino, III, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing April 1, 2015.

The Honorable Bruce A. Wilcox, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Gary A. Mills, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing April 1, 2015.

The Honorable M. Woodrow Griffin, Jr., of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Tonya Henderson-Stith, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing May 1, 2015.

The Honorable Colleen K. Killilea, of James City County, as a judge of the Ninth Judicial District for a term of six years commencing November 1, 2015.

The Honorable Pamela O'Berry, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing April 1, 2015.

Jacqueline S. McClenney, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing December 1, 2015.

The Honorable William J. Minor, Jr., of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2015.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing February 1, 2015.

The Honorable Jacqueline F. Ward Talevi, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing February 1, 2015.

The Honorable Richard A. Claybrook, Jr., of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing March 1, 2015.

The Honorable Amy B. Tisinger, of Shenandoah, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

The Honorable Gino W. Williams, of Floyd, as a judge of the Twenty-seventh Judicial District for a term of six years commencing April 1, 2015.

### SENATE RESOLUTION NO. 75

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Deborah L. Rawls, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing March 1, 2015.

The Honorable Michelle J. Atkins, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Jacqueline R. Waymack, of Prince George, as a judge of the Sixth Judicial District for a term of six years commencing June 1, 2015.

The Honorable Judith Anne Kline, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing April 1, 2015.

The Honorable Deborah S. Roe, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing May 1, 2015.

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2015.

The Honorable R. Michael McKenney, of Northumberland, as a judge of the Fifteenth Judicial District for a term of six years commencing May 1, 2015.

The Honorable Uley Norris Damiani, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing February 1, 2015.

The Honorable Thomas P. Setolo, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2015.

The Honorable Hugh David O'Donnell, of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing April 1, 2015.

The Honorable Robert C. Viar, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2015.

The Honorable Michael J. Bush, of Russell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing April 1, 2015.

Martha P. Ketron, of Russell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing February 1, 2015.

### SENATE RESOLUTION NO. 76

*Nominating persons to be elected members of the Judicial Inquiry and Review Commission.*

Agreed to by the Senate, January 20, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected members of the Judicial Inquiry and Review Commission as follows:

The Honorable H. Lee Chitwood, of Pulaski, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2015.

The Honorable Mary Bennett Malveaux, of Henrico, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2015, and for a term of four years commencing July 1, 2015.

Michael E. Untiedt, of Smyth, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2015.

### SENATE RESOLUTION NO. 77

*Commending Riverside Hospital.*

Agreed to by the Senate, January 29, 2015

WHEREAS, Riverside Hospital in Newport News celebrates 100 years of providing exceptional care to members of the community; and

WHEREAS, Riverside Hospital began in 1915 as a result of the visionary efforts of local business leaders, who raised \$10,000 to construct a 50-bed hospital; and

WHEREAS, the original Riverside Hospital was built on Huntington Avenue; it was moved to a larger facility with 450 beds on J. Clyde Morris Boulevard in 1963; and

WHEREAS, over the course of its history, Riverside Hospital has provided more than six million days of care, treating more than one million inpatients; and

WHEREAS, during this century of service, Riverside Hospital has pioneered advanced programs in cancer treatment, neurosciences, and coronary care and established the region's Level II Trauma Center; and

WHEREAS, Riverside Hospital's residency program has graduated more than 976 family and OB/GYN doctors from its teaching programs and 2,162 from its School of Health Professions; and

WHEREAS, Riverside Hospital's health care services extend throughout the eastern and central Virginia regions to include Southside, Eastern Shore, Middle Peninsula, Northern Neck, Williamsburg, Richmond, Petersburg, Charlottesville, and the Peninsula; and

WHEREAS, Riverside Hospital has built the largest continuum of services to care for older adults in the Commonwealth, allowing Virginians to age in a place of their choosing; and

WHEREAS, Riverside Hospital is a pioneer in introducing electronic medical records to the region and developed one of the first electronic connectivity platforms between patient and physician, which earned the hospital the national distinction of "Most Wired" for 10 consecutive years from *Hospitals and Health Networks*; and

WHEREAS, Riverside Health System was one of the first health systems in the nation to receive Meaningful Use designation by the Centers for Medicare and Medicaid Services; and

WHEREAS, Riverside Health System has created partnerships with the University of Virginia to introduce radiosurgery and the area's only Gamma Knife, offers graduate medical education with Virginia Commonwealth University and Eastern Virginia Medical School, and developed the Peninsula Agency on Aging; and

WHEREAS, from its humble beginnings, Riverside Hospital has grown to nearly 10,000 employees, with services in over 200 locations throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Riverside Hospital hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Riverside Hospital as an expression of the Senate of Virginia's admiration for the hospital's commitment to continue providing exceptional health services.

### SENATE RESOLUTION NO. 78

*Celebrating the life of Carl Michael Ross.*

Agreed to by the Senate, January 28, 2015

WHEREAS, Carl Michael Ross, a hardworking public servant, passionate social worker, and dedicated volunteer who worked to enhance the quality of life of his fellow Petersburg residents, died on January 23, 2015; and

WHEREAS, a native of Annapolis, Maryland, Carl "Mike" Ross graduated from Annapolis Senior High School and earned bachelor's and master's degrees from what is now Virginia State University; and

WHEREAS, Mike Ross began his career as a social worker at Southside Virginia Training Center; he later provided mental health support at Poplar Springs Hospital and supported members of the military as an education service and test control officer at an Army Continuing Education System center and a Military Entrance Processing Station; and

WHEREAS, an active and enthusiastic volunteer in the Petersburg area, Mike Ross was a founding member of the Petersburg Academic Sports League and frequently worked with Virginia Cooperative Extension and the Civilian Welfare Fund Council; he served as president and treasurer of the East Walnut Hills Neighborhood Association; and

WHEREAS, Mike Ross was a devoted supporter of education as a member of the Petersburg High School PTA, board member of John Tyler Community College, and former member and vice chair of the Petersburg School Board; and

WHEREAS, desirous to be of service to his fellow residents, Mike Ross ran for and was elected to the Petersburg City Council; he served from 2003 to 2015 and had recently been appointed to serve as vice mayor; and

WHEREAS, Mike Ross lived his faith through his actions and enjoyed fellowship and worship with the community at Greater Faith African Methodist Episcopal Zion Church in Petersburg, where he was a trustee and sang in the choir; and

WHEREAS, Mike Ross cared deeply for his loved ones, and he will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Carl Michael Ross, a public servant, social worker, and volunteer who served and supported the Petersburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carl Michael Ross as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 79

*Commending Palmer Stillman.*

Agreed to by the Senate, February 5, 2015

WHEREAS, Palmer Stillman, the longtime president and chief executive officer of NAE Federal Credit Union, has served and supported members of the Hampton Roads community for five decades; and

WHEREAS, NAE Federal Credit Union was established in 1965 by 10 employees at the Norfolk Ford Light Truck Plant as a way to help other employees save and borrow money, and Palmer Stillman took charge of the organization soon after it was created; and

WHEREAS, in the credit union's early days, Palmer Stillman disbursed money at the plant or from his home; his wife, Katy, posted ledger cards, handwrote loans, updated accounts, and mailed statements; and

WHEREAS, under Palmer Stillman's exceptional leadership, NAE Federal Credit Union continued to grow; the credit union opened its first office on Indian River Road in 1978 and its second office on Battlefield Boulevard in 1987; and

WHEREAS, during the 1970s and 1980s, Palmer Stillman helped NAE Federal Credit Union expand to serve other businesses, churches, civic leagues, and groups in the region, extending the organization's tradition of high-quality service to many new customers in Chesapeake; and

WHEREAS, Palmer Stillman oversaw the opening of NAE Federal Credit Union's third office on Taylor Road in 2003; in 2006, the credit union was granted a Community Charter by the National Credit Union Administration, allowing membership to grow further; and

WHEREAS, with Palmer Stillman as president and chief executive officer, NAE Federal Credit Union has grown from a small, community organization to a respected financial institution with \$90 million in assets, 15,000 members, and 40 employees; now, therefore, be it

RESOLVED by the Senate of Virginia, That Palmer Stillman hereby be commended for 50 years of diligent service to the residents of Hampton Roads as president and chief executive officer of NAE Federal Credit Union; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Palmer Stillman as an expression of the Senate of Virginia's admiration for his visionary leadership and tireless dedication to the community.

### SENATE RESOLUTION NO. 80

*Commending the Dochiki Civic and Social Club, Inc., on the occasion of its 75th anniversary.*

Agreed to by the Senate, February 5, 2015

WHEREAS, on March 15, 1940, eleven businessmen gathered in the Odessa Barber Shop at 29th Street and Chestnut Avenue in Newport News and organized "Los Amigas," a social club for men; and

WHEREAS, in 1942, the club changed its name to "Dochiki," a word of Chinese origin meaning "love and friendship," and established the "Handshake" as its emblem; the men's club is currently known as the Dochiki Civic and Social Club, Inc.; and

WHEREAS, initially, the club held its meetings alternately in members' homes until May 1948, when the club moved its meetings to "Alley Inn," a room over the garage of a club member; due to the increase in membership, the club had to lease property and later, on August 7, 1952, it purchased property at its present location; and

WHEREAS, since its founding in 1940, the Dochiki Civic and Social Club, Inc., has been actively involved in the community's social, political, educational, and philanthropic affairs and has provided outstanding civic leadership in Newport News, including serving as the Chestnut Voting Precinct for many years and donating generously to charitable causes; and

WHEREAS, in April 1960, the Dochiki Wives Auxiliary, Inc., was established to complement and assist the men's club with its scholarships and educational, social, health, and civic projects, particularly in the 1960s and 1970s to support the Daily Press Christmas Fund and in the 1980s and 1990s to aid additional charities, youth programs, and senior citizen projects in the community; and

WHEREAS, in 1970, the club purchased the Bailey house at 2709 Chestnut Avenue in Newport News and, later, property owned by club member Cornelius Glover was donated, enabling the club to build a major addition in 1985; current club facilities occupy one full city block and include many amenities, such as a 300-seat ballroom, a commercial kitchen, several restroom suites, an office, recreational and storage areas, lounges, a 24-seat bar with adjacent kitchen, an 80-space locker room, and ample parking, all of which are handicapped accessible; and

WHEREAS, throughout its existence, the club has welcomed many national leaders, state and local officials, professionals, and sports and entertainment celebrities and hosted civic night programs and public forums, such as a forum in March 2014 in which Edward Jackson, executive architect of the Dr. Martin Luther King, Jr. Memorial on the National Mall in Washington, D.C., was the guest speaker; and

WHEREAS, today, the club's membership includes businessmen, educators, elected officials, members of the military, and other professionals, and men throughout the community, who are devoted to supporting area children's programs, the Virginia School for the Deaf and the Blind, the Orcutt Avenue Senior Citizens Club, the Peninsula Sportsman Club, the Interclub senior men's luncheon group, and candidate civic and political forums, focusing on health and vitality and emphasizing family values; and

WHEREAS, the Dochiki Civic and Social Club, Inc., a mainstay in Newport News that has contributed much to the welfare of the community, will remain a place where the city's men can gather for fellowship, to socialize, debate current issues, and enjoy sports; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Dochiki Civic and Social Club, Inc., hereby be congratulated on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the president of the Dochiki Civic and Social Club, Inc., as an expression of the Senate's high regard for the club and its many years of service to the Newport News community.

### SENATE RESOLUTION NO. 81

*Commending the Reverend Dr. Devlaming A. Peace, Sr.*

Agreed to by the Senate, February 5, 2015

WHEREAS, the Reverend Dr. Devlaming A. Peace, Sr., has led Zion Bethel United Church of Christ in Portsmouth for 35 years, providing a shining example of service through faith, worship, and deed; and

WHEREAS, the Reverend Devlaming "D.A." Peace, a native of Durham, North Carolina, and a graduate from Hillside High School, has been a devout student of biblical teachings for many years, starting with his college studies; and

WHEREAS, the Reverend D.A. Peace attended the American Bible College, and earned a bachelor's degree from Shaw University Divinity School and a master's degree from Union Christian Bible Institute, Inc.; his doctoral degree is from International Seminary; and

WHEREAS, in addition to serving the people of Zion Bethel United Church of Christ, the Reverend D.A. Peace works for the betterment of the Portsmouth area as president of the Zion Bethel Community Development Corporation; and

WHEREAS, the Reverend D.A. Peace is the dean and a teaching professor at Union Christian Bible Institute in Portsmouth and is president of the city's Southside Interdenominational Religious Coalition; and

WHEREAS, the people of Portsmouth have benefited from the Reverend D.A. Peace's wisdom and counsel; he is a long-standing member of the Portsmouth Civil Service Commission and is president of Black Development Resources, Inc.; and

WHEREAS, the Reverend D.A. Peace has received many accolades over the years, including receiving the "Implement the King Dream" Award, sponsored by Unique K Productions, the Outstanding Service Award from the Southside Interdenominational Religious Coalition for serving as president for more than 20 years, and many other honors; and

WHEREAS, the hallmarks of the Reverend D.A. Peace's ministry at Zion Bethel United Church of Christ are his love of people and his leadership skills; he is a man whose faith is at the forefront of his life; and

WHEREAS, the Reverend D.A. Peace, who is known for his generous heart and loving spirit, is a servant leader who freely gives of his time and talents; these qualities bring people together and have resulted in a fruitful ministry at Zion Bethel United Church of Christ; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Dr. Devlaming A. Peace, Sr., hereby be commended on the occasion of his 35th anniversary as pastor of Zion Bethel United Church of Christ in Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Devlaming A. Peace, Sr., as an expression of the Senate of Virginia's respect and admiration for being a shining example of service to others and to the Commonwealth.

### SENATE RESOLUTION NO. 82

*Celebrating the life of R. David O'Dell, Jr.*

Agreed to by the Senate, February 5, 2015

WHEREAS, R. David O'Dell, Jr., a respected businessman and the former mayor of Montross, who dedicated much of his life to public service, died on December 31, 2014; and

WHEREAS, a native of Warsaw, David O'Dell served the Montross community as the owner and operator of Blue and Gray Food Stores, Inc., where he earned a reputation for exceptional customer service; and

WHEREAS, desirous to be of further service to the community, David O'Dell became active in local civic affairs and ran for the Montross Town Council to ensure that the needs of his fellow residents were addressed; and

WHEREAS, the longest-serving mayor and council member in Montross history, David O'Dell served as mayor from 1988 to 1992, vice mayor from 1992 to 1999, and mayor from 1999 to 2014; he also served on the Planning Commission from 1980 to 2014; and

WHEREAS, known for his candor and efficiency, David O'Dell was an active leader who worked to ensure a high quality of life for all Montross residents, and in times of emergency, he went above and beyond in service to the community; and

WHEREAS, David O'Dell enjoyed fellowship and worship with the community as a member of St. James' Episcopal Church, where he served on the vestry; and

WHEREAS, a loyal husband, father, and friend, David O'Dell will be fondly remembered and greatly missed by his wife of 46 years, Frances; sons, John and Richard, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of R. David O'Dell, Jr., a businessman, public servant, and pillar of the Montross community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of R. David O'Dell, Jr., as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 83

*Celebrating the life of Robert Barns Brittain.*

Agreed to by the Senate, February 5, 2015

WHEREAS, Robert Barns Brittain, a public servant and community leader who worked to enhance the quality of life of his fellow Tazewell residents, died on January 18, 2015; and

WHEREAS, a native of Tazewell, Robert "Bobby" Brittain earned a bachelor's degree from Hampden-Sydney College; and

WHEREAS, after completing his education, Bobby Brittain served the Tazewell community in a number of ways, including as a member of the Tazewell Town Council; and

WHEREAS, Bobby Brittain volunteered his time and wise leadership as a board member for several banks, coal companies, and other local businesses and organizations; and

WHEREAS, an avid outdoorsman and hunter, Bobby Brittain traveled the world seeking trophy game; and

WHEREAS, proud of his deep family heritage in the Cove area of Tazewell County, Bobby Brittain appeared in the 1994 film *Lassie*, which was filmed in the Cove and highlighted the area's quaint, rural charms; and

WHEREAS, Bobby Brittain will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Robert Barns Brittain, a public servant and active member of the Tazewell community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Barns Brittain as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 84

*Celebrating the life of Curtis Howard Hazel.*

Agreed to by the Senate, February 5, 2015

WHEREAS, Curtis Howard Hazel, who lived in Newport News for 42 years, a man of many talents and wide-ranging interests who was involved in many areas of his community, an entrepreneur, a man of great faith, and a devoted husband and father, died on January 22, 2015; and

WHEREAS, Curtis Hazel, who was known as Curt, graduated from Old Dominion University and was a member of the alumni association; he was active in several fraternal and civic organizations, including Omega Psi Phi fraternity and the Freemasons; and

WHEREAS, a member of the Newport News Democratic Committee for more than 20 years, Curt Hazel provided leadership as a member of the executive board; for more than 35 years, he devoted much time and energy campaigning for local, state, and national Democratic candidates, and he worked as an election official; and

WHEREAS, Curt Hazel served on the board of directors of the Virginia Choral Society; he was active in the music group's "Reach for the High Note" program that offers fine choral music and education throughout the Newport News community; and

WHEREAS, as an entrepreneur, Curt Hazel pursued many career interests; after serving in the United States Air Force, he was host of a news and talk show on AM radio station WTJZ for several years, and he was a partner in an insurance consulting firm with a longtime friend; and

WHEREAS, at the time of his retirement, Curt Hazel was a partner in G&H Consultants, a company that specializes in building affordable housing in Hampton Roads; he loved life and stayed active, enjoying golf, reading, and spending time with family and friends; and

WHEREAS, a man of great faith, Curt Hazel was a member of St. Stephen's Episcopal Church in Newport News for 43 years; he served on the vestry and was a lay minister; he also attended to sick and shut-in church members by delivering the Holy Eucharist; and

WHEREAS, Curt Hazel will be greatly missed and fondly remembered by Marvis, his wife of 51 years; his children, Anita and Lydia, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Curtis Howard Hazel of Newport News, a man of many talents and wide-ranging interests who was involved in many areas of his community, an entrepreneur, a man of great faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Curtis Howard Hazel as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 85

*Commending Celestial Baptist Church.*

Agreed to by the Senate, February 5, 2015

WHEREAS, Celestial Baptist Church, which provides spiritual leadership and generous outreach programs to the Portsmouth community, celebrates its 100th anniversary in 2015; and

WHEREAS, the Reverend Frank M. Jones and 13 officers organized Celestial Baptist Church on March 15, 1915, in Portsmouth; after three years they were able to purchase land in Forest Park, known as Mount Vernon Avenue, where they erected a framed building; and

WHEREAS, Reverend Jones served with dedication for 28 years until his death on October 6, 1943; thanks to his sound leadership, the church's original mortgage was burned during his lifetime; and

WHEREAS, the Reverend W. Limon Lowe accepted leadership on March 23, 1945, and during his tenure, two adjoining lots were purchased, the sanctuary was enlarged, and an annex was added; he resigned to accept a call to serve as a pastor in Delaware, but he returned and became a member of Celestial Baptist Church after his retirement; and

WHEREAS, the Reverend H. G. Hairston accepted leadership of Celestial Baptist Church in November 1950 and served until February 28, 1965; under his leadership, additional land was purchased and the church's debt was retired; and

WHEREAS, the Reverend C. L. Robinson accepted leadership of Celestial Baptist Church on January 8, 1967; during his tenure, the framed building was demolished and a modern brick edifice was built and dedicated; and

WHEREAS, the Reverend Leon J. Boone was elected interim pastor of Celestial Baptist Church on January 18, 1977, and elected pastor on November 19, 1977; the mortgage on the church was paid off shortly after his arrival and was burned in August 1983; he remained pastor for 35 years until August 2012; and

WHEREAS, the Reverend Ann Joyce Grant Fortineau is a lifelong member of Celestial Baptist Church and has served in many auxiliaries; she was licensed by the church in 1993 and assumed the responsibilities of assistant pastor in 2012, serving faithfully in that position until her ordination in November 2012; and

WHEREAS, since December 2012, Reverend Fortineau has led the congregation as interim pastor; the way she carries out her duties with faith, knowledge of the Word, dignity, and grace has made her an inspiration to all; now, therefore, be it

RESOLVED by the Senate of Virginia, That Celestial Baptist Church hereby be commended for its exceptional spiritual leadership of the residents of Portsmouth on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Celestial Baptist Church as an expression of the Senate of Virginia's admiration for the church's many contributions to the Portsmouth community.

### SENATE RESOLUTION NO. 86

*Commending the Reverend Jerome Hancock.*

Agreed to by the Senate, February 5, 2015

WHEREAS, the Reverend Jerome Hancock, pastor emeritus of Southside Church of the Nazarene in Chesterfield County, has led the church for 28 fruitful years, overseeing a period of sustained growth and great expansion of the church's ministries; and

WHEREAS, Jerome Hancock, who was called to lead Southside Church of the Nazarene in January 1987, is from West Virginia and earned a bachelor's degree, and later a master's degree, from Trevecca Nazarene University; immediately after receiving his undergraduate degree, he began his life's work in ministry; and

WHEREAS, the first three years of Jerome Hancock's ministry were in the Commonwealth—he was minister of music and youth at Calvary Church of the Nazarene in Northern Virginia; he then was called to churches in Kansas and Texas before returning to the Commonwealth as pastor of Southside Church of the Nazarene; and

WHEREAS, as leader of Southside Church of the Nazarene, Jerome Hancock has guided the church and its congregation through several stages of growth, including relocating the vibrant faith community to a central location in Chesterfield County; and

WHEREAS, Jerome Hancock has helped create a multisite church campus and develop a wide-ranging ministry for Southside Church of the Nazarene; the church's partners include Guardian Christian Academy, the X-Zone community center, and Footsteps Christian Counseling service; and

WHEREAS, in the years that Jerome Hancock has been pastor at Southside Church of the Nazarene, church attendance has risen; currently, about 1,300 people attend weekend worship services, and an average of 575 people take part in weekly small group gatherings; and

WHEREAS, under Jerome Hancock's leadership, Southside Church of the Nazarene has worked to be a force for good for Chesterfield County and the region, setting an example by the way church members pray, love, and live; and

WHEREAS, during his quarter-century at Southside Church of the Nazarene, Jerome Hancock has striven to lead the church and minister to the needs of all who worship there by challenging and encouraging his members to live a life of purpose—through worship, fellowship, discipleship, ministry, and mission; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Jerome Hancock, pastor emeritus of Southside Church of the Nazarene in Chesterfield County, hereby be commended for his 28 years of service and leadership to the church community and the Chesterfield County region during a time of sustained growth and expansion of the church's ministries; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Jerome Hancock as an expression of the Senate of Virginia's respect and admiration for his leadership, dedication, and service to the people of his church and the community at large.

**SENATE RESOLUTION NO. 87**

*Commending the Mathews High School girls' volleyball team.*

Agreed to by the Senate, February 12, 2015

WHEREAS, the Mathews High School girls' volleyball team won the Virginia High School League Group 1A state semifinal on November 18, 2014; and

WHEREAS, the Mathews High School Blue Devils had a strong finish to the regular season and beat West Point High School to win their conference; and

WHEREAS, in the first round of the regional playoffs, the Mathews High School Blue Devils defeated Cumberland County High School and upset the number one seeded Northumberland High School; they defeated West Point High School again to win the regional title; and

WHEREAS, after winning the semifinal match against Radford High School, the Mathews High School Blue Devils advanced to the state final against Auburn High School, where they received the sportsmanship award; and

WHEREAS, each member of the Mathews High School Blue Devils—Stacey Abernathy, Josey Bauby, Sophia Bandurco, Allison Foster, Brittany Mitchem, Keely Crittenden, Belle Massimino, Sabrina Barrick, Morgan Driskell, Madison South, Kai McCann, Hallie Duncan, Anne Stewart, Emily Sorey, and Mariah Robinson—contributed to the successful season; and

WHEREAS, the Mathews High School Blue Devils benefited from the exceptional leadership of Head Coach Pat Moughon and the assistant coaches and staff, including Melany Slaughter and Abigail Kramer; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Mathews High School girls' volleyball team hereby be commended on winning the 2014 Virginia High School League Group 1A state semifinal; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pat Moughon and the Mathews High School girls' volleyball team as an expression of the Senate of Virginia's admiration for the team's hard work and determination.

**SENATE RESOLUTION NO. 88**

*Commending Mount Pleasant Baptist Church.*

Agreed to by the Senate, February 12, 2015

WHEREAS, in 2015, Mount Pleasant Baptist Church in Norfolk celebrates 150 years of spiritual leadership of and generous outreach to its congregation and the community; and

WHEREAS, Mount Pleasant Baptist Church traces its deepest roots to the antebellum period, when two slaves, Jacob Cargo and Elijah Lively, held prayer meetings on Lenox Farm and brush arbor services throughout the area; and

WHEREAS, after the Emancipation Proclamation, prayer meetings were held in the home of Peter Catney, and Mount Pleasant Baptist Church was officially founded on October 1, 1865, taking its name from Mount Pleasant Farm in Gloucester County; and

WHEREAS, to accommodate better the growing congregation, Mount Pleasant Baptist Church constructed its first building on what is now the corner of Newport Avenue and Birmingham Avenue; and

WHEREAS, in 1913, Mount Pleasant Baptist Church acquired land for its current location, and the original location became the church cemetery; and

WHEREAS, over the years, Mount Pleasant Baptist Church has inspired many men and women to live their faith through their actions and take up leadership roles in the church; the first recorded pastor was the Reverend Zachariah Hughes in 1878; and

WHEREAS, Mount Pleasant Baptist Church has been ably led by the Reverend Garfield R. Mallory, the Reverend Howell McClendon, the Reverend William H. Crews, the Reverend Ben A. Beamer, the Reverend Dr. James Harris, and the Reverend Dr. William L. Davis, Jr.; and

WHEREAS, Mount Pleasant Baptist Church works to present the teachings of Jesus Christ in a caring, contemporary, and creative manner and to help members of the congregation achieve the principles and fellowship of the Christian faith; and

WHEREAS, throughout its history, Mount Pleasant Baptist Church has succeeded in its mission to help members of the community grow, change, and connect with one another; now, therefore, be it

RESOLVED by the Senate of Virginia, That Mount Pleasant Baptist Church hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. William L. Davis, Jr., and the congregation of Mount Pleasant Baptist Church as an expression of the Senate of Virginia's admiration for the church's contributions to the Norfolk community.

**SENATE RESOLUTION NO. 89**

*Commending the National Association of Social Workers Virginia Chapter.*

Agreed to by the Senate, February 12, 2015

WHEREAS, the National Association of Social Workers Virginia Chapter works to facilitate the professional growth and development of social workers and to create and maintain standards to ensure high-quality service to Virginians in need; and

WHEREAS, the primary goal of social work is to enhance the well-being of community members and to help meet the basic needs of all people, especially the most vulnerable members of society; and

WHEREAS, Social Work Pioneers, members of the National Association of Social Workers who have made innovative and valuable contributions to the field, have promoted social justice and paved the way for positive social change; and

WHEREAS, social workers recognize that more must be done to address persistent social problems and apply their research and advocacy skills to transform community needs into local, state, and national priorities; and

WHEREAS, social workers put the ideals of citizenship into action every day through legislative, regulatory, and social policy victories; and

WHEREAS, social workers support diverse families in every community, understanding that individuals and communities can work together to bring about positive change; and

WHEREAS, social workers strive to improve the rights of women, African Americans, ethnic minorities, and other disenfranchised communities; and

WHEREAS, social workers know from experience that discrimination of any kind limits human potential and must be eliminated; and

WHEREAS, social workers know that poverty and trauma can create lifelong social and economic disadvantages, and they strive to help individuals overcome these factors and build stronger communities; and

WHEREAS, the National Association of Social Workers celebrates its 60th anniversary in 2015; now, therefore, be it

RESOLVED by the Senate of Virginia, That the National Association of Social Workers Virginia Chapter hereby be commended for its advocacy on issues affecting the practice of social work in Virginia, support for the Board of Social Work and schools of social work, and efforts to educate professionals on standards of practice within the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the National Association of Social Workers Virginia Chapter as an expression of the Senate of Virginia's admiration for the organization's work to pave the way for positive change in the Commonwealth.

**SENATE RESOLUTION NO. 90**

*Commending the James C. Archbell III Foundation.*

Agreed to by the Senate, February 12, 2015

WHEREAS, the James C. Archbell III Foundation in Chesapeake offers financial and educational assistance and spiritual encouragement to underprivileged children in Hampton Roads through several innovative and compassionate outreach efforts; and

WHEREAS, the James C. Archbell III Foundation (JCA Foundation) was established to help enhance the lives of children in the greater Hampton Roads area by providing hope and opportunity to them; and

WHEREAS, a soup kitchen and an annual Kidz Kruz holiday shopping spree are two of the JCA Foundation's programs; the soup kitchen is dedicated to feeding those in need, serving hundreds of families at the Judeo-Christian Outreach Center in Virginia Beach; and

WHEREAS, the popular Kidz Kruz holiday shopping spree has been held for 10 years; the 2014 event brought more than 850 students and hundreds of volunteers to a Walmart in Chesapeake on December 7 for an afternoon of shopping, food, and fun; and

WHEREAS, for the event, the JCA Foundation arranges bus transportation from the students' schools, \$20 gift cards for each child, a pizza dinner, and a visit with Santa Claus and tops it off with a ride to the Virginia Beach oceanfront to see the McDonald's Holiday Lights at the Beach spectacular; and

WHEREAS, local politicians and government officials are involved with Kidz Kruz; they take part in special drawings held on each bus—17 buses were used for the 2014 event—to give away two bicycles and two scooters per bus, all donated by the JCA Foundation; and

WHEREAS, the annual shopping spree and holiday festivities began 10 years ago with three buses; today, the JCA Foundation's Kidz Kruz program has become the largest event of its kind in Tidewater Virginia and a joyous occasion for all involved; and

WHEREAS, James Archbell is the force behind the JCA Foundation; he is passionate about helping underprivileged children in Hampton Roads and steadfast in his belief that children are the future; now, therefore, be it

RESOLVED by the Senate of Virginia, That the James C. Archbell III Foundation of Chesapeake hereby be commended for offering hope and opportunity to underprivileged children in Hampton Roads by providing educational, social, and financial support; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to an outstanding Virginian, James Archbell, founder of the James C. Archbell III Foundation, as an expression of the Senate of Virginia's respect and admiration for his generosity and efforts to help underprivileged children, and families in need, in Hampton Roads.

### SENATE RESOLUTION NO. 91

*Celebrating the life of Dr. William Cleveland Boshers, Jr.*

Agreed to by the Senate, February 12, 2015

WHEREAS, Dr. William Cleveland Boshers, Jr., distinguished architect of public education in Virginia and respected former Superintendent of Public Instruction, was born on January 21, 1946, in Richmond and passed into eternal life on December 1, 2014; and

WHEREAS, Dr. William Cleveland Boshers, Jr., was reared by parents who loved him and instilled in him Christian values, a love of learning, and a strong work ethic; he graduated from Lee-Davis High School, received a bachelor's degree in English from the University of Richmond, a master's degree in counselor education from Virginia Commonwealth University, and a doctorate in educational administration from the University of Virginia; and

WHEREAS, as Superintendent of Public Instruction, Dr. William Cleveland Boshers, Jr., led the Virginia Board of Education's implementation of the controversial Standards of Learning that were designed to strengthen student learning and promote educational accountability; and

WHEREAS, Dr. William Cleveland Boshers, Jr., dedicated his professional life to the education of young people, coming up through the ranks as an English teacher and supervisor in the Henrico County Public Schools; in 1981, he was elevated to Henrico County superintendent of schools; and

WHEREAS, after leaving his position as Henrico County superintendent of schools, Dr. William Cleveland Boshers, Jr., served as State Superintendent of Public Instruction from 1994 to 1996; and

WHEREAS, he served from 1996 to 2000 as Chesterfield County superintendent of schools, and during his tenure, Dr. William Cleveland Boshers, Jr., led the effort to increase the number of fully accredited county schools under the Standards of Learning program; and

WHEREAS, after leaving his position as Chesterfield County superintendent of schools in 2000, Dr. William Cleveland Boshers, Jr., served as executive director of the Commonwealth Educational Policy Institute and distinguished professor of public policy and education at Virginia Commonwealth University, where he served as dean of the School of Education from 2002 to 2005 and created the Student Services Center to consolidate admissions, advising, and clinical placements; and

WHEREAS, a teacher, principal, state director, division superintendent of two of Virginia's largest school systems exceeding more than 35,000 students, and the Superintendent of Public Instruction, Dr. William Cleveland Boshers, Jr., had a profound impact on public education in the Commonwealth through his many years of service as a mentor to hundreds of students and colleagues, as the NBC12 Educational Specialist, and as a member of several professional and community organizations, among them the University of Richmond Board of Trustees, board of directors of the Education Commission of the States, the Appalachian Education Laboratory, the Schoolnet, Inc., board of advisors, and director of River City Bank in Mechanicsville and Great Aspirations Scholarship Program (GRASP); and

WHEREAS, William Boshers is the only Virginia division superintendent who was named twice as the Superintendent of the Year and was voted the Arts Administrator of the Year by the Kennedy Center in Washington, D.C.; he served as consultant to more than 35 states and foreign countries on educational law, finance, policy analysis, standards development, school evaluations, and human relations; and he was a prolific writer, authoring many school law and educational leadership articles and books; and

WHEREAS, a devout Christian man whose faith in God was foremost in his life and informed his decisions, Dr. William Cleveland Boshers, Jr., was a Bible School teacher and an elder at Fairmount Christian Church for many years; when teaching, he possessed the ability to make the most complicated Bible passages easy to understand for persons at all levels of faith; and he enjoyed singing in "Just Us," a five-man group, throughout Central Virginia; and

WHEREAS, always smiling and resplendent in his signature bow tie, Dr. William Cleveland Boshers, Jr., was affectionately known as "Pop" to his granddaughters and "Bill" to others; he was a devoted son, husband, brother, father, grandfather, and servant of God; with respect for and in honor of his extraordinary service to the Commonwealth, the flag of the Commonwealth of Virginia was flown at half-staff on the day of his homegoing service on all local, state, and federal buildings and grounds in the Counties of Chesterfield, Hanover, and Henrico and the City of Richmond, and over the James Monroe Building in Richmond, where he served as Superintendent of Public Instruction; and

WHEREAS, Dr. William Cleveland Boshers, Jr.'s pastor noted that his life ended as he had lived and prepared for it: "He taught Sunday School on Sunday morning, then went to bed on Sunday night and woke up in heaven"; and

WHEREAS, Dr. William Cleveland Bosher, Jr., leaves a legacy of educational excellence, and the memory of his extraordinary kindness, warm and genuine smile, compassion, and devotion to his God, and he will be cherished by all who loved and knew him; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Dr. William Cleveland Bosher, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. William Cleveland Bosher, Jr., as an expression of the Senate of Virginia's respect for his memory and appreciation of his outstanding contributions to public education in the Commonwealth.

### SENATE RESOLUTION NO. 93

*Commending the Hanover Concert Band.*

Agreed to by the Senate, February 12, 2015

WHEREAS, the Hanover Concert Band, a nonprofit community band organization in Hanover County, has helped amateur musicians develop their talents and spread the joy of music to residents of Hanover County and Richmond for 25 years; and

WHEREAS, founded in 1989, the Hanover Concert Band is open to amateur musicians of all ages and backgrounds; the group meets weekly at the Hanover Arts and Activities Center and performs 12–15 concerts throughout Hanover County and the Richmond area each year; and

WHEREAS, the Hanover Concert Band has performed at the Hanover Tomato Festival, the Virginia War Memorial, Virginia Center Commons Mall, and the Veterans Memorial at Hanover Wayside Park; and

WHEREAS, the Hanover Concert Band is particularly active in the Ashland community, where it has performed at the Strawberry Faire, Fourth of July events, Train Day, and Hanover Arts and Activities Center fundraisers; and

WHEREAS, earning many awards and accolades for its performances, the Hanover Concert Band received the 2007 Hanover County Commitment to Community Award in recognition of its work to improve the quality of life of Hanover County residents; and

WHEREAS, the Hanover Concert Band has fulfilled its mission to provide the gift of live music to the community through many generous donations from boosters, patrons, sponsors, benefactors, and band members and their families; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Hanover Concert Band hereby be commended for its service to the community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Karla Bloom, director of the Hanover Concert Band, as an expression of the Senate of Virginia's admiration for the band's achievements and best wishes for the future.

### SENATE RESOLUTION NO. 94

*Commending the George Mason University Green Machine.*

Agreed to by the Senate, February 12, 2015

WHEREAS, the George Mason University Green Machine, the university's accomplished pep band, was ranked first on NCAA.com's High Five: Best Pep Bands list in 2015; and

WHEREAS, the George Mason University (GMU) Green Machine was established in the 1980s by students of George Mason University in Fairfax; and

WHEREAS, the GMU Green Machine gained a fulltime faculty position when Dr. Michael "Doc Nix" Nickens joined the band after the success of the GMU men's basketball team in the 2006 NCAA Championships; and

WHEREAS, the GMU Green Machine has won numerous competitions and contests for pep bands; it was named Champion of the 2006 NCAA Battle of the Bands, the 2008 and 2009 CAA Best Pep Band by CAAZone.com, and the Most Entertaining Pep Band in College Basketball by Bleacher Report; and

WHEREAS, the GMU Green Machine has had numerous notable performances, including at the 2007 ESPN Old Spice Classic's Pep Band Challenge, the 2009 NCAA Frozen Four, where Doc Nix and the Green Machine performed as Bemidji State University's pep band, the 2011 and 2012 Colonial Athletic Association's Breakfast with the Bands intercollegiate pep band showcase, the 2012 celebration of the 40th Anniversary of George Mason University, the 2013 inauguration of George Mason University President Ángel Cabrera, and the 2014 inaugural parade of Governor Terence R. McAuliffe; and

WHEREAS, GMU Green Machine members have gone on to perform with multiple premier musical units, such as the United States Navy Band and the United States Air Force Academy Band; and

WHEREAS, the GMU Green Machine's rehearsals have been viewed more than 22 million times on the Internet; now, therefore, be it

RESOLVED by the Senate of Virginia, That the George Mason University Green Machine hereby be commended on being ranked first on the High Five: Best Pep Bands list by NCAA.com; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the George Mason University Green Machine as an expression of the Senate of Virginia's admiration for the band's work to pep up the athletes and fans of George Mason University and to represent one of the premier universities of the Commonwealth.

### SENATE RESOLUTION NO. 95

*Commending John McE. Garrett.*

Agreed to by the Senate, February 12, 2015

WHEREAS, John McE. Garrett, chief deputy clerk of the Senate of Virginia, retired on November 1, 2014, after 45 years of meritorious service to the Commonwealth, including 40 years of outstanding service to the Senate of Virginia; and

WHEREAS, a native of King William County, John Garrett heard the noble calling of public service at an early age, serving as a Senate page during the 1960 Session of the General Assembly and as the Senate assistant postmaster during the 1962 Session of the General Assembly; and

WHEREAS, John Garrett graduated from Randolph-Macon College, earning a bachelor's degree in mathematics; his head for numbers coupled with a deep appreciation for Virginia history would be an ideal combination for a long and successful career in Virginia government; and

WHEREAS, a newly minted college graduate in 1969, John Garrett enlisted in the United States Air Force, serving for four years before embarking on a civil service career as the reading clerk and computer coordinator with the Senate Clerk's Office; and

WHEREAS, after taking a brief hiatus from the Senate Clerk's Office to work for the Virginia Compensation Board as the executive secretary, John Garrett returned to the Senate Clerk's Office in 1988 to take the position of deputy clerk; and

WHEREAS, John Garrett's commitment to excellence led to new career heights; he ably served as the chair of the Compensation Board from 1990 to 1991 and became the Senate's first chief deputy clerk when he took the oath of office on the floor of the Senate on the opening day of the 2008 Regular Session of the General Assembly; and

WHEREAS, desiring to expand and enrich his leadership and managerial skills, John Garrett attended the Virginia Executive Institute and Legislative Staff Management Institute, where he acquired valuable skills for motivating and inspiring the next generation of public servants to do their best; and

WHEREAS, highly respected and regarded among his peers for his institutional knowledge, legislative acumen, and dedication to the profession, John Garrett was awarded the American Society of Legislative Clerks and Secretaries Staff Achievement Award in 2007 for his lifetime contributions in helping to improve the effectiveness of the legislative institution; and

WHEREAS, John Garrett, a loyal and faithful employee and friend, will be greatly missed by the staff of the Senate Clerk's Office, "his second family," who wish him a long and joyful retirement with his wife, Cheryl; daughters, Caroline, Hannah, and Elizabeth; and other family members and friends; and

WHEREAS, John Garrett stands as the epitome of a dedicated public servant who puts his whole mind, body, and heart into his work, believing that a job well done is its own just reward; now, therefore, be it

RESOLVED by the Senate of Virginia, That John McE. Garrett hereby be commended for nearly five decades of public service and consummate dedication to the Senate of Virginia and the Commonwealth on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John McE. Garrett as an expression of the Senate of Virginia's appreciation for his decision to answer one of society's most honorable callings and best wishes for a rich and rewarding retirement.

### SENATE RESOLUTION NO. 96

*Celebrating the life of Dorothy Seal Tolbert.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Dorothy Seal Tolbert of Newport News, who had an active and fulfilling life in the workplace and as a community volunteer, and who was a lifelong learner, a woman of faith known for her kindness and lovely smile, and a devoted wife and mother, died on January 24, 2015; and

WHEREAS, Dorothy Tolbert, who was known to her friends and family as Dot, was born in Norge and graduated from Toano High School; she attended business college before becoming an employee of C&P Telephone Company-Bell Atlantic; and

WHEREAS, Dot Tolbert served for two years in the United States Armed Forces as a medical and surgical technician in the Army Medical Corps; she met her husband at Fort Eustis; and

WHEREAS, after her military service, Dot Tolbert returned to the telephone company, which is now known as Verizon, where she enjoyed a lengthy and rewarding career for 35 years, retiring as a business system designer engineer; and

WHEREAS, continuing her education, Dot Tolbert attended The College of William and Mary, Virginia Wesleyan College, and Christopher Newport University, earning a business diploma; she was a member of the LifeLong Learning Society at Christopher Newport University; and

WHEREAS, Dot Tolbert generously gave of her time and talents as a volunteer for many local organizations, including the American Cancer Society's Relay for Life; she was a 25-year volunteer at Riverside Regional Medical Center and was a member of the Red Hat Society; and

WHEREAS, other organizations that benefited from Dot Tolbert's leadership included the Woman's Club of Newport News, where she was a member for 26 years and served as club president for three years, and the volunteer auxiliary of Riverside Regional Medical Center, where she was president; and

WHEREAS, Dot Tolbert was active in local politics and belonged to the Newport News Republican City Committee; she was a member of the Virginia Peninsula Unit of Parliamentarians; and

WHEREAS, for more than 50 years, Dot Tolbert belonged to the Verizon Peninsula TelecomPioneers and served as an officer and as a board member; she greatly contributed to many other local civic organizations; and

WHEREAS, Dot Tolbert's many friends remember her kindness and generosity—especially her warm smile; she was a woman of faith and belonged to Temple Baptist Church for 58 years, where she taught Sunday School; and

WHEREAS, Dot Tolbert will be greatly missed and fondly remembered by her husband, T. P. "Bob" Tolbert; her son, Robert, and his family; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Dorothy Seal Tolbert of Newport News, who was a dedicated employee of C&P Telephone Company-Bell Atlantic, an active community volunteer, a lifelong learner, a woman of faith who was known for her kindness and lovely smile, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dorothy Seal Tolbert as an expression of the Senate of Virginia's respect for her memory.

#### SENATE RESOLUTION NO. 97

*Commending the James Monroe High School football team.*

Agreed to by the Senate, February 19, 2015

WHEREAS, the James Monroe High School football team of Fredericksburg won the Virginia High School League Group 3A state quarterfinal on November 29, 2014; and

WHEREAS, the James Monroe High School football team defeated teams from Warren County High School and John Champe High School in the first and second rounds of the playoffs; and

WHEREAS, the James Monroe High School Yellow Jackets then bested the Loudoun Valley High School Vikings, winning the state quarterfinal by a score of 34-19; and

WHEREAS, the James Monroe High School Yellow Jackets advanced to the state semifinal against Magna Vista High School, finishing the season with an 11-3 overall record; and

WHEREAS, the James Monroe High School Yellow Jackets have been one of the winningest teams in the region since 2003, with 121 victories and one state title in 2008; the team's head coach, Rich Serbay, was inducted into the Virginia High School League Hall of Fame in 2014 for his exceptional leadership; and

WHEREAS, the successful season is a testament to the skill and dedication of all of the athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire James Monroe High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the James Monroe High School football team hereby be commended on winning the Virginia High School League Group 3A quarterfinal in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rich Serbay, head coach of the James Monroe High School football team, as an expression of the Senate of Virginia's admiration for the team's accomplishments and best wishes for the future.

#### SENATE RESOLUTION NO. 98

*Celebrating the life of Elaine Trimble Patterson.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Elaine Trimble Patterson, a loving wife and mother and devoted friend to many people, an avid bridge player and active volunteer, a patron of the arts who enjoyed travel and reading, a member of many community and cultural organizations, and a person of great faith, died on November 29, 2014; and

WHEREAS, Elaine Trimble was selected the "Capital's Prettiest Baby" not long after her birth in Washington, D.C., and her photograph appeared in newspapers across the country; she was the daughter of a government attorney and the granddaughter of two United States congressmen; and

WHEREAS, Elaine Trimble graduated from Woodrow Wilson High School and Georgetown Visitation Junior College and was a member of the class of 1945 at Trinity College; during World War II, she christened a liberty ship; and

WHEREAS, soon after her marriage to Lieutenant Colonel Lowell H. Patterson, Jr., the couple was stationed in France, where Elaine Patterson gave birth to three of the couple's four sons; the final Army assignment before her husband retired in 1966 was at Fort Monroe; and

WHEREAS, the family settled in Hampton and became active in many areas of the community; after her husband's death in 1979, Elaine Patterson continued to stay busy with volunteer work, bridge games, attending cultural events, travel, reading, and many other activities; and

WHEREAS, Elaine Patterson enjoyed taking part in the activities of the Fort Monroe Officers' Wives Club, the Riverdale Garden Club, the Daughters of the American Revolution, the Jamestowne Society, the Chevy Chase Club, and other civic groups; and

WHEREAS, a woman of great faith, Elaine Patterson was a devout member of the Roman Catholic Church and attended Mass regularly; she was a member of the John Carroll Society, and in 1991, she was invested as a Dame in the Sovereign Military Order of Malta; and

WHEREAS, Elaine Patterson will be greatly missed and fondly remembered by her sons, Lowell, South, Edward, and James, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Elaine Trimble Patterson, a loving wife and mother and devoted friend, an avid bridge player and active volunteer, a patron of the arts who enjoyed travel and reading, a member of many community and cultural organizations, and a person of great faith; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elaine Trimble Patterson as an expression of the Senate of Virginia's respect for her memory.

### SENATE RESOLUTION NO. 99

*Celebrating the life of Bonnie Estelle McEachin.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Bonnie Estelle McEachin of Norfolk, a successful businesswoman who owned the Plaza Hotel and a supporter of the African American community in Hampton Roads, died on October 16, 1996, and is being honored in 2015 by the Association for the Study of Black History and Culture during Black History Month; and

WHEREAS, in 2015, Bonnie McEachin's life and legacy is featured in an exhibit that opens in February at Slover Library in honor of African American History Month; the theme of the exhibition is "A Century of Black Life, History and Culture"; and

WHEREAS, Bonnie McEachin was born in Rose Hill, North Carolina, and moved to Norfolk as a young woman; she soon married Graham McEachin, and the couple's business ventures began when they opened the Shalimar Grill restaurant; and

WHEREAS, with the success of the Shalimar Grill, Bonnie and Graham McEachin then opened the Plaza House; they entered the hotel business in 1950 when they purchased a building at the corner of 18th and Church streets in Norfolk, renaming it the Plaza Hotel; and

WHEREAS, with no experience in running a hotel, the first year was challenging and difficult for Bonnie McEachin and her husband, but her philosophy of "Plan your work, then work your plan, and do what you started out to do" motivated her as they learned by trial and error; and

WHEREAS, Bonnie McEachin's determination to succeed bore fruit and the Plaza Hotel became Norfolk's premier lodging and entertainment venue for the city's burgeoning African American community; and

WHEREAS, in 1955, with Bonnie McEachin as proprietor, the Plaza Hotel boasted a dining room, cocktail lounge, and elegantly appointed guest rooms each with a radio and telephone; some rooms also had air conditioning; and

WHEREAS, under Bonnie McEachin's supervision, the Plaza Hotel hosted social events and was a venue for nationally known entertainers and other distinguished African Americans; as a teenager, Aretha Franklin stayed at the Plaza Hotel with her father, who was a well-known evangelist; and

WHEREAS, Bonnie McEachin was a member of Lodge No. 73 of the Order of the Eastern Star, the Norfolk Temple Elks ladies auxiliary, and many other organizations; she served as vice president of Norfolk Community Hospital and the Nationwide Hotel Association; and

WHEREAS, known for her friendliness and long regarded for her fashion style and extensive wardrobe, Bonnie McEachin was recognized as one of the nation's 10 best-dressed women and was featured in an advertisement in *Ebony* magazine in 1960 that portrayed her elegance and beauty; and

WHEREAS, Bonnie McEachin, who studied at the Norfolk division of Virginia State University and received an honorary degree from Norfolk State University, was honored by the United States Department of Commerce and the Women Allied Liaisons Leaders of Strength organization; and

WHEREAS, Bonnie McEachin's leadership and success derived from her faith; she enjoyed fellowship and worship as a member of Historic First Baptist Church on East Bute Street; and

WHEREAS, Bonnie McEachin, who was predeceased by her husband and by her daughter, Frances, is greatly missed and fondly remembered by her son, Keith McEachin; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Bonnie Estelle McEachin of Norfolk, who in 2015 is being honored during Black History Month, and who was a successful businesswoman and owner of the Plaza Hotel and a supporter of the African American community in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bonnie Estelle McEachin as an expression of the Senate of Virginia's respect for her memory.

### SENATE RESOLUTION NO. 100

*Confirming appointments by the Senate Committee on Rules.*

Agreed to by the Senate, February 25, 2015

RESOLVED by the Senate, That the Senate confirm the following appointments made by the Senate Committee on Rules to the Senate Ethics Advisory Panel made in accordance with § 30-112 of the Code of Virginia:

**The Honorable A. Joe Canada, Jr.**, Post Office Box 126, **Union Hall**, Virginia 24176, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

**Anita Poston**, VanDeventer Black LLP, 101 West Main Street, Suite 500, World Trade Center, **Norfolk**, Virginia 23510, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

### SENATE RESOLUTION NO. 101

*Commending Child Development Resources, Inc.*

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2015, Child Development Resources, Inc., in Norge, celebrates 50 years of helping young children with disabilities or developmental delays become the very best they can be and of advocating on behalf of the nation's youngest citizens; and

WHEREAS, Child Development Resources (CDR), which was founded in 1965 as the Williamsburg Preschool for Special Children, today provides direct services to nearly 1,000 children ages 0–3 and their families, and offers training to education and mental health professionals; and

WHEREAS, CDR has developed several methods that are now in wide practice to help identify and work with children with disabilities who need services; over the years, several of CDR's practices and advocacy efforts have been implemented in other states and countries; and

WHEREAS, CDR serves children with developmental and severe disabilities in the Williamsburg area; in 1978, it moved to a permanent space in Lightfoot after being housed in church basements for the first 13 years of existence; and

WHEREAS, in 1995, the organization opened a new facility in Norge, and two additional CDR sites, both named First Steps Child Care and Development Center, are located at the Griffin-Yeates Learning Center in York County and at Lafayette High School in Williamsburg; and

WHEREAS, the staff at CDR work closely with families of children with disabilities, teaching them how to become their children's primary educator and to show them that they are the most important people in their child's early education and development; and

WHEREAS, CDR's influence and advocacy efforts reach beyond the Williamsburg area; in 1972, the Virginia Developmental Disabilities Council selected it to devise a model for use throughout the Commonwealth to identify children with disabilities in need of services; and

WHEREAS, in 1975, the center was recognized nationally when it received a federal grant for its Early Childhood Model Demonstration Project; the center is a strong advocate for infants and toddlers with disabilities and is internationally known for its professional training and expertise; and

WHEREAS, among the honors and awards that have been received by the CDR are a Communities of Excellence award for the blended services it offers to infants, toddlers, and their families, a Healthcare Hero Award from the Williamsburg Community Health Foundation, and the Carol S. Fox Making Kids Count Award from the Voices for Virginia's Children organization; and

WHEREAS, individuals and organizations have been very generous contributors to Child Development Resources, and local, state, and federal governments have been strong supporters; now, therefore, be it

RESOLVED by the Senate of Virginia, That Child Development Resources, Inc., in Norge hereby be commended on the occasion of its 50th anniversary for its work and advocacy efforts on behalf of young children with disabilities or developmental delays and for the training it offers to education and mental health professionals; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul F. Scott, executive director of Child Development Resources, Inc., as an expression of the Senate of Virginia's respect and

congratulations for its effective education, leadership, and advocacy on behalf of infants and young children in the Williamsburg area, the Commonwealth, and the world.

### SENATE RESOLUTION NO. 102

*Celebrating the life of Samuel T. Jacob, Jr.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Samuel T. Jacob, Jr., a proud veteran, respected businessman, and dedicated community leader in Newport News, died on January 31, 2015; and

WHEREAS, a native of Machipongo in Northampton County, Samuel Jacob served his country as a member of the United States Army during the Korean War, earning three Bronze Star Medals for his valorous actions; and

WHEREAS, a 60-year resident of Newport News, Samuel Jacob was possessed of an entrepreneurial spirit and served the community as the owner of C&J Restorations, a local construction contractor; and

WHEREAS, a respected leader in the construction industry, Samuel Jacob was president of the local plasterers and cement masons union and the Peninsula Central Labor Council; and

WHEREAS, working to enhance the quality of life of his fellow Newport News residents, Samuel Jacob offered his time and wise leadership to various charitable and service organizations, the Newport News Democratic Committee, and several local government committees; and

WHEREAS, Samuel Jacob will be fondly remembered and greatly missed by his wife of 57 years, Dora Lee; children, Samuel III, Michael, and Catherine, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Samuel T. Jacob, Jr., a veteran, business leader, and active member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel T. Jacob, Jr., as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 103

*Commending G. E. Via III.*

Agreed to by the Senate, February 19, 2015

WHEREAS, G. E. Via III, who has represented the citizens of Ashland for 28 years as an appointed and elected official and currently serves on the Hanover County Board of Supervisors, will retire from public service at the end of 2015; and

WHEREAS, G. E. "Ed" Via's experience in local government is extensive; he served on the Hanover County Parks and Recreation Advisory Commission for 16 years and then was a member of the Hanover County Planning Commission for four years, representing the Ashland District; and

WHEREAS, desiring to be of further service to the people of Ashland, in 2007 Ed Via was elected to the Hanover County Board of Supervisors, and currently is in his second term; he was vice chair of the board in 2009, and served as board chair in 2010 and 2012; and

WHEREAS, Ed Via has been a member of several committees of the Hanover County Board of Supervisors, including the Legislative Committee and the Rules Committee, and is an alternate member of the Joint Education Committee; and

WHEREAS, Ed Via worked for the betterment of the area as Hanover County's representative to the Hanover and Ashland Liaison Committee and as a board member of the Capital Region Airport Commission and Richmond Region Tourism; he serves as an alternate member of the Capital Region Taxicab Advisory Board; and

WHEREAS, Ed Via has provided guidance as a member of the Hanover County Social Services Advisory Board and of the board of directors of Sports Backers; he has endeavored to fulfill the county's vision to be a premier community, where people and businesses can achieve their full potential; and

WHEREAS, Ed Via is a graduate of John Marshall High School and North Carolina Wesleyan College; and

WHEREAS, a dedicated and loyal public official, Ed Via has considered it an honor and privilege to serve the people of Hanover County to the best of his ability during a period of change and growth; now, therefore, be it

RESOLVED by the Senate of Virginia, That G. E. Via III hereby be commended for his many years of service to the people of Ashland and Hanover County as a member of the Hanover County Board of Supervisors, the Hanover County Planning Commission, and the Hanover County Parks and Recreation Advisory Commission; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to G. E. Via III as an expression of the Senate of Virginia's respect and admiration for his many years of public service to the people of Ashland and Hanover County and the Commonwealth.

**SENATE RESOLUTION NO. 104**

*Commending Doug Bryant.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Doug Bryant, a dedicated law-enforcement officer and the respected, longtime sheriff of Richmond County, retires in 2015 after nearly four decades of service to the community; and

WHEREAS, a lifetime resident of Richmond County, Doug Bryant has been a law-enforcement officer in the Counties of Northumberland and Richmond for more than 38 years; and

WHEREAS, Doug Bryant was elected sheriff of Richmond County in 2004, at a time when the Richmond County Sheriff's Office operated out of a small, three-room office; as sheriff, he proudly oversaw the transition into a new, larger office in the courthouse complex; and

WHEREAS, Doug Bryant helped the Richmond County Sheriff's Office grow from 10 employees to 32 and helped the office acquire cutting-edge technology, tools, and training to serve and protect the public better; and

WHEREAS, under Doug Bryant's leadership, the Richmond County Sheriff's Office successfully implemented a new animal control department, hired investigators, and began offering school resource officers; and

WHEREAS, to enhance the lives of local senior citizens, Doug Bryant instituted the senior call-in program, where officers call members of the program twice a day to check on their well-being; and

WHEREAS, after his well-earned retirement, Doug Bryant will remain in Richmond County and plans to spend more time with his family; and

WHEREAS, an exemplar of the professionalism and genuine care for the community shown by law-enforcement officers throughout the Commonwealth, Doug Bryant leaves a legacy of excellence to his successor as sheriff; now, therefore, be it

RESOLVED by the Senate of Virginia, That Doug Bryant hereby be commended on the occasion of his retirement as sheriff of Richmond County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Bryant as an expression of the Senate of Virginia's admiration for his leadership and commitment to safeguarding the residents of Richmond County.

**SENATE RESOLUTION NO. 105**

*Commending Frank Duke.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Frank Duke, the respected former director of the Norfolk Department of Planning and Community Development, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it provides leadership in the areas of ethics, professional development, and standards of practice in city planning; and

WHEREAS, Frank Duke was named a Fellow of the AICP for his contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, Frank Duke is one of the most effective and highly respected planners in the southeastern United States, having introduced tiered land use regulations in the Counties of Bay and Palm Beach in Florida, Durham County and the City of Durham in North Carolina, and the City of Norfolk; and

WHEREAS, meeting the specific needs of each locality, Frank Duke developed a transfer of development rights program in Palm Beach County, a form-based code in Durham, and the first countywide zoning ordinance in northwest Florida in Bay County; and

WHEREAS, each of Frank Duke's plans has received awards and accolades, and one of his concurrency programs in Florida was the first in the state to meet all state requirements and withstand legal challenges; now, therefore, be it

RESOLVED by the Senate of Virginia, That Frank Duke hereby be commended on his selection as a Fellow of the American Institute of Certified Planners in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Frank Duke as an expression of the Senate of Virginia's admiration for his many contributions to the City of Norfolk and for his leadership in the planning field.

**SENATE RESOLUTION NO. 106**

*Celebrating the life of Ellett Richard McGeorge, Jr.*

Agreed to by the Senate, February 19, 2015

WHEREAS, Ellett Richard McGeorge, Jr., of Varina, the founding director of the Henrico County Recreation and Parks Department, a former head football and baseball coach at Varina High School, a veteran of World War II, a friend and mentor to many people, and a devoted husband and father, died on January 1, 2015; and

WHEREAS, Ellett McGeorge, who was known as Mac, was born in King William County and attended the University of Richmond for two years, where he played football and basketball; he then joined the United States military, serving as a naval hospital corpsman during World War II; and

WHEREAS, after the war ended, Mac McGeorge returned to college and changed his major from pre-med to physical education, having decided that he wanted to work with people and be a coach; he earned a bachelor's degree from the University of Richmond in 1949; and

WHEREAS, later that year, Mac McGeorge became a health and physical education teacher and coached baseball and football at Varina High School; within a few years, he was head coach of both sports, and was a mentor to many student athletes; and

WHEREAS, in 1956, Mac McGeorge was hired to be the part-time director of the summer recreation program for Henrico County; it was a small endeavor then, but in 1969, the county government created a recreation department and hired Mac McGeorge as its full-time director; and

WHEREAS, by the time Mac McGeorge retired in 1988, the department was responsible for 32 properties in the Henrico County parks system that covered more than 2,000 acres, and he supervised a staff of more than 300 full-time and part-time employees; and

WHEREAS, former students and employees remember Mac McGeorge's ability to encourage and motivate them; he wanted people to do their best, and he worked to shape leaders, instill confidence, and foster accountability; and

WHEREAS, Mac McGeorge, who was predeceased by Rose Lee, his wife of 62 years, will be greatly missed and fondly remembered by his children, Patricia, Pamela, Rick, and Bruce, and their families; and by many other family members, friends, and former students and coworkers; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ellett Richard McGeorge, Jr., of Varina, the first director of the Henrico County Recreation and Parks Department who was the former head football and baseball coach at Varina High School, a veteran of World War II, a friend and mentor to many people, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ellett Richard McGeorge, Jr., as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 107**

*Commending Abby Major.*

Agreed to by the Senate, February 19, 2015

WHEREAS, in 2014, Abby Major, a talented young cook from Winchester, advanced to the final four of the second season of MasterChef Junior, a nationally televised cooking competition; and

WHEREAS, Abby Major, a fourth-grade student at Powhatan School in Boyce, has been cooking since she was two years old when she would help her proud parents, Art and Maggie, make cakes and cookies; she later added more advanced recipes like spaghetti carbonara to her repertoire; and

WHEREAS, after auditioning for the MasterChef Junior competition in New York City, Abby Major, who was eight years old at the time, passed three rounds of interviews, impressing interviewers with her mature palate and creativity; and

WHEREAS, Abby Major was the youngest competitor on the show, which featured cooks from around the country between the ages of nine and 12; on each episode, competitors created a dish from ingredients in a themed mystery box, with the mystery box challenge winner escaping an additional elimination challenge; and

WHEREAS, throughout the competition, Abby Major impressed the judges—celebrity chefs and restaurateurs—with her innovative, tasty dishes; with each challenge, she learned new skills and made the best of opportunities to try new ingredients and techniques; and

WHEREAS, Abby Major advanced to the semifinals episode of the competition, which aired on FOX on December 9, 2014; she hopes to continue cultivating her skills as a cook and one day open a restaurant serving healthy comfort food; now, therefore, be it

RESOLVED by the Senate of Virginia, That Abby Major, a skilled and driven young cook in Winchester, hereby be commended for her success on MasterChef Junior; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Abby Major as an expression of the Senate of Virginia's admiration for her achievements and best wishes for the future.

**SENATE RESOLUTION NO. 108**

*Commemorating the 200th anniversary of the creation of the Court of Scott County.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Scott County was established in November 1814, and the first official act of the County was to convene a court in February 1815; and

WHEREAS, commissioned by the Governor to serve as sheriff of Scott County, John Anderson opened the Court of Scott County on February 14, 1815; and

WHEREAS, the Court of Scott County was held at the home of Benjamin Hollins in Moccasin Gap and convened over a three-day period to conduct the business of the County; and

WHEREAS, William H. Carter was elected to serve as the first clerk of the Court of Scott County, and numerous other citizens were appointed to County leadership positions; the court also arranged for the first County election; and

WHEREAS, in 1915, with the help of Dr. John P. McConnell—then president of Radford University—Scott County erected a granite historical marker on the site of the first court; and

WHEREAS, the residents of Scott County will celebrate the 200th anniversary of the creation of the Court of Scott County with a ceremony in the courtroom of the Scott County Circuit Court on February 15, 2015, sponsored by the Overmountain Men Chapter of the Sons of the American Revolution, Carter's Fort Chapter of the Daughters of the American Revolution, and the Virginia Frontier Society Chapter of the Children of the American Revolution; now, therefore, be it

RESOLVED by the Senate of Virginia, That the 200th anniversary of the creation of the Court of Scott County hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution for presentation to Scott County requesting that the County further disseminate copies of this resolution to its respective constituents so that they may be apprised of the sense of the Senate of Virginia in this matter.

**SENATE RESOLUTION NO. 109**

*Commending Rachel Davis Fowlkes, Ed.D.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Dr. Rachel Davis Fowlkes, who since 1992 has served with great diligence and responsibility as the agency head and executive director of the Southwest Virginia Higher Education Center, retires on June 30, 2015; and

WHEREAS, Dr. Rachel Fowlkes worked with state legislators to establish the first multi-institutional higher education facility where off-campus students could earn undergraduate and graduate degrees; the Southwest Virginia Higher Education Center (SWVHEC) became a state agency in 1992; and

WHEREAS, the Southwest Virginia Higher Education Center provides undergraduate and graduate degree programs and professional development courses as well as 95,000 square feet of educational and high-tech conference facilities; and

WHEREAS, currently, colleges and universities from around the Commonwealth offer 90 degree programs for students at SWVHEC, including the University of Virginia, Virginia Polytechnic Institute and State University, Old Dominion University, Radford University, and Emory & Henry College; and

WHEREAS, Dr. Rachel Fowlkes has been executive director of SWVHEC since its founding; she reports to the center's Board of Trustees, which is comprised of state legislators and higher education officials, representatives from nine institutions of higher education, and six members who are appointed by the Governor; and

WHEREAS, before working for the SWVHEC, Dr. Rachel Fowlkes was state coordinator of education programs for the University of Virginia's Division of Continuing Education, and she previously directed the Division's Southwest Regional Center; and

WHEREAS, Dr. Rachel Fowlkes received a bachelor's degree from Millsaps College, a master's degree from Mississippi State University, and a doctoral degree from the University of Virginia; and

WHEREAS, under Dr. Rachel Fowlkes' guidance, the Southwest Virginia Higher Education Center has been used as a model for five subsequent centers in the Commonwealth, and for many others out of state, including centers in Kingsport, Tennessee, and High Point, North Carolina; and

WHEREAS, Dr. Rachel Fowlkes has made many other contributions to the Southwest Virginia region; she is a charter member of the Southwest Virginia Public Education Consortium and has chaired the University of Virginia Jefferson Scholars Regional Selection Committee since 1988, and she is a member of the board of Johnston Memorial Hospital; and

WHEREAS, additionally, Dr. Rachel Fowlkes is a member of the Southwest Virginia Cultural Heritage Commission, the Virginia Creeper Trail Advisory Committee, and serves on the Economic Development Authority for the town of Abingdon; now, therefore, be it

RESOLVED by the Senate of Virginia, That Dr. Rachel Davis Fowlkes hereby be commended on the occasion of her retirement on June 30, 2015, for her many years of dedication and service as the agency head and executive director of the Southwest Virginia Higher Education Center; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Rachel Davis Fowlkes as an expression of the Senate of Virginia's respect and admiration for her commitment to providing excellent higher education opportunities to the people of Southwest Virginia and best wishes in retirement.

### SENATE RESOLUTION NO. 110

*Celebrating the life of Reuben V. Burrell.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Reuben V. Burrell, the official photographer of Hampton University for more than 65 years, whose memorable images portrayed college life and the evolution of a vibrant African American community, and who photographed civil rights figures as well as famous entertainers, died on February 3, 2015; and

WHEREAS, a native of Washington, D.C., Reuben Burrell's fascination with photography began while he was a student at Armstrong Technical High School; he then attended Hampton Institute, graduating in 1947 from what is now Hampton University; and

WHEREAS, after earning a master's degree from New York University, Reuben Burrell returned to Hampton Institute to teach, and later became a part-time photographer for the school; he supplemented his income by becoming a free-lance photographer in Hampton and Newport News; and

WHEREAS, Reuben Burrell was largely self-taught, reading, experimenting, and practicing different photographic techniques; if he could not find the right camera for an assignment, he would make one, and he was known as "One Shot Burrell" for his skill at capturing history in one photograph; and

WHEREAS, Reuben Burrell became Hampton University's full-time photographer and chronicler of campus and community life in the 1960s; the modest and humble man quickly became a beloved figure at the school, capturing the spirit of the college community from behind his camera; and

WHEREAS, preferring black-and-white film, Reuben Burrell's photographs often remain embedded in viewers' memories—such as an image of high-stepping band members on parade; an aspiring furniture maker in the school's wood shop; the Reverend Martin Luther King, Jr., surrounded by students seeking his autograph; or civil rights pioneer Rosa Parks; and

WHEREAS, Reuben Burrell's work has been on display over the years; in 2010, some of his photographs were featured in an exhibit as part of the City of Hampton's 400th anniversary celebrations; and

WHEREAS, in 2012, Hampton University, in partnership with the University of Virginia Press, published *One Shot: A Selection of Photographs of Reuben V. Burrell*, and the Hampton University Museum currently is in the process of restoring and documenting about 20,000 photographs taken by Reuben Burrell; and

WHEREAS, Reuben V. Burrell will be greatly missed and fondly remembered by his family; and by his extended Hampton University family, who deeply mourn the passing of a man they fondly called the university's griot, a West African term that encompasses both a historian and poet; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Reuben V. Burrell, who for more than six decades was the official photographer of Hampton University, vividly capturing a college and a community during a period of great change; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Reuben V. Burrell as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 111

*Commending first responders to the Cherrystone Campgrounds tornado.*

Agreed to by the Senate, February 25, 2015

WHEREAS, on July 24, 2014, an EF-1 tornado touched down on the Cherrystone Campgrounds, at Cherrystone Family Camping and RV Resort in Cape Charles, that overturned multiple recreational vehicles and damaged property and trees; and

WHEREAS, the tornado caused a tractor trailer to flip on Lankford Highway in Northampton County and was accompanied by severe rain and golf-ball-sized hail; the event tragically resulted in multiple fatalities and numerous major and minor injuries; and

WHEREAS, the Northampton County Board of Supervisors declared a state of emergency, and fire and police departments, medical personnel, and citizens quickly responded to the incident to assess the damage, care for the injured, and liaise with local hospitals to provide timely treatment; and

WHEREAS, from Northampton County, the Cape Charles Rescue Service, Cape Charles Volunteer Fire Company, Cape Charles Police Department, Cheriton Volunteer Fire Company, Community Volunteer Fire Company, Eastville Volunteer

Fire Company, Eastville Police Department, Exmore Police Department, Northampton County Sheriff's Office, Northampton County Department of EMS, Northampton Fire Rescue, Northampton County Public Schools, Northampton County Administration staff, and Northampton County Social Services all worked to safeguard members of the public in the aftermath of the tornado; and

WHEREAS, numerous Accomack County units responded to the disaster, including the Accomack County Sheriff's Office, Accomack County Department of Public Safety, Bloxom Volunteer Fire Company, Melfa Volunteer Fire and Rescue, Onancock Volunteer Fire Department, Onley Volunteer Fire-Rescue, Parksley Volunteer Fire Company, and Wachapreague Volunteer Fire Company; and

WHEREAS, Cherrystone Campgrounds staff, Virginia Marine Resources Commission, Virginia Marine Police, Virginia Conservation Police, Chesapeake Bay Bridge-Tunnel Police, Kiptopeke State Park Police, Virginia State Police, the Red Cross, Shore Transport, Virginia Beach Fire and EMS, NASA Wallops Flight Facility Fire Department, and the Incident Management Team of the Chesapeake Fire Department also responded to the incident to offer expertise and assistance; and

WHEREAS, the actions of the first responders to the Cherrystone Campgrounds tornado are a testament to the professionalism, dedication, and loyalty to the community displayed by first responders throughout the Commonwealth and the United States; now, therefore, be it

RESOLVED by the Senate of Virginia, That the first responders to the Cherrystone Campgrounds tornado hereby be commended for their efficient, effective, and well-coordinated efforts in response to an emergency situation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the first responders to the Cherrystone Campgrounds tornado as an expression of the Senate of Virginia's admiration for the actions of all units involved in the aftermath of this incident.

### SENATE RESOLUTION NO. 112

*Celebrating the life of Willie Fobbs, Sr.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Willie Fobbs, Sr., of Petersburg, a proud veteran of the United States military, a talented athlete who was a member of a Negro League baseball team, a man of faith, and a devoted husband and father, died on June 6, 2014; and

WHEREAS, Willie Fobbs was educated in the Petersburg City Public Schools system and later joined the United States Army; he proudly defended his country during World War II and was awarded a Purple Heart during his military service; and

WHEREAS, Willie Fobbs was a faithful employee of the Brown & Williamson Tobacco Corporation, retiring from the iconic Petersburg business after many years of service; he was one of the original members of Club 17, Inc., which was founded in 1950; and

WHEREAS, a talented baseball player and an enthusiastic fan of many local sports, Willie Fobbs played for a Negro League baseball team as a young man and later was a member of many local softball teams; he also was a devoted Washington Redskins fan; and

WHEREAS, a man of faith, Willie Fobbs enjoyed fellowship and worship at Zion Baptist Church in Petersburg, where he was a member for 69 years; he served on the church's Usher Board; and

WHEREAS, predeceased by Lucille, his wife of 63 years, and by three sons, Willie, Jr., David, and an unnamed infant, Willie Fobbs will be greatly missed and fondly remembered by his sons, Troy and Johnny, and their families; and by many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Willie Fobbs, Sr., of Petersburg, a proud veteran of the United States military, a talented athlete who was a member of a Negro League baseball team, a man of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Willie Fobbs, Sr., as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 113

*Commending Albert Jack Stodghill.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Albert Jack Stodghill of Hilton Village, the first planning director of the City of Newport News, who made many lasting contributions to the city and the Commonwealth, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it provides leadership in the areas of ethics, professional development, and standards of practice in city planning; and

WHEREAS, Jack Stodghill was named a Fellow of the AICP for his contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, the first planning director for the City of Newport News, Jack Stodghill led the city into the 21st century with his vision and innovative programs; he planned Oyster Point, which is now the city's central business district; and

WHEREAS, Jack Stodghill also planned Newport News Park, one of the largest municipal parks in the country, and the Hilton Village Historic District, which was recognized by the American Planning Association as one of the Great Places in America; and

WHEREAS, a longtime planning consultant, Jack Stodghill developed planning and zoning projects that strengthened Virginia communities and helped preserve the Chesapeake Bay's valuable natural resources throughout his distinguished 35-year career; now, therefore, be it

RESOLVED by the Senate of Virginia, That Albert Jack Stodghill hereby be commended on his selection as a Fellow of the American Institute of Certified Planners in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Albert Jack Stodghill as an expression of the Senate of Virginia's admiration for his contributions to the City of Newport News and leadership in the planning field.

### SENATE RESOLUTION NO. 114

*Celebrating the life of William Francis Swain.*

Agreed to by the Senate, February 25, 2015

WHEREAS, William Francis Swain of Newport News, owner of The Lunch Bell restaurant for more than 30 years, a man of faith, a veteran of the United States military, and a devoted husband and father, died on February 10, 2015; and

WHEREAS, William "Bill" Swain, who graduated from Warwick High School in 1951, was a member of the football team; he was especially proud of being a "big brother" to teammate Henry Jordan, who went on to play for the Green Bay Packers and later was elected to the NFL Hall of Fame; and

WHEREAS, a lifelong resident of the Peninsula area, Bill Swain was a proud military veteran and served in the United States Air Force; he made valued contributions to the community as a longtime member of the Warwick Lions Club; and

WHEREAS, in 1981, Bill Swain and his wife, Betty, opened The Lunch Bell to serve the many people who worked in the Oyster Point Business Park in Newport News; the popular eatery featured a lunch counter and had 52 seats; and

WHEREAS, many customers appreciated Bill Swain's friendliness and hospitality, and his wide smile welcomed all who ate a meal at The Lunch Bell; in the ensuing years, the restaurant grew bigger and changed locations twice, and today is located in Newport News' City Center section; and

WHEREAS, a man of great faith, Bill Swain enjoyed worship and fellowship as a member of Northside Christian Church, where he was a former elder and served as deacon; and

WHEREAS, Bill Swain will be greatly missed and fondly remembered by Betty, his wife of 57 years; and by his children, Billy, Blair, and Shelah, and their families; and by many other family members, friends, and customers of The Lunch Bell; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William Francis Swain of Newport News, owner of The Lunch Bell restaurant, a man of faith, a veteran of the United States military, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Francis Swain as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 115

*Commending Ida Annette Minor Ward.*

Agreed to by the Senate, February 25, 2015

WHEREAS, in 2014, Ida Annette Minor Ward, an educator and community leader in Richmond, published *Switchin in Da Kitchin with Mama 'Nem*, a collection of recipes, crafts, and health and household tips; and

WHEREAS, a native and longtime resident of Richmond, Ida Ward cultivated a strong work ethic from a young age; she graduated from Armstrong High School and Virginia Union University; and

WHEREAS, after graduating from college, Ida Ward served as director of the Teenage Program at her local YWCA, then helped prepare students for careers, higher education, and responsible citizenship as a teacher for Henrico County Public Schools; and

WHEREAS, while working as a teacher, Ida Ward joined the American Institute for Foreign Study and coordinated programs for students from France, Spain, Japan, Italy, and England to provide cultural enrichment during their time in the United States; and

WHEREAS, Ida Ward traveled extensively throughout Europe and the Middle East and developed a love and respect for other cultures, which is evident in her book, *Switchin in Da Kitchin with Mama 'Nem*; and

WHEREAS, *Switchin in Da Kitchin with Mama 'Nem* contains recipes and ideas from Mexico, Cambodia, the Bahamas, Australia, and throughout the United States, as well as traditional American southern recipes, many of which were submitted by Ida Ward's friends, family members, neighbors, or associates; and

WHEREAS, *Switchin in Da Kitchin with Mama 'Nem* features a comprehensive section on kitchen weights and measures and guides on menu planning, wine pairings, and kitchen activities for children, as well as instructions for pickling, canning, and preserving and other household tips; and

WHEREAS, Ida Ward currently works for Richmond Public Schools as a teaching coach and tutor and serves as a doorkeeper for the Senate of Virginia; she volunteers her time and talents with numerous civic and service organizations; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ida Annette Minor Ward hereby be commended on the publication of her book, *Switchin in Da Kitchin with Mama 'Nem*, and for her service to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ida Annette Minor Ward as an expression of the Senate of Virginia's admiration for her achievements and best wishes for the future.

### SENATE RESOLUTION NO. 116

*Celebrating the life of Charles B. Walker.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Charles B. Walker of Mechanicsville, a deeply respected businessman and government official who worked to ensure efficiency and prosperity in the Commonwealth, died on February 16, 2015; and

WHEREAS, a native of Richmond, Charles Walker learned the value of hard work, responsibility, and attention to detail at a young age; he graduated from John Marshall High School and earned a bachelor's degree from the University of Richmond; and

WHEREAS, after beginning his professional career as an accountant, Charles Walker served as president of a chain of hardware stores before he was appointed to serve as state comptroller in 1974; and

WHEREAS, Charles Walker later served as secretary of finance and administration to Governor John N. Dalton, where he worked to modernize the Commonwealth's financial management systems; and

WHEREAS, a knowledgeable and pragmatic leader, Charles Walker worked with members of both parties to ensure the best outcomes for all Virginians; and

WHEREAS, in 1980, Charles Walker returned to the private sector as an officer and director of Ethyl Corporation, which later became NewMarket Corporation; and

WHEREAS, after his well-earned retirement, Charles Walker developed real estate in the Northern Neck and offered his leadership and wisdom to the Virginia Rail Policy Institute, which promotes rail initiatives, such as increased commuter services between Richmond and Washington, D.C.; and

WHEREAS, Charles Walker will be fondly remembered and greatly missed by his wife of 55 years, Sylvia; daughters, Stacey and Lisa, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Charles B. Walker, a distinguished businessman and state government official; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles B. Walker as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 117

*Commending Elton J. Wade, Sr.*

Agreed to by the Senate, February 25, 2015

WHEREAS, Elton J. Wade, Sr., who has represented the Cold Harbor District on the Hanover County Board of Supervisors for 23 years, retires in 2015; and

WHEREAS, Elton Wade was elected to the Hanover County Board of Supervisors in 1991 and was chair of the board in 1999; during his entire length of service, he has presided over the Hanover County Parks and Recreation Advisory Commission; and

WHEREAS, one of the accomplishments Elton Wade is proudest of is the establishment of Pole Green Park; a bond referendum secured the funds to purchase land in eastern Hanover County for the park and for Pole Green Elementary School; and

WHEREAS, Elton Wade takes pride in the Hanover County Board of Supervisors' determination to manage the county's funds in a fiscally responsible manner; as a supervisor, he has tried to balance individual property rights with proper growth management and to adhere to the county's Comprehensive Plan; and

WHEREAS, throughout his tenure as a member of the Hanover County Board of Supervisors, Elton Wade always tried to do whatever he could to help constituents with issues that concerned them; additionally, he is pleased that the various members of the board have worked well together; and

WHEREAS, public service has been part of Elton Wade's life for many years; he has been a member of the Black Creek Volunteer Fire Department for more than three decades and was employed for more than 50 years by the Hanover County public school system as a bus driver and school traffic guard; now, therefore, be it

RESOLVED by the Senate of Virginia, That Elton J. Wade, Sr., hereby be commended for his 23 years of service as a member of the Hanover County Board of Supervisors representing the Cold Harbor District; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elton J. Wade, Sr., as an expression of the Senate of Virginia's respect and admiration for his dedication and service to Hanover County and the Commonwealth.

### SENATE RESOLUTION NO. 118

*Commending Roger L. Harris.*

Agreed to by the Senate, February 25, 2015

WHEREAS, since 2012, Roger L. Harris, sheriff of Spotsylvania County, has distinguished himself as an active leader and a faithful servant to the community, implementing countless programs to protect and serve local residents better; and

WHEREAS, Roger Harris had previously worked as a member of the Fairfax County Police Department; beginning his career in law enforcement in 1969 as a patrol officer, he rose through the ranks to become a lieutenant; and

WHEREAS, a hardworking officer who was respected among his peers for his wealth of knowledge and experience in law enforcement, Roger Harris ran for and was elected sheriff of Spotsylvania County in 2011; and

WHEREAS, under Roger Harris' leadership, the Spotsylvania County Sheriff's Office achieved reaccreditation through the Virginia Law Enforcement Professional Standards Commission, ensuring the highest levels of professionalism and efficiency in service to the community; and

WHEREAS, under Roger Harris, the Spotsylvania County Sheriff's Office has promoted crime prevention and safety through Crime Prevention Day, drug take-back events, a neighborhood watch program serving more than 700 communities, and the business watch/loss prevention meeting; and

WHEREAS, facilitating strong relationships and trust between the department and members of the community, Roger Harris supported the Unity within the Community event and Sheriff Safety Day, an annual event where residents can learn more about the department; and

WHEREAS, Roger Harris has helped safeguard the youth of the community through the Arrive Alive driving simulator for teens, the Establish Emergency 101 educational program, and the Kid Safety Series; and

WHEREAS, during Roger Harris' tenure, the Spotsylvania County Sheriff's Office has sponsored numerous charitable drives and events, including Operation Blue Christmas, food drives, the Back to School drive, Special Olympics events, and Stuff the Cruiser, he established the Volunteer in Police Service program, which has facilitated more than 1,500 hours of volunteer service; and

WHEREAS, under Roger Harris, the Spotsylvania County Sheriff's Office served residents through its Autism Awareness Day and Project Life Saver, which monitors and safeguards more than 91 residents with Alzheimer's disease throughout the county; now, therefore, be it

RESOLVED by the Senate of Virginia, That Roger L. Harris hereby be commended for his numerous contributions to the Spotsylvania County community as sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Roger L. Harris as an expression of the Senate of Virginia's admiration for his diligent service to the residents of Spotsylvania County.

### SENATE RESOLUTION NO. 119

*Celebrating the life of Haskell S. Bingham, Ph.D.*

Agreed to by the Senate, February 26, 2015

WHEREAS, Haskell S. Bingham, Ph.D., of Petersburg, a retired administrator at Virginia State University and Saint Paul's College, a leader who set an outstanding example for many people, a genealogist and historian of the Bingham family of African American descent, and a devoted husband and father, died on October 23, 2014; and

WHEREAS, Haskell Bingham was a native of Vicksburg, Mississippi; he was a graduate of Jackson State College, now Jackson State University, and earned a master's degree from the University of Denver and a doctoral degree from Peabody College, now part of Vanderbilt University; and

WHEREAS, a veteran of the United States Army who served in the Korean War, Dr. Bingham spent his professional career in education; he was a high school teacher in Jackson, Mississippi before becoming assistant vice president of

academic affairs and associate professor of education at Jackson State University, where he also served as the school's dean of admissions and records; and

WHEREAS, Dr. Bingham moved to Virginia and became provost and vice president of academic affairs at Virginia State University in Petersburg; he later served as special assistant to the president of Saint Paul's College in Lawrenceville; and

WHEREAS, with a strong sense of compassion and dedication to duty, Dr. Bingham's leadership abilities were greatly admired by all who knew him; those traits were evident in his wide-ranging civic involvement and in his efforts to register voters during the civil rights movement; and

WHEREAS, Dr. Bingham's abiding interest and passion was researching Bingham ancestors of African American descent, an avocation that he inherited from his father; during his life, Dr. Bingham identified more than 2,500 ancestors; and

WHEREAS, an African man born in 1703 who came to Virginia as a slave was discovered by Dr. Bingham to be his earliest known Virginia ancestor; his research revealed that he was descended from Gabriel Prosser, a noted slave in Virginia; and

WHEREAS, in 1800, Gabriel Prosser was captured and hanged in Richmond for fomenting a slave insurrection, an uprising foiled by severe weather; the historic event became known as Gabriel's Rebellion, and Dr. Bingham helped obtain a symbolic letter of pardon for Gabriel Prosser from Governor Tim Kaine in 2007; and

WHEREAS, Haskell Bingham will be greatly missed and fondly remembered by his wife, Robbie; his children, Pamela and Gail, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Haskell S. Bingham, Ph.D., of Petersburg, a retired administrator at Virginia State University and Saint Paul's College, a leader who set an outstanding example for many people, a genealogist and historian of the Bingham family of African American descent, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Haskell S. Bingham, Ph.D., as an expression of the Senate of Virginia's respect for his memory.

#### SENATE RESOLUTION NO. 120

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the Senate, February 25, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Gary A. Mills, of Newport News, as a judge of the Seventh Judicial Circuit for a term of eight years commencing July 1, 2015.

Richard H. Rizk, of Williamsburg, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2015.

Dennis M. Martin, of Petersburg, as a judge of the Eleventh Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Phillip L. Hairston, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable John Marshall, of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Penney S. Azcarate, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

Stephen C. Shannon, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2015.

Douglas L. Fleming, Jr., of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable R. Edwin Burnette, Jr., of Bedford, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Michael T. Garrett, of Amherst, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing July 1, 2015.

Neil Randolph Bryant, of Winchester, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2015.

Alexander R. Iden, of Winchester, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable H. Lee Harrell, of Wythe, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Tracy C. Hudson, of Manassas, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

Kimberly A. Irving, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

The Honorable Steven S. Smith, of Manassas, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing July 1, 2015.

### SENATE RESOLUTION NO. 121

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the Senate, February 25, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Stephen J. Telfeyan, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2015.

Robert F. Hagans, Jr., of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2015.

Tasha D. Scott, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2015.

Tynea Lynette Duncan Flythe, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2015.

M. Scott Stein, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2015.

David M. Hicks, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2015.

B. Craig Dunkum, of Chesterfield, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2015.

John K. Honey, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing November 1, 2015.

Manuel A. Capsalis, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Michael J. Lindner, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Tina L. Snee, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2015.

Stephanie S. Maddox, of Amherst, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2015.

Ian R. D. Williams, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

Erin J. DeHart, of Bland, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2015.

Robert P. Coleman, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2015.

Angela L. Horan, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2015.

### SENATE RESOLUTION NO. 122

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the Senate, February 25, 2015

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

John E. Franklin, of Fredericksburg, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Andrea M. Stewart, of Spotsylvania, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Frank G. Uvanni, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2015.

Timothy W. Allen, of Franklin County, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2015.

Hilary D. Griffith, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2015.

John Weber, III, of Roanoke County, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2015.

Jeffrey P. Bennett, of Amherst, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2015.

Mary K. Driskill, of Lynchburg, as a judge of the Twenty-fourth Judicial District for a term of six years commencing August 1, 2015.

Kevin C. Black, of Shenandoah, as a judge of the Twenty-sixth Judicial District for a term of six years commencing July 1, 2015.

Joseph B. Lyle, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2015.

### SENATE RESOLUTION NO. 123

*Commending Cary Jarvis.*

Agreed to by the Senate, February 26, 2015

WHEREAS, in 1939, Cary Jarvis at the age of 17 volunteered for the Virginia National Guard to supplement his income as a soda jerk at Birtcherd's Dairy in Norfolk; and

WHEREAS, when Cary Jarvis became a member of the Virginia National Guard 111th Field Artillery Battalion, 29th Infantry Division, he had little knowledge of the conflict unfolding half a world away; and

WHEREAS, once World War II began, Cary Jarvis, then a private, served as a field artillery forward observer on the front lines alongside regular infantrymen, locating enemy targets and radioing locations back to the waiting artillerymen; and

WHEREAS, by D-Day, June 6, 1944, Cary Jarvis had risen to the rank of staff sergeant; his unit was part of the first wave to land at Omaha Beach in Normandy, France, and it was tasked with the harrowing work of clearing the way for over 100,000 more troops; and

WHEREAS, within 10 minutes of heavy machine gun fire, all of the officers in Cary Jarvis' unit were either killed or wounded; he received a battlefield commission as a second lieutenant and courageously led his men during the invasion; and

WHEREAS, Cary Jarvis later rose to the rank of first lieutenant and went on to serve on the front lines for the duration of the European campaign, until the Germans surrendered on May 8, 1945; and

WHEREAS, Cary Jarvis was awarded the Bronze Star Medal for his actions during World War II, but he refused to accept a Purple Heart for non-life-threatening injuries sustained during the war; and

WHEREAS, after the war, Cary Jarvis returned to Birtcherd's Dairy and served the community as a milk delivery driver, a position he held for 20 years; and

WHEREAS, on January 11, 2015, Cary Jarvis was awarded the French Legion of Honor, the highest decoration bestowed by the French government; now, therefore, be it

RESOLVED by the Senate of Virginia, That Cary Jarvis hereby be commended for his exceptional service to his country and selfless contributions to the liberation of Europe during World War II; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cary Jarvis as an expression of the Senate of Virginia's admiration for his accomplishments in service to his country.

### SENATE RESOLUTION NO. 124

*Celebrating the life of Roger L. Sullivan.*

Agreed to by the Senate, February 26, 2015

WHEREAS, Roger L. Sullivan, who proudly served his country during the Vietnam War, died on May 4, 2014, and was buried in Arlington National Cemetery; and

WHEREAS, Roger L. Sullivan graduated from Spotsylvania High School with honors in 1964; and

WHEREAS, Roger Sullivan joined the United States Army in 1966 and served proudly with the 5th Special Forces Group and Military Assistance Command, Vietnam—Studies and Observations Group (MACVSOG) in Vietnam, where he was seriously wounded at FOB 3 (Khe Sanh) during the Tet Offensive in February 1968; and

WHEREAS, Roger Sullivan was discharged from Fort Bragg, North Carolina, in 1968; he earned the Silver Star, the Bronze Star Medal for Valor, the Purple Heart, and the Combat Infantryman Badge; and

WHEREAS, Roger Sullivan graduated from Virginia Commonwealth University with a bachelor's degree in business management; and

WHEREAS, Roger Sullivan pursued a successful career in real estate and insurance, until changing his focus and interests to become a national service officer for the Military Order of the Purple Heart (MOPH); and

WHEREAS, Roger Sullivan worked for two decades with the MOPH, providing passionate representation to veterans; he developed an all-consuming devotion to advocating on their behalf; and

WHEREAS, Roger Sullivan was awarded the Presidential Unit Citation for his service with MACVSOG in a ceremony conducted at Fort Bragg on April 4, 2001; and

WHEREAS, Roger Sullivan was awarded the Congressional Veteran Commendation by United States Representative Eric Cantor on November 24, 2009; and

WHEREAS, Roger Sullivan dedicated his life to serving and helping others; he was admired for his compassion, strength, integrity, and accomplishments in the veteran community of Richmond; and

WHEREAS, Roger Sullivan will be fondly remembered and greatly missed by his loving wife, Brenda; daughter, Suzanne; son, Jonathan; and numerous other family members, friends, veterans in the Commonwealth, and fellow service members; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Roger L. Sullivan; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roger L. Sullivan as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 125

*Commending Be The Match.*

Agreed to by the Senate, February 26, 2015

WHEREAS, Be The Match, a bone marrow donor program dedicated to matching donors to patients in need, is celebrating its 25th anniversary; and

WHEREAS, Be The Match, also known as the National Marrow Donor Program, has, in its time, facilitated more than 61,000 lifesaving donations; and

WHEREAS, the volunteer personnel of Be The Match have worked tirelessly to coordinate drives across the Commonwealth to add potential Virginia donors to its registry containing more than eight million DNA samples; and

WHEREAS, Be The Match has facilitated the provision of medical financial aid to patients in need of a donation and their families; and

WHEREAS, Be The Match and its donors have notably contributed to the extant research on donations, leading to higher survival rates of patients; now, therefore, be it

RESOLVED by the Senate of Virginia, That Be The Match, also known as the National Marrow Donor Program, hereby be commended for its service in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Be The Match Foundation as an expression of the Senate of Virginia's admiration for the program's important and lifesaving efforts.

### SENATE RESOLUTION NO. 126

*Celebrating the life of the Honorable Joseph Benedict Benedetti.*

Agreed to by the Senate, February 26, 2015

WHEREAS, the Honorable Joseph Benedict Benedetti, a dedicated public servant who represented the residents of Richmond in the Virginia General Assembly for more than a decade, died on November 19, 2014; and

WHEREAS, Joseph Benedetti joined many of the other young men of his generation in service to his country, deploying to Japan with occupation forces following World War II; he then earned a bachelor's degree from The College of William and Mary, where he was a member of the Army Reserve Officer Training Corps; and

WHEREAS, commissioned as a lieutenant in the United States Army in 1951, Joseph Benedetti served during the Korean War and earned a Bronze Star Medal for Valor; after the war, he returned to the Commonwealth and earned a law degree from the University of Richmond; and

WHEREAS, Joseph Benedetti served members of the community as an attorney before winning election to the Virginia House of Delegates in 1982; representing the 68th District, he was named Outstanding Freshman Legislator in 1983 and was reelected in 1984; and

WHEREAS, in 1986, Joseph Benedetti was elected to the Senate of Virginia, representing the 10th District; he served three terms until his well-earned retirement in 1998; and

WHEREAS, throughout his distinguished career in public service, Joseph Benedetti sponsored and supported many important pieces of legislation to benefit all Virginians and offered his leadership and wisdom to numerous committees; he was named Senate Republican Floor Leader in 1996; and

WHEREAS, Joseph Benedetti generously supported the Richmond community through several charitable organizations, the Boy Scouts of America, the Knights of Columbus, the Kiwanis Club, and the American Legion; he sat on the board of visitors of Saint Gertrude High School and Benedictine College Preparatory and enjoyed fellowship and worship as an active member of Saint Benedict Catholic Church; and

WHEREAS, respected for his collegial nature and firm commitment to bettering the lives of all Virginians, Joseph Benedetti was a man of integrity who served the Commonwealth with distinction; and

WHEREAS, Joseph Benedetti will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Joseph Benedict Benedetti, a dedicated public servant who represented the residents of Richmond in both houses of the Virginia General Assembly; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Joseph Benedict Benedetti as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 127

*Commending Michael R. Frey.*

Agreed to by the Senate, February 26, 2015

WHEREAS, Michael R. Frey, who has served as a member of the Fairfax County Board of Supervisors since 1992 and has represented the Sully District with distinction since its creation, will retire from the board in 2015; and

WHEREAS, Michael Frey leaves a strong record of accomplishment as a board member, including bringing the Steven F. Udvar-Hazy Center, the companion facility to the Smithsonian National Air and Space Museum, to the Sully District, making significant improvements to Route 28, expanding the Centreville historic district, supporting the Fairfax County Animal Shelter and programs and ordinances to advance the welfare of animals, and bringing the World Police and Fire Games to Fairfax County; and

WHEREAS, among his other duties as a board member, Michael Frey has worked tirelessly on land use issues, chairing the board's Development Process Committee since 1992; and

WHEREAS, Michael Frey has ably represented Fairfax County on a number of regional bodies, including the Transportation Planning Board of the Metropolitan Washington Council of Governments and the Inova Health Care Services Board; and

WHEREAS, in addition to his six terms of service on the board, Michael Frey worked for 13 years as staff in board offices, dedicating 37 years to Fairfax County; and

WHEREAS, Michael Frey will be remembered for his annual participation in fundraising for research on cures for childhood cancer by shaving his head for "St. Baldrick's Day" and for always having a treat in his pocket for working dogs who visited board meetings; and

WHEREAS, Michael Frey is well-known for his bipartisan approach to governing, his diligent constituent service, his long-time involvement in his community, his passion for sports, and his love of animals; now, therefore, be it

RESOLVED by the Senate of Virginia, That Michael R. Frey hereby be commended for his many years of dedicated public service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael R. Frey as an expression of the Senate's respect and admiration for his tireless work on behalf of the people of Fairfax County and the Commonwealth.

### SENATE RESOLUTION NO. 128

*Celebrating the life of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.).*

Agreed to by the Senate, February 26, 2015

WHEREAS, Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), a distinguished veteran and a respected leader in the Fairfax County community, died on February 17, 2015; and

WHEREAS, John "Al" Bornmann grew up in New Smyrna Beach, Florida, and graduated from the United States Military Academy with a commission as a second lieutenant; he later furthered his education with master's degrees from the Georgia Institute of Technology and Southern Illinois University, and he qualified as a professional engineer in Florida and the Commonwealth; and

WHEREAS, Second Lieutenant Bornmann's first assignment was with the 43rd Engineer Brigade, and he served in Vietnam with the 39th Engineer Battalion from 1968 to 1969; he continued to rise through the ranks, serving at postings throughout the United States and Germany; and

WHEREAS, Lieutenant Colonel Bornmann's final assignment was with the Office of the Secretary of Defense; over the course of his distinguished military career, he earned a Bronze Star Medal, a Bronze Star Medal with a V Device, the Purple Heart, the Meritorious Service Medal, the Air Medal, the Army Commendation Medal, and several other decorations; and

WHEREAS, after his retirement from military service, Lieutenant Colonel Bornmann worked for SRA International, Inc., for more than two decades; he continued to support his fellow veterans, serving as president of the Fort Belvoir Chapter of the Armed Forces Communications and Electronics Association in 2000; and

WHEREAS, Lieutenant Colonel Bornmann was a proud, lifelong member of the Boy Scouts of America, attaining the rank of Eagle Scout as a young man; he served in leadership positions at troop and district levels and earned the prestigious Silver Beaver Award; and

WHEREAS, Lieutenant Colonel Bornmann worked to strengthen and enhance the Fairfax County community by volunteering his time and wise leadership with several other civic and service organizations; he served as president of the Stratford on the Potomac Section Four Neighborhood Association, cochair of the Mount Vernon Council of Citizens' Associations, senior warden of St. Aidan's Episcopal Church, and a member of the steering committee of the Mount Vernon Neighborhood Friends; and

WHEREAS, Lieutenant Colonel Bornmann will be fondly remembered and greatly missed by his wife of 47 years, Priscilla; children, Kirsten and John III, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), a decorated war hero and respected community leader in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant Colonel John Albert Bornmann, Jr., USA (Ret.), as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 129

*Commending the Washington County Victim/Witness Assistance Program.*

Agreed to by the Senate, February 27, 2015

WHEREAS, the Washington County Victim/Witness Assistance Program, led by Director Sharon Reed and administered by the office of Washington County Commonwealth's Attorney Nicole M. Price, was named 2014 Program of the Year by the Virginia Criminal Injuries Compensation Fund; and

WHEREAS, the Program of the Year Award is presented to a victim assistance program in the Commonwealth that has gone above and beyond to assist victims of violent crimes and their families in meeting the financial burdens associated with those crimes; and

WHEREAS, the Washington County Victim/Witness Assistance Program received the Program of the Year Award for its high number of claims generated relative to the population, resulting in more than \$20,000 in payments to victims in the locality; and

WHEREAS, the Washington County Victim/Witness Assistance Program was recognized for its responsiveness in determining the eligibility of claims and its efficiency in providing support to members of the community in need; and

WHEREAS, the Washington County Victim/Witness Assistance Program has further strengthened the community by meeting with school officials, emergency managers, and law-enforcement officers to support the creation of Family Assistance Centers, where families can meet and gather information after a tragedy or during an emergency; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Washington County Victim/Witness Assistance Program hereby be commended on being named the 2014 Program of the Year by the Virginia Criminal Injuries Compensation Fund; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Sharon Reed, director of the Washington County Victim/Witness Assistance Program, and Nicole M. Price, Washington County Commonwealth's Attorney, as an expression of the Senate of Virginia's admiration for the program's outstanding service to members of the community.

### SENATE RESOLUTION NO. 130

*Commending Ona Estelle Shrader Smith.*

Agreed to by the Senate, February 27, 2015

WHEREAS, Ona Estelle Shrader Smith, a vibrant and hardworking member of the Roanoke community, celebrated her 100th birthday in 2015; and

WHEREAS, a native of West Virginia, Ona Shrader was born on January 8, 1915, to John Patton Shrader and Alberta Mildred Criggs Shrader; and

WHEREAS, Ona Shrader married Elmer E. Smith in 1933, and the couple proudly raised two daughters and one son; they have eight grandchildren, seven great-grandchildren, and four great-great-grandchildren; and

WHEREAS, during World War II, Ona Smith served the war effort by working at the Rainbow Bakery; and

WHEREAS, later in life, Ona Smith served the youth of the community as a cafeteria worker for Roanoke City Public Schools; possessed of a passion for cooking, she always provided a delicious meal for her family; and

WHEREAS, Ona Smith currently lives at The Village on Pheasant Ridge, where she helps new residents with orientation and uses her bright smile and quick wit to spread joy to everyone she meets; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ona Estelle Shrader Smith hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ona Estelle Shrader Smith as an expression of the Senate of Virginia's admiration for her contributions to the Roanoke community.

### SENATE RESOLUTION NO. 131

*Commending Malcolm B. "Mac" Wiseman.*

Agreed to by the Senate, February 27, 2015

WHEREAS, Malcolm B. "Mac" Wiseman, a native of Crimora, a talented and multifaceted bluegrass musician known as "The Voice with a Heart," was inducted into the Country Music Hall of Fame in 2014; and

WHEREAS, Mac Wiseman was a singer who gained a popular following for his recordings of songs such as "Shackles and Chains," "Jimmy Brown the Newsboy," and "Love Letters in the Sand"; the Augusta County native's long and productive career began more than 60 years ago; and

WHEREAS, early in his music career, Mac Wiseman worked for WSVA radio in Harrisonburg, and from 1953 to 1956, he performed regularly on *The Old Dominion Barn Dance* radio show, which was produced by WRVA radio in Richmond; and

WHEREAS, Mac Wiseman has had many other roles in country music; he was a sought-after sideman for Flatt & Scruggs, and performed with Bill Monroe; he was a featured vocalist with Molly O'Day; and

WHEREAS, additionally, Mac Wiseman recorded and worked for Dot Records in Tennessee; he was country recording director and later became a producer for the company; and he was a founding member and the first secretary of the Country Music Association; and

WHEREAS, known for his gentlemanly manner, Mac Wiseman enjoyed great success over many decades in country and bluegrass music; some of his early well-known recordings are "Going Like Wildfire," "I Saw Your Face in the Moon," and "Waiting for the Boys"; and

WHEREAS, Mac Wiseman performed at many bluegrass festivals over the years and hosted his own festival in Kentucky for more than a decade; he continues to record, and in 2007, he released an album of standard American songs recorded with singer-songwriter John Prine; and

WHEREAS, Mac Wiseman's most recent album, *Songs from My Mother's Hand*, features songs his family listened to on a battery-powered radio they owned when they lived in Crimora in the 1920s and 1930s; his mother would jot down the lyrics as songs came over the air; now, therefore, be it

RESOLVED by the Senate of Virginia, That Malcolm B. "Mac" Wiseman, a native of Crimora in Augusta County, hereby be commended for being honored as a 2014 inductee into the Country Music Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Malcolm B. "Mac" Wiseman as an expression of the Senate of Virginia's congratulations and admiration for his many accomplishments during a long and successful career in music.

### SENATE RESOLUTION NO. 132

*Celebrating the life of Jerome Kersey.*

Agreed to by the Senate, February 27, 2015

WHEREAS, Jerome Kersey, a native of Clarksville, distinguished Longwood College alumnus, versatile professional basketball player, and devoted teammate and friend, died on February 18, 2015; and

WHEREAS, Jerome Kersey graduated from Bluestone High School and had cultivated a love of basketball from a young age; in the winter, he diligently shoveled snow off of local basketball courts to practice; and

WHEREAS, Jerome Kersey attended what is now Longwood University on a basketball scholarship; averaging 17 points and 11.3 rebounds per game, he scored 1,756 career points, set school records in points, rebounds, and rebound average, and was a two-time Division II All-American and the 1984 Division II National Player of the Year; and

WHEREAS, a proud alumnus of Longwood University, Jerome Kersey was scheduled to receive the William Henry Ruffner Alumni Award, the highest honor for Longwood University alumni, in March 2015; and

WHEREAS, Jerome Kersey was drafted by the Portland Trail Blazers in the second round of the 1984 National Basketball Association (NBA) draft, and he helped the team reach two NBA Finals in 1990 and 1992; he ranks second on Portland's career games list with 831 appearances; and

WHEREAS, over the course of 17 seasons, Jerome Kersey also played with the Golden State Warriors, the Los Angeles Lakers, the Seattle SuperSonics, the San Antonio Spurs, and the Milwaukee Bucks; he won the NBA Championship with San Antonio in 1999; and

WHEREAS, throughout his professional career, Jerome Kersey made 1,153 regular-season appearances and averaged 10.3 points and 5.5 rebounds per game; and

WHEREAS, Jerome Kersey was respected as a fierce competitor on the court, earning the nickname "No Mercy Kersey," but was known off the court for his friendly demeanor, bright smile, and dedication to his friends and teammates; and

WHEREAS, Jerome Kersey retired as a player in 2001 and served as an assistant coach of the Milwaukee Bucks in 2004-2005; he remained an active servant to the community and had recently attended an African American History Month event with several former players at a school in Portland, Oregon; and

WHEREAS, Jerome Kersey will be fondly remembered and greatly missed by numerous family members, friends, and former teammates; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jerome Kersey, a Clarksville native, Longwood College alumnus, and professional basketball star; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jerome Kersey as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 133

*Celebrating the life of the Honorable Dudley J. Emick, Jr.*

Agreed to by the Senate, February 27, 2015

WHEREAS, the Honorable Dudley J. Emick, Jr., of Daleville, who represented the residents of the Roanoke region in the House of Delegates and the Senate of Virginia and served as a judge of the Juvenile and Domestic Relations District Court of the 25th Judicial District of Virginia, died on October 25, 2014; and

WHEREAS, a native of Bartley, West Virginia, Dudley Emick was known to family and friends as "Buzz"; he graduated from Jefferson Senior High School and earned a bachelor's degree from what is now Virginia Polytechnic Institute and State University, where he was a member of the Reserve Officer Training Corps; and

WHEREAS, Dudley Emick served his country in the United States Army as a second lieutenant with the 69th Signal Battalion; after completing his military service, he earned a law degree from the University of Richmond; and

WHEREAS, Dudley Emick practiced law with a firm in Fincastle for many years; desirous to be of further service to the community and the Commonwealth, he ran for and was elected to the House of Delegates in 1971; and

WHEREAS, Dudley Emick was elected to the Senate of Virginia in 1975, and he ably represented the residents of the 22nd District for 16 years; he supported and sponsored many important pieces of legislation and offered his leadership and expertise to several committees; and

WHEREAS, in 1992, Dudley Emick was appointed as a judge of the Juvenile and Domestic Relations District Court of the 25th Judicial District of Virginia, where he presided with great fairness and wisdom until his retirement in 2005; and

WHEREAS, Dudley Emick worked to enhance and strengthen the Botetourt County community; he was a member of the local Lions Club and Jaycees and was active with the Lord Botetourt High School football program; and

WHEREAS, a man of great integrity, Dudley Emick served the Roanoke Valley and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, Dudley Emick will be fondly remembered and greatly missed by his wife of 53 years, Martha; children, Mary, Dudley III, Margaret, and Laura, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Dudley J. Emick, Jr., a dedicated public servant and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Dudley J. Emick, Jr., as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 134

*Celebrating the life of Lucy Bralley del Cardayré.*

Agreed to by the Senate, February 27, 2015

WHEREAS, Lucy Bralley del Cardayré, a beloved mother, grandmother, sister, aunt, and friend who dedicated much of her life to the service of others, died on February 19, 2015; and

WHEREAS, Lucy del Cardayré attended Randolph-Macon Woman's College and Longwood University; after completing her education, she served as a teacher and an executive assistant and worked at the Medical Society of Virginia for many years; and

WHEREAS, later in life, Lucy del Cardayré served the Commonwealth as an administrative assistant to Senator William A. Truban and Senator Hunter B. Andrews in the Senate of Virginia; and

WHEREAS, passionate about helping and serving others, Lucy del Cardayré was a longtime Meals on Wheels driver, ensuring that members of the community in need had a nourishing meal, especially in times of inclement weather; and

WHEREAS, as a member of Families Anonymous, Lucy del Cardayré provided support and fellowship to individuals and families coping with the pain of addiction; and

WHEREAS, known as a kind listener and possessed of an exceptional memory, Lucy del Cardayré was an admired storyteller and loved to experience other cultures as a world traveler; and

WHEREAS, Lucy del Cardayré cared deeply for her family, and she will be fondly remembered and greatly missed by her sons, John, Peter, and Stephen, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lucy Bralley del Cardayré; and, be it RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lucy Bralley del Cardayré as an expression of the Senate of Virginia's respect for her memory.

## SUMMARY OF 2015 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION .....	2776
House Bills .....	1126
Senate Bills .....	793
House Joint Resolutions .....	473
Senate Joint Resolutions .....	170
House Resolutions .....	133
Senate Resolutions .....	81
TOTAL LEGISLATION PASSED AND/OR AGREED TO .....	1513
House Bills .....	456
Senate Bills .....	344
House Joint Resolutions .....	386
Senate Joint Resolutions .....	118
House Resolutions .....	129
Senate Resolutions .....	80
TOTAL BILLS ENACTED INTO LAW .....	774
House Bills .....	441
Senate Bills .....	333
House Joint Resolutions .....	2
Senate Joint Resolutions .....	1
TOTAL CHAPTERS .....	777
BILLS VETOED BY GOVERNOR .....	26
House Bills .....	15
Senate Bills .....	11

## HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
324	700	2226	1439	404	775	1563	444	849	1682	201	363
1275	720	2276	1440	4	38	1564	726	2288	1686	463	870
1276	721	2276	1443	142	284	1567	50	160	1693	297	570
1277	158	302	1444	723	2278	1570	758	2448	1694	309	605
1279	159	308	1445	7 E	42	1578	193	356	1698	703	2242
1284	187 E	352	1446	389	738	1584	502	918	1700	405	781
1285	442	841	1451	596	1279	1587	51	162	1701	56	169
1286	229	426	1452	190	353	1588	166	319	1702	759	2462
1291	151	292	1455	264	504	1589	266	508	1704	57	170
1297	230	427	1457	724	2280	1593	233	430	1705	271	514
1298	484	887	1458	725 E	2282	1594	607	1311	1707	58	171
1303	558	1225	1459	153	294	1597	194	357	1711	59	171
1307	666	2140	1460	646	1463	1601	727 E	2293	1714	323	631
1308	672	2145	1466	448	857	1602	52	163	1715	663	1513
1319	630 E	1418	1469	708	2250	1603	167	319	1716	60	172
1320	562	1229	1470	458	866	1606	195 E	357	1717	504	1136
1324	160	310	1471	390	739	1607	53	165	1718	202	368
1331	132	272	1472	586	1263	1609	709	2250	1721	577	1251
1333	133	272	1474	391	739	1610	710	2261	1723	298	576
1334	139	283	1475	231	427	1611	196	359	1724	170	325
1335	140	283	1476	295	568	1612	728	2306	1727	61 E	177
1336	578	1252	1483	485	888	1613	168	321	1733	505	1138
1338	563	1234	1484	143	285	1615	145	285	1734	474	880
1340	152	293	1486	606	1310	1616	588	1266	1735	355	696
1341	161	311	1487	154	295	1618	169	321	1736	299	577
1342	188	353	1488	44	157	1625	267	509	1737	300	578
1344	41	153	1489	257	485	1628	569	1243	1738	668	2142
1345	42	154	1490	144	285	1629	445	851	1739	394	742
1350	124	263	1493	392	740	1632	268	511	1741	336	650
1351	564	1234	1499	45	157	1633	127	266	1742	334	639
1353	594	1277	1500	436	835	1634	54	165	1747	649	1469
1355	714	2272	1506	265	507	1635	128	268	1748	171	328
1357	443	845	1507	46	158	1637	570	1244	1750	656	1491
1360	400	759	1510	232	429	1639	729 E	2307	1751	608	1312
1364	677	2149	1515	296	569	1640	446	852	1754	590	1270
1366	688	2192	1516	47	158	1641	318	625	1756	203	369
1367	125	264	1522	338	660	1642	269	513	1757	696	2213
1374	457	865	1523	191	354	1645	393	740	1758	406	782
1379	189	353	1531	459	867	1648	620	1394	1761	204	370
1386	595 E	1278	1532	689	2193	1649	197	360	1764	415	807
1392	162	311	1535	48	159	1653	571	1245	1766	234	430
1397	315	623	1536	164	312	1656	198	361	1767	547	1211
1398	256	471	1538	134	276	1657	109	248	1768	339	660
1400	665	1515	1542	461	869	1661	462	869	1775	310	606
1401	163	312	1544	333	639	1662	2	1	1776	730	2309
1402	722	2277	1545	126	264	1663	199	361	1780	631	1418
1408	43	155	1549	155	295	1666	200	362	1783	506	1139
1413	106	235	1551	165	319	1672	368	718	1784	609	1313
1419	322	628	1553	192	355	1674	566	1238	1785	707	2249
1423	141	284	1554	49	159	1675	701	2237	1790	673	2146
1424	263	504	1558	108	238	1676	589	1266	1791	560	1228
1433	644	1435	1560	546	1211	1679	55	169	1792	301	585
1435	107	236	1562	482	883	1681	270	514	1794	401	762

Note: E signifies emergency status

## HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
1795	272	515	1897	704	2243	2042	466	872	2192	117	257
1796	62	178	1898	207	377	2043	211	382	2193	467	872
1798	610	1318	1899	450	858	2047	70	189	2195	468	876
1799	685	2185	1901	439	837	2048	633	1421	2204	647	1464
1800	454	863	1905	408	783	2049	548	1212	2206	766	2526
1803	110	250	1908	735 E	2385	2051	276	524	2207	239	443
1804	111	251	1914	514	1166	2052	373	723	2209	616	1390
1806	447	853	1915	477	881	2055	214	384	2216	387	731
1807	273	516	1916	316	624	2056	712	2269	2222	212	383
1808	205	371	1917	736	2389	2058	396	744	2226	469	877
1810	507	1142	1918	509	1147	2059	614	1350	2228	598	1291
1811	675	2147	1921	208	379	2061	317	625	2229	617	1391
1812	475	880	1924	613	1349	2062	740	2395	2235	73	194
1817	172	328	1927	632	1420	2063	115	254	2236	358	699
1818	302	585	1928	209	380	2067	674	2146	2237	599	1292
1819	585	1259	1930	737	2390	2068	146	288	2240	470	878
1820	456	864	1935	236	433	2070	763	2481	2243	359	699
1821	5	38	1940	650	1476	2071	452	861	2245	388	737
1822	63	179	1942	515	1169	2072	72	193	2246	471	878
1824	464	871	1946	544	1210	2080	410	788	2247	472 E	879
1826	731	2369	1950	432	821	2081	576	1250	2255	353	693
1827	497	907	1951	510	1148	2082	340	661	2257	397	748
1828	235	430	1952	559	1228	2083	305	596	2266	480	883
1829	173	329	1955	738	2392	2090	356	698	2267	398	749
1833	732 E	2376	1956	113	252	2092	402	763	2269	375	723
1834	206	377	1957	478	881	2094	176	331	2273	74	194
1835	760	2465	1958	293	562	2098	487	889	2276	591	1271
1839	303	591	1959	579	1252	2100	277	525	2277	512	1163
1841	517	1171	1961	68	185	2103	411	791	2279	178	336
1842	761	2475	1963	114	253	2104	549	1213	2283	135	277
1843	486	888	1964	690	2196	2111	479	882	2286	767	2530
1844	451	859	1965	409	784	2112	278	532	2288	280	540
1847	513	1165	1966	69	186	2114	568	1243	2289	341	663
1849	597	1287	1967	137	278	2118	116	256	2290	327	634
1854	733	2382	1969	511	1163	2119	412	792	2292	281 E	541
1857	734	2384	1978	210	381	2120	413	806	2293	572	1246
1859	64	180	1980	325	634	2125	764	2523	2295	692	2205
1860	476	881	1983	174	329	2128	279	535	2298	312	615
1867	274	517	1984	762	2480	2137	385	730	2299	519 E	1173
1868	304	595	1986	275	518	2141	357	698	2303	662	1511
1871	465	871	1998	669	2142	2148	765	2524	2306	311	606
1873	324	633	2015	686	2188	2161	488	892	2307	156	300
1875	65	181	2016	129	268	2162	237	442	2308	282	541
1878	611	1319	2018	319	626	2164	374	723	2312	376	723
1880	449	858	2019	175	330	2169	386	731	2314	600	1301
1882	66	182	2020	326	634	2172	71	193	2316	741	2409
1885	112	252	2025	438	837	2173	498	908	2318	705	2245
1886	612	1346	2026	698	2223	2176	623	1396	2320	664	1514
1887	684	2162	2031	518	1172	2177	651	1478	2323	768	2531
1890	508	1144	2035	213	383	2178	539	1195	2329	545	1211
1891	499	908	2036	739	2393	2183	238	443	2330	399	752
1892	67 E	183	2038	258	486	2184	177	332	2331	618	1392
1893	403	767	2040	395	744	2189	615	1350	2332	481	883

Note: E signifies emergency status

**HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS**

HOUSE			HOUSE		
HB	Chapter	Page			
2342	240	444			
2350	561	1229			
2354	384	729			
2355	634	1423			
2357	619	1393			
2368	742	2414			
2369	602	1303			
2372	652	1480			
2373	582	1254			
2378	473	880			
2379	713	2271			
2383	653	1481			
2384	621	1395			
2385	601	1302			
2391	676	2148			
2396	622	1396			
2397	313	617			
HJR	Chapter	Page			
490	717	2275			
597	718	2275			

Note: E signifies emergency status

## SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page									
675	743	2415	821	369	719	931	693	2207	1046	136	277
676	744	2415	832	425	815	933	82	201	1047	683	2161
678	157	301	834	17	55	936	220	391	1048	455	864
685	75	195	836	218	390	938	503	1027	1049	749	2421
690	283	542	838	678	2154	940	83	206	1050	221	391
695	440	839	839	242	445	941	556	1223	1052	750	2423
697	9	44	842	370	721	942	536	1190	1056	428	817
701	76	197	843	219	390	944	119	258	1058	122	263
702	77	198	845	417	808	947	120	260	1062	667	2140
703	10	47	846	521	1174	951	670	2142	1064	332	638
707	550	1219	847	243	445	955	180	338	1067	639	1427
709	423	814	848	747	2419	956	181	344	1070	260	502
712	745	2416	850	366	704	961	343	664	1074	603	1304
717	532	1184	851	18	56	962	321	627	1079	251	463
720	414	807	854	697	2218	963	130	269	1081	491	901
721	769	2539	855	360	700	966	121	262	1085	640	1428
727	367	718	858	489	895	968	22	60	1086	537	1191
729	11	48	859	453	862	969	131	270	1089	648	1468
732	655	1489	860	553	1222	972	84	207	1090	26	67
737	12	48	861	306	597	979	245	447	1092	645	1449
744	407	782	862	361	701	982	702	2239	1094	222	402
745	13	49	865	551	1220	989	40	153	1095	364	703
748	14	53	868	284	542	997	362	702	1097	751	2425
749	215	385	869	80	200	999	434	831	1098	419	809
750	365	704	871	573	1247	1001	679	2155	1099	90	213
753	15	55	872	244	446	1002	435	833	1106	138	282
755	715	2274	874	148	289	1003	259	501	1109	182 E	345
759	78	198	875	19	57	1007	246	447	1111	523	1176
761	711	2268	876	699	2224	1008	286	543	1114	659	1497
762	424	814	878	682	2159	1010	247	449	1115	91	215
763	354	694	881	20	58	1012	248	452	1117	524	1177
770	624	1415	885	441	839	1014	85	207	1118	557	1224
773	543	1208	888	643	1434	1015	23	61	1119	252	463
775	79	199	889	605	1310	1016	24	62	1120	525	1178
776	746	2418	891	748	2420	1018	307	598	1121	261	502
778	16	55	892	418	809	1019	680	2155	1122	716	2274
779	535	1189	894	533	1186	1021	706	2248	1125	287	544
781	416	808	895	534	1186	1024	86	208	1126	27	68
782	147	289	896	285	542	1025	3	19	1127	593	1274
789	331	638	899	21	59	1030	377 E	724	1129	183 E	348
790	216	386	900	149	289	1031	87	209	1133	574	1248
792	179	336	901	522	1175	1032	38	91	1136	337	659
793	217	389	904	335	640	1034	25	63	1142	92	215
794	635	1424	908	426	815	1036	671	2145	1151	526	1179
801	427	816	914	552	1221	1037	249	461	1156	554	1222
803	460	868	915	555	1223	1038	490	896	1157	93	216
809	342	664	916	565	1236	1039	542	1204	1162	538	1192
811	241	444	918	81	200	1040	250	462	1163	28	72
813	660	1500	919	625	1415	1041	88	209	1165	288	550
814	483	885	923	654	1485	1042	500	913	1168	770	2539
815	494	905	927	636	1425	1043	89 E	210	1173	527	1179
816	314	622	928	638	1427	1044	1 E	1	1174	344	668
817	118	257	930	320	626	1045	363	703	1176	345	669

Note: E signifies emergency status

## SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	
1177	378	725	1293	372	722	1423	531	1182	
1184	223	407	1301	774	2559	1424	777	2571	
1186	752 E	2432	1303	35	83	1427	105	235	
1187	437	836	1304	36	83	1430	254	470	
1188	691	2201	1306	100	226	1434	658	1495	
1190	584	1255	1307	501	918	1435	642	1433	
1191	289	554	1308	381	726	1440	433	823	
1193	771	2554	1309	755	2439	1443	186	352	
1195	772	2554	1311	101	227	1445	422	814	
1196	773	2558	1312	495	906	1448	39 E	151	
1197	661	1509	1314	496	906	1450	657	1493	
1198	29	74	1316	641	1429	1451	681	2158	
1201	753	2437	1319	382	727	1461	255	470	
1203	184	351	1320	150	292	1464	493 E	905	
1204	626	1416	1325	756	2440	1466	628	1417	
1205	94	220	1330	123	263	<b>SJR</b>	<b>Chapter</b>	<b>Page</b>	
1206	580	1253	1331	694	2207	256	719	2276	
1208	30	75	1333	775	2559				
1214	294	564	1334	37	83				
1217	224 E	413	1335	581	1254				
1218	95	220	1336	629	1417				
1219	96	221	1339	330	637				
1220	31	76	1341	262	503				
1223	328	635	1349	6	39				
1226	350	690	1351	575	1248				
1227	32	76	1354	583	1255				
1229	379	725	1355	420	810				
1231	290	554	1358	253	470				
1232	754	2438	1359	383	729				
1235	8 E	43	1360	226	416				
1236	329	635	1361	102	228				
1238	97	222	1362	587	1264				
1240	98	223	1366	103	228				
1241	429	818	1368	627	1416				
1245	225	415	1371	776	2561				
1247	291	555	1372	292	555				
1257	346	676	1376	185	351				
1258	99	224	1377	351	692				
1259	33	78	1378	352	692				
1260	528	1179	1380	757	2443				
1262	516	1170	1381	492	902				
1263	308	598	1383	592	1273				
1264	540	1198	1385	687	2189				
1265	34	82	1390	430	819				
1268	529	1180	1395	431	819				
1269	604	1305	1401	349	688				
1272	695	2208	1403	567	1242				
1276	347	676	1404	227	417				
1283	541	1202	1405	520 E	1173				
1284	380	726	1411	228	426				
1286	371	722	1412	421	812				
1287	348	680	1413	104	230				
1290	637	1426	1417	530	1181				

Note: E signifies emergency status

**BILLS VETOED BY THE GOVERNOR**

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2015 Regular Session.)

The following vetoed bills were returned unsigned by Governor Terence R. McAuliffe:

**HOUSE BILLS**

- HB 1296 Elected offices; if office filled at November or May general election is vacant, then term of office shall begin when officer has qualified and taken oath, filling vacancies in United States Senate and House of Representatives, special elections. Chief Patron: Cole
- HB 1315 Jury commissioners; commissioners shall retain information obtained from those persons not qualified to serve, effective date. Chief Patron: Cole
- HB 1318 Absentee ballots; photo identification required for any voter submitting an application by mail or by electronic or telephonic transmission, certain requirement shall not apply to a registered voter who is qualified to vote absentee. Chief Patron: Campbell
- HB 1332 House of Delegates districts; technical adjustments of certain boundaries. Chief Patron: Campbell
- HB 1417 House of Delegates districts; technical adjustment to Districts 7, 8, and 12 in Montgomery County. Chief Patron: Yost
- HB 1473 General registrars; local electoral boards permitted to appoint a qualified voter from an adjoining county or city. Chief Patron: Yost
- HB 1608 Local government; prohibiting certain practices that would require contractors to provide certain compensation or benefits. Chief Patron: Davis
- HB 1626 Public schools; no public school shall become a member of any organization or entity whose purpose is to regulate or govern interscholastic programs that does not deem eligible for participation a student receiving home instruction, etc., local school board shall not be required to establish a policy permitting participation in programs at its schools by certain students who reside in school division, sunset provision. Chief Patron: Bell, Robert B.
- HB 1673 Government Data Collection and Dissemination Practices Act; unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use license plate readers to collect or maintain personal information, collection of information from license plate readers. Chief Patron: Anderson
- HB 1699 House of Delegates districts; technical adjustment to Districts 25 and 26 in Rockingham County. Chief Patron: Wilt
- HB 1752 Standards of Learning; Board of Education shall not replace educational objectives with Common Core State Standards without prior statutory approval of General Assembly. Chief Patron: LaRock
- HB 1879 Coalfield employment enhancement; aggregate amount of credits that may be allocated or claimed by all electricity generators in each fiscal year of the Commonwealth shall not exceed \$7.5 million. Department of Taxation shall develop and make publicly available guidelines implementing certain provisions. Chief Patron: Kilgore

- HB 2009 Firearms, certain; chief law-enforcement officer certification for transfer, information required of applicant when officer is making certification decision. Chief Patron: LaRock
- HB 2322 Health benefit plans; essential health benefits waiver. Chief Patron: Stolle
- HB 2395 Public works contracts; prevailing wage provisions, prohibited terms. Chief Patron: Ramadan

**SENATE BILLS**

- SB 724 Standards of Learning; Board of Education shall not replace educational objectives with Common Core State Standards without prior statutory approval of General Assembly. Chief Patron: Black
- SB 948 Concealed handgun permits; sharing of information on permittees in the Virginia Criminal Information Network with states that do not have reciprocity agreements with Virginia. Chief Patron: Stuart
- SB 965 Government Data Collection and Dissemination Practices Act; unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use any surveillance technology to collect or maintain personal information, collection of information from license plate readers. Chief Patron: Petersen
- SB 986 Senate districts; changes district assignments of two census precincts in Louisa County. Chief Patron: Garrett
- SB 1059 Special counsel; employment by Attorney General or Governor, requirements for entering into contracts with counsel, report. Chief Patron: Obenshain
- SB 1066 Elected offices; if office filled at November or May general election is vacant, then term of office shall begin when officer has qualified and taken oath, filling vacancies in United States Senate and House of Representatives, special elections. Chief Patron: Obenshain
- SB 1084 General Assembly districts; changes to certain districts between Senate and House of Delegates. Chief Patron: Vogel
- SB 1137 Loaded rifle or shotgun; regulation of transportation, provision shall not apply to any person who holds a valid concealed handgun permit. Chief Patron: Garrett
- SB 1161 Coalfield employment enhancement; aggregate amount of credits that may be allocated or claimed by all electricity generators in each fiscal year of the Commonwealth shall not exceed \$7.5 million, Department of Taxation shall develop and make publicly available guidelines implementing certain provisions. Chief Patron: Colgan
- SB 1237 Senate districts; changes district assignments of census blocks in Albemarle County between Districts 17 and 25. Chief Patron: Reeves
- SB 1350 Voter registration; voter may cancel his registration by notifying the Department of Elections of his request to have his name removed from central registration records by electronic means as approved by the State Board. Chief Patron: Vogel

**THE SENATE  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
5	Alexander, Kenneth C. (D)	Cities of Chesapeake (part) and Norfolk (part)
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Black, Richard H. (R)	Counties of Loudoun (part) and Prince William (part)
40	Carrico, Charles W., Sr. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
29	Colgan, Charles J. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
16	Dance, Rosalyn R. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
22	Garrett, Thomas A., Jr. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)

**THE SENATE  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)
11	Martin, Stephen H. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
9	McEachin, A. Donald (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
8	McWaters, Jeffrey L. (R)	City of Virginia Beach (part)
1	Miller, John C. (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
36	Puller, Linda T. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
19	Smith, Ralph K. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville

**THE SENATE**  
**2015 REGULAR SESSION**

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District Number	Name	County and/or City Represented
12	Stosch, Walter A. (R)	Counties of Hanover (part) and Henrico (part)
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester
7	Wagner, Frank W. (R)	Cities of Norfolk (part) and Virginia Beach (part)
10	Watkins, John C. (R)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
33	Wexton, Jennifer T. (D)	Counties of Fairfax (part) and Loudoun (part)

**THE HOUSE OF DELEGATES  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
42	Albo, David B. (R)	County of Fairfax (part)
51	Anderson, Richard L. (R)	County of Prince William (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
74	Bagby, Lamont (D)‡	Counties of Charles City and Henrico (part); City of Richmond (part)
95	BaCote, Mamy E. (D)	Cities of Hampton (part) and Newport News (part)
20	Bell, Richard P. (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
29	Berg, Mark J. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
69	Carr, Betsy B. (D)	County of Chesterfield (part); City of Richmond (part)
24	Cline, Benjamin L. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
82	DeSteph, William R., Jr. (R)	City of Virginia Beach (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
56	Farrell, Peter F. (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
2	Futrell, Michael T. (D)	Counties of Prince William (part) and Stafford (part)
23	Garrett, T. Scott (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
32	Greason, Thomas A. (R)	County of Loudoun (part)
8	Habeeb, Gregory D. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
91	Helsel, Gordon C., Jr. (R)	County of York (part); Cities of Hampton (part) and Poquoson
46	Herring, Charniele L. (D)	City of Alexandria (part)
89	Hester, Daun Sessoms (D)	City of Norfolk (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
28	Howell, William J. (R)	County of Stafford (part); City of Fredericksburg (part)
40	Hugo, Timothy D. (R)	Counties of Fairfax (part) and Prince William (part)
62	Ingram, Riley E. (R)	Counties of Chesterfield (part), Henrico (part), and Prince George (part); City of Hopewell (part)
80	James, Matthew (D)	Cities of Chesapeake (part), Norfolk (part), Portsmouth (part), and Suffolk (part)
79	Joannou, Johnny S. (D)	Cities of Norfolk (part) and Portsmouth (part)
76	Jones, S. Chris (R)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
45	Krupicka, K. Robert, Jr. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
25	Landes, R. Steven (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)

**THE HOUSE OF DELEGATES  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
67	LeMunyon, James M. (R)	Counties of Fairfax (part) and Loudoun (part)
90	Lindsey, Joseph C. (D)	Cities of Norfolk (part) and Virginia Beach (part)
31	Lingamfelter, L. Scott (R)	Counties of Fauquier (part) and Prince William (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
68	Loupassi, G. M. (R)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
13	Marshall, Robert G. (R)	County of Prince William (part); City of Manassas Park
93	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
72	Massie, James P., III (R)	County of Henrico (part)
71	McClellan, Jennifer L. (D)	County of Henrico (part); City of Richmond (part)
70	McQuinn, Delores L. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
50	Miller, Jackson H. (R)	County of Prince William (part); City of Manassas
10	Minchew, J. Randall (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
64	Morris, Richard L. (R)	Counties of Isle of Wight (part), Prince George (part), Southampton (part), Surry (part), and Sussex (part); Cities of Franklin (part) and Suffolk (part)
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
74	Morrissey, Joseph D. (I)†	Counties of Charles City and Henrico (part); City of Richmond (part)
73	O'Bannon, John M., III (R)	County of Henrico (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
97	Peace, Christopher K. (R)	Counties of Hanover (part), King William (part), and New Kent

**THE HOUSE OF DELEGATES  
2015 REGULAR SESSION**

District Number	Name	County and/or City Represented
4	Pillion, Todd E. (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
96	Pogge, Brenda L. (R)	Counties of James City (part) and York (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
63	Preston, Joseph E. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell (part) and Petersburg
87	Ramadan, David I. (R)	Counties of Loudoun (part) and Prince William (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
86	Rust, Thomas Davis (R)	Counties of Fairfax (part) and Loudoun (part)
30	Scott, Edward T. (R)	Counties of Culpeper (part), Madison, and Orange
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
77	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Suffolk (part)
83	Stolle, Christopher P. (R)	Cities of Norfolk (part) and Virginia Beach (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
44	Surovell, Scott A. (D)	County of Fairfax (part)
85	Taylor, Scott W. (R)	City of Virginia Beach (part)
52	Torian, Luke E. (D)	County of Prince William (part)
57	Toscano, David J. (D)	County of Albemarle (part); City of Charlottesville
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight (part), Lunenburg (part), Southampton (part), Surry (part), and Sussex (part); Cities of Emporia and Franklin (part)
21	Villanueva, Ronald A. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee, Jr. (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES  
2015 REGULAR SESSION**

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District Number	Name	County and/or City Represented
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
94	Yancey, David E. (R)	City of Newport News (part)
12	Yost, Joseph R. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford

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†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

**SENATORS AND DELEGATES BY COUNTIES  
2015 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D)..... Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) R. Steven Landes (R) David J. Toscano (D)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Stephen H. Martin (R).....	Thomas C. Wright, Jr. (R)
Amherst.....	Thomas A. Garrett, Jr. (R).....	Benjamin L. Cline (R) T. Scott Garrett (R)
Appomattox.....	Thomas A. Garrett, Jr. (R).....	C. Matthew Fariss (R)
Arlington .....	Adam P. Ebbin (D) .....	Patrick A. Hope (D)
	Barbara A. Favola (D) Janet D. Howell (D)	K. Robert Krupicka, Jr. (D) Alfonso H. Lopez (D) Richard C. Sullivan, Jr. (D)
Augusta .....	Emmett W. Hanger, Jr. (R).....	Richard P. Bell (R) Benjamin L. Cline (R) R. Steven Landes (R)
Bath .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Bedford .....	Stephen D. Newman (R)..... Ralph K. Smith (R)	Terry L. Austin (R) Kathy J. Byron (R) T. Scott Garrett (R)
Bland .....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Botetourt .....	Stephen D. Newman (R).....	Terry L. Austin (R) Christopher T. Head (R)
Brunswick .....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
	Frank M. Ruff, Jr. (R)	
Buchanan.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Buckingham .....	Thomas A. Garrett, Jr. (R).....	C. Matthew Fariss (R)
Campbell .....	Stephen D. Newman (R)..... Frank M. Ruff, Jr. (R)	Kathy J. Byron (R) James E. Edmunds, II (R) C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll .....	Ralph K. Smith (R) .....	Jeffrey L. Campbell (R)
	William M. Stanley, Jr. (R)	
Charles City .....	A. Donald McEachin (D).....	Joseph D. Morrissey (I)† Lamont Bagby (D)‡
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
Chesterfield.....	Rosalyn R. Dance (D) .....	Betsy B. Carr (D)
	Stephen H. Martin (R) John C. Watkins (R)	M. Kirkland Cox (R) Riley E. Ingram (R) G. M. Loupassi (R) Delores L. McQuinn (D) Joseph E. Preston (D) Roxann L. Robinson (R) R. Lee Ware, Jr. (R)
Clarke .....	Jill Holtzman Vogel (R) .....	David A. LaRock (R) J. Randall Minchew (R)
Craig.....	Stephen D. Newman (R) .....	Gregory D. Habeeb (R)
Culpeper.....	Emmett W. Hanger, Jr. (R)..... Bryce E. Reeves (R) Jill Holtzman Vogel (R)	Edward T. Scott (R) Michael J. Webert (R)
Cumberland.....	Thomas A. Garrett, Jr. (R).....	Thomas C. Wright, Jr. (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dickenson.....	A. Benton Chafin, Jr. (R) .....	Todd E. Pillion (R)
Dinwiddie.....	Rosalyn R. Dance (D) .....	Joseph E. Preston (D)
	Frank M. Ruff, Jr. (R)	Roslyn C. Tyler (D)
Essex .....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Fairfax .....	George L. Barker (D) .....	David B. Albo (R)
	Adam P. Ebbin (D)	David L. Bulova (D)
	Barbara A. Favola (D)	Eileen Filler-Corn (D)
	Janet D. Howell (D)	Timothy D. Hugo (R)
	David W. Marsden (D)	Mark L. Keam (D)
	J. Chapman Petersen (D)	Kaye Kory (D)
	Linda T. Puller (D)	K. Robert Krupicka, Jr. (D)
	Richard L. Saslaw (D)	James M. LeMunyon (R)
	Jennifer T. Wexton (D)	Alfonso H. Lopez (D)
		Kathleen J. Murphy (D)
		Kenneth R. Plum (D)
		Thomas Davis Rust (R)
		Mark D. Sickles (D)
		Marcus B. Simon (D)
		Richard C. Sullivan, Jr. (D)
		Scott A. Surovell (D)
		Vivian E. Watts (D)
Fauquier .....	Jill Holtzman Vogel (R).....	Mark L. Cole (R)
		L. Scott Lingamfelter (R)
		Michael J. Webert (R)
Floyd .....	Ralph K. Smith (R) .....	L. Nick Rush (R)
Fluvanna.....	Thomas A. Garrett, Jr. (R).....	Robert B. Bell (R)
		R. Lee Ware, Jr. (R)
Franklin .....	Ralph K. Smith (R) .....	Kathy J. Byron (R)
	William M. Stanley, Jr. (R)	Charles D. Poindexter (R)
Frederick .....	Jill Holtzman Vogel (R).....	Mark J. Berg (R)
		David A. LaRock (R)
		J. Randall Minchew (R)
Giles .....	John S. Edwards (D) .....	Joseph R. Yost (R)
Gloucester .....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland.....	Thomas A. Garrett, Jr. (R).....	Peter F. Farrell (R)
		R. Lee Ware, Jr. (R)
Grayson .....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R)
Greene .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
Greensville .....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
	William M. Stanley, Jr. (R)	
Hanover.....	Ryan T. McDougle (R).....	Hyland F. Fowler, Jr. (R)
	A. Donald McEachin (D)	Christopher K. Peace (R)
	Walter A. Stosch (R)	
Henrico.....	A. Donald McEachin (D) .....	Lamont Bagby (D)†
	Walter A. Stosch (R)	Peter F. Farrell (R)
		Riley E. Ingram (R)
		G. M. Loupassi (R)
		James P. Massie, III (R)
		Jennifer L. McClellan (D)
		Delores L. McQuinn (D)
		Joseph D. Morrissey (I)†
		John M. O'Bannon, III (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Henry.....	William M. Stanley, Jr. (R) .....	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	Richard P. Bell (R)
Isle of Wight.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Richard L. Morris (R) Roslyn C. Tyler (D)
James City.....	John C. Miller (D).....	T. Montgomery Mason (D)
King and Queen .....	Thomas K. Norment, Jr. (R).....	Brenda L. Pogge (R)
King George.....	Thomas K. Norment, Jr. (R)..... Ryan T. McDougle (R)..... Richard H. Stuart (R)	M. Keith Hodges (R) Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Christopher K. Peace (R)
Lancaster .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
Loudoun .....	Richard H. Black (R) .....	Thomas A. Greason (R)
	Barbara A. Favola (D) Jill Holtzman Vogel (R) Jennifer T. Wexton (D)	David A. LaRock (R) James M. LeMunyon (R) J. Randall Minchew (R) Kathleen J. Murphy (D) David I. Ramadan (R) Thomas Davis Rust (R)
Louisa.....	Thomas A. Garrett, Jr. (R)..... Bryce E. Reeves (R)	Peter F. Farrell (R)
Lunenburg .....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Edward T. Scott (R)
Mathews.....	Lynwood W. Lewis, Jr. (D) .....	M. Keith Hodges (R)
Mecklenburg .....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	A. Benton Chafin (D)..... John S. Edwards (D) Ralph K. Smith (R)	Gregory D. Habeeb (R) L. Nick Rush (R) Joseph R. Yost (R)
Nelson .....	R. Creigh Deeds (D).....	Richard P. Bell (R) C. Matthew Fariss (R)
New Kent .....	Thomas K. Norment, Jr. (R).....	Christopher K. Peace (R)
Northampton .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Northumberland .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Edward T. Scott (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick .....	William M. Stanley, Jr. (R) .....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan.....	John C. Watkins (R).....	R. Lee Ware, Jr. (R)
Prince Edward .....	Thomas A. Garrett, Jr. (R).....	James E. Edmunds, II (R)
Prince George.....	Rosalyn R. Dance (D) .....	Riley E. Ingram (R)
	Frank M. Ruff, Jr. (R)	Richard L. Morris (R) Joseph E. Preston (D)
Prince William .....	George L. Barker (D) .....	Richard L. Anderson (R)
	Richard H. Black (R) Charles J. Colgan (D) Linda T. Puller (D)	Michael T. Futrell (D) Timothy D. Hugo (R) L. Scott Lingamfelter (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
	Richard H. Stuart (R)	Robert G. Marshall (R) Jackson H. Miller (R) David I. Ramadan (R) Luke E. Torian (D)
Pulaski.....	A. Benton Chafin, Jr. (R) .....	L. Nick Rush (R) Joseph R. Yost (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R)
	Stephen D. Newman (R) Ralph K. Smith (R)	Christopher T. Head (R)
Rockbridge.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Rockingham .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R) R. Steven Landes (R) Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R) Todd E. Pillion (R)
Scott .....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
Shenandoah.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth .....	Charles W. Carrico, Sr. (R) .....	Jeffrey L. Campbell (R)
	A. Benton Chafin, Jr. (R)	Israel D. O'Quinn (R)
Southampton .....	John A. Cosgrove, Jr. (R).....	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougale (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R) Richard H. Stuart (R)	Peter F. Farrell (R) Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R)
Stafford.....	Linda T. Puller (D).....	Mark L. Cole (R)
	Richard H. Stuart (R) Jill Holtzman Vogel (R)	Michael T. Futrell (D) William J. Howell (R)
Surry.....	L. Louise Lucas (D) .....	Richard L. Morris (R)
	Thomas K. Norment, Jr. (R)	Roslyn C. Tyler (D)
Sussex.....	L. Louise Lucas (D) .....	Richard L. Morris (R) Roslyn C. Tyler (D)
Tazewell .....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Mark J. Berg (R) C. Todd Gilbert (R) Michael J. Webert (R)
Washington.....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R) Todd E. Pillion (R)
Westmoreland.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
	A. Benton Chafin, Jr. (R)	Todd E. Pillion (R)
Wythe .....	Charles W. Carrico, Sr. (R) .....	Jeffrey L. Campbell (R)
	Ralph K. Smith (R)	
York.....	Mamie E. Locke (D) .....	Gordon C. Helsel, Jr. (R)
	John C. Miller (D) Thomas K. Norment, Jr. (R)	T. Montgomery Mason (D) Brenda L. Pogge (R)

†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

**SENATORS AND DELEGATES BY CITIES  
2015 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria.....	George L. Barker (D) ..... Adam P. Ebbin (D) ..... Richard L. Saslaw (D)	Charniele L. Herring (D) K. Robert Krupicka, Jr. (D)
Bristol.....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R)
Buena Vista .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Charlottesville .....	R. Creigh Deeds (D).....	David J. Toscano (D)
Chesapeake .....	Kenneth C. Alexander (D) .....	Matthew James (D)
	John A. Cosgrove, Jr. (R)	S. Chris Jones (R)
	L. Louise Lucas (D)	Barry D. Knight (R)
		James A. Leftwich, Jr. (R)
		Lionell Spruill, Sr. (D)
		Ronald A. Villanueva (R)
Colonial Heights .....	Stephen H. Martin (R).....	M. Kirkland Cox (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R).....	Daniel W. Marshall, III (R)
	William M. Stanley, Jr. (R)	
Emporia.....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Fairfax .....	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church .....	Richard L. Saslaw (D).....	Marcus B. Simon (D)
Franklin .....	John A. Cosgrove, Jr. (R).....	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fredericksburg .....	Bryce E. Reeves (R).....	Mark L. Cole (R)
		William J. Howell (R)
Galax .....	William M. Stanley, Jr. (R) .....	Israel D. O'Quinn (R)
Hampton.....	Mamie E. Locke (D) .....	Mamye E. BaCote (D)
	John C. Miller (D)	Gordon C. Helsel, Jr. (R)
	Thomas K. Norment, Jr. (R)	Jeion A. Ward (D)
Harrisonburg .....	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell .....	Rosalyn R. Dance (D) .....	Riley E. Ingram (R)
		Joseph E. Preston (D)
Lexington .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Lynchburg .....	Thomas A. Garrett, Jr. (R).....	Kathy J. Byron (R)
	Stephen D. Newman (R)	T. Scott Garrett (R)
Manassas .....	Charles J. Colgan (D).....	Jackson H. Miller (R)
Manassas Park.....	Charles J. Colgan (D).....	Robert G. Marshall (R)
Martinsville .....	William M. Stanley, Jr. (R) .....	Leslie R. Adams (R)
Newport News .....	Mamie E. Locke (D) .....	Mamye E. BaCote (D)
	John C. Miller (D)	T. Montgomery Mason (D)
		David E. Yancey (R)
Norfolk.....	Kenneth C. Alexander (D) .....	Robert S. Bloxom, Jr. (R)
	Lynwood W. Lewis, Jr. (D)	Dawn Sessoms Hester (D)
	Frank W. Wagner (R)	Matthew James (D)
		Johnny S. Joannou (D)
		Joseph C. Lindsey (D)
		Christopher P. Stolle (R)
Norton .....	A. Benton Chafin, Jr. (R) .....	Terry G. Kilgore (R)
Petersburg.....	Rosalyn R. Dance (D) .....	Joseph E. Preston (D)
Poquoson .....	Thomas K. Norment, Jr. (R).....	Gordon C. Helsel, Jr. (R)
Portsmouth .....	John A. Cosgrove, Jr. (R) .....	Matthew James (D)
	Mamie E. Locke (D)	Johnny S. Joannou (D)
	L. Louise Lucas (D)	
Radford .....	A. Benton Chafin, Jr. (R) .....	Joseph R. Yost (R)

**SENATORS AND DELEGATES BY CITIES  
2015 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Richmond.....	Rosalyn R. Dance (D) ..... A. Donald McEachin (D) ..... John C. Watkins (R) .....	Lamont Bagby (D)‡ ..... Betsy B. Carr (D) ..... G. M. Loupassi (R) ..... Jennifer L. McClellan (D) ..... Delores L. McQuinn (D) ..... Joseph D. Morrissey (I)† ..... Christopher T. Head (R) ..... Sam Rasoul (D) .....
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R) ..... Richard P. Bell (R) .....
Salem.....	Ralph K. Smith (R) .....	Richard P. Bell (R) .....
Staunton.....	Emmett W. Hanger, Jr. (R) .....	Matthew James (D) ..... S. Chris Jones (R) .....
Suffolk.....	John A. Cosgrove, Jr. (R) ..... L. Louise Lucas (D) ..... John C. Miller (D) .....	Richard L. Morris (R) ..... Lionell Spruill, Sr. (D) ..... Robert S. Bloxom, Jr. (R) ..... Glenn R. Davis, Jr. (R) ..... William R. DeSteph, Jr. (R) ..... Barry D. Knight (R) ..... Joseph C. Lindsey (D) ..... Christopher P. Stolle (R) ..... Scott W. Taylor (R) ..... Ronald A. Villanueva (R) .....
Virginia Beach.....	Thomas K. Norment, Jr. (R) ..... John A. Cosgrove, Jr. (R) ..... Lynwood W. Lewis, Jr. (D) ..... Jeffrey L. McWaters (R) ..... Frank W. Wagner (R) .....	Richard P. Bell (R) ..... T. Montgomery Mason (D) ..... Mark J. Berg (R) .....
Waynesboro.....	Emmett W. Hanger, Jr. (R) .....	
Williamsburg.....	John C. Miller (D) .....	
Winchester.....	Jill Holtzman Vogel (R).....	

†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

## COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack .....	449	33,164	Pittsylvania	969	63,506
Albemarle .....	721	98,970	Powhatan	260	28,046
Alleghany .....	445	16,250	Prince Edward	350	23,368
Amelia .....	355	12,690	Prince George	265	35,725
Amherst .....	474	32,353	Prince William	336	402,002
Appomattox .....	334	14,973	Pulaski	320	34,872
Arlington .....	26	207,627	Rappahannock	266	7,371
Augusta .....	967	73,750	Richmond	191	9,254
Bath .....	529	4,731	Roanoke	251	92,376
Bedford .....	753	68,676	Rockbridge	598	22,307
Bland .....	358	6,824	Rockingham	849	76,314
Botetourt .....	541	33,148	Russell	474	28,897
Brunswick .....	566	17,434	Scott	536	23,177
Buchanan .....	503	24,098	Shenandoah	509	41,993
Buckingham .....	580	17,146	Smyth	451	32,208
Campbell .....	504	54,842	Southampton	599	18,570
Caroline .....	528	28,545	Spotsylvania	401	122,397
Carroll .....	475	30,042	Stafford	269	128,961
Charles City .....	183	7,256	Surry	279	7,058
Charlotte .....	475	12,586	Sussex	490	12,087
Chesterfield .....	423	316,236	Tazewell	519	45,078
Clarke .....	176	14,034	Warren	213	37,575
Craig .....	330	5,190	Washington	561	54,876
Culpeper .....	379	46,689	Westmoreland	229	17,454
Cumberland .....	297	10,052	Wise	403	41,452
Dickenson .....	331	15,903	Wythe	462	29,235
Dinwiddie .....	504	28,001	York	105	65,464
Essex .....	257	11,151			
Fairfax .....	391	1,081,726	<b>CITIES</b>		
Fauquier .....	647	65,203	Alexandria	15	139,966
Floyd .....	380	15,279	Bedford*	7	6,222
Fluvanna .....	286	25,691	Bristol	13	17,835
Franklin .....	690	56,159	Buena Vista	7	6,650
Frederick .....	414	78,305	Charlottesville	10	43,475
Giles .....	356	17,286	Chesapeake	341	222,209
Gloucester .....	218	36,858	Colonial Heights	8	17,411
Goochland .....	282	21,717	Covington	5	5,161
Grayson .....	442	15,533	Danville	43	43,055
Greene .....	156	18,403	Emporia	7	5,927
Greensville .....	295	12,243	Fairfax	6	22,565
Halifax .....	818	36,241	Falls Church	2	12,332
Hanover .....	469	99,863	Franklin	8	8,582
Henrico .....	234	306,935	Fredericksburg	10	24,281
Henry .....	382	54,151	Galax	8	7,042
Highland .....	415	2,321	Hampton	51	137,436
Isle of Wight .....	316	35,270	Harrisonburg	17	48,914
James City .....	142	67,009	Hopewell	10	22,591
King and Queen .....	315	6,945	Lexington	2	7,042
King George .....	180	23,584	Lynchburg	49	75,568
King William .....	274	15,935	Manassas	10	37,821
Lancaster .....	133	11,391	Manassas Park	3	14,273
Lee .....	436	25,587	Martinsville	11	13,821
Loudoun .....	516	312,311	Newport News	69	180,719
Louisa .....	496	33,153	Norfolk	54	242,803
Lunenburg .....	432	12,914	Norton	7	3,958
Madison .....	321	13,308	Petersburg	23	32,420
Mathews .....	86	8,978	Poquoson	15	12,150
Mecklenburg .....	625	32,727	Portsmouth	34	95,535
Middlesex .....	130	10,959	Radford	10	16,408
Montgomery .....	387	94,392	Richmond	60	204,214
Nelson .....	471	15,020	Roanoke	43	97,032
New Kent .....	210	18,429	Salem	14	24,802
Northampton .....	212	12,389	Staunton	20	23,746
Northumberland .....	191	12,330	Suffolk	400	84,585
Nottoway .....	314	15,853	Virginia Beach	249	437,994
Orange .....	341	33,481	Waynesboro	15	21,006
Page .....	311	24,042	Williamsburg	9	14,068
Patrick .....	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

\*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

## COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		
<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

\*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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<b>Virginia Freedom of Information Act</b> ; resource management plans, closed meetings for purposes of discussion or consideration of certain personal and proprietary information. Patron—Scott . . . . .	HB	1618	169	321
Patron—Hanger . . . . .	SB	1126	27	68
<b>Virginia Information Technologies Agency</b> ; certain private higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. (Patron—Rust) . . . . .	HB	1661	462	869
<b>Virginia Military Advisory Council (VMAC)</b> ; reduces membership. (Patron—Lewis) . . . . .	SB	962	321	627
<b>Virginia-North Carolina Interstate High-Speed Rail Compact</b> ; both states allowed to elect a co-chairman from among their membership. (Patron—Watkins) . . . . .	SB	815	494	905
<b>Virginia Public Procurement Act</b> ; a public body may purchase from the contract of the Metropolitan Washington Council of Governments. (Patron—Barker) . . . . .	SB	1378	352	692
<b>Virginia Public Procurement Act</b> ; contract modification, modifications made by a political subdivision. (Patron—Albo) . . . . .	HB	1628	569	1243
<b>Virginia Public Procurement Act</b> ; job order contracts and design professional contracts, job order contracting, sum of projects performed in a one-year contract term shall not exceed \$5 million, etc. (Patron—Minchew) . . . . .	HB	1637	570	1244
<b>Virginia Public Procurement Act</b> ; methods of procurement, job order contracting and cooperative procurement, certain provisions shall expire on July 1, 2017, State Corporation Commission shall develop a process for the administrative review of its procurement decisions, report. Patron—Gilbert . . . . .	HB	1835	760	2465
Patron—Ruff . . . . .	SB	1371	776	2561
<b>Virginia Public Procurement Act</b> ; requirements for Requests for Proposal, numerical scoring system used in evaluation of proposals. (Patron—Reeves) . . . . .	SB	1226	350	690
<b>Virginia Public Procurement Act</b> ; small, women-owned, and minority-owned businesses, defines businesses. Patron—Yancey . . . . .	HB	2148	765	2524
Patron—Alexander . . . . .	SB	1333	775	2559
<b>Virginia Public Procurement Act</b> ; small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams) . . . . .	HB	1854	733	2382
<b>Virginia Tourism Authority</b> ; Secretary of Agriculture and Forestry added as member of Board of Directors. (Patron—Scott) . . . . .	HB	2288	280	540
<b>Virginia Values Veterans Program</b> ; certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron—Stolle) . . . . .	HB	1641	318	625
<b>Virginia Virtual School, Board of</b> ; established, report, certain provisions shall become effective on July 1, 2016, and only if reenacted by 2016 Session of General Assembly. (Patron—Bell, Richard P.) . . . . .	HB	324	700	2226
<b>Virginia's Rail Heritage Region</b> ; encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron—Poindexter) . . . . .	HJR	521		2619
<b>Water Implementation Plans (WIPs)</b> ; Secretary of Natural Resources to develop to improve water quality and restore living resources of Chesapeake Bay and its tributaries. (Patron—Hanger) . . . . .	SB	1284	380	726
<b>Workforce Development, Virginia Board of</b> ; changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report. Patron—Byron . . . . .	HB	1986	275	518
Patron—Ruff . . . . .	SB	1372	292	555
<b>Workforce Development, Virginia Board of</b> ; for purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from related services. (Patron—Byron) . . . . .	HB	1523	191	354

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**ADMINISTRATION, SECRETARY OF**

**Administration, Finance, and Technology, Secretaries of;** Secretaries shall jointly establish a work group to provide the public, et al., with access to operational data and information of state agencies within the subject matter jurisdiction of each standing committee of the General Assembly. (Patron—Cline) . . . . . HB 2378 473 880

**ADMINISTRATIVE PROCESS ACT**

**Administrative Process Act;** certain review by Joint Commission on Administrative Rules, report. (Patron—Ransone) . . . . . HB 1751 608 1312

**Administrative Process Act;** default by nonappearing party, certain provisions shall not apply to any administrative hearings process. (Patron—Edwards) . . . . . SB 928 638 1427

**Administrative Process Act;** legislative review of regulations.  
Patron—DeSteph . . . . . HB 1899 450 858  
Patron—Wagner . . . . . SB 1198 29 74

**Administrative Process Act;** process for disqualification of a presiding officer or a hearing officer. (Patron—Edwards) . . . . . SB 927 636 1425

**ADOPTION**

**Adoption;** juvenile and domestic relations district court may, in its discretion, accept consent without a home study or meeting and counseling requirements if child has been in continuous legal and physical custody of prospective adoptive parent(s) for five years or more. (Patron—Deeds) . . . . . SB 1268 529 1180

**Post-adoption services;** State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families.  
Patron—Farrell . . . . . HB 1821 5 38  
Patron—Martin . . . . . SB 834 17 55

**ADVERTISING AND ADVERTISEMENTS**

**Home care organizations;** unlawful advertising. (Patron—Krupicka) . . . . . HB 1868 304 595

**Outdoor advertising;** regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole) . . . . . HB 1594 607 1311

**Salvage, nonrepairable vehicle or major component parts;** advertisement for sale, etc., prohibited unless advertiser is a licensee or an individual authorized to dispose of a salvage vehicle, license number shall be displayed in such advertisement, etc.  
Patron—Villanueva . . . . . HB 2342 240 444  
Patron—Cosgrove . . . . . SB 1430 254 470

**AFFIDAVITS**

**Divorce;** evidence by affidavit. (Patron—Leftwich) . . . . . HB 1397 315 623

**Temporary injunction;** affidavit or verified pleading. (Patron—Campbell) . . . . . HB 1367 125 264

**AFFORDABLE HOUSING**

**Affordable housing;** adds City of Fairfax to list of localities with authority to provide for an affordable housing dwelling unit program.  
Patron—Bulova . . . . . HB 1471 390 739  
Patron—Petersen . . . . . SB 889 605 1310

**Affordable housing;** maximum income level of household deemed eligible in City of Charlottesville. (Patron—Deeds) . . . . . SB 1245 225 415

**Real property tax;** locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron—Orrock) . . . . . HB 2173 498 908

**AGEE, MARY B.**

**Agee, Mary B.;** commending. (Patron—Filler-Corn) . . . . . HJR 875 2785

**AGRICULTURE, ANIMAL CARE AND FOOD**

**Cigarette laws;** provisions modified relating to administration and enforcement of laws, Office of Attorney General shall develop and publish on its website individuals who are ineligible to be authorized holders.  
Patron—McClellan . . . . . HB 1955 738 2392  
Patron—Reeves . . . . . SB 1232 754 2438

**Dogs or cats;** sell, exchange, trade, etc., prohibited on or in any roadside, parkway, median, etc., procurement of dogs. (Patron—Stanley) . . . . . SB 1001 679 2155

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### AGRICULTURE, ANIMAL CARE AND FOOD - Continued

<b>Equines;</b> roping, etc., or interference with the legs of an equine in order to intentionally cause it to trip or fall for any purpose, including as part of a rodeo or other contest or entertainment, exception, Class 1 misdemeanor. (Patron–Vogel) . . . . .	SB	1081	491	901
<b>Food and dairy products;</b> Commissioner of Agriculture and Consumer Services may take a sample from goods that have been seized because they are believed to violate the law, laboratory analysis. (Patron–Lewis) . . . . .	SB	1115	91	215
<b>Forest products;</b> establishes overweight permit for hauling, length limitations. Patron–Knight . . . . .	HB	2072	72	193
Patron–Cosgrove . . . . .	SB	989	40	153
<b>Forest products;</b> revision of definition, changing of tax on all products, repeals certain returns and reports by transporters of products out of, within, or across the Commonwealth. (Patron–Fariss) . . . . .	HB	1724	170	325
<b>Industrial hemp production and manufacturing;</b> licensed cultivation and production, defining as plant Cannabis sativa with a concentration of THC no greater than that allowed by federal law, involuntary growth of hemp through inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower, report. Patron–Yost . . . . .	HB	1277	158	302
Patron–Dance . . . . .	SB	955	180	338
<b>Pest Control Compact;</b> repeals Compact. (Patron–Sickles) . . . . .	HB	2052	373	723
<b>Private animal shelter;</b> clarifies purpose and definition. (Patron–Stanley) . . . . .	SB	1381	492	902
<b>Tobacco Region Revitalization Commission;</b> created, powers and duties of Commission, distribution of Fund, each economic development grant or award require a dollar-for-dollar match, a match of less than 50 percent may be considered by a two-thirds majority vote of Commission, financial viability and feasibility study prior to disbursement, Virginia Tobacco Region Revolving Fund created, projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia, report. Patron–Kilgore . . . . .	HB	2330	399	752
Patron–Ruff . . . . .	SB	1440	433	823

### AIR POLLUTION

<b>Carbon monoxide emissions;</b> certain diesel-powered incinerators exempted from certain permitting regulations of State Air Pollution Control Board, provisions of this act shall expire on July 1, 2019. (Patron–Cosgrove) . . . . .	SB	869	80	200
<b>Clean Power Plan, proposed federal;</b> Department of Environmental Quality to study projected health benefits of Plan in comparison with projected health benefits of existing regulations. (Patron–Wagner) . . . . .	SJR	273		2949
<b>Wood heaters;</b> clarifies definition, Air Pollution Control Board shall not adopt regulations that limit emissions. (Patron–Poindexter) . . . . .	HB	2246	471	878

### AIRCRAFT AND AIRPORTS

<b>Lynchburg, City of;</b> establishment of an airport police department at Lynchburg Regional Airport. (Patron–Byron) . . . . .	HB	2035	213	383
<b>Unmanned aircraft;</b> use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises. (Patron–McEachin) . . . . .	SB	1301	774	2559
<b>Unmanned aircraft;</b> use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron–Cline) . . . . .	HB	2125	764	2523

### AJEMIAN, CHARLES PAUL

<b>Ajemian, Charles Paul;</b> recording sorrow upon death. (Patron–Bell, Richard P.) . . . .	HJR	763		2722
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### ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY

<b>Albemarle Charlottesville Historical Society;</b> commemorating its 75th anniversary. (Patron–Toscano) . . . . .	HJR	741		2709
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### ALCOHOLIC BEVERAGE CONTROL ACT

<b>Alcoholic beverage control;</b> ABC Board allowed to round final price of each container of alcoholic beverages it sells to end with a nine after including a reasonable markup and applicable taxes. Patron–Albo . . . . .	HB	1440	4	38
Patron–McWaters . . . . .	SB	899	21	59

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**ALCOHOLIC BEVERAGE CONTROL ACT - Continued**

<b>Alcoholic beverage control;</b> ABC Board regulations, provision that limits infusion containers to maximum of 20 liters, flight of distilled spirits to consist of not more than five samples, combined mixed beverage restaurant and caterer's license. (Patron—Albo) . . . . .	HB	1439	404	775
<b>Alcoholic beverage control;</b> adds powdered or crystalline alcohol to definition of alcoholic beverages, no person shall purchase or possess, etc., penalty. Patron—Lopez . . . . .	HB	1908	735	2385
Patron—Puller . . . . .	SB	1034	25	63
<b>Alcoholic beverage control;</b> amends numerous sections in Act to better meet customer expectations and improve agency customer service. (Patron—Knight) . . . . .	HB	2119	412	792
<b>Alcoholic beverage control;</b> expands bed and breakfast licenses, clarifies designated areas of bed and breakfast establishments. (Patron—Pogge) . . . . .	HB	1645	393	740
<b>Alcoholic beverage control;</b> limited distillers' licenses to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, local regulation of certain activities. (Patron—Deeds) . . . . .	SB	1272	695	2208
<b>Alcoholic beverage control;</b> mixed beverage licenses granted to certain establishments, art instruction studio licenses, which shall authorize licensee to serve wine or beer on premises to any customer, however, licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any customer. (Patron—Watkins) . . . . .	SB	1287	348	680
<b>Alcoholic beverage control;</b> operation of government store by distiller licensee. (Patron—Knight) . . . . .	HB	1796	62	178
<b>Alcoholic beverage control;</b> privileges of distiller's license, banquet license for special events for manufacturers of distilled spirits. (Patron—Deeds) . . . . .	SB	1269	604	1305
<b>Alcoholic beverage control;</b> winery, brewery, or distillery licensee allowed to pay royalties to a historical preservation entity based on authentic historical recipes and identified brand names owned and trademarked by entity, definition. (Patron—Norment) . . . . .	SB	1412	421	812
<b>Farm winery;</b> licensees allowed to manufacture wine containing 21 percent or less of alcohol by volume, definition of winery to include an accredited public or private institution of higher education, wine manufactured by institution. Patron—Bulova . . . . .	HB	1634	54	165
Patron—McWaters . . . . .	SB	1165	288	550
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB	1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .	HB	1776	730	2309
<b>ALEXANDER, KWAME</b>				
<b>Alexander, Kwame;</b> commending. (Patron—Rust) . . . . .	HJR	916		2808
<b>ALEXANDRIA, CITY OF</b>				
<b>Alexandria, City of;</b> amending charter, changes certain powers of mayor, city council, etc. Patron—Herring . . . . .	HB	1682	201	363
Patron—Ebbin . . . . .	SB	1214	294	564
<b>ALEXANDRIA SEXUAL ASSAULT CENTER</b>				
<b>Alexandria Sexual Assault Center;</b> commemorating its 40th anniversary. (Patron—Herring) . . . . .	HJR	877		2786

**ALFORD, M. E.**

**Alford, M. E.;** recording sorrow upon death. (Patron—Joannou) . . . . . HJR 881 2788

**ALIENS OR IMMIGRANTS**

**Incarcerated persons;** transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released.

Patron—Bell, Robert B. . . . . HB 2043 211 382  
Patron—McDougle . . . . . SB 1361 102 228

**ALLEN, CONSTANCE VIOLET GLENN**

**Allen, Constance Violet Glenn;** recording sorrow upon death. (Patron—Hester) . . . . . HR 277 2874

**ALTAVISTA COMBINED SCHOOL**

**Altavista Combined School football team;** commending.

Patron—Fariss . . . . . HR 243 2858

**ALTHAUS, IRVING**

**Althaus, Irving;** recording sorrow upon death. (Patron—Yancey) . . . . . HR 215 2844

**AMHERST, TOWN OF**

**Amherst, Town of;** amending charter, creates the office of town manager and reassigns various duties. (Patron—Cline) . . . . . HB 2128 279 535

**ANDERSON, DAVID TRAYNHAM**

**Anderson, David Traynham;** recording sorrow upon death. (Patron—Peace) . . . . . HR 246 2859

**ANIMALS AND ANIMAL SHELTERS**

**Private animal shelter;** clarifies purpose and definition. (Patron—Stanley) . . . . . SB 1381 492 902

**APPEALS, COURT OF**

**Capitol Police;** security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.

Patron—Cox . . . . . HB 1466 448 857  
Patron—McDougle . . . . . SB 1048 455 864

**Judges;** election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission.

Patron—Loupassi . . . . . HJR 687 2680

**Judges;** nominations for election to Court of Appeals of Virginia.

Patron—Loupassi . . . . . HR 209 2842  
Patron—McDougle . . . . . SR 72 3024

**APPOINTMENTS**

**Governor;** confirming appointments.

Patron—Vogel . . . . . SJR 257 2910  
Patron—Vogel . . . . . SJR 258 2913  
Patron—Vogel . . . . . SJR 259 2914  
Patron—Vogel . . . . . SJR 260 2929  
Patron—Vogel . . . . . SJR 261 2938  
Patron—Vogel . . . . . SJR 303 2954  
Patron—Vogel . . . . . SJR 332 2971  
Patron—Vogel . . . . . SJR 356 2986

**Senate Committee on Rules;** confirming appointments to the Senate Ethics Advisory Panel. (Patron—McDougle) . . . . . SR 100 3039

**Senate Committee on Rules;** confirming appointments to the Virginia Commonwealth University Health System Authority Board, Virginia Conflict of Interest and Ethics Advisory Council, and Tobacco Indemnification and Community Revitalization Commission. (Patron—Stosch) . . . . . SJR 296 2952

**Speaker of the House of Delegates;** confirming appointments.

Patron—Howell . . . . . HJR 804 2745

**APPOMATTOX MACHINE PITCH ALL-STARS BASEBALL TEAM**

**Appomattox Machine Pitch All-Stars baseball team;** commending. (Patron—Fariss) HR 258 2865

**APPROPRIATIONS**

**Budget bill;** appropriations for 2014-2016 biennium. Amending Chapter 3, 2014 Sp. I Acts.

Patron—Jones . . . . . HB 1400 1515

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<b>APPROPRIATIONS - Continued</b>			
<b>Relief;</b> Montgomery, Jonathan Christopher. (Patron—Locke) . . . . .	SB	843	219 390
<b>ARCHEOLOGICAL SOCIETY OF VIRGINIA</b>			
<b>Archeological Society of Virginia;</b> commemorating its 75th anniversary. (Patron—Hanger) . . . . .	SJR	354	2985
<b>ARLINGTON COUNTY</b>			
<b>Arlington County Fire Department;</b> commemorating its 75th anniversary. (Patron—Hope) . . . . .	HJR	802	2744
<b>Arlington County Police Department;</b> commemorating its 75th anniversary. (Patron—Hope) . . . . .	HJR	801	2743
<b>County manager plan of government;</b> governing body (Arlington County) may appoint county auditor, county auditor shall make such special studies and reports as board directs. (Patron—Hope) . . . . .	HB	2308	282 541
<b>Culpepper Garden;</b> commemorating its 40th anniversary. (Patron—Favola) . . . . .	SJR	357	2987
<b>Drew Model Elementary School;</b> commemorating its 70th anniversary. (Patron—Lopez) . . . . .	HJR	890	2794
<b>Hoffman-Boston Elementary School;</b> commemorating its 100th anniversary. (Patron—Lopez) . . . . .	HJR	810	2748
<b>Patrick Henry Elementary School;</b> commemorating its 90th anniversary. (Patron—Lopez) . . . . .	HJR	809	2747
<b>Trooper Jacqueline Vernon Memorial Bridge;</b> designating as Interstate 395 bridge over S. Glebe Road in Arlington County. Patron—Krupicka . . . . .	HB	1401	163 312
Patron—Favola . . . . .	SB	703	10 47
<b>ARLINGTON STREET PEOPLE'S ASSISTANCE NETWORK, INC.</b>			
<b>Arlington Street People's Assistance Network, Inc.;</b> commending. (Patron—Favola) . . . . .	SJR	375	2995
<b>ARMED FORCES</b>			
<b>Armed forces member;</b> extends entitlement to obtain a state resident license to hunt, trap, or fish to the immediate family of a member. (Patron—Alexander) . . . . .	SB	838	678 2154
<b>Boating safety education;</b> exempts a motorboat operator who is serving or has qualified as an Officer of the Deck Underway, etc., or Marine Deck Officer in any branch of the United States Armed Forces, United States Coast Guard, or Merchant Marine. (Patron—Cole) . . . . .	HB	1324	160 310
<b>Chaplains of the Virginia National Guard and Virginia Defense Force;</b> prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . .	SB	690	283 542
<b>Community Colleges, State Board for;</b> policy for the award of academic credit for military training. Patron—Yancey . . . . .	HB	2354	384 729
Patron—Cosgrove . . . . .	SB	1335	581 1254
<b>Dependents of active duty military members;</b> Department of Medical Assistance Services shall amend waiver eligibility criteria supporting individuals with intellectual and developmental disabilities. (Patron—Hanger) . . . . .	SB	1036	671 2145
<b>License plates, special;</b> issuance for veterans who have a service-connected disability. (Patron—Tyler) . . . . .	HB	1374	457 865
<b>Personal property;</b> tax relief on certain motor vehicles leased by members of the military. (Patron—Krupicka) . . . . .	HB	1589	266 508
<b>Real property tax;</b> exemption for surviving spouses of members of armed forces killed in action, only portion of the assessed value in excess of the average assessed value shall be subject to taxes, portion not in excess shall be exempt from taxes. (Patron—Ramadan) . . . . .	HB	1721	577 1251
<b>United States Navy Reserve;</b> commemorating its 100th anniversary. (Patron—LaRock) . . . . .	HJR	941	2820
<b>Unmanned aircraft;</b> use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron—Cline) . . . . .	HB	2125	764 2523
<b>Veterans;</b> funeral director authorized to notify veterans service organizations as an alternative to notifying Department of Veterans Services, determination if cremains are those of a veteran's eligible dependent. (Patron—Alexander) . . . . .	SB	1106	138 282

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**ARMED FORCES - Continued**

**Veterans Care Center projects;** funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.

Patron—Cox .....	HB	1275	720	2276
Patron—Cox .....	HB	1276	721	2276
Patron—Puller .....	SB	675	743	2415
Patron—Puller .....	SB	676	744	2415

**Veterans identification card;** defines veteran for purposes of issuance of a card as a Virginia resident who has served honorably in Virginia National Guard or reserves of the United States armed forces. (Patron—Lewis) .....

SB	931	693	2207
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**Veterans Services, Board of;** increases membership. (Patron—BaCote) .....

HB	2018	319	626
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**Veterans Services, Department of;** Joint Legislative Audit and Review Commission to review.

Patron—O'Bannon .....	HJR	557		2634
Patron—Dance .....	SJR	243		2905

**Veterans Services Foundation;** acceptance of revenue from all sources to support its mission. (Patron—Taylor) .....

HB	1967	137	278
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**Virginia Military Advisory Council (VMAC);** reduces membership. (Patron—Lewis) .....

SB	962	321	627
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**Virginia Military Family Relief Fund;** benefits for state active duty missions. (Patron—Howell) .....

SB	930	320	626
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**Virginia National Guard;** subjects service members to nonjudicial punishment pursuant to the Manual for Courts-Martial, reduction in rank shall not be imposed if service member has more than 10 years of military service and is a certain rank, members shall retain all appeal rights, etc. (Patron—Anderson) .....

HB	1597	194	357
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**Virginia Public Procurement Act;** small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams) .....

HB	1854	733	2382
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**Virginia Values Veterans Program;** certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron—Stolle) .....

HB	1641	318	625
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**Workforce Development, Virginia Board of;** for purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from related services. (Patron—Byron) .....

HB	1523	191	354
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**ARREST**

**Conservators of the peace, special;** training to be obtained at a criminal justice training academy or a private security training school, authority to make certain arrests, orders of appointment, etc., prohibition on use of sirens, exception, Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding use of application forms for appointment.

Patron—Campbell .....	HB	2206	766	2526
Patron—Norment .....	SB	1195	772	2554

**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information. (Patron—Marsden) .....

SB	720	414	807
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**Police and court records;** when charge to be expunged is a felony, stipulates in written notice that continued existence and possible dissemination of information relating to arrest of petitioner causes or may cause certain circumstances, court may enter an order without conducting a hearing. (Patron—Stanley) .....

SB	908	426	815
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**ARRINGTON, PAUL P.**

**Arrington, Paul P.;** recording sorrow upon death. (Patron—Pillion) .....

HJR	929		2814
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**ASBESTOS**

**Asbestos, Lead, and Home Inspectors, Virginia Board for;** unlawful for any person who is not a certified home inspector and who has not successfully completed the

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training module to conduct new home inspections, requirements for certification. (Patron—Peace) . . . . .	HB 2103	411	791
<b>ASHBURN VOLUNTEER FIRE AND RESCUE DEPARTMENT</b>			
Ashburn Volunteer Fire and Rescue Department; commending. (Patron—Greason) .	HR 283		2877
<b>ASSATEAGUE ISLAND NATIONAL SEASHORE</b>			
Assateague Island National Seashore; commemorating its 50th anniversary. (Patron—Bloxom) . . . . .	HJR 756		2718
<b>ASSAULT AND BATTERY</b>			
Assault and battery; Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron—Miller) . . . . .	HB 1611	196	359
<b>ASSESSMENTS</b>			
Community development authorities; any special tax levied or any special assessment imposed by a locality pursuant to an agreement with an authority, constitutes a lien on real estate ranking on parity with real estate taxes, etc. (Patron—Vogel) . . . . .	SB 1448	39	151
Real property; written explanation or justification for an increase in assessed value. (Patron—Cosgrove) . . . . .	SB 872	244	446
Real property tax; notice of assessments. Patron—Ware . . . . .	HB 1291	151	292
Patron—Watkins . . . . .	SB 678	157	301
<b>ATLEE HIGH SCHOOL</b>			
Atlee High School girls' indoor track and field team; commending. (Patron—Fowler)	HJR 769		2725
<b>ATTORNEY GENERAL</b>			
Administrative subpoenas; electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena. Patron—McClellan . . . . .	HB 1946	544	1210
Patron—Wexton . . . . .	SB 919	625	1415
Capitol Police; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals. Patron—Cox . . . . .	HB 1466	448	857
Patron—McDougle . . . . .	SB 1048	455	864
Cigarette laws; provisions modified relating to administration and enforcement of laws, Office of Attorney General shall develop and publish on its website individuals who are ineligible to be authorized holders. Patron—McClellan . . . . .	HB 1955	738	2392
Patron—Reeves . . . . .	SB 1232	754	2438
Psychiatric treatment of minors; amends criteria for admitting an objecting minor, provides to the consenting parent a summary, prepared by the Office of the Attorney General, of procedures for requesting continued treatment of minor, admission to willing facility for up to 96 hours, evaluator shall prepare a report that shall include written findings as to whether the minor appears to have a mental illness enough to warrant inpatient treatment. Patron—LeMunyon . . . . .	HB 1717	504	1136
Patron—McWaters . . . . .	SB 773	543	1208
Writ of actual innocence; when Attorney General joins in a petition, petitioner may move circuit court for a bail hearing. (Patron—Herring) . . . . .	HB 1882	66	182
<b>AULDRIDGE, JEAN WILLIAMS</b>			
Auldridge, Jean Williams; recording sorrow upon death. (Patron—Surovell) . . . . .	HJR 678		2677
<b>AUSCHWITZ-BIRKENAU CONCENTRATION CAMPS</b>			
Auschwitz-Birkenau concentration camps; commemorating the 70th anniversary of the liberation. (Patron—McClellan) . . . . .	HJR 734		2705
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Chesapeake Hospital Authority; changes compensation for members, no member shall be compensated for participation in a meeting by electronic means when not			

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physically present at the meeting. Amending Chapter 271, 1966 Acts. (Patron—Leftwich) . . . . .	HB	2236	358	699
<b>High-growth companies;</b> Virginia Economic Development Partnership Authority and Department of Housing and Community Development to jointly study feasibility of incorporating programs to support existing companies into state's current economic development programs and activities. (Patron—Ruff) . . . . .	SJR	242		2904
<b>Income tax, corporate;</b> taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership Authority provides a certain written certification. (Patron—Hugo) . . . . .	HB	2162	237	442
<b>Innovation and Entrepreneurship Investment Authority;</b> powers, membership, one nonlegislative citizen member to be appointed by the Governor, Speaker of the House, and Senate Committee on Rules, report. (Patron—Vogel) . . . . .	SB	1385	687	2189
<b>Innovation and Entrepreneurship Investment Authority;</b> powers, membership, one nonlegislative citizen member to be appointed by the Speaker of the House and Senate Committee on Rules, report. (Patron—Greason) . . . . .	HB	1799	685	2185
<b>Northern Virginia Transportation Authority;</b> primary objective in regional transportation plan is to reduce congestion in Planning District 8, responsibility of long-range transportation planning. Patron—LeMunyon . . . . .	HB	1915	477	881
Patron—Marsden . . . . .	SB	1314	496	906
<b>Northern Virginia Transportation Authority;</b> use of revenues, effective date. (Patron—LaRock) . . . . .	HB	1470	458	866
<b>Senate Committee on Rules;</b> confirming appointments to the Virginia Commonwealth University Health System Authority Board, Virginia Conflict of Interest and Ethics Advisory Council, and Tobacco Indemnification and Community Revitalization Commission. (Patron—Stosch) . . . . .	SJR	296		2952
<b>Southwest Virginia Health Authority;</b> review and approval of proposed cooperative agreements, definition of hospital includes all providers of mental health services, etc., Authority shall submit regional health goals to the State Health Commissioner. (Patron—Kilgore) . . . . .	HB	2316	741	2409
<b>Veterans Care Center projects;</b> funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility. Patron—Cox . . . . .	HB	1275	720	2276
Patron—Cox . . . . .	HB	1276	721	2276
Patron—Puller . . . . .	SB	675	743	2415
Patron—Puller . . . . .	SB	676	744	2415
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB	1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .	HB	1776	730	2309
<b>Virginia Commercial Space Flight Authority;</b> extends through fiscal year 2016 dedication of certain income tax revenues to Authority. (Patron—Lewis) . . . . .	SB	1070	260	502

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<b>Virginia Economic Development Authority;</b> Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites. (Patron—Stanley) . . . . .	SB	809	342	664
<b>Virginia Port Authority;</b> additional exemptions from the Public Procurement Act, Authority shall develop policies or adopt regulations to implement provisions of this act by January 1, 2017.				
Patron—BaCote . . . . .	HB	2019	175	330
Patron—McWaters . . . . .	SB	1359	383	729
<b>Virginia Port Authority;</b> expands police powers.				
Patron—Stolle . . . . .	HB	2273	74	194
Patron—McWaters . . . . .	SB	1358	253	470
<b>Virginia Port Authority;</b> restricts expenditures on capital projects to those located on real property that is owned, leased, or operated by Authority, except those expenditures on grants to local government for financial assistance for port facilities, etc. (Patron—Massie) . . . . .	HB	1784	609	1313
<b>Virginia Solar Energy Development Authority;</b> created, appointment of members, Director may obtain non-state-funded support to carry out any duties, Authority shall have power and duty to conduct activities to increase solar energy generation, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects, report, provisions shall expire on July 1, 2025. (Patron—Hugo) . . . . .	HB	2267	398	749
<b>Virginia Solar Energy Development Authority;</b> created, appointment of members, Director may obtain non-state-funded support to carry out any duties, report, provisions shall expire on July 1, 2025. (Patron—Stuart) . . . . .	SB	1099	90	213
<b>Virginia Tourism Authority;</b> Secretary of Agriculture and Forestry added as member of Board of Directors. (Patron—Scott) . . . . .	HB	2288	280	540
<b>Virginia Water and Waste Authorities Act;</b> delinquent payment of rates and charges. (Patron—Marshall, D.W.) . . . . .	HB	1424	263	504
<b>Water or sewer systems;</b> repeals provision of Virginia Water and Waste Authorities Act that limits a landlord's liability for tenant's metered charges. (Patron—Chafin) . .	SB	868	284	542

**AUTOCYCLES**

<b>Autocycles;</b> exempted from motor vehicle emissions inspection program, unless such vehicle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency.				
Patron—Scott . . . . .	HB	1341	161	311
Patron—Reeves . . . . .	SB	1218	95	220
<b>Autocycles;</b> tangible personal property tax relief for those motor vehicles that qualify.				
Patron—Scott . . . . .	HB	1340	152	293
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<b>Lynchburg, City of;</b> establishment of an airport police department at Lynchburg Regional Airport. (Patron—Byron) . . . . .	HB	2035	213	383
<b>Unmanned aircraft;</b> use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises. (Patron—McEachin) . . . . .	SB	1301	774	2559
<b>Unmanned aircraft;</b> use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron—Cline) . . . . .	HB	2125	764	2523
<b>Virginia Commercial Space Flight Authority;</b> extends through fiscal year 2016 dedication of certain income tax revenues to Authority. (Patron—Lewis) . . . . .	SB	1070	260	502

**BAILEY, MARIAN M.**

<b>Bailey, Marian M.;</b> recording sorrow upon death. (Patron—O'Quinn) . . . . .	HJR	800		2743
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**BANKRUPTCY**

<b>Creditor process;</b> bankruptcy proceeding exemptions, spousal and child support exemption. (Patron—Surovell) . . . . .	HB	2015	686	2188
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**BARNES, JOANNA WISE**

<b>Barnes, Joanna Wise;</b> commending. (Patron—Hope) . . . . .	HJR	854		2774
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<b>Bassett, John D., III</b> ; commending. (Patron—Stanley) . . . . .	SJR 246		2907
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<b>Bateman, Violet Kaleb Carmona</b> ; recording sorrow upon death. (Patron—Rust) . . . . .	HR 270		2871
<b>BATTISTA, MICHAEL</b>			
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<b>Be The Match</b> ; commemorating its 25th anniversary. (Patron—Petersen) . . . . .	SR 125		3052
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<b>Beazley, Kay</b> ; commending. (Patron—Peace) . . . . .	HR 197		2836
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<b>Bedell, Samantha Rahn</b> ; recording sorrow upon death. (Patron—Hugo) . . . . .	HJR 789		2736
<b>BEER</b>			
<b>Alcoholic beverage control</b> ; limited distillers' licenses to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, local regulation of certain activities. (Patron—Deeds) . . . . .	SB 1272	695	2208
<b>Alcoholic beverage control</b> ; mixed beverage licenses granted to certain establishments, art instruction studio licenses, which shall authorize licensee to serve wine or beer on premises to any customer, however, licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any customer. (Patron—Watkins) . . . . .	SB 1287	348	680
<b>Alcoholic beverage control</b> ; winery, brewery, or distillery licensee allowed to pay royalties to a historical preservation entity based on authentic historical recipes and identified brand names owned and trademarked by entity, definition. (Patron—Norment) . . . . .	SB 1412	421	812
<b>BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES</b>			
<b>Acute psychiatric bed registry</b> ; state facilities, et al., shall update information included in bed registry whenever there is a change in bed availability or, if no change in bed availability has occurred, at least daily.			
Patron—Cline . . . . .	HB 2118	116	256
Patron—Deeds . . . . .	SB 1265	34	82
<b>Capital cases</b> ; determination of mental retardation.			
Patron—Marsden . . . . .	SB 855	360	700
<b>Child support</b> ; court may order that support be paid or continue to be paid for any child over the age of 18 who is severely and permanently mentally or physically disabled, such disability existed prior to child reaching age of 18 or age of 19, individual denied support prior to July 1, 2015, who meets requirements, shall be eligible to petition court for support.			
Patron—Byron . . . . .	HB 2383	653	1481
Patron—Wexton . . . . .	SB 923	654	1485
<b>Developmental disabilities</b> ; definition includes an individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, etc. (Patron—Hanger) . . . . .	SB 1052	750	2423
<b>Emergency custody order</b> ; temporary detention for testing, observation, and treatment of person who is the subject of an order, upon completion the hospital emergency room or other appropriate facility shall notify the nearest community services board, etc. (Patron—Barker) . . . . .	SB 1114	659	1497
<b>Health insurance</b> ; mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements			

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regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron-O'Bannon) . . . . .

HB 1747 649 1469

**Higher educational institutions;** student mental health policies shall require procedures for notifying institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. (Patron-Barker) . . . . .

SB 1122 716 2274

**Higher educational institutions;** students exhibiting suicidal tendencies or behavior, institutional policies and procedures for notification of the student mental health or counseling center. (Patron-LeMunyon) . . . . .

HB 1715 663 1513

**Involuntary admission and incapacity information;** access to records to any full-time or part-time employee of State Police, et al., for purpose of administration of criminal justice. (Patron-Deeds) . . . . .

SB 1264 540 1198

**Involuntary civil admissions;** Commissioner of Behavioral Health and Development Services, et al., to review current practice of conducting emergency evaluations for individuals subject to admission, Commission shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals, review and plan including recommendations shall be completed by November 15, 2015, and reported. (Patron-Garrett) . . . . .

HB 2368 742 2414

**Person subject to an emergency custody order or temporary detention order;** alternative transportation, liability protection from person being transported for any civil damages for ordinary negligence in acts or omissions.

Patron-Bell, Robert B. . . . .

HB 1693 297 570

Patron-Deeds . . . . .

SB 1263 308 598

**Psychiatric treatment of minors;** amends criteria for admitting an objecting minor, provides to the consenting parent a summary, prepared by the Office of the Attorney General, of procedures for requesting continued treatment of minor, admission to willing facility for up to 96 hours, evaluator shall prepare a report that shall include written findings as to whether the minor appears to have a mental illness enough to warrant inpatient treatment.

Patron-LeMunyon . . . . .

HB 1717 504 1136

Patron-McWaters . . . . .

SB 773 543 1208

**Psychiatric treatment of minors;** upon admission of a minor, facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with juvenile and domestic relations court. (Patron-McWaters) . . . .

SB 779 535 1189

**Public elementary schools;** Department of Behavioral Health and Developmental Services to study benefits of offering voluntary mental health screenings to students. (Patron-Yost) . . . . .

HJR 586 2644

**Sexually violent predators;** notice of hearings, conditional release plan, Department shall notify the attorney for the Commonwealth, chief law-enforcement officer, and local government the proposed location of respondent's residence. (Patron-Wright) .

HB 2303 662 1511

**Temporary detention order;** facility of temporary detention, person shall not during duration of order be released from custody except for purposes of transporting to another facility.

Patron-Yost . . . . .

HB 1694 309 605

Patron-Barker . . . . .

SB 966 121 262

**BEIRNE, HORTON PENROSE**

**Beirne, Horton Penrose;** recording sorrow upon death. (Patron-Deeds) . . . . .

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**BELCHER, CLYNARD C.**

**Belcher, Clynard C.;** recording sorrow upon death. (Patron-Pillion) . . . . .

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**BELCHER, THOMAS STEWART**

**Belcher, Thomas Stewart;** recording sorrow upon death. (Patron-Hodges) . . . . .

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**BENEDETTI, JOSEPH BENEDICT**

**Benedetti, Joseph Benedict;** recording sorrow upon death.

Patron-Loupassi . . . . .

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**BENEDICTINE COLLEGE PREPARATORY**

**Benedictine College Preparatory school football team;** commending. (Patron-Farrell) . . . . .

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<b>Bent, Robert;</b> commending. (Patron—Albo) . . . . .	HR 248		2860
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<b>Bergin, Thomas F.;</b> recording sorrow upon death. (Patron—Toscano) . . . . .	HJR 739		2708
<b>BETHANY COLLEGE</b>			
<b>Bethany College;</b> commemorating its 175th anniversary. (Patron—Morefield) . . . . .	HJR 893		2795
<b>BETZIG, ERIC</b>			
<b>Betzig, Eric;</b> commending.			
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<b>Driver of motor vehicle following too closely;</b> includes non-motor vehicles (bicycles, mopeds, etc.).			
Patron—DeSteph . . . . .	HB 1342	188	353
Patron—Reeves . . . . .	SB 1220	31	76
<b>Highway maintenance;</b> payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi) . . . . .	HB 1402	722	2277
<b>Passing with a double yellow line or double traffic lines;</b> drivers allowed to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. (Patron—Alexander) . . . . .	SB 781	416	808
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<b>Binford Middle School;</b> commemorating its 100th anniversary. (Patron—Carr) . . . . .	HJR 955		2828
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<b>Blanchard, Louise Wenzel;</b> recording sorrow upon death. (Patron—Loupassi) . . . . .	HR 234		2854
<b>BLAND COUNTY</b>			
<b>Transient occupancy tax;</b> Bland and Russell Counties added to the list of counties authorized to impose. (Patron—Chafin) . . . . .	SB 1240	98	223
<b>Transient occupancy tax;</b> Bland County added to list of counties that may impose tax at a rate up to five percent. (Patron—Morefield) . . . . .	HB 1704	57	170
<b>BLANKENBECLER, JAMES CONRAD, JR.</b>			
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<b>Blount, James H., Jr.;</b> recording sorrow upon death. (Patron—Gilbert) . . . . .	HJR 631		2656
<b>BLUE STAR MEMORIAL HIGHWAY</b>			
<b>Blue Star Memorial Highway;</b> designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) . . . . .	HB 2312	376	723
<b>BOATS AND BOATING</b>			
<b>Boating safety education;</b> exempts a motorboat operator who is serving or has qualified as an Officer of the Deck Underway, etc., or Marine Deck Officer in any branch of the United States Armed Forces, United States Coast Guard, or Merchant Marine. (Patron—Cole) . . . . .	HB 1324	160	310
<b>Noncommercial vessels;</b> no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron—Morris) . . . . .	HB 1298	484	887
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<b>Bodamer, Keith A.;</b> recording sorrow upon death. (Patron—Keam) . . . . .	HR 305		2889

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**BOND ISSUES**

**Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015;**  
created.

Patron—Jones .....	HB 1892	67	183
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**Veterans Care Center projects;** funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.

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Patron—Cox .....	HB 1276	721	2276
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Patron—Puller .....	SB 676	744	2415

**BONDS AND BONDSMEN**

**Bail bondsmen and bail enforcement agents;** licensed bondsman who has been arrested for a felony offense shall not issue any new bonds. (Patron—Wilt) .....

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**Surety on a bond;** discharge from liability, if a magistrate issues a capias, magistrate shall transmit a copy to the court before which such principal's appearance is required. (Patron—Spruill) .....

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**BORNMANN, JOHN ALBERT, JR.**

**Bornmann, John Albert, Jr.;** recording sorrow upon death.

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**Bosher, William Cleveland, Jr.;** recording sorrow upon death.

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**BOUNDARIES, JURISDICTION, AND EMBLEMS OF THE COMMONWEALTH**

**"Sweet Virginia Breeze" and "Our Great Virginia";** designating as the official state songs.

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**Bowers, James Winfield;** recording sorrow upon death. (Patron—Campbell) .....

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**Bowman, Stephen W.;** recording sorrow upon death. (Patron—O'Bannon) .....

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**Boyd, Marie;** commending. (Patron—Yancey) .....

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**Braemar Blasters swim team;** commending. (Patron—Miller) .....

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**BRANCHVILLE, TOWN OF**

**Branchville, Town of;** amending charter, elections, terms of office of council members. (Patron—Tyler) .....

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**Brand, E. Cabell;** recording sorrow upon death.

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**Branham, Jill;** commending.

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<b>BREWSTER, BAYLIES</b>			
<b>Brewster, Baylies;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 951		2826
<b>BRISTOL, CITY OF</b>			
<b>Bristol, City of;</b> amending charter, clarifying changes to the Bristol Virginia Utilities Authority.			
Patron—O'Quinn . . . . .	HB 1893	403	767
Patron—Carrico . . . . .	SB 1176	345	669
<b>BRITAIN, ROBERT BARNES</b>			
<b>Britain, Robert Barnes;</b> recording sorrow upon death.			
Patron—Morefield . . . . .	HJR 843		2767
Patron—Chafin . . . . .	SR 83		3029
<b>BROAD RUN HIGH SCHOOL</b>			
<b>Broad Run High School wrestling team;</b> commending. (Patron—Greason) . . . . .	HR 257		2865
<b>BROWN, JAMES BANKS, JR.</b>			
<b>Brown, James Banks, Jr.;</b> recording sorrow upon death. (Patron—Morris) . . . . .	HR 236		2855
<b>BROWNELL, ZORA M. MCCALL</b>			
<b>Brownell, Zora M. McCall;</b> recording sorrow upon death. (Patron—LaRock) . . . . .	HJR 938		2819
<b>BRYANT, BOB AND ANNIE</b>			
<b>Bryant, Bob and Annie;</b> commending. (Patron—Fariss) . . . . .	HR 260		2866
<b>BRYANT, DOUG</b>			
<b>Bryant, Doug;</b> commending.			
Patron—Ransone . . . . .	HJR 735		2705
Patron—McDougle . . . . .	SR 104		3041
<b>BUCHANAN, DAVID STUART, SR.</b>			
<b>Buchanan, David Stuart, Sr.;</b> commending. (Patron—Ruff) . . . . .	SJR 377		2997
<b>BUCHANAN, TOWN OF</b>			
<b>Buchanan, Town of;</b> amending charter, powers and elections. (Patron—Austin) . . . . .	HB 1663	199	361
<b>BUDGET, STATE</b>			
<b>Budget bill;</b> appropriations for 2014-2016 biennium. Amending Chapter 3, 2014 Sp. I Acts.			
Patron—Jones . . . . .	HB 1400		1515
<b>BUGGS ISLAND LAKE</b>			
<b>Buggs Island Lake;</b> state agencies and local governments allowed to refer to Lake as John H. Kerr Reservoir or Kerr Lake. (Patron—Ruff) . . . . .	SB 972	84	207
<b>BUILDING CODE</b>			
<b>Building Code;</b> limitation of prosecution for violations. (Patron—Peace) . . . . .	HB 2094	176	331
<b>Virginia-recognized Indian Tribes;</b> Tribes to be responsible for enforcement of Uniform Statewide Building Code on any Indian reservation recognized by the Commonwealth. (Patron—Hodges) . . . . .	HB 2283	135	277
<b>BULLINGTON, JIM</b>			
<b>Bullington, Jim;</b> recording sorrow upon death. (Patron—Rasoul) . . . . .	HJR 828		2758
<b>BURNETT, DENNIS OWEN</b>			
<b>Burnett, Dennis Owen;</b> recording sorrow upon death.			
Patron—Landes . . . . .	HJR 562		2637
Patron—Hanger . . . . .	SJR 249		2908
<b>BURRELL MEMORIAL HOSPITAL</b>			
<b>Burrell Memorial Hospital;</b> commemorating 100th anniversary of its founding. (Patron—Rasoul) . . . . .	HR 311		2892
<b>BURRELL, REUBEN V.</b>			
<b>Burrell, Reuben V.;</b> recording sorrow upon death.			
Patron—Ward . . . . .	HJR 846		2769
Patron—Locke . . . . .	SR 110		3044
<b>BUSINESSES</b>			
<b>Business entities;</b> reserved names. (Patron—Rust) . . . . .	HB 1563	444	849

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**BUSINESSES - Continued**

**Income tax, state;** subtraction for long-term capital gains, attributable to investments in certain technology businesses, extends investment period to June 30, 2020, report.

Patron—Hugo	HB	1741	336	650
Patron—McDougle	SB	904	335	640

**License tax;** businesses ceasing operations, if a business is found to continue to operate, it shall be required to pay full amount of tax due based on previous year's gross receipts plus a penalty of 10 percent of this amount. (Patron—Hanger)

SB	1040	250	462
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**Major business facility;** job tax credit for taxable years beginning on or after January 1, 2009, when two-year allowance period shall exist per qualified full-time employee. (Patron—James)

HB	1844	451	859
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**Neighborhood assistance tax;** no tax credit shall be granted for any donation made in the taxable year with a value of less than \$616, business firm or an individual making a qualified donation may by written agreement accept a tax credit of less than 65 percent for such donation. (Patron—Wilt)

HB	1701	56	169
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**Port of Virginia Economic and Infrastructure Development Grant Fund and Program;** qualified company to receive a second grant. (Patron—Watkins)

SB	1007	246	447
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**Small, Women-owned, and Minority-owned Business Loan Fund;** established, abolishes Capital Access Fund for Disadvantaged Businesses, cash balances shall be transferred to Fund.

Patron—James	HB	1757	696	2213
Patron—Lucas	SB	854	697	2218

**Virginia Public Procurement Act;** small, women-owned, and minority-owned businesses, defines businesses.

Patron—Yancey	HB	2148	765	2524
Patron—Alexander	SB	1333	775	2559

**BUTLER, LARRY**

<b>Butler, Larry;</b> commending. (Patron—Plum)	HJR	790		2737
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**BYERS, LINDA**

<b>Byers, Linda;</b> commending. (Patron—Cline)	HJR	927		2813
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**BYLER, CLARENCE HARVEY**

<b>Byler, Clarence Harvey;</b> recording sorrow upon death. (Patron—Villanueva)	HJR	904		2801
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**CAGE, ROBERT FIELDING**

<b>Cage, Robert Fielding;</b> recording sorrow upon death. (Patron—Edmunds)	HJR	892		2795
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**CALLAHAN, VINCENT F., JR.**

<b>Callahan, Vincent F., Jr.;</b> recording sorrow upon death. (Patron—Rust)	HJR	855		2774
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**CALOS, STEVE STAVROS**

<b>Calos, Steve Stavros;</b> recording sorrow upon death. (Patron—Loupassi)	HR	193		2834
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**CAMPAIGN PRACTICES**

**Campaign finance reports;** changes pre-election reporting period for certain reports. (Patron—O'Bannon)

HB	1460	646	1463
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**General registrars;** reassigning duties of the electoral board related to absentee voting and campaign finance.

Patron—Cole	HB	1433	644	1435
Patron—Vogel	SB	1092	645	1449

**Political campaign advertisements;** includes yard signs in definition of print media, signs paid for or distributed prior to July 1, 2015, shall not be subject to certain provisions. (Patron—Cosgrove)

SB	871	573	1247
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**CAMPBELL COUNTY**

**Hugh T. Pendleton Memorial Highway;** designating as a portion of Route 24 in Campbell County. (Patron—Fariss)

HB	1707	58	171
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**CANNON, JULIA TAYLOR**

<b>Cannon, Julia Taylor;</b> recording sorrow upon death. (Patron—Minchew)	HJR	897		2798
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**CAPITAL OUTLAY**

**Capital outlay plan;** creates a six-year plan for projects to be funded entirely or partially from general fund-supported resources. Repealing Chapters 309 and 404, 2013 Acts.

Patron–Jones .....	HB	1891	499	908
Patron–Stosch .....	SB	1042	500	913

**CAPITOL POLICE**

**Capitol Police;** security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.

Patron–Cox .....	HB	1466	448	857
Patron–McDougle .....	SB	1048	455	864

**Capitol Square;** payment of restitution to the Commonwealth for any damage to Square or any building, monument, etc., or at any other property assigned to the Capitol Police.

Patron–Morefield .....	HB	2298	312	615
Patron–Carrico .....	SB	707	550	1219

**Firearms;** localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron–Marsden) .....

SB	936	220	391
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**CAPITOL SQUARE**

**Capitol Square;** payment of restitution to the Commonwealth for any damage to Square or any building, monument, etc., or at any other property assigned to the Capitol Police.

Patron–Morefield .....	HB	2298	312	615
Patron–Carrico .....	SB	707	550	1219

**CAPÓ, CAROL**

**Capó, Carol;** recording sorrow upon death. (Patron–Yancey) .....

HR	233	2853
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**CARDWELL, KAREN**

**Cardwell, Karen;** commending. (Patron–Loupassi) .....

HR	262	2867
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**CAREER AND TECHNICAL EDUCATION**

**Career and technical education;** alignment with state or national program certification and accreditation standards, shall not apply to any program offered by industry in cooperation with a local school board. (Patron–Greason) .....

HB	1616	588	1266
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**Postsecondary credential, certification, or license attainment;** each local school board may enter into agreements with community colleges, et al., that offer a career and technical education curriculum. (Patron–Byron) .....

HB	1676	589	1266
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**Standard diploma;** student shall receive satisfactory competency-based instruction to satisfy requirements in lieu of achieving a career and technical education credential. (Patron–Orrock) .....

HB	2276	591	1271
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**Workforce Development, Virginia Board of;** changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report.

Patron–Byron .....	HB	1986	275	518
Patron–Ruff .....	SB	1372	292	555

**CARROLL COUNTY**

**Carroll County;** commending. (Patron–Campbell) .....

HJR	605	2649
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**Carroll County Future Farmers of America;** commending. (Patron–Campbell) .....

HJR	570	2641
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**Carroll County Middle School eighth-grade class;** commending. (Patron–Campbell) .....

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**CARTER, DONALD ELWOOD**

**Carter, Donald Elwood;** recording sorrow upon death. (Patron–Jones) .....

HJR	613	2652
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**CASTLEWOOD HIGH SCHOOL**

**Castlewood High School;** commending.

Patron–Pillion .....	HR	251	2862
Patron–Chafin .....	SR	59	3002

**CATS**

**Dogs or cats;** sell, exchange, trade, etc., prohibited on or in any roadside, parkway, median, etc., procurement of dogs. (Patron–Stanley) .....

SB	1001	679	2155
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**CELESTIAL BAPTIST CHURCH**

**Celestial Baptist Church;** commemorating its 100th anniversary. (Patron—Lucas) . . . SR 85 3030

**CELL PHONES**

**Local notifications;** any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron—Marshall, D.W.) . . . . . HB 1553 192 355

**CHANDLER, SAMUEL BRYAN**

**Chandler, Samuel Bryan;** recording sorrow upon death.  
Patron—Ransone . . . . . HJR 589 2645  
Patron—Stuart . . . . . SJR 348 2981

**CHARITABLE, CIVIC AND VOLUNTEER INSTITUTIONS, AND ORGANIZATIONS**

**Secondhand building materials;** exemption for donation of certain materials to nonprofit tax-exempt corporation. (Patron—Wagner) . . . . . SB 1204 626 1416

**CHARITABLE GAMING**

**Charitable Gaming Board;** membership, nonlegislative citizen members appointed to the Board, this act shall not be construed to affect existing appointments to the Board for terms that have not expired, new appointments. (Patron—Ruff) . . . . . SB 1309 755 2439

**CHARLOTTESVILLE, CITY OF**

**Affordable housing;** maximum income level of household deemed eligible in City of Charlottesville. (Patron—Deeds) . . . . . SB 1245 225 415

**Charlottesville, City of;** amends current sidewalk construction provision. Amending Chapter 277, 2013 Acts.  
Patron—Toscano . . . . . HB 2051 276 524  
Patron—Deeds . . . . . SB 1247 291 555

**CHARTER SCHOOLS**

**Constitutional amendment;** grants Board of Education authority to establish charter schools within school divisions of the Commonwealth (first reference). Amending Section 5 of Article VIII.  
Patron—Obenshain . . . . . SJR 256 719 2276

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**Alexandria, City of;** amending charter, changes certain powers of mayor, city council, etc.  
Patron—Herring . . . . . HB 1682 201 363  
Patron—Ebbin . . . . . SB 1214 294 564

**Amherst, Town of;** amending charter, creates the office of town manager and reassigns various duties. (Patron—Cline) . . . . . HB 2128 279 535

**Branchville, Town of;** amending charter, elections, terms of office of council members. (Patron—Tyler) . . . . . HB 1284 187 352

**Bristol, City of;** amending charter, clarifying changes to the Bristol Virginia Utilities Authority.  
Patron—O’Quinn . . . . . HB 1893 403 767  
Patron—Carrico . . . . . SB 1176 345 669

**Buchanan, Town of;** amending charter, powers and elections. (Patron—Austin) . . . . . HB 1663 199 361

**Culpeper, Town of;** amending charter, notice of special meetings and residence of Town Manager. (Patron—Scott) . . . . . HB 2292 281 541

**Falls Church, City of;** amending charter, city boundaries. (Patron—Saslaw) . . . . . SB 755 715 2274

**Hampton, City of;** amending charter, candidacy of councilmembers in mayoral election.  
Patron—BaCote . . . . . HB 2025 438 837  
Patron—Locke . . . . . SB 695 440 839

**James City County;** amending charter, director of planning. (Patron—Pogge) . . . . . HB 1656 198 361

**Lovettsville, Town of;** amending charter, updates boundaries, town powers, etc. (Patron—LaRock) . . . . . HB 1625 267 509

**Luray, Town of;** amending charter, changes date of municipal elections. (Patron—Gilbert) . . . . . HB 1834 206 377

**Montross, Town of;** amending charter, moves election date of town council, there shall be elected four electors at time set for general election. (Patron—Stuart) . . . . . SB 940 83 206

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Patron—Lucas	SB 749	215	385
<b>Roanoke, City of;</b> amending charter, appointment of director of finance. (Patron—Edwards)	SB 1276	347	676
<b>Roanoke, City of;</b> amending charter, appointment of director of finance, term of office. (Patron—Head)	HB 1532	689	2193
<b>Suffolk, City of;</b> amending charter, appointment of members of the board of equalization and school board. (Patron—Cosgrove)	SB 1014	85	207
<b>Weber City, Town of;</b> amending charter, extends terms of council members, mayor, etc. (Patron—Kilgore)	HB 1857	734	2384
<b>CHERRYSTONE CAMPGROUNDS</b>			
<b>Cherrystone Campgrounds tornado;</b> commending first responders.			
Patron—Bloxom	HJR 950		2825
Patron—Lewis	SR 111		3044
<b>CHESAPEAKE BAY</b>			
<b>Chesapeake Bay Watershed Agreement;</b> requirements of annual report by Secretary of Natural Resources. (Patron—Bloxom)	HB 1812	475	880
<b>Chesapeake Bay Watershed Implementation Plan;</b> state agencies to remove Little Creek watershed from inclusion in the James River Basin. (Patron—Wagner)	SB 1203	184	351
<b>Stormwater;</b> Board shall establish a procedure for approval of dredging operations in the Chesapeake Bay Watershed as a method of meeting pollutant reduction and loading requirements, any locality imposing a fee may make funds available for dredging where stormwater has contributed to deposition of sediment in state waters. (Patron—Wagner)	SB 1201	753	2437
<b>Water Implementation Plans (WIPs);</b> Secretary of Natural Resources to develop to improve water quality and restore living resources of Chesapeake Bay and its tributaries. (Patron—Hanger)	SB 1284	380	726
<b>Water Quality Improvement Act;</b> removes out-of-date references to tributary strategy plans for cleaning up the Chesapeake Bay and its tributaries. (Patron—Bulova)	HB 1536	164	312
<b>CHESAPEAKE, CITY OF</b>			
<b>James C. Archbell III Foundation;</b> commending. (Patron—Cosgrove)	SR 90		3033
<b>CHESTERFIELD COUNTY</b>			
<b>Swift Creek Mill Theatre;</b> commemorating its 50th anniversary. (Patron—Cox)	HJR 848		2770
<b>CHILD ABUSE OR NEGLECT</b>			
<b>Child abuse or neglect, suspected;</b> time period for investigation and report when involves school division employees. (Patron—Norment)	SB 1117	524	1177
<b>CHILD DEVELOPMENT RESOURCES, INC.</b>			
<b>Child Development Resources, Inc.;</b> commemorating its 50th anniversary. (Patron—Norment)	SR 101		3039
<b>CHILD SUPPORT</b>			
<b>Child support;</b> court may order that support be paid or continue to be paid for any child over the age of 18 who is severely and permanently mentally or physically disabled, such disability existed prior to child reaching age of 18 or age of 19, individual denied support prior to July 1, 2015, who meets requirements, shall be eligible to petition court for support.			
Patron—Byron	HB 2383	653	1481
Patron—Wexton	SB 923	654	1485
<b>Child support;</b> Department of Social Services may establish and operate an arrears compromise program. (Patron—Lindsey)	HB 1783	506	1139
<b>Child support;</b> Department of Social Services to prorate payments on the basis of amounts due. (Patron—Watts)	HB 1602	52	163
<b>Child support;</b> proportionate share of health insurance premiums. (Patron—McClellan)	HB 1951	510	1148
<b>Creditor process;</b> bankruptcy proceeding exemptions, spousal and child support exemption. (Patron—Surovell)	HB 2015	686	2188
<b>Uniform Interstate Family Support Act (UIFSA);</b> amends Act to modify current version, procedure to register child support order of foreign country for modification. (Patron—Watts)	HB 1601	727	2293

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<b>CHILDREN</b>			
<b>Child pornography and obscenity offenses;</b> penalties. (Patron–Howell) . . . . .	SB 1056	428	817
<b>Community policy and management teams;</b> policies to include a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams.			
Patron–Peace . . . . .	HB 2083	305	596
Patron–Hanger . . . . .	SB 1041	88	209
<b>Foster care;</b> placement of children, registration with Registry, local board shall request a search of Putative Father Registry to determine whether any man has registered as the putative father of the child. (Patron–Barker) . . . . .	SB 1423	531	1182
<b>Foster care;</b> removes certain provision requiring the Department of Social Services create a separate section within a plan that describes why a child cannot be returned home, etc. (Patron–Favola) . . . . .	SB 947	120	260
<b>Home instruction of children;</b> requirements, parent to provide certain testing scores to division superintendent.			
Patron–LaRock . . . . .	HB 1754	590	1270
Patron–Martin . . . . .	SB 1403	567	1242
<b>Indecent liberties;</b> provisions for taking liberties with a child by a person in a custodial or supervisory relationship. (Patron–Wexton) . . . . .	SB 915	555	1223
<b>Prospective foster parents;</b> child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron–McEachin) . . . . .	SB 1095	364	703
<b>Virginia Retirement System;</b> purchase of prior service credit allowed for an unpaid leave of absence for death of a qualifying child. (Patron–Stuart) . . . . .	SB 942	536	1190
<b>CHILDREN'S CARDIOMYOPATHY FOUNDATION</b>			
<b>Children's Cardiomyopathy Foundation;</b> commending. (Patron–Hope) . . . . .	HJR 888		2793
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<b>Childs, Garfield Ford, Jr.;</b> recording sorrow upon death. (Patron–McClellan) . . . . .	HJR 824		2756
<b>CHIROPRACTORS</b>			
<b>Chiropractic schools;</b> student training and practice. (Patron–Martin) . . . . .	SB 1058	122	263
<b>CHRISTIANSBURG HIGH SCHOOL</b>			
<b>Christiansburg High School wrestling team;</b> commending.			
Patron–Rush . . . . .	HR 316		2894
<b>CHRISTIANSBURG, TOWN OF</b>			
<b>Kenneth B. Gibson Memorial Park-and-Ride;</b> designating as park-and-ride facility on Interstate 81 in Town of Christiansburg. (Patron–Rush) . . . . .	HB 2269	375	723
<b>CIGARETTES</b>			
<b>Cigarette laws;</b> provisions modified relating to administration and enforcement of laws, Office of Attorney General shall develop and publish on its website individuals who are ineligible to be authorized holders.			
Patron–McClellan . . . . .	HB 1955	738	2392
Patron–Reeves . . . . .	SB 1232	754	2438
<b>Cigarettes;</b> possession with intent to distribute contraband, fraudulent purchase, use of business license obtained under false pretenses, forged or invalid Virginia sales and use tax exemption certificate, etc.			
Patron–Herring . . . . .	HB 1807	273	516
Patron–Reeves . . . . .	SB 1231	290	554
<b>CIKINS, WARREN IRA</b>			
<b>Cikins, Warren Ira;</b> recording sorrow upon death. (Patron–Surovell) . . . . .	HJR 710		2692
<b>CIRCLE SALES INCORPORATED</b>			
<b>Circle Sales Incorporated;</b> commemorating its 60th anniversary. (Patron–Wright) . . . . .	HJR 721		2698
<b>CIRCUIT COURTS</b>			
<b>Circuit court;</b> clerk may provide trial court record in electronic form to appropriate clerk of any appellate court, effective date. (Patron–Pillion) . . . . .	HB 2172	71	193
<b>Circuit court;</b> electronic filing in civil proceedings, increase of fee for civil cases initially filed by paper. (Patron–Kilgore) . . . . .	HB 2061	317	625
<b>Circuit court clerk;</b> revises certain responsibilities. (Patron–Leftwich) . . . . .	HB 1780	631	1418

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**CIRCUIT COURTS - Continued**

**Circuit court clerks;** changes to operation of clerks, including electronic records, fees, etc. (Patron–Stanley) . . . . . SB 1316 641 1429

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron–Newman) . . . . . SB 1411 228 426

**Electronic summons systems;** any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.  
Patron–Rust . . . . . HB 1560 546 1211  
Patron–Petersen . . . . . SB 888 643 1434

**Firearms or ammunition for firearms;** if person is not a resident of the Commonwealth, such person may petition the circuit court where last convicted for restoration of right for a permit to carry or possess. (Patron–Fowler) . . . . . HB 1666 200 362

**General district court or circuit court;** in circuit court, court may enter an order directing clerk to hold moneys, judge may enter an order directing clerk of district court to hold such funds in escrow for a period not to exceed 180 days to enable party to file a petition. (Patron–Bell, Robert B.) . . . . . HB 2048 633 1421

**Judges;** election in circuit court, general district court, and juvenile and domestic relations district court.  
Patron–Loupassi . . . . . HJR 961 2831

**Judges;** election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission.  
Patron–Loupassi . . . . . HJR 687 2680

**Judges;** nominations for election to circuit court.  
Patron–Loupassi . . . . . HR 210 2842  
Patron–Loupassi . . . . . HR 297 2884  
Patron–McDougle . . . . . SR 120 3049  
Patron–McDougle . . . . . SR 73 3024

**Preliminary hearing;** certification of ancillary misdemeanor offenses, any misdemeanor offense certified pursuant to this section shall proceed in same manner as misdemeanor appealed to circuit court. (Patron–Bell, Robert B.) . . . . . HB 2049 548 1212

**Remote access to land records;** prohibits a circuit court clerk or an outside vendor contracted by the clerk, or both, from including their indemnification as a requirement in an agreement between a state agency or employee thereof, acting in the employee's official capacity, etc. (Patron–Sullivan) . . . . . HB 1983 174 329

**Writ of actual innocence;** when Attorney General joins in a petition, petitioner may move circuit court for a bail hearing. (Patron–Herring) . . . . . HB 1882 66 182

**CIVIL REMEDIES AND PROCEDURE**

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron–Orrock . . . . . HB 1570 758 2448  
Patron–Hanger . . . . . SB 1168 770 2539

**Circuit court clerk;** revises certain responsibilities. (Patron–Leftwich) . . . . . HB 1780 631 1418

**Circuit court clerks;** changes to operation of clerks, including electronic records, fees, etc. (Patron–Stanley) . . . . . SB 1316 641 1429

**Computer and other crimes;** venue for prosecution. (Patron–Edwards) . . . . . SB 709 423 814

**Creditor;** satisfaction of judgment required to be noted. (Patron–Chafin) . . . . . SB 860 553 1222

**Creditor process;** bankruptcy proceeding exemptions, spousal and child support exemption. (Patron–Surovell) . . . . . HB 2015 686 2188

**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information. (Patron–Marsden) . . . . . SB 720 414 807

**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information

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**CIVIL REMEDIES AND PROCEDURE - Continued**

pertaining to that person's charge or arrest, removal of information, liability on an interactive computer service for content provided by another person, etc. (Patron—Loupassi) . . . . .	HB	1764	415	807
<b>Defamation;</b> if statements are published anonymously or under false identity on the Internet, an action may be filed and statute of limitations shall be tolled until identity of publisher is discovered, etc. (Patron—Albo) . . . . .	HB	1635	128	268
<b>Electronic summons systems;</b> any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.				
Patron—Rust . . . . .	HB	1560	546	1211
Patron—Petersen . . . . .	SB	888	643	1434
<b>Emergency care;</b> civil immunity for rendering care, forcible entry of motor vehicle to remove an unattended minor. (Patron—Peace) . . . . .	HB	2082	340	661
<b>Emergency medical services personnel;</b> applicant for employment or to serve as a volunteer required to submit fingerprints and provide personal descriptive information, information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for purpose of obtaining criminal history records. (Patron—Stuart) . . . . .	SB	997	362	702
<b>Epinephrine;</b> regulation for possession and administration in licensed private schools for students with disabilities and accredited private schools by an employee. (Patron—Greason) . . . . .	HB	2216	387	731
<b>Fire services and emergency medical services;</b> revises terminology and reorganizes provisions governing services, repeals certain provisions relating to penalty for disobeying chief officer, definitions pertaining to emergency medical services personnel, vehicles, etc., certain provisions effective on January 1, 2016.				
Patron—Stolle . . . . .	HB	1584	502	918
Patron—Stuart . . . . .	SB	938	503	1027
<b>Firearms;</b> licensed dealer may perform a criminal history record information check before transferring, selling, etc., item that is not in his inventory. (Patron—DeSteph) .	HB	1702	759	2462
<b>General district court or circuit court;</b> in circuit court, court may enter an order directing clerk to hold moneys, judge may enter an order directing clerk of district court to hold such funds in escrow for a period not to exceed 180 days to enable party to file a petition. (Patron—Bell, Robert B.) . . . . .	HB	2048	633	1421
<b>Medical malpractice proceedings;</b> medical experts licensed in other states are presumed to know standard of care in Virginia, extends presumption to all licensed health care providers in Virginia.				
Patron—Campbell . . . . .	HB	1775	310	606
Patron—Chafin . . . . .	SB	862	361	701
<b>Motor vehicle accidents;</b> settlement of underinsured motorist claims, subrogation claims by underinsured motorist benefits insurer, provisions shall apply to policies issued or renewed on or after January 1, 2016.				
Patron—Kilgore . . . . .	HB	1819	585	1259
Patron—Norment . . . . .	SB	1190	584	1255
<b>Naloxone;</b> any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron—Gilbert) . . . . .	HB	1833	732	2376
<b>Naloxone or other opioid antagonist;</b> pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.				
Patron—O'Bannon . . . . .	HB	1458	725	2282
Patron—Obenshain . . . . .	SB	1186	752	2432
<b>Nurse practitioners;</b> expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes.				
Patron—Leftwich . . . . .	HB	1476	295	568
Patron—Chafin . . . . .	SB	861	306	597

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<b>Personal injury and wrongful death actions;</b> disclosure of address of alleged tortfeasor, self-insured locality may disclose insured's work address. (Patron—Edwards) . . . . .	SB	761	711	2268
<b>Petition for attachment;</b> removes judges from list of persons before whom a petition shall be filed, magistrates may receive payments for petition. (Patron—Obenshain) . .	SB	1067	639	1427
<b>Practical nurse or registered nurse;</b> establishes criminal history background check for applicants for licensure. Patron—Dance . . . . .	SB	1018	307	598
<b>Punitive or exemplary damages;</b> consistency provided by changing references to damages. (Patron—Habeeb) . . . . .	HB	1610	710	2261
<b>Search warrants;</b> collection of evidence from computers, computer networks, and other electronic devices, search may be conducted in any location. (Patron—Wexton)	SB	1307	501	918
<b>Temporary injunction;</b> affidavit or verified pleading. (Patron—Campbell) . . . . .	HB	1367	125	264
<b>Unlawful detainer proceedings;</b> summons for unlawful detainer issued by magistrate or clerk or judge of a general district court, money judgment marked as satisfied. (Patron—Loupassi) . . . . .	HB	1767	547	1211
<b>Volunteer first responders;</b> immunity from civil liability when en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, etc., and emergency vehicle displays warning lights and sounds a siren, etc., unless such injury results from gross negligence. (Patron—Stanley) . . . . .	SB	845	417	808
<b>Writ of habeas corpus;</b> service of writ, dismissal of petition. (Patron—Edwards) . . . . .	SB	1156	554	1222
<b>CLAIMS</b>				
<b>Relief;</b> Montgomery, Jonathan Christopher. (Patron—Locke) . . . . .	SB	843	219	390
<b>CLAMS</b>				
<b>Clams, cultured;</b> Marine Resources Commission to issue permits for use of a handheld hydraulically operated device for harvesting from leased grounds. (Patron—Bloxom)	HB	1811	675	2147
<b>CLARKE COUNTY</b>				
<b>Clarke County High School wrestling team;</b> commending. (Patron—Minchew) . . . . .	HR	301		2887
<b>CLEMENTS, JOHN HALLIGAN</b>				
<b>Clements, John Halligan;</b> recording sorrow upon death. (Patron—Cox) . . . . .	HJR	701		2688
<b>CLERKS OF COURTS</b>				
<b>Circuit court;</b> clerk may provide trial court record in electronic form to appropriate clerk of any appellate court, effective date. (Patron—Pillion) . . . . .	HB	2172	71	193
<b>Circuit court clerks;</b> changes to operation of clerks, including electronic records, fees, etc. (Patron—Stanley) . . . . .	SB	1316	641	1429
<b>District court seal;</b> Committee on District Courts may also adopt an official seal and authorize its use by clerks and deputy clerks. (Patron—Carrico) . . . . .	SB	789	331	638
<b>Judicial personnel;</b> no clerk of any court, magistrate, or other person having power to issue warrants, shall be competent to testify in any criminal or civil proceeding, exception. (Patron—Carrico) . . . . .	SB	794	635	1424
<b>Personal injury or wrongful death;</b> clerk of court appoints qualified administrator for purpose of prosecuting both types of actions, qualification of fiduciary. Patron—Surovell . . . . .	HB	2016	129	268
Patron—Stanley . . . . .	SB	963	130	269
<b>Sex offenders;</b> sexual offenses prohibiting entry onto school or other property, newspaper notice shall contain a provision stating that written comments regarding petition may be submitted to clerk of court at least five days prior to hearing. (Patron—Campbell) . . . . .	HB	1366	688	2192
<b>CLEVINGER, SHARON KAY GILBERT</b>				
<b>Clevinger, Sharon Kay Gilbert;</b> recording sorrow upon death. (Patron—Pillion) . . . . .	HJR	932		2815
<b>CLIFFVIEW CHURCH OF GOD</b>				
<b>Cliffview Church of God;</b> commemorating its 100th anniversary. (Patron—Carrico) . .	SJR	221		2898
<b>CLINE, WILLIAM E.</b>				
<b>Cline, William E.;</b> recording sorrow upon death. (Patron—Pillion) . . . . .	HJR	933		2816
<b>COAKLEY, JAY</b>				
<b>Coakley, Jay;</b> commending. (Patron—Greason) . . . . .	HR	228		2850

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COAL MINING

**Coal mine safety;** mine-wide tracking systems shall be maintained in useable and operative conditions, electric equipment shall be maintained in safe operating condition at all times, duties of surface mine foreman.

Patron—Pillion .....	HB	2257	397	748
Patron—Chafin .....	SB	1366	103	228

**Coalbed methane gas;** operator of certain force-pooled wells to apply to Board on or before January 1, 2016, for and give written notice of such application to all conflicting claimants identified. (Patron—Kilgore) .....

HB	2058	396	744
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COAST GUARD

**Boating safety education;** exempts a motorboat operator who is serving or has qualified as an Officer of the Deck Underway, etc., or Marine Deck Officer in any branch of the United States Armed Forces, United States Coast Guard, or Merchant Marine. (Patron—Cole) .....

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<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB	1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .	HB	1776	730	2309
<b>Virginia Housing Trust Fund;</b> Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for Fund. (Patron—Watkins) . . . .	SJR	235		2904
<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . .	SB	1030	377	724
<b>Virginia Racing Commission (VRC);</b> powers, definitions, advance deposit account wagering revenues, distribution.				
Patron—Scott . . . . .	HB	1826	731	2369
Patron—Vogel . . . . .	SB	1097	751	2425

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<b>Virginia Real Estate Board;</b> exemptions from licensure, property governed by the Virginia Real Estate Time-Share Act.			
Patron–Knight .....	HB 1795	272	515
Patron–Cosgrove .....	SB 1016	24	62
<b>Virginia Virtual School, Board of;</b> established, report, certain provisions shall become effective on July 1, 2016, and only if reenacted by 2016 Session of General Assembly. (Patron–Bell, Richard P.) .....	HB 324	700	2226
<b>Virginia's Rail Heritage Region;</b> encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron–Poindexter) .....	HJR 521		2619
<b>Virginia's water resource planning and management;</b> Joint Legislative Audit and Review Commission to study.			
Patron–Norment .....	SJR 272		2948
<b>Voter list maintenance;</b> State Board of Elections shall utilize data received through list comparisons with other states, report. (Patron–Bell, Robert B.) .....	HB 2379	713	2271
<b>Water resource and planning management;</b> Joint Legislative Audit and Review Commission to study. (Patron–Hodges) .....	HJR 623		2654
<b>Wholesale distributors;</b> notice to Board of Pharmacy when ceasing distribution of Schedule II through V drugs to a dispenser due to suspicious ordering. (Patron–Hodges) .....	HB 1736	299	577
<b>Wildlife traps;</b> Board of Game and Inland Fisheries shall adopt regulations permitting trappers to use remote trap-checking technology. (Patron–Bulova) .....	HB 1516	47	158
<b>Wood heaters;</b> clarifies definition, Air Pollution Control Board shall not adopt regulations that limit emissions. (Patron–Poindexter) .....	HB 2246	471	878
<b>Workers' compensation;</b> pecuniary liability of the employer for medical services, Commission shall determine the number and geographic area of communities across the Commonwealth, relevant charge data based on geographic area, report. (Patron–Farrell) .....	HB 1820	456	864
<b>Workforce Development, Virginia Board of;</b> changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report.			
Patron–Byron .....	HB 1986	275	518
Patron–Ruff .....	SB 1372	292	555
<b>Workforce Development, Virginia Board of;</b> for purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from related services. (Patron–Byron) .....	HB 1523	191	354
<b>COMMONWEALTH'S ATTORNEYS</b>			
<b>Administrative subpoenas;</b> electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena.			
Patron–McClellan .....	HB 1946	544	1210
Patron–Wexton .....	SB 919	625	1415
<b>Campus police departments;</b> reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron–Massie) .....	HB 1785	707	2249
<b>Commonwealth's Attorneys Training Fund;</b> established.			
Patron–Jones .....	HB 2222	212	383
Patron–Norment .....	SB 1360	226	416
<b>Sexually violent predators;</b> notice of hearings, conditional release plan, Department shall notify the attorney for the Commonwealth, chief law-enforcement officer, and local government the proposed location of respondent's residence. (Patron–Wright) .	HB 2303	662	1511
<b>COMMUNITY CHURCH OF GOD IN CHRIST</b>			
<b>Community Church of God in Christ;</b> commending. (Patron–McClellan) .....	HJR 876		2785

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**COMMUNITY COLLEGES**

**Apprenticeship-related instruction;** transfers certain duties from State Board for Community Colleges to Commissioner of Labor and Industry.

Patron—Ward .....	HB 1822	63	179
Patron—Alexander .....	SB 1024	86	208

**Community Colleges, State Board for;** policy for the award of academic credit for military training.

Patron—Yancey .....	HB 2354	384	729
Patron—Cosgrove .....	SB 1335	581	1254

**Postsecondary credential, certification, or license attainment;** each local school board may enter into agreements with community colleges, et al., that offer a career and technical education curriculum. (Patron—Byron)

HB 1676	589	1266
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**COMPACTS**

**Highways, bridges, and ferries;** clarification of certain revisions to Title 33, repeals Woodrow Wilson Bridge and Tunnel Compact. (Patron—LeMunyon)

HB 1398	256	471
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**Interstate 73 Transportation Compact;** created, Compact Commission established, report. (Patron—Stanley)

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**Pest Control Compact;** repeals Compact. (Patron—Sickles)

HB 2052	373	723
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**Virginia-North Carolina Interstate High-Speed Rail Compact;** both states allowed to elect a co-chairman from among their membership. (Patron—Watkins)

SB 815	494	905
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**COMPREHENSIVE SERVICES ACT**

**Comprehensive Services Act for At-Risk Youth and Families;** changes name of Act to Children's Services Act. (Patron—Favola)

SB 850	366	704
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**COMPUTER SERVICES AND USES**

**Administrative subpoenas;** electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena.

Patron—McClellan .....	HB 1946	544	1210
Patron—Wexton .....	SB 919	625	1415

**Autism spectrum disorder;** Board of Medicine shall post information about diagnosis and treatment available to licensees on website. (Patron—Hanger)

SB 1045	363	703
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**Cigarette laws;** provisions modified relating to administration and enforcement of laws, Office of Attorney General shall develop and publish on its website individuals who are ineligible to be authorized holders.

Patron—McClellan .....	HB 1955	738	2392
Patron—Reeves .....	SB 1232	754	2438

**Circuit court;** clerk may provide trial court record in electronic form to appropriate clerk of any appellate court, effective date. (Patron—Pillion)

HB 2172	71	193
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**Circuit court;** electronic filing in civil proceedings, increase of fee for civil cases initially filed by paper. (Patron—Kilgore)

HB 2061	317	625
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**Circuit court clerks;** changes to operation of clerks, including electronic records, fees, etc. (Patron—Stanley)

SB 1316	641	1429
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**Computer and other crimes;** venue for prosecution. (Patron—Edwards)

SB 709	423	814
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**Conflict of Interests Act, State and Local Government, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council;** certain gifts prohibited, approvals required for certain travel, provisions requiring filers file disclosure forms with Virginia Conflict of Interest and Ethics Advisory Council by electronic means shall become effective on July 1, 2016, Council shall review current forms and make recommendations for revision, certain provisions shall become effective on July 1, 2015, appointment of Council members.

Patron—Gilbert .....	HB 2070	763	2481
Patron—Norment .....	SB 1424	777	2571

**Counselors;** any person licensed by Board and operating in a nonhospital setting shall post a copy of his license in a conspicuous place, posting number of toll-free complaint line, website address, etc. (Patron—Petersen)

SB 1417	530	1181
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**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information, liability on an interactive computer service for content provided by another person, etc. (Patron–Loupassi) . . . . . HB 1764 415 807

**Defamation;** if statements are published anonymously or under false identity on the Internet, an action may be filed and statute of limitations shall be tolled until identity of publisher is discovered, etc. (Patron–Albo) . . . . . HB 1635 128 268

**Deferred and installment payments for fines, costs, etc.;** guidelines established by the court, such guidelines shall be reduced to writing as well as posted in clerk's office and on court's website, if website is available. (Patron–Hope) . . . . . HB 1506 265 507

**Electronic communication service or remote computing service;** obtaining records, search warrant for real-time location data. (Patron–Loupassi) . . . . . HB 2355 634 1423

**Electronic identity management;** approval of electronic identity standards, Identity Management Standards Advisory Council established, definitions, limitation of liability.  
Patron–Rust . . . . . HB 1562 482 883  
Patron–Watkins . . . . . SB 814 483 885

**Electronic summons systems;** any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.  
Patron–Rust . . . . . HB 1560 546 1211  
Patron–Petersen . . . . . SB 888 643 1434

**Financial institutions;** branch office does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, clarifies definition of service facility.  
Patron–Byron . . . . . HB 1629 445 851  
Patron–Cosgrove . . . . . SB 875 19 57

**Flood protection plan;** Department of Conservation and Recreation shall review and update on a regular basis for the Commonwealth and make the plan accessible online.  
Patron–Stolle . . . . . HB 1817 172 328  
Patron–Locke . . . . . SB 1079 251 463

**Higher educational institutions, four-year public;** institution shall maintain and update annually a tab or link on the home page of its website certain consumer information.  
Patron–Hugo . . . . . HB 1980 325 634  
Patron–McWaters . . . . . SB 1223 328 635

**Hunting, trapping, or fishing licenses;** allows person who is required to carry certain licenses or a hunter education certificate to meet requirement by carrying an electronic copy of the relevant license or certificate, exception. (Patron–Futrell) . . . HB 2111 479 882

**Income tax, corporate;** taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership Authority provides a certain written certification. (Patron–Hugo) . . . . . HB 2162 237 442

**Income tax, corporate;** taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership provides a certain written certification. (Patron–McDougle) . . . . . SB 1142 92 215

**Income tax, state;** individual may elect to have refund check mailed, direct deposited, or by other electronic means, provisions shall be applicable to tax returns relating to 2015 and taxable years thereafter.  
Patron–Ware . . . . . HB 1286 229 426  
Patron–Barker . . . . . SB 701 76 197

**Internet;** Virginia's localities and school divisions encouraged to partner with local law-enforcement agencies regarding wireless access. (Patron–Fariss) . . . . . HJR 644 2662

**Local notifications;** any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron–Marshall, D.W.) . . . . . HB 1553 192 355

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<b>Medical assistance;</b> electronic asset verification program for purpose of verifying assets of applicant, financial institutions to provide certain medical records, sunset provision. (Patron–Sickles) . . . . .	HB	2372	652	1480
<b>Motor vehicle dealers;</b> prohibits motor vehicle franchisors from coercing dealers to provide access to certain consumer data, if dealer elects to submit or push data or information to the manufacturer, factory branch, etc., through any method other than provided, then shall furnish requested data in a widely accepted electronic file format. (Patron–Greason) . . . . .	HB	1549	155	295
<b>Public schools;</b> annual budget publication in line item form on school division's website. (Patron–McDougle) . . . . .	SB	1286	371	722
<b>School board clerks;</b> electronic maintenance of records.				
Patron–Head . . . . .	HB	2245	388	737
Patron–Smith . . . . .	SB	1339	330	637
<b>Search warrants;</b> collection of evidence from computers, computer networks, and other electronic devices, search may be conducted in any location. (Patron–Wexton) . . . . .	SB	1307	501	918
<b>State government, executive branch of;</b> director of every department shall be responsible for securing electronic data held by his department, etc. (Patron–Barker) . . . . .	SB	1121	261	502
<b>Students, hearing or visually impaired;</b> local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron–Bell, Richard P.) . . . . .	HB	1679	55	169
<b>Students' personally identifiable information;</b> Department of Education shall develop and make publicly available certain policies on its website, in cases in which electronic records are reasonably believed to have been disclosed, Department or local school division shall notify parent of student as soon as practicable. (Patron–Landes) . . . . .	HB	1334	139	283
<b>Telemedicine services;</b> amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient.				
Patron–Kilgore . . . . .	HB	2063	115	254
Patron–McWaters . . . . .	SB	1227	32	76
<b>Virginia Self-Service Storage Act;</b> notice of default by electronic means, clarifies definition of last known address. (Patron–Anderson) . . . . .	HB	1921	208	379
<b>Wire, electronic, or oral communications;</b> civil action for unlawful interception, disclosure, or use. (Patron–Marshall, R.G.) . . . . .	HB	1308	672	2145
<b>Workers' compensation;</b> Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, etc., shall be required to adopt and implement infrastructure under which providers of medical services shall submit billing electronically, etc. (Patron–Byron) . . . . .	HB	2384	621	1395

**CONDOMINIUMS**

<b>Condominium Act;</b> voting interest allocated to unit or member that has been suspended shall not be counted in total number of voting interests used to determine quorum for any meeting. (Patron–Pogge) . . . . .	HB	2055	214	384
<b>Condominium Act and Property Owners' Association Act;</b> notice of sale under deed of trust, definitions of unit and lot owners.				
Patron–Leftwich . . . . .	HB	2080	410	788
Patron–Cosgrove . . . . .	SB	1157	93	216
<b>Condominium and Property Owners' Association Acts;</b> allowable charges, rental of units, association charges, delivery of association disclosure packet. (Patron–Peace) . . . . .	HB	2100	277	525
<b>Condominium and Property Owners' Association Acts;</b> statement of unit and lot owner rights, right to cast vote, except to the extent that condominium instruments provide otherwise, etc. (Patron–Petersen) . . . . .	SB	1008	286	543
<b>Virginia Condominium Act;</b> meetings of the unit owners' association, failure to obtain a quorum. (Patron–Marsden) . . . . .	SB	1390	430	819

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<b>Conflict of Interests Act, State and Local Government;</b> prohibited contracts by officers and employees of hospital authorities, filing of certain disclosure statements annually on or before December 15. (Patron–Cosgrove) . . . . .	SB	876	699	2224
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**CONFLICT OF INTERESTS - Continued**

**Conflict of Interests Act, State and Local Government, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council;** certain gifts prohibited, approvals required for certain travel, provisions requiring filers file disclosure forms with Virginia Conflict of Interest and Ethics Advisory Council by electronic means shall become effective on July 1, 2016, Council shall review current forms and make recommendations for revision, certain provisions shall become effective on July 1, 2015, appointment of Council members.

Patron–Gilbert ..... HB 2070 763 2481  
Patron–Norment ..... SB 1424 777 2571

**Senate Committee on Rules;** confirming appointments to the Virginia Commonwealth University Health System Authority Board, Virginia Conflict of Interest and Ethics Advisory Council, and Tobacco Indemnification and Community Revitalization Commission. (Patron–Stosch) .....

SJR 296 2952

**CONGRESSIONAL SCHOOLS OF VIRGINIA**

**Congressional Schools of Virginia;** commemorating its 75th anniversary. (Patron–Simon) .....

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**CONSERVATION**

**Alcoholic beverage control;** winery, brewery, or distillery licensee allowed to pay royalties to a historical preservation entity based on authentic historical recipes and identified brand names owned and trademarked by entity, definition. (Patron–Norment) .....

SB 1412 421 812

**Battlefield property;** Director of Department of Historic Resources and Board of Historic Resources to acquire and administer properties. (Patron–Watkins) .....

SB 1306 100 226

**Breaks Interstate Park Commission;** employees being commissioned as conservation officers.

Patron–Pillion ..... HB 1859 64 180  
Patron–Chafin ..... SB 858 489 895

**Carbon monoxide emissions;** certain diesel-powered incinerators exempted from certain permitting regulations of State Air Pollution Control Board, provisions of this act shall expire on July 1, 2019. (Patron–Cosgrove) .....

SB 869 80 200

**Clean Power Plan, proposed federal;** Department of Environmental Quality to study projected health benefits of Plan in comparison with projected health benefits of existing regulations. (Patron–Wagner) .....

SJR 273 2949

**Conservation easements;** additional powers of Virginia Land Conservation Foundation, requests for conservation easement dispute mediation. (Patron–Pogge) .....

HB 1488 44 157

**Dan River;** designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron's Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron–Edmunds) .....

HB 1507 46 158

**Flood protection plan;** Department of Conservation and Recreation shall review and update on a regular basis for the Commonwealth and make the plan accessible online.

Patron–Stolle ..... HB 1817 172 328  
Patron–Locke ..... SB 1079 251 463

**Land preservation;** for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed \$100,000 for each taxable year, application for tax credit to be filed with the Department of Taxation by December 31.

Patron–Ware ..... HB 1828 235 430  
Patron–Watkins ..... SB 1019 680 2155

**Noncommercial vessels;** no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron–Morris) .....

HB 1298 484 887

**Postdevelopment stormwater management technical criteria;** Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron–DeSteph) .....

HJR 587 2645

**Radon;** persons certified as proficient to offer screening, testing, and mitigation shall comply with standards deemed acceptable by virtue of reference by U.S. Environmental Protection Agency or the Board. (Patron–Simon) .....

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**Real property assessment;** valuation for land preservation. (Patron—Rush) . . . . . HB 1483 485 888

**Solid and semisolid industrial wastes;** fees for testing and monitoring of land application, local enforcement of permits.

Patron—Peace . . . . . HB 1364 677 2149

Patron—Dance . . . . . SB 1413 104 230

**State park master plans;** Department and Board of Conservation and Recreation shall review and update master plan for each park once every 10 years.

Patron—Edmunds . . . . . HB 2226 469 877

Patron—Hanger . . . . . SB 1376 185 351

**State Trails Advisory Committee;** established, Committee shall examine and provide recommendations regarding methods for receiving input on potential trail impacts upon owners of underlying or neighboring properties, report, sunset provision. (Patron—Lingamfelter) . . . . . HB 1542 461 869

**Stormwater;** Board shall establish a procedure for approval of dredging operations in the Chesapeake Bay Watershed as a method of meeting pollutant reduction and loading requirements, any locality imposing a fee may make funds available for dredging where stormwater has contributed to deposition of sediment in state waters. (Patron—Wagner) . . . . . SB 1201 753 2437

**Stormwater utility fees;** implementing waivers for property where two adjoining localities, subject to a revenue sharing agreement, each hold municipal separate storm sewer permits. (Patron—Hanger) . . . . . SB 1047 683 2161

**Toxic substances;** Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . . . . . HB 1829 173 329

**Virginia Battlefield Preservation Fund;** use of grant funds (previously known as Civil War Site Preservation Fund) for battlefield preservation, Department, acting on behalf of Board, shall facilitate transfers and assignments of any such interests held by Board. (Patron—Edmunds) . . . . . HB 2193 467 872

**Virginia Freedom of Information Act;** resource management plans, closed meetings for purposes of discussion or consideration of certain personal and proprietary information.

Patron—Scott . . . . . HB 1618 169 321

Patron—Hanger . . . . . SB 1126 27 68

**Water Quality Improvement Act;** removes out-of-date references to tributary strategy plans for cleaning up the Chesapeake Bay and its tributaries. (Patron—Bulova) . . . . . HB 1536 164 312

**Wood heaters;** clarifies definition, Air Pollution Control Board shall not adopt regulations that limit emissions. (Patron—Poindexter) . . . . . HB 2246 471 878

**CONSERVATORS OF THE PEACE**

**Conservators of the peace, special;** orders of appointment, judge may revoke an appointment order, hearing on petition shall be heard by court as soon as practicable. (Patron—Berg) . . . . . HB 2369 602 1303

**Conservators of the peace, special;** training to be obtained at a criminal justice training academy or a private security training school, authority to make certain arrests, orders of appointment, etc., prohibition on use of sirens, exception, Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding use of application forms for appointment.

Patron—Campbell . . . . . HB 2206 766 2526

Patron—Norment . . . . . SB 1195 772 2554

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**Constitutional amendment;** grants Board of Education authority to establish charter schools within school divisions of the Commonwealth (first reference). Amending Section 5 of Article VIII.

Patron—Obenshain . . . . . SJR 256 719 2276

**Constitutional amendment;** real property tax exemptions for spouses of certain emergency service providers (first reference). Adding Section 6-B in Article X. (Patron—Hugo) . . . . . HJR 597 718 2275

**Constitutional amendment;** right to work (first reference). Adding Section 11-A in Article I.

Patron—Bell, Richard P. . . . . HJR 490 717 2275

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<b>Constitutional office</b> ; highest ranking deputy officer, full-assistant attorney, etc., to step in to fill vacancy until special election. (Patron–Vogel) . . . . .	SB	1089	648 1468
<b>CONSUMER PROTECTION</b>			
<b>Virginia Freedom of Information Act</b> ; exception to open meeting requirements. (Patron–Ruff) . . . . .	SB	969	131 270
<b>Virginia Freedom of Information Act</b> ; expands open meeting exemptions, discussions relating to cybersecurity. (Patron–Stuart) . . . . .	SB	1109	182 345
<b>Virginia Freedom of Information Act</b> ; expands record exemption for public safety, cybersecurity. (Patron–Stuart) . . . . .	SB	1129	183 348
<b>Virginia Freedom of Information Act</b> ; record exemption for certain health records. Patron–Gilbert . . . . .	HB	1633	127 266
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<b>Virginia Freedom of Information Act</b> ; records held by both Virginia Commonwealth University and VCU Medical Center, discussion of certain matters at VCU Board of Visitors meeting. (Patron–Peace) . . . . .	HB	2104	549 1213
<b>Virginia Freedom of Information Act</b> ; resource management plans, closed meetings for purposes of discussion or consideration of certain personal and proprietary information. Patron–Scott . . . . .	HB	1618	169 321
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<b>Mechanics' liens</b> ; waiver of payment bond claims and contract claims, subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. (Patron–Petersen) . . . . .	SB	891	748 2420
<b>Virginia Public Procurement Act</b> ; small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron–Adams) . . . . .	HB	1854	733 2382
<b>Virginia Real Estate Transaction Recovery Fund</b> ; conforms provisions to Virginia Contractor Transaction Recovery Fund. Patron–Rust . . . . .	HB	1965	409 784
<b>CONTRACTS</b>			
<b>Clean energy</b> ; financing programs, local ordinance authorizing contracts to provide loans shall include the kinds of renewable energy production and distribution facilities, energy usage efficiency improvements, or water usage efficiency improvements for which loans may be offered, development of underwriting guidelines. Patron–Marshall, D.W. . . . .	HB	1446	389 738
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<b>Conflict of Interests Act, State and Local Government</b> ; prohibited contracts by officers and employees of hospital authorities, filing of certain disclosure statements annually on or before December 15. (Patron–Cosgrove) . . . . .	SB	876	699 2224
<b>Governmental agencies</b> ; contracts for items listed on commercial activities list, publication of notice, opportunity for comment, provisions of this section shall not apply to services provided by central service state agencies, etc. (Patron–LeMunyon) . . . . .	HB	1917	736 2389
<b>Virginia Information Technologies Agency</b> ; certain private higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. (Patron–Rust) . . . . .	HB	1661	462 869
<b>Virginia Port Authority</b> ; additional exemptions from the Public Procurement Act, Authority shall develop policies or adopt regulations to implement provisions of this act by January 1, 2017. Patron–BaCote . . . . .	HB	2019	175 330
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**CONTRACTS - Continued**

<b>Virginia Public Procurement Act</b> ; contract modification, modifications made by a political subdivision. (Patron—Albo) . . . . .	HB 1628	569	1243
<b>Virginia Public Procurement Act</b> ; job order contracts and design professional contracts, job order contracting, sum of projects performed in a one-year contract term shall not exceed \$5 million, etc. (Patron—Minchew) . . . . .	HB 1637	570	1244
<b>Virginia Public Procurement Act</b> ; requirements for Requests for Proposal, numerical scoring system used in evaluation of proposals. (Patron—Reeves) . . . . .	SB 1226	350	690

**CONTROLLED SUBSTANCES**

<b>Controlled substances</b> ; removes hydrocodone combination products from Schedule III and classifies alfaxalone, suvorexant, and tramadol as Schedule IV. (Patron—Robinson) . . . . .	HB 1839	303	591
<b>Hospices</b> ; notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron—Hodges) . . . . .	HB 1738	668	2142
<b>Practitioners of the healing arts</b> ; prohibits dispensing controlled substances unless licensed by Board of Pharmacy to sell controlled substances, exemption from fees associated with obtaining and renewing permits for certain facilities. (Patron—Garrett) . . . . .	HB 2192	117	257
<b>Telemedicine services</b> ; amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient. Patron—Kilgore . . . . .	HB 2063	115	254
Patron—McWaters . . . . .	SB 1227	32	76
<b>Wholesale distributors</b> ; notice to Board of Pharmacy when ceasing distribution of Schedule II through V drugs to a dispenser due to suspicious ordering. (Patron—Hodges) . . . . .	HB 1736	299	577

**COOKE, CAROLEE**

<b>Cooke, Carolee</b> ; commending. (Patron—LaRock) . . . . .	HR 312		2892
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**CORPORATIONS**

<b>Business entities</b> ; reserved names. (Patron—Rust) . . . . .	HB 1563	444	849
<b>Income tax, corporate</b> ; taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership Authority provides a certain written certification. (Patron—Hugo) . . . . .	HB 2162	237	442
<b>Income tax, corporate</b> ; taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership provides a certain written certification. (Patron—McDougle) . . . . .	SB 1142	92	215
<b>Limited liability companies</b> ; liability of member whether company has a single member or multiple members. (Patron—Norment) . . . . .	SB 1368	627	1416
<b>Securities Act</b> ; creates an exemption from securities, broker-dealer, and agent registration requirements, report, sunset provision. Patron—Taylor . . . . .	HB 1360	400	759
Patron—Edwards . . . . .	SB 763	354	694
<b>Severability</b> ; removes clauses by repeal or amendment throughout Code of Virginia. (Patron—Habeeb) . . . . .	HB 1609	709	2250
<b>State Corporation Commission</b> ; certificates of fact issued by the clerk of the Commission, facsimile signature. (Patron—Marshall, D.W.) . . . . .	HB 1640	446	852
<b>Stock corporations and nonstock corporations</b> ; compiles multiple revisions to Virginia Stock Corporation Act and the Virginia Nonstock Corporation Act. (Patron—Kilgore) . . . . .	HB 1878	611	1319
<b>Taxation, Department of</b> ; authorized to disclose whether person, firm, or corporation is registered as a retail sales and use tax dealer, etc., the Department shall not be prohibited from disclosing information to certain nongovernmental entities. (Patron—Howell) . . . . .	SB 1010	247	449
<b>Virginia Stock Corporation Act and Virginia Nonstock Corporation Act</b> ; updates terminology and addresses shortcomings in Acts. (Patron—Joannou) . . . . .	HB 2176	623	1396

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**CORRECTIONAL ENTERPRISES**

**Driving under the influence of alcohol;** persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron–Miller) . . . . . HB 1639 729 2307

**CORRECTIONS, BOARD OF OR DEPARTMENT OF**

**Corrections, Department of;** interstate transportation of prisoners. (Patron–Deeds) . . SB 1258 99 224

**Lawrenceville, Town of;** Department of Corrections to convey certain real property to Town to be used for water facilities. (Patron–Tyler) . . . . . HB 2255 353 693

**Sex Offender and Crimes Against Minors Registry;** Department of Corrections or community supervision shall physically verify or cause to be physically verified by the State Police registration information.  
Patron–Ingram . . . . . HB 2228 598 1291  
Patron–Wexton . . . . . SB 918 81 200

**COSTS, FEES, SALARIES, AND ALLOWANCES**

**House of Delegates;** salaries, contingent and incidental expenses.  
Patron–Jones . . . . . HR 200 2838

**COUNCIL FOR THE ARTS OF HERNDON**

**Council for the Arts of Herndon;** commending. (Patron–Rust) . . . . . HJR 849 2770

**COUNCIL, JULIAN H.**

**Council, Julian H.;** recording sorrow upon death. (Patron–Cosgrove) . . . . . SJR 289 2951

**COUNTIES, CITIES, AND TOWNS**

**Administrative subpoenas;** electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena.  
Patron–McClellan . . . . . HB 1946 544 1210  
Patron–Wexton . . . . . SB 919 625 1415

**Adult fatality review teams, local and regional;** established, certain agency actions exempt from provisions including any operating procedures for review of adult deaths developed by the Adult Fatality Review Team, penalty. (Patron–Rust) . . . . . HB 1558 108 238

**Affordable housing;** adds City of Fairfax to list of localities with authority to provide for an affordable housing dwelling unit program.  
Patron–Bulova . . . . . HB 1471 390 739  
Patron–Petersen . . . . . SB 889 605 1310

**Affordable housing;** maximum income level of household deemed eligible in City of Charlottesville. (Patron–Deeds) . . . . . SB 1245 225 415

**Alcoholic beverage control;** limited distillers' licenses to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, local regulation of certain activities. (Patron–Deeds) . . . . . SB 1272 695 2208

**Benefits consortium;** formation of a not-for-profit consortium by localities, each member shall be contractually liable for its allocated share of liabilities. (Patron–Hanger) . . . . . SB 1046 136 277

**Buggs Island Lake;** state agencies and local governments allowed to refer to Lake as John H. Kerr Reservoir or Kerr Lake. (Patron–Ruff) . . . . . SB 972 84 207

**Campus police departments;** reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron–Massie) . . . . . HB 1785 707 2249

**Carbon monoxide emissions;** certain diesel-powered incinerators exempted from certain permitting regulations of State Air Pollution Control Board, provisions of this act shall expire on July 1, 2019. (Patron–Cosgrove) . . . . . SB 869 80 200

**Cash proffer for residential construction;** removes July 1, 2017, expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers. Repealing second enactment of Chapter 193, 2009 Acts. (Patron–Smith) . . . . . SB 1257 346 676

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COUNTIES, CITIES, AND TOWNS - Continued

**Charlottesville, City of;** amends current sidewalk construction provision. Amending Chapter 277, 2013 Acts.

Patron—Toscano ..... HB 2051 276 524  
Patron—Deeds ..... SB 1247 291 555

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.

Patron—Orrock ..... HB 1570 758 2448  
Patron—Hanger ..... SB 1168 770 2539

**Clean energy;** financing programs, local ordinance authorizing contracts to provide loans shall include the kinds of renewable energy production and distribution facilities, energy usage efficiency improvements, or water usage efficiency improvements for which loans may be offered, development of underwriting guidelines.

Patron—Marshall, D.W. .... HB 1446 389 738  
Patron—Watkins ..... SB 801 427 816

**Commonwealth's Attorneys Training Fund;** established.

Patron—Jones ..... HB 2222 212 383  
Patron—Norment ..... SB 1360 226 416

**Community development authorities;** any special tax levied or any special assessment imposed by a locality pursuant to an agreement with an authority, constitutes a lien on real estate ranking on parity with real estate taxes, etc. (Patron—Vogel) .....

SB 1448 39 151

**Comprehensive plan;** any locality included in Hampton Roads Planning District Commission shall incorporate into next scheduled and all subsequent reviews strategies to combat projected relative sea-level rise and recurrent flooding, local hazard mitigation plans required for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. (Patron—Miller) .....

SB 1443 186 352

**Condominium Act and Property Owners' Association Act;** notice of sale under deed of trust, definitions of unit and lot owners.

Patron—Leftwich ..... HB 2080 410 788  
Patron—Cosgrove ..... SB 1157 93 216

**Conflict of Interests Act, State and Local Government;** prohibited contracts by officers and employees of hospital authorities, filing of certain disclosure statements annually on or before December 15. (Patron—Cosgrove) .....

SB 876 699 2224

**Conflict of Interests Act, State and Local Government, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council;** certain gifts prohibited, approvals required for certain travel, provisions requiring filers file disclosure forms with Virginia Conflict of Interest and Ethics Advisory Council by electronic means shall become effective on July 1, 2016, Council shall review current forms and make recommendations for revision, certain provisions shall become effective on July 1, 2015, appointment of Council members.

Patron—Gilbert ..... HB 2070 763 2481  
Patron—Norment ..... SB 1424 777 2571

**Constitutional office;** highest ranking deputy officer, full-assistant attorney, etc., to step in to fill vacancy until special election. (Patron—Vogel) .....

SB 1089 648 1468

**County manager plan of government;** governing body (Arlington County) may appoint county auditor, county auditor shall make such special studies and reports as board directs. (Patron—Hope) .....

HB 2308 282 541

**Criminal cases;** venue for prosecution of the offense may be had in the county or city in which defendant resides, if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended, or if defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, in which any related offense was committed. (Patron—Stuart) .....

SB 1290 637 1426

**Criminal cases;** venue for prosecution of the offense may be had in the county or city in which defendant resides or if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended. (Patron—Bell, Robert B.) .....

HB 1927 632 1420

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<b>COUNTIES, CITIES, AND TOWNS - Continued</b>			
<b>Electronic summons systems;</b> any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.			
Patron—Rust . . . . .	HB 1560	546	1211
Patron—Petersen . . . . .	SB 888	643	1434
<b>Emergency medical services personnel;</b> applicant for employment or to serve as a volunteer required to submit fingerprints and provide personal descriptive information, information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for purpose of obtaining criminal history records. (Patron—Stuart) . . . . .	SB 997	362	702
<b>Firearms;</b> localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron—Marsden) . . . . .	SB 936	220	391
<b>Highway maintenance;</b> payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi) . . . . .	HB 1402	722	2277
<b>Internet;</b> Virginia's localities and school divisions encouraged to partner with local law-enforcement agencies regarding wireless access. (Patron—Fariss) . . . . .	HJR 644		2662
<b>Lawrenceville, Town of;</b> Department of Corrections to convey certain real property to Town to be used for water facilities. (Patron—Tyler) . . . . .	HB 2255	353	693
<b>Line of Duty Act;</b> codifying revisions to the Act relating to benefits for certain public employees disabled in the line of duty and their families, etc., repeals provision concerning appeals from judgments, provisions of certain enactments shall become effective on July 1, 2015. (Patron—Jones) . . . . .	HB 2204	647	1464
<b>Local notifications;</b> any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron—Marshall, D.W.) . . . . .	HB 1553	192	355
<b>Local planning commission;</b> action on proposed plat. (Patron—Reeves) . . . . .	SB 1355	420	810
<b>Local vehicle license fees and taxes;</b> counties and adjoining towns to enter into reciprocal agreements to collect current, non-delinquent fees and taxes on any motor vehicle, trailer, etc. (Patron—Rust) . . . . .	HB 1966	69	186
<b>Lynchburg, City of;</b> establishment of an airport police department at Lynchburg Regional Airport. (Patron—Byron) . . . . .	HB 2035	213	383
<b>Missing persons;</b> no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report, etc., State Department of Emergency Management shall establish a Coordinator of Search and Rescue, duties shall include coordinating with local, state, and federal agencies, etc., report.			
Patron—Herring . . . . .	HB 1808	205	371
Patron—McDougle . . . . .	SB 1184	223	407
<b>Mobile food vending businesses;</b> Commonwealth Transportation Board shall amend its regulations so as to permit on state highway rights-of-way except limited access highways, regulations shall allow localities to regulate businesses located within the locality. (Patron—Filler-Corn) . . . . .	HB 2042	466	872
<b>Natural gas utilities;</b> cost recovery and deferral of eligible system expansion infrastructure costs.			
Patron—Ware . . . . .	HB 1475	231	427
Patron—Saslaw . . . . .	SB 1163	28	72
<b>Outdoor advertising;</b> regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole) . . . . .	HB 1594	607	1311
<b>Parking in residential areas;</b> localities may by ordinance permit in a public right-of-way. (Patron—Cole) . . . . .	HB 1593	233	430
<b>Photo monitoring;</b> use of systems to enforce traffic light signals, appeals. (Patron—Ramadan) . . . . .	HB 1355	714	2272
<b>Polling places;</b> designation of authorized representatives of political parties, if county or city chairman is unavailable to sign such a written designation, such a designation may be made by state or district chairman of the political party. (Patron—Campbell) .	HB 1333	133	272

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COUNTIES, CITIES, AND TOWNS - Continued

<b>Port of Virginia Economic and Infrastructure Development Grant Fund and Program;</b> qualified company to receive a second grant. (Patron–Watkins) . . . . .	SB	1007	246	447
<b>Portsmouth, City of;</b> appointment of board of zoning appeals. (Patron–James) . . . . .	HB	1758	406	782
<b>Portsmouth, City of;</b> members and alternates of board of zoning appeals shall be appointed by governing body. (Patron–Locke) . . . . .	SB	744	407	782
<b>Presidential elections;</b> number of officers of election and ballot scanner machines, governing body, in consultation with the general registrar and the electoral board, to determine numbers of scanners needed. (Patron–Obenshain) . . . . .	SB	1062	667	2140
<b>Private roads;</b> roads serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system. (Patron–Lewis) . . . . .	SB	1312	495	906
<b>Real estate with delinquent taxes or liens;</b> appointment of special commissioner in City of Fredericksburg. (Patron–Reeves) . . . . .	SB	1229	379	725
<b>Real property assessment;</b> valuation for land preservation. (Patron–Rush) . . . . .	HB	1483	485	888
<b>Real property tax;</b> locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron–Orrock) . . . . .	HB	2173	498	908
<b>School budgets;</b> conforms county budget preparation and approval process to that of municipalities. Patron–Tyler . . . . .	HB	1484	143	285
Patron–Lucas . . . . .	SB	842	370	721
<b>Severability;</b> removes clauses by repeal or amendment throughout Code of Virginia. (Patron–Habeeb) . . . . .	HB	1609	709	2250
<b>Sexually violent predators;</b> notice of hearings, conditional release plan, Department shall notify the attorney for the Commonwealth, chief law-enforcement officer, and local government the proposed location of respondent's residence. (Patron–Wright) . . . . .	HB	2303	662	1511
<b>Sheriff's office;</b> clarifies motor vehicle markings. (Patron–Campbell) . . . . .	HB	1331	132	272
<b>Southwest Virginia Health Authority;</b> review and approval of proposed cooperative agreements, definition of hospital includes all providers of mental health services, etc., Authority shall submit regional health goals to the State Health Commissioner. (Patron–Kilgore) . . . . .	HB	2316	741	2409
<b>Speed limits in school crossing zones;</b> governing body of a county in Planning District 8 may increase or decrease only after justification has been shown by an engineering and traffic investigation, speed limit to be conspicuously posted on portable signs, etc. Patron–Minchew . . . . .	HB	1531	459	867
Patron–Favola . . . . .	SB	803	460	868
<b>State and local government officers and employees;</b> prohibited conduct, retaliation prohibited against person for expressing views on matters of public concern, authority of any public employer to govern conduct of its employees, and to take disciplinary action, etc. (Patron–Garrett) . . . . .	SB	1133	574	1248
<b>Stormwater utility fees;</b> implementing waivers for property where two adjoining localities, subject to a revenue sharing agreement, each hold municipal separate storm sewer permits. (Patron–Hanger) . . . . .	SB	1047	683	2161
<b>Tangible personal property;</b> declares miscellaneous and incidental property employed in a trade or business with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property. (Patron–Hanger) . . . . .	SB	1127	593	1274
<b>Tangible personal property;</b> declares miscellaneous and incidental property with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property owned by taxpayer that qualifies. (Patron–Toscano) . . . . .	HB	2098	487	889
<b>Tax-delinquent property;</b> method for sale of real property that is located in more than one locality. (Patron–Orrock) . . . . .	HB	1567	50	160
<b>Transient occupancy tax;</b> Bland County added to list of counties that may impose tax at a rate up to five percent. (Patron–Morefield) . . . . .	HB	1704	57	170
<b>Transient occupancy tax;</b> Isle of Wight County added to list of counties authorized to impose a tax of up to two percent. (Patron–Lucas) . . . . .	SB	759	78	198

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COUNTIES, CITIES, AND TOWNS - Continued

**Trooper Donald E. Lovelace Memorial Bridge;** designating as Route 134 bridge over U.S. Route 17 in York County. (Patron—Norment) . . . . . SB 1303 35 83

**Trooper Garland Matthew Miller Memorial Bridge;** designating as Barlow Road overpass that crosses Interstate Route 64 in York County. (Patron—Norment) . . . . . SB 1304 36 83

**Urban system construction projects;** City of Norfolk added to list of cities that may receive funds to pay for a project which places aboveground utilities below ground. (Patron—Wagner) . . . . . SB 1208 30 75

**Virginia Port Authority;** restricts expenditures on capital projects to those located on real property that is owned, leased, or operated by Authority, except those expenditures on grants to local government for financial assistance for port facilities, etc. (Patron—Massie) . . . . . HB 1784 609 1313

**Virginia Retirement System;** revocation of participation by Town of Damascus.  
Patron—O’Quinn . . . . . HB 1885 112 252  
Patron—Carrico . . . . . SB 1173 527 1179

**Virginia Water and Waste Authorities Act;** delinquent payment of rates and charges. (Patron—Marshall, D.W.) . . . . . HB 1424 263 504

**Virginia's Rail Heritage Region;** encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron—Poindexter) . . . . . HJR 521 2619

**Water or sewer systems;** repeals provision of Virginia Water and Waste Authorities Act that limits a landlord's liability for tenant's metered charges. (Patron—Chafin) . . . . . SB 868 284 542

**Zoning appeals, board of;** granting of variance, ex parte communications shall not include discussions as part of a public meeting or prior to a public meeting to which staff of the governing body, applicant, etc., are all invited, proceedings. (Patron—Marshall, D.W.) . . . . . HB 1849 597 1287

COURIER-RECORD

**Courier-Record;** commemorating its 125th anniversary. (Patron—Wright) . . . . . HJR 722 2698

COURT OF SCOTT COUNTY

**Court of Scott County;** commemorating 200th anniversary of its creation. (Patron—Carrico) . . . . . SR 108 3043

COURTS NOT OF RECORD

**Adoption;** juvenile and domestic relations district court may, in its discretion, accept consent without a home study or meeting and counseling requirements if child has been in continuous legal and physical custody of prospective adoptive parent(s) for five years or more. (Patron—Deeds) . . . . . SB 1268 529 1180

**Child support;** court may order that support be paid or continue to be paid for any child over the age of 18 who is severely and permanently mentally or physically disabled, such disability existed prior to child reaching age of 18 or age of 19, individual denied support prior to July 1, 2015, who meets requirements, shall be eligible to petition court for support.  
Patron—Byron . . . . . HB 2383 653 1481  
Patron—Wexton . . . . . SB 923 654 1485

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron—Newman) . . . . . SB 1411 228 426

**Detention of delinquent juveniles;** offenses causing death. (Patron—Lingamfelter) . . . . . HB 1474 391 739

**District court seal;** Committee on District Courts may also adopt an official seal and authorize its use by clerks and deputy clerks. (Patron—Carrico) . . . . . SB 789 331 638

**Electronic summons systems;** any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.  
Patron—Rust . . . . . HB 1560 546 1211  
Patron—Petersen . . . . . SB 888 643 1434

**Foster care;** removes certain provision requiring the Department of Social Services create a separate section within a plan that describes why a child cannot be returned home, etc. (Patron—Favola) . . . . . SB 947 120 260

**General district court or circuit court;** in circuit court, court may enter an order directing clerk to hold moneys, judge may enter an order directing clerk of district

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**COURTS NOT OF RECORD - Continued**

court to hold such funds in escrow for a period not to exceed 180 days to enable party to file a petition. (Patron–Bell, Robert B.) . . . . .	HB	2048	633	1421
<b>Judges;</b> election in circuit court, general district court, and juvenile and domestic relations district court. Patron–Loupassi . . . . .	HJR	961		2831
<b>Judges;</b> election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission. Patron–Loupassi . . . . .	HJR	687		2680
<b>Judges;</b> nominations for election to general district court. Patron–Loupassi . . . . .	HR	298		2885
Patron–McDougle . . . . .	SR	121		3050
<b>Judges;</b> nominations for election to juvenile and domestic relations district court. Patron–Loupassi . . . . .	HR	212		2843
Patron–Loupassi . . . . .	HR	299		2886
Patron–McDougle . . . . .	SR	122		3050
Patron–McDougle . . . . .	SR	75		3025
<b>Person subject to an emergency custody order or temporary detention order;</b> alternative transportation, liability protection from person being transported for any civil damages for ordinary negligence in acts or omissions. Patron–Bell, Robert B. . . . .	HB	1693	297	570
Patron–Deeds . . . . .	SB	1263	308	598
<b>Photo monitoring;</b> use of systems to enforce traffic light signals, appeals. (Patron–Ramadan) . . . . .	HB	1355	714	2272
<b>Privacy Expectation Afterlife and Choices Act;</b> created, immunity for compliance in good faith, Joint Commission on Technology and Science to develop legislative recommendations to address access to electronic communication records and digital account content by guardians ad litem, etc. (Patron–Obenshain) . . . . .	SB	1450	657	1493
<b>Psychiatric treatment of minors;</b> amends criteria for admitting an objecting minor, provides to the consenting parent a summary, prepared by the Office of the Attorney General, of procedures for requesting continued treatment of minor, admission to willing facility for up to 96 hours, evaluator shall prepare a report that shall include written findings as to whether the minor appears to have a mental illness enough to warrant inpatient treatment. Patron–LeMunyon . . . . .	HB	1717	504	1136
Patron–McWaters . . . . .	SB	773	543	1208
<b>Psychiatric treatment of minors;</b> upon admission of a minor, facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with juvenile and domestic relations court. (Patron–McWaters) . . . .	SB	779	535	1189
<b>Temporary detention order;</b> facility of temporary detention, person shall not during duration of order be released from custody except for purposes of transporting to another facility. Patron–Yost . . . . .	HB	1694	309	605
Patron–Barker . . . . .	SB	966	121	262
<b>Unlawful detainer proceedings;</b> summons for unlawful detainer issued by magistrate or clerk or judge of a general district court, money judgment marked as satisfied. (Patron–Loupassi) . . . . .	HB	1767	547	1211

**COURTS OF RECORD**

<b>Capitol Police;</b> security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals. Patron–Cox . . . . .	HB	1466	448	857
Patron–McDougle . . . . .	SB	1048	455	864
<b>Circuit court;</b> clerk may provide trial court record in electronic form to appropriate clerk of any appellate court, effective date. (Patron–Pillion) . . . . .	HB	2172	71	193
<b>Circuit court;</b> electronic filing in civil proceedings, increase of fee for civil cases initially filed by paper. (Patron–Kilgore) . . . . .	HB	2061	317	625
<b>Circuit court clerk;</b> revises certain responsibilities. (Patron–Leftwich) . . . . .	HB	1780	631	1418
<b>Circuit court clerks;</b> changes to operation of clerks, including electronic records, fees, etc. (Patron–Stanley) . . . . .	SB	1316	641	1429

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COURTS OF RECORD - Continued

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron–Newman) . . . . . SB 1411 228 426

**Deferred and installment payments for fines, costs, etc.;** guidelines established by the court, such guidelines shall be reduced to writing as well as posted in clerk's office and on court's website, if website is available. (Patron–Hope) . . . . . HB 1506 265 507

**Electronic summons systems;** any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.  
 Patron–Rust . . . . . HB 1560 546 1211  
 Patron–Petersen . . . . . SB 888 643 1434

**Firearms or ammunition for firearms;** if person is not a resident of the Commonwealth, such person may petition the circuit court where last convicted for restoration of right for a permit to carry or possess. (Patron–Fowler) . . . . . HB 1666 200 362

**General district court or circuit court;** in circuit court, court may enter an order directing clerk to hold moneys, judge may enter an order directing clerk of district court to hold such funds in escrow for a period not to exceed 180 days to enable party to file a petition. (Patron–Bell, Robert B.) . . . . . HB 2048 633 1421

**Judges;** election in circuit court, general district court, and juvenile and domestic relations district court.  
 Patron–Loupassi . . . . . HJR 961 2831

**Judges;** election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission.  
 Patron–Loupassi . . . . . HJR 687 2680

**Judges;** nominations for election to circuit court.  
 Patron–Loupassi . . . . . HR 210 2842  
 Patron–Loupassi . . . . . HR 297 2884  
 Patron–McDougle . . . . . SR 120 3049  
 Patron–McDougle . . . . . SR 73 3024

**Judges;** nominations for election to Court of Appeals of Virginia.  
 Patron–Loupassi . . . . . HR 209 2842  
 Patron–McDougle . . . . . SR 72 3024

**Judges;** nominations for election to general district court.  
 Patron–Loupassi . . . . . HR 211 2843  
 Patron–McDougle . . . . . SR 74 3025

**Land records;** Department of Historic Resources exempted from fee for secured remote access to records. (Patron–Kory) . . . . . HB 1875 65 181

**Police and court records;** when charge to be expunged is a felony, stipulates in written notice that continued existence and possible dissemination of information relating to arrest of petitioner causes or may cause certain circumstances, court may enter an order without conducting a hearing. (Patron–Stanley) . . . . . SB 908 426 815

**Preliminary hearing;** certification of ancillary misdemeanor offenses, any misdemeanor offense certified pursuant to this section shall proceed in same manner as misdemeanor appealed to circuit court. (Patron–Bell, Robert B.) . . . . . HB 2049 548 1212

**Remote access to land records;** prohibits a circuit court clerk or an outside vendor contracted by the clerk, or both, from including their indemnification as a requirement in an agreement between a state agency or employee thereof, acting in the employee's official capacity, etc. (Patron–Sullivan) . . . . . HB 1983 174 329

**Sexually violent predator offenses;** case files on these crimes committed shall be retained for 50 years from sentencing date or until the sentence term ends, whichever comes later. (Patron–Wexton) . . . . . SB 914 552 1221

**Writ of actual innocence;** when Attorney General joins in a petition, petitioner may move circuit court for a bail hearing. (Patron–Herring) . . . . . HB 1882 66 182

CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS

**Open-end lending by banks, savings institutions, and credit unions;** in event of extension of credit, no finance charge shall be imposed if payment in full of unpaid

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**CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS - Continued**

balance is received at place designated by creditor prior to payment due date, which shall be at least 25 days later than billing date.

Patron—Villanueva .....	HB 1800	454	863
Patron—Chafin .....	SB 859	453	862

**CRIMES AND OFFENSES GENERALLY**

**Assault and battery;** Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron—Miller) . . . . . HB 1611 196 359

**Bail bondsmen and bail enforcement agents;** licensed bondsman who has been arrested for a felony offense shall not issue any new bonds. (Patron—Wilt) . . . . . HB 2314 600 1301

**Campus police departments;** reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron—Massie) . . . . . HB 1785 707 2249

**Cannabidiol oil and THC-A oil;** possession of marijuana in form of oil for treatment of intractable epilepsy, certification for use.

Patron—Albo .....	HB 1445	7	42
Patron—Marsden .....	SB 1235	8	43

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.

Patron—Orrock .....	HB 1570	758	2448
Patron—Hanger .....	SB 1168	770	2539

**Child pornography and obscenity offenses;** penalties. (Patron—Howell) . . . . . SB 1056 428 817

**Commercial sex trafficking;** penalties, provisions of this act may result in net increase in periods of imprisonment or commitment.

Patron—Hugo .....	HB 1964	690	2196
Patron—Obenshain .....	SB 1188	691	2201

**Computer and other crimes;** venue for prosecution. (Patron—Edwards) . . . . . SB 709 423 814

**DNA;** analysis upon conviction of certain misdemeanors, provisions shall apply only to persons convicted on or after July 1, 2015.

Patron—Bell, Robert B. ....	HB 1928	209	380
Patron—Obenshain .....	SB 1187	437	836

**DNA data bank;** State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron—Watts) . . . . . HB 1578 193 356

**Driving under the influence of alcohol;** persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron—Miller) . . . . . HB 1639 729 2307

**Enticing, etc., another into a dwelling house;** any person who commits certain violations with intent to commit a felony is guilty of Class 6 felony. (Patron—Miller) HB 1493 392 740

**Equines;** roping, etc., or interference with the legs of an equine in order to intentionally cause it to trip or fall for any purpose, including as part of a rodeo or other contest or entertainment, exception, Class 1 misdemeanor. (Patron—Vogel) . . . . . SB 1081 491 901

**Firearm, stun weapon, or other weapon;** person knowingly possesses any weapon on school property, penalties. (Patron—Norment) . . . . . SB 1191 289 554

**Firearms;** licensed dealer may perform a criminal history record information check before transferring, selling, etc., item that is not in his inventory. (Patron—DeSteph) . HB 1702 759 2462

**Firearms or ammunition;** possession by convicted felons, restoration of rights, right to possess has been restored under law of another state subject to certain conditions. (Patron—Webert) . . . . . HB 2286 767 2530

**Firearms or ammunition for firearms;** if person is not a resident of the Commonwealth, such person may petition the circuit court where last convicted for restoration of right for a permit to carry or possess. (Patron—Fowler) . . . . . HB 1666 200 362

**Higher educational institutions, public or private nonprofit;** establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service,

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CRIMES AND OFFENSES GENERALLY - Continued

certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report.

Patron—Bell, Robert B. . . . . HB 1930 737 2390

Patron—Black . . . . . SB 712 745 2416

**Indecent liberties;** provisions for taking liberties with a child by a person in a custodial or supervisory relationship. (Patron—Wexton) . . . . . SB 915 555 1223

**Intestate estate;** clerk shall require person to sign under oath that such person is not under a disability as defined in -ß 8.01-2, regardless of whether his civil rights have been restored, has not been convicted of a felony offense, etc., if person convicted of such felony offense, court or clerk may grant administration to such person if he is otherwise suitable and competent to perform his duties. (Patron—Chafin) . . . . . SB 865 551 1220

**Juvenile Justice and Prevention, Advisory Committee on;** may serve as an advisory committee as may be required by other federal or state laws or programs administered. (Patron—McEachin) . . . . . SB 1098 419 809

**Nicotine vapor products;** prohibits purchase, etc., by minors, no person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container on or after October 1, 2015, unless such container meets child-resistant packaging standards, etc.

Patron—DeSteph . . . . . HB 2036 739 2393

Patron—Stuart . . . . . SB 1325 756 2440

**Overdoses;** definition, certain individual remains at scene of overdose or at any alternative location to which he or person requiring emergency medical attention has been transported until law-enforcement officer responds, no individual may assert affirmative defense, if person sought or obtained emergency medical attention for himself or another individual during execution of a search warrant, etc.

Patron—Carr . . . . . HB 1500 436 835

Patron—Petersen . . . . . SB 892 418 809

**Preliminary hearing;** certification of ancillary misdemeanor offenses, any misdemeanor offense certified pursuant to this section shall proceed in same manner as misdemeanor appealed to circuit court. (Patron—Bell, Robert B.) . . . . . HB 2049 548 1212

**Prospective foster parents;** child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron—McEachin) . . . . . SB 1095 364 703

**Prostitution, pandering, etc.;** violation of certain provisions is punishable as Class 3 and 4 felonies. (Patron—Bell, Robert B.) . . . . . HB 2040 395 744

**Sex Offender and Crimes Against Minors Registry;** Department of Corrections or community supervision shall physically verify or cause to be physically verified by the State Police registration information.

Patron—Ingram . . . . . HB 2228 598 1291

Patron—Wexton . . . . . SB 918 81 200

**Sex Offender and Crimes Against Minors Registry (Robby's Rule);** Superintendent of State Police shall establish a Supplement to Registry, misuse of Registry, Supplement to Registry shall be completed prior to January 1, 2016.

Patron—Ramadan . . . . . HB 1353 594 1277

Patron—McDougle . . . . . SB 1074 603 1304

**Sex offenders;** sexual offenses prohibiting entry onto school or other property, newspaper notice shall contain a provision stating that written comments regarding petition may be submitted to clerk of court at least five days prior to hearing. (Patron—Campbell) . . . . . HB 1366 688 2192

**Sexual and Domestic Violence, Advisory Committee on;** established, Virginia Sexual and Domestic Violence Program Professional Standards Committee shall establish voluntary accreditation standards and procedures.

Patron—Peace . . . . . HB 2092 402 763

Patron—Howell . . . . . SB 1094 222 402

**Sexually violent predator offenses;** case files on these crimes committed shall be retained for 50 years from sentencing date or until the sentence term ends, whichever comes later. (Patron—Wexton) . . . . . SB 914 552 1221

**Strangulation;** admission to bail, alleged victim is a family or household member. (Patron—Cline) . . . . . HB 2120 413 806

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### CRIMES AND OFFENSES GENERALLY - Continued

**Wireless telecommunications device;** possession, etc., by prisoner, penalty.  
(Patron—Gilbert) . . . . . HB 2385 601 1302

### CRIMINAL HISTORY INFORMATION

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron—Orrock . . . . . HB 1570 758 2448  
Patron—Hanger . . . . . SB 1168 770 2539

**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information.  
(Patron—Marsden) . . . . . SB 720 414 807

**Criminal history record information;** liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information, liability on an interactive computer service for content provided by another person, etc.  
(Patron—Loupassi) . . . . . HB 1764 415 807

**Emergency medical services personnel;** applicant for employment or to serve as a volunteer required to submit fingerprints and provide personal descriptive information, information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for purpose of obtaining criminal history records. (Patron—Stuart) . . . . . SB 997 362 702

**Firearms;** licensed dealer may perform a criminal history record information check before transferring, selling, etc., item that is not in his inventory. (Patron—DeSteph) . . . . . HB 1702 759 2462

**Juvenile Justice, Department of;** access to criminal history record information.  
(Patron—Marsden) . . . . . SB 961 343 664

**Practical nurse or registered nurse;** establishes criminal history background check for applicants for licensure.  
Patron—Dance . . . . . SB 1018 307 598

### CRIMINAL JUSTICE SERVICES

**Criminal Justice Services, Department of;** eliminates requirement for training standards for undercover work. (Patron—Miller) . . . . . HB 2112 278 532

**Involuntary admission and incapacity information;** access to records to any full-time or part-time employee of State Police, et al., for purpose of administration of criminal justice. (Patron—Deeds) . . . . . SB 1264 540 1198

### CRIMINAL PROCEDURE

**Administrative subpoenas;** electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena.  
Patron—McClellan . . . . . HB 1946 544 1210  
Patron—Wexton . . . . . SB 919 625 1415

**Blood samples;** person authorized to take samples pursuant to a search warrant, immunity. (Patron—Edwards) . . . . . SB 832 425 815

**Building Code;** limitation of prosecution for violations. (Patron—Peace) . . . . . HB 2094 176 331

**Capital cases;** determination of mental retardation.  
Patron—Marsden . . . . . SB 855 360 700

**Capitol Square;** payment of restitution to the Commonwealth for any damage to Square or any building, monument, etc., or at any other property assigned to the Capitol Police.  
Patron—Morefield . . . . . HB 2298 312 615  
Patron—Carrico . . . . . SB 707 550 1219

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any

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offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.				
Patron—Orrock .....	HB	1570	758	2448
Patron—Hanger .....	SB	1168	770	2539
<b>Commercial sex trafficking;</b> penalties, provisions of this act may result in net increase in periods of imprisonment or commitment.				
Patron—Hugo .....	HB	1964	690	2196
Patron—Obenshain .....	SB	1188	691	2201
<b>Computer and other crimes;</b> venue for prosecution. (Patron—Edwards) .....	SB	709	423	814
<b>Conservators of the peace, special;</b> orders of appointment, judge may revoke an appointment order, hearing on petition shall be heard by court as soon as practicable. (Patron—Berg) .....	HB	2369	602	1303
<b>Conservators of the peace, special;</b> training to be obtained at a criminal justice training academy or a private security training school, authority to make certain arrests, orders of appointment, etc., prohibition on use of sirens, exception, Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding use of application forms for appointment.				
Patron—Campbell .....	HB	2206	766	2526
Patron—Norment .....	SB	1195	772	2554
<b>Court fines, costs, forfeitures, penalties, or restitution;</b> at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron—Newman) .....	SB	1411	228	426
<b>Criminal cases;</b> venue for prosecution of the offense may be had in the county or city in which defendant resides, if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended, or if defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, in which any related offense was committed. (Patron—Stuart) .....	SB	1290	637	1426
<b>Criminal cases;</b> venue for prosecution of the offense may be had in the county or city in which defendant resides or if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended. (Patron—Bell, Robert B.) .....	HB	1927	632	1420
<b>Criminal history record information;</b> liability of person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained information pertaining to that person's charge or arrest, removal of information. (Patron—Marsden) .....	SB	720	414	807
<b>Criminal Justice Services, Department of;</b> eliminates requirement for training standards for undercover work. (Patron—Miller) .....	HB	2112	278	532
<b>Deferred and installment payments for fines, costs, etc.;</b> guidelines established by the court, such guidelines shall be reduced to writing as well as posted in clerk's office and on court's website, if website is available. (Patron—Hope) .....	HB	1506	265	507
<b>DNA;</b> analysis upon conviction of certain misdemeanors, provisions shall apply only to persons convicted on or after July 1, 2015.				
Patron—Bell, Robert B. ....	HB	1928	209	380
Patron—Obenshain .....	SB	1187	437	836
<b>DNA data bank;</b> State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron—Watts) .....	HB	1578	193	356
<b>Drugs forfeited to law enforcement;</b> disposal when no longer needed for research and training. (Patron—Reeves) .....	SB	1241	429	818
<b>Electronic communication service or remote computing service;</b> obtaining records, search warrant for real-time location data. (Patron—Loupassi) .....	HB	2355	634	1423
<b>Involuntary admission and incapacity information;</b> access to records to any full-time or part-time employee of State Police, et al., for purpose of administration of criminal justice. (Patron—Deeds) .....	SB	1264	540	1198
<b>Judicial personnel;</b> no clerk of any court, magistrate, or other person having power to issue warrants, shall be competent to testify in any criminal or civil proceeding, exception. (Patron—Carrico) .....	SB	794	635	1424
<b>Juvenile Justice, Department of;</b> access to criminal history record information. (Patron—Marsden) .....	SB	961	343	664

**CRIMINAL PROCEDURE - Continued**

**Noncommercial vessels;** no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron—Morris) . . . . . HB 1298 484 887

**Nurse practitioners;** expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes.  
 Patron—Leftwich . . . . . HB 1476 295 568  
 Patron—Chafin . . . . . SB 861 306 597

**Overdoses;** definition, certain individual remains at scene of overdose or at any alternative location to which he or person requiring emergency medical attention has been transported until law-enforcement officer responds, no individual may assert affirmative defense, if person sought or obtained emergency medical attention for himself or another individual during execution of a search warrant, etc.  
 Patron—Carr . . . . . HB 1500 436 835  
 Patron—Petersen . . . . . SB 892 418 809

**Petition for attachment;** removes judges from list of persons before whom a petition shall be filed, magistrates may receive payments for petition. (Patron—Obenshain) . . SB 1067 639 1427

**Police and court records;** when charge to be expunged is a felony, stipulates in written notice that continued existence and possible dissemination of information relating to arrest of petitioner causes or may cause certain circumstances, court may enter an order without conducting a hearing. (Patron—Stanley) . . . . . SB 908 426 815

**Preliminary hearing;** certification of ancillary misdemeanor offenses, any misdemeanor offense certified pursuant to this section shall proceed in same manner as misdemeanor appealed to circuit court. (Patron—Bell, Robert B.) . . . . . HB 2049 548 1212

**Prescription Monitoring Program;** records in possession of Program shall not be available for civil subpoena, etc. (Patron—Herring) . . . . . HB 1810 507 1142

**Prisoners;** sheriff, etc., to notify victim as soon as practicable of transfer. (Patron—Deeds) . . . . . SB 1311 101 227

**Protective orders;** compensation for required representation of respondents.  
 Patron—Simon . . . . . HB 2329 545 1211  
 Patron—Stuart . . . . . SB 941 556 1223

**Search warrants;** collection of evidence from computers, computer networks, and other electronic devices, search may be conducted in any location. (Patron—Wexton) SB 1307 501 918

**Seizure of property;** agency shall, as soon as practicable after seizure, provide a copy of inventory to the owner. (Patron—Marsden) . . . . . SB 721 769 2539

**Strangulation;** admission to bail, alleged victim is a family or household member. (Patron—Cline) . . . . . HB 2120 413 806

**Surety on a bond;** discharge from liability, if a magistrate issues a *capias*, magistrate shall transmit a copy to the court before which such principal's appearance is required. (Patron—Spruill) . . . . . HB 2396 622 1396

**Telecommunication records;** warrant requirement, prohibition on collection by law enforcement, an investigative or law-enforcement officer may obtain real-time location data without a warrant under certain circumstances. (Patron—Marshall, R.G.) HB 1408 43 155

**United States Postal Service;** removes the word "Inspection" from references thereto in several criminal procedure sections.  
 Patron—Fariss . . . . . HB 1545 126 264  
 Patron—Favola . . . . . SB 685 75 195

**Unlawful detainer proceedings;** summons for unlawful detainer issued by magistrate or clerk or judge of a general district court, money judgment marked as satisfied. (Patron—Loupassi) . . . . . HB 1767 547 1211

**Unmanned aircraft;** use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises. (Patron—McEachin) . . . . . SB 1301 774 2559

**Unmanned aircraft;** use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron—Cline) . . . . . HB 2125 764 2523

**Wire, electronic, or oral communications;** civil action for unlawful interception, disclosure, or use. (Patron—Marshall, R.G.) . . . . . HB 1308 672 2145

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**CRIMINAL PROCEDURE - Continued**

**Writ of actual innocence;** when Attorney General joins in a petition, petitioner may move circuit court for a bail hearing. (Patron—Herring) . . . . . HB 1882 66 182

**Writ of habeas corpus;** service of writ, dismissal of petition. (Patron—Edwards) . . . . . SB 1156 554 1222

**CRISIS INTERVENTION TEAM PROGRAM**

**Crisis Intervention Team program;** commending. (Patron—DeSteph) . . . . . HJR 851 2772

**CROCKER, GEORGE, SR.**

**Crocker, George, Sr.;** recording sorrow upon death. (Patron—Dance) . . . . . SR 69 3008

**CULPEPER, TOWN OF**

**Culpeper, Town of;** amending charter, notice of special meetings and residence of Town Manager. (Patron—Scott) . . . . . HB 2292 281 541

**CULPEPPER GARDEN**

**Culpepper Garden;** commemorating its 40th anniversary. (Patron—Favola) . . . . . SJR 357 2987

**CUNDIFF, DAVID ROBERT**

**Cundiff, David Robert;** recording sorrow upon death. (Patron—Poindexter) . . . . . HJR 531 2625

**CURRY, JOHN BROOKS, II**

**Curry, John Brooks, II;** recording sorrow upon death. (Patron—Bell, Richard P.) . . . . HJR 887 2792

**CUSTALOW, LINWOOD**

**Custalow, Linwood;** recording sorrow upon death. (Patron—Peace) . . . . . HR 206 2841

**DAIRY PRODUCTS**

**Food and dairy products;** Commissioner of Agriculture and Consumer Services may take a sample from goods that have been seized because they are believed to violate the law, laboratory analysis. (Patron—Lewis) . . . . . SB 1115 91 215

**DALTON, ROBERT CELLELL**

**Dalton, Robert Cellell;** commending. (Patron—Campbell) . . . . . HJR 921 2810

**DAMASCUS, TOWN OF**

**Virginia Retirement System;** revocation of participation by Town of Damascus.

Patron—O’Quinn . . . . . HB 1885 112 252

Patron—Carrico . . . . . SB 1173 527 1179

**DAN RIVER**

**Dan River;** designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron’s Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron—Edmunds) . . . . . HB 1507 46 158

**DANIELS, DENNIS RAY**

**Daniels, Dennis Ray;** recording sorrow upon death. (Patron—Hope) . . . . . HJR 737 2707

**DAVENPORT, JOHN SIDNEY, IV**

**Davenport, John Sidney, IV;** recording sorrow upon death. (Patron—Loupassi) . . . . . HR 191 2834

**DAVENPORT, ROBIN DOUGLAS**

**Davenport, Robin Douglas;** commending. (Patron—Knight) . . . . . HJR 852 2772

**DAVIDSON, LIBBY**

**Davidson, Libby;** commending. (Patron—Garrett) . . . . . HJR 778 2730

**DAVIS, JOHN B.**

**Davis, John B.;** commending. (Patron—Landes) . . . . . HJR 682 2679

**DAVIS, KANIKA**

**Davis, Kanika;** commending. (Patron—Byron) . . . . . HJR 795 2739

**DAY, FERDINAND T.**

**Day, Ferdinand T.;** recording sorrow upon death. (Patron—Herring) . . . . . HJR 878 2787

**DAY, JIM**

**Day, Jim;** commending. (Patron—Austin) . . . . . HJR 512 2617

**DAY TO SERVE**

**Day to Serve;** designating as each day from September 11 to October 10, 2015, and each succeeding year thereafter. (Patron—Rust) . . . . . HJR 702 2689

**DEAD HUMAN BODIES**

**Dead bodies;** disposition, identification of decedent. (Patron—Hanger) . . . . . SB 1434 658 1495

**DEAD HUMAN BODIES - Continued**

**Dead bodies;** role of a person other than a decedent's next of kin designated to make arrangements for decedent's burial or disposition of his remains, clarifies definition of next of kin. (Patron—Alexander) . . . . . SB 951 670 2142

**DEATHS**

**Ajemian, Charles Paul;** recording sorrow upon death. (Patron—Bell, Richard P.) . . . . HJR 763 2722  
**Alford, M. E.;** recording sorrow upon death. (Patron—Joannou) . . . . . HJR 881 2788  
**Allen, Constance Violet Glenn;** recording sorrow upon death. (Patron—Hester) . . . . HR 277 2874  
**Althaus, Irving;** recording sorrow upon death. (Patron—Yancey) . . . . . HR 215 2844  
**Anderson, David Traynham;** recording sorrow upon death. (Patron—Peace) . . . . . HR 246 2859  
**Arrington, Paul P.;** recording sorrow upon death. (Patron—Pillion) . . . . . HJR 929 2814  
**Auldrige, Jean Williams;** recording sorrow upon death. (Patron—Surovell) . . . . . HJR 678 2677  
**Bailey, Marian M.;** recording sorrow upon death. (Patron—O'Quinn) . . . . . HJR 800 2743  
**Bateman, Violet Kaleh Carmona;** recording sorrow upon death. (Patron—Rust) . . . . HR 270 2871  
**Beck, Stephen E., Jr.;** recording sorrow upon death. (Patron—Filler-Corn) . . . . . HR 261 2867  
**Bedell, Samantha Rahn;** recording sorrow upon death. (Patron—Hugo) . . . . . HJR 789 2736  
**Beirne, Horton Penrose;** recording sorrow upon death. (Patron—Deeds) . . . . . SJR 326 2967  
**Belcher, Clynard C.;** recording sorrow upon death. (Patron—Pillion) . . . . . HJR 931 2815  
**Belcher, Thomas Stewart;** recording sorrow upon death. (Patron—Hodges) . . . . . HJR 748 2713  
**Benedetti, Joseph Benedict;** recording sorrow upon death.  
    Patron—Loupassi . . . . . HR 194 2835  
    Patron—Stosch . . . . . SR 126 3052  
**Bergin, Thomas F.;** recording sorrow upon death. (Patron—Toscano) . . . . . HJR 739 2708  
**Bingham, Haskell S.;** recording sorrow upon death. (Patron—Dance) . . . . . SR 119 3048  
**Blair, Michael Francis;** recording sorrow upon death. (Patron—O'Quinn) . . . . . HJR 713 2693  
**Blanchard, Louise Wenzel;** recording sorrow upon death. (Patron—Loupassi) . . . . . HR 234 2854  
**Blankenbecler, James Conrad, Jr.;** recording sorrow upon death. (Patron—O'Quinn) . HJR 650 2663  
**Blount, James H., Jr.;** recording sorrow upon death. (Patron—Gilbert) . . . . . HJR 631 2656  
**Bodamer, Keith A.;** recording sorrow upon death. (Patron—Keam) . . . . . HR 305 2889  
**Bornmann, John Albert, Jr.;** recording sorrow upon death.  
    Patron—Surovell . . . . . HR 307 2890  
    Patron—Puller . . . . . SR 128 3053  
**Bosher, William Cleveland, Jr.;** recording sorrow upon death.  
    Patron—Peace . . . . . HJR 651 2663  
    Patron—Stosch . . . . . SR 91 3034  
**Bowers, James Winfield;** recording sorrow upon death. (Patron—Campbell) . . . . . HJR 656 2666  
**Bowman, Stephen W.;** recording sorrow upon death. (Patron—O'Bannon) . . . . . HJR 534 2626  
**Bowser, McEva R.;** recording sorrow upon death. (Patron—Carr) . . . . . HJR 956 2828  
**Brand, E. Cabell;** recording sorrow upon death.  
    Patron—Habeeb . . . . . HJR 759 2719  
    Patron—Edwards . . . . . SJR 340 2976  
**Brewster, Baylies;** recording sorrow upon death. (Patron—Carr) . . . . . HJR 951 2826  
**Brittain, Robert Barns;** recording sorrow upon death.  
    Patron—Morefield . . . . . HJR 843 2767  
    Patron—Chafin . . . . . SR 83 3029  
**Brown, James Banks, Jr.;** recording sorrow upon death. (Patron—Morris) . . . . . HR 236 2855  
**Brownell, Zora M. McCall;** recording sorrow upon death. (Patron—LaRock) . . . . . HJR 938 2819  
**Bullington, Jim;** recording sorrow upon death. (Patron—Rasoul) . . . . . HJR 828 2758  
**Burnett, Dennis Owen;** recording sorrow upon death.  
    Patron—Landes . . . . . HJR 562 2637  
    Patron—Hanger . . . . . SJR 249 2908  
**Burrell, Reuben V.;** recording sorrow upon death.  
    Patron—Ward . . . . . HJR 846 2769  
    Patron—Locke . . . . . SR 110 3044  
**Byler, Clarence Harvey;** recording sorrow upon death. (Patron—Villanueva) . . . . . HJR 904 2801  
**Cage, Robert Fielding;** recording sorrow upon death. (Patron—Edmunds) . . . . . HJR 892 2795  
**Callahan, Vincent E., Jr.;** recording sorrow upon death. (Patron—Rust) . . . . . HJR 855 2774  
**Calos, Steve Stavros;** recording sorrow upon death. (Patron—Loupassi) . . . . . HR 193 2834

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DEATHS - Continued

<b>Cannon, Julia Taylor;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR 897	2798
<b>Capó, Carol;</b> recording sorrow upon death. (Patron—Yancey) . . . . .	HR 233	2853
<b>Carter, Donald Elwood;</b> recording sorrow upon death. (Patron—Jones) . . . . .	HJR 613	2652
<b>Chandler, Samuel Bryan;</b> recording sorrow upon death.		
Patron—Ransone . . . . .	HJR 589	2645
Patron—Stuart . . . . .	SJR 348	2981
<b>Childs, Garfield Ford, Jr.;</b> recording sorrow upon death. (Patron—McClellan) . . . . .	HJR 824	2756
<b>Cikins, Warren Ira;</b> recording sorrow upon death. (Patron—Surovell) . . . . .	HJR 710	2692
<b>Clements, John Halligan;</b> recording sorrow upon death. (Patron—Cox) . . . . .	HJR 701	2688
<b>Clevinger, Sharon Kay Gilbert;</b> recording sorrow upon death. (Patron—Pillion) . . . . .	HJR 932	2815
<b>Cline, William E.;</b> recording sorrow upon death. (Patron—Pillion) . . . . .	HJR 933	2816
<b>Collins, Sara Jean Dobie;</b> recording sorrow upon death. (Patron—Lopez) . . . . .	HJR 889	2793
<b>Council, Julian H.;</b> recording sorrow upon death. (Patron—Cosgrove) . . . . .	SJR 289	2951
<b>Crocker, George, Sr.;</b> recording sorrow upon death. (Patron—Dance) . . . . .	SR 69	3008
<b>Cundiff, David Robert;</b> recording sorrow upon death. (Patron—Poindexter) . . . . .	HJR 531	2625
<b>Curry, John Brooks, II;</b> recording sorrow upon death. (Patron—Bell, Richard P.) . . . . .	HJR 887	2792
<b>Custalow, Linwood;</b> recording sorrow upon death. (Patron—Peace) . . . . .	HR 206	2841
<b>Daniels, Dennis Ray;</b> recording sorrow upon death. (Patron—Hope) . . . . .	HJR 737	2707
<b>Davenport, John Sidney, IV;</b> recording sorrow upon death. (Patron—Loupassi) . . . . .	HR 191	2834
<b>Day, Ferdinand T.;</b> recording sorrow upon death. (Patron—Herring) . . . . .	HJR 878	2787
<b>del Cardayre, Lucy Bralley;</b> recording sorrow upon death. (Patron—McDougle) . . . . .	SR 134	3056
<b>Delloro, Angeles H.;</b> recording sorrow upon death. (Patron—Villanueva) . . . . .	HJR 917	2808
<b>Devine, Donald W.;</b> recording sorrow upon death. (Patron—Wexton) . . . . .	SJR 336	2973
<b>Donahue, Michael;</b> recording sorrow upon death. (Patron—Newman) . . . . .	SJR 225	2900
<b>Donnelly, Jon Reed;</b> recording sorrow upon death. (Patron—O'Bannon) . . . . .	HJR 812	2749
<b>Dressler, William Mackensen, Sr.;</b> recording sorrow upon death. (Patron—Deeds) . . . . .	SJR 355	2985
<b>Dunford, Bette Worsham Hawkins;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 690	2682
<b>Dutton, Laurence R.;</b> recording sorrow upon death. (Patron—DeSteph) . . . . .	HR 300	2886
<b>Elkin, Cynthia Murphy;</b> recording sorrow upon death. (Patron—Simon) . . . . .	HR 292	2882
<b>Elliott, Bobby Wayne;</b> recording sorrow upon death. (Patron—O'Quinn) . . . . .	HJR 609	2651
<b>Emerson, Claudia;</b> recording sorrow upon death.		
Patron—McClellan . . . . .	HJR 883	2790
Patron—Ruff . . . . .	SJR 378	2997
<b>Emick, Dudley J., Jr.;</b> recording sorrow upon death. (Patron—Saslaw) . . . . .	SR 133	3056
<b>Erwin, John Robert;</b> recording sorrow upon death. (Patron—Toscano) . . . . .	HJR 798	2741
<b>Fitch, George B.;</b> recording sorrow upon death. (Patron—Webert) . . . . .	HJR 773	2727
<b>Flinn, Sally Clay Estes;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 786	2734
<b>Floyd, Dee E.;</b> recording sorrow upon death.		
Patron—Landes . . . . .	HJR 565	2638
Patron—Hanger . . . . .	SJR 250	2909
<b>Fobbs, Willie, Sr.;</b> recording sorrow upon death. (Patron—Dance) . . . . .	SR 112	3045
<b>Fortune, Adam;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR 960	2830
<b>France, Joe Hampton;</b> recording sorrow upon death. (Patron—Colgan) . . . . .	SJR 267	2946
<b>Frenzel, William Eldridge;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR 896	2797
<b>Fuller, Wayne Dallas;</b> recording sorrow upon death. (Patron—Peace) . . . . .	HR 198	2837
<b>Funk, Brock Anthony Michael;</b> recording sorrow upon death.		
Patron—O'Quinn . . . . .	HJR 751	2715
Patron—Carrico . . . . .	SJR 331	2970
<b>Gagnon, Paul;</b> recording sorrow upon death. (Patron—Sickles) . . . . .	HJR 746	2712
<b>Greene, Nelson, Sr.;</b> recording sorrow upon death. (Patron—Krupicka) . . . . .	HJR 653	2665
<b>Groves, Martha Ann McCroskey;</b> recording sorrow upon death. (Patron—Pillion) . . . . .	HR 306	2889
<b>Gustavson, Scott Henry;</b> recording sorrow upon death. (Patron—Wexton) . . . . .	SJR 330	2970
<b>Hamm, Jack R.;</b> recording sorrow upon death. (Patron—O'Quinn) . . . . .	HJR 714	2694
<b>Hancock, Ruth Aileen;</b> recording sorrow upon death. (Patron—O'Quinn) . . . . .	HJR 511	2617
<b>Hankins, Glenwood Elmo;</b> recording sorrow upon death. (Patron—Marshall, D.W.) . . . . .	HJR 858	2776

## DEATHS - Continued

<b>Harris, George W., Jr.;</b> recording sorrow upon death.			
Patron—Rasoul .....	HJR	762	2721
Patron—Edwards .....	SJR	341	2976
<b>Harris, Herbert E., II;</b> recording sorrow upon death. (Patron—Surovell) .....	HJR	787	2735
<b>Hazel, Curtis Howard;</b> recording sorrow upon death. (Patron—Miller) .....	SR	84	3030
<b>Helmer, David G.;</b> recording sorrow upon death. (Patron—Head) .....	HR	317	2894
<b>Holloman, Wainola Inez Campbell;</b> recording sorrow upon death. (Patron—Pogge) .	HJR	776	2729
<b>Hopkins, William Trenholm, III;</b> recording sorrow upon death. (Patron—Morris) ...	HR	220	2846
<b>Hughes, John Edward;</b> recording sorrow upon death. (Patron—Deeds) .....	SJR	351	2983
<b>Hunley, Jack Wayne;</b> recording sorrow upon death. (Patron—Campbell) .....	HJR	568	2639
<b>Hurt, Frances Hallam;</b> recording sorrow upon death. (Patron—Adams) .....	HJR	839	2765
<b>Jacob, Samuel T., Jr.;</b> recording sorrow upon death. (Patron—Miller) .....	SR	102	3040
<b>Johnson, Harvey Nathaniel, Jr.;</b> recording sorrow upon death. (Patron—Lucas) .....	SR	54	3000
<b>Johnson, Thelma Day;</b> recording sorrow upon death. (Patron—Miller) .....	SR	56	3001
<b>Jones, Robert Douglas;</b> recording sorrow upon death. (Patron—McClellan) .....	HJR	825	2757
<b>Jones, William Wellington;</b> recording sorrow upon death. (Patron—Jones) .....	HJR	747	2713
<b>Jones-Hawthorne, Thelma Anthony;</b> recording sorrow upon death. (Patron—Carr) ..	HJR	953	2827
<b>Keller, Walter Blair, Jr.;</b> recording sorrow upon death. (Patron—O'Quinn) .....	HJR	924	2812
<b>Kennedy, Christopher John;</b> recording sorrow upon death. (Patron—Hope) .....	HJR	842	2767
<b>Kersey, Jerome;</b> recording sorrow upon death.			
Patron—Peace .....	HJR	949	2824
Patron—Ruff .....	SR	132	3055
<b>Kirk, Arthur A.;</b> recording sorrow upon death. (Patron—Joannou) .....	HJR	796	2740
<b>Kornblau, Sam;</b> recording sorrow upon death. (Patron—O'Bannon) .....	HJR	841	2766
<b>Kotlyar, Leonid;</b> recording sorrow upon death. (Patron—Yancey) .....	HR	315	2894
<b>Lane, Howard M., Sr.;</b> recording sorrow upon death. (Patron—Anderson) .....	HJR	530	2624
<b>Leong, Edward;</b> recording sorrow upon death. (Patron—Sullivan) .....	HJR	683	2679
<b>Licari, Joseph;</b> recording sorrow upon death. (Patron—DeSteph) .....	HJR	679	2677
<b>Lucky, Lular Ree Clarke;</b> recording sorrow upon death. (Patron—Rasoul) .....	HJR	761	2721
<b>Maravetz, Gerald William;</b> recording sorrow upon death. (Patron—Keam) .....	HJR	945	2822
<b>Marshall, Robert T.;</b> recording sorrow upon death. (Patron—Stanley) .....	SJR	363	2989
<b>Martin, Richard B.;</b> recording sorrow upon death. (Patron—Filler-Corn) .....	HJR	870	2782
<b>McCreary, Edward Daniel, Jr.;</b> recording sorrow upon death. (Patron—McQuinn) ..	HJR	554	2631
<b>McDonald, John Early, Jr.;</b> recording sorrow upon death. (Patron—Carr) .....	HJR	840	2765
<b>McDonald, John Edward;</b> recording sorrow upon death.			
Patron—Pogge .....	HJR	661	2668
Patron—Norment .....	SJR	320	2964
<b>McEachin, Bonnie Estelle;</b> recording sorrow upon death. (Patron—Alexander) .....	SR	99	3038
<b>McEachin, Edna H.;</b> recording sorrow upon death. (Patron—McClellan) .....	HJR	643	2662
<b>McGeorge, Ellett Richard, Jr.;</b> recording sorrow upon death. (Patron—Stosch) .....	SR	106	3042
<b>McKay, Brendan Bernard;</b> recording sorrow upon death. (Patron—Hugo) .....	HJR	572	2642
<b>McReynolds, James Orie;</b> recording sorrow upon death.			
Patron—Pogge .....	HJR	664	2670
Patron—Norment .....	SJR	324	2966
<b>McWaters, Patricia Carolyn;</b> recording sorrow upon death. (Patron—Stanley) .....	SJR	359	2988
<b>Meiselman, David I.;</b> recording sorrow upon death. (Patron—Rust) .....	HR	294	2883
<b>Milam, Marvin Bennett;</b> recording sorrow upon death. (Patron—Obenshain) .....	SJR	335	2973
<b>Montgomery, Paul Macrae;</b> recording sorrow upon death. (Patron—Yancey) .....	HR	223	2848
<b>Morrison, William Rohimbox, Jr.;</b> recording sorrow upon death. (Patron—Tyler) ...	HJR	760	2720
<b>Moseley, Charles L.;</b> recording sorrow upon death.			
Patron—Cosgrove .....	SJR	361	2988
<b>Murray, James Brady;</b> recording sorrow upon death.			
Patron—Toscano .....	HJR	740	2708
Patron—Deeds .....	SJR	327	2968
<b>Ney, R. Terrence;</b> recording sorrow upon death.			
Patron—Surovell .....	HJR	677	2676
Patron—Petersen .....	SJR	297	2952

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DEATHS - Continued

<b>Niederkofler, Francis M.;</b> recording sorrow upon death. (Patron—Howell) . . . . .	HJR 775	2728
<b>Nolley, George E.;</b> recording sorrow upon death. (Patron—Byron) . . . . .	HJR 552	2631
<b>O'Dell, R. David, Jr.;</b> recording sorrow upon death.		
Patron—Ransone . . . . .	HJR 704	2690
Patron—Stuart . . . . .	SR 82	3029
<b>Oglesby, Ralph Schaefer;</b> recording sorrow upon death. (Patron—Garrett) . . . . .	HJR 757	2718
<b>Ostergren, Betty;</b> recording sorrow upon death. (Patron—Fowler) . . . . .	HJR 768	2725
<b>Packard, Jean R.;</b> recording sorrow upon death. (Patron—Petersen) . . . . .	SJR 232	2903
<b>Parker, Henry D., Jr.;</b> recording sorrow upon death. (Patron—Ruff) . . . . .	SJR 381	2999
<b>Patterson, Elaine Trimble;</b> recording sorrow upon death. (Patron—Stuart) . . . . .	SR 98	3037
<b>Powell, James Richard, Jr.;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR 907	2803
<b>Prendergast, William Broderick;</b> recording sorrow upon death. (Patron—Sullivan) . . . . .	HJR 863	2778
<b>Rao, Julie Fangming Ho;</b> recording sorrow upon death. (Patron—Rust) . . . . .	HR 204	2839
<b>Reynolds, Beverly Lynn Ward;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 691	2683
<b>Rodenburg, Kathleen Therese Brown;</b> recording sorrow upon death.		
(Patron—Robinson) . . . . .	HJR 860	2777
<b>Rollison, Sara Louise;</b> recording sorrow upon death. (Patron—Lingamfelter) . . . . .	HJR 794	2739
<b>Rose, Michael Trenton;</b> recording sorrow upon death. (Patron—Tyler) . . . . .	HR 279	2875
<b>Rosenthal, Fannie Gunst Straus;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 689	2682
<b>Ross, Carl Michael;</b> recording sorrow upon death.		
Patron—Preston . . . . .	HJR 720	2697
Patron—Dance . . . . .	SR 78	3027
<b>Sales, Robert Luther, Sr.;</b> recording sorrow upon death. (Patron—Cline) . . . . .	HR 318	2895
<b>Saunders, William Gerald, Sr.;</b> recording sorrow upon death. (Patron—Jones) . . . . .	HJR 612	2652
<b>Scott, Edna Bazemore;</b> recording sorrow upon death. (Patron—BaCote) . . . . .	HJR 708	2690
<b>Scott, Wendell, Sr.;</b> recording sorrow upon death. (Patron—Stanley) . . . . .	SJR 275	2950
<b>Sherman, Cornelius Wright;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 783	2733
<b>Simmons, S. Dallas;</b> recording sorrow upon death. (Patron—McClellan) . . . . .	HJR 823	2756
<b>Smith, Earl T.;</b> recording sorrow upon death. (Patron—Fowler) . . . . .	HJR 681	2678
<b>Spencer, R. Fern;</b> recording sorrow upon death. (Patron—Loupassi) . . . . .	HR 245	2859
<b>Stanton, William W., VI;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 954	2827
<b>Stephenson, Roy Thomas;</b> recording sorrow upon death.		
Patron—Bell, Richard P. . . . .	HJR 684	2680
Patron—Hanger . . . . .	SJR 251	2909
<b>Street, W. Scott, III;</b> recording sorrow upon death. (Patron—McClellan) . . . . .	HJR 827	2758
<b>Strong, Charles Calvin;</b> recording sorrow upon death. (Patron—Jones) . . . . .	HJR 611	2651
<b>Sullivan, Roger L.;</b> recording sorrow upon death. (Patron—Stosch) . . . . .	SR 124	3051
<b>Swain, William Francis;</b> recording sorrow upon death. (Patron—Miller) . . . . .	SR 114	3046
<b>Taylor, W. Nelson, Sr.;</b> recording sorrow upon death. (Patron—Fowler) . . . . .	HJR 767	2724
<b>Thompson, Gabriella Sophia;</b> recording sorrow upon death. (Patron—Ramadan) . . . . .	HR 309	2891
<b>Todd, Gladys Poles;</b> recording sorrow upon death. (Patron—Howell) . . . . .	HJR 774	2728
<b>Tolbert, Dorothy Seal;</b> recording sorrow upon death.		
Patron—Yancey . . . . .	HR 232	2852
Patron—Miller . . . . .	SR 96	3036
<b>Tullidge, Thomas H.;</b> recording sorrow upon death. (Patron—Massie) . . . . .	HJR 716	2695
<b>Turner, John George;</b> recording sorrow upon death. (Patron—Poindexter) . . . . .	HR 256	2864
<b>Van Dorn, J. Wesley;</b> recording sorrow upon death. (Patron—Wagner) . . . . .	SJR 318	2963
<b>Van Pelt, James Clement, Sr.;</b> recording sorrow upon death. (Patron—James) . . . . .	HJR 750	2714
<b>Van Yahres, Betty;</b> recording sorrow upon death. (Patron—Toscano) . . . . .	HJR 959	2830
<b>Walker, Charles B.;</b> recording sorrow upon death.		
Patron—Peace . . . . .	HR 290	2881
Patron—McDougle . . . . .	SR 116	3047
<b>Ward, William Norman;</b> recording sorrow upon death. (Patron—Hugo) . . . . .	HJR 865	2779
<b>Weber, Gertrude;</b> recording sorrow upon death.		
Patron—Futrell . . . . .	HJR 754	2716
Patron—Deeds . . . . .	SJR 352	2983
<b>West, Damion L.;</b> recording sorrow upon death. (Patron—Morrissey) . . . . .	HR 230	2851

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**DEATHS - Continued**

<b>West, William E., Jr.;</b> recording sorrow upon death. (Patron—Bloxom) . . . . .	HJR	736		2706
<b>Wharton, William Caleb;</b> recording sorrow upon death. (Patron—Massie) . . . . .	HR	218		2845
<b>White, Patricia Godbolt;</b> recording sorrow upon death. (Patron—Hester) . . . . .	HJR	799		2742
<b>White, Sherwood Tyrone;</b> recording sorrow upon death. (Patron—McQuinn) . . . . .	HJR	906		2802
<b>Wiggins, Stephen Boddie;</b> recording sorrow upon death. (Patron—Cosgrove) . . . . .	SJR	309		2958
<b>Williams, Grant S., Sr.;</b> recording sorrow upon death. (Patron—Yancey) . . . . .	HR	216		2844
<b>Williams, Ralph E.;</b> recording sorrow upon death. (Patron—Normnt) . . . . .	SJR	382		2999
<b>Williams, Talmadge Theodore;</b> recording sorrow upon death. Patron—Krupicka . . . . .	HJR	652		2664
Patron—Favola . . . . .	SJR	270		2947
<b>Williamson, Nora Ruth;</b> recording sorrow upon death. (Patron—Pogge) . . . . .	HJR	777		2729
<b>Winstead, Frances Elizabeth Simpson;</b> recording sorrow upon death. (Patron—Hester) . . . . .	HR	264		2868
<b>Zoldos, Robert J.;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR	898		2798

**DEEDS AND DEEDS OF TRUST**

<b>Condominium Act and Property Owners' Association Act;</b> notice of sale under deed of trust, definitions of unit and lot owners. Patron—Leftwich . . . . .	HB	2080	410	788
Patron—Cosgrove . . . . .	SB	1157	93	216
<b>Deeds of trust or mortgages;</b> calculation of tax shall be calculated using rate scale, starting at point on scale that applies to first dollar in excess of amount of original debt or obligation secured by prior instrument. Patron—Minchew . . . . .	HB	2161	488	892
Patron—Stuart . . . . .	SB	999	434	831
<b>Foreclosure sale by a trustee or trustees in execution of a deed of trust;</b> advertisement of time-share properties. Patron—Knight . . . . .	HB	1794	401	762
Patron—Cosgrove . . . . .	SB	1015	23	61

**DEFENDANTS**

<b>Criminal cases;</b> venue for prosecution of the offense may be had in the county or city in which defendant resides, if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended, or if defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, in which any related offense was committed. (Patron—Stuart) . . . . .	SB	1290	637	1426
<b>Criminal cases;</b> venue for prosecution of the offense may be had in the county or city in which defendant resides or if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended. (Patron—Bell, Robert B.) . . . . .	HB	1927	632	1420

**del CARDAYRE, LUCY BRALLEY**

<b>del Cardayre, Lucy Bralley;</b> recording sorrow upon death. (Patron—McDougle) . . . . .	SR	134		3056
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**DELK, RODHAM T., JR.**

<b>Delk, Rodham T., Jr.;</b> commending. (Patron—Morris) . . . . .	HR	247		2860
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**DELLORO, ANGELES H.**

<b>Delloro, Angeles H.;</b> recording sorrow upon death. (Patron—Villanueva) . . . . .	HJR	917		2808
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**DEVINE, DONALD W.**

<b>Devine, Donald W.;</b> recording sorrow upon death. (Patron—Wexton) . . . . .	SJR	336		2973
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**DICKENSON COUNTY**

<b>Dickenson County;</b> commending. (Patron—Pillion) . . . . .	HJR	930		2814
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**DIDLAKE**

<b>Didlake;</b> commemorating its 50th anniversary. (Patron—Anderson) . . . . .	HJR	725		2700
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**DISASTER**

<b>Disaster relief;</b> out-of-state businesses and employees who come into the Commonwealth solely for purpose of performing work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration requirements, clarifies definitions of out-of-state business and registered business, responsibility of out-of-state employee to pay taxes in home state. (Patron—Ware) . . . . .	HB	1386	595	1278
<b>Emergency Management, Department of;</b> electromagnetic pulses and geomagnetic disturbances. (Patron—Reeves) . . . . .	SB	1238	97	222

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DISTRICT COURTS

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron–Newman) . . . . . SB 1411 228 426

**District court seal;** Committee on District Courts may also adopt an official seal and authorize its use by clerks and deputy clerks. (Patron–Carrico) . . . . . SB 789 331 638

**Electronic summons systems;** any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system.

Patron–Rust . . . . . HB 1560 546 1211

Patron–Petersen . . . . . SB 888 643 1434

**General district court or circuit court;** in circuit court, court may enter an order directing clerk to hold moneys, judge may enter an order directing clerk of district court to hold such funds in escrow for a period not to exceed 180 days to enable party to file a petition. (Patron–Bell, Robert B.) . . . . . HB 2048 633 1421

**Judges;** election in circuit court, general district court, and juvenile and domestic relations district court.

Patron–Loupassi . . . . . HJR 961 2831

**Judges;** election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission.

Patron–Loupassi . . . . . HJR 687 2680

**Judges;** nominations for election to general district court.

Patron–Loupassi . . . . . HR 211 2843

Patron–Loupassi . . . . . HR 298 2885

Patron–McDougle . . . . . SR 121 3050

Patron–McDougle . . . . . SR 74 3025

**Unlawful detainer proceedings;** summons for unlawful detainer issued by magistrate or clerk or judge of a general district court, money judgment marked as satisfied. (Patron–Loupassi) . . . . . HB 1767 547 1211

DIVORCE

**Divorce;** evidence by affidavit. (Patron–Leftwich) . . . . . HB 1397 315 623

DNA

**DNA;** analysis upon conviction of certain misdemeanors, provisions shall apply only to persons convicted on or after July 1, 2015.

Patron–Bell, Robert B. . . . . HB 1928 209 380

Patron–Obenshain . . . . . SB 1187 437 836

**DNA data bank;** State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron–Watts) . . . . . HB 1578 193 356

DOCHIKI CIVIC AND SOCIAL CLUB, INC.

**Dochiki Civic and Social Club, Inc.;** commemorating its 75th anniversary. (Patron–Locke) . . . . . SR 80 3028

DOGS AND DOG LAWS

**Dogs or cats;** sell, exchange, trade, etc., prohibited on or in any roadside, parkway, median, etc., procurement of dogs. (Patron–Stanley) . . . . . SB 1001 679 2155

DOMESTIC RELATIONS

**Child support;** court may order that support be paid or continue to be paid for any child over the age of 18 who is severely and permanently mentally or physically disabled, such disability existed prior to child reaching age of 18 or age of 19, individual denied support prior to July 1, 2015, who meets requirements, shall be eligible to petition court for support.

Patron–Byron . . . . . HB 2383 653 1481

Patron–Wexton . . . . . SB 923 654 1485

**Child support;** Department of Social Services may establish and operate an arrears compromise program. (Patron–Lindsey) . . . . . HB 1783 506 1139

**Child support;** Department of Social Services to prorate payments on the basis of amounts due. (Patron–Watts) . . . . . HB 1602 52 163

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<b>Child support</b> ; proportionate share of health insurance premiums. (Patron—McClellan)	HB 1951	510	1148
<b>Creditor process</b> ; bankruptcy proceeding exemptions, spousal and child support exemption. (Patron—Surovell)	HB 2015	686	2188
<b>Divorce</b> ; evidence by affidavit. (Patron—Leftwich)	HB 1397	315	623
<b>Marriage certificates</b> ; parties shall be able to designate themselves on application for marriage as spouse, bride, or groom. (Patron—Albo)	HB 1469	708	2250
<b>Sexual and Domestic Violence, Advisory Committee on</b> ; established, Virginia Sexual and Domestic Violence Program Professional Standards Committee shall establish voluntary accreditation standards and procedures.			
Patron—Peace	HB 2092	402	763
Patron—Howell	SB 1094	222	402
<b>Uniform Interstate Family Support Act (UIFSA)</b> ; amends Act to modify current version, procedure to register child support order of foreign country for modification. (Patron—Watts)	HB 1601	727	2293
<b>DOMINION RESOURCES, INC.</b>			
<b>Dominion Resources, Inc.</b> ; commending.			
Patron—Watkins	SJR 323		2966
<b>DONAHUE, MICHAEL</b>			
<b>Donahue, Michael</b> ; recording sorrow upon death. (Patron—Newman)	SJR 225		2900
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<b>Donnelly, Jon Reed</b> ; recording sorrow upon death. (Patron—O'Bannon)	HJR 812		2749
<b>DOUGLAS, PATRICIA ANN KELLER</b>			
<b>Douglas, Patricia Ann Keller</b> ; commending. (Patron—Webert)	HJR 915		2807
<b>DRESSLER, WILLIAM MACKENSEN, SR.</b>			
<b>Dressler, William Mackensen, Sr.</b> ; recording sorrow upon death. (Patron—Deeds)	SJR 355		2985
<b>DREW MODEL ELEMENTARY SCHOOL</b>			
<b>Drew Model Elementary School</b> ; commemorating its 70th anniversary. (Patron—Lopez)	HJR 890		2794
<b>DRIVERS' LICENSES</b>			
<b>Commercial motor carriers</b> ; amends several commercial drivers' licensing laws. (Patron—Filler-Corn)	HB 2038	258	486
<b>DRUG ABUSE</b>			
<b>Health insurance</b> ; mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron—O'Bannon)	HB 1747	649	1469
<b>DRUNK DRIVING</b>			
<b>Driving under the influence of alcohol</b> ; persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron—Miller)	HB 1639	729	2307
<b>DUKE, FRANK</b>			
<b>Duke, Frank</b> ; commending. (Patron—Alexander)	SR 105		3041
<b>DULLES SOUTH FOOD PANTRY</b>			
<b>Dulles South Food Pantry</b> ; commending. (Patron—Ramadan)	HR 295		2883
<b>DUNFORD, BETTE WORSHAM HAWKINS</b>			
<b>Dunford, Bette Worsham Hawkins</b> ; recording sorrow upon death. (Patron—Carr)	HJR 690		2682
<b>DUTTON, LAURENCE R.</b>			
<b>Dutton, Laurence R.</b> ; recording sorrow upon death. (Patron—DeSteph)	HR 300		2886
<b>EASEMENTS</b>			
<b>Conservation easements</b> ; additional powers of Virginia Land Conservation Foundation, requests for conservation easement dispute mediation. (Patron—Pogge)	HB 1488	44	157

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**EASTERN SHORE OF VIRGINIA**

**Eastern Virginia Groundwater Management Advisory Committee;** established, membership shall include state and federal agencies' officials, university faculty, citizens, etc., with expertise in water resources-related issues, report, sunset provision.

Patron—Hodges . . . . .	HB	1924	613	1349
Patron—Norment . . . . .	SB	1341	262	503

**Riverside Shore Memorial Hospital Auxiliary;** commemorating 50th anniversary of its Hospital Ball. (Patron—Lewis) . . . . .

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**EASTSIDE HIGH SCHOOL**

**Eastside High School;** commending.

Patron—Pillion . . . . .	HR	271		2872
Patron—Chafin . . . . .	SR	61		3003

**Eastside High School one-act play team;** commending. (Patron—Pillion) . . . . .

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**ECHOLS, ELAINE K.**

**Echols, Elaine K.;** commending. (Patron—Hanger) . . . . .

SJR	362		2989
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**ECONOMIC DEVELOPMENT**

**Economic development policy;** Secretary of Agriculture and Forestry added to committee to assist Secretary of Commerce and Trade to develop policy. (Patron—Landes) . . . . .

HB	1588	166	319
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**High-growth companies;** Virginia Economic Development Partnership Authority and Department of Housing and Community Development to jointly study feasibility of incorporating programs to support existing companies into state's current economic development programs and activities. (Patron—Ruff) . . . . .

SJR	242		2904
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**Virginia Economic Development Authority;** Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites. (Patron—Stanley) . . . . .

SB	809	342	664
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**EDLICH, TED**

**Edlich, Ted;** commending.

Patron—Rasoul . . . . .	HJR	540		2627
Patron—Edwards . . . . .	SJR	364		2990

**EDUCATION**

**Academic transcripts;** suspension, permanent dismissal, or withdrawal from institution, documentation on transcripts, removal of notation from transcript when student has completed term of suspension, etc., provisions of certain section shall apply only to a student who is taking or has taken a course at a campus, provisions shall not apply to certain public institutions. (Patron—Norment) . . . . .

SB	1193	771	2554
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**Agency coordination;** Secretary of Education shall consult with agencies for which he is responsible pursuant to statute and biennially report to the General Assembly. (Patron—Landes) . . . . .

HB	1335	140	283
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**Blood testing;** in cases in which a school board employee is exposed to body fluids of a minor, parent, guardian, or person standing in loco parentis shall be notified prior to initiating such testing. (Patron—Landes) . . . . .

HB	1587	51	162
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**Career and technical education;** alignment with state or national program certification and accreditation standards, shall not apply to any program offered by industry in cooperation with a local school board. (Patron—Greason) . . . . .

HB	1616	588	1266
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**Child abuse or neglect, suspected;** time period for investigation and report when involves school division employees. (Patron—Norment) . . . . .

SB	1117	524	1177
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**Competitive foods;** regulations setting nutritional guidelines shall permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year, etc. (Patron—Bell, Richard P.) . . . . .

HB	2114	568	1243
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**Constitutional amendment;** grants Board of Education authority to establish charter schools within school divisions of the Commonwealth (first reference). Amending Section 5 of Article VIII.

Patron—Obenshain . . . . .	SJR	256	719	2276
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**Cooperative degree program, online;** Secretary of Education, et al., shall develop a plan to establish and advertise, tuition cost not to exceed \$4000 or such cost that is achievable, report. (Patron—Cline) . . . . .

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**EDUCATION - Continued**

<b>Diploma seals;</b> Board of Education shall establish criteria for awarding a seal of biliteracy to any student who demonstrates proficiency in English and at least one other language.				
Patron—Ramadan .....	HB	1351	564	1234
Patron—Wexton .....	SB	916	565	1236
<b>Education, Board of;</b> annual report on the condition and needs of public education in the Commonwealth. (Patron—Hester) .....	HB	2169	386	731
<b>Epinephrine;</b> regulation for possession and administration in licensed private schools for students with disabilities and accredited private schools by an employee. (Patron—Greason) .....	HB	2216	387	731
<b>Firearm, stun weapon, or other weapon;</b> person knowingly possesses any weapon on school property, penalties. (Patron—Norment) .....	SB	1191	289	554
<b>Graduation requirements;</b> permits local school division to waive requirements for certain students to earn a standard unit of credit upon providing Board with satisfactory proof, that students have learned content and skills included in Standards of Learning.				
Patron—Greason .....	HB	1675	701	2237
Patron—Garrett .....	SB	982	702	2239
<b>High school graduation rate;</b> Board of Education shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes certain students, report. (Patron—Orrock) .....	HB	2318	705	2245
<b>Higher educational institutions;</b> student mental health policies shall require procedures for notifying institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. (Patron—Barker) .....	SB	1122	716	2274
<b>Home instruction;</b> no division superintendent or local school board shall disclose to Department of Education or any other person or entity outside of the local school division student information, claiming religious exemption. (Patron—Black) .....	SB	1383	592	1273
<b>Home instruction of children;</b> requirements, parent to provide certain testing scores to division superintendent.				
Patron—LaRock .....	HB	1754	590	1270
Patron—Martin .....	SB	1403	567	1242
<b>Income tax, state;</b> individual subtraction for income attributable to discharge of student loan solely by reason of the student's death.				
Patron—LeMunyon .....	HB	1716	60	172
Patron—Howell .....	SB	933	82	201
<b>Instructional school hours;</b> Board of Education may waive requirement that school divisions provide additional teaching days, etc., to compensate for school closings resulting from severe weather conditions or other emergency situations. (Patron—Puller) .....	SB	1021	706	2248
<b>Intercollegiate athletics programs;</b> format for each institution to report its revenues and expenses, subsidy percentages, Intercollegiate Athletics Review Commission established, provisions shall become effective on July 1, 2016. (Patron—Cox) .....	HB	1897	704	2243
<b>Internet;</b> Virginia's localities and school divisions encouraged to partner with local law-enforcement agencies regarding wireless access. (Patron—Fariss) .....	HJR	644		2662
<b>Medical school scholarships;</b> expands eligibility for program administered by Board of Health for certain medical students. (Patron—Stanley) .....	SB	717	532	1184
<b>Opportunity Educational Institution;</b> repeals Institution. (Patron—Miller) .....	SB	821	369	719
<b>Postsecondary credential, certification, or license attainment;</b> each local school board may enter into agreements with community colleges, et al., that offer a career and technical education curriculum. (Patron—Byron) .....	HB	1676	589	1266
<b>Public elementary and secondary schools;</b> neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.				
Patron—Landes .....	HB	1307	666	2140
Patron—Martin .....	SB	1293	372	722

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<b>Public elementary schools;</b> Department of Behavioral Health and Developmental Services to study benefits of offering voluntary mental health screenings to students. (Patron—Yost) . . . . .	HJR	586		2644
<b>Public schools;</b> annual budget publication in line item form on school division's website. (Patron—McDougle) . . . . .	SB	1286	371	722
<b>Public schools;</b> Board of Education shall adopt regulations on use of seclusion and restraint in public elementary and secondary schools in the Commonwealth. Patron—Bell, Richard P. . . . .	HB	1443	142	284
Patron—Favola . . . . .	SB	782	147	289
<b>Public schools;</b> Board of Education shall promulgate regulations establishing additional accreditation ratings. Patron—Krupicka . . . . .	HB	1873	324	633
Patron—Locke . . . . .	SB	1320	150	292
<b>School accreditation;</b> Board of Education may review accreditation status of a school once every three years if the school has been fully accredited for three consecutive years, review shall be for each individual year within triennial period. (Patron—Greason) . . . . .	HB	1674	566	1238
<b>School board clerks;</b> electronic maintenance of records. Patron—Head . . . . .	HB	2245	388	737
Patron—Smith . . . . .	SB	1339	330	637
<b>School budgets;</b> conforms county budget preparation and approval process to that of municipalities. Patron—Tyler . . . . .	HB	1484	143	285
Patron—Lucas . . . . .	SB	842	370	721
<b>School buses;</b> local school board may sell or transfer to another school division or purchase a used school bus from another school division or a school bus dealer, requirements. (Patron—Poindexter) . . . . .	HB	1952	559	1228
<b>School Performance Report Card;</b> Department shall allocate to instructional costs each school division's expenditures on hardware necessary to support electronic textbooks. (Patron—Farrell) . . . . .	HB	1338	563	1234
<b>School Performance Report Card;</b> no later than July 1, 2016, the Board of Education, in consultation with Standards of Learning Innovation Committee, shall redesign so that it is more effective in communicating to parents and the public, repeals system relating to individual school performance based on A-to-F scale, report. Repealing Chapters 672 and 692, 2013 Acts and Chapters 480 and 485, 2014 Acts. Patron—Greason . . . . .	HB	1672	368	718
Patron—Black . . . . .	SB	727	367	718
<b>School service providers;</b> protection of student personal information, no provider in operation on June 30, 2015, shall be subject to certain provisions until such time as contract to operate a school service is renewed. (Patron—Greason) . . . . .	HB	1612	728	2306
<b>Special diplomas;</b> eliminates term, students identified as disabled who complete requirements of programs and meet certain requirements prescribed by Board of Education shall be awarded Applied Studies diplomas. (Patron—Favola) . . . . .	SB	1236	329	635
<b>Standard diploma;</b> student shall receive satisfactory competency-based instruction to satisfy requirements in lieu of achieving a career and technical education credential. (Patron—Orrock) . . . . .	HB	2276	591	1271
<b>Standards of Learning;</b> Board of Education shall promulgate regulations to provide same criteria for eligibility for an expedited retake of any test, with exception of writing tests. Patron—Habeeb . . . . .	HB	1490	144	285
Patron—Cosgrove . . . . .	SB	874	148	289
<b>Standards of Learning;</b> Board of Education to require each student to take assessment in science after student receives instruction in the grade six science, life science, and physical science and before student completes grade eight. (Patron—LeMunyon) . . .	HB	1714	323	631
<b>Standards of Learning;</b> Department of Education shall develop processes for informing school divisions of changes. (Patron—Head) . . . . .	HB	1419	322	628

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<b>Standards of Learning;</b> Department of Education shall make available to school divisions assessments typically administered by middle and high schools by December 1 of the school year.				
Patron—Farrell .....	HB	1303	558	1225
Patron—Barker .....	SB	900	149	289
<b>Standards of Learning;</b> integrated assessments to include multiple subject areas. (Patron—Greason) .....	HB	1615	145	285
<b>Student data security;</b> Department of Education, et al., shall develop and update regularly a model data security plan for protection of student data. (Patron—Austin) .	HB	2350	561	1229
<b>Students;</b> questionnaires and surveys requesting sexual information, etc., parental notification and consent, if required by state law or is requested by a state agency, relevant agency shall provide school board with all information in notice to parents, parent shall have the right to review questionnaire or survey in a manner mutually agreed upon by school and parent, etc. (Patron—Wilt) .....	HB	1698	703	2242
<b>Students, hearing or visually impaired;</b> local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron—Bell, Richard P.) .....	HB	1679	55	169
<b>Students' personally identifiable information;</b> Department of Education shall develop and make publicly available certain policies on its website, in cases in which electronic records are reasonably believed to have been disclosed, Department or local school division shall notify parent of student as soon as practicable. (Patron—Landes) .....	HB	1334	139	283
<b>Teachers;</b> Department of Education to study feasibility of implementing a program in the Commonwealth to track turnover by developing exit questionnaires and other means, study is contingent upon an appropriation being included in a general appropriation act in 2015. (Patron—Howell) .....	SJR	218		2897
<b>Teachers;</b> every person seeking renewal of a license shall complete all renewal requirements, including professional development as may be prescribed by Board, except no person seeking licensure renewal shall be required to satisfy any such requirement by completing coursework and earning credit at higher educational institution. (Patron—Farrell) .....	HB	1320	562	1229
<b>Teachers;</b> if person seeking initial license has not attained an industry certification credential in the area and seeks endorsement, Board may issue a provisional license. (Patron—Yancey) .....	HB	2137	385	730
<b>Teachers;</b> retirement allowance for and rehiring those retired, extends sunset provisions. Amending first and second enactments of Chapter 590, 2009 Acts. (Patron—BaCote) .....	HB	2020	326	634
<b>Teachers, qualified;</b> Department of Education and State Council of Higher Education for Virginia to examine critical shortages in certain teaching endorsement areas and to recommend strategies for addressing. (Patron—Orrock) .....	HJR	558		2635
<b>Uniformed services-connected students;</b> Department of Education shall establish a process for identification by local school divisions of newly enrolled students, nonidentifiable, aggregate data collected shall be made available to local, state, and federal entities for purposes of becoming eligible for nongeneral fund sources and receiving services to meet needs of students residing in the Commonwealth.				
Patron—Ramadan .....	HB	2373	582	1254
Patron—Reeves .....	SB	1354	583	1255
<b>Virginia Virtual School, Board of;</b> established, report, certain provisions shall become effective on July 1, 2016, and only if reenacted by 2016 Session of General Assembly. (Patron—Bell, Richard P.) .....	HB	324	700	2226
<b>Voter identification;</b> accepted forms of identification issued by any private school located in the Commonwealth, provisions shall become effective on January 2, 2016. (Patron—Bulova) .....	HB	1653	571	1245
<b>Woodrow Wilson Rehabilitation Center;</b> changes name to Wilson Workforce and Rehabilitation Center. (Patron—Hanger) .....	SB	1039	542	1204

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<b>Workforce Development, Virginia Board of;</b> changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report.			
Patron—Byron .....	HB	1986	275 518
Patron—Ruff .....	SB	1372	292 555
<b>EDUCATION, SECRETARY OF</b>			
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<b>Academic transcripts;</b> suspension, permanent dismissal, or withdrawal from institution, documentation on transcripts, removal of notation from transcript when student has completed term of suspension, etc., provisions of certain section shall apply only to a student who is taking or has taken a course at a campus, provisions shall not apply to certain public institutions. (Patron—Norment) .....			
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<b>Achieving a Better Life Experience (ABLE) savings trust accounts;</b> established, administered by the Virginia College Savings Plan to assist individuals and families in saving private funds for purpose of supporting individuals with disabilities.			
Patron—Filler-Corn .....	HB	2306	311 606
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<b>Advanced Learning and Research, Institute for;</b> board membership. (Patron—Marshall, D.W.) .....			
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<b>Agency coordination;</b> Secretary of Education shall consult with agencies for which he is responsible pursuant to statute and biennially report to the General Assembly. (Patron—Landes) .....			
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<b>Apprenticeship-related instruction;</b> transfers certain duties from State Board for Community Colleges to Commissioner of Labor and Industry.			
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Patron—Alexander .....	SB	1024	86 208
<b>Campus police departments;</b> reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron—Massie) .....			
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<b>Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015;</b> created.			
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<b>Community Colleges, State Board for;</b> policy for the award of academic credit for military training.			
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<b>Cooperative degree program, online;</b> Secretary of Education, et al., shall develop a plan to establish and advertise, tuition cost not to exceed \$4000 or such cost that is achievable, report. (Patron—Cline) .....			
	HB	2320	664 1514
<b>Farm winery;</b> licensees allowed to manufacture wine containing 21 percent or less of alcohol by volume, definition of winery to include an accredited public or private institution of higher education, wine manufactured by institution.			
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<b>Higher education;</b> framework of the statewide strategic plan developed by State Council of Higher Education for Virginia as Commonwealth's vision and plan be endorsed, report.			
Patron—Landes .....	HJR	555	2632
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<b>Higher educational institutions;</b> removal of members of board of visitors for failure to attend meetings or educational programs without sufficient cause, as determined by a majority vote of the board, repealing existing provisions regarding removal of members, etc. (Patron—Massie) .....			
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**Higher educational institutions;** six-year plans to include certain information on intellectual property and externally sponsored research.

Patron—Toscano . . . . . HB 1959 579 1252  
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**Higher educational institutions;** State Council of Higher Education, et al., shall establish policy on course credit for certain examinations. (Patron—Landes) . . . . . HB 1336 578 1252

**Higher educational institutions;** student mental health policies shall require procedures for notifying institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. (Patron—Barker) . . . . . SB 1122 716 2274

**Higher educational institutions;** students exhibiting suicidal tendencies or behavior, institutional policies and procedures for notification of the student mental health or counseling center. (Patron—LeMunyon) . . . . . HB 1715 663 1513

**Higher educational institutions, four-year public;** institution shall maintain and update annually a tab or link on the home page of its website certain consumer information.

Patron—Hugo . . . . . HB 1980 325 634  
Patron—McWaters . . . . . SB 1223 328 635

**Higher educational institutions, public or private nonprofit;** establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service, certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report.

Patron—Bell, Robert B. . . . . HB 1930 737 2390  
Patron—Black . . . . . SB 712 745 2416

**Information technology projects and services;** Chief Information Officer authorized to approve and make decisions without routine approval, Secretary of Technology shall designate a state agency or higher educational institution as business sponsor responsible for implementing an enterprise information technology project, etc. (Patron—Jones) . . . . . HB 2323 768 2531

**Intercollegiate athletics programs;** format for each institution to report its revenues and expenses, subsidy percentages, Intercollegiate Athletics Review Commission established, provisions shall become effective on July 1, 2016. (Patron—Cox) . . . . . HB 1897 704 2243

**Medical school scholarships;** expands eligibility for program administered by Board of Health for certain medical students. (Patron—Stanley) . . . . . SB 717 532 1184

**Northern Virginia Community College;** commemorating its 50th anniversary. (Patron—Lopez) . . . . . HJR 910 2804

**Postsecondary credential, certification, or license attainment;** each local school board may enter into agreements with community colleges, et al., that offer a career and technical education curriculum. (Patron—Byron) . . . . . HB 1676 589 1266

**Psychologists;** continuing education requirements. (Patron—Robinson) . . . . . HB 2243 359 699

**Senior citizens' higher education;** increases maximum taxable individual income for those who wish to register and enroll in courses. (Patron—Keam) . . . . . HB 2068 146 288

**Teachers;** every person seeking renewal of a license shall complete all renewal requirements, including professional development as may be prescribed by Board, except no person seeking licensure renewal shall be required to satisfy any such requirement by completing coursework and earning credit at higher educational institution. (Patron—Farrell) . . . . . HB 1320 562 1229

**Teachers, qualified;** Department of Education and State Council of Higher Education for Virginia to examine critical shortages in certain teaching endorsement areas and to recommend strategies for addressing. (Patron—Orrock) . . . . . HJR 558 2635

**University of Virginia;** terms of rector and vice-rector. (Patron—Landes) . . . . . HB 2290 327 634

**Virginia Commonwealth University School of Education;** commemorating its 50th anniversary. (Patron—McClellan) . . . . . HJR 712 2693

**Virginia Information Technologies Agency;** certain private higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. (Patron—Rust) . . . . . HB 1661 462 869

**Virginia Values Veterans Program;** certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron—Stolle) . . . . . HB 1641 318 625

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ELECTIONS

**Absentee voting;** application for absentee ballot shall contain information stating person has an obligation occasioned by his religion. (Patron–Howell) . . . . . SB 816 314 622

**Campaign finance reports;** changes pre-election reporting period for certain reports. (Patron–O’Bannon) . . . . . HB 1460 646 1463

**Condominium Act;** voting interest allocated to unit or member that has been suspended shall not be counted in total number of voting interests used to determine quorum for any meeting. (Patron–Pogge) . . . . . HB 2055 214 384

**Constitutional office;** highest ranking deputy officer, full-assistant attorney, etc., to step in to fill vacancy until special election. (Patron–Vogel) . . . . . SB 1089 648 1468

**Elections administration;** technical amendments to pre-election and post-election activities, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless governing body, et al., determines that a second scanner is not necessary based on voter turnout, etc., repeals provision for State Board of Elections to annually provide certain statistical reports. Repealing second enactment of Chapter 318, 2007 Acts. (Patron–Sickles) . . . . . HB 2062 740 2395

**General registrars;** reassigning duties of the electoral board related to absentee voting and campaign finance.  
 Patron–Cole . . . . . HB 1433 644 1435  
 Patron–Vogel . . . . . SB 1092 645 1449

**Political campaign advertisements;** includes yard signs in definition of print media, signs paid for or distributed prior to July 1, 2015, shall not be subject to certain provisions. (Patron–Cosgrove) . . . . . SB 871 573 1247

**Polling place;** authorized representative of political party permitted to use handheld wireless communication devices, but shall not be allowed to use such a device to capture a digital image inside polling place or central absentee voter precinct. (Patron–Vogel) . . . . . SB 1351 575 1248

**Polling places;** designation of authorized representatives of political parties, if county or city chairman is unavailable to sign such a written designation, such a designation may be made by state or district chairman of the political party. (Patron–Campbell) . . . . . HB 1333 133 272

**Presidential elections;** number of officers of election and ballot scanner machines, governing body, in consultation with the general registrar and the electoral board, to determine numbers of scanners needed. (Patron–Obenshain) . . . . . SB 1062 667 2140

**Registered voters;** Department of Elections shall provide lists of persons to districts, includes persons who voted in certain elections, disclosure of social security numbers prohibited. (Patron–Sickles) . . . . . HB 2056 712 2269

**Uniform Military and Overseas Voters Act;** changes to Act and Code section relating to absentee voting by those voters covered under Act, repeals certain provision concerning application for early absentee ballot.  
 Patron–Taylor . . . . . HB 2397 313 617

**Voter identification;** accepted forms of identification issued by any private school located in the Commonwealth, provisions shall become effective on January 2, 2016. (Patron–Bulova) . . . . . HB 1653 571 1245

**Voter identification;** substantially similar match of identification and pollbook name. (Patron–Watts) . . . . . HB 1538 134 276

**Voter list maintenance;** State Board of Elections shall utilize data received through list comparisons with other states, report. (Patron–Bell, Robert B.) . . . . . HB 2379 713 2271

ELECTRIC COMPANIES

**Electric utilities;** investor-owned electric utilities permitted to recover from certain customers projected and actual costs, not currently in rates, for utility to design, etc., programs approved by Commission that accelerate vegetation management of distribution rights-of-way, exception.  
 Patron–Chafin . . . . . SB 1334 37 83

**Electric utilities;** net energy metering programs, electrical generating facility that has capacity of not more than one megawatt for nonresidential customers on a facility placed in service after July 1, 2015, electric distribution company to determine whether interconnection requirements have been met.  
 Patron–McClellan . . . . . HB 1950 432 821  
 Patron–Dance . . . . . SB 1395 431 819

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### ELECTRIC COMPANIES - Continued

**Electric utility ratemaking;** recovery of costs of solar energy facilities.  
(Patron—Yancey) . . . . . HB 2237 599 1292

**Electric utility regulation;** suspension of regulatory reviews of utility earnings,  
integrated resource plan schedule, reports. (Patron—Wagner) . . . . . SB 1349 6 39

### ELECTRONIC PROCESSES

**Administrative subpoenas;** electronic communication service or remote computing  
service, upon written certification by attorney for the Commonwealth or Attorney  
General that victim is under age of 18, subpoena shall include provision ordering  
service provider not to notify or disclose existence to another person other than an  
attorney for a period of 30 days after provider responds to subpoena.

Patron—McClellan . . . . . HB 1946 544 1210

Patron—Wexton . . . . . SB 919 625 1415

**Circuit court;** clerk may provide trial court record in electronic form to appropriate  
clerk of any appellate court, effective date. (Patron—Pillion) . . . . . HB 2172 71 193

**Circuit court;** electronic filing in civil proceedings, increase of fee for civil cases  
initially filed by paper. (Patron—Kilgore) . . . . . HB 2061 317 625

**Circuit court clerks;** changes to operation of clerks, including electronic records, fees,  
etc. (Patron—Stanley) . . . . . SB 1316 641 1429

**Conflict of Interests Act, State and Local Government, General Assembly  
Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory  
Council;** certain gifts prohibited, approvals required for certain travel, provisions  
requiring filers file disclosure forms with Virginia Conflict of Interest and Ethics  
Advisory Council by electronic means shall become effective on July 1, 2016,  
Council shall review current forms and make recommendations for revision, certain  
provisions shall become effective on July 1, 2015, appointment of Council members.

Patron—Gilbert . . . . . HB 2070 763 2481

Patron—Norment . . . . . SB 1424 777 2571

**Electronic communication service or remote computing service;** obtaining records,  
search warrant for real-time location data. (Patron—Loupassi) . . . . . HB 2355 634 1423

**Electronic summons systems;** any town may assess an additional sum as part of costs  
in each criminal or traffic case in district or circuit courts for implementation and  
maintenance of system.

Patron—Rust . . . . . HB 1560 546 1211

Patron—Petersen . . . . . SB 888 643 1434

**Financial institutions;** branch office does not include any automated teller machine,  
cash-dispensing machine, or similar electronic or computer terminal, clarifies  
definition of service facility.

Patron—Byron . . . . . HB 1629 445 851

Patron—Cosgrove . . . . . SB 875 19 57

**Hunting, trapping, or fishing licenses;** allows person who is required to carry certain  
licenses or a hunter education certificate to meet requirement by carrying an  
electronic copy of the relevant license or certificate, exception. (Patron—Futrell) . . . . . HB 2111 479 882

**Income tax, state;** individual may elect to have refund check mailed, direct deposited,  
or by other electronic means, provisions shall be applicable to tax returns relating to  
2015 and taxable years thereafter.

Patron—Ware . . . . . HB 1286 229 426

Patron—Barker . . . . . SB 701 76 197

**Medical assistance;** electronic asset verification program for purpose of verifying  
assets of applicant, financial institutions to provide certain medical records, sunset  
provision. (Patron—Sickles) . . . . . HB 2372 652 1480

**Motor vehicle dealers;** prohibits motor vehicle franchisors from coercing dealers to  
provide access to certain consumer data, if dealer elects to submit or push data or  
information to the manufacturer, factory branch, etc., through any method other than  
provided, then shall furnish requested data in a widely accepted electronic file  
format. (Patron—Greason) . . . . . HB 1549 155 295

**School board clerks;** electronic maintenance of records.

Patron—Head . . . . . HB 2245 388 737

Patron—Smith . . . . . SB 1339 330 637

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**ELECTRONIC PROCESSES - Continued**

**State government, executive branch of;** director of every department shall be responsible for securing electronic data held by his department, etc. (Patron–Barker) SB 1121 261 502

**Students' personally identifiable information;** Department of Education shall develop and make publicly available certain policies on its website, in cases in which electronic records are reasonably believed to have been disclosed, Department or local school division shall notify parent of student as soon as practicable. (Patron–Landes) . . . . . HB 1334 139 283

**Telemedicine services;** amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient.  
Patron–Kilgore . . . . . HB 2063 115 254  
Patron–McWaters . . . . . SB 1227 32 76

**Virginia Self-Service Storage Act;** notice of default by electronic means, clarifies definition of last known address. (Patron–Anderson) . . . . . HB 1921 208 379

**Wire, electronic, or oral communications;** civil action for unlawful interception, disclosure, or use. (Patron–Marshall, R.G.) . . . . . HB 1308 672 2145

**Workers' compensation;** Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, etc., shall be required to adopt and implement infrastructure under which providers of medical services shall submit billing electronically, etc. (Patron–Byron) . . . . . HB 2384 621 1395

**ELEMENTARY SCHOOLS**

**Public elementary and secondary schools;** neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.  
Patron–Landes . . . . . HB 1307 666 2140  
Patron–Martin . . . . . SB 1293 372 722

**Public elementary schools;** Department of Behavioral Health and Developmental Services to study benefits of offering voluntary mental health screenings to students. (Patron–Yost) . . . . . HJR 586 2644

**Public schools;** Board of Education shall adopt regulations on use of seclusion and restraint in public elementary and secondary schools in the Commonwealth.  
Patron–Bell, Richard P. . . . . HB 1443 142 284  
Patron–Favola . . . . . SB 782 147 289

**ELK HILL**

**Elk Hill;** commemorating its 45th anniversary. (Patron–Carr) . . . . . HJR 700 2687

**ELKIN, CYNTHIA MURPHY**

**Elkin, Cynthia Murphy;** recording sorrow upon death. (Patron–Simon) . . . . . HR 292 2882

**ELLIOTT, BOBBY WAYNE**

**Elliott, Bobby Wayne;** recording sorrow upon death. (Patron–O'Quinn) . . . . . HJR 609 2651

**E-MAIL**

**Local notifications;** any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron–Marshall, D.W.) . . . . . HB 1553 192 355

**EMERGENCY LEGISLATION**

**Alcoholic beverage control;** adds powdered or crystalline alcohol to definition of alcoholic beverages, no person shall purchase or possess, etc., penalty.  
Patron–Lopez . . . . . HB 1908 735 2385

**Branchville, Town of;** amending charter, elections, terms of office of council members. (Patron–Tyler) . . . . . HB 1284 187 352

**Cannabidiol oil and THC-A oil;** possession of marijuana in form of oil for treatment of intractable epilepsy, certification for use.  
Patron–Albo . . . . . HB 1445 7 42  
Patron–Marsden . . . . . SB 1235 8 43

**EMERGENCY LEGISLATION - Continued****Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015;**

created.

Patron—Jones ..... HB 1892 67 183

Patron—Stosch ..... SB 1043 89 210

**Commonwealth's tax code; conformity with federal law.**

Patron—Ware ..... HB 1727 61 177

Patron—Stosch ..... SB 1044 1 1

**Community development authorities; any special tax levied or any special assessment imposed by a locality pursuant to an agreement with an authority, constitutes a lien on real estate ranking on parity with real estate taxes, etc. (Patron—Vogel) .....**

SB 1448 39 151

**Culpeper, Town of; amending charter, notice of special meetings and residence of Town Manager. (Patron—Scott) .....**

HB 2292 281 541

**Disaster relief; out-of-state businesses and employees who come into the Commonwealth solely for purpose of performing work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration requirements, clarifies definitions of out-of-state business and registered business, responsibility of out-of-state employee to pay taxes in home state. (Patron—Ware) ..**

HB 1386 595 1278

**Driving under the influence of alcohol; persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron—Miller) .....**

HB 1639 729 2307

**Health services plans; State Corporation Commission shall conduct a proceeding to review and evaluate impact of a law or other regulatory action of another state, no plan shall distribute or reduce its surplus without approval of the Commission.**

Patron—Miller ..... HB 2299 519 1173

Patron—Favola ..... SB 1405 520 1173

**Henry County; Department of Conservation and Recreation to convey certain property in Horsepasture District. (Patron—Poindexter) .....**

HB 2247 472 879

**License plates, special; issuance for supporters of curing childhood cancer bearing legend CURE CHILDHOOD CANCER. (Patron—Greason) .....**

HB 1319 630 1418

**Menhaden fishery; Governor may implement revised quota by proclamation, if Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase total allowable landings for menhaden. Repealing second enactment of Chapter 41, 2007 Acts and fourth enactment of Chapters 59 and 760, 2013 Acts. (Patron—Lewis) .....**

SB 1464 493 905

**Naloxone; any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron—Gilbert) .....**

HB 1833 732 2376

**Naloxone or other opioid antagonist; pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.**

Patron—O'Bannon ..... HB 1458 725 2282

Patron—Obenshain ..... SB 1186 752 2432

**Private police departments; definition, chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with department.**

Patron—Garrett ..... HB 1606 195 357

Patron—Norment ..... SB 1217 224 413

**Uniform Interstate Family Support Act (UIFSA); amends Act to modify current version, procedure to register child support order of foreign country for modification. (Patron—Watts) .....**

HB 1601 727 2293

**Virginia Freedom of Information Act; expands open meeting exemptions, discussions relating to cybersecurity. (Patron—Stuart) .....**

SB 1109 182 345

**Virginia Freedom of Information Act; expands record exemption for public safety, cybersecurity. (Patron—Stuart) .....**

SB 1129 183 348

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**EMERGENCY LEGISLATION - Continued**

**Virginia Marine Resources Commission;** conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . . SB 1030 377 724

**EMERGENCY SERVICES AND VEHICLES**

**Assault and battery;** Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron—Miller) . . . . HB 1611 196 359

**Constitutional amendment;** real property tax exemptions for spouses of certain emergency service providers (first reference). Adding Section 6-B in Article X. (Patron—Hugo) . . . . HJR 597 718 2275

**Emergency medical services personnel;** applicant for employment or to serve as a volunteer required to submit fingerprints and provide personal descriptive information, information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for purpose of obtaining criminal history records. (Patron—Stuart) . . . . SB 997 362 702

**Emergency vehicles;** vehicle illuminated identification systems. (Patron—Fariss) . . . . HB 1544 333 639

**Fire services and emergency medical services;** revises terminology and reorganizes provisions governing services, repeals certain provisions relating to penalty for disobeying chief officer, definitions pertaining to emergency medical services personnel, vehicles, etc., certain provisions effective on January 1, 2016.  
Patron—Stolle . . . . HB 1584 502 918  
Patron—Stuart . . . . SB 938 503 1027

**Volunteer first responders;** immunity from civil liability when en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, etc., and emergency vehicle displays warning lights and sounds a siren, etc., unless such injury results from gross negligence. (Patron—Stanley) . . . . SB 845 417 808

**EMERSON, CLAUDIA**

**Emerson, Claudia;** recording sorrow upon death.  
Patron—McClellan . . . . HJR 883 2790  
Patron—Ruff . . . . SJR 378 2997

**EMICK, DUDLEY J., JR.**

**Emick, Dudley J., Jr.;** recording sorrow upon death. (Patron—Saslaw) . . . . SR 133 3056

**EMINENT DOMAIN**

**Eminent domain;** lost profits and just compensation, clarifies definition of lost profits. (Patron—Deeds) . . . . SB 1435 642 1433

**EMISSIONS STANDARDS**

**Autocycles;** exempted from motor vehicle emissions inspection program, unless such vehicle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency.  
Patron—Scott . . . . HB 1341 161 311  
Patron—Reeves . . . . SB 1218 95 220

**ENERGY CONSERVATION AND RESOURCES**

**Clean energy;** financing programs, local ordinance authorizing contracts to provide loans shall include the kinds of renewable energy production and distribution facilities, energy usage efficiency improvements, or water usage efficiency improvements for which loans may be offered, development of underwriting guidelines.  
Patron—Marshall, D.W. . . . . HB 1446 389 738  
Patron—Watkins . . . . SB 801 427 816

**Electric utility ratemaking;** recovery of costs of solar energy facilities. (Patron—Yancey) . . . . HB 2237 599 1292

**Green job creation tax credit;** extends sunset provision to January 1, 2018.  
Patron—James . . . . HB 1843 486 888  
Patron—Hanger . . . . SB 1037 249 461

**Machinery and tools tax;** separate classification of machinery and tools used directly in producing or generating renewable energy. (Patron—Rasoul) . . . . HB 1297 230 427

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**ENERGY CONSERVATION AND RESOURCES - Continued**

**Recyclable materials;** changes tax credit by extending expiration date of credit to January 1, 2020, increasing credit allowed, etc., Department of Taxation shall administer tax credits, effective date.  
 Patron—Marshall, D.W. . . . . HB 1554 49 159  
 Patron—Wagner . . . . . SB 1205 94 220

**Virginia Solar Energy Development Authority;** created, appointment of members, Director may obtain non-state-funded support to carry out any duties, Authority shall have power and duty to conduct activities to increase solar energy generation, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects, report, provisions shall expire on July 1, 2025. (Patron—Hugo) . . . . . HB 2267 398 749

**Virginia Solar Energy Development Authority;** created, appointment of members, Director may obtain non-state-funded support to carry out any duties, report, provisions shall expire on July 1, 2025. (Patron—Stuart) . . . . . SB 1099 90 213

**ENNIS, JAMES RONALD**

**Ennis, James Ronald;** commending. (Patron—Edmunds) . . . . . HJR 873 2784

**ENVIRONMENT**

**Chemical storage in the Commonwealth;** Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron—Watkins) . . . . . SB 811 241 444

**Clean Power Plan, proposed federal;** Department of Environmental Quality to study projected health benefits of Plan in comparison with projected health benefits of existing regulations. (Patron—Wagner) . . . . . SJR 273 2949

**Postdevelopment stormwater management technical criteria;** Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron—DeSteph) . . . . . HJR 587 2645

**Radon;** persons certified as proficient to offer screening, testing, and mitigation shall comply with standards deemed acceptable by virtue of reference by U.S. Environmental Protection Agency or the Board. (Patron—Simon) . . . . . HB 1723 298 576

**Toxic substances;** Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . . . . . HB 1829 173 329

**EPINEPHRINE**

**Epinephrine;** regulation for possession and administration in licensed private schools for students with disabilities and accredited private schools by an employee. (Patron—Greason) . . . . . HB 2216 387 731

**Pharmacists;** prescriber may authorize to possess epinephrine and oxygen for administration in treatment of emergency medical conditions. (Patron—Hodges) . . . . . HB 1914 514 1166

**EROSION AND SEDIMENT CONTROL**

**Routine highway maintenance projects;** exemption from erosion and sediment control requirements. (Patron—Scott) . . . . . HB 1827 497 907

**ERWIN, JOHN ROBERT**

**Erwin, John Robert;** recording sorrow upon death. (Patron—Toscano) . . . . . HJR 798 2741

**ESTATES**

**Small estates;** successor may endorse small assets in form of checks or negotiable instruments. (Patron—Minchew) . . . . . HB 2229 617 1391

**ETERNAL LIFE CHURCH**

**Eternal Life Church;** commemorating its 10th anniversary. (Patron—Morris) . . . . . HR 291 2881

**ETHNIC GROUPS**

**Small, Women-owned, and Minority-owned Business Loan Fund;** established, abolishes Capital Access Fund for Disadvantaged Businesses, cash balances shall be transferred to Fund.  
 Patron—James . . . . . HB 1757 696 2213  
 Patron—Lucas . . . . . SB 854 697 2218

**Virginia Alcoholic Beverage Control Authority;** created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to

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**ETHNIC GROUPS - Continued**

facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .

SB 1032 38 91

**Virginia Alcoholic Beverage Control Authority;** created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .

HB 1776 730 2309

**Virginia Public Procurement Act;** small, women-owned, and minority-owned businesses, defines businesses.

Patron—Yancey . . . . .  
Patron—Alexander . . . . .

HB 2148 765 2524  
SB 1333 775 2559

**EVERHART, DEE**

**Everhart, Dee;** commending. (Patron—Campbell) . . . . .

HJR 695 2685

**EVIDENCE**

**Search warrants;** collection of evidence from computers, computer networks, and other electronic devices, search may be conducted in any location. (Patron—Wexton)

SB 1307 501 918

**FAGAN, WILLIAM D.**

**Fagan, William D.;** commending. (Patron—Norment) . . . . .

SJR 338 2975

**FAIRFAX, CITY OF**

**Affordable housing;** adds City of Fairfax to list of localities with authority to provide for an affordable housing dwelling unit program.

Patron—Bulova . . . . .  
Patron—Petersen . . . . .

HB 1471 390 739  
SB 889 605 1310

**FAIRFAX COUNTY**

**Fairfax County Chamber of Commerce;** commemorating its 90th anniversary. (Patron—Hugo) . . . . .

HJR 573 2642

**Fairfax County Fill the Boot Campaign;** commending. (Patron—Hugo) . . . . .

HJR 571 2641

**Flint Hill Elementary School;** commemorating its 60th anniversary. (Patron—Keam) .

HJR 944 2822

**Hollin Meadows Elementary School;** commemorating its 50th anniversary. (Patron—Surovell) . . . . .

HR 303 2888

**Langley High School;** commemorating its 50th anniversary. (Patron—Murphy) . . . . .

HJR 958 2829

**FAIRFAX YOUNG DEMOCRATS**

**Fairfax Young Democrats;** commending. (Patron—Surovell) . . . . .

HJR 868 2781

**FAIRFIELD COURT TENANT COUNCIL**

**Fairfield Court Tenant Council;** commemorating its 57th anniversary. (Patron—McClellan) . . . . .

HJR 818 2753

**FAITH BAPTIST CHURCH**

**Faith Baptist Church;** commemorating its 40th anniversary. (Patron—Cole) . . . . .

HJR 864 2779

**FAITH BAPTIST SCHOOL**

**Faith Baptist School ladies' basketball program;** commending. (Patron—Cole) . . . .

HJR 885 2791

**Faith Baptist School varsity men's basketball team;** commending. (Patron—Cole) . .

HJR 856 2775

**FALLS CHURCH, CITY OF**

**Congressional Schools of Virginia;** commemorating its 75th anniversary. (Patron—Simon) . . . . .

HR 288 2880

**Falls Church, City of;** amending charter, city boundaries. (Patron—Saslaw) . . . . .

SB 755 715 2274

**Lions Club of Falls Church;** commemorating its 75th anniversary. (Patron—Simon) .

HR 287 2879

**FARMER, STEVE**

**Farmer, Steve;** commending. (Patron—Newman) . . . . .

SJR 350 2982

**FARM-TO-SCHOOL WEEK**

**Farm-to-School Week;** designating as first full week in October 2015, and each succeeding year thereafter. (Patron—Scott) . . . . .

HJR 692 2683

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**FAUQUIER HIGH SCHOOL**

- Fauquier High School marching band**; commending. (Patron–Webert) . . . . . HJR 548 2629
- Fauquier High School wrestling team**; commending. (Patron–Webert) . . . . . HR 281 2876

**FEDERAL GOVERNMENT**

- Incarcerated persons**; transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released.  
Patron–Bell, Robert B. . . . . HB 2043 211 382
- Patron–McDougle . . . . . SB 1361 102 228

**FELONS AND FELONIES**

- Assault and battery**; Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron–Miller) . . . . . HB 1611 196 359
- Bail bondsmen and bail enforcement agents**; licensed bondsman who has been arrested for a felony offense shall not issue any new bonds. (Patron–Wilt) . . . . . HB 2314 600 1301
- Enticing, etc., another into a dwelling house**; any person who commits certain violations with intent to commit a felony is guilty of Class 6 felony. (Patron–Miller) . . . . . HB 1493 392 740
- Firearms or ammunition**; possession by convicted felons, restoration of rights, right to possess has been restored under law of another state subject to certain conditions. (Patron–Webert) . . . . . HB 2286 767 2530
- Higher educational institutions, public or private nonprofit**; establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service, certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report.  
Patron–Bell, Robert B. . . . . HB 1930 737 2390
- Patron–Black . . . . . SB 712 745 2416
- Prospective foster parents**; child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron–McEachin) . . . . . SB 1095 364 703
- Prostitution, pandering, etc.**; violation of certain provisions is punishable as Class 3 and 4 felonies. (Patron–Bell, Robert B.) . . . . . HB 2040 395 744

**FINANCIAL INSTITUTIONS AND SERVICES**

- Depository institutions**; authority to sponsor savings promotions, deposit of specified amount of money for specified time period in a qualifying account in order to obtain entries to win, no fee for participating in promotion.  
Patron–Habeeb . . . . . HB 1487 154 295
- Patron–Cosgrove . . . . . SB 737 12 48
- Financial institutions**; branch office does not include any automated teller machine, cash-dispensing machine, or similar electronic or computer terminal, clarifies definition of service facility.  
Patron–Byron . . . . . HB 1629 445 851
- Patron–Cosgrove . . . . . SB 875 19 57
- Medical assistance**; electronic asset verification program for purpose of verifying assets of applicant, financial institutions to provide certain medical records, sunset provision. (Patron–Sickles) . . . . . HB 2372 652 1480
- Open-end lending by banks, savings institutions, and credit unions**; in event of extension of credit, no finance charge shall be imposed if payment in full of unpaid balance is received at place designated by creditor prior to payment due date, which shall be at least 25 days later than billing date.  
Patron–Villanueva . . . . . HB 1800 454 863
- Patron–Chafin . . . . . SB 859 453 862

**FINES AND COSTS**

- Deferred and installment payments for fines, costs, etc.**; guidelines established by the court, such guidelines shall be reduced to writing as well as posted in clerk’s office and on court’s website, if website is available. (Patron–Hope) . . . . . HB 1506 265 507

**FIRE PROTECTION**

- Fire services and emergency medical services**; revises terminology and reorganizes provisions governing services, repeals certain provisions relating to penalty for

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**FIRE PROTECTION - Continued**

disobeying chief officer, definitions pertaining to emergency medical services personnel, vehicles, etc., certain provisions effective on January 1, 2016.

Patron–Stolle .....	HB	1584	502	918
Patron–Stuart .....	SB	938	503	1027

**FIREARMS**

**Firearm, stun weapon, or other weapon;** person knowingly possesses any weapon on school property, penalties. (Patron–Norment) .....

SB	1191	289	554
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**Firearms;** licensed dealer may perform a criminal history record information check before transferring, selling, etc., item that is not in his inventory. (Patron–DeSteph) .

HB	1702	759	2462
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**Firearms;** localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron–Marsden) .....

SB	936	220	391
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**Firearms or ammunition;** possession by convicted felons, restoration of rights, right to possess has been restored under law of another state subject to certain conditions. (Patron–Webert) .....

HB	2286	767	2530
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**Firearms or ammunition for firearms;** if person is not a resident of the Commonwealth, such person may petition the circuit court where last convicted for restoration of right for a permit to carry or possess. (Patron–Fowler) .....

HB	1666	200	362
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**FIREFIGHTERS AND FIRE MARSHALS**

**Assault and battery;** Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron–Miller) .....

HB	1611	196	359
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**Naloxone;** any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron–Gilbert) .....

HB	1833	732	2376
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**Naloxone or other opioid antagonist;** pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.

Patron–O'Bannon .....	HB	1458	725	2282
Patron–Obenshain .....	SB	1186	752	2432

**FISHERIES AND HABITAT OF THE TIDAL WATERS**

**Blue catfish;** unlawful for any person to introduce into, stock in, or release into waters of the Commonwealth, exception. (Patron–Ransone) .....

HB	2240	470	878
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**Clams, cultured;** Marine Resources Commission to issue permits for use of a handheld hydraulically operated device for harvesting from leased grounds. (Patron–Bloxom)

HB	1811	675	2147
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**Fish;** Board of Game and Inland Fisheries shall establish a permit to authorize permittee to artificially raise largemouth bass and other members of the sunfish family for sale from a privately owned facility. (Patron–Fariss) .....

HB	1686	463	870
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**Fishing privileges;** Marine Resources Commission shall revoke license to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. (Patron–Lingamfelter) .....

HB	2195	468	876
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**Menhaden fishery;** Governor may implement revised quota by proclamation, if Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase total allowable landings for menhaden. Repealing second enactment of Chapter 41, 2007 Acts and fourth enactment of Chapters 59 and 760, 2013 Acts. (Patron–Lewis) .....

SB	1464	493	905
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**FISHING LAWS AND LICENSES**

**Fish;** Board of Game and Inland Fisheries shall establish a permit to authorize permittee to artificially raise largemouth bass and other members of the sunfish family for sale from a privately owned facility. (Patron–Fariss) .....

HB	1686	463	870
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**Hunting, trapping, or fishing licenses;** allows person who is required to carry certain licenses or a hunter education certificate to meet requirement by carrying an electronic copy of the relevant license or certificate, exception. (Patron–Futrell) ...

HB	2111	479	882
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**FITCH, GEORGE B.**

**Fitch, George B.;** recording sorrow upon death. (Patron–Webert) .....

HJR	773		2727
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<b>FLINN, SALLY CLAY ESTES</b>			
<b>Flinn, Sally Clay Estes;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 786		2734
<b>FLINT HILL ELEMENTARY SCHOOL</b>			
<b>Flint Hill Elementary School;</b> commemorating its 60th anniversary. (Patron—Keam) . . . . .	HJR 944		2822
<b>FLOODS AND FLOOD CONTROL</b>			
<b>Comprehensive plan;</b> any locality included in Hampton Roads Planning District Commission shall incorporate into next scheduled and all subsequent reviews strategies to combat projected relative sea-level rise and recurrent flooding, local hazard mitigation plans required for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. (Patron—Miller) . . . . .	SB 1443	186	352
<b>Real Estate Board;</b> educational requirements for salespersons, includes three hours of updates on flood hazard areas and the National Flood Insurance Program, effective date. (Patron—Stolle) . . . . .	HB 2295	692	2205
<b>Virginia Residential Property Disclosure Act;</b> representations related to special flood hazard areas, purchasers are advised to exercise whatever due diligence they deem necessary, including review of any map depicting special flood hazard areas, etc. Patron—Stolle . . . . .	HB 1642	269	513
Patron—Locke . . . . .	SB 775	79	199
<b>FLOYD, DEE E.</b>			
<b>Floyd, Dee E.;</b> recording sorrow upon death. Patron—Landes . . . . .	HJR 565		2638
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<b>FOBBS, WILLIE, SR.</b>			
<b>Fobbs, Willie, Sr.;</b> recording sorrow upon death. (Patron—Dance) . . . . .	SR 112		3045
<b>FOOD AND BEVERAGE PRODUCTS, AND CONTAINERS</b>			
<b>Food and dairy products;</b> Commissioner of Agriculture and Consumer Services may take a sample from goods that have been seized because they are believed to violate the law, laboratory analysis. (Patron—Lewis) . . . . .	SB 1115	91	215
<b>FORBES, SHIRLEY H.</b>			
<b>Forbes, Shirley H.;</b> commending. (Patron—Leftwich) . . . . .	HJR 669		2672
<b>FOREIGN GOVERNMENTS AND COUNTRIES</b>			
<b>Incarcerated persons;</b> transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released. Patron—Bell, Robert B. . . . .	HB 2043	211	382
Patron—McDougle . . . . .	SB 1361	102	228
<b>Israel, State of;</b> commending. (Patron—Pogge) . . . . .	HJR 659		2667
<b>Uniform Interstate Family Support Act (UIFSA);</b> amends Act to modify current version, procedure to register child support order of foreign country for modification. (Patron—Watts) . . . . .	HB 1601	727	2293
<b>FORENSIC SCIENCE</b>			
<b>Firearms;</b> localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron—Marsden) . . . . .	SB 936	220	391
<b>FORESTS AND FORESTRY</b>			
<b>Forest products;</b> establishes overweight permit for hauling, length limitations. Patron—Knight . . . . .	HB 2072	72	193
Patron—Cosgrove . . . . .	SB 989	40	153
<b>Forest products;</b> revision of definition, changing of tax on all products, repeals certain returns and reports by transporters of products out of, within, or across the Commonwealth. (Patron—Fariss) . . . . .	HB 1724	170	325
<b>FORTUNE, ADAM</b>			
<b>Fortune, Adam;</b> recording sorrow upon death. (Patron—Minchew) . . . . .	HJR 960		2830
<b>FORTUNE, ASHLAND D.</b>			
<b>Fortune, Ashland D.;</b> commending. (Patron—Garrett) . . . . .	SJR 265		2945

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**FOSTER CARE**

- Foster care**; placement of children, registration with Registry, local board shall request a search of Putative Father Registry to determine whether any man has registered as the putative father of the child. (Patron—Barker) . . . . . SB 1423 531 1182
- Foster care**; removes certain provision requiring the Department of Social Services create a separate section within a plan that describes why a child cannot be returned home, etc. (Patron—Favola) . . . . . SB 947 120 260
- Prospective foster parents**; child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron—McEachin) . . . . . SB 1095 364 703

**FOUR CHAPLAINS**

- Four Chaplains**; commemorating the lives and legacies on the 72nd anniversary of their deaths. (Patron—Anderson) . . . . . HJR 579 2643

**FOWLKES, RACHEL DAVIS**

- Fowlkes, Rachel Davis**; commending. (Patron—Carrico) . . . . . SR 109 3043

**FOWLKES, SHIRLEY**

- Fowlkes, Shirley**; commending. (Patron—Martin) . . . . . SJR 230 2902

**FRANCE, JOE HAMPTON**

- France, Joe Hampton**; recording sorrow upon death. (Patron—Colgan) . . . . . SJR 267 2946

**FRANKLIN, CITY OF**

- Eternal Life Church**; commemorating its 10th anniversary. (Patron—Morris) . . . . . HR 291 2881

**FRAUD**

- Intestate estate**; clerk shall require person to sign under oath that such person is not under a disability as defined in -β 8.01-2, regardless of whether his civil rights have been restored, has not been convicted of a felony offense, etc., if person convicted of such felony offense, court or clerk may grant administration to such person if he is otherwise suitable and competent to perform his duties. (Patron—Chafin) . . . . . SB 865 551 1220

**FRED KOREMATSU DAY OF CIVIL LIBERTIES AND THE CONSTITUTION**

- Fred Korematsu Day of Civil Liberties and the Constitution**; designating as January 30, 2016, and each succeeding year thereafter. (Patron—Keam) . . . . . HJR 641 2661

**FRED M. LYNN MIDDLE SCHOOL**

- Fred M. Lynn Middle School**; commemorating its 50th anniversary. (Patron—Futrell) HJR 905 2802

**FREDERICKSBURG CHRISTIAN SCHOOL**

- Fredericksburg Christian School football team**; commending. (Patron—Orrock) . . . HJR 561 2636

**FREDERICKSBURG, CITY OF**

- Faith Baptist Church**; commemorating its 40th anniversary. (Patron—Cole) . . . . . HJR 864 2779
- Real estate with delinquent taxes or liens**; appointment of special commissioner in City of Fredericksburg. (Patron—Reeves) . . . . . SB 1229 379 725
- Tolls**; imposition and collection for use of Interstate Route 95 south of City of Fredericksburg with prior approval of General Assembly. (Patron—Lucas) . . . . . SB 1451 681 2158

**FREEDOM OF INFORMATION**

- Virginia Freedom of Information Act**; exception to open meeting requirements. (Patron—Ruff) . . . . . SB 969 131 270
- Virginia Freedom of Information Act**; expands open meeting exemptions, discussions relating to cybersecurity. (Patron—Stuart) . . . . . SB 1109 182 345
- Virginia Freedom of Information Act**; expands record exemption for public safety, cybersecurity. (Patron—Stuart) . . . . . SB 1129 183 348
- Virginia Freedom of Information Act**; record exemption for certain health records. Patron—Gilbert . . . . . HB 1633 127 266  
Patron—Ruff . . . . . SB 968 22 60
- Virginia Freedom of Information Act**; records held by both Virginia Commonwealth University and VCU Medical Center, discussion of certain matters at VCU Board of Visitors meeting. (Patron—Peace) . . . . . HB 2104 549 1213

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**FREEDOM OF INFORMATION - Continued**

**Virginia Freedom of Information Act;** resource management plans, closed meetings for purposes of discussion or consideration of certain personal and proprietary information.

Patron—Scott	HB 1618	169	321
Patron—Hanger	SB 1126	27	68

**FRENZEL, WILLIAM ELDRIDGE**

**Frenzel, William Eldridge;** recording sorrow upon death. (Patron—Minchew) . . . . . HJR 896 2797

**FREY, MICHAEL R.**

**Frey, Michael R.;** commending.

Patron—Albo	HR 320		2896
Patron—Marsden	SR 127		3053

**FRYE, JAMES**

**Frye, James;** commending. (Patron—Leftwich) . . . . . HJR 626 2655

**FULLER, WAYNE DALLAS**

**Fuller, Wayne Dallas;** recording sorrow upon death. (Patron—Peace) . . . . . HR 198 2837

**FUNERAL HOME DIRECTORS AND SERVICES**

**Funeral Directors and Embalmers, Board of;** clarifies definition of embalming. (Patron—Alexander) . . . . . SB 895 534 1186

**Veterans;** funeral director authorized to notify veterans service organizations as an alternative to notifying Department of Veterans Services, determination if cremains are those of a veteran's eligible dependent. (Patron—Alexander) . . . . . SB 1106 138 282

**FUNK, BROCK ANTHONY MICHAEL**

**Funk, Brock Anthony Michael;** recording sorrow upon death.

Patron—O'Quinn	HJR 751		2715
Patron—Carrico	SJR 331		2970

**GAGNON, PAUL**

**Gagnon, Paul;** recording sorrow upon death. (Patron—Sickles) . . . . . HJR 746 2712

**GALLAER, S. RICHMOND**

**Gallaer, S. Richmond;** commending. (Patron—Yancey) . . . . . HR 253 2863

**GAMBLE, J. MICHAEL**

**Gamble, J. Michael;** commending. (Patron—Cline) . . . . . HJR 925 2812

**GAMBLING, LOTTERIES, ETC.**

**Charitable Gaming Board;** membership, nonlegislative citizen members appointed to the Board, this act shall not be construed to affect existing appointments to the Board for terms that have not expired, new appointments. (Patron—Ruff) . . . . . SB 1309 755 2439

**Virginia Racing Commission (VRC);** powers, definitions, advance deposit account wagering revenues, distribution.

Patron—Scott	HB 1826	731	2369
Patron—Vogel	SB 1097	751	2425

**GAME, INLAND FISHERIES, AND BOATING**

**Armed forces member;** extends entitlement to obtain a state resident license to hunt, trap, or fish to the immediate family of a member. (Patron—Alexander) . . . . . SB 838 678 2154

**Blue catfish;** unlawful for any person to introduce into, stock in, or release into waters of the Commonwealth, exception. (Patron—Ransone) . . . . . HB 2240 470 878

**Boating safety education;** exempts a motorboat operator who is serving or has qualified as an Officer of the Deck Underway, etc., or Marine Deck Officer in any branch of the United States Armed Forces, United States Coast Guard, or Merchant Marine. (Patron—Cole) . . . . . HB 1324 160 310

**Fish;** Board of Game and Inland Fisheries shall establish a permit to authorize permittee to artificially raise largemouth bass and other members of the sunfish family for sale from a privately owned facility. (Patron—Fariss) . . . . . HB 1686 463 870

**Fur-bearing animal;** defines fisher in hunting and trapping provisions. (Patron—Webert) . . . . . HB 2331 618 1392

**Game and Inland Fisheries, Department of;** Director to enter into reciprocal law-enforcement agreements with other states. (Patron—Lingamfelter) . . . . . HB 1961 68 185

**Game and Inland Fisheries, Department of;** reconfirming appointment of Director. (Patron—Vogel) . . . . . SJR 360 2988

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**GAME, INLAND FISHERIES, AND BOATING - Continued**

**Hunting, trapping, or fishing licenses;** allows person who is required to carry certain licenses or a hunter education certificate to meet requirement by carrying an electronic copy of the relevant license or certificate, exception. (Patron–Futrell) . . . HB 2111 479 882

**Noncommercial vessels;** no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron–Morris) . . . . . HB 1298 484 887

**Waterfowl blinds;** expiration and renewal of licenses in Virginia Beach, late fee, blinds shall not be required to be removed upon initial expiration if the licensee notifies the Department that he intends to renew the license. (Patron–Wagner) . . . . . SB 1461 255 470

**Wildlife traps;** Board of Game and Inland Fisheries shall adopt regulations permitting trappers to use remote trap-checking technology. (Patron–Bulova) . . . . . HB 1516 47 158

**GARBER, J. MANLEY**

**Garber, J. Manley;** commending. (Patron–Marshall, R.G.) . . . . . HJR 772 2727

**GARNETT, JIMMY AND SONDRA**

**Garnett, Jimmy and Sondra;** commending. (Patron–Martin) . . . . . SJR 231 2903

**GARRETT, COURTNEY PAIGE**

**Garrett, Courtney Paige;** commending. (Patron–Newman) . . . . . SJR 349 2982

**GARRETT, JOHN MCE.**

**Garrett, John McE.;** commending. (Patron–McDougle) . . . . . SR 95 3036

**GARRIS, WESLEY**

**Garris, Wesley;** commending. (Patron–Morris) . . . . . HR 235 2854

**GAS AND OIL MINING**

**Coalbed methane gas;** operator of certain force-pooled wells to apply to Board on or before January 1, 2016, for and give written notice of such application to all conflicting claimants identified. (Patron–Kilgore) . . . . . HB 2058 396 744

**GASOLINE, GASOHOL, AND DIESEL FUEL**

**Gas severance tax;** no tax shall be imposed on or after January 1, 2018.  
Patron–Morefield . . . . . HB 1705 271 514  
Patron–Chafin . . . . . SB 1308 381 726

**GATE CITY HIGH SCHOOL**

**Gate City High School volleyball team;** commending.  
Patron–Kilgore . . . . . HJR 705 2690

**GENERAL ASSEMBLY**

**Administration, Finance, and Technology, Secretaries of;** Secretaries shall jointly establish a work group to provide the public, et al., with access to operational data and information of state agencies within the subject matter jurisdiction of each standing committee of the General Assembly. (Patron–Cline) . . . . . HB 2378 473 880

**Administrative Process Act;** certain review by Joint Commission on Administrative Rules, report. (Patron–Ransone) . . . . . HB 1751 608 1312

**Administrative Process Act;** legislative review of regulations.  
Patron–DeSteph . . . . . HB 1899 450 858  
Patron–Wagner . . . . . SB 1198 29 74

**Administrative Rules, Joint Commission on;** powers and duties, effect of administrative rules on private sector employment.  
Patron–Garrett . . . . . SB 1136 337 659

**Agency coordination;** Secretary of Education shall consult with agencies for which he is responsible pursuant to statute and biennially report to the General Assembly. (Patron–Landes) . . . . . HB 1335 140 283

**Capitol Police;** security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.  
Patron–Cox . . . . . HB 1466 448 857  
Patron–McDougle . . . . . SB 1048 455 864

**Commonwealth Transportation Board;** nonlegislative citizen members shall be appointed by Governor, subject to confirmation by General Assembly, effective date. (Patron–Hugo) . . . . . HB 2164 374 723

## GENERAL ASSEMBLY - Continued

<b>Conflict of Interests Act, State and Local Government, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council;</b> certain gifts prohibited, approvals required for certain travel, provisions requiring filers file disclosure forms with Virginia Conflict of Interest and Ethics Advisory Council by electronic means shall become effective on July 1, 2016, Council shall review current forms and make recommendations for revision, certain provisions shall become effective on July 1, 2015, appointment of Council members.				
Patron—Gilbert .....	HB	2070	763	2481
Patron—Norment .....	SB	1424	777	2571
<b>Electric Utility Regulation, Commission on;</b> extends sunset provision.				
Patron—Norment .....	SB	1466	628	1417
<b>General Assembly;</b> adjournment sine die.				
Patron—Cox .....	HJR	962		2832
<b>General Assembly;</b> establishes 2016 Regular Session pre-filing schedule. (Patron—Cox) .....	HJR	524		2623
<b>General Assembly;</b> establishes a schedule for the conduct of business coming before 2015 Regular Session. (Patron—Cox) .....	HJR	523		2620
<b>General Assembly;</b> notifying Governor of organization.				
Patron—Cox .....	HJR	645		2662
<b>Health Insurance Reform Commission;</b> powers and duties, upon request assess proposed mandated benefits and providers, report, staffing by Division of Legislative Services. (Patron—Byron) .....	HB	2026	698	2223
<b>Intercollegiate athletics programs;</b> format for each institution to report its revenues and expenses, subsidy percentages, Intercollegiate Athletics Review Commission established, provisions shall become effective on July 1, 2016. (Patron—Cox) .....	HB	1897	704	2243
<b>Motor vehicle dealers;</b> prohibits coercion by any manufacturer, distributor, or any affiliate, General Assembly to exercise their power to regulate commerce to protect citizens of the Commonwealth. (Patron—Habeeb) .....	HB	1935	236	433
<b>Performance and incentive grants;</b> review of incentive packages, report, repeals provisions pertaining to Semiconductor Manufacturing Performance Grant Programs and Clean Energy Manufacturing Incentive Grant Program. (Patron—James) .....	HB	1842	761	2475
<b>Public-Private Transportation Act;</b> establishes requirement for finding of public interest, approval by responsible public entity, certification in writing by entity to Governor and General Assembly of comprehensive agreements, etc., Transportation Public-Private Partnership Advisory Committee established, report. (Patron—Jones) .....	HB	1886	612	1346
<b>Tolls;</b> imposition and collection for use of Interstate Route 95 south of City of Fredericksburg with prior approval of General Assembly. (Patron—Lucas) .....	SB	1451	681	2158
<b>Transportation Accountability, Joint Commission on;</b> powers and duties.				
Patron—Hugo .....	HB	2266	480	883
<b>Veterans Care Center projects;</b> funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.				
Patron—Cox .....	HB	1275	720	2276
Patron—Cox .....	HB	1276	721	2276
Patron—Puller .....	SB	675	743	2415
Patron—Puller .....	SB	676	744	2415
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) .....	SB	1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except				

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**GENERAL ASSEMBLY - Continued**

provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .

HB 1776 730 2309

**Virginia Retirement System**; cash balance retirement plan shall be reviewed, developed, and submitted to General Assembly no later than November 1, 2015. (Patron—Jones) . . . . .

HB 1969 511 1163

**Virginia Virtual School, Board of**; established, report, certain provisions shall become effective on July 1, 2016, and only if reenacted by 2016 Session of General Assembly. (Patron—Bell, Richard P.) . . . . .

HB 324 700 2226

**GENERAL PROVISIONS**

**"Sweet Virginia Breeze" and "Our Great Virginia"**; designating as the official state songs.

Patron—Howell . . . . .

HB 1472 586 1263

Patron—Stosch . . . . .

SB 1362 587 1264

**GEORGE MASON UNIVERSITY GREEN MACHINE**

**George Mason University Green Machine**; commending.

Patron—Petersen . . . . .

SR 94 3035

**GILES COUNTY**

**Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team**; commending. (Patron—Rush) . . . . .

HJR 580 2644

**Palisades Restaurant**; commemorating its 6th anniversary. (Patron—Yost) . . . . .

HJR 779 2731

**GILES HIGH SCHOOL**

**Giles High School football team**; commending.

Patron—Yost . . . . .

HJR 920 2810

**GINTER PARK TERRACE HISTORIC DISTRICT**

**Ginter Park Terrace Historic District**; commemorating its 100th anniversary. (Patron—McClellan) . . . . .

HJR 821 2755

**GLASSCOCK, J. SAMUEL**

**Glasscock, J. Samuel**; commending. (Patron—Jones) . . . . .

HR 275 2873

**GLEN LYN CHURCH OF CHRIST**

**Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team**; commending. (Patron—Rush) . . . . .

HJR 580 2644

**GLENVAR HIGH SCHOOL**

**Glenvar High School football team**; commending.

Patron—Habeeb . . . . .

HJR 671 2673

Patron—Edwards . . . . .

SJR 266 2945

**GODLEY, PATSY**

**Godley, Patsy**; commending. (Patron—Orrock) . . . . .

HJR 560 2636

**GOLDEN, JIM**

**Golden, Jim**; commending. (Patron—Mason) . . . . .

HJR 903 2801

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**Benedictine College Preparatory school football team**; commending. (Patron—Farrell) . . . . .

HJR 556 2633

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**Capitol Police**; security for Governor-elect, Lieutenant Governor-elect, Attorney General-elect, and members of the Court of Appeals.

Patron—Cox . . . . .

HB 1466 448 857

Patron—McDougle . . . . .

SB 1048 455 864

**Commonwealth Transportation Board**; nonlegislative citizen members shall be appointed by Governor, subject to confirmation by General Assembly, effective date. (Patron—Hugo) . . . . .

HB 2164 374 723

**General Assembly**; notifying Governor of organization.

Patron—Cox . . . . .

HJR 645 2662

**Governor**; confirming appointments.

Patron—Vogel . . . . .

SJR 257 2910

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<b>Innovation and Entrepreneurship Investment Authority</b> ; powers, membership, one nonlegislative citizen member to be appointed by the Governor, Speaker of the House, and Senate Committee on Rules, report. (Patron–Vogel) .....	SB 1385	687	2189
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<b>Prospective foster parents</b> ; child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron–McEachin) .....	SB 1095	364	703
<b>Public-Private Transportation Act</b> ; establishes requirement for finding of public interest, approval by responsible public entity, certification in writing by entity to Governor and General Assembly of comprehensive agreements, etc., Transportation Public-Private Partnership Advisory Committee established, report. (Patron–Jones) .....	HB 1886	612	1346
<b>Service and Volunteerism, Advisory Board on</b> ; established to advise Governor and his Cabinet, funding for costs of compensation and expenses of members shall be provided by Department of Social Services in accordance with federal law, sunset provision. Patron–McClellan .....	HB 2071	452	861
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<b>Virginia Values Veterans Program</b> ; certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron–Stolle) .....	HB 1641	318	625
<b>GRAPIN, SEAN THOMAS</b>			
<b>Grapin, Sean Thomas</b> ; commending. (Patron–Kory) .....	HR 221		2847
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<b>Green, Chad</b> ; commending. (Patron–Yancey) .....	HR 267		2870
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<b>Eastern Virginia Groundwater Management Advisory Committee</b> ; established, membership shall include state and federal agencies' officials, university faculty, citizens, etc., with expertise in water resources-related issues, report, sunset provision. Patron–Hodges .....	HB 1924	613	1349
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<b>Postdevelopment stormwater management technical criteria</b> ; Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron–DeSteph) .....	HJR 587		2645
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<b>Privacy Expectation Afterlife and Choices Act</b> ; created, immunity for compliance in good faith, Joint Commission on Technology and Science to develop legislative recommendations to address access to electronic communication records and digital account content by guardians ad litem, etc. (Patron–Obenshain) .....	SB 1450	657	1493

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**GUM DISEASE AWARENESS MONTH**

**Gum Disease Awareness Month**; designating as February 2016, and each succeeding year thereafter. (Patron—Marshall, D.W.) . . . . . HJR 533 2625

**GUSTAVSON, SCOTT HENRY**

**Gustavson, Scott Henry**; recording sorrow upon death. (Patron—Wexton) . . . . . SJR 330 2970

**HAGAN, MATT**

**Hagan, Matt**; commending. Patron—Rush . . . . . HJR 871 2783

**HAIRSTON, WILLIAM CROSBY**

**Hairston, William Crosby**; commending. (Patron—Marshall, D.W.) . . . . . HJR 946 2823

**HALIFAX COUNTY**

**Dan River**; designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron's Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron—Edmunds) . . . . . HB 1507 46 158

**HAMBERGER, SCOTT M.**

**Hamberger, Scott M.**; commending. (Patron—Ramadan) . . . . . HJR 894 2796

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**Hamm, Jack R.**; recording sorrow upon death. (Patron—O'Quinn) . . . . . HJR 714 2694

**HAMPTON, CITY OF**

**Hampton, City of**; amending charter, candidacy of councilmembers in mayoral election. Patron—BaCote . . . . . HB 2025 438 837  
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**HAMPTON ROADS AREA**

**Comprehensive plan**; any locality included in Hampton Roads Planning District Commission shall incorporate into next scheduled and all subsequent reviews strategies to combat projected relative sea-level rise and recurrent flooding, local hazard mitigation plans required for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. (Patron—Miller) . . . . . SB 1443 186 352

**Hampton Roads Transportation Accountability Commission**; population estimates. (Patron—Ward) . . . . . HB 1510 232 429

**Overheight vehicles**; when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron—Lewis) . . . . . SB 956 181 344

**Veterans Care Center projects**; funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.

Patron—Cox . . . . . HB 1275 720 2276  
Patron—Cox . . . . . HB 1276 721 2276  
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**HAMPTON ROADS SANITATION DISTRICT**

**Hampton Roads Sanitation District**; commemorating its 75th anniversary. (Patron—Knight) . . . . . HJR 729 2702

**HANCOCK, JEROME**

**Hancock, Jerome**; commending. (Patron—Martin) . . . . . SR 86 3031

**HANCOCK, RUTH AILEEN**

**Hancock, Ruth Aileen**; recording sorrow upon death. (Patron—O'Quinn) . . . . . HJR 511 2617

**HANCOCK, V. RAY**

**Hancock, V. Ray**; commending. (Patron—O'Quinn) . . . . . HJR 510 2617

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<b>Hanover Concert Band</b> ; commemorating its 25th anniversary.			
Patron—Fowler . . . . .	HJR 911		2805
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Patron—Fowler . . . . .	HJR 816		2752
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<b>Harris, George W., Jr.</b> ; recording sorrow upon death.			
Patron—Rasoul . . . . .	HJR 762		2721
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<b>Harris, Herbert E., II</b> ; recording sorrow upon death. (Patron—Surovell) . . . . .	HJR 787		2735
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<b>HARVEY, TOMMY</b>			
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<b>Harvey-Halseth, Mary</b> ; commending. (Patron—Cline) . . . . .	HJR 926		2813
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<b>Hatcher, Paul</b> ; commending.			
Patron—Bell, Richard P. . . . .	HJR 766		2724
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<b>Haynes, Kingsley Edwin</b> ; commending. (Patron—Petersen) . . . . .	SJR 333		2972
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<b>Haysi High School football team</b> ; commending.			
Patron—Pillion . . . . .	HR 250		2861
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<b>Chemical storage in the Commonwealth</b> ; Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron—Watkins) . . . . .			
	SB 811	241	444
<b>Toxic substances</b> ; Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . . . . .			
	HB 1829	173	329
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	HB 1558	108	238
<b>Advance directives</b> ; directions about life-prolonging procedures during pregnancy. (Patron—Rust) . . . . .			
	HB 1657	109	248
<b>Asbestos, Lead, and Home Inspectors, Virginia Board for</b> ; unlawful for any person who is not a certified home inspector and who has not successfully completed the training module to conduct new home inspections, requirements for certification. (Patron—Peace) . . . . .			
	HB 2103	411	791
<b>Autism spectrum disorder</b> ; Board of Medicine shall post information about diagnosis and treatment available to licensees on website. (Patron—Hanger) . . . . .			
	SB 1045	363	703
<b>Blood testing</b> ; in cases in which a school board employee is exposed to body fluids of a minor, parent, guardian, or person standing in loco parentis shall be notified prior to initiating such testing. (Patron—Landes) . . . . .			
	HB 1587	51	162

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**Breastfeeding in public places;** mother may breastfeed in any place where she is lawfully present.

Patron—Albo .....	HB 1499	45	157
Patron—Wexton .....	SB 1427	105	235

**Certificate of public need;** clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner. (Patron—Orrock) .....

HB 2177	651	1478
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**Certificate of public need;** eliminates regional health planning agencies and adds an exception to definition of project, clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner, Secretary of Health and Human Resources to convene workgroup and report recommendations. (Patron—Martin) .....

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**Chemical storage in the Commonwealth;** Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron—Watkins) .....

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**Chesapeake Hospital Authority;** changes compensation for members, no member shall be compensated for participation in a meeting by electronic means when not physically present at the meeting. Amending Chapter 271, 1966 Acts. (Patron—Leftwich) .....

HB 2236	358	699
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**Clean Power Plan, proposed federal;** Department of Environmental Quality to study projected health benefits of Plan in comparison with projected health benefits of existing regulations. (Patron—Wagner) .....

SJR 273		2949
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**Conflict of Interests Act, State and Local Government;** prohibited contracts by officers and employees of hospital authorities, filing of certain disclosure statements annually on or before December 15. (Patron—Cosgrove) .....

SB 876	699	2224
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**Dead bodies;** disposition, identification of decedent. (Patron—Hanger) .....

SB 1434	658	1495
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**Dead bodies;** role of a person other than a decedent's next of kin designated to make arrangements for decedent's burial or disposition of his remains, clarifies definition of next of kin. (Patron—Alexander) .....

SB 951	670	2142
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**DNA;** analysis upon conviction of certain misdemeanors, provisions shall apply only to persons convicted on or after July 1, 2015.

Patron—Bell, Robert B. ....	HB 1928	209	380
Patron—Obenshain .....	SB 1187	437	836

**DNA data bank;** State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron—Watts) .....

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**Emergency custody order;** temporary detention for testing, observation, and treatment of person who is the subject of an order, upon completion the hospital emergency room or other appropriate facility shall notify the nearest community services board, etc. (Patron—Barker) .....

SB 1114	659	1497
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**Emergency medical services personnel;** applicant for employment or to serve as a volunteer required to submit fingerprints and provide personal descriptive information, information to be provided directly to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for purpose of obtaining criminal history records. (Patron—Stuart) .....

SB 997	362	702
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**Fire services and emergency medical services;** revises terminology and reorganizes provisions governing services, repeals certain provisions relating to penalty for disobeying chief officer, definitions pertaining to emergency medical services personnel, vehicles, etc., certain provisions effective on January 1, 2016.

Patron—Stolle .....	HB 1584	502	918
Patron—Stuart .....	SB 938	503	1027

**Gamete donors;** repeals requirement for HIV testing in accordance with regulations of the Board of Health. (Patron—Stolle) .....

HB 1792	301	585
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**Health professions;** changes respiratory care practitioner to respiratory therapist throughout Code of Virginia, updates other terminology, definition of radiologic technologist to include administration of radioactive chemical compounds under the

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direction of an authorized user as specified by regulations of Department of Health. (Patron—Stolle) . . . . .	HB 1818	302	585
<b>Health Professions, Department of;</b> disclosure of confidential information. (Patron—O'Bannon) . . . . .	HB 1963	114	253
<b>Home care organizations;</b> unlawful advertising. (Patron—Krupicka) . . . . .	HB 1868	304	595
<b>Home health and hospice organizations;</b> reporting requirements concerning health professionals, State Health Commissioner shall not be required to report information reported to the Director of Office of Licensure and Certification. (Patron—Favola) . .	SB 944	119	258
<b>Hospices;</b> notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron—Hodges) . . . . .	HB 1738	668	2142
<b>Hospital discharge procedures;</b> each patient admitted as an inpatient or his legal guardian to designate an individual to receive information and instructions. Patron—Filler-Corn . . . . .	HB 1413	106	235
Patron—Favola . . . . .	SB 851	18	56
<b>Hospitals;</b> establishing policies to follow when a stillbirth occurs, reporting to Virginia Congenital Anomalies Reporting and Education System. (Patron—Norment) . . . . .	SB 1197	661	1509
<b>Hospitals;</b> oral and written notice to patient that has been placed in observation or outpatient status. (Patron—Black) . . . . .	SB 750	365	704
<b>Maternity patients;</b> information about safe sleep environments for infants. (Patron—Bulova) . . . . .	HB 1515	296	569
<b>Medicaid;</b> Joint Legislative Audit and Review Commission to study the Commonwealth's program. Patron—Landes . . . . .	HJR 637		2659
Patron—Hanger . . . . .	SJR 268		2947
<b>Medicaid payment;</b> trial for false statement or representation on application, venue. (Patron—Vogel) . . . . .	SB 1086	537	1191
<b>Medical assistance;</b> electronic asset verification program for purpose of verifying assets of applicant, financial institutions to provide certain medical records, sunset provision. (Patron—Sickles) . . . . .	HB 2372	652	1480
<b>Medical malpractice proceedings;</b> medical experts licensed in other states are presumed to know standard of care in Virginia, extends presumption to all licensed health care providers in Virginia. Patron—Campbell . . . . .	HB 1775	310	606
Patron—Chafin . . . . .	SB 862	361	701
<b>Medical school scholarships;</b> expands eligibility for program administered by Board of Health for certain medical students. (Patron—Stanley) . . . . .	SB 717	532	1184
<b>Medicolegal death investigators;</b> Chief Medical Examiner may appoint per diem investigators. (Patron—Garrett) . . . . .	HB 1607	53	165
<b>Neighborhood assistance tax credits;</b> eligibility of a physician specialist. (Patron—O'Bannon) . . . . .	HB 1459	153	294
<b>Onsite sewage systems;</b> validity of certain septic tank permits, voluntary upgrade waivers. (Patron—Knight) . . . . .	HB 1804	111	251
<b>Patients and family members with sensory disabilities;</b> Department of Health shall work with stakeholders to develop guidelines for hospitals to ensure persons are able to communicate effectively with health care providers, report. (Patron—Orrock) . . . .	HB 1956	113	252
<b>Physician assistants and nurse practitioners;</b> appointment as medical examiners. (Patron—O'Bannon) . . . . .	HB 1435	107	236
<b>Post-adoption services;</b> State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families. Patron—Farrell . . . . .	HB 1821	5	38
Patron—Martin . . . . .	SB 834	17	55
<b>Prescription Monitoring Program;</b> Director of the Department of Health Professions to disclose certain information relevant to a specific investigation, etc. (Patron—Howell) . . . . .	SB 817	118	257
<b>Radon;</b> persons certified as proficient to offer screening, testing, and mitigation shall comply with standards deemed acceptable by virtue of reference by U.S. Environmental Protection Agency or the Board. (Patron—Simon) . . . . .	HB 1723	298	576

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**Southwest Virginia Health Authority;** review and approval of proposed cooperative agreements, definition of hospital includes all providers of mental health services, etc., Authority shall submit regional health goals to the State Health Commissioner. (Patron—Kilgore) . . . . . HB 2316 741 2409

**Virginia Freedom of Information Act;** record exemption for certain health records.  
Patron—Gilbert . . . . . HB 1633 127 266  
Patron—Ruff . . . . . SB 968 22 60

**Woodrow Wilson Rehabilitation Center;** changes name to Wilson Workforce and Rehabilitation Center. (Patron—Hanger) . . . . . SB 1039 542 1204

**HEALTH AND HUMAN RESOURCES, SECRETARY OF**

**Certificate of public need;** eliminates regional health planning agencies and adds an exception to definition of project, clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner, Secretary of Health and Human Resources to convene workgroup and report recommendations. (Patron—Martin) . . . . . SB 1283 541 1202

**HEALTH INSURANCE**

**Child support;** proportionate share of health insurance premiums. (Patron—McClellan) HB 1951 510 1148

**Health insurance;** carrier business practices, requires carrier communicate to the prescriber or his designee within 24 hours of submission of an urgent prior authorization request, if submitted telephonically or in an alternate method directed by the carrier, etc., report.  
Patron—Habeeb . . . . . HB 1942 515 1169  
Patron—Newman . . . . . SB 1262 516 1170

**Health insurance;** mandated coverage for autism spectrum disorder, from and after January 1, 2016, for individuals from age two years through age 10 years, provisions shall not apply to policies, contracts, or plans issued in the individual market or small group markets. (Patron—Greason) . . . . . HB 1940 650 1476

**Health insurance;** mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron—O'Bannon) . . . . . HB 1747 649 1469

**Health Insurance Reform Commission;** powers and duties, upon request assess proposed mandated benefits and providers, report, staffing by Division of Legislative Services. (Patron—Byron) . . . . . HB 2026 698 2223

**Investigational drugs, biological products, and devices;** eligibility of person for expanded access to drugs, etc., informed consent to treatment, manufacturer, distributor, health care provider, etc., shall be immune from suit and civil liability caused by, arising out of, or relating to the design, clinical testing, etc., made available to such person.  
Patron—Ransone . . . . . HB 1750 656 1491  
Patron—Stanley . . . . . SB 732 655 1489

**Opioid medications;** Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations. (Patron—Byron) . . . . . HJR 630 2656

**HEARING-IMPAIRED PERSONS**

**Students, hearing or visually impaired;** local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron—Bell, Richard P.) . . . . . HB 1679 55 169

**HELMER, DAVID G.**

**Helmer, David G.;** recording sorrow upon death. (Patron—Head) . . . . . HR 317 2894

**HENRICO COUNTY**

**Henrico County Court Appointed Special Advocates, Inc.;** commemorating its 20th anniversary. (Patron—McClellan) . . . . . HJR 822 2755

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**HENRY COUNTY**

**Henry County;** Department of Conservation and Recreation to convey certain property in Horsepasture District. (Patron—Poindexter) . . . . . HB 2247 472 879

**HERD, MILTON J.**

**Herd, Milton J.;** commending. (Patron—Minchew) . . . . . HJR 899 2799

**HERMIONE**

**Hermione;** commemorating the arrival of the French frigate at Virginia. (Patron—Yancey) . . . . . HJR 838 2764

**HERNDON WOMAN'S CLUB**

**Herndon Woman's Club;** commemorating its 75th anniversary. (Patron—Wexton) . . . . . SJR 329 2969

**HIDDEN VALLEY HIGH SCHOOL**

**Hidden Valley High School boys' swim team;** commending. Patron—Habeeb . . . . . HR 282 2877

**Hidden Valley High School golf team;** commending. (Patron—Habeeb) . . . . . HJR 672 2673

**HIGH POINT ELEMENTARY SCHOOL**

**High Point Elementary School;** commending. (Patron—O'Quinn) . . . . . HJR 615 2653

**HIGH SCHOOLS**

**High school graduation rate;** Board of Education shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes certain students, report. (Patron—Orrock) . . . . . HB 2318 705 2245

**Standards of Learning;** Department of Education shall make available to school divisions assessments typically administered by middle and high schools by December 1 of the school year.

Patron—Farrell . . . . . HB 1303 558 1225

Patron—Barker . . . . . SB 900 149 289

**HIGH-OCCUPANCY TOLL (HOT) LANES**

**High-occupancy toll (HOT) lanes;** clarifies circumstances under which law-enforcement vehicles may use without paying toll. (Patron—Rust) . . . . . HB 2235 73 194

**HIGHER EDUCATION**

**Commonwealth of Virginia Institutions of Higher Education Bond Act of 2015;** created. Patron—Jones . . . . . HB 1892 67 183

Patron—Stosch . . . . . SB 1043 89 210

**Farm winery;** licensees allowed to manufacture wine containing 21 percent or less of alcohol by volume, definition of winery to include an accredited public or private institution of higher education, wine manufactured by institution.

Patron—Bulova . . . . . HB 1634 54 165

Patron—McWaters . . . . . SB 1165 288 550

**Higher education;** framework of the statewide strategic plan developed by State Council of Higher Education for Virginia as Commonwealth's vision and plan be endorsed, report.

Patron—Landes . . . . . HJR 555 2632

Patron—Martin . . . . . SJR 228 2901

**Higher educational institutions;** six-year plans to include certain information on intellectual property and externally sponsored research.

Patron—Toscano . . . . . HB 1959 579 1252

Patron—Wagner . . . . . SB 1206 580 1253

**Higher educational institutions;** State Council of Higher Education, et al., shall establish policy on course credit for certain examinations. (Patron—Landes) . . . . . HB 1336 578 1252

**Higher educational institutions;** student mental health policies shall require procedures for notifying institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. (Patron—Barker) . . . . . SB 1122 716 2274

**Higher educational institutions;** students exhibiting suicidal tendencies or behavior, institutional policies and procedures for notification of the student mental health or counseling center. (Patron—LeMunyon) . . . . . HB 1715 663 1513

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HIGHER EDUCATION - Continued

**Higher educational institutions, four-year public;** institution shall maintain and update annually a tab or link on the home page of its website certain consumer information.

Patron—Hugo ..... HB 1980 325 634  
Patron—McWaters ..... SB 1223 328 635

**Higher educational institutions, public or private nonprofit;** establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service, certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report.

Patron—Bell, Robert B. .... HB 1930 737 2390  
Patron—Black ..... SB 712 745 2416

**Information technology projects and services;** Chief Information Officer authorized to approve and make decisions without routine approval, Secretary of Technology shall designate a state agency or higher educational institution as business sponsor responsible for implementing an enterprise information technology project, etc. (Patron—Jones) .....

HB 2323 768 2531

**Senior citizens' higher education;** increases maximum taxable individual income for those who wish to register and enroll in courses. (Patron—Keam) .....

HB 2068 146 288

**Teachers;** every person seeking renewal of a license shall complete all renewal requirements, including professional development as may be prescribed by Board, except no person seeking licensure renewal shall be required to satisfy any such requirement by completing coursework and earning credit at higher educational institution. (Patron—Farrell) .....

HB 1320 562 1229

**Teachers, qualified;** Department of Education and State Council of Higher Education for Virginia to examine critical shortages in certain teaching endorsement areas and to recommend strategies for addressing. (Patron—Orrock) .....

HJR 558 2635

**Virginia Information Technologies Agency;** certain private higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. (Patron—Rust) .....

HB 1661 462 869

**Virginia Values Veterans Program;** certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron—Stolle) .....

HB 1641 318 625

HIGHWAYS, BRIDGES, AND FERRIES

**Blue Star Memorial Highway;** designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) .....

HB 2312 376 723

**Commonwealth Transportation Board;** membership, funding for transportation, report, allocation of funds to certain towns for urban highways, Transportation Partnership Opportunity Fund created. (Patron—Jones) .....

HB 1887 684 2162

**Commonwealth Transportation Board;** nonlegislative citizen members shall be appointed by Governor, subject to confirmation by General Assembly, effective date. (Patron—Hugo) .....

HB 2164 374 723

**Hampton Roads Transportation Accountability Commission;** population estimates. (Patron—Ward) .....

HB 1510 232 429

**High-occupancy toll (HOT) lanes;** clarifies circumstances under which law-enforcement vehicles may use without paying toll. (Patron—Rust) .....

HB 2235 73 194

**Highway funds;** allocation by the Commonwealth Transportation Board, five percent to paving or improving unpaved highways carrying more than 50 vehicles per day, provisions shall become effective on July 1, 2016. (Patron—Minchew) .....

HB 2391 676 2148

**Highway maintenance;** payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi) .....

HB 1402 722 2277

**Highways, bridges, and ferries;** clarification of certain revisions to Title 33, repeals Woodrow Wilson Bridge and Tunnel Compact. (Patron—LeMunyon) .....

HB 1398 256 471

**Hugh T. Pendleton Memorial Highway;** designating as a portion of Route 24 in Campbell County. (Patron—Fariss) .....

HB 1707 58 171

**Interstate 73 Transportation Compact;** created, Compact Commission established, report. (Patron—Stanley) .....

SB 847 243 445

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**HIGHWAYS, BRIDGES, AND FERRIES - Continued**

<b>Kenneth B. Gibson Memorial Park-and-Ride;</b> designating as park-and-ride facility on Interstate 81 in Town of Christiansburg. (Patron—Rush) . . . . .	HB	2269	375	723
<b>Mobile food vending businesses;</b> Commonwealth Transportation Board shall amend its regulations so as to permit on state highway rights-of-way except limited access highways, regulations shall allow localities to regulate businesses located within the locality. (Patron—Filler-Corn) . . . . .	HB	2042	466	872
<b>Northern Virginia Transportation Authority;</b> primary objective in regional transportation plan is to reduce congestion in Planning District 8, responsibility of long-range transportation planning. Patron—LeMunyon . . . . .	HB	1915	477	881
Patron—Marsden . . . . .	SB	1314	496	906
<b>Northern Virginia Transportation Authority;</b> use of revenues, effective date. (Patron—LaRock) . . . . .	HB	1470	458	866
<b>Outdoor advertising;</b> regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole) . . . . .	HB	1594	607	1311
<b>Overheight vehicles;</b> when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron—Lewis) . . . . .	SB	956	181	344
<b>Peter Saunders Veterans' Memorial Bridge;</b> designating as U.S. Route 220 Business bridge in Town of Rocky Mount. (Patron—Poindexter) . . . . .	HB	2279	178	336
<b>Private roads;</b> roads serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system. (Patron—Lewis) . . . . .	SB	1312	495	906
<b>Public-Private Transportation Act;</b> establishes requirement for finding of public interest, approval by responsible public entity, certification in writing by entity to Governor and General Assembly of comprehensive agreements, etc., Transportation Public-Private Partnership Advisory Committee established, report. (Patron—Jones) . . . . .	HB	1886	612	1346
<b>Roadside safety devices;</b> VDOT shall require certain devices installed on or after July 1, 2016, to be equipped with manufacturer's identification numbers. (Patron—Habeeb) . . . . .	HB	2332	481	883
<b>Routine highway maintenance projects;</b> exemption from erosion and sediment control requirements. (Patron—Scott) . . . . .	HB	1827	497	907
<b>Secondary state highway system;</b> expands number of streets eligible to be taken into system. (Patron—Carrico) . . . . .	SB	792	179	336
<b>Secondary state highway system construction projects;</b> relocation or removal of utility facilities. (Patron—Campbell) . . . . .	HB	1613	168	321
<b>Tolls;</b> imposition and collection for use of Interstate Route 95 south of City of Fredericksburg with prior approval of General Assembly. (Patron—Lucas) . . . . .	SB	1451	681	2158
<b>Tow truck driver or towing and recovery operator;</b> prohibits occupants in motor vehicle while such vehicle is being towed. (Patron—Carrico) . . . . .	SB	793	217	389
<b>Trooper Andrew Fox Memorial Bridge;</b> designating as New River Bridge on Interstate 81 in Montgomery and Pulaski Counties. Patron—Rush . . . . .	HB	2183	238	443
Patron—Carrico . . . . .	SB	753	15	55
<b>Trooper Donald E. Lovelace Memorial Bridge;</b> designating as Route 134 bridge over U.S. Route 17 in York County. (Patron—Norment) . . . . .	SB	1303	35	83
<b>Trooper Garland Matthew Miller Memorial Bridge;</b> designating as Barlow Road overpass that crosses Interstate Route 64 in York County. (Patron—Norment) . . . . .	SB	1304	36	83
<b>Trooper Jacqueline Vernon Memorial Bridge;</b> designating as Interstate 395 bridge over S. Glebe Road in Arlington County. Patron—Krupicka . . . . .	HB	1401	163	312
Patron—Favola . . . . .	SB	703	10	47
<b>Urban system construction projects;</b> City of Norfolk added to list of cities that may receive funds to pay for a project which places aboveground utilities below ground. (Patron—Wagner) . . . . .	SB	1208	30	75

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**HIGHWAYS, BRIDGES, AND FERRIES - Continued**

<b>Virginia-North Carolina Interstate High-Speed Rail Compact;</b> both states allowed to elect a co-chairman from among their membership. (Patron–Watkins) . . . . .	SB	815	494	905
<b>Warning lights on certain vehicles;</b> vehicles assisting with management of roadside and traffic incidents, etc., may be equipped with flashing, blinking, or alternating amber warning lights. (Patron–Rasoul) . . . . .	HB	1344	41	153

**HILLSVILLE WOMAN'S CLUB**

<b>Hillsville Woman's Club;</b> commending. (Patron–Campbell) . . . . .	HJR	567		2639
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**HIS HIDDEN TREASURES**

<b>His Hidden Treasures;</b> commending. (Patron–Plum) . . . . .	HJR	792		2738
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**HISTORIC AREAS, LANDMARKS AND MONUMENTS**

<b>Alcoholic beverage control;</b> winery, brewery, or distillery licensee allowed to pay royalties to a historical preservation entity based on authentic historical recipes and identified brand names owned and trademarked by entity, definition. (Patron–Norment) . . . . .	SB	1412	421	812
<b>Battlefield property;</b> Director of Department of Historic Resources and Board of Historic Resources to acquire and administer properties. (Patron–Watkins) . . . . .	SB	1306	100	226
<b>Capitol Square;</b> payment of restitution to the Commonwealth for any damage to Square or any building, monument, etc., or at any other property assigned to the Capitol Police. Patron–Morefield . . . . .	HB	2298	312	615
Patron–Carrico . . . . .	SB	707	550	1219
<b>Lewis and Clark Eastern Legacy Trail;</b> designating as portion of Lewis and Clark National Historic Trail that runs through the Commonwealth. (Patron–Austin) . . . . .	HJR	566		2638
<b>Virginia Battlefield Preservation Fund;</b> use of grant funds (previously known as Civil War Site Preservation Fund) for battlefield preservation, Department, acting on behalf of Board, shall facilitate transfers and assignments of any such interests held by Board. (Patron–Edmunds) . . . . .	HB	2193	467	872

**HISTORIC TRIANGLE COMMUNITY SERVICES CENTER**

<b>Historic Triangle Community Services Center;</b> commemorating its 20th anniversary. (Patron–Pogge) . . . . .	HJR	663		2669
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**HOFFMAN-BOSTON ELEMENTARY SCHOOL**

<b>Hoffman-Boston Elementary School;</b> commemorating its 100th anniversary. (Patron–Lopez) . . . . .	HJR	810		2748
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**HOGUE, MARY JANE**

<b>Hogue, Mary Jane;</b> commending. (Patron–Peace) . . . . .	HR	237		2855
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**HOLIDAYS, SPECIAL DAYS, ETC.**

<b>Colorectal Cancer Awareness Month;</b> designating as March 2016, and each succeeding year thereafter. (Patron–McEachin) . . . . .	SJR	358		2987
<b>Day to Serve;</b> designating as each day from September 11 to October 10, 2015, and each succeeding year thereafter. (Patron–Rust) . . . . .	HJR	702		2689
<b>Farm-to-School Week;</b> designating as first full week in October 2015, and each succeeding year thereafter. (Patron–Scott) . . . . .	HJR	692		2683
<b>Fred Korematsu Day of Civil Liberties and the Constitution;</b> designating as January 30, 2016, and each succeeding year thereafter. (Patron–Keam) . . . . .	HJR	641		2661
<b>Gum Disease Awareness Month;</b> designating as February 2016, and each succeeding year thereafter. (Patron–Marshall, D.W.) . . . . .	HJR	533		2625
<b>Kinship Caregivers of Children Month;</b> designating as September 2015, and each succeeding year thereafter. (Patron–Hester) . . . . .	HJR	638		2659
<b>Losing Loved Ones in a Tragic Accident Month;</b> designating as August 2015, and each succeeding year thereafter. (Patron–Ransone) . . . . .	HJR	593		2646
<b>Maternal Mental Health Month;</b> designating as May 2015, and each succeeding year thereafter. (Patron–Robinson) . . . . .	HJR	606		2649
<b>National Atomic Veterans Day;</b> designating as July 16, 2015, and each succeeding year thereafter. (Patron–Robinson) . . . . .	HJR	607		2650
<b>National Day of the Cowboy;</b> designating as fourth Saturday in July 2015, and each succeeding year thereafter. (Patron–Wright) . . . . .	HJR	507		2616

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**HOLIDAYS, SPECIAL DAYS, ETC. - Continued**

<b>Sexual Assault Awareness Month</b> ; designating as April 2015, and each succeeding year thereafter.				
Patron—Kory .....	HJR	600		2648
Patron—Favola .....	SJR	245		2906
<b>Tax Withholding and Employer Contribution Awareness Month</b> ; designating as March 2016, and each succeeding year thereafter. (Patron—Ransone) .....	HJR	693		2684
<b>Virginia Caregivers Month</b> ; designating as November 2015, and each succeeding year thereafter. (Patron—Head) .....	HJR	527		2623
<b>Virginia Hospital Week</b> ; designating as May 10 through May 16, 2015, and the second week of May, in each succeeding year thereafter. (Patron—Watkins) .....	SJR	346		2979
<b>HOLLIN MEADOWS ELEMENTARY SCHOOL</b>				
<b>Hollin Meadows Elementary School</b> ; commemorating its 50th anniversary. (Patron—Surovell) .....	HR	303		2888
<b>HOLLOMAN, WAINOLA INEZ CAMPBELL</b>				
<b>Holloman, Wainola Inez Campbell</b> ; recording sorrow upon death. (Patron—Pogge) .	HJR	776		2729
<b>HOME SCHOOL EDUCATION</b>				
<b>Home instruction</b> ; no division superintendent or local school board shall disclose to Department of Education or any other person or entity outside of the local school division student information, claiming religious exemption. (Patron—Black) .....	SB	1383	592	1273
<b>Home instruction of children</b> ; requirements, parent to provide certain testing scores to division superintendent.				
Patron—LaRock .....	HB	1754	590	1270
Patron—Martin .....	SB	1403	567	1242
<b>Public elementary and secondary schools</b> ; neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.				
Patron—Landes .....	HB	1307	666	2140
<b>HOMEOWNERS INSURANCE</b>				
<b>Automobile and homeowners insurance policies</b> ; no written notice of cancellation, etc., shall be effective unless sent by registered, certified, or any other similar first-class mail tracking method that is used or approved by the United States Postal Service, etc.				
Patron—Miller .....	HB	1357	443	845
Patron—Martin .....	SB	697	9	44
<b>HOMESTEAD AND OTHER EXEMPTIONS</b>				
<b>Creditor process</b> ; bankruptcy proceeding exemptions, spousal and child support exemption. (Patron—Surovell) .....	HB	2015	686	2188
<b>HONAKER HIGH SCHOOL</b>				
<b>Honaker High School football team</b> ; commending.				
Patron—Pillion .....	HR	274		2873
Patron—Chafin .....	SR	58		3002
<b>HONEYCUTT, CAROLYN</b>				
<b>Honeycutt, Carolyn</b> ; commending. (Patron—Campbell) .....	HJR	923		2811
<b>HOPEWELL, CITY OF</b>				
<b>Blue Star Memorial Highway</b> ; designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) .....	HB	2312	376	723
<b>HOPKINS, WILLIAM TRENHOLM, III</b>				
<b>Hopkins, William Trenholm, III</b> ; recording sorrow upon death. (Patron—Morris) ...	HR	220		2846
<b>HORSE RACING</b>				
<b>Virginia Racing Commission (VRC)</b> ; powers, definitions, advance deposit account wagering revenues, distribution.				
Patron—Scott .....	HB	1826	731	2369
Patron—Vogel .....	SB	1097	751	2425

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**HORSES**

**Equines;** roping, etc., or interference with the legs of an equine in order to intentionally cause it to trip or fall for any purpose, including as part of a rodeo or other contest or entertainment, exception, Class 1 misdemeanor. (Patron–Vogel) . . . . . SB 1081 491 901

**HOSPICES**

**Home health and hospice organizations;** reporting requirements concerning health professionals, State Health Commissioner shall not be required to report information reported to the Director of Office of Licensure and Certification. (Patron–Favola) . . SB 944 119 258

**Hospices;** notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron–Hodges) . . . . . HB 1738 668 2142

**HOSPITALS AND HOSPITALIZATION**

**Certificate of public need;** clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner. (Patron–Orrock) . . . . . HB 2177 651 1478

**Certificate of public need;** eliminates regional health planning agencies and adds an exception to definition of project, clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner, Secretary of Health and Human Resources to convene workgroup and report recommendations. (Patron–Martin) . . . . . SB 1283 541 1202

**Chesapeake Hospital Authority;** changes compensation for members, no member shall be compensated for participation in a meeting by electronic means when not physically present at the meeting. Amending Chapter 271, 1966 Acts. (Patron–Leftwich) . . . . . HB 2236 358 699

**Conflict of Interests Act, State and Local Government;** prohibited contracts by officers and employees of hospital authorities, filing of certain disclosure statements annually on or before December 15. (Patron–Cosgrove) . . . . . SB 876 699 2224

**Emergency custody order;** temporary detention for testing, observation, and treatment of person who is the subject of an order, upon completion the hospital emergency room or other appropriate facility shall notify the nearest community services board, etc. (Patron–Barker) . . . . . SB 1114 659 1497

**Hospital discharge procedures;** each patient admitted as an inpatient or his legal guardian to designate an individual to receive information and instructions.  
Patron–Filler-Corn . . . . . HB 1413 106 235  
Patron–Favola . . . . . SB 851 18 56

**Hospitals;** establishing policies to follow when a stillbirth occurs, reporting to Virginia Congenital Anomalies Reporting and Education System. (Patron–Norment) . . . . . SB 1197 661 1509

**Hospitals;** oral and written notice to patient that has been placed in observation or outpatient status. (Patron–Black) . . . . . SB 750 365 704

**Patients and family members with sensory disabilities;** Department of Health shall work with stakeholders to develop guidelines for hospitals to ensure persons are able to communicate effectively with health care providers, report. (Patron–Orrock) . . . . HB 1956 113 252

**HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS**

**Alcoholic beverage control;** ABC Board regulations, provision that limits infusion containers to maximum of 20 liters, flight of distilled spirits to consist of not more than five samples, combined mixed beverage restaurant and caterer's license. (Patron–Albo) . . . . . HB 1439 404 775

**Landlord and tenant laws;** applicability to campgrounds. (Patron–Hodges) . . . . . HB 1739 394 742

**Restaurants;** training standards for personnel that address food safety and food allergy awareness and safety.  
Patron–Keam . . . . . HB 2090 356 698  
Patron–Deeds . . . . . SB 1260 528 1179

**HOUSING**

**Affordable housing;** adds City of Fairfax to list of localities with authority to provide for an affordable housing dwelling unit program.  
Patron–Bulova . . . . . HB 1471 390 739  
Patron–Petersen . . . . . SB 889 605 1310

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**HOUSING - Continued**

<b>Affordable housing</b> ; maximum income level of household deemed eligible in City of Charlottesville. (Patron—Deeds) . . . . .	SB 1245	225	415
<b>Building Code</b> ; limitation of prosecution for violations. (Patron—Peace) . . . . .	HB 2094	176	331
<b>Condominium Act</b> ; voting interest allocated to unit or member that has been suspended shall not be counted in total number of voting interests used to determine quorum for any meeting. (Patron—Pogge) . . . . .	HB 2055	214	384
<b>Condominium Act and Property Owners' Association Act</b> ; notice of sale under deed of trust, definitions of unit and lot owners. Patron—Leftwich . . . . .	HB 2080	410	788
Patron—Cosgrove . . . . .	SB 1157	93	216
<b>Condominium and Property Owners' Association Acts</b> ; allowable charges, rental of units, association charges, delivery of association disclosure packet. (Patron—Peace)	HB 2100	277	525
<b>Condominium and Property Owners' Association Acts</b> ; statement of unit and lot owner rights, right to cast vote, except to the extent that condominium instruments provide otherwise, etc. (Patron—Petersen) . . . . .	SB 1008	286	543
<b>Landlord and tenant law</b> ; who may recover rent or possession. (Patron—Miller) . . . .	HB 1452	190	353
<b>Landlord and tenant laws</b> ; notice to terminate tenancy, confidentiality of records, return of security deposit to the Commonwealth if tenant fails to leave a forwarding address. (Patron—Miller) . . . . .	HB 1451	596	1279
<b>Real property tax</b> ; locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron—Orrock) . . . . .	HB 2173	498	908
<b>Virginia Condominium Act</b> ; meetings of the unit owners' association, failure to obtain a quorum. (Patron—Marsden) . . . . .	SB 1390	430	819
<b>Virginia Housing Trust Fund</b> ; Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for Fund. (Patron—Watkins) . . . .	SJR 235		2904
<b>Virginia-recognized Indian Tribes</b> ; Tribes to be responsible for enforcement of Uniform Statewide Building Code on any Indian reservation recognized by the Commonwealth. (Patron—Hodges) . . . . .	HB 2283	135	277
<b>Virginia Residential Landlord and Tenant Act</b> ; visible mold remediation, obligation of landlord. (Patron—Krupicka) . . . . .	HB 1867	274	517
<b>Water or sewer systems</b> ; repeals provision of Virginia Water and Waste Authorities Act that limits a landlord's liability for tenant's metered charges. (Patron—Chafin) . .	SB 868	284	542
<b>HOWARD, FARRAR W., JR.</b>			
Howard, Farrar W., Jr.; commending. Patron—Peace . . . . .	HR 199		2837
Patron—Norment . . . . .	SJR 370		2993
<b>HOWLETT, BENJAMIN</b>			
Howlett, Benjamin; commending. (Patron—Pogge) . . . . .	HJR 662		2669
<b>HUBBARD PEANUT COMPANY, INC.</b>			
Hubbard Peanut Company, Inc.; commemorating its 60th anniversary. (Patron—Morris) . . . . .	HR 207		2841
<b>HUGH T. PENDLETON MEMORIAL HIGHWAY</b>			
Hugh T. Pendleton Memorial Highway; designating as a portion of Route 24 in Campbell County. (Patron—Fariss) . . . . .	HB 1707	58	171
<b>HUGHES, JOHN EDWARD</b>			
Hughes, John Edward; recording sorrow upon death. (Patron—Deeds) . . . . .	SJR 351		2983
<b>HUMAN IMMUNODEFICIENCY VIRUS (HIV)</b>			
Gamete donors; repeals requirement for HIV testing in accordance with regulations of the Board of Health. (Patron—Stolle) . . . . .	HB 1792	301	585
<b>HUNLEY, DANNY</b>			
Hunley, Danny; commending. (Patron—Yancey) . . . . .	HR 205		2840
<b>HUNLEY, JACK WAYNE</b>			
Hunley, Jack Wayne; recording sorrow upon death. (Patron—Campbell) . . . . .	HJR 568		2639

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<b>HUNTING LAWS AND PERMITS</b>			
<b>Armed forces member;</b> extends entitlement to obtain a state resident license to hunt, trap, or fish to the immediate family of a member. (Patron—Alexander) . . . . .	SB 838	678	2154
<b>Fur-bearing animal;</b> defines fisher in hunting and trapping provisions. (Patron—Webert) . . . . .	HB 2331	618	1392
<b>Hunting, trapping, or fishing licenses;</b> allows person who is required to carry certain licenses or a hunter education certificate to meet requirement by carrying an electronic copy of the relevant license or certificate, exception. (Patron—Futrell) . . .	HB 2111	479	882
<b>HURT, FRANCES HALLAM</b>			
<b>Hurt, Frances Hallam;</b> recording sorrow upon death. (Patron—Adams) . . . . .	HJR 839		2765
<b>HYLAND, GERALD W.</b>			
<b>Hyland, Gerald W.;</b> commending. (Patron—Surovell) . . . . .	HJR 872		2783
<b>HYNES, MARY HUGHES</b>			
<b>Hynes, Mary Hughes;</b> commending. (Patron—Ebbin) . . . . .	SJR 365		2990
<b>IGNITION INTERLOCK DEVICES</b>			
<b>Driving under the influence of alcohol;</b> persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron—Miller) . . . . .	HB 1639	729	2307
<b>IMMIGRATION AND NATIONALITY ACT OF 1965</b>			
<b>Immigration and Nationality Act of 1965;</b> commemorating the 50th anniversary of its signing. (Patron—Keam) . . . . .	HJR 674		2674
<b>INCOME TAX</b>			
<b>Income tax, corporate;</b> taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership Authority provides a certain written certification. (Patron—Hugo) . . . . .	HB 2162	237	442
<b>Income tax, corporate;</b> taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership provides a certain written certification. (Patron—McDougle) . . . . .	SB 1142	92	215
<b>Income tax refunds;</b> voluntary contributions to Federation of Virginia Food Banks. (Patron—Filler-Corn) . . . . .	HB 2047	70	189
<b>Income tax, state;</b> eliminates subtraction available for gain derived from the sale of land for open-space use. (Patron—Watkins) . . . . .	SB 1012	248	452
<b>Income tax, state;</b> individual may elect to have refund check mailed, direct deposited, or by other electronic means, provisions shall be applicable to tax returns relating to 2015 and taxable years thereafter.			
Patron—Ware . . . . .	HB 1286	229	426
Patron—Barker . . . . .	SB 701	76	197
<b>Income tax, state;</b> individual subtraction for income attributable to discharge of student loan solely by reason of the student's death.			
Patron—LeMunyon . . . . .	HB 1716	60	172
Patron—Howell . . . . .	SB 933	82	201
<b>Income tax, state;</b> subtraction for long-term capital gains, attributable to investments in certain technology businesses, extends investment period to June 30, 2020, report.			
Patron—Hugo . . . . .	HB 1741	336	650
Patron—McDougle . . . . .	SB 904	335	640
<b>Senior citizens' higher education;</b> increases maximum taxable individual income for those who wish to register and enroll in courses. (Patron—Keam) . . . . .	HB 2068	146	288
<b>Virginia Commercial Space Flight Authority;</b> extends through fiscal year 2016 dedication of certain income tax revenues to Authority. (Patron—Lewis) . . . . .	SB 1070	260	502
<b>INDIAN TRIBES</b>			
<b>Virginia-recognized Indian Tribes;</b> Tribes to be responsible for enforcement of Uniform Statewide Building Code on any Indian reservation recognized by the Commonwealth. (Patron—Hodges) . . . . .	HB 2283	135	277

**INDUSTRIAL DEVELOPMENT**

**Virginia Economic Development Authority;** Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites. (Patron—Stanley) . . . . . SB 809 342 664

**INFANTS**

**Maternity patients;** information about safe sleep environments for infants. (Patron—Bulova) . . . . . HB 1515 296 569

**INFORMATION MANAGEMENT AND TECHNOLOGY**

**Information technology projects and services;** Chief Information Officer authorized to approve and make decisions without routine approval, Secretary of Technology shall designate a state agency or higher educational institution as business sponsor responsible for implementing an enterprise information technology project, etc. (Patron—Jones) . . . . . HB 2323 768 2531

**INFRASTRUCTURE**

**Natural gas utilities;** cost recovery and deferral of eligible system expansion infrastructure costs.  
Patron—Ware . . . . . HB 1475 231 427  
Patron—Saslaw . . . . . SB 1163 28 72

**Port of Virginia Economic and Infrastructure Development Grant Fund and Program;** qualified company to receive a second grant. (Patron—Watkins) . . . . . SB 1007 246 447

**INMATES**

**Corrections, Board and Director of Department of;** prohibiting inmate possession of obscene materials, powers and duties. (Patron—Landes) . . . . . HB 1958 293 562

**Incarcerated persons;** transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released.  
Patron—Bell, Robert B. . . . . HB 2043 211 382  
Patron—McDougle . . . . . SB 1361 102 228

**INN AT LITTLE WASHINGTON**

**Inn at Little Washington;** commending. (Patron—Webert) . . . . . HJR 901 2800

**INSURANCE**

**Automobile and homeowners insurance policies;** no written notice of cancellation, etc., shall be effective unless sent by registered, certified, or any other similar first-class mail tracking method that is used or approved by the United States Postal Service, etc.  
Patron—Miller . . . . . HB 1357 443 845  
Patron—Martin . . . . . SB 697 9 44

**Child support;** proportionate share of health insurance premiums. (Patron—McClellan) HB 1951 510 1148

**Credit life and credit accident and sickness insurance;** removes the requirement that insurers file annual reports with the State Corporation Commission. (Patron—Alexander) . . . . . SB 729 11 48

**Health insurance;** carrier business practices, requires carrier communicate to the prescriber or his designee within 24 hours of submission of an urgent prior authorization request, if submitted telephonically or in an alternate method directed by the carrier, etc., report.  
Patron—Habeeb . . . . . HB 1942 515 1169  
Patron—Newman . . . . . SB 1262 516 1170

**Health insurance;** mandated coverage for autism spectrum disorder, from and after January 1, 2016, for individuals from age two years through age 10 years, provisions shall not apply to policies, contracts, or plans issued in the individual market or small group markets. (Patron—Greason) . . . . . HB 1940 650 1476

**Health insurance;** mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron—O'Bannon) . . . . . HB 1747 649 1469

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<b>Health Insurance Reform Commission;</b> powers and duties, upon request assess proposed mandated benefits and providers, report, staffing by Division of Legislative Services. (Patron—Byron) . . . . .	HB	2026	698	2223
<b>Health services plans;</b> State Corporation Commission shall conduct a proceeding to review and evaluate impact of a law or other regulatory action of another state, no plan shall distribute or reduce its surplus without approval of the Commission. Patron—Miller . . . . .	HB	2299	519	1173
Patron—Favola . . . . .	SB	1405	520	1173
<b>Insurance plans;</b> provisions regulating hypothecation of assets. (Patron—Watkins) . . .	SB	748	14	53
<b>Insurance rates;</b> limitation for renewal policies. (Patron—O’Quinn) . . . . .	HB	2357	619	1393
<b>Investigational drugs, biological products, and devices;</b> eligibility of person for expanded access to drugs, etc., informed consent to treatment, manufacturer, distributor, health care provider, etc., shall be immune from suit and civil liability caused by, arising out of, or relating to the design, clinical testing, etc., made available to such person. Patron—Ransone . . . . .	HB	1750	656	1491
Patron—Stanley . . . . .	SB	732	655	1489
<b>Life insurance;</b> coverage for retired state employees. (Patron—Ingram) . . . . .	HB	2277	512	1163
<b>Medical malpractice proceedings;</b> medical experts licensed in other states are presumed to know standard of care in Virginia, extends presumption to all licensed health care providers in Virginia. Patron—Campbell . . . . .	HB	1775	310	606
Patron—Chafin . . . . .	SB	862	361	701
<b>Motor vehicle accidents;</b> settlement of underinsured motorist claims, subrogation claims by underinsured motorist benefits insurer, provisions shall apply to policies issued or renewed on or after January 1, 2016. Patron—Kilgore . . . . .	HB	1819	585	1259
Patron—Norment . . . . .	SB	1190	584	1255
<b>Motor vehicle insurance;</b> Bureau of Insurance to study use by insurers of an insured's or applicant's credit information in connection with underwriting policies. (Patron—Lingamfelter) . . . . .	HJR	594		2647
<b>Nurse practitioners;</b> expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes. Patron—Leftwich . . . . .	HB	1476	295	568
Patron—Chafin . . . . .	SB	861	306	597
<b>Opioid medications;</b> Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations. (Patron—Byron) . . . . .	HJR	630		2656
<b>Personal injury and wrongful death actions;</b> disclosure of address of alleged tortfeasor, self-insured locality may disclose insured's work address. (Patron—Edwards) . . . . .	SB	761	711	2268
<b>Pharmacy benefits administration;</b> carrier and intermediary contracts with pharmacy providers, disclosure of maximum allowable cost for prescription drugs. (Patron—Yost) . . . . .	HB	2031	518	1172
<b>Private investigators or personal protection specialist;</b> licensed private security services business may hire as an independent contractor, investigators and specialists shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by Department. (Patron—LeMunyon) . . . . .	HB	1718	202	368
<b>Punitive or exemplary damages;</b> consistency provided by changing references to damages. (Patron—Habeeb) . . . . .	HB	1610	710	2261
<b>Self storage insurance;</b> authority of unit lessors. (Patron—Hugo) . . . . .	HB	1742	334	639
<b>Telemedicine services;</b> amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient. Patron—Kilgore . . . . .	HB	2063	115	254
Patron—McWaters . . . . .	SB	1227	32	76

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**Transportation network companies (TNCs);** licensing process by DMV, definition of digital platform, TNC insurance until January 1, 2016, on or after this date, TNC or partner shall keep in force TNC insurance, report.

Patron—Rust . . . . . HB 1662 2 1  
Patron—Watkins . . . . . SB 1025 3 19

**Vision care plans;** payment for certain services provided by optometrists and ophthalmologists, clarifies definition of covered materials, certain provisions relating to covered materials only shall be applicable to licensed opticians practicing in the Commonwealth, effective date. (Patron—Ware) . . . . .

HB 1444 723 2278

**INTERNET**

**Defamation;** if statements are published anonymously or under false identity on the Internet, an action may be filed and statute of limitations shall be tolled until identity of publisher is discovered, etc. (Patron—Albo) . . . . .

HB 1635 128 268

**Internet;** Virginia's localities and school divisions encouraged to partner with local law-enforcement agencies regarding wireless access. (Patron—Fariss) . . . . .

HJR 644 2662

**Students, hearing or visually impaired;** local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron—Bell, Richard P.) . . . . .

HB 1679 55 169

**INTERSTATE ROUTE 64**

**Overheight vehicles;** when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron—Lewis) . . . . .

SB 956 181 344

**Trooper Garland Matthew Miller Memorial Bridge;** designating as Barlow Road overpass that crosses Interstate Route 64 in York County. (Patron—Norment) . . . . .

SB 1304 36 83

**INTERSTATE ROUTE 73**

**Interstate 73 Transportation Compact;** created, Compact Commission established, report. (Patron—Stanley) . . . . .

SB 847 243 445

**INTERSTATE ROUTE 81**

**Kenneth B. Gibson Memorial Park-and-Ride;** designating as park-and-ride facility on Interstate 81 in Town of Christiansburg. (Patron—Rush) . . . . .

HB 2269 375 723

**Trooper Andrew Fox Memorial Bridge;** designating as New River Bridge on Interstate 81 in Montgomery and Pulaski Counties.

Patron—Rush . . . . . HB 2183 238 443  
Patron—Carrico . . . . . SB 753 15 55

**INTERSTATE ROUTE 95**

**Tolls;** imposition and collection for use of Interstate Route 95 south of City of Fredericksburg with prior approval of General Assembly. (Patron—Lucas) . . . . .

SB 1451 681 2158

**INTERSTATE ROUTE 395**

**Trooper Jacqueline Vernon Memorial Bridge;** designating as Interstate 395 bridge over S. Glebe Road in Arlington County.

Patron—Krupicka . . . . . HB 1401 163 312  
Patron—Favola . . . . . SB 703 10 47

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**Transient occupancy tax;** Isle of Wight County added to list of counties authorized to impose a tax of up to two percent. (Patron—Lucas) . . . . .

SB 759 78 198

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**Jackson, Gwendolyn Jones;** commending. (Patron—Alexander) . . . . . SJR 315 2961

**JACOB, SAMUEL T., JR.**

**Jacob, Samuel T., Jr.;** recording sorrow upon death. (Patron—Miller) . . . . . SR 102 3040

**JAILS AND PRISONS**

**Regional jails;** reimbursement of capital costs, no project to construct, enlarge, or renovate a facility or enlarge, etc., existing facility that was not approved by the Governor prior to July 1, 2015, shall be eligible for reimbursement from the Commonwealth unless such project has been authorized in the general appropriation act. (Patron—McDougle) . . . . .

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**JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS**

<b>Adoption;</b> juvenile and domestic relations district court may, in its discretion, accept consent without a home study or meeting and counseling requirements if child has been in continuous legal and physical custody of prospective adoptive parent(s) for five years or more. (Patron–Deeds) . . . . .	SB	1268	529	1180
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<b>Naloxone or other opioid antagonist;</b> pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al. Patron–O'Bannon . . . . .	HB 1458	725	2282
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<b>Noncommercial vessels;</b> no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron–Morris) . . . . .	HB 1298	484	887
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**Mecklenburg County;** commemorating its 250th anniversary. (Patron—Ruff) . . . . . SJR 325 2967

**MEDICAID AND MEDICARE PROGRAMS**

**Medicaid;** Joint Legislative Audit and Review Commission to study the Commonwealth's program.

Patron—Landes . . . . . HJR 637 2659

Patron—Hanger . . . . . SJR 268 2947

**Medicaid payment;** trial for false statement or representation on application, venue. (Patron—Vogel) . . . . . SB 1086 537 1191

**MEDICAL MALPRACTICE**

**Medical malpractice proceedings;** medical experts licensed in other states are presumed to know standard of care in Virginia, extends presumption to all licensed health care providers in Virginia.

Patron—Campbell . . . . . HB 1775 310 606

Patron—Chafin . . . . . SB 862 361 701

**Nurse practitioners;** expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes.

Patron—Leftwich . . . . . HB 1476 295 568

Patron—Chafin . . . . . SB 861 306 597

**MEDICAL TREATMENT, CARE, AND ASSISTANCE**

**Certificate of public need;** clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner. (Patron—Orrock) . . . . . HB 2177 651 1478

**Certificate of public need;** eliminates regional health planning agencies and adds an exception to definition of project, clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered with the Commissioner, Secretary of Health and Human Resources to convene workgroup and report recommendations. (Patron—Martin) . . . . . SB 1283 541 1202

**Dependents of active duty military members;** Department of Medical Assistance Services shall amend waiver eligibility criteria supporting individuals with intellectual and developmental disabilities. (Patron—Hanger) . . . . . SB 1036 671 2145

**MEISELMAN, DAVID I.**

**Meiselman, David I.;** recording sorrow upon death. (Patron—Rust) . . . . . HR 294 2883

**MENHADEN FISH**

**Menhaden fishery;** Governor may implement revised quota by proclamation, if Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase total allowable landings for menhaden. Repealing second enactment of Chapter 41, 2007 Acts and fourth enactment of Chapters 59 and 760, 2013 Acts. (Patron—Lewis) . . . . . SB 1464 493 905

**MERCY SEAT REFORMED ZION UNION APOSTOLIC CHURCH**

**Mercy Seat Reformed Zion Union Apostolic Church;** commemorating its 145th anniversary. (Patron—Tyler) . . . . . HR 278 2875

**MIDDLETON, JOHN HENRY, JR.**

**Middleton, John Henry, Jr.;** commending. (Patron—Watkins) . . . . . SJR 339 2975

**MILAM, MARVIN BENNETT**

**Milam, Marvin Bennett;** recording sorrow upon death. (Patron—Obenshain) . . . . . SJR 335 2973

**MILITARY AND EMERGENCY LAWS**

**Chaplains of the Virginia National Guard and Virginia Defense Force;** prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . . SB 690 283 542

**Commonwealth's Twenty marksmanship award;** established. (Patron—Stanley) . . . . . SB 848 747 2419

**Disaster relief;** out-of-state businesses and employees who come into the Commonwealth solely for purpose of performing work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration

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<b>MILITARY AND EMERGENCY LAWS - Continued</b>			
requirements, clarifies definitions of out-of-state business and registered business, responsibility of out-of-state employee to pay taxes in home state. (Patron–Ware) . . .	HB 1386	595	1278
<b>Emergency Management, Department of;</b> electromagnetic pulses and geomagnetic disturbances. (Patron–Reeves) . . . . .	SB 1238	97	222
<b>Military and emergency laws;</b> repeals obsolete provisions. Repealing Chapters 216 and 319, 1942 Acts and Chapter 111, 1944 Acts. (Patron–McDougle) . . . . .	SB 1050	221	391
<b>Virginia Military Family Relief Fund;</b> benefits for state active duty missions. (Patron–Howell) . . . . .	SB 930	320	626
<b>Virginia National Guard;</b> subjects service members to nonjudicial punishment pursuant to the Manual for Courts-Martial, reduction in rank shall not be imposed if service member has more than 10 years of military service and is a certain rank, members shall retain all appeal rights, etc. (Patron–Anderson) . . . . .	HB 1597	194	357
<b>MILLS E. GODWIN HIGH SCHOOL</b>			
<b>Mills E. Godwin High School girls' tennis team;</b> commending. Patron–Massie . . . . .	HJR 602		2648
<b>MILLS, JOHN</b>			
<b>Mills, John;</b> commending. (Patron–Greason) . . . . .	HR 229		2851
<b>MINES AND MINING</b>			
<b>Coal mine safety;</b> mine-wide tracking systems shall be maintained in useable and operative conditions, electric equipment shall be maintained in safe operating condition at all times, duties of surface mine foreman. Patron–Pillion . . . . .	HB 2257	397	748
Patron–Chafin . . . . .	SB 1366	103	228
<b>Coalbed methane gas;</b> operator of certain force-pooled wells to apply to Board on or before January 1, 2016, for and give written notice of such application to all conflicting claimants identified. (Patron–Kilgore) . . . . .	HB 2058	396	744
<b>MINORITIES</b>			
<b>Small, Women-owned, and Minority-owned Business Loan Fund;</b> established, abolishes Capital Access Fund for Disadvantaged Businesses, cash balances shall be transferred to Fund. Patron–James . . . . .	HB 1757	696	2213
Patron–Lucas . . . . .	SB 854	697	2218
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron–McDougle) . . . . .	SB 1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron–Albo) . . .	HB 1776	730	2309
<b>Virginia Public Procurement Act;</b> small, women-owned, and minority-owned businesses, defines businesses. Patron–Yancey . . . . .	HB 2148	765	2524
Patron–Alexander . . . . .	SB 1333	775	2559
<b>MINORITY BUSINESSES</b>			
<b>Virginia Public Procurement Act;</b> small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron–Adams)	HB 1854	733	2382
<b>MINORS</b>			
<b>Accidents;</b> next of kin of person injured or killed, except for minors, granted access to DMV reports. (Patron–Ransone) . . . . .	HB 1748	171	328

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**Adoption;** juvenile and domestic relations district court may, in its discretion, accept consent without a home study or meeting and counseling requirements if child has been in continuous legal and physical custody of prospective adoptive parent(s) for five years or more. (Patron–Deeds) . . . . . SB 1268 529 1180

**Blood testing;** in cases in which a school board employee is exposed to body fluids of a minor, parent, guardian, or person standing in loco parentis shall be notified prior to initiating such testing. (Patron–Landes) . . . . . HB 1587 51 162

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron–Orrock . . . . . HB 1570 758 2448  
Patron–Hanger . . . . . SB 1168 770 2539

**Child labor statutes;** within 21 days of receipt of notice of alleged violation, employer may request an informal conference, if employer fails to contest violation within 21 days following receipt of notice, violation and proposed penalty will become a final order of the Commissioner. (Patron–Alexander) . . . . . SB 896 285 542

**Child pornography and obscenity offenses;** penalties. (Patron–Howell) . . . . . SB 1056 428 817

**Community policy and management teams;** policies to include a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams.  
Patron–Peace . . . . . HB 2083 305 596  
Patron–Hanger . . . . . SB 1041 88 209

**Detention of delinquent juveniles;** offenses causing death. (Patron–Lingamfelter) . . . . . HB 1474 391 739

**DNA data bank;** State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron–Watts) . . . . . HB 1578 193 356

**Emergency care;** civil immunity for rendering care, forcible entry of motor vehicle to remove an unattended minor. (Patron–Peace) . . . . . HB 2082 340 661

**Foster care;** placement of children, registration with Registry, local board shall request a search of Putative Father Registry to determine whether any man has registered as the putative father of the child. (Patron–Barker) . . . . . SB 1423 531 1182

**Foster care;** removes certain provision requiring the Department of Social Services create a separate section within a plan that describes why a child cannot be returned home, etc. (Patron–Favola) . . . . . SB 947 120 260

**Home instruction of children;** requirements, parent to provide certain testing scores to division superintendent.  
Patron–LaRock . . . . . HB 1754 590 1270  
Patron–Martin . . . . . SB 1403 567 1242

**Identification cards, special;** cards issued by DMV may contain certain personal information if requested by applicant, applicant's parent if applicant is a minor, or applicant's guardian. (Patron–Marshall, R.G.) . . . . . HB 1603 167 319

**Indecent liberties;** provisions for taking liberties with a child by a person in a custodial or supervisory relationship. (Patron–Wexton) . . . . . SB 915 555 1223

**Juvenile records;** DMV information on offenses that do not involve operation of a motor vehicle shall be available only to person himself, his parent or guardian, etc. (Patron–McClellan) . . . . . HB 1957 478 881

**Maternity patients;** information about safe sleep environments for infants. (Patron–Bulova) . . . . . HB 1515 296 569

**Nicotine vapor products;** prohibits purchase, etc., by minors, no person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container on or after October 1, 2015, unless such container meets child-resistant packaging standards, etc.  
Patron–DeSteph . . . . . HB 2036 739 2393  
Patron–Stuart . . . . . SB 1325 756 2440

**Post-adoption services;** State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families.  
Patron–Farrell . . . . . HB 1821 5 38  
Patron–Martin . . . . . SB 834 17 55

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**Prospective foster parents;** child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron–McEachin) . . . . . SB 1095 364 703

**Psychiatric treatment of minors;** amends criteria for admitting an objecting minor, provides to the consenting parent a summary, prepared by the Office of the Attorney General, of procedures for requesting continued treatment of minor, admission to willing facility for up to 96 hours, evaluator shall prepare a report that shall include written findings as to whether the minor appears to have a mental illness enough to warrant inpatient treatment.  
Patron–LeMunyon . . . . . HB 1717 504 1136  
Patron–McWaters . . . . . SB 773 543 1208

**Psychiatric treatment of minors;** upon admission of a minor, facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with juvenile and domestic relations court. (Patron–McWaters) . . . . SB 779 535 1189

**Sex Offender and Crimes Against Minors Registry;** Department of Corrections or community supervision shall physically verify or cause to be physically verified by the State Police registration information.  
Patron–Ingram . . . . . HB 2228 598 1291  
Patron–Wexton . . . . . SB 918 81 200

**Sex Offender and Crimes Against Minors Registry (Robby's Rule);** Superintendent of State Police shall establish a Supplement to Registry, misuse of Registry, Supplement to Registry shall be completed prior to January 1, 2016.  
Patron–Ramadan . . . . . HB 1353 594 1277  
Patron–McDougle . . . . . SB 1074 603 1304

**Virginia Retirement System;** purchase of prior service credit allowed for an unpaid leave of absence for death of a qualifying child. (Patron–Stuart) . . . . . SB 942 536 1190

**MISDEMEANORS**

**DNA;** analysis upon conviction of certain misdemeanors, provisions shall apply only to persons convicted on or after July 1, 2015.  
Patron–Bell, Robert B. . . . . HB 1928 209 380  
Patron–Obenshain . . . . . SB 1187 437 836

**Equines;** roping, etc., or interference with the legs of an equine in order to intentionally cause it to trip or fall for any purpose, including as part of a rodeo or other contest or entertainment, exception, Class 1 misdemeanor. (Patron–Vogel) . . . . . SB 1081 491 901

**Nicotine vapor products;** prohibits purchase, etc., by minors, no person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container on or after October 1, 2015, unless such container meets child-resistant packaging standards, etc.  
Patron–DeSteph . . . . . HB 2036 739 2393  
Patron–Stuart . . . . . SB 1325 756 2440

**Preliminary hearing;** certification of ancillary misdemeanor offenses, any misdemeanor offense certified pursuant to this section shall proceed in same manner as misdemeanor appealed to circuit court. (Patron–Bell, Robert B.) . . . . . HB 2049 548 1212

**MIXED BEVERAGES, ALCOHOLIC**

**Alcoholic beverage control;** ABC Board regulations, provision that limits infusion containers to maximum of 20 liters, flight of distilled spirits to consist of not more than five samples, combined mixed beverage restaurant and caterer's license. (Patron–Albo) . . . . . HB 1439 404 775

**Alcoholic beverage control;** mixed beverage licenses granted to certain establishments, art instruction studio licenses, which shall authorize licensee to serve wine or beer on premises to any customer, however, licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any customer. (Patron–Watkins) . . . . . SB 1287 348 680

**MONTGOMERY COUNTY**

**Trooper Andrew Fox Memorial Bridge;** designating as New River Bridge on Interstate 81 in Montgomery and Pulaski Counties.  
Patron–Rush . . . . . HB 2183 238 443  
Patron–Carrico . . . . . SB 753 15 55

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<b>Relief;</b> Montgomery, Jonathan Christopher. (Patron—Locke) . . . . .	SB 843	219	390
<b>MONTGOMERY, PAUL MACRAE</b>			
<b>Montgomery, Paul Macrae;</b> recording sorrow upon death. (Patron—Yancey) . . . . .	HR 223		2848
<b>MONTROSS, TOWN OF</b>			
<b>Montross, Town of;</b> amending charter, moves election date of town council, there shall be elected four electors at time set for general election. (Patron—Stuart) . . . . .	SB 940	83	206
<b>MOORE, DOLORES A.</b>			
<b>Moore, Dolores A.;</b> commending. (Patron—Spruill) . . . . .	HJR 805		2746
<b>MOORE STREET MISSIONARY BAPTIST CHURCH</b>			
<b>Moore Street Missionary Baptist Church;</b> commemorating its 140th anniversary. (Patron—McClellan) . . . . .	HJR 936		2817
<b>MOPEDS</b>			
<b>Driver of motor vehicle following too closely;</b> includes non-motor vehicles (bicycles, mopeds, etc.).			
Patron—DeSteph . . . . .	HB 1342	188	353
Patron—Reeves . . . . .	SB 1220	31	76
<b>MORGAN LUMBER COMPANY, INC.</b>			
<b>Morgan Lumber Company, Inc.;</b> commemorating its 75th anniversary. (Patron—Ruff) . . . . .	SJR 301		2953
<b>MORRISON, WILLIAM ROHIMBOX, JR.</b>			
<b>Morrison, William Rohimbox, Jr.;</b> recording sorrow upon death. (Patron—Tyler) . . . . .	HJR 760		2720
<b>MOSELEY, CHARLES L.</b>			
<b>Moseley, Charles L.;</b> recording sorrow upon death. (Patron—Cosgrove) . . . . .	SJR 361		2988
<b>MOSESSO, JOHN</b>			
<b>Mosesso, John;</b> commending. (Patron—Rust) . . . . .	HR 249		2861
<b>MOTOR CARRIERS</b>			
<b>Commercial motor carriers;</b> amends several commercial drivers' licensing laws. (Patron—Filler-Corn) . . . . .			
	HB 2038	258	486
<b>Motor fuels;</b> Department of Transportation, et al., shall work to establish a protocol relating to vehicles hauling certain fuels during times of necessitous circumstances, report.			
Patron—Byron . . . . .	HB 1522	338	660
Patron—Newman . . . . .	SB 778	16	55
<b>Motor vehicle dealer buyer's orders;</b> includes new motor vehicles with a gross weight rating of 16,000 or more pounds in certain category of vehicles, exempts certain tractor trucks, etc. (Patron—Cosgrove) . . . . .			
	SB 878	682	2159
<b>Workers' compensation;</b> exclusion of certain truck owner-operators.			
Patron—Villanueva . . . . .	HB 1806	447	853
Patron—Cosgrove . . . . .	SB 745	13	49
<b>MOTOR FUELS</b>			
<b>Gas severance tax;</b> no tax shall be imposed on or after January 1, 2018.			
Patron—Morefield . . . . .	HB 1705	271	514
Patron—Chafin . . . . .	SB 1308	381	726
<b>Motor fuels;</b> Department of Transportation, et al., shall work to establish a protocol relating to vehicles hauling certain fuels during times of necessitous circumstances, report.			
Patron—Byron . . . . .	HB 1522	338	660
Patron—Newman . . . . .	SB 778	16	55
<b>Natural Gas Conservation and Ratemaking Efficiency Act;</b> cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas, administrative cost, assignment of education and outreach costs. (Patron—Petersen) . . . . .			
	SB 1331	694	2207
<b>Natural gas utilities;</b> cost recovery and deferral of eligible system expansion infrastructure costs.			
Patron—Ware . . . . .	HB 1475	231	427
Patron—Saslaw . . . . .	SB 1163	28	72

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**MOTOR VEHICLE INSURANCE**

**Automobile and homeowners insurance policies;** no written notice of cancellation, etc., shall be effective unless sent by registered, certified, or any other similar first-class mail tracking method that is used or approved by the United States Postal Service, etc.

Patron–Miller . . . . . HB 1357 443 845  
Patron–Martin . . . . . SB 697 9 44

**Motor vehicle accidents;** settlement of underinsured motorist claims, subrogation claims by underinsured motorist benefits insurer, provisions shall apply to policies issued or renewed on or after January 1, 2016.

Patron–Kilgore . . . . . HB 1819 585 1259  
Patron–Norment . . . . . SB 1190 584 1255

**Motor vehicle insurance;** Bureau of Insurance to study use by insurers of an insured's or applicant's credit information in connection with underwriting policies. (Patron–Lingamfelter) . . . . . HJR 594 2647

**Transportation network companies (TNCs);** licensing process by DMV, definition of digital platform, TNC insurance until January 1, 2016, on or after this date, TNC or partner shall keep in force TNC insurance, report.

Patron–Rust . . . . . HB 1662 2 1  
Patron–Watkins . . . . . SB 1025 3 19

**MOTOR VEHICLES**

**Accidents;** next of kin of person injured or killed, except for minors, granted access to DMV reports. (Patron–Ransone) . . . . . HB 1748 171 328

**Antique motor vehicle;** exempts those vehicles manufactured prior to 1950, etc., with exhaust systems in good working order from certain requirements.

Patron–Fariss . . . . . HB 1551 165 319  
Patron–Black . . . . . SB 702 77 198

**Autocycles;** exempted from motor vehicle emissions inspection program, unless such vehicle has been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency.

Patron–Scott . . . . . HB 1341 161 311  
Patron–Reeves . . . . . SB 1218 95 220

**Autocycles;** tangible personal property tax relief for those motor vehicles that qualify.

Patron–Scott . . . . . HB 1340 152 293  
Patron–Reeves . . . . . SB 1219 96 221

**Auxiliary lights on public utility vehicles;** certain vehicles may be equipped with clear lights mounted on lower portion of vehicle and aimed downward. (Patron–Wright) . . . . . HB 2289 341 663

**Commercial motor carriers;** amends several commercial drivers' licensing laws. (Patron–Filler–Corn) . . . . . HB 2038 258 486

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron–Newman) . . . . . SB 1411 228 426

**Driver of motor vehicle following too closely;** includes non-motor vehicles (bicycles, mopeds, etc.).

Patron–DeSteph . . . . . HB 1342 188 353  
Patron–Reeves . . . . . SB 1220 31 76

**Driving under the influence of alcohol;** persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron–Miller) . . . . . HB 1639 729 2307

**Emergency care;** civil immunity for rendering care, forcible entry of motor vehicle to remove an unattended minor. (Patron–Peace) . . . . . HB 2082 340 661

**Emergency contact information program;** DMV may establish, delayed effective date. (Patron–Garrett) . . . . . HB 1392 162 311

**Emergency vehicles;** vehicle illuminated identification systems. (Patron–Fariss) . . . . . HB 1544 333 639

**Fire services and emergency medical services;** revises terminology and reorganizes provisions governing services, repeals certain provisions relating to penalty for

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disobeying chief officer, definitions pertaining to emergency medical services personnel, vehicles, etc., certain provisions effective on January 1, 2016.			
Patron—Stolle	HB 1584	502	918
Patron—Stuart	SB 938	503	1027
<b>Forest products;</b> establishes overweight permit for hauling, length limitations.			
Patron—Knight	HB 2072	72	193
Patron—Cosgrove	SB 989	40	153
<b>Hearing officers;</b> requirements and hearing process for motor vehicle franchise dealers, report. (Patron—Norment)			
	SB 1118	557	1224
<b>Highway maintenance;</b> payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi)			
	HB 1402	722	2277
<b>Identification cards, special;</b> cards issued by DMV may contain certain personal information if requested by applicant, applicant's parent if applicant is a minor, or applicant's guardian. (Patron—Marshall, R.G.)			
	HB 1603	167	319
<b>Juvenile records;</b> DMV information on offenses that do not involve operation of a motor vehicle shall be available only to person himself, his parent or guardian, etc. (Patron—McClellan)			
	HB 1957	478	881
<b>License plates, special;</b> issuance for recipients of Legion of Merit Medal. (Patron—Ruff)			
	SB 979	245	447
<b>License plates, special;</b> issuance for supporters of curing childhood cancer bearing legend CURE CHILDHOOD CANCER. (Patron—Greason)			
	HB 1319	630	1418
<b>License plates, special;</b> issuance for supporters of Newport News Shipbuilding bearing legend NEWPORT NEWS SHIPBUILDING. (Patron—Miller)			
	SB 839	242	445
<b>License plates, special;</b> issuance for veterans who have a service-connected disability. (Patron—Tyler)			
	HB 1374	457	865
<b>Local vehicle license fees and taxes;</b> counties and adjoining towns to enter into reciprocal agreements to collect current, non-delinquent fees and taxes on any motor vehicle, trailer, etc. (Patron—Rust)			
	HB 1966	69	186
<b>Motor vehicle accidents;</b> settlement of underinsured motorist claims, subrogation claims by underinsured motorist benefits insurer, provisions shall apply to policies issued or renewed on or after January 1, 2016.			
Patron—Kilgore	HB 1819	585	1259
Patron—Norment	SB 1190	584	1255
<b>Motor Vehicle Dealer Board;</b> authority over recreational, trailer, and motorcycle dealers, definitions of certain recreational vehicles, penalties, repeals certain provisions relating to T&M, Trailer, and Motorcycle Dealers. (Patron—McQuinn)			
	HB 2189	615	1350
<b>Motor vehicle dealer buyer's orders;</b> includes new motor vehicles with a gross weight rating of 16,000 or more pounds in certain category of vehicles, exempts certain tractor trucks, etc. (Patron—Cosgrove)			
	SB 878	682	2159
<b>Motor vehicle dealers;</b> prohibits coercion by any manufacturer, distributor, or any affiliate, General Assembly to exercise their power to regulate commerce to protect citizens of the Commonwealth. (Patron—Habeeb)			
	HB 1935	236	433
<b>Motor vehicle dealers;</b> prohibits motor vehicle franchisors from coercing dealers to provide access to certain consumer data, if dealer elects to submit or push data or information to the manufacturer, factory branch, etc., through any method other than provided, then shall furnish requested data in a widely accepted electronic file format. (Patron—Greason)			
	HB 1549	155	295
<b>Motor vehicle sales and use tax;</b> expands exemption from payment of tax for gifts of vehicles to certain family members to include gifts to a parent. (Patron—Garrett)			
	HB 1279	159	308
<b>Motor Vehicles, Department of;</b> unlawful provision for any person to communicate by any means information purporting answers to questions on examination. (Patron—Ward)			
	HB 1824	464	871
<b>Motorcycles;</b> standing on footpegs for no longer than necessary when dictated by safety concerns. (Patron—Howell)			
	SB 836	218	390
<b>Motorcycles and autocycles;</b> vehicles may be equipped with means of varying the brightness of brake lights. (Patron—Wilt)			
	HB 1700	405	781
<b>Off-road motorcycles converted to on-road use;</b> titling and registration requirements, penalty. (Patron—Newman)			
	SB 1003	259	501

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**MOTOR VEHICLES - Continued**

<b>Overheight vehicles;</b> when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron—Lewis) . . . . .	SB	956	181	344
<b>Passing with a double yellow line or double traffic lines;</b> drivers allowed to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. (Patron—Alexander) . . . .	SB	781	416	808
<b>Personal property;</b> tax relief on certain motor vehicles leased by members of the military. (Patron—Krupicka) . . . . .	HB	1589	266	508
<b>Photo monitoring;</b> use of systems to enforce traffic light signals, appeals. (Patron—Ramadan) . . . . .	HB	1355	714	2272
<b>Salvage, nonrepairable vehicle or major component parts;</b> advertisement for sale, etc., prohibited unless advertiser is a licensee or an individual authorized to dispose of a salvage vehicle, license number shall be displayed in such advertisement, etc. Patron—Villanueva . . . . .	HB	2342	240	444
Patron—Cosgrove . . . . .	SB	1430	254	470
<b>Salvage, nonrepairable, and rebuilt vehicles;</b> enhances and clarifies certain requirements and practices relating to licensing and activities of vehicle demolishers, rebuilders, salvage dealers, etc., clarifies definitions of cosmetic damage and nonrepairable vehicle, updates terminology to licensed auto recycler. Patron—Villanueva . . . . .	HB	2184	177	332
Patron—Newman . . . . .	SB	1259	33	78
<b>Sheriff's office;</b> clarifies motor vehicle markings. (Patron—Campbell) . . . . .	HB	1331	132	272
<b>Speed limits in school crossing zones;</b> governing body of a county in Planning District 8 may increase or decrease only after justification has been shown by an engineering and traffic investigation, speed limit to be conspicuously posted on portable signs, etc. Patron—Minchew . . . . .	HB	1531	459	867
Patron—Favola . . . . .	SB	803	460	868
<b>Stationary mail vehicles;</b> driver of any motor vehicle upon overtaking a vehicle that is displaying flashing, blinking, or alternating amber lights shall proceed with due caution and maintain a safe speed. (Patron—Farrell) . . . . .	HB	1379	189	353
<b>Stationary refuse-collection vehicles;</b> when passing vehicles certain procedures to be followed. (Patron—Villanueva) . . . . .	HB	1649	197	360
<b>Tow truck driver or towing and recovery operator;</b> prohibits occupants in motor vehicle while such vehicle is being towed. (Patron—Carrico) . . . . .	SB	793	217	389
<b>Transportation network companies (TNCs);</b> licensing process by DMV, definition of digital platform, TNC insurance until January 1, 2016, on or after this date, TNC or partner shall keep in force TNC insurance, report. Patron—Rust . . . . .	HB	1662	2	1
Patron—Watkins . . . . .	SB	1025	3	19
<b>Value of property;</b> increases maximum value, enforcement of liens. (Patron—Vogel) . .	SB	1085	640	1428
<b>Veterans identification card;</b> defines veteran for purposes of issuance of a card as a Virginia resident who has served honorably in Virginia National Guard or reserves of the United States armed forces. (Patron—Lewis) . . . . .	SB	931	693	2207
<b>Warning lights on certain vehicles;</b> vehicles assisting with management of roadside and traffic incidents, etc., may be equipped with flashing, blinking, or alternating amber warning lights. (Patron—Rasoul) . . . . .	HB	1344	41	153
<b>Workers' compensation;</b> exclusion of certain truck owner-operators. Patron—Villanueva . . . . .	HB	1806	447	853
Patron—Cosgrove . . . . .	SB	745	13	49

**MOTORCYCLES**

<b>Motor Vehicle Dealer Board;</b> authority over recreational, trailer, and motorcycle dealers, definitions of certain recreational vehicles, penalties, repeals certain provisions relating to T&M, Trailer, and Motorcycle Dealers. (Patron—McQuinn) . .	HB	2189	615	1350
<b>Motorcycles;</b> standing on footpegs for no longer than necessary when dictated by safety concerns. (Patron—Howell) . . . . .	SB	836	218	390

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<b>MOTORCYCLES - Continued</b>			
<b>Motorcycles and autocycles;</b> vehicles may be equipped with means of varying the brightness of brake lights. (Patron—Wilt) . . . . .	HB 1700	405	781
<b>Off-road motorcycles converted to on-road use;</b> titling and registration requirements, penalty. (Patron—Newman) . . . . .	SB 1003	259	501
<b>MOUNT OLIVE BAPTIST CHURCH</b>			
<b>Mount Olive Baptist Church;</b> commemorating its 140th anniversary. (Patron—Carr) .	HJR 711		2692
<b>MOUNT PLEASANT BAPTIST CHURCH</b>			
<b>Mount Pleasant Baptist Church;</b> commemorating its 150th anniversary. (Patron—Lewis) . . . . .	SR 88		3032
<b>MOUNT VERNON WOODS ELEMENTARY SCHOOL</b>			
<b>Mount Vernon Woods Elementary School;</b> commemorating its 50th anniversary. (Patron—Surovell) . . . . .	HJR 869		2782
<b>MT. TABOR RURITAN CLUB</b>			
<b>Mt. Tabor Ruritan Club;</b> commemorating its 50th anniversary. (Patron—Yost) . . . . .	HJR 730		2703
<b>MULHOLLAND, JOAN TRUMPAUER</b>			
<b>Mulholland, Joan Trumppauer;</b> commending. (Patron—Hope) . . . . .	HJR 829		2759
<b>MURRAY, JAMES BRADY</b>			
<b>Murray, James Brady;</b> recording sorrow upon death.			
Patron—Toscano . . . . .	HJR 740		2708
Patron—Deeds . . . . .	SJR 327		2968
<b>NARCOTICS AND DRUGS</b>			
<b>Cannabidiol oil and THC-A oil;</b> possession of marijuana in form of oil for treatment of intractable epilepsy, certification for use.			
Patron—Albo . . . . .	HB 1445	7	42
Patron—Marsden . . . . .	SB 1235	8	43
<b>Controlled substances;</b> removes hydrocodone combination products from Schedule III and classifies alfaxalone, suvorexant, and tramadol as Schedule IV. (Patron—Robinson) . . . . .	HB 1839	303	591
<b>Drugs forfeited to law enforcement;</b> disposal when no longer needed for research and training. (Patron—Reeves) . . . . .	SB 1241	429	818
<b>Epinephrine;</b> regulation for possession and administration in licensed private schools for students with disabilities and accredited private schools by an employee. (Patron—Greason) . . . . .	HB 2216	387	731
<b>Health insurance;</b> mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron—O'Bannon) . . . . .	HB 1747	649	1469
<b>Hospices;</b> notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron—Hodges) . . . . .	HB 1738	668	2142
<b>Investigational drugs, biological products, and devices;</b> eligibility of person for expanded access to drugs, etc., informed consent to treatment, manufacturer, distributor, health care provider, etc., shall be immune from suit and civil liability caused by, arising out of, or relating to the design, clinical testing, etc., made available to such person.			
Patron—Ransone . . . . .	HB 1750	656	1491
Patron—Stanley . . . . .	SB 732	655	1489
<b>Naloxone;</b> any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron—Gilbert) . . . . .	HB 1833	732	2376
<b>Naloxone or other opioid antagonist;</b> pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and			

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administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.				
Patron—O'Bannon .....	HB 1458	725	2282	
Patron—Obenshain .....	SB 1186	752	2432	
<b>Opioid medications;</b> Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations. (Patron—Byron) .....	HJR 630		2656	
<b>Optometrists, TPA-certified;</b> administration of certain Schedule II drugs. (Patron—Hodges) .....	HB 1735	355	696	
<b>Outsourcing facilities;</b> creates new regulatory framework for permitting of facilities that compound drugs, registering nonresident outsourcing facilities to register with Board. (Patron—Hodges) .....	HB 1737	300	578	
<b>Overdoses;</b> definition, certain individual remains at scene of overdose or at any alternative location to which he or person requiring emergency medical attention has been transported until law-enforcement officer responds, no individual may assert affirmative defense, if person sought or obtained emergency medical attention for himself or another individual during execution of a search warrant, etc.				
Patron—Carr .....	HB 1500	436	835	
Patron—Petersen .....	SB 892	418	809	
<b>Pharmacists;</b> prescriber may authorize to possess epinephrine and oxygen for administration in treatment of emergency medical conditions. (Patron—Hodges) . . .	HB 1914	514	1166	
<b>Pharmacy benefits administration;</b> carrier and intermediary contracts with pharmacy providers, disclosure of maximum allowable cost for prescription drugs. (Patron—Yost) .....	HB 2031	518	1172	
<b>Practitioners of the healing arts;</b> prohibits dispensing controlled substances unless licensed by Board of Pharmacy to sell controlled substances, exemption from fees associated with obtaining and renewing permits for certain facilities. (Patron—Garrett) .....	HB 2192	117	257	
<b>Prescription drugs;</b> orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron—Hodges) .....	HB 1733	505	1138	
<b>Prescription Monitoring Program;</b> Director of the Department of Health Professions to disclose certain information relevant to a specific investigation, etc. (Patron—Howell) .....	SB 817	118	257	
<b>Prescription Monitoring Program;</b> records in possession of Program shall not be available for civil subpoena, etc. (Patron—Herring) .....	HB 1810	507	1142	
<b>Prescription Monitoring Program;</b> requirements for prescribers, Department of Health Professions shall register every dispenser licensed by the Board of Pharmacy. (Patron—Herring) .....	HB 1841	517	1171	
<b>Schedule I drugs;</b> adding several substances to list.				
Patron—Garrett .....	HB 1564	726	2288	
Patron—Obenshain .....	SB 1380	757	2443	
<b>Telemedicine services;</b> amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient.				
Patron—Kilgore .....	HB 2063	115	254	
Patron—McWaters .....	SB 1227	32	76	
<b>Wholesale distributors;</b> notice to Board of Pharmacy when ceasing distribution of Schedule II through V drugs to a dispenser due to suspicious ordering. (Patron—Hodges) .....	HB 1736	299	577	
<b>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</b>				
<b>National Aeronautics and Space Administration;</b> commending.				
Patron—Helsel .....	HJR 550		2630	
Patron—Kilgore .....	HR 286		2879	
Patron—Locke .....	SR 55		3000	

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**NATIONAL ASSOCIATION OF SOCIAL WORKERS VIRGINIA CHAPTER**

**National Association of Social Workers Virginia Chapter;** commemorating its 60th anniversary.

Patron—Hope .....	HJR	853		2773
Patron—Barker .....	SR	89		3033

**NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS RICHMOND CHAPTER**

**National Association of Women Business Owners Richmond Chapter;** commending. (Patron—Carr) .....

HJR	785			2734
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**NATIONAL ATOMIC VETERANS DAY**

**National Atomic Veterans Day;** designating as July 16, 2015, and each succeeding year thereafter. (Patron—Robinson) .....

HJR	607			2650
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**NATIONAL COALITION OF 100 BLACK WOMEN, INC., RICHMOND METROPOLITAN AREA GROUP OF**

**National Coalition of 100 Black Women, Inc., Richmond Metropolitan Area Group of;** commending. (Patron—Carr) .....

HJR	952			2826
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**NATIONAL DAY OF THE COWBOY**

**National Day of the Cowboy;** designating as fourth Saturday in July 2015, and each succeeding year thereafter. (Patron—Wright) .....

HJR	507			2616
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**NATIONAL FEDERATION OF THE BLIND**

**National Federation of the Blind;** commemorating its 75th anniversary. (Patron—Cole) .....

HJR	914			2807
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**NATURAL GAS**

**Natural Gas Conservation and Ratemaking Efficiency Act;** cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas, administrative cost, assignment of education and outreach costs. (Patron—Petersen) .....

SB	1331	694	2207	
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**Natural gas utilities;** cost recovery and deferral of eligible system expansion infrastructure costs.

Patron—Ware .....	HB	1475	231	427
Patron—Saslaw .....	SB	1163	28	72

**NATURAL RESOURCES, SECRETARY OF**

**Chesapeake Bay Watershed Agreement;** requirements of annual report by Secretary of Natural Resources. (Patron—Bloxom) .....

HB	1812	475	880	
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**Tributary strategies;** removes requirement for the Secretary of Natural Resources to provide an annual report. (Patron—Bulova) .....

HB	1535	48	159	
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**Water Implementation Plans (WIPs);** Secretary of Natural Resources to develop to improve water quality and restore living resources of Chesapeake Bay and its tributaries. (Patron—Hanger) .....

SB	1284	380	726	
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**NEIGHBORHOOD ASSISTANCE ACT**

**Neighborhood assistance tax;** no tax credit shall be granted for any donation made in the taxable year with a value of less than \$616, business firm or an individual making a qualified donation may by written agreement accept a tax credit of less than 65 percent for such donation. (Patron—Wilt) .....

HB	1701	56	169	
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**Neighborhood assistance tax credits;** eligibility of a physician specialist. (Patron—O'Bannon) .....

HB	1459	153	294	
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**NELSON COUNTY**

**Nelson County Future Farmers of America Farm Business Management team;** commending.

Patron—Fariss .....	HJR	727		2701
Patron—Deeds .....	SJR	312		2960

**Nelson County Middle School;** commending Future Farmers of America Agronomy team.

Patron—Fariss .....	HJR	728		2702
Patron—Deeds .....	SJR	313		2960

**NEW RIVER COMMUNITY ACTION**

**New River Community Action;** commemorating its 50th anniversary. (Patron—Yost) .....

HJR	732			2704
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<b>NEWBERN COMMUNITY CHRISTIAN CHURCH</b>			
<b>Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team; commending. (Patron–Rush)</b> .....	HJR 580		2644
<b>NEWINGHAM, DWIGHT S.</b>			
<b>Newingham, Dwight S.; commending. (Patron–Howell)</b> .....	HR 227		2850
<b>NEWPORT NEWS, CITY OF</b>			
<b>Riverside Hospital; commemorating its 100th anniversary.</b>			
Patron–Stolle .....	HJR 632		2657
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<b>NEY, R. TERRENCE</b>			
<b>Ney, R. Terrence; recording sorrow upon death.</b>			
Patron–Surovell .....	HJR 677		2676
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<b>NICHOLAS, FREDDIE W., SR.</b>			
<b>Nicholas, Freddie W., Sr.; commending. (Patron–Dance)</b> .....	SR 64		3005
<b>NICHOLS HARDWARE</b>			
<b>Nichols Hardware; commemorating its 100th anniversary. (Patron–LaRock)</b> .....	HJR 943		2821
<b>NIEDERKOFER, FRANCIS M.</b>			
<b>Niederkofler, Francis M.; recording sorrow upon death. (Patron–Howell)</b> .....	HJR 775		2728
<b>NOEL C. TAYLOR MUNICIPAL BUILDING</b>			
<b>Noel C. Taylor Municipal Building; commemorating its 100th anniversary. (Patron–Rasoul)</b> .....	HJR 913		2806
<b>NOLLEY, GEORGE E.</b>			
<b>Nolley, George E.; recording sorrow upon death. (Patron–Byron)</b> .....	HJR 552		2631
<b>NONPROFIT ORGANIZATIONS</b>			
<b>Secondhand building materials; exemption for donation of certain materials to nonprofit tax-exempt corporation. (Patron–Wagner)</b> .....	SB 1204	626	1416
<b>NONSTOCK CORPORATIONS</b>			
<b>Stock corporations and nonstock corporations; compiles multiple revisions to Virginia Stock Corporation Act and the Virginia Nonstock Corporation Act. (Patron–Kilgore)</b> .....	HB 1878	611	1319
<b>Virginia Stock Corporation Act and Virginia Nonstock Corporation Act; updates terminology and addresses shortcomings in Acts. (Patron–Joannou)</b> .....	HB 2176	623	1396
<b>NORFOLK, CITY OF</b>			
<b>Mount Pleasant Baptist Church; commemorating its 150th anniversary. (Patron–Lewis)</b> .....	SR 88		3032
<b>Urban system construction projects; City of Norfolk added to list of cities that may receive funds to pay for a project which places aboveground utilities below ground. (Patron–Wagner)</b> .....	SB 1208	30	75
<b>NORTH CAROLINA</b>			
<b>Dan River; designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron's Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron–Edmunds)</b> .....	HB 1507	46	158
<b>Virginia-North Carolina Interstate High-Speed Rail Compact; both states allowed to elect a co-chairman from among their membership. (Patron–Watkins)</b> .....	SB 815	494	905
<b>NORTHERN VIRGINIA</b>			
<b>Northern Virginia Community College; commemorating its 50th anniversary. (Patron–Lopez)</b> .....	HJR 910		2804
<b>Northern Virginia Transportation Authority; primary objective in regional transportation plan is to reduce congestion in Planning District 8, responsibility of long-range transportation planning.</b>			
Patron–LeMunyon .....	HB 1915	477	881
Patron–Marsden .....	SB 1314	496	906
<b>Northern Virginia Transportation Authority; use of revenues, effective date. (Patron–LaRock)</b> .....	HB 1470	458	866
<b>Veterans Care Center projects; funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available</b>			

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**NORTHERN VIRGINIA - Continued**

as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.

Patron—Cox .....	HB	1275	720	2276
Patron—Cox .....	HB	1276	721	2276
Patron—Puller .....	SB	675	743	2415
Patron—Puller .....	SB	676	744	2415

**NURSES**

**Nurse practitioners;** expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes.

Patron—Leftwich .....	HB	1476	295	568
Patron—Chafin .....	SB	861	306	597

**Nurses and nurse practitioners, registered and practical;** restricted volunteer license. (Patron—Lucas) .....

SB	901	522	1175
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**Physician assistants and nurse practitioners;** appointment as medical examiners. (Patron—O'Bannon) .....

HB	1435	107	236
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**Practical nurse or registered nurse;** establishes criminal history background check for applicants for licensure.

Patron—Dance .....	SB	1018	307	598
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**OATHS, AFFIRMATIONS, AND BONDS**

**Divorce;** evidence by affidavit. (Patron—Leftwich) .....

HB	1397	315	623
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**Temporary injunction;** affidavit or verified pleading. (Patron—Campbell) .....

HB	1367	125	264
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**OCEAN LAKES HIGH SCHOOL**

**Ocean Lakes High School football team;** commending. (Patron—Knight) .....

HR	195		2835
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**O'DELL, R. DAVID, JR.**

**O'Dell, R. David, Jr.;** recording sorrow upon death.

Patron—Ransone .....	HJR	704		2690
Patron—Stuart .....	SR	82		3029

**OGLESBY, RALPH SCHAEFER**

**Oglesby, Ralph Schaefer;** recording sorrow upon death. (Patron—Garrett) .....

HJR	757		2718
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**OLD OX BREWERY**

**Old Ox Brewery;** commemorating its 1st anniversary. (Patron—Ramadan) .....

HR	296		2884
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**O'LEARY, FRANCIS X.**

**O'Leary, Francis X.;** commending. (Patron—Hope) .....

HJR	654		2665
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**OPERA ON THE JAMES**

**Opera on the James;** commemorating its 10th anniversary. (Patron—Ware) .....

HJR	503		2615
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**OPTICIANS AND OPTOMETRISTS**

**Optometrists, TPA-certified;** administration of certain Schedule II drugs. (Patron—Hodges) .....

HB	1735	355	696
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**Vision care plans;** payment for certain services provided by optometrists and ophthalmologists, clarifies definition of covered materials, certain provisions relating to covered materials only shall be applicable to licensed opticians practicing in the Commonwealth, effective date. (Patron—Ware) .....

HB	1444	723	2278
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**OPTIMIST CLUB OF GREATER VIENNA**

**Optimist Club of Greater Vienna;** commemorating its 60th anniversary. (Patron—Keam) .....

HJR	658		2667
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**ORDINANCES**

**Clean energy;** financing programs, local ordinance authorizing contracts to provide loans shall include the kinds of renewable energy production and distribution facilities, energy usage efficiency improvements, or water usage efficiency improvements for which loans may be offered, development of underwriting guidelines.

Patron—Marshall, D.W. ....	HB	1446	389	738
Patron—Watkins .....	SB	801	427	816

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<b>ORDINANCES - Continued</b>			
<b>Local notifications;</b> any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron—Marshall, D.W.)	HB 1553	192	355
<b>Parking in residential areas;</b> localities may by ordinance permit in a public right-of-way. (Patron—Cole)	HB 1593	233	430
<b>OSTEOPATHY</b>			
<b>Medicine, Board of;</b> applicants for licensure to practice medicine, osteopathy, or podiatry to receive at least 12 months of the required supervised clinical training, repeals provision relating to licensure of persons who studied in international medical schools. (Patron—Barker)	SB 1120	525	1178
<b>OSTERGREN, BETTY</b>			
<b>Ostergren, Betty;</b> recording sorrow upon death. (Patron—Fowler)	HJR 768		2725
<b>OUR LADY QUEEN OF PEACE CATHOLIC CHURCH</b>			
<b>Our Lady Queen of Peace Catholic Church;</b> commemorating its 70th anniversary. (Patron—Lopez)	HJR 912		2806
<b>OUTDOOR ADVERTISING</b>			
<b>Outdoor advertising;</b> regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole)	HB 1594	607	1311
<b>OYSTERS AND OYSTER PLANTING GROUNDS</b>			
<b>Fishing privileges;</b> Marine Resources Commission shall revoke license to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. (Patron—Lingamfelter)	HB 2195	468	876
<b>PACKARD, JEAN R.</b>			
<b>Packard, Jean R.;</b> recording sorrow upon death. (Patron—Petersen)	SJR 232		2903
<b>PAGE, EDWARD M., SR.</b>			
<b>Page, Edward M., Sr.;</b> commending. (Patron—Marshall, D.W.)	HJR 866		2780
<b>PALISADES RESTAURANT</b>			
<b>Palisades Restaurant;</b> commemorating its 6th anniversary. (Patron—Yost)	HJR 779		2731
<b>PAMPLIN COLLEGE OF BUSINESS</b>			
<b>Pamplin College of Business at Virginia Tech;</b> commemorating its 50th anniversary. (Patron—Yost)	HJR 731		2703
<b>PARKER, HENRY D., JR.</b>			
<b>Parker, Henry D., Jr.;</b> recording sorrow upon death. (Patron—Ruff)	SJR 381		2999
<b>PARKING AREAS AND REGULATIONS</b>			
<b>Parking in residential areas;</b> localities may by ordinance permit in a public right-of-way. (Patron—Cole)	HB 1593	233	430
<b>PARKS AND PARK DEVELOPMENT</b>			
<b>Breaks Interstate Park Commission;</b> employees being commissioned as conservation officers.			
Patron—Pillion	HB 1859	64	180
Patron—Chafin	SB 858	489	895
<b>Outdoor advertising;</b> regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole)	HB 1594	607	1311
<b>PARTNERSHIPS</b>			
<b>Business entities;</b> reserved names. (Patron—Rust)	HB 1563	444	849
<b>High-growth companies;</b> Virginia Economic Development Partnership Authority and Department of Housing and Community Development to jointly study feasibility of incorporating programs to support existing companies into state's current economic development programs and activities. (Patron—Ruff)	SJR 242		2904
<b>Limited partnerships;</b> admission or withdrawal of partners. (Patron—Pillion)	HB 2059	614	1350
<b>Partnerships;</b> general formation. (Patron—O'Quinn)	HB 2209	616	1390
<b>PASTOR, JULIE</b>			
<b>Pastor, Julie;</b> commending. (Patron—Wexton)	SJR 369		2993

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<b>Patrick County Sheriff's Office; commending.</b>			
Patron—Poindexter .....	HJR	525	2623
Patron—Stanley .....	SJR	247	2907
<b>PATRICK HENRY ELEMENTARY SCHOOL</b>			
<b>Patrick Henry Elementary School; commemorating its 90th anniversary.</b>			
(Patron—Lopez) .....	HJR	809	2747
<b>PATTERSON, ELAINE TRIMBLE</b>			
<b>Patterson, Elaine Trimble; recording sorrow upon death. (Patron—Stuart) .....</b>			
	SR	98	3037
<b>PAUL D. CAMP COMMUNITY COLLEGE</b>			
<b>Paul D. Camp Community College; commemorating its 10th anniversary.</b>			
(Patron—Lucas) .....	SJR	322	2965
<b>PEACE, DEVLAMING A., SR.</b>			
<b>Peace, Devlaming A., Sr.; commending.</b>			
Patron—Lucas .....	SR	81	3028
<b>PEARISBURG, TOWN OF</b>			
<b>Giles High School football team; commending.</b>			
Patron—Yost .....	HJR	920	2810
<b>PEARSON, LAURA</b>			
<b>Pearson, Laura; commending. (Patron—LaRock) .....</b>			
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<b>PEDESTRIANS</b>			
<b>Passing with a double yellow line or double traffic lines; drivers allowed to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. (Patron—Alexander) . . . .</b>			
	SB	781	416 808
<b>PENNINGTON GAP, TOWN OF</b>			
<b>Lee Health &amp; Rehab Center; commending. (Patron—Kilgore) .....</b>			
	HR	285	2878
<b>PENSIONS, BENEFITS, AND RETIREMENT</b>			
<b>Commonwealth's Attorneys Training Fund; established.</b>			
Patron—Jones .....	HB	2222	212 383
Patron—Norment .....	SB	1360	226 416
<b>Hybrid retirement program; disclosure of services, fees, restrictions, and surrender penalties associated with employee voluntary contributions shall be provided by political subdivision on an annual basis to an employee who does not make the election, employee shall also be provided with a side-by-side comparison of long-term effects of generic expense ratios on his investments, Board shall develop policies and procedures for administering certain provisions.</b>			
Patron—Poindexter .....	HB	2178	539 1195
Patron—Watkins .....	SB	1162	538 1192
<b>Judicial retirement; any member who attains 73 years of age shall be retired 20 days after convening of the next regular session of the General Assembly following his seventy-third birthday, provisions shall apply to certain justices effective July 1, 2015, and certain judges whose terms commence on or after July 1, 2015.</b>			
Patron—Leftwich .....	HB	1984	762 2480
Patron—Norment .....	SB	1196	773 2558
<b>Life insurance; coverage for retired state employees. (Patron—Ingram) .....</b>			
	HB	2277	512 1163
<b>State and federal programs; Virginia Retirement System shall convene a work group to review and develop recommendations to encourage citizens to save for retirement. (Patron—Torian) .....</b>			
	HB	1998	669 2142
<b>Teachers; retirement allowance for and rehiring those retired, extends sunset provisions. Amending first and second enactments of Chapter 590, 2009 Acts. (Patron—BaCote) .....</b>			
	HB	2020	326 634
<b>Virginia Retirement System; cash balance retirement plan shall be reviewed, developed, and submitted to General Assembly no later than November 1, 2015. (Patron—Jones) .....</b>			
	HB	1969	511 1163
<b>Virginia Retirement System; purchase of prior service credit allowed for an unpaid leave of absence for death of a qualifying child. (Patron—Stuart) .....</b>			
	SB	942	536 1190
<b>Virginia Retirement System; purchase of service credit for up to one year per occurrence of leave for any unpaid leave of absence due to birth, adoption, or death</b>			

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of a qualified child, provisions shall become effective on January 1, 2017. (Patron—Jones) . . . . .	HB 1890	508	1144
<b>Virginia Retirement System</b> ; revocation of participation by Town of Damascus. Patron—O'Quinn . . . . .	HB 1885	112	252
Patron—Carrico . . . . .	SB 1173	527	1179
<b>Virginia Retirement System</b> ; technical amendments to the programs administered by System. (Patron—Watkins) . . . . .	SB 813	660	1500
<b>PERSONAL PROPERTY AND PERSONAL PROPERTY TAX</b>			
<b>Autocycles</b> ; tangible personal property tax relief for those motor vehicles that qualify. Patron—Scott . . . . .	HB 1340	152	293
Patron—Reeves . . . . .	SB 1219	96	221
<b>Personal property</b> ; tax relief on certain motor vehicles leased by members of the military. (Patron—Krupicka) . . . . .	HB 1589	266	508
<b>Retail Sales and Use Tax</b> ; finance charges, etc., on lease or rental of tangible personal property not included in gross proceeds. (Patron—Norment) . . . . .	SB 1119	252	463
<b>Tangible personal property</b> ; declares miscellaneous and incidental property employed in a trade or business with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property. (Patron—Hanger) . . . . .	SB 1127	593	1274
<b>Tangible personal property</b> ; declares miscellaneous and incidental property with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property owned by taxpayer that qualifies. (Patron—Toscano) . . . . .	HB 2098	487	889
<b>PERSONS WITH DISABILITIES</b>			
<b>Achieving a Better Life Experience (ABLE) savings trust accounts</b> ; established, administered by the Virginia College Savings Plan to assist individuals and families in saving private funds for purpose of supporting individuals with disabilities. Patron—Filler-Corn . . . . .	HB 2306	311	606
Patron—Stosch . . . . .	SB 1404	227	417
<b>Child support</b> ; court may order that support be paid or continue to be paid for any child over the age of 18 who is severely and permanently mentally or physically disabled, such disability existed prior to child reaching age of 18 or age of 19, individual denied support prior to July 1, 2015, who meets requirements, shall be eligible to petition court for support. Patron—Byron . . . . .	HB 2383	653	1481
Patron—Wexton . . . . .	SB 923	654	1485
<b>Dependents of active duty military members</b> ; Department of Medical Assistance Services shall amend waiver eligibility criteria supporting individuals with intellectual and developmental disabilities. (Patron—Hanger) . . . . .	SB 1036	671	2145
<b>Medical assistance</b> ; electronic asset verification program for purpose of verifying assets of applicant, financial institutions to provide certain medical records, sunset provision. (Patron—Sickles) . . . . .	HB 2372	652	1480
<b>Patients and family members with sensory disabilities</b> ; Department of Health shall work with stakeholders to develop guidelines for hospitals to ensure persons are able to communicate effectively with health care providers, report. (Patron—Orrock) . . . .	HB 1956	113	252
<b>People with Disabilities, Virginia Board for</b> ; membership, powers and duties. (Patron—Barker) . . . . .	SB 1111	523	1176
<b>Rights of the Disabled, Board for, and Board for the Rights of Virginians with Disabilities</b> ; repeals obsolete section referring to Boards. (Patron—Edwards) . . . . .	SB 1330	123	263
<b>Special diplomas</b> ; eliminates term, students identified as disabled who complete requirements of programs and meet certain requirements prescribed by Board of Education shall be awarded Applied Studies diplomas. (Patron—Favola) . . . . .	SB 1236	329	635
<b>Students, hearing or visually impaired</b> ; local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron—Bell, Richard P.) . . . . .	HB 1679	55	169
<b>Woodrow Wilson Rehabilitation Center</b> ; changes name to Wilson Workforce and Rehabilitation Center. (Patron—Hanger) . . . . .	SB 1039	542	1204

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**PETE SHEPHERD VOLUNTEER PUBLIC WATER ACCESS SERVICE AWARD**

**Pete Shepherd Volunteer Public Water Access Service Award;** commending 2014 winners. (Patron—Hodges) . . . . . HR 255 2864

**PETER SAUNDERS VETERANS' MEMORIAL BRIDGE**

**Peter Saunders Veterans' Memorial Bridge;** designating as U.S. Route 220 Business bridge in Town of Rocky Mount. (Patron—Poindexter) . . . . . HB 2279 178 336

**PETERSBURG, CITY OF**

**Blue Star Memorial Highway;** designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) . . . . . HB 2312 376 723

**PETERSON, SHERRY E.**

**Peterson, Sherry E.;** commending. (Patron—Peace) . . . . . HR 240 2857

**PHARMACIES**

**Hospices;** notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron—Hodges) . . . . . HB 1738 668 2142

**Pharmacy benefits administration;** carrier and intermediary contracts with pharmacy providers, disclosure of maximum allowable cost for prescription drugs. (Patron—Yost) . . . . . HB 2031 518 1172

**Prescription Monitoring Program;** requirements for prescribers, Department of Health Professions shall register every dispenser licensed by the Board of Pharmacy. (Patron—Herring) . . . . . HB 1841 517 1171

**PHARMACISTS**

**Naloxone or other opioid antagonist;** pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.  
Patron—O'Bannon . . . . . HB 1458 725 2282  
Patron—Obenshain . . . . . SB 1186 752 2432

**Pharmacists;** prescriber may authorize to possess epinephrine and oxygen for administration in treatment of emergency medical conditions. (Patron—Hodges) . . . HB 1914 514 1166

**PHILLIPS, ROBERT E., JR.**

**Phillips, Robert E., Jr.;** commending. (Patron—Adams) . . . . . HJR 857 2775

**PHOTO-MONITORING**

**Photo monitoring;** use of systems to enforce traffic light signals, appeals. (Patron—Ramadan) . . . . . HB 1355 714 2272

**PHYSICAL THERAPISTS**

**Physical therapy;** certain experience and referrals required to practice.  
Patron—O'Bannon . . . . . HB 1457 724 2280  
Patron—Newman . . . . . SB 776 746 2418

**PHYSICIANS AND SURGEONS**

**Involuntary civil admissions;** Commissioner of Behavioral Health and Development Services, et al., to review current practice of conducting emergency evaluations for individuals subject to admission, Commission shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals, review and plan including recommendations shall be completed by November 15, 2015, and reported. (Patron—Garrett) . . . . . HB 2368 742 2414

**Neighborhood assistance tax credits;** eligibility of a physician specialist. (Patron—O'Bannon) . . . . . HB 1459 153 294

**Physician assistants and nurse practitioners;** appointment as medical examiners. (Patron—O'Bannon) . . . . . HB 1435 107 236

**PIERCE, BESS**

**Pierce, Bess;** commending. (Patron—Yost) . . . . . HJR 836 2763

**PLATS**

**Local planning commission;** action on proposed plat. (Patron—Reeves) . . . . . SB 1355 420 810

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**PODIATRISTS**

**Medicine, Board of;** applicants for licensure to practice medicine, osteopathy, or podiatry to receive at least 12 months of the required supervised clinical training, repeals provision relating to licensure of persons who studied in international medical schools. (Patron—Barker) . . . . . SB 1120 525 1178

**POLICE**

**Constitutional amendment;** real property tax exemptions for spouses of certain emergency service providers (first reference). Adding Section 6-B in Article X. (Patron—Hugo) . . . . . HJR 597 718 2275

**Drugs forfeited to law enforcement;** disposal when no longer needed for research and training. (Patron—Reeves) . . . . . SB 1241 429 818

**Game and Inland Fisheries, Department of;** Director to enter into reciprocal law-enforcement agreements with other states. (Patron—Lingamfelter) . . . . . HB 1961 68 185

**High-occupancy toll (HOT) lanes;** clarifies circumstances under which law-enforcement vehicles may use without paying toll. (Patron—Rust) . . . . . HB 2235 73 194

**Internet;** Virginia's localities and school divisions encouraged to partner with local law-enforcement agencies regarding wireless access. (Patron—Fariss) . . . . . HJR 644 2662

**Lynchburg, City of;** establishment of an airport police department at Lynchburg Regional Airport. (Patron—Byron) . . . . . HB 2035 213 383

**Missing persons;** no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report, etc., State Department of Emergency Management shall establish a Coordinator of Search and Rescue, duties shall include coordinating with local, state, and federal agencies, etc., report.  
Patron—Herring . . . . . HB 1808 205 371  
Patron—McDougle . . . . . SB 1184 223 407

**Naloxone;** any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron—Gilbert) . . . . . HB 1833 732 2376

**Naloxone or other opioid antagonist;** pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al.  
Patron—O'Bannon . . . . . HB 1458 725 2282  
Patron—Obenshain . . . . . SB 1186 752 2432

**Noncommercial vessels;** no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron—Morris) . . . . . HB 1298 484 887

**Overdoses;** definition, certain individual remains at scene of overdose or at any alternative location to which he or person requiring emergency medical attention has been transported until law-enforcement officer responds, no individual may assert affirmative defense, if person sought or obtained emergency medical attention for himself or another individual during execution of a search warrant, etc.  
Patron—Carr . . . . . HB 1500 436 835  
Patron—Petersen . . . . . SB 892 418 809

**Police and court records;** when charge to be expunged is a felony, stipulates in written notice that continued existence and possible dissemination of information relating to arrest of petitioner causes or may cause certain circumstances, court may enter an order without conducting a hearing. (Patron—Stanley) . . . . . SB 908 426 815

**Private police departments;** definition, chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with department.  
Patron—Garrett . . . . . HB 1606 195 357  
Patron—Norment . . . . . SB 1217 224 413

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<b>Sexually violent predators;</b> notice of hearings, conditional release plan, Department shall notify the attorney for the Commonwealth, chief law-enforcement officer, and local government the proposed location of respondent's residence. (Patron–Wright) .	HB	2303	662	1511
<b>Telecommunication records;</b> warrant requirement, prohibition on collection by law enforcement, an investigative or law-enforcement officer may obtain real-time location data without a warrant under certain circumstances. (Patron–Marshall, R.G.)	HB	1408	43	155
<b>Virginia Port Authority;</b> expands police powers.				
Patron–Stolle . . . . .	HB	2273	74	194
Patron–McWaters . . . . .	SB	1358	253	470

**POLICE, STATE**

<b>Commercial motor carriers;</b> amends several commercial drivers' licensing laws. (Patron–Filler-Corn) . . . . .	HB	2038	258	486
<b>DNA data bank;</b> State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron–Watts) . . . . .	HB	1578	193	356
<b>Firearms;</b> localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron–Marsden) . . . . .	SB	936	220	391
<b>Involuntary admission and incapacity information;</b> access to records to any full-time or part-time employee of State Police, et al., for purpose of administration of criminal justice. (Patron–Deeds) . . . . .	SB	1264	540	1198
<b>Overheight vehicles;</b> when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron–Lewis) . . . . .	SB	956	181	344
<b>Sex Offender and Crimes Against Minors Registry;</b> Department of Corrections or community supervision shall physically verify or cause to be physically verified by the State Police registration information.				
Patron–Ingram . . . . .	HB	2228	598	1291
Patron–Wexton . . . . .	SB	918	81	200
<b>Sex Offender and Crimes Against Minors Registry (Robby's Rule);</b> Superintendent of State Police shall establish a Supplement to Registry, misuse of Registry, Supplement to Registry shall be completed prior to January 1, 2016.				
Patron–Ramadan . . . . .	HB	1353	594	1277
Patron–McDougle . . . . .	SB	1074	603	1304

**POLLING PLACES**

<b>Polling place;</b> authorized representative of political party permitted to use handheld wireless communication devices, but shall not be allowed to use such a device to capture a digital image inside polling place or central absentee voter precinct. (Patron–Vogel) . . . . .	SB	1351	575	1248
<b>Polling places;</b> designation of authorized representatives of political parties, if county or city chairman is unavailable to sign such a written designation, such a designation may be made by state or district chairman of the political party. (Patron–Campbell) .	HB	1333	133	272

**POOL, NANCY**

<b>Pool, Nancy;</b> commending.				
Patron–Edmunds . . . . .	HJR	891		2794
Patron–Ruff . . . . .	SJR	380		2998

**PORNOGRAPHY**

<b>Child pornography and obscenity offenses;</b> penalties. (Patron–Howell) . . . . .	SB	1056	428	817
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**PORTSMOUTH, CITY OF**

<b>Portsmouth, City of;</b> amending charter, election of mayor and city council members.				
Patron–James . . . . .	HB	1761	204	370
Patron–Lucas . . . . .	SB	749	215	385
<b>Portsmouth, City of;</b> appointment of board of zoning appeals. (Patron–James) . . . . .	HB	1758	406	782
<b>Portsmouth, City of;</b> members and alternates of board of zoning appeals shall be appointed by governing body. (Patron–Locke) . . . . .	SB	744	407	782

**POSTAL SERVICE, U.S.**

**Automobile and homeowners insurance policies;** no written notice of cancellation, etc., shall be effective unless sent by registered, certified, or any other similar

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first-class mail tracking method that is used or approved by the United States Postal Service, etc.

Patron–Miller .....	HB	1357	443	845
Patron–Martin .....	SB	697	9	44

**Stationary mail vehicles;** driver of any motor vehicle upon overtaking a vehicle that is displaying flashing, blinking, or alternating amber lights shall proceed with due caution and maintain a safe speed. (Patron–Farrell) .....

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**United States Postal Service;** removes the word "Inspection" from references thereto in several criminal procedure sections.

Patron–Fariss .....	HB	1545	126	264
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**POTOMAC AND CHESAPEAKE ASSOCIATION FOR COLLEGE ADMISSION COUNSELING**

**Potomac and Chesapeake Association for College Admission Counseling;** commemorating its 50th anniversary. (Patron–Lopez) .....

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**POWELL, JAMES RICHARD, JR.**

**Powell, James Richard, Jr.;** recording sorrow upon death. (Patron–Minchew) .....

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**PREGNANCY**

**Advance directives;** directions about life-prolonging procedures during pregnancy. (Patron–Rust) .....

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**PRENDERGAST, WILLIAM BRODERICK**

**Prendergast, William Broderick;** recording sorrow upon death. (Patron–Sullivan) ..

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**PRESCRIPTION MEDICINES**

**Pharmacy benefits administration;** carrier and intermediary contracts with pharmacy providers, disclosure of maximum allowable cost for prescription drugs. (Patron–Yost) .....

HB	2031	518	1172
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**Prescription drugs;** orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron–Hodges) .....

HB	1733	505	1138
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**Prescription Monitoring Program;** Director of the Department of Health Professions to disclose certain information relevant to a specific investigation, etc. (Patron–Howell) .....

SB	817	118	257
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**Prescription Monitoring Program;** requirements for prescribers, Department of Health Professions shall register every dispenser licensed by the Board of Pharmacy. (Patron–Herring) .....

HB	1841	517	1171
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**PRESIDENT OR VICE PRESIDENT**

**Elections administration;** technical amendments to pre-election and post-election activities, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless governing body, et al., determines that a second scanner is not necessary based on voter turnout, etc., repeals provision for State Board of Elections to annually provide certain statistical reports. Repealing second enactment of Chapter 318, 2007 Acts. (Patron–Sickles) ..

HB	2062	740	2395
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**Presidential elections;** number of officers of election and ballot scanner machines, governing body, in consultation with the general registrar and the electoral board, to determine numbers of scanners needed. (Patron–Obenshain) .....

SB	1062	667	2140
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**PRICHARD, FAYE O.**

**Prichard, Faye O.;** commending. (Patron–McEachin) .....

SJR	304	2957
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**PRIMARY AND SECONDARY SCHOOLS**

**Public elementary and secondary schools;** neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.

Patron–Landes .....	HB	1307	666	2140
Patron–Martin .....	SB	1293	372	722

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**PRIMARY AND SECONDARY SCHOOLS - Continued**

**Public schools;** Board of Education shall adopt regulations on use of seclusion and restraint in public elementary and secondary schools in the Commonwealth.

Patron—Bell, Richard P. ....	HB	1443	142	284
Patron—Favola .....	SB	782	147	289

**Standards of Learning;** Department of Education shall make available to school divisions assessments typically administered by middle and high schools by December 1 of the school year.

Patron—Farrell .....	HB	1303	558	1225
Patron—Barker .....	SB	900	149	289

**PRINCE GEORGE COUNTY**

**Blue Star Memorial Highway;** designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) .....

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**PRINCE WILLIAM COUNTY**

**Fred M. Lynn Middle School;** commemorating its 50th anniversary. (Patron—Futrell)

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**PRISONERS**

**Corrections, Department of;** interstate transportation of prisoners. (Patron—Deeds) ..

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**Prisoners;** sheriff, etc., to notify victim as soon as practicable of transfer. (Patron—Deeds) .....

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**Wireless telecommunications device;** possession, etc., by prisoner, penalty. (Patron—Gilbert) .....

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**PRISONS AND OTHER METHODS OF CORRECTION**

**Corrections, Board and Director of Department of;** prohibiting inmate possession of obscene materials, powers and duties. (Patron—Landes) .....

HB	1958	293	562
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**Corrections, Department of;** interstate transportation of prisoners. (Patron—Deeds) ..

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**Corrections, Department of;** joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to continue studying staffing levels and employment conditions, provisions are contingent upon an appropriation being included in a general appropriation act in 2015. (Patron—Marsden) .....

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**Driving under the influence of alcohol;** persons convicted under laws of other states or federal law, ignition interlock system, estimated amount of necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities, etc. (Patron—Miller) .....

HB	1639	729	2307
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**Incarcerated persons;** transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released.

Patron—Bell, Robert B. ....	HB	2043	211	382
Patron—McDougle .....	SB	1361	102	228

**Lawrenceville, Town of;** Department of Corrections to convey certain real property to Town to be used for water facilities. (Patron—Tyler) .....

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**Prisoners;** sheriff, etc., to notify victim as soon as practicable of transfer. (Patron—Deeds) .....

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**Regional jails;** reimbursement of capital costs, no project to construct, enlarge, or renovate a facility or enlarge, etc., existing facility that was not approved by the Governor prior to July 1, 2015, shall be eligible for reimbursement from the Commonwealth unless such project has been authorized in the general appropriation act. (Patron—McDougle) .....

SB	1049	749	2421
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**Wireless telecommunications device;** possession, etc., by prisoner, penalty. (Patron—Gilbert) .....

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**PRIVATE DETECTIVES AND PRIVATE SECURITY**

**Private investigators or personal protection specialist;** licensed private security services business may hire as an independent contractor, investigators and specialists shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by Department. (Patron—LeMunyon) .....

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**PROFESSIONS AND OCCUPATIONS**

**Accountancy, Board of;** technical updates to conform with recently updated professional standards and requirements for out-of-state CPA firms. (Patron—Barker)

SB	1125	287	544
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<b>Appraisal management companies;</b> appraiser compensation. (Patron—Martin) . . . . .	SB 1445	422	814
<b>Asbestos, Lead, and Home Inspectors, Virginia Board for;</b> unlawful for any person who is not a certified home inspector and who has not successfully completed the training module to conduct new home inspections, requirements for certification. (Patron—Peace) . . . . .	HB 2103	411	791
<b>Assault and battery;</b> Class 6 felony to commit against any firefighter or emergency medical services personnel anywhere in the Commonwealth. (Patron—Miller) . . . . .	HB 1611	196	359
<b>Cannabidiol oil and THC-A oil;</b> possession of marijuana in form of oil for treatment of intractable epilepsy, certification for use. Patron—Albo . . . . .	HB 1445	7	42
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<b>Cemetery Board;</b> financial report and report of independent certified public accountant required for perpetual care trust funds and preneed trust accounts. (Patron—Obenshain) . . . . .	SB 1174	344	668
<b>Chiropractic schools;</b> student training and practice. (Patron—Martin) . . . . .	SB 1058	122	263
<b>Common Interest Community Board;</b> Board required to develop and publish best practices for the content of declarations consistent with requirements of the Property Owners' Association Act. (Patron—Bulova) . . . . .	HB 1632	268	511
<b>Controlled substances;</b> removes hydrocodone combination products from Schedule III and classifies alfaxalone, suvorexant, and tramadol as Schedule IV. (Patron—Robinson) . . . . .	HB 1839	303	591
<b>Counselors;</b> any person licensed by Board and operating in a nonhospital setting shall post a copy of his license in a conspicuous place, posting number of toll-free complaint line, website address, etc. (Patron—Petersen) . . . . .	SB 1417	530	1181
<b>Dead bodies;</b> role of a person other than a decedent's next of kin designated to make arrangements for decedent's burial or disposition of his remains, clarifies definition of next of kin. (Patron—Alexander) . . . . .	SB 951	670	2142
<b>Funeral Directors and Embalmers, Board of;</b> clarifies definition of embalming. (Patron—Alexander) . . . . .	SB 895	534	1186
<b>Health professions;</b> changes respiratory care practitioner to respiratory therapist throughout Code of Virginia, updates other terminology, definition of radiologic technologist to include administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of Department of Health. (Patron—Stolle) . . . . .	HB 1818	302	585
<b>Health Professions, Department of;</b> disclosure of confidential information. (Patron—O'Bannon) . . . . .	HB 1963	114	253
<b>Home health and hospice organizations;</b> reporting requirements concerning health professionals. State Health Commissioner shall not be required to report information reported to the Director of Office of Licensure and Certification. (Patron—Favola) . . . . .	SB 944	119	258
<b>Hospices;</b> notice to every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, within 48 hours of patient's death. (Patron—Hodges) . . . . .	HB 1738	668	2142
<b>Industrial hemp production and manufacturing;</b> licensed cultivation and production, defining as plant Cannabis sativa with a concentration of THC no greater than that allowed by federal law, involuntary growth of hemp through inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower, report. Patron—Yost . . . . .	HB 1277	158	302
Patron—Dance . . . . .	SB 955	180	338
<b>Investigational drugs, biological products, and devices;</b> eligibility of person for expanded access to drugs, etc., informed consent to treatment, manufacturer, distributor, health care provider, etc., shall be immune from suit and civil liability caused by, arising out of, or relating to the design, clinical testing, etc., made available to such person. Patron—Ransone . . . . .	HB 1750	656	1491
Patron—Stanley . . . . .	SB 732	655	1489
<b>Mechanics' liens;</b> waiver of payment bond claims and contract claims, subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien			

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rights in a contract in advance of furnishing any labor, services, or materials. (Patron—Petersen) . . . . .	SB	891	748	2420
<b>Medicine, Board of;</b> applicants for licensure to practice medicine, osteopathy, or podiatry to receive at least 12 months of the required supervised clinical training, repeals provision relating to licensure of persons who studied in international medical schools. (Patron—Barker) . . . . .	SB	1120	525	1178
<b>Naloxone;</b> any person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to person who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages, law-enforcement officers and firefighters may possess and administer. (Patron—Gilbert) . . . . .	HB	1833	732	2376
<b>Naloxone or other opioid antagonist;</b> pharmacist may dispense, etc., law-enforcement officers and firefighters who have completed training may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy, et al. Patron—O'Bannon . . . . .	HB	1458	725	2282
Patron—Obenshain . . . . .	SB	1186	752	2432
<b>Neighborhood assistance tax credits;</b> eligibility of a physician specialist. (Patron—O'Bannon) . . . . .	HB	1459	153	294
<b>Nurse practitioners;</b> expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes. Patron—Leftwich . . . . .	HB	1476	295	568
Patron—Chafin . . . . .	SB	861	306	597
<b>Nurses and nurse practitioners, registered and practical;</b> restricted volunteer license. (Patron—Lucas) . . . . .	SB	901	522	1175
<b>Optometrists, TPA-certified;</b> administration of certain Schedule II drugs. (Patron—Hodges) . . . . .	HB	1735	355	696
<b>Outsourcing facilities;</b> creates new regulatory framework for permitting of facilities that compound drugs, registering nonresident outsourcing facilities to register with Board. (Patron—Hodges) . . . . .	HB	1737	300	578
<b>Pharmacists;</b> prescriber may authorize to possess epinephrine and oxygen for administration in treatment of emergency medical conditions. (Patron—Hodges) . . .	HB	1914	514	1166
<b>Physical therapy;</b> certain experience and referrals required to practice. Patron—O'Bannon . . . . .	HB	1457	724	2280
Patron—Newman . . . . .	SB	776	746	2418
<b>Physician assistants and nurse practitioners;</b> appointment as medical examiners. (Patron—O'Bannon) . . . . .	HB	1435	107	236
<b>Practical nurse or registered nurse;</b> establishes criminal history background check for applicants for licensure. Patron—Dance . . . . .	SB	1018	307	598
<b>Practitioners of the healing arts;</b> prohibits dispensing controlled substances unless licensed by Board of Pharmacy to sell controlled substances, exemption from fees associated with obtaining and renewing permits for certain facilities. (Patron—Garrett) . . . . .	HB	2192	117	257
<b>Prescription drugs;</b> orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron—Hodges) . . . . .	HB	1733	505	1138
<b>Prescription Monitoring Program;</b> Director of the Department of Health Professions to disclose certain information relevant to a specific investigation, etc. (Patron—Howell) . . . . .	SB	817	118	257
<b>Prescription Monitoring Program;</b> records in possession of Program shall not be available for civil subpoena, etc. (Patron—Herring) . . . . .	HB	1810	507	1142
<b>Prescription Monitoring Program;</b> requirements for prescribers, Department of Health Professions shall register every dispenser licensed by the Board of Pharmacy. (Patron—Herring) . . . . .	HB	1841	517	1171
<b>Private investigators or personal protection specialist;</b> licensed private security services business may hire as an independent contractor, investigators and specialists				

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shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by Department. (Patron—LeMunyon) . . . . .	HB	1718	202	368
<b>Professional and Occupational Regulation, Department of;</b> promoters of boxing, martial arts, and wrestling events sanctioning organization, amateur events, report, effective date of provisions.				
Patron—Miller . . . . .	HB	1455	264	504
Patron—Carrico . . . . .	SB	790	216	386
<b>Psychologists;</b> continuing education requirements. (Patron—Robinson) . . . . .	HB	2243	359	699
<b>Punitive or exemplary damages;</b> consistency provided by changing references to damages. (Patron—Habeeb) . . . . .	HB	1610	710	2261
<b>Real Estate Board;</b> educational requirements for salespersons, includes three hours of updates on flood hazard areas and the National Flood Insurance Program, effective date. (Patron—Stolle) . . . . .	HB	2295	692	2205
<b>Surface transportation and removal service;</b> registration, manager of record. (Patron—Villanueva) . . . . .	HB	1803	110	250
<b>Telemedicine services;</b> amends definition to encompass use of electronic technology or media for the purpose of diagnosing or treating a patient, etc., does not include online questionnaire, prescribing Schedule VI controlled substance to a patient.				
Patron—Kilgore . . . . .	HB	2063	115	254
Patron—McWaters . . . . .	SB	1227	32	76
<b>Veterans;</b> funeral director authorized to notify veterans service organizations as an alternative to notifying Department of Veterans Services, determination if cremains are those of a veteran's eligible dependent. (Patron—Alexander) . . . . .	SB	1106	138	282
<b>Virginia Public Procurement Act;</b> small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams)	HB	1854	733	2382
<b>Virginia Real Estate Board;</b> exemptions from licensure, property governed by the Virginia Real Estate Time-Share Act.				
Patron—Knight . . . . .	HB	1795	272	515
Patron—Cosgrove . . . . .	SB	1016	24	62
<b>Virginia Real Estate Transaction Recovery Fund;</b> conforms provisions to Virginia Contractor Transaction Recovery Fund.				
Patron—Rust . . . . .	HB	1965	409	784
<b>Vision care plans;</b> payment for certain services provided by optometrists and ophthalmologists, clarifies definition of covered materials, certain provisions relating to covered materials only shall be applicable to licensed opticians practicing in the Commonwealth, effective date. (Patron—Ware) . . . . .	HB	1444	723	2278
<b>Wholesale distributors;</b> notice to Board of Pharmacy when ceasing distribution of Schedule II through V drugs to a dispenser due to suspicious ordering. (Patron—Hodges) . . . . .	HB	1736	299	577
<b>PROPERTY AND CONVEYANCES</b>				
<b>Common Interest Community Board;</b> Board required to develop and publish best practices for the content of declarations consistent with requirements of the Property Owners' Association Act. (Patron—Bulova) . . . . .	HB	1632	268	511
<b>Condominium Act;</b> voting interest allocated to unit or member that has been suspended shall not be counted in total number of voting interests used to determine quorum for any meeting. (Patron—Pogge) . . . . .	HB	2055	214	384
<b>Condominium Act and Property Owners' Association Act;</b> notice of sale under deed of trust, definitions of unit and lot owners.				
Patron—Leftwich . . . . .	HB	2080	410	788
Patron—Cosgrove . . . . .	SB	1157	93	216
<b>Condominium and Property Owners' Association Acts;</b> allowable charges, rental of units, association charges, delivery of association disclosure packet. (Patron—Peace)	HB	2100	277	525
<b>Condominium and Property Owners' Association Acts;</b> statement of unit and lot owner rights, right to cast vote, except to the extent that condominium instruments provide otherwise, etc. (Patron—Petersen) . . . . .	SB	1008	286	543

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PROPERTY AND CONVEYANCES - Continued

**Deeds of trust or mortgages;** calculation of tax shall be calculated using rate scale, starting at point on scale that applies to first dollar in excess of amount of original debt or obligation secured by prior instrument.

Patron—Minchew	HB	2161	488	892
Patron—Stuart	SB	999	434	831

**Foreclosure sale by a trustee or trustees in execution of a deed of trust;** advertisement of time-share properties.

Patron—Knight	HB	1794	401	762
Patron—Cosgrove	SB	1015	23	61

**Henry County;** Department of Conservation and Recreation to convey certain property in Horsepasture District. (Patron—Poindexter)

HB	2247	472	879
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**Land preservation;** for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed \$100,000 for each taxable year, application for tax credit to be filed with the Department of Taxation by December 31.

Patron—Ware	HB	1828	235	430
Patron—Watkins	SB	1019	680	2155

**Landlord and tenant law;** retaliatory conduct by landlord. (Patron—Lopez)

HB	1905	408	783
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**Landlord and tenant law;** who may recover rent or possession. (Patron—Miller)

HB	1452	190	353
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**Landlord and tenant laws;** applicability to campgrounds. (Patron—Hodges)

HB	1739	394	742
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**Landlord and tenant laws;** notice to terminate tenancy, confidentiality of records, return of security deposit to the Commonwealth if tenant fails to leave a forwarding address. (Patron—Miller)

HB	1451	596	1279
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**Lawrenceville, Town of;** Department of Corrections to convey certain real property to Town to be used for water facilities. (Patron—Tyler)

HB	2255	353	693
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**Private roads;** roads serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system. (Patron—Lewis)

SB	1312	495	906
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**Real property tax;** locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron—Orrock)

HB	2173	498	908
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**Tenancy by the entireties;** property held in trust, provisions apply to any property of a husband and wife that is held by them as tenants by entireties and conveyed to their joint or separate revocable or irrevocable trusts. (Patron—Edwards)

SB	762	424	814
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**Virginia Condominium Act;** meetings of the unit owners' association, failure to obtain a quorum. (Patron—Marsden)

SB	1390	430	819
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**Virginia Marine Resources Commission;** conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle)

SB	1030	377	724
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**Virginia Real Estate Board;** exemptions from licensure, property governed by the Virginia Real Estate Time-Share Act.

Patron—Knight	HB	1795	272	515
Patron—Cosgrove	SB	1016	24	62

**Virginia Residential Landlord and Tenant Act;** visible mold remediation, obligation of landlord. (Patron—Krupicka)

HB	1867	274	517
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**Virginia Residential Property Disclosure Act;** representations related to special flood hazard areas, purchasers are advised to exercise whatever due diligence they deem necessary, including review of any map depicting special flood hazard areas, etc.

Patron—Stolle	HB	1642	269	513
Patron—Locke	SB	775	79	199

**Virginia Self-Service Storage Act;** notice of default by electronic means, clarifies definition of last known address. (Patron—Anderson)

HB	1921	208	379
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**Workers' compensation;** amends definition of employee, property owners' associations. (Patron—Scott)

HB	1285	442	841
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**PROPERTY, GROUNDS, AND BUILDINGS, STATE-OWNED**

**Capitol Square;** payment of restitution to the Commonwealth for any damage to Square or any building, monument, etc., or at any other property assigned to the Capitol Police.

Patron—Morefield . . . . . HB 2298 312 615  
Patron—Carrico . . . . . SB 707 550 1219

**PROPERTY OWNERS**

**Common Interest Community Board;** Board required to develop and publish best practices for the content of declarations consistent with requirements of the Property Owners' Association Act. (Patron—Bulova) . . . . .

HB 1632 268 511

**Condominium Act and Property Owners' Association Act;** notice of sale under deed of trust, definitions of unit and lot owners.

Patron—Leftwich . . . . . HB 2080 410 788  
Patron—Cosgrove . . . . . SB 1157 93 216

**Condominium and Property Owners' Association Acts;** allowable charges, rental of units, association charges, delivery of association disclosure packet. (Patron—Peace)

HB 2100 277 525

**Condominium and Property Owners' Association Acts;** statement of unit and lot owner rights, right to cast vote, except to the extent that condominium instruments provide otherwise, etc. (Patron—Petersen) . . . . .

SB 1008 286 543

**Workers' compensation;** amends definition of employee, property owners' associations. (Patron—Scott) . . . . .

HB 1285 442 841

**PROSTITUTION**

**Prostitution, pandering, etc.;** violation of certain provisions is punishable as Class 3 and 4 felonies. (Patron—Bell, Robert B.) . . . . .

HB 2040 395 744

**PROTECTIVE ORDERS**

**Protective orders;** compensation for required representation of respondents.

Patron—Simon . . . . . HB 2329 545 1211  
Patron—Stuart . . . . . SB 941 556 1223

**PRYDE, GEORGE**

**Pryde, George;** commending. (Patron—Cline) . . . . . HJR 928 2814

**PSYCHIATRISTS**

**Involuntary civil admissions;** Commissioner of Behavioral Health and Development Services, et al., to review current practice of conducting emergency evaluations for individuals subject to admission, Commission shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals, review and plan including recommendations shall be completed by November 15, 2015, and reported. (Patron—Garrett) . . . . .

HB 2368 742 2414

**PSYCHOLOGISTS**

**Psychologists;** continuing education requirements. (Patron—Robinson) . . . . .

HB 2243 359 699

**PUBLIC BUILDINGS, FACILITIES, AND PROPERTY**

**Campus police departments;** reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron—Massie) . . . . .

HB 1785 707 2249

**Outdoor advertising;** regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole) . . . . .

HB 1594 607 1311

**PUBLIC EMPLOYEES**

**Line of Duty Act;** codifying revisions to the Act relating to benefits for certain public employees disabled in the line of duty and their families, etc., repeals provision concerning appeals from judgments, provisions of certain enactments shall become effective on July 1, 2015. (Patron—Jones) . . . . .

HB 2204 647 1464

**PUBLIC SCHOOLS**

**Competitive foods;** regulations setting nutritional guidelines shall permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year, etc. (Patron—Bell, Richard P.) . . . . .

HB 2114 568 1243

**Public elementary and secondary schools;** neither Department of Education nor any local school board shall require any student enrolled in a public elementary or

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**PUBLIC SCHOOLS - Continued**

secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.

Patron—Landes ..... HB 1307 666 2140  
Patron—Martin ..... SB 1293 372 722

**Public schools;** annual budget publication in line item form on school division's website. (Patron—McDougle) ..... SB 1286 371 722

**Public schools;** Board of Education shall adopt regulations on use of seclusion and restraint in public elementary and secondary schools in the Commonwealth.

Patron—Bell, Richard P. .... HB 1443 142 284  
Patron—Favola ..... SB 782 147 289

**Public schools;** Board of Education shall promulgate regulations establishing additional accreditation ratings.

Patron—Krupicka ..... HB 1873 324 633  
Patron—Locke ..... SB 1320 150 292

**PUBLIC SERVICE COMPANIES**

**Auxiliary lights on public utility vehicles;** certain vehicles may be equipped with clear lights mounted on lower portion of vehicle and aimed downward. (Patron—Wright) ..... HB 2289 341 663

**Electric utilities;** investor-owned electric utilities permitted to recover from certain customers projected and actual costs, not currently in rates, for utility to design, etc., programs approved by Commission that accelerate vegetation management of distribution rights-of-way, exception.

Patron—Chafin ..... SB 1334 37 83

**Electric utilities;** net energy metering programs, electrical generating facility that has capacity of not more than one megawatt for nonresidential customers on a facility placed in service after July 1, 2015, electric distribution company to determine whether interconnection requirements have been met.

Patron—McClellan ..... HB 1950 432 821  
Patron—Dance ..... SB 1395 431 819

**Electric utility ratemaking;** recovery of costs of solar energy facilities. (Patron—Yancey) ..... HB 2237 599 1292

**Electric utility regulation;** suspension of regulatory reviews of utility earnings, integrated resource plan schedule, reports. (Patron—Wagner) ..... SB 1349 6 39

**Electric Utility Regulation, Commission on;** extends sunset provision.

Patron—Norment ..... SB 1466 628 1417

**Local notifications;** any locality may by ordinance establish a system to deliver to residents by email, phone, text message, or similar means of communication, opt-in provision for non-emergency notifications. (Patron—Marshall, D.W.) ..... HB 1553 192 355

**Natural Gas Conservation and Ratemaking Efficiency Act;** cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas, administrative cost, assignment of education and outreach costs. (Patron—Petersen) ..... SB 1331 694 2207

**Natural gas utilities;** cost recovery and deferral of eligible system expansion infrastructure costs.

Patron—Ware ..... HB 1475 231 427  
Patron—Saslaw ..... SB 1163 28 72

**Polling place;** authorized representative of political party permitted to use handheld wireless communication devices, but shall not be allowed to use such a device to capture a digital image inside polling place or central absentee voter precinct. (Patron—Vogel) ..... SB 1351 575 1248

**Secondary state highway system construction projects;** relocation or removal of utility facilities. (Patron—Campbell) ..... HB 1613 168 321

**State-owned communication towers;** removes requirement that amount charged to lease use of a tower be commensurate with amount paid for use of comparable space on similar towers. (Patron—Hanger) ..... SB 1377 351 692

**Telecommunication records;** warrant requirement, prohibition on collection by law enforcement, an investigative or law-enforcement officer may obtain real-time location data without a warrant under certain circumstances. (Patron—Marshall, R.G.) HB 1408 43 155

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**PUBLIC SERVICE COMPANIES - Continued**

<b>Urban system construction projects;</b> City of Norfolk added to list of cities that may receive funds to pay for a project which places aboveground utilities below ground. (Patron—Wagner) . . . . .	SB	1208	30	75
<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . .	SB	1030	377	724
<b>Wireless telecommunications device;</b> possession, etc., by prisoner, penalty. (Patron—Gilbert) . . . . .	HB	2385	601	1302
<b>PULASKI COUNTY</b>				
<b>Newbern Community Christian Church and Glen Lyn Church of Christ Bible Bowl team;</b> commending. (Patron—Rush) . . . . .	HJR	580		2644
<b>Trooper Andrew Fox Memorial Bridge;</b> designating as New River Bridge on Interstate 81 in Montgomery and Pulaski Counties. Patron—Rush . . . . .	HB	2183	238	443
Patron—Carrico . . . . .	SB	753	15	55
<b>PULEO, LAURA</b>				
<b>Puleo, Laura;</b> commending. (Patron—Deeds) . . . . .	SJR	371		2994
<b>PURCELLVILLE, TOWN OF</b>				
<b>Nichols Hardware;</b> commemorating its 100th anniversary. (Patron—LaRock) . . . . .	HJR	943		2821
<b>QUAYLE, FREDERICK M.</b>				
<b>Quayle, Frederick M.;</b> commending. (Patron—Jones) . . . . .	HR	276		2874
<b>RAILROADS</b>				
<b>Commonwealth Transportation Board;</b> membership, funding for transportation, report, allocation of funds to certain towns for urban highways, Transportation Partnership Opportunity Fund created. (Patron—Jones) . . . . .	HB	1887	684	2162
<b>Virginia-North Carolina Interstate High-Speed Rail Compact;</b> both states allowed to elect a co-chairman from among their membership. (Patron—Watkins) . . . . .	SB	815	494	905
<b>Virginia's Rail Heritage Region;</b> encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron—Poindexter) . . . . .	HJR	521		2619
<b>RANSONE, STERLING N., JR.</b>				
<b>Ransone, Sterling N., Jr.;</b> commending. (Patron—Hodges) . . . . .	HJR	749		2714
<b>RAO, JULIE FANGMING HO</b>				
<b>Rao, Julie Fangming Ho;</b> recording sorrow upon death. (Patron—Rust) . . . . .	HR	204		2839
<b>RAPHAEL, ABBY</b>				
<b>Raphael, Abby;</b> commending. (Patron—Ebbin) . . . . .	SJR	367		2992
<b>RAPPAHANNOCK RIVER</b>				
<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . .	SB	1030	377	724
<b>RAUCH, TRUDY</b>				
<b>Rauch, Trudy;</b> commending. (Patron—Leftwich) . . . . .	HJR	670		2672
<b>REAL ESTATE AND REAL ESTATE TAX</b>				
<b>Administration of estates;</b> liability of heir or devisee for real estate conveyed. (Patron—Obenshain) . . . . .	SB	1064	332	638
<b>Community development authorities;</b> any special tax levied or any special assessment imposed by a locality pursuant to an agreement with an authority, constitutes a lien on real estate ranking on parity with real estate taxes, etc. (Patron—Vogel) . . . . .	SB	1448	39	151
<b>Constitutional amendment;</b> real property tax exemptions for spouses of certain emergency service providers (first reference). Adding Section 6-B in Article X. (Patron—Hugo) . . . . .	HJR	597	718	2275
<b>Real Estate Board;</b> educational requirements for salespersons, includes three hours of updates on flood hazard areas and the National Flood Insurance Program, effective date. (Patron—Stolle) . . . . .	HB	2295	692	2205
<b>Real estate with delinquent taxes or liens;</b> appointment of special commissioner in City of Fredericksburg. (Patron—Reeves) . . . . .	SB	1229	379	725

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**REAL ESTATE AND REAL ESTATE TAX - Continued**

**Real property;** written explanation or justification for an increase in assessed value.  
(Patron—Cosgrove) . . . . . SB 872 244 446

**Real property assessment;** valuation for land preservation. (Patron—Rush) . . . . . HB 1483 485 888

**Real property tax;** exemption for certain leasehold interests.  
Patron—Loupassi . . . . . HB 1766 234 430  
Patron—Watkins . . . . . SB 1031 87 209

**Real property tax;** exemption for surviving spouses of members of armed forces killed in action, only portion of the assessed value in excess of the average assessed value shall be subject to taxes, portion not in excess shall be exempt from taxes.  
(Patron—Ramadan) . . . . . HB 1721 577 1251

**Real property tax;** locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families.  
(Patron—Orrock) . . . . . HB 2173 498 908

**Real property tax;** nonjudicial sale of certain tax-delinquent property. (Patron—Yost) . . . . . HB 1711 59 171

**Real property tax;** notice of assessments.  
Patron—Ware . . . . . HB 1291 151 292  
Patron—Watkins . . . . . SB 678 157 301

**Tax-delinquent property;** method for sale of real property that is located in more than one locality. (Patron—Orrock) . . . . . HB 1567 50 160

**Virginia Port Authority;** restricts expenditures on capital projects to those located on real property that is owned, leased, or operated by Authority, except those expenditures on grants to local government for financial assistance for port facilities, etc. (Patron—Massie) . . . . . HB 1784 609 1313

**Virginia Real Estate Board;** exemptions from licensure, property governed by the Virginia Real Estate Time-Share Act.  
Patron—Knight . . . . . HB 1795 272 515  
Patron—Cosgrove . . . . . SB 1016 24 62

**Virginia Real Estate Transaction Recovery Fund;** conforms provisions to Virginia Contractor Transaction Recovery Fund.  
Patron—Rust . . . . . HB 1965 409 784

**RECORDS RETENTION**

**Post-adoption services;** State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families.  
Patron—Farrell . . . . . HB 1821 5 38  
Patron—Martin . . . . . SB 834 17 55

**RECYCLED PRODUCTS**

**Recyclable materials;** changes tax credit by extending expiration date of credit to January 1, 2020, increasing credit allowed, etc., Department of Taxation shall administer tax credits, effective date.  
Patron—Marshall, D.W. . . . . HB 1554 49 159  
Patron—Wagner . . . . . SB 1205 94 220

**REDMAN, ROBERT CARTER, III**

**Redman, Robert Carter, III;** commending. (Patron—Helsel) . . . . . HR 241 2857

**REGISTRARS**

**General registrars;** reassigning duties of the electoral board related to absentee voting and campaign finance.  
Patron—Cole . . . . . HB 1433 644 1435  
Patron—Vogel . . . . . SB 1092 645 1449

**Presidential elections;** number of officers of election and ballot scanner machines, governing body, in consultation with the general registrar and the electoral board, to determine numbers of scanners needed. (Patron—Obenshain) . . . . . SB 1062 667 2140

**REILLY, CHARLES A.**

**Reilly, Charles A.;** commending. (Patron—Ingram) . . . . . HJR 845 2768

**RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES**

**Absentee voting;** application for absentee ballot shall contain information stating person has an obligation occasioned by his religion. (Patron—Howell) . . . . . SB 816 314 622

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<b>Cemetery Board</b> ; financial report and report of independent certified public accountant required for perpetual care trust funds and preneed trust accounts. (Patron—Obenshain) . . . . .	SB 1174	344	668
<b>Chaplains of the Virginia National Guard and Virginia Defense Force</b> ; prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . .	SB 690	283	542
<b>Collection receptacles for clothing, household items, etc.</b> ; required disclosures. (Patron—Rasoul) . . . . .	HB 1860	476	881
<b>RETAIL SALES AND USE TAX</b>			
<b>Retail Sales and Use Tax</b> ; exemption for certain light bulbs. (Patron—Carr) . . . . .	HB 1345	42	154
<b>Retail Sales and Use Tax</b> ; finance charges, etc., on lease or rental of tangible personal property not included in gross proceeds. (Patron—Norment) . . . . .	SB 1119	252	463
<b>Retail Sales and Use Tax</b> ; limited exemption for certain qualifying items, beginning in 2015, and ending July 1, 2017. (Patron—Saslaw) . . . . .	SB 1319	382	727
<b>Taxation, Department of</b> ; authorized to disclose whether person, firm, or corporation is registered as a retail sales and use tax dealer, etc., the Department shall not be prohibited from disclosing information to certain nongovernmental entities. (Patron—Howell) . . . . .	SB 1010	247	449
<b>RETCHIN, SHELDON M.</b>			
<b>Retchin, Sheldon M.</b> ; commending. Patron—O'Bannon . . . . .	HJR 814		2750
Patron—Watkins . . . . .	SJR 347		2980
<b>RETIREMENT SYSTEMS</b>			
<b>State and federal programs</b> ; Virginia Retirement System shall convene a work group to review and develop recommendations to encourage citizens to save for retirement. (Patron—Torian) . . . . .	HB 1998	669	2142
<b>Virginia Retirement System</b> ; cash balance retirement plan shall be reviewed, developed, and submitted to General Assembly no later than November 1, 2015. (Patron—Jones) . . . . .	HB 1969	511	1163
<b>Virginia Retirement System</b> ; purchase of prior service credit allowed for an unpaid leave of absence for death of a qualifying child. (Patron—Stuart) . . . . .	SB 942	536	1190
<b>Virginia Retirement System</b> ; purchase of service credit for up to one year per occurrence of leave for any unpaid leave of absence due to birth, adoption, or death of a qualified child, provisions shall become effective on January 1, 2017. (Patron—Jones) . . . . .	HB 1890	508	1144
<b>Virginia Retirement System</b> ; revocation of participation by Town of Damascus. Patron—O'Quinn . . . . .	HB 1885	112	252
Patron—Carrico . . . . .	SB 1173	527	1179
<b>Virginia Retirement System</b> ; technical amendments to the programs administered by System. (Patron—Watkins) . . . . .	SB 813	660	1500
<b>REYNOLDS, BEVERLY LYNN WARD</b>			
<b>Reynolds, Beverly Lynn Ward</b> ; recording sorrow upon death. (Patron—Carr) . . . . .	HJR 691		2683
<b>RICE, FRANCES</b>			
<b>Rice, Frances</b> ; commending. (Patron—Yost) . . . . .	HJR 835		2762
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<b>Rice, William David</b> ; commending. (Patron—Carr) . . . . .	HJR 957		2829
<b>RICHLANDS HIGH SCHOOL</b>			
<b>Richlands High School football team</b> ; commending. Patron—Chafin . . . . .	SR 68		3007
<b>RICHMOND AMATEUR RADIO CLUB</b>			
<b>Richmond Amateur Radio Club</b> ; commemorating its 100th anniversary. (Patron—McClellan) . . . . .	HJR 819		2753
<b>RICHMOND, CITY OF</b>			
<b>Binford Middle School</b> ; commemorating its 100th anniversary. (Patron—Carr) . . . . .	HJR 955		2828
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**Highway maintenance;** payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi) . . . . . HB 1402 722 2277

**RICHMOND METROPOLITAN AREA**

**National Coalition of 100 Black Women, Inc., Richmond Metropolitan Area Group of;** commending. (Patron—Carr) . . . . . HJR 952 2826

**RICHMOND PEACE EDUCATION CENTER**

**Richmond Peace Education Center;** commemorating its 35th anniversary. (Patron—Carr) . . . . . HJR 784 2733

**RILEY, JOHN R., JR.**

**Riley, John R., Jr.;** commending. (Patron—Minchew) . . . . . HJR 908 2803

**RIVERA, JEREMY MOGOLLON**

**Rivera, Jeremy Mogollon;** commending. (Patron—Sickles) . . . . . HR 224 2848

**RIVERSIDE HOSPITAL**

**Riverside Hospital;** commemorating its 100th anniversary.  
Patron—Stolle . . . . . HJR 632 2657  
Patron—Miller . . . . . SR 77 3026

**RIVERSIDE SHORE MEMORIAL HOSPITAL AUXILIARY**

**Riverside Shore Memorial Hospital Auxiliary;** commemorating 50th anniversary of its Hospital Ball. (Patron—Lewis) . . . . . SJR 368 2992

**ROADS**

**Private roads;** roads serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system. (Patron—Lewis) . . . . . SB 1312 495 906

**ROANOKE, CITY OF**

**Burrell Memorial Hospital;** commemorating 100th anniversary of its founding. (Patron—Rasoul) . . . . . HR 311 2892

**Roanoke, City of;** amending charter, appointment of director of finance. (Patron—Edwards) . . . . . SB 1276 347 676

**Roanoke, City of;** amending charter, appointment of director of finance, term of office. (Patron—Head) . . . . . HB 1532 689 2193

**ROANOKE COUNTY**

**Glenvar High School football team;** commending. (Patron—Edwards) . . . . . SJR 266 2945

**ROBERT FROST MIDDLE SCHOOL**

**Robert Frost Middle School;** commemorating its 50th anniversary. (Patron—Filler-Corn) . . . . . HJR 879 2787

**ROBINSON, FRANK**

**Robinson, Frank;** commending. (Patron—Carr) . . . . . HJR 782 2732

**ROCK RIDGE HIGH SCHOOL**

**Rock Ridge High School marching band;** commending. (Patron—Wexton) . . . . . SJR 328 2969

**ROCKY MOUNT, TOWN OF**

**Peter Saunders Veterans' Memorial Bridge;** designating as U.S. Route 220 Business bridge in Town of Rocky Mount. (Patron—Poindexter) . . . . . HB 2279 178 336

**RODENBURG, KATHLEEN THERESE BROWN**

**Rodenburg, Kathleen Therese Brown;** recording sorrow upon death. (Patron—Robinson) . . . . . HJR 860 2777

**ROLLISON, SARA LOUISE**

**Rollison, Sara Louise;** recording sorrow upon death. (Patron—Lingamfelter) . . . . . HJR 794 2739

**ROSE, MICHAEL TRENTON**

**Rose, Michael Trenton;** recording sorrow upon death. (Patron—Tyler) . . . . . HR 279 2875

**ROSENTHAL, FANNIE GUNST STRAUS**

**Rosenthal, Fannie Gunst Straus;** recording sorrow upon death. (Patron—Carr) . . . . . HJR 689 2682

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<b>Ross, Carl Michael</b> ; recording sorrow upon death.			
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<b>ROSTOV'S COFFEE AND TEA</b>			
<b>Rostov's Coffee and Tea</b> ; commemorating its 35th anniversary. (Patron—Carr) . . . . .	HJR 688		2681
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<b>Rotary Club of Lunenburg</b> ; commemorating its 75th anniversary. (Patron—Wright) . . . . .	HJR 738		2707
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<b>Rotary Club of Vienna</b> ; commemorating its 60th anniversary. (Patron—Keam) . . . . .	HJR 657		2666
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<b>Trooper Donald E. Lovelace Memorial Bridge</b> ; designating as Route 134 bridge over U.S. Route 17 in York County. (Patron—Norment) . . . . .	SB 1303	35	83
<b>ROUTE 24</b>			
<b>Hugh T. Pendleton Memorial Highway</b> ; designating as a portion of Route 24 in Campbell County. (Patron—Fariss) . . . . .	HB 1707	58	171
<b>ROUTE 36</b>			
<b>Blue Star Memorial Highway</b> ; designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) . . . . .	HB 2312	376	723
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<b>Peter Saunders Veterans' Memorial Bridge</b> ; designating as U.S. Route 220 Business bridge in Town of Rocky Mount. (Patron—Poindexter) . . . . .	HB 2279	178	723
<b>RUSSELL COUNTY</b>			
<b>Transient occupancy tax</b> ; Bland and Russell Counties added to the list of counties authorized to impose. (Patron—Chafin) . . . . .	SB 1240	98	223
<b>RUSTBURG ANGELS ALL-STARS SOFTBALL TEAM</b>			
<b>Rustburg Angels All-Stars softball team</b> ; commending. (Patron—Fariss) . . . . .	HR 259		2866
<b>RYAN, JACLYN ROLLER</b>			
<b>Ryan, Jaclyn Roller</b> ; commending. (Patron—Gilbert) . . . . .	HJR 862		2778
<b>RYAN, MARK</b>			
<b>Ryan, Mark</b> ; commending. (Patron—Greason) . . . . .	HR 203		2839
<b>SALES AND USE TAX</b>			
<b>Cigarettes</b> ; possession with intent to distribute contraband, fraudulent purchase, use of business license obtained under false pretenses, forged or invalid Virginia sales and use tax exemption certificate, etc.			
Patron—Herring . . . . .	HB 1807	273	516
Patron—Reeves . . . . .	SB 1231	290	554
<b>Communications sales and use tax</b> ; Department of Taxation to study performance of tax. (Patron—LaRock) . . . . .			
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<b>Motor vehicle sales and use tax</b> ; expands exemption from payment of tax for gifts of vehicles to certain family members to include gifts to a parent. (Patron—Garrett) . . . . .			
	HB 1279	159	308
<b>Retail Sales and Use Tax</b> ; finance charges, etc., on lease or rental of tangible personal property not included in gross proceeds. (Patron—Norment) . . . . .			
	SB 1119	252	463
<b>Retail Sales and Use Tax</b> ; limited exemption for certain qualifying items, beginning in 2015, and ending July 1, 2017. (Patron—Saslaw) . . . . .			
	SB 1319	382	727
<b>Sales and use tax</b> ; exemption includes on or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000.			
Patron—Miller . . . . .	HB 1648	620	1394
Patron—Wagner . . . . .	SB 1336	629	1417
<b>Taxation, Department of</b> ; authorized to disclose whether person, firm, or corporation is registered as a retail sales and use tax dealer, etc., the Department shall not be prohibited from disclosing information to certain nongovernmental entities. (Patron—Howell) . . . . .			
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**SALES, ROBERT LUTHER, SR.**

**Sales, Robert Luther, Sr.;** recording sorrow upon death. (Patron—Cline) . . . . . HR 318 2895

**SALIBA, SAMIR N.**

**Saliba, Samir N.;** commending. (Patron—Campbell) . . . . . HJR 922 2811

**SALVAGE AND JUNKYARDS, MOTOR VEHICLE**

**Salvage, nonrepairable, and rebuilt vehicles;** enhances and clarifies certain requirements and practices relating to licensing and activities of vehicle demolishers, rebuilders, salvage dealers, etc., clarifies definitions of cosmetic damage and nonrepairable vehicle, updates terminology to licensed auto recycler.

Patron—Villanueva . . . . . HB 2184 177 332

Patron—Newman . . . . . SB 1259 33 78

**Salvage, nonrepairable vehicle or major component parts;** advertisement for sale, etc., prohibited unless advertiser is a licensee or an individual authorized to dispose of a salvage vehicle, license number shall be displayed in such advertisement, etc.

Patron—Villanueva . . . . . HB 2342 240 444

Patron—Cosgrove . . . . . SB 1430 254 470

**SAUNDERS, WILLIAM GERALD, SR.**

**Saunders, William Gerald, Sr.;** recording sorrow upon death. (Patron—Jones) . . . . . HJR 612 2652

**SCENIC RIVERS**

**Dan River;** designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron's Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron—Edmunds) . . . . . HB 1507 46 158

**SCHMIDT'S FLOWERS & ACCESSORIES**

**Schmidt's Flowers & Accessories;** commemorating its 75th anniversary. (Patron—Pogge) . . . . . HJR 665 2670

**SCHOLARSHIPS**

**Medical school scholarships;** expands eligibility for program administered by Board of Health for certain medical students. (Patron—Stanley) . . . . . SB 717 532 1184

**SCHOOL BOARDS**

**Blood testing;** in cases in which a school board employee is exposed to body fluids of a minor, parent, guardian, or person standing in loco parentis shall be notified prior to initiating such testing. (Patron—Landes) . . . . . HB 1587 51 162

**Career and technical education;** alignment with state or national program certification and accreditation standards, shall not apply to any program offered by industry in cooperation with a local school board. (Patron—Greason) . . . . . HB 1616 588 1266

**Home instruction;** no division superintendent or local school board shall disclose to Department of Education or any other person or entity outside of the local school division student information, claiming religious exemption. (Patron—Black) . . . . . SB 1383 592 1273

**Postsecondary credential, certification, or license attainment;** each local school board may enter into agreements with community colleges, et al., that offer a career and technical education curriculum. (Patron—Byron) . . . . . HB 1676 589 1266

**Public elementary and secondary schools;** neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers.

Patron—Landes . . . . . HB 1307 666 2140

Patron—Martin . . . . . SB 1293 372 722

**School board clerks;** electronic maintenance of records.

Patron—Head . . . . . HB 2245 388 737

Patron—Smith . . . . . SB 1339 330 637

**School buses;** local school board may sell or transfer to another school division or purchase a used school bus from another school division or a school bus dealer, requirements. (Patron—Poindexter) . . . . . HB 1952 559 1228

**Students;** questionnaires and surveys requesting sexual information, etc., parental notification and consent, if required by state law or is requested by a state agency, relevant agency shall provide school board with all information in notice to parents,

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parent shall have the right to review questionnaire or survey in a manner mutually agreed upon by school and parent, etc. (Patron—Wilt) . . . . . HB 1698 703 2242

**Students, hearing or visually impaired;** local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron—Bell, Richard P.) . . . . . HB 1679 55 169

### SCHOOL BUSES

**School buses;** local school board may sell or transfer to another school division or purchase a used school bus from another school division or a school bus dealer, requirements. (Patron—Poindexter) . . . . . HB 1952 559 1228

### SCHULTZE, ROBERT P.

**Schultze, Robert P.;** commending.

Patron—Jones . . . . . HJR 726 2701

Patron—Watkins . . . . . SJR 307 2958

### SCOTT, EDNA BAZEMORE

**Scott, Edna Bazemore;** recording sorrow upon death. (Patron—BaCote) . . . . . HJR 708 2690

### SCOTT, WENDELL, SR.

**Scott, Wendell, Sr.;** recording sorrow upon death. (Patron—Stanley) . . . . . SJR 275 2950

### SEARCH WARRANTS

**Blood samples;** person authorized to take samples pursuant to a search warrant, immunity. (Patron—Edwards) . . . . . SB 832 425 815

**Electronic communication service or remote computing service;** obtaining records, search warrant for real-time location data. (Patron—Loupassi) . . . . . HB 2355 634 1423

**Overdoses;** definition, certain individual remains at scene of overdose or at any alternative location to which he or person requiring emergency medical attention has been transported until law-enforcement officer responds, no individual may assert affirmative defense, if person sought or obtained emergency medical attention for himself or another individual during execution of a search warrant, etc.

Patron—Carr . . . . . HB 1500 436 835

Patron—Petersen . . . . . SB 892 418 809

**Search warrants;** collection of evidence from computers, computer networks, and other electronic devices, search may be conducted in any location. (Patron—Wexton) SB 1307 501 918

**Unmanned aircraft;** use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises. (Patron—McEachin) . . . . . SB 1301 774 2559

**Unmanned aircraft;** use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron—Cline) . . . . . HB 2125 764 2523

### SECURITIES

**Securities Act;** creates an exemption from securities, broker-dealer, and agent registration requirements, report, sunset provision.

Patron—Taylor . . . . . HB 1360 400 759

Patron—Edwards . . . . . SB 763 354 694

### SENATE OF VIRGINIA

**Corrections, Department of;** joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to continue studying staffing levels and employment conditions, provisions are contingent upon an appropriation being included in a general appropriation act in 2015. (Patron—Marsden) . . . . . SR 62 3004

**Innovation and Entrepreneurship Investment Authority;** powers, membership, one nonlegislative citizen member to be appointed by the Governor, Speaker of the House, and Senate Committee on Rules, report. (Patron—Vogel) . . . . . SB 1385 687 2189

**Innovation and Entrepreneurship Investment Authority;** powers, membership, one nonlegislative citizen member to be appointed by the Speaker of the House and Senate Committee on Rules, report. (Patron—Greason) . . . . . HB 1799 685 2185

**Rules of the Senate;** established.

Patron—McDougle . . . . . SR 70 3008

**Senate Committee on Rules;** confirming appointments to the Senate Ethics Advisory Panel. (Patron—McDougle) . . . . . SR 100 3039

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- Senate Committee on Rules;** confirming appointments to the Virginia Commonwealth University Health System Authority Board, Virginia Conflict of Interest and Ethics Advisory Council, and Tobacco Indemnification and Community Revitalization Commission. (Patron—Stosch) . . . . . SJR 296 2952
- Senate of Virginia;** 2015 operating resolution. (Patron—McDougle) . . . . . SR 65 3006

SENIOR CITIZENS

- Medical assistance;** electronic asset verification program for purpose of verifying assets of applicant, financial institutions to provide certain medical records, sunset provision. (Patron—Sickles) . . . . . HB 2372 652 1480
- Prescription drugs;** orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron—Hodges) . . . . . HB 1733 505 1138
- Senior citizens' higher education;** increases maximum taxable individual income for those who wish to register and enroll in courses. (Patron—Keam) . . . . . HB 2068 146 288

SEWAGE DISPOSAL AND SEWERAGE SYSTEMS

- Onsite sewage systems;** validity of certain septic tank permits, voluntary upgrade waivers. (Patron—Knight) . . . . . HB 1804 111 251

SEXUAL ASSAULT AWARENESS MONTH

- Sexual Assault Awareness Month;** designating as April 2015, and each succeeding year thereafter.  
Patron—Kory . . . . . HJR 600 2648
- Patron—Favola . . . . . SJR 245 2906

SEXUAL OFFENSES

- Campus police departments;** reporting of criminal sexual assault occurring on campus, in or on a noncampus building or property, or on public property, notification of investigation to local Commonwealth's attorney within 48 hours. (Patron—Massie) . . . . . HB 1785 707 2249
- Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron—Orrock . . . . . HB 1570 758 2448
- Patron—Hanger . . . . . SB 1168 770 2539
- Commercial sex trafficking;** penalties, provisions of this act may result in net increase in periods of imprisonment or commitment.  
Patron—Hugo . . . . . HB 1964 690 2196
- Patron—Obenshain . . . . . SB 1188 691 2201
- DNA data bank;** State Police shall verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry. (Patron—Watts) . . . . . HB 1578 193 356
- Higher educational institutions, public or private nonprofit;** establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service, certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report.  
Patron—Bell, Robert B. . . . . HB 1930 737 2390
- Patron—Black . . . . . SB 712 745 2416
- Sex Offender and Crimes Against Minors Registry;** Department of Corrections or community supervision shall physically verify or cause to be physically verified by the State Police registration information.  
Patron—Ingram . . . . . HB 2228 598 1291
- Patron—Wexton . . . . . SB 918 81 200
- Sex Offender and Crimes Against Minors Registry (Robby's Rule);** Superintendent of State Police shall establish a Supplement to Registry, misuse of Registry, Supplement to Registry shall be completed prior to January 1, 2016.  
Patron—Ramadan . . . . . HB 1353 594 1277
- Patron—McDougle . . . . . SB 1074 603 1304
- Sex offenders;** sexual offenses prohibiting entry onto school or other property, newspaper notice shall contain a provision stating that written comments regarding

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petition may be submitted to clerk of court at least five days prior to hearing. (Patron—Campbell) . . . . .	HB 1366	688	2192
<b>Sexual and Domestic Violence, Advisory Committee on;</b> established, Virginia Sexual and Domestic Violence Program Professional Standards Committee shall establish voluntary accreditation standards and procedures.			
Patron—Peace . . . . .	HB 2092	402	763
Patron—Howell . . . . .	SB 1094	222	402
<b>Sexually violent predator offenses;</b> case files on these crimes committed shall be retained for 50 years from sentencing date or until the sentence term ends, whichever comes later. (Patron—Wexton) . . . . .	SB 914	552	1221
<b>SHAUNESEY, DONNA</b>			
<b>Shaunesey, Donna;</b> commending. (Patron—Toscano) . . . . .	HJR 742		2710
<b>SHEFFEY, JOSEPH</b>			
<b>Sheffey, Joseph;</b> commending. (Patron—Yost) . . . . .	HJR 837		2763
<b>SHERIFFS</b>			
<b>Prisoners;</b> sheriff, etc., to notify victim as soon as practicable of transfer. (Patron—Deeds) . . . . .	SB 1311	101	227
<b>Private police departments;</b> definition, chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with department.			
Patron—Garrett . . . . .	HB 1606	195	357
Patron—Norment . . . . .	SB 1217	224	413
<b>Sheriff's office;</b> clarifies motor vehicle markings. (Patron—Campbell) . . . . .	HB 1331	132	272
<b>SHERMAN, CORNELIUS WRIGHT</b>			
<b>Sherman, Cornelius Wright;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR 783		2733
<b>SHUCK, JACQUELINE L.</b>			
<b>Shuck, Jacqueline L.;</b> commending. (Patron—Edwards) . . . . .	SJR 222		2899
<b>SIGNS</b>			
<b>Outdoor advertising;</b> regulation by county governing bodies, signs containing advertisement or notices located on public park property or school property that is owned by that county. (Patron—Cole) . . . . .	HB 1594	607	1311
<b>SIMMONS, S. DALLAS</b>			
<b>Simmons, S. Dallas;</b> recording sorrow upon death. (Patron—McClellan) . . . . .	HJR 823		2756
<b>SIMPKINS, ROBERT</b>			
<b>Simpkins, Robert;</b> commending. (Patron—Yost) . . . . .	HJR 834		2762
<b>SIMPSON, WILLIE AND SUE</b>			
<b>Simpson, Willie and Sue;</b> commending. (Patron—Martin) . . . . .	SJR 229		2902
<b>SINFONICRON LIGHT OPERA COMPANY</b>			
<b>Sinfonicron Light Opera Company;</b> commemorating its 50th anniversary. (Patron—Mason) . . . . .	HR 266		2869
<b>SMALL BUSINESSES</b>			
<b>Small Business and Supplier Diversity, Department of;</b> clarifies definition of small business, business meets size standards established by regulations of the United States Small Business Administration, report.			
Patron—Lopez . . . . .	HB 1901	439	837
Patron—Petersen . . . . .	SB 885	441	839
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB 1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act,			

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Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .

HB 1776 730 2309

**Virginia Public Procurement Act;** small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams)

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**SMITH, DARRYL C., SR.**

**Smith, Darryl C., Sr.;** commending. (Patron—LaRock) . . . . .

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**SMITH, DENNIS J.**

**Smith, Dennis J.;** commending. (Patron—Surovell) . . . . .

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**SMITH, EARL T.**

**Smith, Earl T.;** recording sorrow upon death. (Patron—Fowler) . . . . .

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**SMITH, ONA ESTELLE SHRADER**

**Smith, Ona Estelle Shrader;** commending. (Patron—Smith) . . . . .

SR 130 3054

**SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF**

**Child support;** Department of Social Services may establish and operate an arrears compromise program. (Patron—Lindsey) . . . . .

HB 1783 506 1139

**Child support;** Department of Social Services to prorate payments on the basis of amounts due. (Patron—Watts) . . . . .

HB 1602 52 163

**Prescription drugs;** orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron—Hodges) . . . . .

HB 1733 505 1138

**Public assistance;** Commissioner of the State Department of Social Services may temporarily utilize other entities to receive and process applications, confidentiality requirements. (Patron—Helsel) . . . . .

HB 1847 513 1165

**Service and Volunteerism, Advisory Board on;** established to advise Governor and his Cabinet, funding for costs of compensation and expenses of members shall be provided by Department of Social Services in accordance with federal law, sunset provision.

Patron—McClellan . . . . .  
Patron—Vogel . . . . .

HB 2071 452 861  
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**SOLAR ENERGY**

**Electric utility ratemaking;** recovery of costs of solar energy facilities. (Patron—Yancey) . . . . .

HB 2237 599 1292

**Virginia Solar Energy Development Authority;** created, appointment of members, Director may obtain non-state-funded support to carry out any duties, Authority shall have power and duty to conduct activities to increase solar energy generation, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects, report, provisions shall expire on July 1, 2025. (Patron—Hugo) . . . . .

HB 2267 398 749

**Virginia Solar Energy Development Authority;** created, appointment of members, Director may obtain non-state-funded support to carry out any duties, report, provisions shall expire on July 1, 2025. (Patron—Stuart) . . . . .

SB 1099 90 213

**SONS OF THE AMERICAN REVOLUTION, VIRGINIA SOCIETY**

**Sons of the American Revolution, Virginia Society;** commemorating its 25th anniversary. (Patron—Adams) . . . . .

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**SOUTHAMPTON COUNTY**

**Southampton County Historical Society;** commemorating its 50th anniversary. (Patron—Morris) . . . . .

HR 219 2846

**SOUTHSIDE VIRGINIA**

**Tobacco Region Revitalization Commission;** created, powers and duties of Commission, distribution of Fund, each economic development grant or award require a dollar-for-dollar match, a match of less than 50 percent may be considered by a two-thirds majority vote of Commission, financial viability and feasibility study prior to disbursement, Virginia Tobacco Region Revolving Fund created, projects

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located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia, report.

Patron—Kilgore .....	HB 2330	399	752
Patron—Ruff .....	SB 1440	433	823

**SOUTHWEST VIRGINIA**

**Southwest Virginia Health Authority;** review and approval of proposed cooperative agreements, definition of hospital includes all providers of mental health services, etc., Authority shall submit regional health goals to the State Health Commissioner. (Patron—Kilgore) .....

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**Tobacco Region Revitalization Commission;** created, powers and duties of Commission, distribution of Fund, each economic development grant or award require a dollar-for-dollar match, a match of less than 50 percent may be considered by a two-thirds majority vote of Commission, financial viability and feasibility study prior to disbursement, Virginia Tobacco Region Revolving Fund created, projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia, report.

Patron—Kilgore .....	HB 2330	399	752
Patron—Ruff .....	SB 1440	433	823

**SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES**

**Innovation and Entrepreneurship Investment Authority;** powers, membership, one nonlegislative citizen member to be appointed by the Governor, Speaker of the House, and Senate Committee on Rules, report. (Patron—Vogel) .....

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**Innovation and Entrepreneurship Investment Authority;** powers, membership, one nonlegislative citizen member to be appointed by the Speaker of the House and Senate Committee on Rules, report. (Patron—Greason) .....

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**Speaker of the House of Delegates;** confirming appointments.

Patron—Howell .....	HJR 804		2745
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**SPEED LIMITS**

**Speed limits in school crossing zones;** governing body of a county in Planning District 8 may increase or decrease only after justification has been shown by an engineering and traffic investigation, speed limit to be conspicuously posted on portable signs, etc.

Patron—Minchew .....	HB 1531	459	867
Patron—Favola .....	SB 803	460	868

**SPENCER, R. FERN**

**Spencer, R. Fern;** recording sorrow upon death. (Patron—Loupassi) .....

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**SPORTING EXHIBITIONS, EVENTS, AND FACILITIES**

**Commonwealth's Twenty marksmanship award;** established. (Patron—Stanley) . . . .

SB 848	747	2419
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**Professional and Occupational Regulation, Department of;** promoters of boxing, martial arts, and wrestling events sanctioning organization, amateur events, report, effective date of provisions.

Patron—Miller .....	HB 1455	264	504
Patron—Carrico .....	SB 790	216	386

**Virginia Racing Commission (VRC);** powers, definitions, advance deposit account wagering revenues, distribution.

Patron—Scott .....	HB 1826	731	2369
Patron—Vogel .....	SB 1097	751	2425

**STANDARDS OF LEARNING**

**Graduation requirements;** permits local school division to waive requirements for certain students to earn a standard unit of credit upon providing Board with satisfactory proof, that students have learned content and skills included in Standards of Learning.

Patron—Greason .....	HB 1675	701	2237
Patron—Garrett .....	SB 982	702	2239

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STANDARDS OF LEARNING - Continued

**Standards of Learning;** Board of Education shall promulgate regulations to provide same criteria for eligibility for an expedited retake of any test, with exception of writing tests.

Patron—Habeeb . . . . .	HB	1490	144	285
Patron—Cosgrove . . . . .	SB	874	148	289

**Standards of Learning;** Board of Education to require each student to take assessment in science after student receives instruction in the grade six science, life science, and physical science and before student completes grade eight. (Patron—LeMunyon) . . .

HB	1714	323	631
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**Standards of Learning;** Department of Education shall develop processes for informing school divisions of changes. (Patron—Head) . . . . .

HB	1419	322	628
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**Standards of Learning;** Department of Education shall make available to school divisions assessments typically administered by middle and high schools by December 1 of the school year.

Patron—Farrell . . . . .	HB	1303	558	1225
Patron—Barker . . . . .	SB	900	149	289

**Standards of Learning;** integrated assessments to include multiple subject areas. (Patron—Greason) . . . . .

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STANTON, WILLIAM W., VI

<b>Stanton, William W., VI;</b> recording sorrow upon death. (Patron—Carr) . . . . .	HJR	954		2827
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STAR OF THE SEA CATHOLIC CHURCH

<b>Star of the Sea Catholic Church;</b> commemorating its 100th anniversary. (Patron—DeSteph) . . . . .	HR	313		2893
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STATE AGENCIES

**Administration, Finance, and Technology, Secretaries of;** Secretaries shall jointly establish a work group to provide the public, et al., with access to operational data and information of state agencies within the subject matter jurisdiction of each standing committee of the General Assembly. (Patron—Cline) . . . . .

HB	2378	473	880
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**Buggs Island Lake;** state agencies and local governments allowed to refer to Lake as John H. Kerr Reservoir or Kerr Lake. (Patron—Ruff) . . . . .

SB	972	84	207
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**Chesapeake Bay Watershed Implementation Plan;** state agencies to remove Little Creek watershed from inclusion in the James River Basin. (Patron—Wagner) . . . . .

SB	1203	184	351
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**Fraud and Abuse Whistle Blower Protection Act;** definition of state agency includes any independent agency. (Patron—LeMunyon) . . . . .

HB	1916	316	624
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**Governmental agencies;** contracts for items listed on commercial activities list, publication of notice, opportunity for comment, provisions of this section shall not apply to services provided by central service state agencies, etc. (Patron—LeMunyon)

HB	1917	736	2389
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**Information technology projects and services;** Chief Information Officer authorized to approve and make decisions without routine approval, Secretary of Technology shall designate a state agency or higher educational institution as business sponsor responsible for implementing an enterprise information technology project, etc. (Patron—Jones) . . . . .

HB	2323	768	2531
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**Remote access to land records;** prohibits a circuit court clerk or an outside vendor contracted by the clerk, or both, from including their indemnification as a requirement in an agreement between a state agency or employee thereof, acting in the employee's official capacity, etc. (Patron—Sullivan) . . . . .

HB	1983	174	329
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**State agency or official;** prohibition on payments without an appropriation, prohibition on IOUs. (Patron—Massie) . . . . .

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**Virginia Information Technologies Agency;** certain private higher educational institutions allowed to purchase directly from contracts established for state agencies and public bodies. (Patron—Rust) . . . . .

HB	1661	462	869
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**Virginia Values Veterans Program;** certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron—Stolle) . . . . .

HB	1641	318	625
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**Virginia's Rail Heritage Region;** encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron—Poindexter) . . . . .

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## STATE CORPORATION COMMISSION

<b>Credit life and credit accident and sickness insurance;</b> removes the requirement that insurers file annual reports with the State Corporation Commission. (Patron—Alexander) . . . . .	SB	729	11	48
<b>Electric utilities;</b> investor-owned electric utilities permitted to recover from certain customers projected and actual costs, not currently in rates, for utility to design, etc., programs approved by Commission that accelerate vegetation management of distribution rights-of-way, exception. Patron—Chafin . . . . .	SB	1334	37	83
<b>Health insurance;</b> mental health parity conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of federal Mental Health Parity and Addiction Equity Act, certain requirements shall apply to all renewed insurance policies and subscription contracts, State Corporation Commission's Bureau of Insurance, et al., shall develop reporting requirements regarding denied claims, etc., repeals coverage for biologically based mental illness. (Patron—O'Bannon) . . . . .	HB	1747	649	1469
<b>Health services plans;</b> State Corporation Commission shall conduct a proceeding to review and evaluate impact of a law or other regulatory action of another state, no plan shall distribute or reduce its surplus without approval of the Commission. Patron—Miller . . . . .	HB	2299	519	1173
Patron—Favola . . . . .	SB	1405	520	1173
<b>State Corporation Commission;</b> certificates of fact issued by the clerk of the Commission, facsimile signature. (Patron—Marshall, D.W.) . . . . .	HB	1640	446	852
<b>Virginia Public Procurement Act;</b> methods of procurement, job order contracting and cooperative procurement, certain provisions shall expire on July1, 2017, State Corporation Commission shall develop a process for the administrative review of its procurement decisions, report. Patron—Gilbert . . . . .	HB	1835	760	2465
Patron—Ruff . . . . .	SB	1371	776	2561
<b>STATE EMPLOYEES</b>				
<b>Life insurance;</b> coverage for retired state employees. (Patron—Ingram) . . . . .	HB	2277	512	1163
<b>State and local government officers and employees;</b> prohibited conduct, retaliation prohibited against person for expressing views on matters of public concern, authority of any public employer to govern conduct of its employees, and to take disciplinary action, etc. (Patron—Garrett) . . . . .	SB	1133	574	1248
<b>STEINBAUER, FRANCIS C.</b>				
Steinbauer, Francis C.; commending. (Patron—Howell) . . . . .	SJR	343		2978
<b>STEPHENSON, ROY THOMAS</b>				
Stephenson, Roy Thomas; recording sorrow upon death. Patron—Bell, Richard P. . . . .	HJR	684		2680
Patron—Hanger . . . . .	SJR	251		2909
<b>STILLMAN, PALMER</b>				
Stillman, Palmer; commending. (Patron—Alexander) . . . . .	SR	79		3027
<b>STOCK CORPORATIONS</b>				
<b>Stock corporations and nonstock corporations;</b> compiles multiple revisions to Virginia Stock Corporation Act and the Virginia Nonstock Corporation Act. (Patron—Kilgore) . . . . .	HB	1878	611	1319
<b>Virginia Stock Corporation Act and Virginia Nonstock Corporation Act;</b> updates terminology and addresses shortcomings in Acts. (Patron—Joannou) . . . . .	HB	2176	623	1396
<b>STODGHILL, ALBERT JACK</b>				
Stodghill, Albert Jack; commending. (Patron—Miller) . . . . .	SR	113		3045
<b>STONE BRIDGE HIGH SCHOOL</b>				
Stone Bridge High School girls' swim team; commending. (Patron—Greason) . . . . .	HR	244		2858
<b>STORMWATER MANAGEMENT</b>				
<b>Postdevelopment stormwater management technical criteria;</b> Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron—DeSteph) . . . . .	HJR	587		2645

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**STORMWATER MANAGEMENT - Continued**

**Stormwater;** Board shall establish a procedure for approval of dredging operations in the Chesapeake Bay Watershed as a method of meeting pollutant reduction and loading requirements, any locality imposing a fee may make funds available for dredging where stormwater has contributed to deposition of sediment in state waters. (Patron—Wagner) . . . . . SB 1201 753 2437

**Stormwater utility fees;** implementing waivers for property where two adjoining localities, subject to a revenue sharing agreement, each hold municipal separate storm sewer permits. (Patron—Hanger) . . . . . SB 1047 683 2161

**STREAMSWEEPERS**

**StreamSweepers;** commending. (Patron—Scott) . . . . . HJR 574 2642

**STREET, W. SCOTT, III**

**Street, W. Scott, III;** recording sorrow upon death. (Patron—McClellan) . . . . . HJR 827 2758

**STREETS AND ALLEYS**

**Secondary state highway system;** expands number of streets eligible to be taken into system. (Patron—Carrico) . . . . . SB 792 179 336

**STROKE COMEBACK CENTER**

**Stroke Comeback Center;** commemorating its 10th anniversary. (Patron—Keam) . . . . HJR 668 2671

**STRONG, CHARLES CALVIN**

**Strong, Charles Calvin;** recording sorrow upon death. (Patron—Jones) . . . . . HJR 611 2651

**STUARTS DRAFT RURITAN CLUB**

**Stuarts Draft Ruritan Club;** commemorating its 75th anniversary. (Patron—Bell, Richard P.) . . . . . HJR 811 2749

**STUDENTS**

**Academic transcripts;** suspension, permanent dismissal, or withdrawal from institution, documentation on transcripts, removal of notation from transcript when student has completed term of suspension, etc., provisions of certain section shall apply only to a student who is taking or has taken a course at a campus, provisions shall not apply to certain public institutions. (Patron—Norment) . . . . . SB 1193 771 2554

**Diploma seals;** Board of Education shall establish criteria for awarding a seal of biliteracy to any student who demonstrates proficiency in English and at least one other language.  
Patron—Ramadan . . . . . HB 1351 564 1234  
Patron—Wexton . . . . . SB 916 565 1236

**Epinephrine;** regulation for possession and administration in licensed private schools for students with disabilities and accredited private schools by an employee. (Patron—Greason) . . . . . HB 2216 387 731

**Graduation requirements;** permits local school division to waive requirements for certain students to earn a standard unit of credit upon providing Board with satisfactory proof, that students have learned content and skills included in Standards of Learning.  
Patron—Greason . . . . . HB 1675 701 2237  
Patron—Garrett . . . . . SB 982 702 2239

**High school graduation rate;** Board of Education shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes certain students, report. (Patron—Orrock) . . . . . HB 2318 705 2245

**Higher educational institutions;** student mental health policies shall require procedures for notifying institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. (Patron—Barker) . . . . . SB 1122 716 2274

**Higher educational institutions;** students exhibiting suicidal tendencies or behavior, institutional policies and procedures for notification of the student mental health or counseling center. (Patron—LeMunyon) . . . . . HB 1715 663 1513

**Home instruction;** no division superintendent or local school board shall disclose to Department of Education or any other person or entity outside of the local school division student information, claiming religious exemption. (Patron—Black) . . . . . SB 1383 592 1273

**Income tax, state;** individual subtraction for income attributable to discharge of student loan solely by reason of the student's death.  
Patron—LeMunyon . . . . . HB 1716 60 172  
Patron—Howell . . . . . SB 933 82 201

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<b>Intercollegiate athletics programs;</b> format for each institution to report its revenues and expenses, subsidy percentages, Intercollegiate Athletics Review Commission established, provisions shall become effective on July 1, 2016. (Patron–Cox) . . . . .	HB	1897	704	2243
<b>Medical school scholarships;</b> expands eligibility for program administered by Board of Health for certain medical students. (Patron–Stanley) . . . . .	SB	717	532	1184
<b>Public elementary and secondary schools;</b> neither Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction or his parent, to provide student's federal social security number, Department of Education shall develop a system of unique student identification numbers. Patron–Landes . . . . .	HB	1307	666	2140
<b>Public elementary schools;</b> Department of Behavioral Health and Developmental Services to study benefits of offering voluntary mental health screenings to students. (Patron–Yost) . . . . .	HJR	586		2644
<b>School service providers;</b> protection of student personal information, no provider in operation on June 30, 2015, shall be subject to certain provisions until such time as contract to operate a school service is renewed. (Patron–Greason) . . . . .	HB	1612	728	2306
<b>Special diplomas;</b> eliminates term, students identified as disabled who complete requirements of programs and meet certain requirements prescribed by Board of Education shall be awarded Applied Studies diplomas. (Patron–Favola) . . . . .	SB	1236	329	635
<b>Standard diploma;</b> student shall receive satisfactory competency-based instruction to satisfy requirements in lieu of achieving a career and technical education credential. (Patron–Orrock) . . . . .	HB	2276	591	1271
<b>Standards of Learning;</b> Board of Education to require each student to take assessment in science after student receives instruction in the grade six science, life science, and physical science and before student completes grade eight. (Patron–LeMunyon) . . .	HB	1714	323	631
<b>Student data security;</b> Department of Education, et al., shall develop and update regularly a model data security plan for protection of student data. (Patron–Austin) .	HB	2350	561	1229
<b>Students;</b> questionnaires and surveys requesting sexual information, etc., parental notification and consent, if required by state law or is requested by a state agency, relevant agency shall provide school board with all information in notice to parents, parent shall have the right to review questionnaire or survey in a manner mutually agreed upon by school and parent, etc. (Patron–Wilt) . . . . .	HB	1698	703	2242
<b>Students, hearing or visually impaired;</b> local school board shall annually post information describing educational and other services available on website, information packet available for review by parents without Internet access. (Patron–Bell, Richard P.) . . . . .	HB	1679	55	169
<b>Students' personally identifiable information;</b> Department of Education shall develop and make publicly available certain policies on its website, in cases in which electronic records are reasonably believed to have been disclosed, Department or local school division shall notify parent of student as soon as practicable. (Patron–Landes) . . . . .	HB	1334	139	283
<b>Uniformed services-connected students;</b> Department of Education shall establish a process for identification by local school divisions of newly enrolled students, nonidentifiable, aggregate data collected shall be made available to local, state, and federal entities for purposes of becoming eligible for nongeneral fund sources and receiving services to meet needs of students residing in the Commonwealth. Patron–Ramadan . . . . .	HB	2373	582	1254
Patron–Reeves . . . . .	SB	1354	583	1255

**STUDY COMMISSIONS, COMMITTEES, AND REPORTS**

<b>Administrative Process Act;</b> certain review by Joint Commission on Administrative Rules, report. (Patron–Ransone) . . . . .	HB	1751	608	1312
<b>Agency coordination;</b> Secretary of Education shall consult with agencies for which he is responsible pursuant to statute and biennially report to the General Assembly. (Patron–Landes) . . . . .	HB	1335	140	283
<b>Certificate of public need;</b> eliminates regional health planning agencies and adds an exception to definition of project, clarifies definition of project, capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$10 million by a medical care facility other than general hospital shall be registered				

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with the Commissioner, Secretary of Health and Human Resources to convene workgroup and report recommendations. (Patron–Martin) . . . . . SB 1283 541 1202

**Chemical storage in the Commonwealth;** Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron–Watkins) . . . . . SB 811 241 444

**Chesapeake Bay Watershed Agreement;** requirements of annual report by Secretary of Natural Resources. (Patron–Bloxom) . . . . . HB 1812 475 880

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron–Orrock . . . . . HB 1570 758 2448  
Patron–Hanger . . . . . SB 1168 770 2539

**Clean Power Plan, proposed federal;** Department of Environmental Quality to study projected health benefits of Plan in comparison with projected health benefits of existing regulations. (Patron–Wagner) . . . . . SJR 273 2949

**Commonwealth Transportation Board;** membership, funding for transportation, report, allocation of funds to certain towns for urban highways, Transportation Partnership Opportunity Fund created. (Patron–Jones) . . . . . HB 1887 684 2162

**Communications sales and use tax;** Department of Taxation to study performance of tax. (Patron–LaRock) . . . . . HJR 635 2658

**Cooperative degree program, online;** Secretary of Education, et al., shall develop a plan to establish and advertise, tuition cost not to exceed \$4000 or such cost that is achievable, report. (Patron–Cline) . . . . . HB 2320 664 1514

**Corrections, Department of;** joint committee of the Senate Committee on Rehabilitation and Social Services and the Senate Committee on Rules to continue studying staffing levels and employment conditions, provisions are contingent upon an appropriation being included in a general appropriation act in 2015. (Patron–Marsden) . . . . . SR 62 3004

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron–Newman) . . . . . SB 1411 228 426

**Eastern Virginia Groundwater Management Advisory Committee;** established, membership shall include state and federal agencies' officials, university faculty, citizens, etc., with expertise in water resources-related issues, report, sunset provision.  
Patron–Hodges . . . . . HB 1924 613 1349  
Patron–Norment . . . . . SB 1341 262 503

**Education, Board of;** annual report on the condition and needs of public education in the Commonwealth. (Patron–Hester) . . . . . HB 2169 386 731

**Electric utility regulation;** suspension of regulatory reviews of utility earnings, integrated resource plan schedule, reports. (Patron–Wagner) . . . . . SB 1349 6 39

**Health insurance;** carrier business practices, requires carrier communicate to the prescriber or his designee within 24 hours of submission of an urgent prior authorization request, if submitted telephonically or in an alternate method directed by the carrier, etc., report.  
Patron–Habeeb . . . . . HB 1942 515 1169  
Patron–Newman . . . . . SB 1262 516 1170

**Health Insurance Reform Commission;** powers and duties, upon request assess proposed mandated benefits and providers, report, staffing by Division of Legislative Services. (Patron–Byron) . . . . . HB 2026 698 2223

**Hearing officers;** requirements and hearing process for motor vehicle franchise dealers, report. (Patron–Norment) . . . . . SB 1118 557 1224

**High-growth companies;** Virginia Economic Development Partnership Authority and Department of Housing and Community Development to jointly study feasibility of incorporating programs to support existing companies into state's current economic development programs and activities. (Patron–Ruff) . . . . . SJR 242 2904

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<b>High school graduation rate;</b> Board of Education shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes certain students, report. (Patron—Orrock) . . . . .	HB	2318	705	2245
<b>Higher education;</b> framework of the statewide strategic plan developed by State Council of Higher Education for Virginia as Commonwealth's vision and plan be endorsed, report. Patron—Landes . . . . .	HJR	555		2632
Patron—Martin . . . . .	SJR	228		2901
<b>Higher educational institutions, public or private nonprofit;</b> establishment of review committees, reporting of acts of sexual violence, memorandum of understanding with local sexual assault crisis center or other victim support service, certain provisions shall not apply if law-enforcement agency responsible for investigating alleged act of sexual violence is located outside United States, report. Patron—Bell, Robert B. . . . .	HB	1930	737	2390
Patron—Black . . . . .	SB	712	745	2416
<b>Highway maintenance;</b> payments to cities and towns, City of Richmond to receive payments for moving-lanes converted to bicycle lanes, provided such conversions are limited to no more than 20 moving-lane miles, report. (Patron—Loupassi) . . . . .	HB	1402	722	2277
<b>Income tax, state;</b> subtraction for long-term capital gains, attributable to investments in certain technology businesses, extends investment period to June 30, 2020, report. Patron—Hugo . . . . .	HB	1741	336	650
Patron—McDougle . . . . .	SB	904	335	640
<b>Industrial hemp production and manufacturing;</b> licensed cultivation and production, defining as plant Cannabis sativa with a concentration of THC no greater than that allowed by federal law, involuntary growth of hemp through inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower, report. Patron—Yost . . . . .	HB	1277	158	302
Patron—Dance . . . . .	SB	955	180	338
<b>Innovation and Entrepreneurship Investment Authority;</b> powers, membership, one nonlegislative citizen member to be appointed by the Governor, Speaker of the House, and Senate Committee on Rules, report. (Patron—Vogel) . . . . .	SB	1385	687	2189
<b>Innovation and Entrepreneurship Investment Authority;</b> powers, membership, one nonlegislative citizen member to be appointed by the Speaker of the House and Senate Committee on Rules, report. (Patron—Greason) . . . . .	HB	1799	685	2185
<b>Intercollegiate athletics programs;</b> format for each institution to report its revenues and expenses, subsidy percentages, Intercollegiate Athletics Review Commission established, provisions shall become effective on July 1, 2016. (Patron—Cox) . . . . .	HB	1897	704	2243
<b>Interstate 73 Transportation Compact;</b> created, Compact Commission established, report. (Patron—Stanley) . . . . .	SB	847	243	445
<b>Involuntary civil admissions;</b> Commissioner of Behavioral Health and Development Services, et al., to review current practice of conducting emergency evaluations for individuals subject to admission, Commission shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals, review and plan including recommendations shall be completed by November 15, 2015, and reported. (Patron—Garrett) . . . . .	HB	2368	742	2414
<b>Line of Duty Act;</b> codifying revisions to the Act relating to benefits for certain public employees disabled in the line of duty and their families, etc., repeals provision concerning appeals from judgments, provisions of certain enactments shall become effective on July 1, 2015. (Patron—Jones) . . . . .	HB	2204	647	1464
<b>Medicaid;</b> Joint Legislative Audit and Review Commission to study the Commonwealth's program. Patron—Landes . . . . .	HJR	637		2659
Patron—Hanger . . . . .	SJR	268		2947
<b>Missing persons;</b> no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report, etc., State Department of Emergency Management shall establish a				

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Coordinator of Search and Rescue, duties shall include coordinating with local, state, and federal agencies, etc., report.				
Patron—Herring . . . . .	HB	1808	205	371
Patron—McDougle . . . . .	SB	1184	223	407
<b>Motor fuels;</b> Department of Transportation, et al., shall work to establish a protocol relating to vehicles hauling certain fuels during times of necessitous circumstances, report.				
Patron—Byron . . . . .	HB	1522	338	660
Patron—Newman . . . . .	SB	778	16	55
<b>Motor vehicle insurance;</b> Bureau of Insurance to study use by insurers of an insured's or applicant's credit information in connection with underwriting policies. (Patron—Lingamfelter) . . . . .	HJR	594		2647
<b>Opioid medications;</b> Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations. (Patron—Byron) . . . . .	HJR	630		2656
<b>Patients and family members with sensory disabilities;</b> Department of Health shall work with stakeholders to develop guidelines for hospitals to ensure persons are able to communicate effectively with health care providers, report. (Patron—Orrock) . . . .	HB	1956	113	252
<b>Performance and incentive grants;</b> review of incentive packages, report, repeals provisions pertaining to Semiconductor Manufacturing Performance Grant Programs and Clean Energy Manufacturing Incentive Grant Program. (Patron—James) . . . . .	HB	1842	761	2475
<b>Postdevelopment stormwater management technical criteria;</b> Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron—DeSteph) . . . . .	HJR	587		2645
<b>Professional and Occupational Regulation, Department of;</b> promoters of boxing, martial arts, and wrestling events sanctioning organization, amateur events, report, effective date of provisions.				
Patron—Miller . . . . .	HB	1455	264	504
Patron—Carrico . . . . .	SB	790	216	386
<b>Public assistance;</b> local director of social services shall make or cause to be made promptly an investigation to determine eligibility, report. (Patron—LeMunyon) . . . . .	HB	1918	509	1147
<b>Public elementary schools;</b> Department of Behavioral Health and Developmental Services to study benefits of offering voluntary mental health screenings to students. (Patron—Yost) . . . . .	HJR	586		2644
<b>School Performance Report Card;</b> no later than July 1, 2016, the Board of Education, in consultation with Standards of Learning Innovation Committee, shall redesign so that it is more effective in communicating to parents and the public, repeals system relating to individual school performance based on A-to-F scale, report. Repealing Chapters 672 and 692, 2013 Acts and Chapters 480 and 485, 2014 Acts.				
Patron—Greason . . . . .	HB	1672	368	718
Patron—Black . . . . .	SB	727	367	718
<b>Securities Act;</b> creates an exemption from securities, broker-dealer, and agent registration requirements, report, sunset provision.				
Patron—Taylor . . . . .	HB	1360	400	759
Patron—Edwards . . . . .	SB	763	354	694
<b>Service and Volunteerism, Advisory Board on;</b> established to advise Governor and his Cabinet, funding for costs of compensation and expenses of members shall be provided by Department of Social Services in accordance with federal law, sunset provision.				
Patron—McClellan . . . . .	HB	2071	452	861
Patron—Vogel . . . . .	SB	1090	26	67
<b>Small Business and Supplier Diversity, Department of;</b> clarifies definition of small business, business meets size standards established by regulations of the United States Small Business Administration, report.				
Patron—Lopez . . . . .	HB	1901	439	837
Patron—Petersen . . . . .	SB	885	441	839
<b>State and federal programs;</b> Virginia Retirement System shall convene a work group to review and develop recommendations to encourage citizens to save for retirement. (Patron—Torian) . . . . .	HB	1998	669	2142

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<b>State Trails Advisory Committee;</b> established, Committee shall examine and provide recommendations regarding methods for receiving input on potential trail impacts upon owners of underlying or neighboring properties, report, sunset provision. (Patron—Lingamfelter) . . . . .	HB 1542	461	869
<b>Student data security;</b> Department of Education, et al., shall develop and update regularly a model data security plan for protection of student data. (Patron—Austin) . . . . .	HB 2350	561	1229
<b>Teachers;</b> Department of Education to study feasibility of implementing a program in the Commonwealth to track turnover by developing exit questionnaires and other means, study is contingent upon an appropriation being included in a general appropriation act in 2015. (Patron—Howell) . . . . .	SJR 218		2897
<b>Teachers, qualified;</b> Department of Education and State Council of Higher Education for Virginia to examine critical shortages in certain teaching endorsement areas and to recommend strategies for addressing. (Patron—Orrock) . . . . .	HJR 558		2635
<b>Tobacco Region Revitalization Commission;</b> created, powers and duties of Commission, distribution of Fund, each economic development grant or award require a dollar-for-dollar match, a match of less than 50 percent may be considered by a two-thirds majority vote of Commission, financial viability and feasibility study prior to disbursement, Virginia Tobacco Region Revolving Fund created, projects located in the tobacco-dependent communities in the Southside and Southwest regions of Virginia, report. Patron—Kilgore . . . . .	HB 2330	399	752
Patron—Ruff . . . . .	SB 1440	433	823
<b>Toxic substances;</b> Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . . . . .	HB 1829	173	329
<b>Transportation network companies (TNCs);</b> licensing process by DMV, definition of digital platform, TNC insurance until January 1, 2016, on or after this date, TNC or partner shall keep in force TNC insurance, report. Patron—Rust . . . . .	HB 1662	2	1
Patron—Watkins . . . . .	SB 1025	3	19
<b>Veterans Services, Department of;</b> Joint Legislative Audit and Review Commission to review. Patron—O'Bannon . . . . .	HJR 557		2634
Patron—Dance . . . . .	SJR 243		2905
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB 1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . . . .	HB 1776	730	2309
<b>Virginia Housing Trust Fund;</b> Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for Fund. (Patron—Watkins) . . . . .	SJR 235		2904
<b>Virginia Public Procurement Act;</b> methods of procurement, job order contracting and cooperative procurement, certain provisions shall expire on July 1, 2017, State Corporation Commission shall develop a process for the administrative review of its procurement decisions, report. Patron—Gilbert . . . . .	HB 1835	760	2465
Patron—Ruff . . . . .	SB 1371	776	2561

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<b>Virginia Retirement System;</b> cash balance retirement plan shall be reviewed, developed, and submitted to General Assembly no later than November 1, 2015. (Patron—Jones) . . . . .	HB	1969	511	1163
<b>Virginia Solar Energy Development Authority;</b> created, appointment of members, Director may obtain non-state-funded support to carry out any duties, Authority shall have power and duty to conduct activities to increase solar energy generation, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects, report, provisions shall expire on July 1, 2025. (Patron—Hugo) . . . . .	HB	2267	398	749
<b>Virginia Solar Energy Development Authority;</b> created, appointment of members, Director may obtain non-state-funded support to carry out any duties, report, provisions shall expire on July 1, 2025. (Patron—Stuart) . . . . .	SB	1099	90	213
<b>Virginia Virtual School, Board of;</b> established, report, certain provisions shall become effective on July 1, 2016, and only if reenacted by 2016 Session of General Assembly. (Patron—Bell, Richard P.) . . . . .	HB	324	700	2226
<b>Virginia's manufacturing sector;</b> Joint Legislative Audit and Review Commission to update its 2006 study of the impact of regulations. (Patron—Wagner) . . . . .	SJR	274		2949
<b>Virginia's water resource planning and management;</b> Joint Legislative Audit and Review Commission to study. Patron—Norment . . . . .	SJR	272		2948
<b>Voter list maintenance;</b> State Board of Elections shall utilize data received through list comparisons with other states, report. (Patron—Bell, Robert B.) . . . . .	HB	2379	713	2271
<b>Water resource and planning management;</b> Joint Legislative Audit and Review Commission to study. (Patron—Hodges) . . . . .	HJR	623		2654
<b>Workers' compensation;</b> pecuniary liability of the employer for medical services, Commission shall determine the number and geographic area of communities across the Commonwealth, relevant charge data based on geographic area, report. (Patron—Farrell) . . . . .	HB	1820	456	864
<b>Workforce Development, Virginia Board of;</b> changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report. Patron—Byron . . . . .	HB	1986	275	518
Patron—Ruff . . . . .	SB	1372	292	555

**SUBDIVISIONS**

<b>Private roads;</b> roads serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system. (Patron—Lewis) . . . . .	SB	1312	495	906
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**SUBPOENAS**

<b>Administrative subpoenas;</b> electronic communication service or remote computing service, upon written certification by attorney for the Commonwealth or Attorney General that victim is under age of 18, subpoena shall include provision ordering service provider not to notify or disclose existence to another person other than an attorney for a period of 30 days after provider responds to subpoena. Patron—McClellan . . . . .	HB	1946	544	1210
Patron—Wexton . . . . .	SB	919	625	1415
<b>Prescription Monitoring Program;</b> records in possession of Program shall not be available for civil subpoena, etc. (Patron—Herring) . . . . .	HB	1810	507	1142

**SUFFOLK, CITY OF**

<b>Suffolk, City of;</b> amending charter, appointment of members of the board of equalization and school board. (Patron—Cosgrove) . . . . .	SB	1014	85	207
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**SULLIVAN, ROGER L.**

<b>Sullivan, Roger L.;</b> recording sorrow upon death. (Patron—Stosch) . . . . .	SR	124		3051
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**SUMMONS AND PROCESS**

<b>Electronic summons systems;</b> any town may assess an additional sum as part of costs in each criminal or traffic case in district or circuit courts for implementation and maintenance of system. Patron—Rust . . . . .	HB	1560	546	1211
Patron—Petersen . . . . .	SB	888	643	1434

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### SUPREME COURT OF VIRGINIA

**Conservators of the peace, special;** training to be obtained at a criminal justice training academy or a private security training school, authority to make certain arrests, orders of appointment, etc., prohibition on use of sirens, exception, Office of the Executive Secretary of the Supreme Court of Virginia shall establish reasonable judicial training regarding use of application forms for appointment.

Patron—Campbell . . . . . HB 2206 766 2526  
Patron—Norment . . . . . SB 1195 772 2554

**Court fines, costs, forfeitures, penalties, or restitution;** at the direction of Committee on District Courts or at the request of a circuit court clerk, the Executive Secretary of the Supreme Court may enter into agreement with Commissioner of Department of Motor Vehicles authorizing collection of payment, report. (Patron—Newman) . . . . .

SB 1411 228 426

**Judge;** nomination for election to Supreme Court of Virginia.

Patron—Loupassi . . . . . HR 208 2842  
Patron—McDougle . . . . . SR 71 3024

**Judges;** election in Supreme Court of Virginia, Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, and members of Judicial Inquiry and Review Commission.

Patron—Loupassi . . . . . HJR 687 2680

### SWAIN, WILLIAM FRANCIS

**Swain, William Francis;** recording sorrow upon death. (Patron—Miller) . . . . . SR 114 3046

### SWANSON MIDDLE SCHOOL

**Swanson Middle School;** commemorating its 75th anniversary. (Patron—Favola) . . . . . SJR 376 2996

### SWIFT CREEK MILL THEATRE

**Swift Creek Mill Theatre;** commemorating its 50th anniversary. (Patron—Cox) . . . . . HJR 848 2770

### TAX EXEMPT ORGANIZATIONS

**Real property tax;** locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron—Orrock) . . . . .

HB 2173 498 908

**Secondhand building materials;** exemption for donation of certain materials to nonprofit tax-exempt corporation. (Patron—Wagner) . . . . .

SB 1204 626 1416

### TAX WITHHOLDING AND EMPLOYER CONTRIBUTION AWARENESS MONTH

**Tax Withholding and Employer Contribution Awareness Month;** designating as March 2016, and each succeeding year thereafter. (Patron—Ransone) . . . . .

HJR 693 2684

### TAXATION

**Autocycles;** tangible personal property tax relief for those motor vehicles that qualify.

Patron—Scott . . . . . HB 1340 152 293  
Patron—Reeves . . . . . SB 1219 96 221

**Cigarette laws;** provisions modified relating to administration and enforcement of laws, Office of Attorney General shall develop and publish on its website individuals who are ineligible to be authorized holders.

Patron—McClellan . . . . . HB 1955 738 2392  
Patron—Reeves . . . . . SB 1232 754 2438

**Cigarettes;** possession with intent to distribute contraband, fraudulent purchase, use of business license obtained under false pretenses, forged or invalid Virginia sales and use tax exemption certificate, etc.

Patron—Herring . . . . . HB 1807 273 516  
Patron—Reeves . . . . . SB 1231 290 554

**Commissioners of the revenue;** production of documents related to tax liability by taxpayer. (Patron—Norment) . . . . .

SB 1177 378 725

**Commonwealth's tax code;** conformity with federal law.

Patron—Ware . . . . . HB 1727 61 177  
Patron—Stosch . . . . . SB 1044 1 1

**Communications sales and use tax;** Department of Taxation to study performance of tax. (Patron—LaRock) . . . . .

HJR 635 2658

**Community development authorities;** any special tax levied or any special assessment imposed by a locality pursuant to an agreement with an authority,

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constitutes a lien on real estate ranking on parity with real estate taxes, etc. (Patron–Vogel) . . . . .	SB 1448	39	151
<b>Deeds of trust or mortgages;</b> calculation of tax shall be calculated using rate scale, starting at point on scale that applies to first dollar in excess of amount of original debt or obligation secured by prior instrument.			
Patron–Minchew . . . . .	HB 2161	488	892
Patron–Stuart . . . . .	SB 999	434	831
<b>Disaster relief;</b> out-of-state businesses and employees who come into the Commonwealth solely for purpose of performing work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration requirements, clarifies definitions of out-of-state business and registered business, responsibility of out-of-state employee to pay taxes in home state. (Patron–Ware) . .	HB 1386	595	1278
<b>Forest products;</b> revision of definition, changing of tax on all products, repeals certain returns and reports by transporters of products out of, within, or across the Commonwealth. (Patron–Fariss) . . . . .	HB 1724	170	325
<b>Gas severance tax;</b> no tax shall be imposed on or after January 1, 2018.			
Patron–Morefield . . . . .	HB 1705	271	514
Patron–Chafin . . . . .	SB 1308	381	726
<b>Green job creation tax credit;</b> extends sunset provision to January 1, 2018.			
Patron–James . . . . .	HB 1843	486	888
Patron–Hanger . . . . .	SB 1037	249	461
<b>Income tax, corporate;</b> taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership Authority provides a certain written certification. (Patron–Hugo) . . . . .	HB 2162	237	442
<b>Income tax, corporate;</b> taxable income of taxpayers with enterprise data center operations, apportionment formula shall apply to such taxpayers beginning with taxable year for which Virginia Economic Development Partnership provides a certain written certification. (Patron–McDougle) . . . . .	SB 1142	92	215
<b>Income tax refunds;</b> voluntary contributions to Federation of Virginia Food Banks. (Patron–Filler-Corn) . . . . .	HB 2047	70	189
<b>Income tax, state;</b> eliminates subtraction available for gain derived from the sale of land for open-space use. (Patron–Watkins) . . . . .	SB 1012	248	452
<b>Income tax, state;</b> individual may elect to have refund check mailed, direct deposited, or by other electronic means, provisions shall be applicable to tax returns relating to 2015 and taxable years thereafter.			
Patron–Ware . . . . .	HB 1286	229	426
Patron–Barker . . . . .	SB 701	76	197
<b>Income tax, state;</b> individual subtraction for income attributable to discharge of student loan solely by reason of the student's death.			
Patron–LeMunyon . . . . .	HB 1716	60	172
Patron–Howell . . . . .	SB 933	82	201
<b>Income tax, state;</b> subtraction for long-term capital gains, attributable to investments in certain technology businesses, extends investment period to June 30, 2020, report.			
Patron–Hugo . . . . .	HB 1741	336	650
Patron–McDougle . . . . .	SB 904	335	640
<b>Land preservation;</b> for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed \$100,000 for each taxable year, application for tax credit to be filed with the Department of Taxation by December 31.			
Patron–Ware . . . . .	HB 1828	235	430
Patron–Watkins . . . . .	SB 1019	680	2155
<b>License tax;</b> businesses ceasing operations, if a business is found to continue to operate, it shall be required to pay full amount of tax due based on previous year's gross receipts plus a penalty of 10 percent of this amount. (Patron–Hanger) . . . . .	SB 1040	250	462
<b>Local taxes;</b> increases from 24 months to 96 months maximum reimbursement time period for third-party tax payment agreements. (Patron–Habeeb) . . . . .	HB 1489	257	485

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<b>Local vehicle license fees and taxes;</b> counties and adjoining towns to enter into reciprocal agreements to collect current, non-delinquent fees and taxes on any motor vehicle, trailer, etc. (Patron—Rust) . . . . .	HB 1966	69	186
<b>Machinery and tools tax;</b> separate classification of machinery and tools used directly in producing or generating renewable energy. (Patron—Rasoul) . . . . .	HB 1297	230	427
<b>Major business facility;</b> job tax credit for taxable years beginning on or after January 1, 2009, when two-year allowance period shall exist per qualified full-time employee. (Patron—James) . . . . .	HB 1844	451	859
<b>Motor vehicle sales and use tax;</b> expands exemption from payment of tax for gifts of vehicles to certain family members to include gifts to a parent. (Patron—Garrett) . . .	HB 1279	159	308
<b>Neighborhood assistance tax;</b> no tax credit shall be granted for any donation made in the taxable year with a value of less than \$616, business firm or an individual making a qualified donation may by written agreement accept a tax credit of less than 65 percent for such donation. (Patron—Wilt) . . . . .	HB 1701	56	169
<b>Neighborhood assistance tax credits;</b> eligibility of a physician specialist. (Patron—O'Bannon) . . . . .	HB 1459	153	294
<b>Personal property;</b> tax relief on certain motor vehicles leased by members of the military. (Patron—Krupicka) . . . . .	HB 1589	266	508
<b>Real estate with delinquent taxes or liens;</b> appointment of special commissioner in City of Fredericksburg. (Patron—Reeves) . . . . .	SB 1229	379	725
<b>Real property;</b> written explanation or justification for an increase in assessed value. (Patron—Cosgrove) . . . . .	SB 872	244	446
<b>Real property assessment;</b> valuation for land preservation. (Patron—Rush) . . . . .	HB 1483	485	888
<b>Real property tax;</b> exemption for certain leasehold interests.			
Patron—Loupassi . . . . .	HB 1766	234	430
Patron—Watkins . . . . .	SB 1031	87	209
<b>Real property tax;</b> exemption for surviving spouses of members of armed forces killed in action, only portion of the assessed value in excess of the average assessed value shall be subject to taxes, portion not in excess shall be exempt from taxes. (Patron—Ramadan) . . . . .	HB 1721	577	1251
<b>Real property tax;</b> locality may deem paid in full in exchange for conveyance of property by owner to an organization that has been granted tax-exempt status and builds, renovates, or revitalizes affordable housing for low-income families. (Patron—Orrock) . . . . .	HB 2173	498	908
<b>Real property tax;</b> nonjudicial sale of certain tax-delinquent property. (Patron—Yost) .	HB 1711	59	171
<b>Real property tax;</b> notice of assessments.			
Patron—Ware . . . . .	HB 1291	151	292
Patron—Watkins . . . . .	SB 678	157	301
<b>Recyclable materials;</b> changes tax credit by extending expiration date of credit to January 1, 2020, increasing credit allowed, etc., Department of Taxation shall administer tax credits, effective date.			
Patron—Marshall, D.W. . . . .	HB 1554	49	159
Patron—Wagner . . . . .	SB 1205	94	220
<b>Retail Sales and Use Tax;</b> exemption for certain light bulbs. (Patron—Carr) . . . . .	HB 1345	42	154
<b>Retail Sales and Use Tax;</b> finance charges, etc., on lease or rental of tangible personal property not included in gross proceeds. (Patron—Norment) . . . . .	SB 1119	252	463
<b>Retail Sales and Use Tax;</b> limited exemption for certain qualifying items, beginning in 2015, and ending July 1, 2017. (Patron—Saslaw) . . . . .	SB 1319	382	727
<b>Sales and use tax;</b> exemption includes on or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000.			
Patron—Miller . . . . .	HB 1648	620	1394
Patron—Wagner . . . . .	SB 1336	629	1417
<b>Senior citizens' higher education;</b> increases maximum taxable individual income for those who wish to register and enroll in courses. (Patron—Keam) . . . . .	HB 2068	146	288
<b>Tangible personal property;</b> declares miscellaneous and incidental property employed in a trade or business with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property. (Patron—Hanger) . . . . .	SB 1127	593	1274

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**Tangible personal property;** declares miscellaneous and incidental property with an original cost of less than \$250 as a separate classification, county, city, or town may allow a taxpayer to provide an aggregate estimate of total cost of all such property owned by taxpayer that qualifies. (Patron—Toscano) . . . . . HB 2098 487 889

**Tax-delinquent property;** method for sale of real property that is located in more than one locality. (Patron—Orrock) . . . . . HB 1567 50 160

**Taxation, Department of;** authorized to disclose whether person, firm, or corporation is registered as a retail sales and use tax dealer, etc., the Department shall not be prohibited from disclosing information to certain nongovernmental entities. (Patron—Howell) . . . . . SB 1010 247 449

**Tourism project of regional significance;** entitlement to tax revenues. (Patron—Norment) . . . . . SB 1401 349 688

**Tourism zones;** tax revenues for tourism projects.  
Patron—James . . . . . HB 1756 203 369

**Transient occupancy tax;** Bland and Russell Counties added to the list of counties authorized to impose. (Patron—Chafin) . . . . . SB 1240 98 223

**Transient occupancy tax;** Bland County added to list of counties that may impose tax at a rate up to five percent. (Patron—Morefield) . . . . . HB 1704 57 170

**Transient occupancy tax;** Isle of Wight County added to list of counties authorized to impose a tax of up to two percent. (Patron—Lucas) . . . . . SB 759 78 198

**Virginia Commercial Space Flight Authority;** extends through fiscal year 2016 dedication of certain income tax revenues to Authority. (Patron—Lewis) . . . . . SB 1070 260 502

**Virginia Port Authority;** restricts expenditures on capital projects to those located on real property that is owned, leased, or operated by Authority, except those expenditures on grants to local government for financial assistance for port facilities, etc. (Patron—Massie) . . . . . HB 1784 609 1313

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**Taylor, W. Nelson, Sr.;** recording sorrow upon death. (Patron—Fowler) . . . . . HJR 767 2724

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**Teachers;** Department of Education to study feasibility of implementing a program in the Commonwealth to track turnover by developing exit questionnaires and other means, study is contingent upon an appropriation being included in a general appropriation act in 2015. (Patron—Howell) . . . . . SJR 218 2897

**Teachers;** every person seeking renewal of a license shall complete all renewal requirements, including professional development as may be prescribed by Board, except no person seeking licensure renewal shall be required to satisfy any such requirement by completing coursework and earning credit at higher educational institution. (Patron—Farrell) . . . . . HB 1320 562 1229

**Teachers;** if person seeking initial license has not attained an industry certification credential in the area and seeks endorsement, Board may issue a provisional license. (Patron—Yancey) . . . . . HB 2137 385 730

**Teachers;** retirement allowance for and rehiring those retired, extends sunset provisions. Amending first and second enactments of Chapter 590, 2009 Acts. (Patron—BaCote) . . . . . HB 2020 326 634

**Teachers, qualified;** Department of Education and State Council of Higher Education for Virginia to examine critical shortages in certain teaching endorsement areas and to recommend strategies for addressing. (Patron—Orrock) . . . . . HJR 558 2635

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**Administration, Finance, and Technology, Secretaries of;** Secretaries shall jointly establish a work group to provide the public, et al., with access to operational data and information of state agencies within the subject matter jurisdiction of each standing committee of the General Assembly. (Patron—Cline) . . . . . HB 2378 473 880

**Information technology projects and services;** Chief Information Officer authorized to approve and make decisions without routine approval, Secretary of Technology shall designate a state agency or higher educational institution as business sponsor responsible for implementing an enterprise information technology project, etc. (Patron—Jones) . . . . . HB 2323 768 2531

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**Tourism zones;** tax revenues for tourism projects.  
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**Virginia Tourism Authority;** Secretary of Agriculture and Forestry added as member of Board of Directors. (Patron—Scott) . . . . . HB 2288 280 540

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**Tow truck driver or towing and recovery operator;** prohibits occupants in motor vehicle while such vehicle is being towed. (Patron—Carrico) . . . . . SB 793 217 389

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**Toxic substances;** Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . HB 1829 173 329

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**Electronic identity management;** approval of electronic identity standards, Identity Management Standards Advisory Council established, definitions, limitation of liability.  
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**High-growth companies;** Virginia Economic Development Partnership Authority and Department of Housing and Community Development to jointly study feasibility of incorporating programs to support existing companies into state's current economic development programs and activities. (Patron—Ruff) . . . . . SJR 242 2904

**Income tax, state;** subtraction for long-term capital gains, attributable to investments in certain technology businesses, extends investment period to June 30, 2020, report.  
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**Investigational drugs, biological products, and devices;** eligibility of person for expanded access to drugs, etc., informed consent to treatment, manufacturer, distributor, health care provider, etc., shall be immune from suit and civil liability caused by, arising out of, or relating to the design, clinical testing, etc., made available to such person.  
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**License tax;** businesses ceasing operations, if a business is found to continue to operate, it shall be required to pay full amount of tax due based on previous year's gross receipts plus a penalty of 10 percent of this amount. (Patron—Hanger) . . . . . SB 1040 250 462

**Machinery and tools tax;** separate classification of machinery and tools used directly in producing or generating renewable energy. (Patron—Rasoul) . . . . . HB 1297 230 427

**Major business facility;** job tax credit for taxable years beginning on or after January 1, 2009, when two-year allowance period shall exist per qualified full-time employee. (Patron—James) . . . . . HB 1844 451 859

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<b>Motor vehicle dealers;</b> prohibits motor vehicle franchisors from coercing dealers to provide access to certain consumer data, if dealer elects to submit or push data or information to the manufacturer, factory branch, etc., through any method other than provided, then shall furnish requested data in a widely accepted electronic file format. (Patron—Greason) . . . . .	HB 1549	155	295
<b>Neighborhood assistance tax;</b> no tax credit shall be granted for any donation made in the taxable year with a value of less than \$616, business firm or an individual making a qualified donation may by written agreement accept a tax credit of less than 65 percent for such donation. (Patron—Wilt) . . . . .	HB 1701	56	169
<b>Performance and incentive grants;</b> review of incentive packages, report, repeals provisions pertaining to Semiconductor Manufacturing Performance Grant Programs and Clean Energy Manufacturing Incentive Grant Program. (Patron—James) . . . . .	HB 1842	761	2475
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<b>Schedule I drugs;</b> adding several substances to list.			
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<b>Severability;</b> removes clauses by repeal or amendment throughout Code of Virginia. (Patron—Habeeb) . . . . .	HB 1609	709	2250
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<b>Tourism project of regional significance;</b> entitlement to tax revenues. (Patron—Norment) . . . . .	SB 1401	349	688
<b>Tourism zones;</b> tax revenues for tourism projects.			
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<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB 1032	38	91
<b>Virginia Alcoholic Beverage Control Authority;</b> created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . . . .	HB 1776	730	2309
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<b>Virginia Public Procurement Act;</b> small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams)	HB	1854	733	2382
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TRANSIENT TAX

<b>Transient occupancy tax;</b> Bland and Russell Counties added to the list of counties authorized to impose. (Patron—Chafin)	SB	1240	98	223
<b>Transient occupancy tax;</b> Bland County added to list of counties that may impose tax at a rate up to five percent. (Patron—Morefield)	HB	1704	57	170
<b>Transient occupancy tax;</b> Isle of Wight County added to list of counties authorized to impose a tax of up to two percent. (Patron—Lucas)	SB	759	78	198

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<b>Commonwealth Transportation Board;</b> membership, funding for transportation, report, allocation of funds to certain towns for urban highways, Transportation Partnership Opportunity Fund created. (Patron—Jones)	HB	1887	684	2162
<b>Commonwealth Transportation Board;</b> nonlegislative citizen members shall be appointed by Governor, subject to confirmation by General Assembly, effective date. (Patron—Hugo)	HB	2164	374	723
<b>Hampton Roads Transportation Accountability Commission;</b> population estimates. (Patron—Ward)	HB	1510	232	429
<b>Highway funds;</b> allocation by the Commonwealth Transportation Board, five percent to paving or improving unpaved highways carrying more than 50 vehicles per day, provisions shall become effective on July 1, 2016. (Patron—Minchew)	HB	2391	676	2148
<b>Interstate 73 Transportation Compact;</b> created, Compact Commission established, report. (Patron—Stanley)	SB	847	243	445
<b>Mobile food vending businesses;</b> Commonwealth Transportation Board shall amend its regulations so as to permit on state highway rights-of-way except limited access highways, regulations shall allow localities to regulate businesses located within the locality. (Patron—Filler-Corn)	HB	2042	466	872
<b>Motor fuels;</b> Department of Transportation, et al., shall work to establish a protocol relating to vehicles hauling certain fuels during times of necessitous circumstances, report.				
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<b>Northern Virginia Transportation Authority;</b> primary objective in regional transportation plan is to reduce congestion in Planning District 8, responsibility of long-range transportation planning.				
Patron—LeMunyon	HB	1915	477	881
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<b>Overheight vehicles;</b> when an employee of Department of Transportation or Department of State Police identifies a vehicle that exceeds recommended height and whose driver is driving or attempting to drive through westbound tunnel of Hampton Roads Bridge Tunnel on Interstate 64, driver may elect to wait until end of peak traffic periods, penalty. (Patron—Lewis)	SB	956	181	344
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<b>Roadside safety devices;</b> VDOT shall require certain devices installed on or after July 1, 2016, to be equipped with manufacturer's identification numbers. (Patron-Habeeb)	HB 2332	481	883
<b>Surface transportation and removal service;</b> registration, manager of record. (Patron-Villanueva)	HB 1803	110	250
<b>Transportation Accountability, Joint Commission on;</b> powers and duties. Patron-Hugo	HB 2266	480	883
<b>Transportation network companies (TNCs);</b> licensing process by DMV, definition of digital platform, TNC insurance until January 1, 2016, on or after this date, TNC or partner shall keep in force TNC insurance, report. Patron-Rust	HB 1662	2	1
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<b>Virginia's Rail Heritage Region;</b> encouraging state agencies and local governments to work together to promote and encourage rail tourism in their respective areas of the region and to work with the Transportation Board. (Patron-Poindexter)	HJR 521		2619
<b>Warning lights on certain vehicles;</b> vehicles assisting with management of roadside and traffic incidents, etc., may be equipped with flashing, blinking, or alternating amber warning lights. (Patron-Rasoul)	HB 1344	41	153
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<b>Motor vehicle dealer buyer's orders;</b> includes new motor vehicles with a gross weight rating of 16,000 or more pounds in certain category of vehicles, exempts certain tractor trucks, etc. (Patron-Cosgrove)	SB 878	682	2159
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**Turner, John George;** recording sorrow upon death. (Patron—Poindexter) . . . . . HR 256 2864

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**Tuscarora High School girls' cross country team;** commending. (Patron—Minchew) HJR 909 2804

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**Tuttle, Jackson C., II;** commending. (Patron—Norment) . . . . . SJR 316 2962

**TWIN HICKORY ELEMENTARY SCHOOL**

**Twin Hickory Elementary School;** commending. (Patron—Farrell) . . . . . HJR 518 2619

**UNCODIFIED LEGISLATION**

**Administration, Finance, and Technology, Secretaries of;** Secretaries shall jointly establish a work group to provide the public, et al., with access to operational data and information of state agencies within the subject matter jurisdiction of each standing committee of the General Assembly. (Patron—Cline) . . . . . HB 2378 473 880

**Affordable housing;** maximum income level of household deemed eligible in City of Charlottesville. (Patron—Deeds) . . . . . SB 1245 225 415

**Autism spectrum disorder;** Board of Medicine shall post information about diagnosis and treatment available to licensees on website. (Patron—Hanger) . . . . . SB 1045 363 703

**Blue Star Memorial Highway;** designating as a portion of Virginia Route 36 in Prince George County between Hopewell city limits and Petersburg city limits. (Patron—Ingram) . . . . . HB 2312 376 723

**Budget bill;** appropriations for 2014-2016 biennium. Amending Chapter 3, 2014 Sp. I Acts.  
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**Buggs Island Lake;** state agencies and local governments allowed to refer to Lake as John H. Kerr Reservoir or Kerr Lake. (Patron—Ruff) . . . . . SB 972 84 207

**Capital outlay plan;** creates a six-year plan for projects to be funded entirely or partially from general fund-supported resources. Repealing Chapters 309 and 404, 2013 Acts.  
Patron—Jones . . . . . HB 1891 499 908  
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**Carbon monoxide emissions;** certain diesel-powered incinerators exempted from certain permitting regulations of State Air Pollution Control Board, provisions of this act shall expire on July 1, 2019. (Patron—Cosgrove) . . . . . SB 869 80 200

**Chaplains of the Virginia National Guard and Virginia Defense Force;** prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . . SB 690 283 542

**Charlottesville, City of;** amends current sidewalk construction provision. Amending Chapter 277, 2013 Acts.  
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**Chemical storage in the Commonwealth;** Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron—Watkins) . . . . . SB 811 241 444

**Chesapeake Bay Watershed Implementation Plan;** state agencies to remove Little Creek watershed from inclusion in the James River Basin. (Patron—Wagner) . . . . . SB 1203 184 351

**Chesapeake Hospital Authority;** changes compensation for members, no member shall be compensated for participation in a meeting by electronic means when not physically present at the meeting. Amending Chapter 271, 1966 Acts. (Patron—Leftwich) . . . . . HB 2236 358 699

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Patron—Stosch . . . . . SB 1043 89 210

**Cooperative degree program, online;** Secretary of Education, et al., shall develop a plan to establish and advertise, tuition cost not to exceed \$4000 or such cost that is achievable, report. (Patron—Cline) . . . . . HB 2320 664 1514

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<b>Henry County;</b> Department of Conservation and Recreation to convey certain property in Horsepasture District. (Patron—Poindexter) . . . . .	HB	2247	472	879
<b>Involuntary civil admissions;</b> Commissioner of Behavioral Health and Development Services, et al., to review current practice of conducting emergency evaluations for individuals subject to admission, Commission shall develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals, review and plan including recommendations shall be completed by November 15, 2015, and reported. (Patron—Garrett) . . . . .	HB	2368	742	2414
<b>Kenneth B. Gibson Memorial Park-and-Ride;</b> designating as park-and-ride facility on Interstate 81 in Town of Christiansburg. (Patron—Rush) . . . . .	HB	2269	375	723
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<b>License plates, special;</b> issuance for recipients of Legion of Merit Medal. (Patron—Ruff) . . . . .	SB	979	245	447
<b>License plates, special;</b> issuance for supporters of curing childhood cancer bearing legend CURE CHILDHOOD CANCER. (Patron—Greason) . . . . .	HB	1319	630	1418
<b>License plates, special;</b> issuance for supporters of Newport News Shipbuilding bearing legend NEWPORT NEWS SHIPBUILDING. (Patron—Miller) . . . . .	SB	839	242	445
<b>Lynchburg, City of;</b> establishment of an airport police department at Lynchburg Regional Airport. (Patron—Byron) . . . . .	HB	2035	213	383
<b>Mobile food vending businesses;</b> Commonwealth Transportation Board shall amend its regulations so as to permit on state highway rights-of-way except limited access highways, regulations shall allow localities to regulate businesses located within the locality. (Patron—Filler-Corn) . . . . .	HB	2042	466	872
<b>Motor fuels;</b> Department of Transportation, et al., shall work to establish a protocol relating to vehicles hauling certain fuels during times of necessitous circumstances, report. Patron—Byron . . . . .	HB	1522	338	660
Patron—Newman . . . . .	SB	778	16	55
<b>Patients and family members with sensory disabilities;</b> Department of Health shall work with stakeholders to develop guidelines for hospitals to ensure persons are able to communicate effectively with health care providers, report. (Patron—Orrock) . . . .	HB	1956	113	252
<b>Peter Saunders Veterans' Memorial Bridge;</b> designating as U.S. Route 220 Business bridge in Town of Rocky Mount. (Patron—Poindexter) . . . . .	HB	2279	178	336
<b>Public schools;</b> Board of Education shall promulgate regulations establishing additional accreditation ratings. Patron—Krupicka . . . . .	HB	1873	324	633
Patron—Locke . . . . .	SB	1320	150	292
<b>School Performance Report Card;</b> no later than July 1, 2016, the Board of Education, in consultation with Standards of Learning Innovation Committee, shall redesign so that it is more effective in communicating to parents and the public, repeals system relating to individual school performance based on A-to-F scale, report. Repealing Chapters 672 and 692, 2013 Acts and Chapters 480 and 485, 2014 Acts. Patron—Greason . . . . .	HB	1672	368	718
Patron—Black . . . . .	SB	727	367	718
<b>Standards of Learning;</b> Board of Education shall promulgate regulations to provide same criteria for eligibility for an expedited retake of any test, with exception of writing tests. Patron—Habeeb . . . . .	HB	1490	144	285
Patron—Cosgrove . . . . .	SB	874	148	289
<b>State and federal programs;</b> Virginia Retirement System shall convene a work group to review and develop recommendations to encourage citizens to save for retirement. (Patron—Torian) . . . . .	HB	1998	669	2142
<b>Teachers;</b> retirement allowance for and rehiring those retired, extends sunset provisions. Amending first and second enactments of Chapter 590, 2009 Acts. (Patron—BaCote) . . . . .	HB	2020	326	634

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UNCODIFIED LEGISLATION - Continued

<b>Trooper Donald E. Lovelace Memorial Bridge;</b> designating as Route 134 bridge over U.S. Route 17 in York County. (Patron—Norment) . . . . .	SB	1303	35	83
<b>Trooper Garland Matthew Miller Memorial Bridge;</b> designating as Barlow Road overpass that crosses Interstate Route 64 in York County. (Patron—Norment) . . . . .	SB	1304	36	83
<b>Trooper Jacqueline Vernon Memorial Bridge;</b> designating as Interstate 395 bridge over S. Glebe Road in Arlington County.				
Patron—Krupicka . . . . .	HB	1401	163	312
Patron—Favola . . . . .	SB	703	10	47
<b>Uninsured or self-insured employers;</b> extends until July 1, 2018, existing maximum tax rate that may be assessed, financing Uninsured Employer's Fund established under Virginia Workers' Compensation Act. Amending Chapter 647, 2012 Acts. (Patron—Kilgore) . . . . .	HB	1880	449	858
<b>Veterans Care Center projects;</b> funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility.				
Patron—Cox . . . . .	HB	1275	720	2276
Patron—Cox . . . . .	HB	1276	721	2276
Patron—Puller . . . . .	SB	675	743	2415
Patron—Puller . . . . .	SB	676	744	2415
<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . . .	SB	1030	377	724
<b>Virginia-recognized Indian Tribes;</b> Tribes to be responsible for enforcement of Uniform Statewide Building Code on any Indian reservation recognized by the Commonwealth. (Patron—Hodges) . . . . .	HB	2283	135	277
<b>Virginia Retirement System;</b> cash balance retirement plan shall be reviewed, developed, and submitted to General Assembly no later than November 1, 2015. (Patron—Jones) . . . . .	HB	1969	511	1163
<b>Virginia Retirement System;</b> revocation of participation by Town of Damascus.				
Patron—O'Quinn . . . . .	HB	1885	112	252
Patron—Carrico . . . . .	SB	1173	527	1179
<b>Waterfowl blinds;</b> expiration and renewal of licenses in Virginia Beach, late fee, blinds shall not be required to be removed upon initial expiration if the licensee notifies the Department that he intends to renew the license. (Patron—Wagner) . . . . .	SB	1461	255	470

UNITED STATES GOVERNMENT

<b>Automobile and homeowners insurance policies;</b> no written notice of cancellation, etc., shall be effective unless sent by registered, certified, or any other similar first-class mail tracking method that is used or approved by the United States Postal Service, etc.				
Patron—Miller . . . . .	HB	1357	443	845
Patron—Martin . . . . .	SB	697	9	44
<b>Elections administration;</b> technical amendments to pre-election and post-election activities, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless governing body, et al., determines that a second scanner is not necessary based on voter turnout, etc., repeals provision for State Board of Elections to annually provide certain statistical reports. Repealing second enactment of Chapter 318, 2007 Acts. (Patron—Sickles) . . . . .	HB	2062	740	2395
<b>Incarcerated persons;</b> transfer to U.S. Immigration and Customs Enforcement, upon transfer of custody, the alien shall receive credit for number of days remaining before he would otherwise have been released.				
Patron—Bell, Robert B. . . . .	HB	2043	211	382
Patron—McDougle . . . . .	SB	1361	102	228
<b>Presidential elections;</b> number of officers of election and ballot scanner machines, governing body, in consultation with the general registrar and the electoral board, to determine numbers of scanners needed. (Patron—Obenshain) . . . . .	SB	1062	667	2140

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### UNITED STATES GOVERNMENT - Continued

<b>Stationary mail vehicles;</b> driver of any motor vehicle upon overtaking a vehicle that is displaying flashing, blinking, or alternating amber lights shall proceed with due caution and maintain a safe speed. (Patron—Farrell) . . . . .	HB	1379	189	353
<b>United States Postal Service;</b> removes the word "Inspection" from references thereto in several criminal procedure sections. Patron—Fariss . . . . .	HB	1545	126	264
Patron—Favola . . . . .	SB	685	75	195
<b>UNITED STATES NAVY RESERVE</b>				
<b>United States Navy Reserve;</b> commemorating its 100th anniversary. (Patron—LaRock)	HJR	941		2820
<b>UNIVERSITY OF VIRGINIA</b>				
<b>University of Virginia;</b> terms of rector and vice-rector. (Patron—Landes) . . . . .	HB	2290	327	634
<b>UTILITY SERVICES</b>				
<b>Electric utilities;</b> investor-owned electric utilities permitted to recover from certain customers projected and actual costs, not currently in rates, for utility to design, etc., programs approved by Commission that accelerate vegetation management of distribution rights-of-way, exception. Patron—Chafin . . . . .	SB	1334	37	83
<b>Electric utilities;</b> net energy metering programs, electrical generating facility that has capacity of not more than one megawatt for nonresidential customers on a facility placed in service after July 1, 2015, electric distribution company to determine whether interconnection requirements have been met. Patron—McClellan . . . . .	HB	1950	432	821
Patron—Dance . . . . .	SB	1395	431	819
<b>Electric utility ratemaking;</b> recovery of costs of solar energy facilities. (Patron—Yancey) . . . . .	HB	2237	599	1292
<b>Electric utility regulation;</b> suspension of regulatory reviews of utility earnings, integrated resource plan schedule, reports. (Patron—Wagner) . . . . .	SB	1349	6	39
<b>Secondary state highway system construction projects;</b> relocation or removal of utility facilities. (Patron—Campbell) . . . . .	HB	1613	168	321
<b>Urban system construction projects;</b> City of Norfolk added to list of cities that may receive funds to pay for a project which places aboveground utilities below ground. (Patron—Wagner) . . . . .	SB	1208	30	75
<b>VAN DORN, J. WESLEY</b>				
<b>Van Dorn, J. Wesley;</b> recording sorrow upon death. (Patron—Wagner) . . . . .	SJR	318		2963
<b>VAN PELT, JAMES CLEMENT, SR.</b>				
<b>Van Pelt, James Clement, Sr.;</b> recording sorrow upon death. (Patron—James) . . . . .	HJR	750		2714
<b>VAN YAHRES, BETTY</b>				
<b>Van Yahres, Betty;</b> recording sorrow upon death. (Patron—Toscano) . . . . .	HJR	959		2830
<b>VAUGHAN, BENJAMIN A.</b>				
<b>Vaughan, Benjamin A.;</b> commending. (Patron—Morris) . . . . .	HR	254		2863
<b>VEATCH, CASEY</b>				
<b>Veatch, Casey;</b> commending. (Patron—Howell) . . . . .	SJR	344		2978
<b>VENUE</b>				
<b>Computer and other crimes;</b> venue for prosecution. (Patron—Edwards) . . . . .	SB	709	423	814
<b>VETERANS AND VETERANS ADMINISTRATION</b>				
<b>License plates, special;</b> issuance for veterans who have a service-connected disability. (Patron—Tyler) . . . . .	HB	1374	457	865
<b>Veterans;</b> funeral director authorized to notify veterans service organizations as an alternative to notifying Department of Veterans Services, determination if cremains are those of a veteran's eligible dependent. (Patron—Alexander) . . . . .	SB	1106	138	282
<b>Veterans Care Center projects;</b> funding of projects through an allocation of proceeds of Virginia Public Building Authority Bonds, \$66.7 million shall be made available as a priority for Hampton Roads Veterans Care Center project or Northern Virginia Veterans Care Center project, General Assembly appropriates nongeneral funds in an equal amount to any federal grant funds for projects, each project is authorized up to a 230-bed facility. Patron—Cox . . . . .	HB	1275	720	2276

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VETERANS AND VETERANS ADMINISTRATION - Continued

Patron-Cox .....	HB	1276	721	2276
Patron-Puller .....	SB	675	743	2415
Patron-Puller .....	SB	676	744	2415

**Veterans identification card;** defines veteran for purposes of issuance of a card as a Virginia resident who has served honorably in Virginia National Guard or reserves of the United States armed forces. (Patron-Lewis) ..... SB 931 693 2207

**Veterans Services, Board of;** increases membership. (Patron-BaCote) ..... HB 2018 319 626

**Veterans Services, Department of;** Joint Legislative Audit and Review Commission to review.

Patron-O'Bannon .....	HJR	557		2634
Patron-Dance .....	SJR	243		2905

**Veterans Services Foundation;** acceptance of revenue from all sources to support its mission. (Patron-Taylor) ..... HB 1967 137 278

**Virginia Alcoholic Beverage Control Authority;** created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron-McDougle) ..... SB 1032 38 91

**Virginia Alcoholic Beverage Control Authority;** created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron-Albo) ... HB 1776 730 2309

**Virginia Public Procurement Act;** small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron-Adams) HB 1854 733 2382

**Virginia Values Veterans Program;** certification by state agencies and higher educational institutions, certification waiver may be requested from Governor. (Patron-Stolle) ..... HB 1641 318 625

VIA, G. E., III

**Via, G. E., III;** commending. (Patron-McDougle) ..... SR 103 3040

VICTIMS OF CRIME

**Prisoners;** sheriff, etc., to notify victim as soon as practicable of transfer. (Patron-Deeds) ..... SB 1311 101 227

VIENNA, TOWN OF

**Stroke Comeback Center;** commemorating its 10th anniversary. (Patron-Keam) .... HJR 668 2671

VIENNA WOMAN'S CLUB

**Vienna Woman's Club;** commemorating its 60th anniversary. (Patron-Keam) ..... HR 302 2887

VIRGINIA BEACH, CITY OF

**Ocean Lakes High School football team;** commending. (Patron-Knight) ..... HR 195 2835

**Star of the Sea Catholic Church;** commemorating its 100th anniversary. (Patron-DeSteph) ..... HR 313 2893

**Virginia Beach, City of, Department of Agriculture;** commending. (Patron-Knight) HJR 826 2757

**Waterfowl blinds;** expiration and renewal of licenses in Virginia Beach, late fee, blinds shall not be required to be removed upon initial expiration if the licensee notifies the Department that he intends to renew the license. (Patron-Wagner) ..... SB 1461 255 470

VIRGINIA CARDINALS BASEBALL TEAM

**Virginia Cardinals baseball team;** commending. (Patron-Watkins) ..... SJR 319 2963

VIRGINIA CAREGIVERS MONTH

**Virginia Caregivers Month;** designating as November 2015, and each succeeding year thereafter. (Patron-Head) ..... HJR 527 2623

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<b>VIRGINIA COMMONWEALTH UNIVERSITY</b>			
<b>Virginia Commonwealth University School of Education</b> ; commemorating its 50th anniversary. (Patron—McClellan) . . . . .	HJR	712	2693
<b>VIRGINIA COMMONWEALTH UNIVERSITY/MEDICAL COLLEGE OF VIRGINIA</b>			
<b>Virginia Freedom of Information Act</b> ; records held by both Virginia Commonwealth University and VCU Medical Center, discussion of certain matters at VCU Board of Visitors meeting. (Patron—Peace) . . . . .	HB	2104	549 1213
<b>VIRGINIA COUNCIL FOR PRIVATE EDUCATION</b>			
<b>Virginia Council for Private Education</b> ; commemorating its 30th anniversary. (Patron—McClellan) . . . . .	HJR	935	2817
<b>VIRGINIA DECLARATION OF RIGHTS, GEORGE MASON'S</b>			
<b>Virginia Declaration of Rights, George Mason's</b> ; commemorating its 240th anniversary in 2016. (Patron—Puller) . . . . .	SJR	226	2900
<b>VIRGINIA DEFENSE FORCE</b>			
<b>Chaplains of the Virginia National Guard and Virginia Defense Force</b> ; prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . .	SB	690	283 542
<b>VIRGINIA EPISCOPAL SCHOOL</b>			
<b>Virginia Episcopal School</b> ; commemorating its 100th anniversary. (Patron—Garrett) . . . . .	HJR	758	2719
<b>VIRGINIA HOSPITAL WEEK</b>			
<b>Virginia Hospital Week</b> ; designating as May 10 through May 16, 2015, and the second week of May, in each succeeding year thereafter. (Patron—Watkins) . . . . .	SJR	346	2979
<b>VIRGINIA HOUSE OF DELEGATES</b>			
<b>House of Delegates</b> ; salaries, contingent and incidental expenses. Patron—Jones . . . . .	HR	200	2838
<b>VIRGINIA INSTITUTE OF MARINE SCIENCE/SCHOOL OF MARINE SCIENCE</b>			
<b>Virginia Institute of Marine Science/School of Marine Science of The College of William and Mary</b> ; commemorating its 75th anniversary. (Patron—Hodges) . . . . .	HJR	780	2731
<b>VIRGINIA MANUFACTURED AND MODULAR HOUSING ASSOCIATION</b>			
<b>Virginia Manufactured and Modular Housing Association</b> ; commemorating its 50th anniversary. (Patron—O'Bannon) . . . . .	HR	289	2880
<b>VIRGINIA MASTER GARDENER ASSOCIATION, INC.</b>			
<b>Virginia Master Gardener Association, Inc.</b> ; commemorating its 25th anniversary. (Patron—Lingamfelter) . . . . .	HJR	803	2744
<b>VIRGINIA NATIONAL GUARD</b>			
<b>Chaplains of the Virginia National Guard and Virginia Defense Force</b> ; prohibits censorship or restriction by state government officials or agencies of the religious content of sermons, homilies, preaching, etc., within religious services, exception. (Patron—Black) . . . . .	SB	690	283 542
<b>Unmanned aircraft</b> ; use of systems by public bodies, search warrant required, except in defined emergency situations or in training exercises of the Armed Forces of the United States or the Virginia National Guard. (Patron—Cline) . . . . .	HB	2125	764 2523
<b>Veterans identification card</b> ; defines veteran for purposes of issuance of a card as a Virginia resident who has served honorably in Virginia National Guard or reserves of the United States armed forces. (Patron—Lewis) . . . . .	SB	931	693 2207
<b>Virginia National Guard</b> ; commending. Patron—Anderson . . . . .	HR	321	2896
<b>Virginia National Guard</b> ; subjects service members to nonjudicial punishment pursuant to the Manual for Courts-Martial, reduction in rank shall not be imposed if service member has more than 10 years of military service and is a certain rank, members shall retain all appeal rights, etc. (Patron—Anderson) . . . . .	HB	1597	194 357
<b>Workforce Development, Virginia Board of</b> ; for purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from related services. (Patron—Byron) . . . . .	HB	1523	191 354
<b>VIRGINIA ORGANIZING</b>			
<b>Virginia Organizing</b> ; commemorating its 20th anniversary. (Patron—McEachin) . . . . .	SJR	306	2957

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**VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY**

**Pamplin College of Business at Virginia Tech;** commemorating its 50th anniversary.  
(Patron–Yost) . . . . . HJR 731 2703

**VIRGINIA PUBLIC PROCUREMENT ACT**

**Virginia Port Authority;** additional exemptions from the Public Procurement Act,  
Authority shall develop policies or adopt regulations to implement provisions of this  
act by January 1, 2017.

Patron–BaCote . . . . . HB 2019 175 330

Patron–McWaters . . . . . SB 1359 383 729

**Virginia Public Procurement Act;** a public body may purchase from the contract of  
the Metropolitan Washington Council of Governments. (Patron–Barker) . . . . . SB 1378 352 692

**Virginia Public Procurement Act;** contract modification, modifications made by a  
political subdivision. (Patron–Albo) . . . . . HB 1628 569 1243

**Virginia Public Procurement Act;** job order contracts and design professional  
contracts, job order contracting, sum of projects performed in a one-year contract  
term shall not exceed \$5 million, etc. (Patron–Minchew) . . . . . HB 1637 570 1244

**Virginia Public Procurement Act;** methods of procurement, job order contracting and  
cooperative procurement, certain provisions shall expire on July1, 2017, State  
Corporation Commission shall develop a process for the administrative review of its  
procurement decisions, report.

Patron–Gilbert . . . . . HB 1835 760 2465

Patron–Ruff . . . . . SB 1371 776 2561

**Virginia Public Procurement Act;** requirements for Requests for Proposal, numerical  
scoring system used in evaluation of proposals. (Patron–Reeves) . . . . . SB 1226 350 690

**Virginia Public Procurement Act;** small, women-owned, and minority-owned  
businesses, defines businesses.

Patron–Yancey . . . . . HB 2148 765 2524

Patron–Alexander . . . . . SB 1333 775 2559

**Virginia Public Procurement Act;** small, women-owned, minority-owned, or service  
disabled veteran-owned businesses, enhancement or remedial measures, contractor  
shall include in proposal plan to subcontract to certain businesses. (Patron–Adams) . . . . . HB 1854 733 2382

**VIRGINIA PUBLIC SAFETY FOUNDATION**

**Virginia Public Safety Foundation;** commemorating its 10th anniversary.  
(Patron–Carr) . . . . . HJR 781 2732

**VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT**

**Virginia Residential Landlord and Tenant Act;** visible mold remediation, obligation  
of landlord. (Patron–Krupicka) . . . . . HB 1867 274 517

**VIRGINIA RESIDENTIAL PROPERTY DISCLOSURE ACT**

**Virginia Residential Property Disclosure Act;** representations related to special flood  
hazard areas, purchasers are advised to exercise whatever due diligence they deem  
necessary, including review of any map depicting special flood hazard areas, etc.

Patron–Stolle . . . . . HB 1642 269 513

Patron–Locke . . . . . SB 775 79 199

**VIRGINIA SPORTS HALL OF FAME**

**Virginia Sports Hall of Fame;** commending 2015 inductees.

Patron–James . . . . . HR 201 2838

Patron–Lucas . . . . . SR 66 3006

**VIRGINIA STATE UNIVERSITY**

**Virginia State University football team;** commending. (Patron–Dance) . . . . . SR 63 3005

**VIRGINIA TRIAD/S.A.L.T.**

**Virginia Triad/S.A.L.T.;** commemorating its 20th anniversary. (Patron–Preston) . . . . . HR 293 2882

**VIRGINIA WOMEN'S INSTITUTE FOR LEADERSHIP AT MARY BALDWIN COLLEGE**

**Virginia Women's Institute for Leadership at Mary Baldwin College;**  
commemorating its 20th anniversary. (Patron–Bell, Richard P.) . . . . . HJR 765 2723

**VITAL STATISTICS**

**Post-adoption services;** State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families.

Patron—Farrell . . . . . HB 1821 5 38  
Patron—Martin . . . . . SB 834 17 55

**VOTER REGISTRATION**

**Voter list maintenance;** State Board of Elections shall utilize data received through list comparisons with other states, report. (Patron—Bell, Robert B.) . . . . .

HB 2379 713 2271

**VOTERS AND VOTING**

**Absentee voting;** application for absentee ballot shall contain information stating person has an obligation occasioned by his religion. (Patron—Howell) . . . . .

SB 816 314 622

**Condominium Act;** voting interest allocated to unit or member that has been suspended shall not be counted in total number of voting interests used to determine quorum for any meeting. (Patron—Pogge) . . . . .

HB 2055 214 384

**Elections administration;** technical amendments to pre-election and post-election activities, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless governing body, et al., determines that a second scanner is not necessary based on voter turnout, etc., repeals provision for State Board of Elections to annually provide certain statistical reports. Repealing second enactment of Chapter 318, 2007 Acts. (Patron—Sickles) . .

HB 2062 740 2395

**Registered voters;** Department of Elections shall provide lists of persons to districts, includes persons who voted in certain elections, disclosure of social security numbers prohibited. (Patron—Sickles) . . . . .

HB 2056 712 2269

**Uniform Military and Overseas Voters Act;** changes to Act and Code section relating to absentee voting by those voters covered under Act, repeals certain provision concerning application for early absentee ballot.

Patron—Taylor . . . . . HB 2397 313 617

**Voter identification;** accepted forms of identification issued by any private school located in the Commonwealth, provisions shall become effective on January 2, 2016. (Patron—Bulova) . . . . .

HB 1653 571 1245

**Voter identification;** substantially similar match of identification and pollbook name. (Patron—Watts) . . . . .

HB 1538 134 276

**VOTING RIGHTS ACT OF 1965**

**Voting Rights Act of 1965;** commemorating its 50th anniversary. (Patron—McClellan)

HJR 715 2694

**WADE, ELTON J., SR.**

**Wade, Elton J., Sr.;** commending. (Patron—McDougle) . . . . .

SR 117 3047

**WALKER, CHARLES B.**

**Walker, Charles B.;** recording sorrow upon death.

Patron—Peace . . . . . HR 290 2881

Patron—McDougle . . . . . SR 116 3047

**WALNUT HILLS BAPTIST CHURCH**

**Walnut Hills Baptist Church;** commemorating its 50th anniversary. (Patron—Mason)

HJR 902 2800

**WARD, IDA ANNETTE MINOR**

**Ward, Ida Annette Minor;** commending. (Patron—Stosch) . . . . .

SR 115 3046

**WARD, WILLIAM NORMAN**

**Ward, William Norman;** recording sorrow upon death. (Patron—Hugo) . . . . .

HJR 865 2779

**WARRANTS**

**Blood samples;** person authorized to take samples pursuant to a search warrant, immunity. (Patron—Edwards) . . . . .

SB 832 425 815

**Judicial personnel;** no clerk of any court, magistrate, or other person having power to issue warrants, shall be competent to testify in any criminal or civil proceeding, exception. (Patron—Carrico) . . . . .

SB 794 635 1424

**Telecommunication records;** warrant requirement, prohibition on collection by law enforcement, an investigative or law-enforcement officer may obtain real-time location data without a warrant under certain circumstances. (Patron—Marshall, R.G.)

HB 1408 43 155

**WARREN, ARTHUR S.**

**Warren, Arthur S.;** commending. (Patron—Robinson) . . . . .

HJR 723 2699

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WASHINGTON COUNTY

Washington County Victim/Witness Assistance Program; commending.

Patron—Pillion	HR	319		2895
Patron—Carrico	SR	129		3054

WASHINGTON, D.C. METROPOLITAN AREA

Virginia Public Procurement Act; a public body may purchase from the contract of the Metropolitan Washington Council of Governments. (Patron—Barker)

SB	1378	352	692
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WASTE MANAGEMENT

Solid and semisolid industrial wastes; fees for testing and monitoring of land application, local enforcement of permits.

Patron—Peace	HB	1364	677	2149
Patron—Dance	SB	1413	104	230

WATER AND SEWER SYSTEMS

Virginia Water and Waste Authorities Act; delinquent payment of rates and charges. (Patron—Marshall, D.W.)

HB	1424	263	504
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Water or sewer systems; repeals provision of Virginia Water and Waste Authorities Act that limits a landlord's liability for tenant's metered charges. (Patron—Chafin)

SB	868	284	542
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WATER CONTROL

Daylighted streams; clarification of definition, State Water Control Board in developing criteria shall not require designation of a Resource Protection Area (RPA) adjacent to a stream, however, a locality that elects not to designate an RPA shall use a water quality impact assessment. (Patron—Watts)

HB	2067	674	2146
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WATERS OF THE STATE, PORTS, AND HARBORS

Boating safety education; exempts a motorboat operator who is serving or has qualified as an Officer of the Deck Underway, etc., or Marine Deck Officer in any branch of the United States Armed Forces, United States Coast Guard, or Merchant Marine. (Patron—Cole)

HB	1324	160	310
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Buggs Island Lake; state agencies and local governments allowed to refer to Lake as John H. Kerr Reservoir or Kerr Lake. (Patron—Ruff)

SB	972	84	207
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Chemical storage in the Commonwealth; Director of the Department of Environmental Quality, et al., shall evaluate existing statutory and regulatory tools to ensure protection of human health, public safety, drinking water resources, and environment, report, sunset provision. (Patron—Watkins)

SB	811	241	444
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Chesapeake Bay Watershed Implementation Plan; state agencies to remove Little Creek watershed from inclusion in the James River Basin. (Patron—Wagner)

SB	1203	184	351
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Dan River; designating from North Carolina-Virginia state line in Halifax County to confluence with Aaron's Creek in Halifax County as part of Virginia Scenic Rivers System. (Patron—Edmunds)

HB	1507	46	158
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Daylighted streams; clarification of definition, State Water Control Board in developing criteria shall not require designation of a Resource Protection Area (RPA) adjacent to a stream, however, a locality that elects not to designate an RPA shall use a water quality impact assessment. (Patron—Watts)

HB	2067	674	2146
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Eastern Virginia Groundwater Management Advisory Committee; established, membership shall include state and federal agencies' officials, university faculty, citizens, etc., with expertise in water resources-related issues, report, sunset provision.

Patron—Hodges	HB	1924	613	1349
Patron—Norment	SB	1341	262	503

Living shorelines; State Water Control Board to provide loans from Virginia Water Facilities Revolving Fund to establish. (Patron—Hodges)

HB	1734	474	880
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Noncommercial vessels; no law-enforcement officer charged with enforcing laws or regulations on navigable waters of the Commonwealth shall stop, board, or inspect any vessel unless officer has reasonable suspicion that a violation exists, conservation police officers and officers of Virginia Marine Police may conduct lawful boating safety checkpoints. (Patron—Morris)

HB	1298	484	887
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Port of Virginia Economic and Infrastructure Development Grant Fund and Program; qualified company to receive a second grant. (Patron—Watkins)

SB	1007	246	447
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**WATERS OF THE STATE, PORTS, AND HARBORS - Continued**

<b>Postdevelopment stormwater management technical criteria;</b> Department of Environmental Quality to study application in areas with a seasonal high groundwater table. (Patron—DeSteph) . . . . .	HJR	587		2645
<b>Private wells;</b> registration of wells located in ground water management areas. (Patron—Bulova) . . . . .	HB	1871	465	871
<b>Routine highway maintenance projects;</b> exemption from erosion and sediment control requirements. (Patron—Scott) . . . . .	HB	1827	497	907
<b>Solid and semisolid industrial wastes;</b> fees for testing and monitoring of land application, local enforcement of permits.				
Patron—Peace . . . . .	HB	1364	677	2149
Patron—Dance . . . . .	SB	1413	104	230
<b>Stormwater;</b> Board shall establish a procedure for approval of dredging operations in the Chesapeake Bay Watershed as a method of meeting pollutant reduction and loading requirements, any locality imposing a fee may make funds available for dredging where stormwater has contributed to deposition of sediment in state waters. (Patron—Wagner) . . . . .	SB	1201	753	2437
<b>Toxic substances;</b> Department of Environmental Quality to submit biennial report to committees of oversight on reduction of substances in state waters. (Patron—Plum) . . . . .	HB	1829	173	329
<b>Tributary strategies;</b> removes requirement for the Secretary of Natural Resources to provide an annual report. (Patron—Bulova) . . . . .	HB	1535	48	159
<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power). (Patron—McDougle) . . . . .	SB	1030	377	724
<b>Virginia Port Authority;</b> additional exemptions from the Public Procurement Act, Authority shall develop policies or adopt regulations to implement provisions of this act by January 1, 2017.				
Patron—BaCote . . . . .	HB	2019	175	330
Patron—McWaters . . . . .	SB	1359	383	729
<b>Virginia Port Authority;</b> expands police powers.				
Patron—Stolle . . . . .	HB	2273	74	194
Patron—McWaters . . . . .	SB	1358	253	470
<b>Virginia Port Authority;</b> restricts expenditures on capital projects to those located on real property that is owned, leased, or operated by Authority, except those expenditures on grants to local government for financial assistance for port facilities, etc. (Patron—Massie) . . . . .	HB	1784	609	1313
<b>Virginia's water resource planning and management;</b> Joint Legislative Audit and Review Commission to study.				
Patron—Norment . . . . .	SJR	272		2948
<b>Water Implementation Plans (WIPs);</b> Secretary of Natural Resources to develop to improve water quality and restore living resources of Chesapeake Bay and its tributaries. (Patron—Hanger) . . . . .	SB	1284	380	726
<b>Water Quality Improvement Act;</b> removes out-of-date references to tributary strategy plans for cleaning up the Chesapeake Bay and its tributaries. (Patron—Bulova) . . . . .	HB	1536	164	312
<b>Water resource and planning management;</b> Joint Legislative Audit and Review Commission to study. (Patron—Hodges) . . . . .	HJR	623		2654

**WEAPONS**

<b>Firearm, stun weapon, or other weapon;</b> person knowingly possesses any weapon on school property, penalties. (Patron—Norment) . . . . .	SB	1191	289	554
<b>Firearms;</b> licensed dealer may perform a criminal history record information check before transferring, selling, etc., item that is not in his inventory. (Patron—DeSteph) . . . . .	HB	1702	759	2462
<b>Firearms;</b> localities, Capitol Police, and State Police may donate those unclaimed, which have been in their possession for a period of more than 120 days, to Department of Forensic Science. (Patron—Marsden) . . . . .	SB	936	220	391
<b>Firearms or ammunition;</b> possession by convicted felons, restoration of rights, right to possess has been restored under law of another state subject to certain conditions. (Patron—Webert) . . . . .	HB	2286	767	2530
<b>Firearms or ammunition for firearms;</b> if person is not a resident of the Commonwealth, such person may petition the circuit court where last convicted for restoration of right for a permit to carry or possess. (Patron—Fowler) . . . . .	HB	1666	200	362

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**WEATHER**

**Comprehensive plan;** any locality included in Hampton Roads Planning District Commission shall incorporate into next scheduled and all subsequent reviews strategies to combat projected relative sea-level rise and recurrent flooding, local hazard mitigation plans required for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. (Patron–Miller) . . . . . SB 1443 186 352

**Real Estate Board;** educational requirements for salespersons, includes three hours of updates on flood hazard areas and the National Flood Insurance Program, effective date. (Patron–Stolle) . . . . . HB 2295 692 2205

**Virginia Residential Property Disclosure Act;** representations related to special flood hazard areas, purchasers are advised to exercise whatever due diligence they deem necessary, including review of any map depicting special flood hazard areas, etc.  
Patron–Stolle . . . . . HB 1642 269 513  
Patron–Locke . . . . . SB 775 79 199

**WEBB, TIM**

**Webb, Tim;** commending. (Patron–O’Quinn) . . . . . HJR 752 2715

**WEBER CITY, TOWN OF**

**Weber City, Town of;** amending charter, extends terms of council members, mayor, etc. (Patron–Kilgore) . . . . . HB 1857 734 2384

**WEBER, GERTRUDE**

**Weber, Gertrude;** recording sorrow upon death.  
Patron–Futrell . . . . . HJR 754 2716  
Patron–Deeds . . . . . SJR 352 2983

**WELCH, DENNIS**

**Welch, Dennis;** commending. (Patron–Sickles) . . . . . HJR 745 2712

**WELFARE (SOCIAL SERVICES)**

**Adoption;** juvenile and domestic relations district court may, in its discretion, accept consent without a home study or meeting and counseling requirements if child has been in continuous legal and physical custody of prospective adoptive parent(s) for five years or more. (Patron–Deeds) . . . . . SB 1268 529 1180

**Adult fatality review teams, local and regional;** established, certain agency actions exempt from provisions including any operating procedures for review of adult deaths developed by the Adult Fatality Review Team, penalty. (Patron–Rust) . . . . . HB 1558 108 238

**Child abuse or neglect, suspected;** time period for investigation and report when involves school division employees. (Patron–Norment) . . . . . SB 1117 524 1177

**Child day centers and family day homes;** regulations, national background check required, unlawful for any person to operate or reside in home if convicted of any offense that requires registration on Sex Offender and Crimes Against Minors Registry, report.  
Patron–Orrock . . . . . HB 1570 758 2448  
Patron–Hanger . . . . . SB 1168 770 2539

**Child support;** Department of Social Services may establish and operate an arrears compromise program. (Patron–Lindsey) . . . . . HB 1783 506 1139

**Child support;** Department of Social Services to prorate payments on the basis of amounts due. (Patron–Watts) . . . . . HB 1602 52 163

**Comprehensive Services Act for At-Risk Youth and Families;** changes name of Act to Children’s Services Act. (Patron–Favola) . . . . . SB 850 366 704

**Foster care;** placement of children, registration with Registry, local board shall request a search of Putative Father Registry to determine whether any man has registered as the putative father of the child. (Patron–Barker) . . . . . SB 1423 531 1182

**Foster care;** removes certain provision requiring the Department of Social Services create a separate section within a plan that describes why a child cannot be returned home, etc. (Patron–Favola) . . . . . SB 947 120 260

**Neighborhood assistance tax;** no tax credit shall be granted for any donation made in the taxable year with a value of less than \$616, business firm or an individual making a qualified donation may by written agreement accept a tax credit of less than 65 percent for such donation. (Patron–Wilt) . . . . . HB 1701 56 169

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**WELFARE (SOCIAL SERVICES) - Continued**

<b>Post-adoption services;</b> State Registrar of Vital Records to provide adoptive parents with a document listing all services available to adoptive families.				
Patron—Farrell .....	HB	1821	5	38
Patron—Martin .....	SB	834	17	55
<b>Prescription drugs;</b> orders dispensed to patient and delivered to a program of all-inclusive care for the elderly (PACE) facility licensed by Department of Social Services and overseen by the Department of Medical Assistance Services. (Patron—Hodges) .....	HB	1733	505	1138
<b>Prospective foster parents;</b> child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs provided applicant has had his civil rights restored by the Governor, etc. (Patron—McEachin) .....	SB	1095	364	703
<b>Public assistance;</b> Commissioner of the State Department of Social Services may temporarily utilize other entities to receive and process applications, confidentiality requirements. (Patron—Helsel) .....	HB	1847	513	1165
<b>Public assistance;</b> local director of social services shall make or cause to be made promptly an investigation to determine eligibility, report. (Patron—LeMunyon) ....	HB	1918	509	1147
<b>Recipients of public assistance;</b> access to financial literacy courses. (Patron—Stanley)	SB	846	521	1174
<b>Service and Volunteerism, Advisory Board on;</b> established to advise Governor and his Cabinet, funding for costs of compensation and expenses of members shall be provided by Department of Social Services in accordance with federal law, sunset provision.				
Patron—McClellan .....	HB	2071	452	861
Patron—Vogel .....	SB	1090	26	67
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<b>West, Damion L.;</b> recording sorrow upon death. (Patron—Morrissey) .....	HR	230		2851
<b>WEST VIRGINIA</b>				
<b>Bethany College;</b> commemorating its 175th anniversary. (Patron—Morefield) .....	HJR	893		2795
<b>WEST, WILLIAM E., JR.</b>				
<b>West, William E., Jr.;</b> recording sorrow upon death. (Patron—Bloxom) .....	HJR	736		2706
<b>WESTHAMPTON COLLEGE</b>				
<b>Westhampton College;</b> commemorating its 100th anniversary. (Patron—McClellan) ..	HJR	718		2696
<b>WHARTON, WILLIAM CALEB</b>				
<b>Wharton, William Caleb;</b> recording sorrow upon death. (Patron—Massie) .....	HR	218		2845
<b>WHITAKER, CLIFTON, JR.</b>				
<b>Whitaker, Clifton, Jr.;</b> commending. (Patron—McQuinn) .....	HJR	884		2790
<b>WHITE, CHARLIE</b>				
<b>White, Charlie;</b> commending. (Patron—Campbell) .....	HJR	591		2646
<b>WHITE, PATRICIA GODBOLT</b>				
<b>White, Patricia Godbolt;</b> recording sorrow upon death. (Patron—Hester) .....	HJR	799		2742
<b>WHITE, SHERWOOD TYRONE</b>				
<b>White, Sherwood Tyrone;</b> recording sorrow upon death. (Patron—McQuinn) .....	HJR	906		2802
<b>WHITEHURST, GEORGE WILLIAM</b>				
<b>Whitehurst, George William;</b> commending. (Patron—Cosgrove) .....	SJR	374		2995
<b>WIGGINS, STEPHEN BODDIE</b>				
<b>Wiggins, Stephen Boddie;</b> recording sorrow upon death. (Patron—Cosgrove) .....	SJR	309		2958
<b>WILDLIFE</b>				
<b>Wildlife traps;</b> Board of Game and Inland Fisheries shall adopt regulations permitting trappers to use remote trap-checking technology. (Patron—Bulova) .....	HB	1516	47	158
<b>WILLIAM AND MARY, THE COLLEGE OF</b>				
<b>Virginia Institute of Marine Science/School of Marine Science of The College of William and Mary;</b> commemorating its 75th anniversary. (Patron—Hodges) .....	HJR	780		2731
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<b>William Campbell Combined School golf team;</b> commending. (Patron—Edmunds) ..	HR	231		2852

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<b>Williams, Eugene;</b> commending. (Patron—Toscano) . . . . .	HJR 743		2710
<b>WILLIAMS, GRANT S., SR.</b>			
<b>Williams, Grant S., Sr.;</b> recording sorrow upon death. (Patron—Yancey) . . . . .	HR 216		2844
<b>WILLIAMS, LORRAINE PAYNE</b>			
<b>Williams, Lorraine Payne;</b> commending. (Patron—Toscano) . . . . .	HJR 744		2711
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<b>Williams, Ralph E.;</b> recording sorrow upon death. (Patron—Norment) . . . . .	SJR 382		2999
<b>WILLIAMS, TALMADGE THEODORE</b>			
<b>Williams, Talmadge Theodore;</b> recording sorrow upon death.			
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<b>WILLIAMSBURG, CITY OF</b>			
<b>Historic Triangle Community Services Center;</b> commemorating its 20th anniversary. (Patron—Pogge) . . . . .	HJR 663		2669
<b>WILLIAMSON, NORA RUTH</b>			
<b>Williamson, Nora Ruth;</b> recording sorrow upon death. (Patron—Pogge) . . . . .	HJR 777		2729
<b>WILLIAMSON, ROBERT T.</b>			
<b>Williamson, Robert T.;</b> commending. (Patron—Minchew) . . . . .	HJR 900		2799
<b>WILLIS, CABELL F.</b>			
<b>Willis, Cabell F.;</b> commending.			
Patron—Robinson . . . . .	HR 238		2856
Patron—Martin . . . . .	SJR 353		2984
<b>WILLS, TRUSTS, AND FIDUCIARIES</b>			
<b>Administration of estates;</b> liability of heir or devisee for real estate conveyed. (Patron—Obenshain) . . . . .	SB 1064	332	638
<b>Circuit court clerk;</b> revises certain responsibilities. (Patron—Leftwich) . . . . .	HB 1780	631	1418
<b>Fiduciary;</b> qualification without security, issuance of certificates of qualification, assets held in a safe deposit shall not be counted toward \$25,000 limit, court clerk shall not be liable for any misrepresentations of a personal representative, etc., with regard to whether the estate qualifies for the small asset estate exemption. (Patron—Knight) . . . . .	HB 1798	610	1318
<b>Intestate estate;</b> clerk shall require person to sign under oath that such person is not under a disability as defined in Æ 8.01-2, regardless of whether his civil rights have been restored, has not been convicted of a felony offense, etc., if person convicted of such felony offense, court or clerk may grant administration to such person if he is otherwise suitable and competent to perform his duties. (Patron—Chafin) . . . . .	SB 865	551	1220
<b>Personal injury or wrongful death;</b> appointment of an administrator for prosecution of action. (Patron—Habeeb) . . . . .	HB 1350	124	263
<b>Personal injury or wrongful death;</b> clerk of court appoints qualified administrator for purpose of prosecuting both types of actions, qualification of fiduciary.			
Patron—Surovell . . . . .	HB 2016	129	268
Patron—Stanley . . . . .	SB 963	130	269
<b>Privacy Expectation Afterlife and Choices Act;</b> created, immunity for compliance in good faith, Joint Commission on Technology and Science to develop legislative recommendations to address access to electronic communication records and digital account content by guardians ad litem, etc. (Patron—Obenshain) . . . . .	SB 1450	657	1493
<b>Small estates;</b> successor may endorse small assets in form of checks or negotiable instruments. (Patron—Minchew) . . . . .	HB 2229	617	1391
<b>Tenancy by the entireties;</b> property held in trust, provisions apply to any property of a husband and wife that is held by them as tenants by entireties and conveyed to their joint or separate revocable or irrevocable trusts. (Patron—Edwards) . . . . .	SB 762	424	814
<b>WILSON, GEORGE M.</b>			
<b>Wilson, George M.;</b> commending. (Patron—Marshall, D.W.) . . . . .	HJR 859		2776

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## WINE

<b>Alcoholic beverage control</b> ; limited distillers' licenses to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, local regulation of certain activities. (Patron—Deeds) . . . . .	SB	1272	695	2208
<b>Alcoholic beverage control</b> ; mixed beverage licenses granted to certain establishments, art instruction studio licenses, which shall authorize licensee to serve wine or beer on premises to any customer, however, licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any customer. (Patron—Watkins) . . . . .	SB	1287	348	680
<b>Alcoholic beverage control</b> ; winery, brewery, or distillery licensee allowed to pay royalties to a historical preservation entity based on authentic historical recipes and identified brand names owned and trademarked by entity, definition. (Patron—Norment) . . . . .	SB	1412	421	812
<b>Farm winery</b> ; licensees allowed to manufacture wine containing 21 percent or less of alcohol by volume, definition of winery to include an accredited public or private institution of higher education, wine manufactured by institution.				
Patron—Bulova . . . . .	HB	1634	54	165
Patron—McWaters . . . . .	SB	1165	288	550

## WINSTEAD, FRANCES ELIZABETH SIMPSON

<b>Winstead, Frances Elizabeth Simpson</b> ; recording sorrow upon death. (Patron—Hester) . . . . .	HR	264		2868
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## WIRELESS COMMUNICATIONS

<b>Polling place</b> ; authorized representative of political party permitted to use handheld wireless communication devices, but shall not be allowed to use such a device to capture a digital image inside polling place or central absentee voter precinct. (Patron—Vogel) . . . . .	SB	1351	575	1248
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## WISEMAN, MALCOLM B.

<b>Wiseman, Malcolm B.</b> ; commending. (Patron—Smith) . . . . .	SR	131		3055
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## WITNESSES

<b>Nurse practitioners</b> ; expert witness testimony in a court of law on certain matters within scope of his activities, practitioners added to definition of health care provider under medical malpractice statutes.				
Patron—Leftwich . . . . .	HB	1476	295	568
Patron—Chafin . . . . .	SB	861	306	597

## WOLF HILLS BREWING COMPANY

<b>Wolf Hills Brewing Company</b> ; commemorating its 5th anniversary. (Patron—Pillion) .	HR	272		2872
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## WOMEN

<b>Small, Women-owned, and Minority-owned Business Loan Fund</b> ; established, abolishes Capital Access Fund for Disadvantaged Businesses, cash balances shall be transferred to Fund.				
Patron—James . . . . .	HB	1757	696	2213
Patron—Lucas . . . . .	SB	854	697	2218
<b>Virginia Alcoholic Beverage Control Authority</b> ; created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, etc., Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—McDougle) . . . . .	SB	1032	38	91
<b>Virginia Alcoholic Beverage Control Authority</b> ; created, report, eliminates ABC Board, certain provisions of this act shall become effective on July 1, 2018, except provisions of the thirteenth, fourteenth, and fifteenth enactments of this act, Department of Alcoholic Beverage Control shall submit to General Assembly for its review proposed personnel and procurement policies, including such policies to facilitate the participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the Authority's procurement process. Amending fourth enactment of Chapters 870 and 932, 2007 Acts. (Patron—Albo) . . .	HB	1776	730	2309

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<b>WOMEN - Continued</b>			
<b>Virginia Public Procurement Act;</b> small, women-owned, and minority-owned businesses, defines businesses.			
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Patron—Alexander .....	SB 1333	775	2559
<b>Virginia Public Procurement Act;</b> small, women-owned, minority-owned, or service disabled veteran-owned businesses, enhancement or remedial measures, contractor shall include in proposal plan to subcontract to certain businesses. (Patron—Adams)	HB 1854	733	2382
<b>WOODBRIIDGE LIONS CLUB</b>			
<b>Woodbridge Lions Club;</b> commemorating its 60th anniversary. (Patron—Anderson) ..	HJR 788		2736
<b>WORKERS' COMPENSATION</b>			
<b>Uninsured or self-insured employers;</b> extends until July 1, 2018, existing maximum tax rate that may be assessed, financing Uninsured Employer's Fund established under Virginia Workers' Compensation Act. Amending Chapter 647, 2012 Acts. (Patron—Kilgore) .....	HB 1880	449	858
<b>Virginia Workers' Compensation Act;</b> exclusivity of remedy, employee's rights under Act exclude all others, exception.			
Patron—Habeeb .....	HB 1486	606	1310
Patron—McEachin .....	SB 770	624	1415
<b>Workers' compensation;</b> amends definition of employee, property owners' associations. (Patron—Scott) .....	HB 1285	442	841
<b>Workers' compensation;</b> Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, etc., shall be required to adopt and implement infrastructure under which providers of medical services shall submit billing electronically, etc. (Patron—Byron) .....	HB 2384	621	1395
<b>Workers' compensation;</b> exclusion of certain truck owner-operators.			
Patron—Villanueva .....	HB 1806	447	853
Patron—Cosgrove .....	SB 745	13	49
<b>Workers' compensation;</b> pecuniary liability of the employer for medical services, Commission shall determine the number and geographic area of communities across the Commonwealth, relevant charge data based on geographic area, report. (Patron—Farrell) .....	HB 1820	456	864
<b>WORKFORCE</b>			
<b>Local workforce investment boards;</b> boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services. (Patron—Ebbin) .....	SB 1002	435	833
<b>Workforce Development, Virginia Board of;</b> changes to Board requirements, annual report by publicly funded career and technical education and workforce development programs, regional convener designation required, etc., report.			
Patron—Byron .....	HB 1986	275	518
Patron—Ruff .....	SB 1372	292	555
<b>Workforce Development, Virginia Board of;</b> for purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from related services. (Patron—Byron) .....	HB 1523	191	354
<b>WORLD WAR II</b>			
<b>World War II;</b> commemorating 70th anniversary of its end. (Patron—McClellan) . . . .	HJR 733		2704
<b>WORLEY, TARA</b>			
<b>Worley, Tara;</b> commending. (Patron—Jones) .....	HJR 614		2652
<b>WRAY, GINNY</b>			
<b>Wray, Ginny;</b> commending. (Patron—Adams) .....	HJR 807		2747
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<b>Wray, Mike;</b> commending. (Patron—Adams) .....	HJR 806		2746
<b>WRITS</b>			
<b>Writ of actual innocence;</b> when Attorney General joins in a petition, petitioner may move circuit court for a bail hearing. (Patron—Herring) .....	HB 1882	66	182
<b>Writ of habeas corpus;</b> service of writ, dismissal of petition. (Patron—Edwards) . . . .	SB 1156	554	1222

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**WYTHE COUNTY**

- Max Meadows Volunteer Fire Department;** commemorating its 50th anniversary.  
(Patron—Campbell) . . . . . HJR 694 2685
- Wythe County;** commemorating its 225th anniversary. (Patron—Campbell) . . . . . HJR 697 2686

**YORK COUNTY**

- Trooper Donald E. Lovelace Memorial Bridge;** designating as Route 134 bridge  
over U.S. Route 17 in York County. (Patron—Norment) . . . . . SB 1303 35 83
- Trooper Garland Matthew Miller Memorial Bridge;** designating as Barlow Road  
overpass that crosses Interstate Route 64 in York County. (Patron—Norment) . . . . . SB 1304 36 83

**YORK, SCOTT K.**

- York, Scott K.;** commending. (Patron—Minchew) . . . . . HR 308 2890

**ZOLDOS, ROBERT J.**

- Zoldos, Robert J.;** recording sorrow upon death. (Patron—Minchew) . . . . . HJR 898 2798

**ZONING**

- Portsmouth, City of;** appointment of board of zoning appeals. (Patron—James) . . . . . HB 1758 406 782
- Portsmouth, City of;** members and alternates of board of zoning appeals shall be  
appointed by governing body. (Patron—Locke) . . . . . SB 744 407 782
- Zoning appeals, board of;** granting of variance, ex parte communications shall not  
include discussions as part of a public meeting or prior to a public meeting to which  
staff of the governing body, applicant, etc., are all invited, proceedings.  
(Patron—Marshall, D.W.) . . . . . HB 1849 597 1287



**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2015 SPECIAL SESSION I**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2015 SPECIAL SESSION I**

**which met at the State Capitol, Richmond**

**Convened Monday, August 17, 2015**

**Ended Wednesday, January 13, 2016**

**RESOLUTIONS  
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**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2015**

**Compiled by the Clerk's Office**

**The House of Delegates**

**G. Paul Nardo**

**Clerk of the House of Delegates**

**and**

**Keeper of the Rolls of the Commonwealth**

**Jeffrey A. Finch**

**Deputy Clerk, Legislative Operations**

**Jacqueline D. Scott**

**Indexing and Enrolling Director**

**Sarah A. Armistead**

**Indexing and Enrolling Assistant Clerk**

**Jeannine B. Layell**

**Indexing and Enrolling Assistant Clerk**

**in cooperation with the**

**Senate of Virginia,**

**Division of Legislative Services,**

**and**

**Division of Legislative Automated Systems**

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## CERTIFICATION OF THE ACTS OF ASSEMBLY

## 2015 SPECIAL SESSION I

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2015 Special Session I of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Monday, August 17, 2015, remaining in Session until 11:59 a.m., Wednesday, January 13, 2016, ended pursuant to the limitations of House Joint Resolution 5001.

G. PAUL NARDO  
*Clerk of the House of Delegates*  
*and*  
*Keeper of the Rolls of the Commonwealth*

**RESOLUTIONS OF THE GENERAL ASSEMBLY  
2015 SPECIAL SESSION I**

**HOUSE JOINT RESOLUTION NO. 5001**

*Limiting legislation to be considered by the 2015 Special Session I of the General Assembly and establishing a schedule for the conduct of business coming before such special session.*

Agreed to by the House of Delegates, August 17, 2015

Agreed to by the Senate, August 17, 2015

RESOLVED by the House of Delegates, the Senate concurring, That during the 2015 Special Session I of the General Assembly, summoned by proclamation of the Governor on July 16, 2015, to begin on Monday, August 17, 2015, no bill, joint resolution, or resolution shall be offered in either house during the special session other than those relating to (i) the redrawing of the districts of the members of the United States House of Representatives; (ii) the election of judges and other officials subject to election by the General Assembly; (iii) the rules of procedure or schedule of business of the General Assembly, either of its houses, or any of its committees; (iv) commending and memorial House resolutions that have been filed with the House Clerk's office no later than 9:00 a.m. on Monday, August 17, 2015 and commending and memorial Senate resolutions that have been filed with the Senate Clerk's office no later than 5:00 p.m. on Monday, August 17, 2015; or (v) confirming appointments subject to the confirmation of the General Assembly; and, be it

RESOLVED FURTHER, That, after the special session is convened for the first time, it may stand in recess from time to time until reconvened by the joint call of the Speaker of the House of Delegates and the Chair of the Senate Committee on Rules to consider such matters as are provided for in this resolution; and, be it

RESOLVED FINALLY, That members of the General Assembly shall receive session per diem for any day they attend a scheduled floor session at which an attendance roll call is taken. Session per diem shall not be allowed for legislative assistants. Session per diem shall not be allowed for members of the General Assembly during a recess of the special session. However, members may receive compensation while the General Assembly is in recess, as provided in § 30-19.12 of the Code of Virginia and in the 2014-2016 Appropriation Act, as follows: (i) members of any standing committee of the General Assembly; (ii) members of any committee of conference; or (iii) members of any legislative committee, commission, or council established by the General Assembly.

**HOUSE JOINT RESOLUTION NO. 5002**

*Election of a Supreme Court of Virginia Justice, a General District Court Judge, and a Juvenile and Domestic Relations District Court Judge.*

Agreed to by the House of Delegates, August 17, 2015

Agreed to by the Senate, August 17, 2015

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of a Supreme Court of Virginia justice for a term of twelve years commencing September 17, 2015.

To the election of a General District Court judge of the Twenty-sixth Judicial District for a term of six years commencing September 17, 2015.

To the election of a Juvenile and Domestic Relations District Court judge of the Fourth Judicial District for a term of six years commencing September 17, 2015.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

**HOUSE RESOLUTION NO. 501**

*Commending Thomas Briggs Simmons, Jr.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Thomas Briggs Simmons, Jr., an active young leader in the Courtland community, attained the rank of Eagle Scout in the Boy Scouts of America in 2015; and

WHEREAS, a senior at Southampton High School, Thomas Simmons is a longtime member of the soccer team and a diligent student; he is a member of the National Honor Society and has taken advanced courses through Paul D. Camp Community College for two years; and

WHEREAS, Thomas Simmons is a respected member of Troop 17 of the Boy Scouts of America, and he was selected by his fellow Scouts to become a member of the prestigious Order of the Arrow in April 2015; and

WHEREAS, to attain the rank of Eagle Scout, Thomas Simmons earned at least 21 merit badges and consistently demonstrated adherence to the ideals of Scout Spirit through his leadership, hard work, and service to the community; and

WHEREAS, as his Eagle Scout service project, Thomas Simmons helped install a flagpole and a flower bed with a masonry border at the Sebrell Community Center in northern Southampton County; the flagpole is easily visible by motorists on nearby Route 35; and

WHEREAS, Thomas Simmons was recognized for his accomplishments at an Eagle Scout Court of Honor ceremony on August 2, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Thomas Briggs Simmons, Jr., hereby be commended on achieving the rank of Eagle Scout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Briggs Simmons, Jr., as an expression of the House of Delegates' admiration for his contributions to the community.

**HOUSE RESOLUTION NO. 502**

*Commending Sappony Baptist Church.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Sappony Baptist Church in Stony Creek, one of the first Baptist churches built in the Commonwealth, celebrates more than 240 years of joyfully worshipping in the Baptist tradition and serving and strengthening the Sussex County community in 2015; and

WHEREAS, originally known as Sappony Meeting House, Sappony Baptist Church was established in 1773 with John Rivers as its first pastor; the church opened its doors to all faithful members of the community, regardless of ethnicity or background; and

WHEREAS, a steadfast witness to history, Sappony Baptist Church was the site of an engagement between Confederate and Union forces in the American Civil War; numerous cannonball holes sustained by the church during the battle are still viewable, preserved behind protective glass; and

WHEREAS, throughout its long history, the members of Sappony Baptist Church have nurtured their faith and worked to enhance the entire community; the church has completed numerous renovations and enhancements with the help and generosity of countless local residents; and

WHEREAS, the Sappony Baptist Church congregation has been ably led by many dedicated pastors, all of whom have provided inspiring worship services, sound biblical teachings, and a strong commitment to mission work; and

WHEREAS, an active leader in the region and the faith community, Sappony Baptist Church participated in the World Mission Conference in 1999 and donated to Hurricane Floyd disaster relief in Franklin; the church is also approved for use as a local shelter in times of disaster; and

WHEREAS, Sappony Baptist Church commemorated its anniversary with a special homecoming service and a lunch on June 21, 2015, bringing together current and former members of the congregation to celebrate the church's legacy; now, therefore, be it

RESOLVED by the House of Delegates, That Sappony Baptist Church hereby be commended for its contributions to the community on the occasion of its 242nd anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend James Stone, pastor of Sappony Baptist Church, as an expression of the House of Delegates' admiration for the church's proud history of spiritual leadership and service to Stony Creek and Sussex County.

**HOUSE RESOLUTION NO. 503**

*Commending Richard B. Kaufman.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Richard B. Kaufman, a devoted public servant who has worked to strengthen and enhance the Herndon community for more than two decades, retired as the town attorney of Herndon on June 30, 2015; and

WHEREAS, appointed by the Herndon Town Council to serve as town attorney on October 3, 1994, Richard Kaufman earned respect for his calm and humble demeanor, attention to detail, and commitment to excellent work; and

WHEREAS, Richard Kaufman assisted the Herndon Town Council by preparing and advancing legislative proposals in coordination with other localities and local entities; he also ensured the efficient operation of the town by providing practical solutions and legal support; and

WHEREAS, during his tenure, Richard Kaufman successfully managed numerous complex issues for the Town of Herndon, including the redevelopment of downtown and the Herndon Metro station area; and

WHEREAS, respected in the region and throughout the Commonwealth for his legal expertise, Richard Kaufman served with the Virginia Municipal League and the Local Government Attorneys of Virginia, Inc., and he has authored numerous articles on important legal issues; and

WHEREAS, Richard Kaufman is an exemplar of the dedication and hard work displayed by public servants around the Commonwealth and an embodiment of the spirit of Herndon; now, therefore, be it

RESOLVED by the House of Delegates, That Richard B. Kaufman, a true Virginia gentleman, hereby be commended on the occasion of his retirement as the town attorney of Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard B. Kaufman as an expression of the House of Delegates' admiration for his exceptional service to the Herndon community and best wishes on his retirement.

**HOUSE RESOLUTION NO. 504**

*Commending Bradford Rundlett.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Bradford Rundlett, a compassionate spiritual leader whose guiding influence can be felt throughout the Herndon community and the Commonwealth, retired as rector of St. Timothy's Episcopal Church in Herndon in August 2015; and

WHEREAS, Bradford "Brad" Rundlett began his career in ministry with the Episcopal Church of the Epiphany in Spartansburg, South Carolina, where he cultivated his reputation as a unifying leader and a humble servant to the community; he then served at St. James' Episcopal Church in Potomac, Maryland, and St. Andrew the Fisherman Episcopal Church in Mayo, Maryland; and

WHEREAS, after arriving at St. Timothy's Episcopal Church in 1994, Brad Rundlett led efforts to renovate the church and revitalize the congregation; 20 years later, the church has expanded significantly and the congregation has been deeply strengthened; and

WHEREAS, Brad Rundlett lives his faith through his actions, and he has developed a comprehensive mission program at St. Timothy's Episcopal Church; he has supported the Hispanic community in Herndon and founded a youth ministry that serves children in multiple congregations; and

WHEREAS, Brad Rundlett has worked as a missionary in Appalachia, South Dakota, and Haiti, and under his leadership, St. Timothy's Episcopal Church regularly conducts mission trips to Dungannon in Scott County, Chapoteau in Haiti, and Pine Ridge in South Dakota; and

WHEREAS, admired as a devoted mentor and a role model for those seeking a life in ministry, Brad Rundlett served as a field site supervisor and a colloquy mentor for Virginia Theological Seminary, and he has guided many young assistant rectors and seminarians, including those who have gone on to become ministers in other denominations; and

WHEREAS, believing firmly in the power of a strong, united community, Brad Rundlett hosts a monthly lunch with spiritual leaders from other denominations, and his efforts have fostered valuable interfaith dialogue among churches in the Herndon area; he has also studied Jewish history in Israel and Celtic spirituality in Ireland; now, therefore, be it

RESOLVED by the House of Delegates, That Bradford Rundlett hereby be commended for his service to the Herndon community on the occasion of his retirement as rector of St. Timothy's Episcopal Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bradford Rundlett as an expression of the House of Delegates' admiration for his valuable contributions to his congregation and the residents of the Commonwealth.

**HOUSE RESOLUTION NO. 505**

*Commending Margaret K. Motley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, after more than six decades of loyal service to the students and teachers of Franklin County, Margaret K. Motley retired as secretary to the principal of Franklin County High School in July 2015; and

WHEREAS, in 1950, Margaret Motley was a member of the last graduating class of Rocky Mount High School, where she served on the yearbook committee; and

WHEREAS, Margaret Motley began her career in school administration with Franklin County High School in August 1950, and she went on to become the longest-serving employee in the history of Franklin County Public Schools; and

WHEREAS, Margaret Motley ably served nine principals during the course of her 65-year career as secretary and served under six superintendents; she earned a reputation as a humble, hard-working, and professional employee; and

WHEREAS, building numerous friendships over the years, Margaret Motley imparted her passion for supporting local youths to her fellow Franklin County High School employees each day; and

WHEREAS, the 1960 edition of the Franklin County High School yearbook was dedicated to Margaret Motley for her personal integrity and devotion to the students, faculty, and staff of the school, and the Margaret K. Motley Office Suite was named in her honor in 2001; and

WHEREAS, after her retirement, Margaret Motley plans to assist her successor as secretary and looks forward to spending more time with her children, Danny, Patti, and Laurie; now, therefore, be it

RESOLVED by the House of Delegates, That Margaret K. Motley hereby be commended on the occasion of her retirement as secretary to the principal of Franklin County High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret K. Motley as an expression of the House of Delegates' admiration for her service to the youth of Franklin County.

**HOUSE RESOLUTION NO. 506**

*Celebrating the life of John Garland Thayer.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, John Garland Thayer of Gary, Tennessee, a longtime resident of Washington County who dedicated his life to others as an educator, pastor, and cofounder of what would become People, Inc., died on March 30, 2015; and

WHEREAS, John Thayer earned a bachelor's degree from Berea College and a master's degree from East Tennessee State University; he also graduated from the Boston University School of Theology and the American Institute of Holistic Theology; and

WHEREAS, enjoying a long and fulfilling career in education, John Thayer served as a principal in Hayter's Gap in Washington County and as dean of Washington College Academy; he later worked as a teacher or an administrator of public schools in Tennessee until his well-earned retirement from education in 1994; and

WHEREAS, beginning in 1987, John Thayer provided sound spiritual guidance as a minister with the United Methodist Church; he led several congregations in the Commonwealth and Tennessee before becoming visitation minister of First United Methodist Church in Johnson City, Tennessee; and

WHEREAS, John Thayer was the cofounder of Progressive Community Club, now known as People, Inc.; the organization helps individuals with special needs integrate into society and achieve their full potential; and

WHEREAS, John Thayer worked to strengthen and enhance the community as a longtime Ruritan Club member and Kiwanian; he also took a special interest in supporting youth groups, including Mowglis Summer Camp for Boys, 4-H, and the Boy Scouts of America; and

WHEREAS, John Thayer will be fondly remembered and greatly missed by his wife, Jean; children, Travis, Trygve, Laura, and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Garland Thayer, an accomplished educator, spiritual leader, and cofounder of People, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Garland Thayer as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 507**

*Celebrating the life of Margaret K. Brown.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Margaret K. Brown, a beloved member of the Bristol community who dedicated her life to the service of others, died on February 26, 2015; and

WHEREAS, Margaret "Peggy" K. Brown of Bristol, Tennessee, helped safeguard the lives and property of Bristol residents as a member of the Bristol Virginia Fire Department for 35 years; and

WHEREAS, serving the community with pride and distinction, Peggy Brown honored the sacrifices of military, law-enforcement, and emergency response personnel; and

WHEREAS, a tireless volunteer, Peggy Brown also worked to strengthen and enhance the Bristol community as a board member of the local Red Cross and United Way; and

WHEREAS, Peggy Brown was best known for her commitment to the Santa Pals organization, which helps provide Christmas presents for less fortunate children; and

WHEREAS, as secretary and treasurer of Santa Pals for more than a decade, Peggy Brown played a crucial role in the success of the all-volunteer organization, to which she leaves a legacy of compassion and professionalism; and

WHEREAS, Peggy Brown will be fondly remembered and greatly missed by numerous family members, friends, and fellow residents of Bristol; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Margaret K. Brown, a devoted and beloved servant to the Bristol community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Margaret K. Brown as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 508**

*Celebrating the life of Stephen Palwin Rowland.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Stephen Palwin Rowland, former Mayor of Glade Spring, who worked to support members of the community in need and enhance the quality of life of Southwest Virginia residents, died on May 29, 2015; and

WHEREAS, a native of Johnson City, Tennessee, Stephen Rowland graduated from Science Hill High School, where he was a standout athlete, and attended East Tennessee State University on a football scholarship; and

WHEREAS, desirous to be of service to his fellow residents, Stephen Rowland ran for and was elected Mayor of Glade Spring; he used his compassion, selflessness, and intelligence to strengthen the community; and

WHEREAS, Stephen Rowland also worked as a contractor and a salesman, as well as serving as the chair of the board of Highlands Community Services, where he worked with several civic and service organizations to ensure high-quality behavioral and mental health care in the region; and

WHEREAS, a man of deep and abiding faith, Stephen Rowland enjoyed fellowship and worship with the community as a member of the Church of New Beginnings in Glade Spring, combining his love of the Lord with his passion for singing on the praise team; and

WHEREAS, Stephen Rowland will be fondly remembered and greatly missed by his wife of 38 years, Darlene; daughter, Sydney, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Stephen Palwin Rowland, a respected public servant and devoted community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stephen Palwin Rowland as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 509**

*Celebrating the life of Taylor Shayne Pauley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Taylor Shayne Pauley, a beloved 12-year-old member of the Troutdale community who brought happiness to all he met, died on May 3, 2015; and

WHEREAS, affectionately known by family and friends as "Tator," Taylor Pauley was born in Galax; and

WHEREAS, Taylor Pauley was a sixth-grader at Grayson Highlands School; he was a talented athlete and a compassionate friend who earned the admiration of many of the teachers and school administrators; and

WHEREAS, Grayson Highlands School plans to name a new athletics field in Taylor Pauley's honor, with additional plans to host a memorial baseball tournament for 11-year-olds and 12-year-olds; his baseball team, the Grayson Stingers, is also raising funds to offer a scholarship in his name; and

WHEREAS, Taylor Pauley will be fondly remembered and greatly missed by his parents, Lori and Lester; brother, Tyler; grandparents, Sonny, Sue, and Carolyn; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Taylor Shayne Pauley, a beloved son, brother, and friend in Troutdale; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Taylor Shayne Pauley as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 510

*Celebrating the life of Bonnie Sue Nunley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Bonnie Sue Nunley, a beloved member of the Chilhowie community, died on May 3, 2015; and

WHEREAS, a native of North Carolina, Bonnie Nunley was the daughter of Fred and Dewey Stutts Fagg; and

WHEREAS, Bonnie Nunley was passionate about the outdoors and had a keen appreciation for the beauty of nature; she enjoyed hiking and tending to her garden and flowers; and

WHEREAS, a woman of deep and abiding faith, Bonnie Nunley enjoyed fellowship and worship with the community at Macedonia Baptist Church; and

WHEREAS, Bonnie Nunley will be fondly remembered and greatly missed by her husband, Coy; sons, Keith, Steve, and Brian, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bonnie Sue Nunley; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bonnie Sue Nunley as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 511

*Celebrating the life of Esther Akers Worley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Esther Akers Worley, an educator and a devoted volunteer who worked to serve and support the Washington County community, died on March 7, 2015; and

WHEREAS, a longtime resident of Hayter's Gap in Washington County, Esther Worley was a teacher and secretary at Hayter's Gap Elementary School, and she helped inspire the youth of the community to achieve their full potential; and

WHEREAS, as one of the first staff members of People, Inc., which was originally known as the Progressive Community Club, Esther Worley helped individuals with special needs integrate into society; and

WHEREAS, a loyal and trustworthy professional, Esther Worley served as the finance officer of People, Inc., for more than 40 years until her well-earned retirement; and

WHEREAS, Esther Worley lived her faith through her actions, and she enjoyed fellowship and worship with the community as a member of Main Street Christian Church in Saltville; and

WHEREAS, predeceased by her husband, Estell, and son, Tony, Esther Worley will be fondly remembered and greatly missed by her daughter-in-law, Joan; granddaughters, Cyndi and Kristi, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Esther Akers Worley, an educator and a devoted servant to the Southwest Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Esther Akers Worley as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 512

*Commending the Emory & Henry College football team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Emory & Henry College football team, a decorated athletics program at one of the Commonwealth's oldest institutions of higher education, celebrates its 100th anniversary during the 2015 season; and

WHEREAS, established in 1915, the Emory & Henry College Wasps have competed in the Old Dominion Athletic Conference (ODAC) in Division III of the National Collegiate Athletic Association for nearly 40 years; and

WHEREAS, during its 100-year history, the Emory & Henry College football team achieved an overall record of 513-418-19 and won 23 conference championships, including a record 11 ODAC championship titles; and

WHEREAS, the Emory & Henry College football team has also recorded many individual achievements, with eight student-athletes selected as ODAC Player of the Year, six coaches selected as ODAC Coach of the Year, 282 All-ODAC first team selections, and two players selected as ODAC Rookie of the Year; and

WHEREAS, the Emory & Henry College football team has achieved recognition on the national level, with 76 players selected as All-Americans and three players picked in the National Football League Draft; and

WHEREAS, throughout August 2015, the Emory & Henry College football team will feature stories on its website detailing the history of the football team in 25-year intervals and giving viewers a look at key players and games from each era; and

WHEREAS, the Emory & Henry College football team's season opener on September 5, 2015, will be preceded by a ceremony to induct the latest class of the Emory & Henry College Hall of Fame, and celebrations will continue on September 19, 2015, with the 100th anniversary reunion; now, therefore, be it

RESOLVED by the House of Delegates, That the Emory & Henry College football team hereby be commended on the occasion of the team's 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Curt Newsome, head coach of the Emory & Henry College football team, as an expression of the House of Delegates' admiration for the team's numerous accomplishments in its storied history.

### HOUSE RESOLUTION NO. 513

*Commending New Life in Christ Church.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, in 2015, New Life in Christ Church celebrates 40 years of spiritual leadership, joyful worship, and generous outreach to the Fredericksburg community; and

WHEREAS, New Life in Christ Church was founded in 1975 when a group of Christians from different denominations joined together to express their love of Jesus Christ; Douglas Kittredge was named as the first pastor; and

WHEREAS, originally, the congregation of New Life in Christ Church met in one another's homes and borrowed meeting spaces such as school rooms or a local barn; the church offered its first communion service in a television studio in August 1975; and

WHEREAS, with the help and resourcefulness of members of the congregation, New Life in Christ Church carried out renovations on an old warehouse and held its first services in the building in 1978; the church also began to establish several ministries to better serve the growing congregation and the community; and

WHEREAS, in the early 1980s, New Life in Christ Church supported and worked with other local organizations to spread faith and fellowship, helped establish New Life Community Church in Stafford, and initiated mission trips to Mexico; and

WHEREAS, in 1985, New Life in Christ Church purchased land for a new building in Spotsylvania County; the church began a capital campaign that raised more than \$400,000, and the generosity of congregants and community members facilitated the completion of the building in 1988; and

WHEREAS, New Life in Christ Church expanded its mission program to include trips to Austria, France, Japan, and the Philippines, and the church's wide variety of ministries continued to thrive, with education as a priority; Sunday school attendance for both adults and children increased, and the church began a partnership with the elementary program of Fredericksburg Christian School; and

WHEREAS, in 1998, New Life in Christ Church became affiliated with the James River Presbytery of the Presbyterian Church in America, and it has worked to build a network of sister churches throughout the United States and the world; since 2002, New Life in Christ Church has also served as an extension campus for the New Geneva Theological Seminary; and

WHEREAS, in 2005, Sean Whitenack joined New Life in Christ Church as associate pastor; since then he has helped the church succeed in its mission to inspire a new generation of faith leaders and spread the news of Jesus Christ; now, therefore, be it

RESOLVED by the House of Delegates, That New Life in Christ Church hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Douglas Kittredge, senior pastor of New Life in Christ Church, as an expression of the House of Delegates' admiration for the church's contributions to the faith community in Fredericksburg.

**HOUSE RESOLUTION NO. 514***Commending Riverside High School.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Riverside High School, a state-of-the-art public school in Loudoun County, begins its inaugural school year on August 31, 2015; and

WHEREAS, built on a 46-acre site near the National Conference Center in Leesburg, Riverside High School was designed to emulate the aesthetics of a college campus; and

WHEREAS, a creek runs between the parking lot and the entrance to Riverside High School, pathways connect to the National Conference Center's existing trail network, and lush forests and rolling hills provide a backdrop to create a welcoming atmosphere; and

WHEREAS, Riverside High School's student body will comprise of 340 freshmen, 300 sophomores, and 140 juniors from the Tuscarora, Stone Bridge, and Broad Run communities; students voted on the school's mascot, a ram, and school's colors, royal blue, silver, and red; and

WHEREAS, opening with 55 teachers and 45 support staff, Riverside High School will offer a complete curriculum with opportunities for athletics and extracurricular activities; and

WHEREAS, parents and teachers formed a Parent Teacher Student Organization and hosted fundraisers to support a grand opening gala event, which will be held on August 29, 2015, at the National Conference Center; now, therefore, be it

RESOLVED by the House of Delegates, That Riverside High School hereby be commended on the occasion of its grand opening; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Anderson, principal of Riverside High School, as an expression of the House of Delegates' congratulations and best wishes for a successful inaugural school year.

**HOUSE RESOLUTION NO. 515***Commending Penny Kelly.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Penny Kelly, the emergency medical technician and fire science instructor at Falls Church Academy, received the 2015 Emergency Medical Services Pre-Hospital Educator of the Year award for her innovative curricula and dedication to her students; and

WHEREAS, fully licensed as an emergency medical technician (EMT), EMT instructor, and Community Emergency Response Team trainer, Penny Kelly is the first and only fire science and EMT instructor at Falls Church Academy, one of six high school academy programs in the Fairfax County Public Schools system; and

WHEREAS, Penny Kelly received the award from the Northern Virginia Emergency Medical Services Council, Inc., in recognition of her loyal service to Falls Church Academy and her work to ensure that students are well prepared to safeguard the lives and property of Fairfax County residents; and

WHEREAS, during Penny Kelly's tenure as an instructor, the enrollment of Falls Church Academy has grown each year; as an instructor, she regularly updates the curriculum to reflect real-world applications and helps make complex concepts relatable; and

WHEREAS, working with regional fire and emergency services professionals, Penny Kelly creates new opportunities for her students; she has arranged flight medic helicopter visits to the academy and field trips to the Fairfax County Fire and Rescue Academy and the Northern Virginia Community College medical education campus; and

WHEREAS, Penny Kelly routinely visits high school guidance departments to promote the benefits of academy programs, and she works hard to find students employment and opportunities for postsecondary education; since 2004, 60 of her students have received basic EMT certifications; now, therefore, be it

RESOLVED by the House of Delegates, That Penny Kelly hereby be commended on being named the Emergency Medical Services Pre-Hospital Educator of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Penny Kelly as an expression of the House of Delegates' admiration for her contributions to the safety and well-being of the Fairfax County residents.

**HOUSE RESOLUTION NO. 516**

*Commending the Northern Virginia Soil and Water Conservation District.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, in 2015, the Northern Virginia Soil and Water Conservation District celebrates 70 years of working to promote conservation education and provide leadership, technical assistance, and outreach programs to ensure the sustainability of the region's natural resources; and

WHEREAS, founded in 1945 by a group of concerned citizens, the Northern Virginia Soil and Water Conservation District is one of 47 conservation districts in the Commonwealth and one of approximately 3,000 such districts nationwide; and

WHEREAS, governed by a five-member board of directors and staffed by dedicated conservation professionals, the Northern Virginia Soil and Water Conservation District works to lessen the effects of urban and suburban expansion on land and water resources in Fairfax County, both of which are critical to the health of the Chesapeake Bay Watershed; and

WHEREAS, the Northern Virginia Soil and Water Conservation District collaborates with government agencies, the business community, and members of the public, and it has benefited from the generous assistance of countless volunteers over the years; and

WHEREAS, the Northern Virginia Soil and Water Conservation District offers technical services, resource materials, and educational programs on water quality, nonpoint source pollution, and stream health and provides relevant guidance to students, farmers, and businesses; and

WHEREAS, an active and recognizable force for good in the community, the Northern Virginia Soil and Water Conservation District connects local residents to programs and opportunities through the Watershed Calendar, listservs, and a quarterly newsletter; now, therefore, be it

RESOLVED by the House of Delegates, That the Northern Virginia Soil and Water Conservation District hereby be commended for its service to the Commonwealth on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Virginia Soil and Water Conservation District as an expression of the House of Delegates' admiration for its efforts to safeguard the Commonwealth's valuable natural resources.

**HOUSE RESOLUTION NO. 517**

*Celebrating the life of Bobby L. Atkins.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Bobby L. Atkins of Williamsburg, an admired spiritual leader who touched countless lives in the Commonwealth and around the world, died on July 18, 2015; and

WHEREAS, Bobby "Bob" L. Atkins served his country for two years as a member of the United States Air Force, then opened an electrical contracting company in 1966; and

WHEREAS, Bob Atkins answered the call to the ministry in the 1970s; he went back to school to earn a bachelor's degree from Central Wesleyan University and a degree from what is now Holmes Bible College; and

WHEREAS, after completing his education, Bob Atkins served as assistant to the president, dean of students, and a professor at Holmes Bible College; and

WHEREAS, affectionately known as "Pastor Bob," Bob Atkins led Greensprings Chapel in Williamsburg for almost 30 years; under his leadership, the church greatly expanded its mission programs; and

WHEREAS, Bob Atkins traveled extensively in Nigeria, Russia, Israel, and Haiti, establishing numerous churches and spreading the word of the Lord; he also worked closely with Chinese missionaries who founded three Bible colleges in China; and

WHEREAS, Bob Atkins also served on the board of directors of Christian Aid Mission in Charlottesville, helped establish the Association of Williamsburg Area Ministries, and worked with Redemption Ministries Conference Leadership Council; at the time of his passing, he had become the pastor of Encore Church; and

WHEREAS, Bob Atkins will be fondly remembered and greatly missed by his wife of 59 years, Lawana; sons, Stephen, Mark, and Walter, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bobby L. Atkins, an inspirational religious leader in Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bobby L. Atkins as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 518**

*Celebrating the life of Madison Small.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Madison Small, a beloved member of the Ashburn community and a star student-athlete at Broad Run High School, died on April 7, 2015; and

WHEREAS, Madison Small was a senior at Broad Run High School, where she earned a reputation as a caring and compassionate friend and brought joy into the lives of many of her classmates with her positive attitude and bright smile; and

WHEREAS, a longtime softball player, Madison Small developed a passion for the sport when she attended her older sister's games; she began playing in an 8U Coach Pitch league and later joined the Ashburn Girls Softball League Shooting Stars; and

WHEREAS, Madison Small was a four-year varsity softball player for the Broad Run High School Spartans, and she had been serving as team captain; she was respected by teammates and coaches for her work ethic and willingness to play any position; and

WHEREAS, Madison Small will be fondly remembered and greatly missed by numerous family members, friends, and teammates; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Madison Small, a beloved member of the Ashburn community and a talented student-athlete; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Madison Small as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 519**

*Celebrating the life of Troy Basil Collier.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Troy Basil Collier, who touched the lives of countless young men and women as the founder and executive director of Youth Challenge in Newport News, died on July 28, 2015; and

WHEREAS, a native of Hartman, Arkansas, Troy Collier served his country as a member of the United States Marine Corps, then pursued a career as a barber, becoming a master stylist; and

WHEREAS, in 1969, Troy Collier founded Teen Challenge, a faith-based program to help teens and young adults become healthy, productive members of society; and

WHEREAS, Troy Collier relocated to the Commonwealth and founded Youth Challenge in Newport News in 1978; the Youth Challenge center hosts treatment programs for young adults as an alternative to incarceration for drug-related crimes; and

WHEREAS, under Troy Collier's able leadership, Youth Challenge grew to provide long-term residential care to more than 100 youths each year, and he earned numerous awards and accolades for his good work; and

WHEREAS, Troy Collier also worked to enhance the community as a member of the Kiwanis Club at Oyster Point, and he enjoyed fellowship and worship with the community at Warwick Assembly of God; and

WHEREAS, predeceased by his wife, Bettye Lou, Troy Collier will be fondly remembered and greatly missed by his children, Michael, Terry, and Sharon, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Troy Basil Collier, the highly admired founder of Youth Challenge in Newport News; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Troy Basil Collier as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 520**

*Celebrating the life of Craig Patrick Jeffers.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Craig Patrick Jeffers of Ruckersville, a talented student-athlete and a beloved son, brother, and friend, died on June 10, 2015; and

WHEREAS, a recent graduate of William Monroe High School, Craig Jeffers was a hardworking student and a passionate athlete; and

WHEREAS, Craig Jeffers played defensive end on the William Monroe High School football team, and his intensity earned the respect of coaches and teammates; in his senior year, he was named to the all-district first team and all-conference second team; and

WHEREAS, Craig Jeffers had proudly been accepted by Virginia Military Institute as a member of the Class of 2019; and  
 WHEREAS, Craig Jeffers will be fondly remembered and greatly missed by his parents, Samuel and Maureen; brothers, Liam and Shea; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Craig Patrick Jeffers, a beloved member of the Ruckersville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Craig Patrick Jeffers as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 521

*Celebrating the life of Sidney Judson Stanley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Sidney Judson Stanley of Old Church, a respected veteran who dedicated his life to supporting his fellow service members, died on April 11, 2015; and

WHEREAS, Sidney Stanley graduated from the University of Maryland and served his country as a member of the United States Air Force in Korea and Japan for eight years; he was honorably discharged after sustaining a spinal injury while on duty; and

WHEREAS, an inspirational leader, Sidney Stanley became a counselor and advocate for injured soldiers and worked to honor the service and sacrifice of his fellow veterans; and

WHEREAS, Sidney Stanley was an active member of Disabled American Veterans, American Legion, and Paralyzed Veterans of America, holding many leadership positions; he also worked closely with the Department of Veterans Affairs; and

WHEREAS, Sidney Stanley was appointed to the Board of Veterans Services and the Board of Trustees of the Virginia War Memorial, where he helped establish the Virginia War Memorial Educational Foundation; and

WHEREAS, Sidney Stanley worked to further enhance the quality of life of his fellow residents as a member of several civic and service organizations, taking a special interest in the youth of the community; and

WHEREAS, predeceased by his wife, Shirley, Sidney Stanley will be fondly remembered and greatly missed by his children, Sidney and Beth, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sidney Judson Stanley, a proud veteran and a respected member of the Old Church community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sidney Judson Stanley as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 522

*Celebrating the life of Robert Paul Warhurst.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Robert Paul Warhurst, an admired entrepreneur and the founder of the Merrifield Garden Center, died on April 29, 2015; and

WHEREAS, a native of Russellville, Alabama, Robert "Bob" Paul Warhurst learned the value of hard work and responsibility at a young age, taking his first job at the age of seven to help support his family; and

WHEREAS, Bob Warhurst became a bricklayer for his older brother's contracting company and had a hand in the construction of many of Northern Virginia's suburban developments; and

WHEREAS, desirous to be of further service to the community, Bob Warhurst founded Warhurst Trash Company, then opened The Tradin' Post, a secondhand store to resell intact discarded goods; and

WHEREAS, Bob Warhurst began to stock plants at The Tradin' Post and later opened the Merrifield Garden Center to better serve the community's needs for a local nursery; under his able leadership, the center grew to become one of the largest independent garden centers in the country, with three locations in Northern Virginia; and

WHEREAS, an active business leader, Bob Warhurst also helped establish two banks and gave generously to charitable and civic organizations; the story of his inspirational journey through life was published in *The American Dream: The Rags to Roses Story of Bob Warhurst and the Founding of the Merrifield Garden Center*; and

WHEREAS, Bob Warhurst will be fondly remembered and greatly missed by his wife, Billie Jean; children, Debbie, Robert, Jr., Larry, Donny, and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Paul Warhurst, a respected entrepreneur in the Fairfax community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Paul Warhurst as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 523**

*Celebrating the life of Harry English, Jr.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Harry English, Jr., a passionate educator and an active resident of Falls Church who worked to serve and strengthen the community, died on May 25, 2015; and

WHEREAS, a native of Washington, D.C., Harry English graduated from American University and followed in his father's footsteps by pursuing a career in education; he helped inspire and motivate students at schools in Loudoun County and Washington, D.C.; and

WHEREAS, Harry English was well known locally as a botanist and enjoyed teaching friends about rare and obscure plants in his beautiful garden; he led efforts to beautify the city, facilitating the creation of West End Park and chairing the committee that planned landscape design with the city arborist; and

WHEREAS, a passionate historian, Harry English wrote a compendium on Victorian-era plants for the Victorian Society at Falls Church and was a lifetime member of the Village Preservation and Improvement Society; and

WHEREAS, Harry English enjoyed researching the history of Falls Church and its laws, and he put his knowledge to use as a frequent and respected speaker before city bodies; and

WHEREAS, Harry English will be fondly remembered and greatly missed by his wife of 64 years, Madeline, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harry English, Jr., an educator and active leader in the Falls Church community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harry English, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 524**

*Commending Intermont Equestrian at Emory & Henry College.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Intermont Equestrian at Emory & Henry College claimed its second consecutive national title, winning the Intercollegiate Dressage Association national championship in April 2015; and

WHEREAS, the victory was the fifth Intercollegiate Dressage Association title for Intermont Equestrian at Emory & Henry College and the 18th championship for the team overall; and

WHEREAS, Intermont Equestrian at Emory & Henry College narrowly defeated its regional rivals from Virginia Polytechnic Institute and State University at the national championship, which was held at Otterbein University in Ohio; and

WHEREAS, junior Bailey Halverson finished second in the upper training level, sophomore Nick Martino finished third in the first level, junior Karissa Donohue finished fourth in the lower training level, and freshman Eli Worth-Jones finished fourth in the introductory level to give the team an overall score of 39; and

WHEREAS, during the individual competition, Bailey Halverson was the reserve champion in the upper training level, Karissa Donohue placed eighth in the lower training level, Nick Martino finished 12th in the first level, and senior Morgan Sollenberger finished 12th in the lower training level; and

WHEREAS, Intermont Equestrian at Emory & Henry College succeeded thanks to the hard work and dedication of the riders, the able guidance of the coaches and staff, and the enthusiastic support of the Emory & Henry College community; now, therefore, be it

RESOLVED by the House of Delegates, That Intermont Equestrian at Emory & Henry College hereby be commended on winning the 2015 Intercollegiate Dressage Association national championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lisa Moosmueller-Terry, head coach of Intermont Equestrian at Emory & Henry College, as an expression of the House of Delegates' admiration for the riders' achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 525**

*Commending Eric McClure.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Eric McClure, an accomplished driver in the National Association for Stock Car Auto Racing, earned the 2015 A.L. Mitchell Young Alumnus of the Year Award from Emory & Henry College; and

WHEREAS, the A.L. Mitchell Young Alumnus of the Year Award recognizes an Emory & Henry College graduate who has made significant contributions to his field or community; a member of the Class of 2000, Eric McClure honed his business sense and learned the importance of respect for others during his college years; and

WHEREAS, after graduation, Eric McClure worked for Morgan-McClure Motorsports, his family's racing company; he made his first start in the National Association for Stock Car Auto Racing (NASCAR) Xfinity Series in 2003 and first competed in the NASCAR Sprint Cup race in 2004; and

WHEREAS, Eric McClure used the knowledge and business acumen he acquired at Emory & Henry College to help secure well-known, national sponsors for his car in 2006 and 2011; after nine consecutive seasons, he maintains the longest active driver-sponsor partnership in the NASCAR Xfinity Series; and

WHEREAS, Eric McClure completed his 250th event in 2014 and plans to continue pursuing his passion for racing; he lives in Chilhowie with his wife, Miranda, and daughters, Mabreigh, Maryleigh, Mirabella, Merritt, Myanna, and Meraline; now, therefore, be it

RESOLVED by the House of Delegates, That Eric McClure hereby be commended on receiving the Emory & Henry College A.L. Mitchell Young Alumnus of the Year Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric McClure as an expression of the House of Delegates' admiration for his success and best wishes for the future.

### HOUSE RESOLUTION NO. 526

*Commending Gary Rice.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Gary Rice, the highly admired coach of the Alleghany High School baseball team, was inducted into the Salem-Roanoke Baseball Hall of Fame on January 29, 2015; and

WHEREAS, a native of Covington, Gary Rice has amassed an impressive 513 - 217 - 5 record over the course of his distinguished 46-year career; he is tied for third place in most wins by a coach in the Virginia High School League; and

WHEREAS, Gary Rice's teams have won 13 district championships, 10 district tournament titles, and three regional titles and made six state tournament appearances, including a trip to the state final in 2008; and

WHEREAS, earning many awards and accolades for his accomplishments, Gary Rice has been named Timesland Coach of the Year and was twice selected to coach the Virginia High School Coaches Association all-star game; and

WHEREAS, Gary Rice has inspired and motivated countless young athletes, including many who have gone on to achieve success at the college level and in professional baseball; now, therefore, be it

RESOLVED by the House of Delegates, That Gary Rice hereby be commended on his induction into the Salem-Roanoke Baseball Hall of Fame with the Class of 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary Rice as an expression of the House of Delegates' admiration for his outstanding career as a coach and best wishes for the future.

### HOUSE RESOLUTION NO. 527

*Commending Estelle Avner.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Estelle Avner, the longtime director of the Bradley Free Clinic in Roanoke and a compassionate servant to members of the community in need, retired in July 2015; and

WHEREAS, a native of Scranton, Pennsylvania, Estelle Avner honed her leadership skills working at a nursery school prior to joining the Bradley Free Clinic in 1974; and

WHEREAS, during Estelle Avner's distinguished tenure as director, the Bradley Free Clinic provided more than \$65 million in medical, dental, and pharmacy services to the working poor in the region; the clinic serves patients with an income of up to 200 percent of the federal poverty level; and

WHEREAS, Estelle Avner helped make the Bradley Free Clinic a valued institution in Roanoke, and its successful model has been emulated across the country; the clinic is open Tuesday nights, Thursday nights, and Friday mornings and treats an average of 40 patients each day; and

WHEREAS, Estelle Avner's enthusiasm for service has inspired countless other residents of the Roanoke region, including dozens of physicians and dentists, to volunteer their time and expertise; the clinic also works with local hospitals, universities, and companies to provide free medical testing and medicine; and

WHEREAS, in recognition of her exceptional achievements, Estelle Avner was named the 2015 Virginian of the Year by the Virginia Press Association and received the award at a special ceremony in April 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Estelle Avner hereby be commended for her contributions to the Commonwealth on the occasion of her retirement as director of the Bradley Free Clinic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Estelle Avner as an expression of the House of Delegates' admiration for her dedication to the health and wellness of the residents of the Roanoke region.

### HOUSE RESOLUTION NO. 528

*Commending Vito John Germinario.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Vito John Germinario, a hardworking businessman and an active philanthropist in the Northern Virginia community, completed his three-year term as chairman of the board of Excel Academy in 2015; and

WHEREAS, a first-generation Italian immigrant, Vito Germinario grew up in Hoboken, New Jersey, and pursued a career in construction; he currently serves as president and co-owner of GPR, Inc., a commercial glazing company, and LGV Group, LLC, a real estate development company; and

WHEREAS, Vito Germinario was part of the team that built the Ronald Reagan Building and International Trade Center and numerous other buildings in the Washington, D.C., area, including the National Intrepid Center for Excellence at Bethesda Naval Hospital; and

WHEREAS, believing strongly in the importance of education, Vito Germinario ably led Excel Academy, an all-girls public charter school in Washington, D.C., as board chair for three years; he remains an active supporter of the school and was named chairman emeritus; and

WHEREAS, Vito Germinario takes a special interest in the youth of the community, supporting a number of nonprofit organizations that benefit children, including the Cystic Fibrosis Foundation, Breath for Life, and the Make-a-Wish Foundation; and

WHEREAS, Vito Germinario also serves as chairman of Feathers from Devon, an organization that provides opportunities for children with disabilities to participate in nontraditional therapies, and Lily Fund and Friends of Jaclyn Foundation, which both support children with brain tumors; now, therefore, be it

RESOLVED by the House of Delegates, That Vito John Germinario hereby be commended on the completion of his term as chairman of the board of Excel Academy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vito John Germinario as an expression of the House of Delegates' admiration for his service to the Northern Virginia community.

### HOUSE RESOLUTION NO. 529

*Commending Woody Van Valkenburgh.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Woody Van Valkenburgh, who has dedicated his career to creating employment options for people with disabilities and breaking down barriers to employment, retires in 2015 as president and chief executive officer of Rappahannock Goodwill Industries; and

WHEREAS, serving as president and chief executive officer of Rappahannock Goodwill Industries (RGI) since 1979, Woody Van Valkenburgh helped the organization grow and fulfill its mission to provide vocational and educational services to help people with disabilities achieve employment; and

WHEREAS, under Woody Van Valkenburgh's leadership, in 2014 RGI served more than 4,000 people and placed more than 500 people in jobs, and in 2013, the company accounted for \$60 million of economic output in the Commonwealth; and

WHEREAS, admired for his innovative strategies and responsiveness to community needs, Woody Van Valkenburgh freely shares his insights with others and is a valuable resource for groups and companies that serve people with disabilities; and

WHEREAS, deeply respected among his peers, Woody Van Valkenburgh serves as treasurer of the Virginia Goodwill Network and the Mid-Atlantic Goodwill Industries Consortium; and

WHEREAS, from 2004 to 2012, Woody Van Valkenburgh shared his expertise as a citizen member of the Virginia Disability Commission, and from 2004 to 2009, he was a member of the Rappahannock Area Disability Services Board; and

WHEREAS, Woody Van Valkenburgh has also served the Commonwealth as a member and chair of the Employment Services Organizations Advisory Committee of the Department for Aging and Rehabilitative Services; now, therefore, be it

RESOLVED by the House of Delegates, That Woody Van Valkenburgh hereby be commended on the occasion of his retirement as president and chief executive officer of Rappahannock Goodwill Industries; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Woody Van Valkenburgh as an expression of the House of Delegates' admiration for his leadership of Rappahannock Goodwill Industries and contributions to the Commonwealth.

**HOUSE RESOLUTION NO. 530**

*Celebrating the life of Lewis T. Booker.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Lewis T. Booker, a respected veteran and attorney in the City of Richmond, died on April 4, 2015; and  
 WHEREAS, Lewis Booker attended Richmond City Public Schools and graduated from Thomas Jefferson High School; he earned a bachelor's degree from the University of Richmond, where he served as rector for 11 terms, and a law degree from Harvard University; and

WHEREAS, Lewis Booker honorably served his country with the United States Army in Korea and was later stationed at the Pentagon; and

WHEREAS, after completing his military service, Lewis Booker pursued a long legal career with the firm of Hunton & Williams; and

WHEREAS, Lewis Booker will be fondly remembered and greatly missed by his wife of 58 years, Nancy; children, Lewis, Jr., Frances, Claiborne, and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lewis T. Booker, a respected veteran and attorney in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lewis T. Booker as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 531**

*Celebrating the life of Ruth Williams Campbell Taylor.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Ruth Williams Campbell Taylor, a medical professional who dedicated her life to the service of others in the City of Richmond, died on July 1, 2015; and

WHEREAS, Ruth Taylor earned a bachelor's degree from Mary Washington College and graduated from what was then the Medical College of Virginia (MCV); and

WHEREAS, Ruth Taylor pursued a fulfilling career in pediatric medicine and served on the faculty of MCV for 27 years; she earned the admiration of her peers and put patients at ease with her compassion and medical knowledge; and

WHEREAS, after her well-earned retirement, Ruth Taylor became president of the MCV Alumni Association and the first woman chair of the MCV Foundation; she was also an active member of the Woman's Club of Richmond; and

WHEREAS, Ruth Taylor earned many awards and accolades for her lifetime of good work, including the Caravati Service Award, the Hodges-Kay Service Award, and the Dr. Eugene P. Trani Award for MCV Campus Leadership; and

WHEREAS, a woman who lived her faith through her actions, Ruth Taylor was a longtime member of St. Paul's Episcopal Church, where she enjoyed fellowship and worship with the community; and

WHEREAS, predeceased by her first husband, James, Ruth Taylor will be fondly remembered and greatly missed by her husband, John; children, John, Timothy, Elizabeth, Dody, Debbie, and Prue, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ruth Williams Campbell Taylor, an admired medical professional and an active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth Williams Campbell Taylor as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 532**

*Celebrating the life of Harvey Lemuel Williams III.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Harvey Lemuel Williams III of Mathews, a respected business leader in Central Virginia, died on June 30, 2015; and

WHEREAS, a native of Richmond, Harvey Williams graduated from Thomas Jefferson High School and Virginia Polytechnic Institute and State University, where he was a member of the German Club and upheld the integrity of the university on the civilian honor court; and

WHEREAS, after completing his education, Harvey Williams worked for Manchester Paper Board, now Federal Paper Board, and became manager of engineering for the southern division; and

WHEREAS, in 1969, Harvey Williams joined Hawkins-Hamilton Company and followed in his father's footsteps as president and chief executive officer; he also founded and served as president of Gadwall Investment Properties and Pine Hall Helicopter Charters; and

WHEREAS, an active member of the community, Harvey Williams served on the boards of the Richmond Engineers Club, Mathews Yacht Club, Mathews Community Foundation, and what is now Sabot at Stony Point; and

WHEREAS, Harvey Williams enjoyed fellowship and worship with the community as a member of Christ Church Kingston Parish in Mathews; and

WHEREAS, Harvey Williams will be fondly remembered and greatly missed by his wife of 54 years, Patricia; sons, David and George, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harvey Lemuel Williams III; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harvey Lemuel Williams III as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 533

*Celebrating the life of Eva Burrell Brinkley.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Eva Burrell Brinkley, a passionate educator in the City of Richmond and a loyal legislative aide in the Virginia General Assembly, died on February 18, 2015; and

WHEREAS, born in Henderson, North Carolina, Eva Brinkley moved with her family to Richmond when she was very young; she graduated from Armstrong High School and earned a bachelor's degree from Hampton University; and

WHEREAS, striving to give young students a good foundation for lifelong learning, Eva Brinkley taught kindergarten at George Mason Elementary School, Amelia Street School, and Maymont Elementary School over the course of her 39-year career; and

WHEREAS, after her well-earned retirement as an educator, Eva Brinkley continued to serve the Commonwealth as a legislative aide in the Virginia General Assembly for 19 years; and

WHEREAS, Eva Brinkley also worked to strengthen and enhance the community through several local service organizations, and she enjoyed fellowship and worship as a lifelong member of St. Philip's Episcopal Church, where she held multiple leadership positions; and

WHEREAS, predeceased by her husband, Springarn, Eva Brinkley will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Eva Burrell Brinkley, a respected educator and a former legislative aide in the Virginia General Assembly; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eva Burrell Brinkley as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 534

*Celebrating the life of William H. Lauer.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, William H. Lauer, an admired business leader and selfless servant to the Oakton community, died on May 5, 2015; and

WHEREAS, a lifelong resident of the Washington, D.C., metropolitan area, William "Bill" H. Lauer grew up in Silver Spring, Maryland, and graduated from the University of Maryland at College Park; and

WHEREAS, Bill Lauer served his country with the United States Coast Guard during the Vietnam War, then pursued a fulfilling career in business; he founded Tetra Partners and helped shape the future of Northern Virginia by designing several buildings, developments, and master plans; and

WHEREAS, deeply respected by his peers in the industry, Bill Lauer served as president and director of the Northern Virginia Building Industry Association and a charter member of the Board of Directors of the Northern Virginia Transportation Alliance; and

WHEREAS, a tireless advocate for less fortunate members of the community, Bill Lauer worked to enhance the quality of life of his fellow residents as a member and leader of several civic and service organizations; and

WHEREAS, predeceased by his son, Brian, Bill Lauer will be fondly remembered and greatly missed by his wife, Rosemary; children and stepchildren and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William H. Lauer, a respected businessman and community leader in Oakton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William H. Lauer as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 535

*Celebrating the life of Grace Rebecca Mann.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Grace Rebecca Mann, a beloved resident of McLean and student at the University of Mary Washington who worked to make the community stronger and more inclusive, died on April 17, 2015; and

WHEREAS, a junior at the University of Mary Washington, Grace Mann was a loyal friend and a staunch advocate for women's rights and the lesbian, gay, bisexual, transgender, and questioning community; and

WHEREAS, Grace Mann was pursuing a major in history and American studies and a minor in practical ethics; she served as a board member of Feminists United and the Student Government Association Senate; and

WHEREAS, earning the respect of faculty and administration, as well as her peers, Grace Mann was appointed to the University of Mary Washington President's Task Force on Sexual Assault; and

WHEREAS, Grace Mann will be fondly remembered and greatly missed by her parents, Thomas and Melissa, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Grace Rebecca Mann, an advocate for equal rights and a beloved resident of McLean; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Grace Rebecca Mann as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 536

*Celebrating the life of Paul Snodgrass.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Paul Snodgrass of Vienna, a respected professional in the insurance industry and a passionate historian, died on April 4, 2015; and

WHEREAS, after relocating to the Washington, D.C., metropolitan area as a young man, Paul Snodgrass graduated from The George Washington University; and

WHEREAS, Paul Snodgrass pursued a successful 45-year career in the insurance industry; he worked for Hartford Accident and Indemnity Company and served as vice president of Ralph W. Lee & Company; and

WHEREAS, after his well-earned retirement, Paul Snodgrass worked to preserve the history of the Commonwealth and the region as a community activist and genealogist; he edited and published a genealogy journal for the Snodgrass Clan Society and served as president of the Fairfax Genealogical Society; and

WHEREAS, Paul Snodgrass also served as president of Historic Vienna, Inc.; Vienna's chair of the 400th anniversary of Jamestown celebration; and a member of the District of Columbia Society, Sons of the American Revolution; and

WHEREAS, Paul Snodgrass strove to enhance and strengthen the community as a member of the Vienna Regional Chamber of Commerce and the Optimist Club of Vienna; he enjoyed fellowship and worship with the community as a member of Wesley United Methodist Church, where he held several leadership positions; and

WHEREAS, Paul Snodgrass will be fondly remembered and greatly missed by his wife, Florence; daughter, Marjorie, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Paul Snodgrass, an insurance professional and historian in Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Snodgrass as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 537

*Commending the Dunn Loring Woods Civic Association.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Dunn Loring Woods Civic Association has faithfully represented and supported the residents of the Dunn Loring Woods community in Vienna for 50 years; and

WHEREAS, established in May 1965, the Dunn Loring Woods Civic Association was created to give local residents a unified voice in local government; the organization studies and responds to issues throughout Fairfax County and notifies residents of relevant public meetings by civic bodies; and

WHEREAS, the Dunn Loring Woods Civic Association helps facilitate efficient and effective community services, including law enforcement, trash collection, snow removal, pest control, and traffic safety, as well as a neighborhood watch; and

WHEREAS, to ensure that residents are well informed, the Dunn Loring Woods Civic Association publishes a monthly newsletter, maintains a directory of residents, and holds regular meetings; and

WHEREAS, the Dunn Loring Woods Civic Association also builds community pride by initiating beautification programs, placing holiday displays, and recognizing the achievements and service of local residents; now, therefore, be it

RESOLVED by the House of Delegates, That the Dunn Loring Woods Civic Association hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dunn Loring Woods Civic Association as an expression of the House of Delegates' admiration for its service to the residents of the Dunn Loring Woods community.

### HOUSE RESOLUTION NO. 538

*Celebrating the life of Michelle Nunley Thayer.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Michelle Nunley Thayer, a beloved member of the Washington County community, died on March 19, 2015; and

WHEREAS, a lifelong resident of Washington County, Michelle Thayer graduated from Abingdon High School; and

WHEREAS, Michelle Thayer supported farmers in the Commonwealth and throughout the country as an employee of the United States Department of Agriculture Farm Service Agency for more than two decades; and

WHEREAS, Michelle Thayer enjoyed fellowship and worship with the community as a member of Mt. View United Methodist Church, where she served as a Sunday school teacher and youth coordinator; and

WHEREAS, Michelle Thayer will be fondly remembered and greatly missed by her husband, Kevin; children, Hannah and Tyler; father, Billy; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michelle Nunley Thayer, a beloved member of the Washington County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michelle Nunley Thayer as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 539

*Celebrating the life of Rebecca Lynn Hayter.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Rebecca Lynn Hayter, a respected veteran and civil servant in Washington County, died on February 2, 2015; and

WHEREAS, a lifelong resident of Washington County, Rebecca "Becky" Lynn Hayter dedicated her life to the service of her country and community; and

WHEREAS, Becky Hayter served in the United States Navy during the Vietnam War and was assigned to what is now the United States Fleet Forces Command in Norfolk; and

WHEREAS, after her honorable discharge, Becky Hayter joined the Virginia Defense Force and rose to the rank of captain; and

WHEREAS, Becky Hayter helped serve and safeguard the residents of Washington County as chief dispatcher and 911 operator for the Washington County Sheriff's Office for 40 years; and

WHEREAS, an active member of the community, Becky Hayter belonged to the local American Legion post and enjoyed fellowship and worship with her fellow Washington County residents at Abingdon Bible Church; and

WHEREAS, Becky Hayter will be fondly remembered and greatly missed by numerous family members, friends, and fellow veterans; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rebecca Lynn Hayter, a respected member of the Washington County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rebecca Lynn Hayter as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 540**

*Celebrating the life of Elmer M. Rosenbaum.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Elmer M. Rosenbaum, a veteran and an active member of the Abingdon community, died on April 23, 2015, at the age of 100; and

WHEREAS, a native of Damascus, Elmer Rosenbaum served as head of the security detail for a fireworks plant in Bristol during World War II; and

WHEREAS, Elmer Rosenbaum also served his country honorably as a member of the United States Coast Guard; and

WHEREAS, Elmer Rosenbaum worked to enhance the quality of life of his fellow residents as a member of the local Moose Lodge and Abingdon Masonic Lodge 48, where he served as grand master; and

WHEREAS, Elmer Rosenbaum enjoyed fellowship and worship with the community as a longtime member of Abingdon United Methodist Church; and

WHEREAS, predeceased by his wife, Elizabeth, and son, Fred, Elmer Rosenbaum will be fondly remembered and greatly missed by his grandchildren, Tarn and Chloe; great-granddaughter, Moira; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elmer M. Rosenbaum, a veteran and a lifelong resident of Washington County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elmer M. Rosenbaum as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 541**

*Celebrating the life of Dorce Earl McReynolds.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Dorce Earl McReynolds of Blountville, Tennessee, a businessman in Southwest Virginia and a former resident of Washington County, died on March 17, 2015; and

WHEREAS, a native of Russell County, Dorce "Joe" Earl McReynolds joined many of the other young men of his generation in service to his country during World War II; he was deployed to both the European and Pacific theaters of operation during the war; and

WHEREAS, after his honorable discharge, Joe McReynolds pursued a successful career as a businessman; he worked as a construction contractor and real estate developer and was co-owner of Gate City Auto Parts for 34 years; and

WHEREAS, Joe McReynolds was known as never having met a stranger as he worked to strengthen and enhance the community through his membership in many civic and service organizations in Washington County; and

WHEREAS, a man who lived his faith through his actions, Joe McReynolds enjoyed fellowship and worship with the community at Euclid Avenue Baptist Church, and he was a charter member of Midway Baptist Church, where he held several leadership positions through the years; and

WHEREAS, Joe McReynolds will be fondly remembered and greatly missed by his wife of 55 years, Jean; children, Joseph, Jon, Michael, Holly, and Kimberly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dorce Earl McReynolds, a business and community leader in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorce Earl McReynolds as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 542**

*Celebrating the life of Alan W. Grantham, M.D.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Alan W. Grantham, M.D., a respected surgeon and a beloved husband, father, and grandfather in Abingdon, died on April 7, 2015; and

WHEREAS, a native of Illinois, Alan Grantham graduated from Evanston Township High School and joined many of the other young men of his generation in service to his country during World War II as a member of the United States Navy; and

WHEREAS, after his honorable discharge, Alan Grantham completed his education with a bachelor's degree from Kenyon College and a medical degree from Northwestern University; and

WHEREAS, Alan Grantham completed an internship and a residency in general surgery, then relocated to Abingdon, where he practiced general surgery until his well-earned retirement in 1991; and

WHEREAS, Alan Grantham will be fondly remembered and greatly missed by his wife, Mary; children, Christopher, Jeremy, Judith, and Sarah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alan W. Grantham, M.D., a respected medical professional and devoted family man in Abingdon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alan W. Grantham, M.D., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 543

*Celebrating the life of William Rogers Henley, D.D.S.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, William Rogers Henley, D.D.S., of Bristol, Tennessee, a respected dentist and a former member of the Lebanon and Abingdon communities, died on March 16, 2015; and

WHEREAS, a native of Appalachia, William "Bill" Rogers Henley graduated from Appalachia High School, where he was a standout athlete in football, basketball, and baseball and was recognized for his exceptional aptitude in biology, chemistry, and physics; and

WHEREAS, Bill Henley earned a bachelor's degree from Vanderbilt University, where he continued to play football and baseball, and a medical degree from what was then the Medical College of Virginia; and

WHEREAS, desirous to be of service to his country, Bill Henley joined the United States Air Force as a dentist and later rose to the rank of captain in the United States Air Force Reserve; and

WHEREAS, Bill Henley opened his own dental practice in Lebanon in 1959 and served the community until 1995, earning the respect of his peers and the trust and admiration of his patients; he also worked to enhance the quality of life of his fellow residents on the Lebanon Planning Commission; and

WHEREAS, Bill Henley enjoyed fellowship and worship at Lebanon Memorial United Methodist Church and Abingdon United Methodist Church; and

WHEREAS, predeceased by his wife, Jackie, Bill Henley will be fondly remembered and greatly missed by his children, Kimberly, Phillip, Ellen, William, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Rogers Henley, D.D.S., a respected medical professional and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Rogers Henley, D.D.S., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 544

*Celebrating the life of William Paul Graybeal.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, William Paul Graybeal of Meadowview, an admired educator, school administrator, and spiritual leader in Southwest Virginia, died on January 3, 2015; and

WHEREAS, a native of West Virginia, William "Bill" Paul Graybeal learned the value of hard work and responsibility at a young age, while working on his family's farm; and

WHEREAS, Bill Graybeal graduated from Virginia Carolina High School and earned a bachelor's degree from Emory & Henry College and a master's degree from Radford University; he also attended seminary school at Duke University; and

WHEREAS, over the course of his 37-year career in education, Bill Graybeal motivated countless students in Smyth County; he taught at Riverside Elementary School and Chilhowie Elementary School and served as assistant principal and principal at Marion Intermediate School, where he also coordinated school bus routes and drivers; and

WHEREAS, Bill Graybeal was passionate about the preservation of American history, serving as president of the General William Campbell Chapter of the National Society, Sons of the American Revolution; and

WHEREAS, Bill Graybeal will be remembered for his portrayal of Reverend Charles Cummins, especially by students from across Southwest Virginia who attended the Call to Arms Colonial Education Program at the Abingdon Muster Grounds; and

WHEREAS, Bill Graybeal enjoyed fellowship and worship with the community as a member of Lebanon United Methodist Church, and he offered his inspirational leadership as pastor of several churches in the Holston Conference of the United Methodist Church; and

WHEREAS, Bill Graybeal will be fondly remembered and greatly missed by his loving wife, Carol; daughter, Dawn, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Paul Graybeal, a respected educator, school administrator, and spiritual leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Paul Graybeal as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 545

*Celebrating the life of Kimberly Beth Bailey Fern.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Kimberly Beth Bailey Fern, a beloved wife, mother, and member of the Abingdon community, died on June 28, 2015; and

WHEREAS, Kimberly "Kim" Beth Bailey Fern married her high school sweetheart, Jim, in 1984, and she was a loving and devoted mother to their two daughters, Whitney and Bailey; and

WHEREAS, Kim Fern helped enhance the quality of life of older members of the community as senior intellectual disability support coordinator at Highlands Community Services for 24 years; and

WHEREAS, Kim Fern enjoyed fellowship and worship with the community as a member of Shady Grove United Methodist Church; and

WHEREAS, Kim Fern will be fondly remembered and greatly missed by her husband of 31 years, Jim; daughters, Whitney and Bailey; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kimberly Beth Bailey Fern; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kimberly Beth Bailey Fern as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 546

*Commending Zion Baptist Church.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, for 150 years, Zion Baptist Church has provided opportunities for fellowship and worship, spiritual leadership, and generous outreach to the Portsmouth community; and

WHEREAS, one of the oldest African American churches in Portsmouth, Zion Baptist Church was founded in 1865 by 318 members of Court Street Baptist Church; and

WHEREAS, Zion Baptist Church completed numerous renovations and expansion projects over the years to better serve its growing congregation and ensure the success of its ministry programs; and

WHEREAS, in 2011, Zion Baptist Church relocated to its current facility on Hatton Street, and in 2014, the church completed renovations on the education wing and added a new welcome center; and

WHEREAS, members of the Zion Baptist Church congregation have gone on to achieve success in a variety of careers and become respected leaders in their communities; and

WHEREAS, Zion Baptist Church has benefited from the able leadership of 10 pastors—E.G. Corpew, John M. Armistead, E.E. Smith, U.G. Wilson, H. Edward Whitaker, Walter L. Parrish II, G. Daniel Jones, Joseph L. Roberts, J. Michael Little, and Kelvin E. Turner; now, therefore, be it

RESOLVED by the House of Delegates, That Zion Baptist Church hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Kelvin E. Turner, pastor of Zion Baptist Church, as an expression of the House of Delegates' admiration for the church's contributions to the Portsmouth community.

### HOUSE RESOLUTION NO. 547

*Commending Satyendra Singh Huja.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Satyendra Singh Huja, the respected Mayor of the City of Charlottesville and president of Community Planning Associates, was named a Fellow of the American Institute of Certified Planners in 2014; and

WHEREAS, the American Institute of Certified Planners (AICP) is the nation's leading institute for the education and certification of professional planners; it also provides leadership in the areas of ethics, professional development, and standards of practice in city planning; and

WHEREAS, Satyendra Huja was named a Fellow of the AICP for his contributions to the planning field and exceptional achievements in professional practice, teaching and mentoring, research, public and community service, and leadership; and

WHEREAS, as the former Charlottesville director of planning, Satyendra Huja helped revitalize downtown Charlottesville, creating a vibrant and welcoming urban center for the residents of and visitors to the city; and

WHEREAS, thanks in large part to Satyendra Huja's vision and dedication, the City of Charlottesville was named as one of the best places to live in the United States; and

WHEREAS, Satyendra Huja helped create a healthy economy and diverse, vibrant neighborhoods and preserved the area's historical and natural resources, strengthening the community for future generations; now, therefore, be it

RESOLVED by the House of Delegates, That Satyendra Singh Huja hereby be commended on his selection as a Fellow of the American Institute of Certified Planners; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Satyendra Singh Huja as an expression of the House of Delegates' admiration for his contributions to the Charlottesville community and leadership in the planning field.

### HOUSE RESOLUTION NO. 548

*Commending Good Shepherd Catholic Church.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, for 50 years, Good Shepherd Catholic Church has provided spiritual leadership, opportunities for fellowship and worship, and generous outreach to the Alexandria community; and

WHEREAS, founded under the Diocese of Richmond in 1965, Good Shepherd Catholic Church tended to the spiritual needs of Fairfax County; the parish's first pastor, Joseph F. Schwartz, led an original congregation of 900 families, including 2,000 children; and

WHEREAS, in the 1970s, Good Shepherd Catholic Church established its longstanding International Festival, an annual tradition that has raised more than \$500,000 to support charitable organizations; the church also welcomed numerous families from South Vietnam at this time; and

WHEREAS, Good Shepherd Catholic Church joined the Diocese of Arlington upon its creation in 1974; the church continued to grow throughout the 1970s and 1980s and completed a multipurpose community center in 1987 to better serve the congregation and local residents; and

WHEREAS, the Hispanic community also became an integral part of the Good Shepherd Catholic Church congregation in the 1980s and 1990s; the church began a monthly Spanish-language mass in 1984 and has employed at least one Spanish-speaking priest since 1995; and

WHEREAS, in 2015, Good Shepherd Catholic Church serves 3,000 families, including 57 original families, and works to strengthen and enhance the community with more than 100 active ministries; now, therefore, be it

RESOLVED by the House of Delegates, That Good Shepherd Catholic Church hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Father Tom Ferguson, pastor of Good Shepherd Catholic Church, as an expression of the House of Delegates' admiration for the church's many contributions to the Alexandria community.

### HOUSE RESOLUTION NO. 549

*Celebrating the life of Christine J. Montgomery Herbstreith.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Christine J. Montgomery Herbstreith, an admired community leader in Lorton who dedicated her life to the service of others as a cofounder of the Lorton Community Action Center, died on June 4, 2015; and

WHEREAS, a native of Kingsport, Tennessee, Christine Herbstreith relocated to the Hallowing Point community in Lorton with her husband in 1954; she worked as a bus driver for Gunston Elementary School and was an active member of the local parent-teacher association; and

WHEREAS, desirous to be of service to members of the community in need, Christine Herbstreith worked with a group of concerned citizens in the 1970s to form the Lorton Community Action Center; and

WHEREAS, Christine Herbstreith offered her able leadership to the Lorton Community Action Center as director for more than 20 years, and she received the organization's Founders Award in March 2015; and

WHEREAS, a woman who lived her faith through her actions, Christine Herbstreith enjoyed fellowship and worship with the community as a longtime member of Cranford United Methodist Church, where she sang with the choir for more than five decades; and

WHEREAS, predeceased by her husband of 50 years, Leroy, and two children, Leroy and Michelle, Christine Herbstreith will be fondly remembered and greatly missed by her son, Michael; her grandchildren and great-grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Christine J. Montgomery Herbstreith, a hardworking community leader in Lorton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Christine J. Montgomery Herbstreith as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 550

*Celebrating the life of David Endicott Bolte.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, David Endicott Bolte, a decorated veteran, respected educator, and longtime resident of Mount Vernon, died on June 1, 2015; and

WHEREAS, born in the Washington, D.C., metropolitan area, David Bolte grew up in a military family and followed in his father's footsteps, joining the United States Army Air Corps after graduating from high school in 1944; and

WHEREAS, David Bolte graduated from the United States Military Academy at West Point in 1949; he saw combat during the Korean War and was deployed to West Berlin during the Cold War; and

WHEREAS, in 1968, David Bolte took command of the 5th Battalion, United States Army 2nd Training Brigade at Fort Polk, then advised a South Vietnamese Regiment in Da Lat, Vietnam; he served at additional postings in South Korea and with the 2nd Infantry Division at Camp Casey; and

WHEREAS, after his well-earned retirement in 1977, David Bolte earned a master's degree from the University of Missouri - Kansas City and imparted his passion for lifelong learning to students in Fairfax County Public Schools; and

WHEREAS, David Bolte also worked to strengthen and enhance the community as cochair of the Mount Vernon Council of Citizens Associations, where he chaired the planning and zoning committee; and

WHEREAS, over the course of his military career, David Bolte earned numerous awards and decorations, including the Bronze Star, the Purple Heart, and the Legion of Merit; and

WHEREAS, David Bolte will be fondly remembered and greatly missed by his wife of 58 years, Mary; children, Benjamin, John, Damara, and Kathryn, and their families; and numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of David Endicott Bolte, a distinguished veteran, passionate educator, and respected member of the Mount Vernon community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Endicott Bolte as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 551

*Commending Mount Olive Baptist Church.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, for 100 years, Mount Olive Baptist Church in Woodbridge has provided spiritual leadership, opportunities for fellowship, and joyful worship services in the Baptist tradition, as well as valuable outreach to the community; and

WHEREAS, Mount Olive Baptist Church traces its deepest roots to the early 20th century, when members of Neabsco Baptist Church joined members of Ebenezer Baptist Church to form the Agnewville Mission Sunday School; and

WHEREAS, with the support of Neabsco Baptist Church, Agnewville Mission Sunday School grew to become Mount Olive Baptist Church, which was officially founded on October 17, 1915; and

WHEREAS, Mount Olive Baptist Church has benefited from the able leadership of six pastors—William Davis, William Tyler, George W. Pratt, Edward W. Burrell, Frederick L. Ray, and Clyde W. Ellis, Jr.—each of whom has inspired other young spiritual leaders to carry on the church's mission; and

WHEREAS, the Mount Olive Baptist Church building has served the community from the same location on Telegraph Road throughout its 100-year history; the church also hosts services at Freedom High School to better serve the growing congregation; and

WHEREAS, Mount Olive Baptist Church will commemorate its 100th anniversary with a special celebration at Foxchase Manor in Manassas on October 17, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Mount Olive Baptist Church hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Clyde W. Ellis, Jr., pastor of Mount Olive Baptist Church, as an expression of the House of Delegates' admiration for the church's service to the community.

**HOUSE RESOLUTION NO. 552***Commending Oscar Benitez.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Oscar Benitez, custodial manager at T. Clay Wood Elementary School, received a certificate of achievement and was named as an Unsung Hero by Prince William County Public Schools for his decisive actions to safeguard the school on October 20, 2014; and

WHEREAS, on the morning of October 20, 2014, Oscar Benitez discovered a suspicious vehicle parked in the school's receiving area; and

WHEREAS, Oscar Benitez alerted school officials, who contacted the police and learned that the vehicle belonged to a suspect in a murder investigation; and

WHEREAS, thanks to Oscar Benitez's actions, the school was able to institute lockdown procedures and divert buses and other morning arrivals to a safe location; and

WHEREAS, Oscar Benitez, who proudly considers the students, faculty, and staff of T. Clay Wood Elementary School as his second family, received the award at a special ceremony in December 2014; now, therefore, be it

RESOLVED by the House of Delegates, That Oscar Benitez hereby be commended for his actions to safeguard the students, faculty, and staff of T. Clay Wood Elementary School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Oscar Benitez as an expression of the House of Delegates' admiration for his vigilance and quick thinking.

**HOUSE RESOLUTION NO. 553***Commending Mary Gavin.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Mary Gavin, Chief of the City of Falls Church Police Department, won a gold medal in the women's triathlon at the 2015 World Police and Fire Games in Fairfax County; and

WHEREAS, established in 1985, the World Police and Fire Games bring together more than 12,000 law-enforcement officers and first responders from 70 countries to compete in more than 1,600 events; and

WHEREAS, competing in her first World Police and Fire Games, Mary Gavin took the gold in the women's triathlon on July 3, 2015, at the Reston Triathlon course; the race consisted of a 1.5-kilometer swim, a 40-kilometer bike ride, and a 10-kilometer run; and

WHEREAS, Mary Gavin has served as Chief of the City of Falls Church Police Department since December 2012, when she became the second woman appointed as a chief of a police department in Northern Virginia; and

WHEREAS, an experienced and highly respected law-enforcement professional, Mary Gavin previously served as deputy chief of the City of Falls Church Police Department for five years and as an officer with the Arlington County Police Department for 22 years; now, therefore, be it

RESOLVED by the House of Delegates, That Mary Gavin hereby be commended on winning a gold medal in the women's triathlon at the 2015 World Police and Fire Games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Gavin as an expression of the House of Delegates' admiration for her achievements and service to the community.

**HOUSE RESOLUTION NO. 554***Commending Charlie Clark.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Charlie Clark, a former resident of Purcellville and one of the oldest living World War II veterans, celebrates his 108th birthday in 2015; and

WHEREAS, born in 1907 in Hamilton, Charlie Clark joined many of the other young men of his generation in service to his country during World War II as a member of the United States Army; and

WHEREAS, Charlie Clark served with the 3238th Quartermaster Service Company, an all-black unit in the 9th Armored Division; and

WHEREAS, after his honorable discharge, Charlie Clark relocated to Purcellville, where he worked in an apple orchard, as a barber, and as a school bus driver; and

WHEREAS, in 2014, Charlie Clark moved to the Martinsburg VA Medical Center Community Living Center in West Virginia; he brings joy to his fellow residents with his laid back demeanor; now, therefore, be it

RESOLVED by the House of Delegates, That Charlie Clark, a respected veteran in Martinsburg, hereby be commended on the occasion of his 108th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie Clark as an expression of the House of Delegates' congratulations and admiration for his service to the Commonwealth and the United States.

### HOUSE RESOLUTION NO. 555

*Commending Kathy Elgin.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Kathy Elgin, a dedicated servant to the Loudoun County community, retires as chief purchasing officer of the Town of Leesburg in 2015; and

WHEREAS, Kathy Elgin has ably served the Town of Leesburg as chief purchasing officer since 1999; she previously worked for what is now known as Loudoun Water; and

WHEREAS, as chief purchasing officer, Kathy Elgin modernized the town's procurement system to increase efficiency and save taxpayer money; and

WHEREAS, Kathy Elgin developed the town's current procurement program, eliminated excess paperwork, introduced live auctions for the surplus program, and revamped the purchase card process; and

WHEREAS, deeply respected by her peers at the local, state, and national levels, Kathy Elgin served as chair of the Northern Virginia Cooperative Purchasing Council and past president of the Virginia Association of Governmental Purchasing; she represented the Commonwealth at the National Institute of Governmental Purchasing (NGIP); and

WHEREAS, Kathy Elgin has earned numerous awards and accolades for her contributions to Loudoun County and the Town of Leesburg, including the 2015 Distinguished Service Award from the NIGP; and

WHEREAS, Kathy Elgin has also worked to strengthen and enhance the community as a volunteer with local civic and service organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Kathy Elgin hereby be commended on the occasion of her retirement as chief purchasing officer of the Town of Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kathy Elgin as an expression of the House of Delegates' admiration for her service to the Leesburg community.

### HOUSE RESOLUTION NO. 556

*Commending Liam McGranaghan.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Liam McGranaghan, an environmental science teacher at Loudoun Valley High School, received a 2015 Presidential Innovation Award for Environmental Educators; and

WHEREAS, the Presidential Innovation Award for Environmental Educators is presented by the United States Environmental Protection Agency, the White House, and the Council for Environmental Quality; Liam McGranaghan is one of 20 teachers from around the country to receive the award in 2015; and

WHEREAS, Liam McGranaghan holds a bachelor's degree from Virginia Polytechnic Institute and State University and a master's degree from George Mason University; he is a respected authority on raptors and amphibians; and

WHEREAS, with 26 years of experience in education, Liam McGranaghan has inspired and motivated students in Loudoun County for 20 years, including 15 years at Loudoun Valley High School; and

WHEREAS, Liam McGranaghan helped establish one of the largest high school environmental science programs in the county at Loudoun Valley High School; he supplements classroom learning with outdoor activities and currently teaches seven courses; and

WHEREAS, Liam McGranaghan and his students have served the community by establishing riparian buffers along a local stream, transforming a dry pond into a wetlands habitat, and planting near a stormwater pond; now, therefore, be it

RESOLVED by the House of Delegates, That Liam McGranaghan hereby be commended on receiving a 2015 Presidential Innovation Award for Environmental Educators; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Liam McGranaghan as an expression of the House of Delegates' admiration for his commitment to the youth of the Loudoun County community.

**HOUSE RESOLUTION NO. 557**

*Commending the Woodgrove High School girls' lacrosse team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Woodgrove High School girls' lacrosse team claimed its second consecutive state title, winning the Virginia High School League Group 4A state championship in 2015; and

WHEREAS, the Woodgrove High School Wolverines bested the Western Albemarle High School Warriors by a score of 16-8 to finish the season with an impressive 18-3 record; and

WHEREAS, after a tense first half, the Woodgrove High School Wolverines took decisive control of the game in the second half of the state final; the Wolverines' disciplined defense forced 16 turnovers and stayed out of the penalty box for the entire game; and

WHEREAS, goalie Ashley Morris came up with eight big saves, and midfielder Nora Bowen led the Woodgrove High School Wolverines with six goals and two assists; and

WHEREAS, the victory is a testament to the hard work and skill of the athletes, the able leadership of the coaches and staff, and the energetic support of the Woodgrove High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Woodgrove High School girls' lacrosse team hereby be commended on winning the 2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Woodgrove High School girls' lacrosse team as an expression of the House of Delegates' admiration for the team's accomplishments and best wishes for the future.

**HOUSE RESOLUTION NO. 558**

*Commending the Loudoun Valley High School boys' lacrosse team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Loudoun Valley High School boys' lacrosse team earned its first state title, winning the Virginia High School League Group 4A state championship in 2015; and

WHEREAS, the Loudoun Valley High School Vikings defeated the Western Albemarle High School Warriors by a score of 15-10 in the state final at Liberty University; and

WHEREAS, after the Western Albemarle High School Warriors took an early 2-0 lead, the Loudoun Valley High School Vikings responded with an astounding 8-2 scoring run to secure the lead at halftime; and

WHEREAS, the Loudoun Valley High School Vikings kept the pressure on in the second half and wore down the Western Albemarle High School Warriors defense to maintain the lead and claim the state title; and

WHEREAS, Mikey Shouse led the Loudoun Valley High School Vikings with seven goals and one assist; and

WHEREAS, the victory is a testament to the perseverance and skill of the athletes, the guidance and leadership of the coaches and staff, and the passionate support of the entire Loudoun Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Valley High School boys' lacrosse team hereby be commended on winning the 2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Logan Cutshall, coach of the Loudoun Valley High School boys' lacrosse team, as an expression of the House of Delegates' admiration for the team's accomplishments and best wishes for the future.

**HOUSE RESOLUTION NO. 559**

*Commending the Loudoun Valley High School boys' track and field team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Loudoun Valley High School boys' track and field team of Purcellville won the Virginia High School League Group 3A state championship at Harrisonburg High School on June 6, 2015; and

WHEREAS, the Loudoun Valley High School Vikings finished strong in their events for an overall score of 56 points, topping the runner-up Heritage High School Hurricanes by an impressive 10 points; and

WHEREAS, Andrew Hunter took the gold medal in the 1,600-meter run with a time of 4:23.62 and placed second in the 800-meter run; and

WHEREAS, the Loudoun Valley High School Vikings also took second place in the 1,600-meter relay and fourth place in the 3,200-meter relay; Ben Stapleton placed third in shot put, Nate Thompson placed second in the 400-meter dash, and Peter Morris placed sixth in the 3,200-meter run; and

WHEREAS, the victory is a testament to the hard work and dedication of the athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Loudoun Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Valley High School boys' track and field team hereby be commended on winning the 2015 Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Hall, head coach of the Loudoun Valley High School boys' track and field team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

### HOUSE RESOLUTION NO. 560

*Commending Christiansburg Ruritan Club.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, in 2015, Christiansburg Ruritan Club celebrated 30 years of diligent service to the residents of the Town of Christiansburg and Montgomery County; and

WHEREAS, founded on July 18, 1985, Christiansburg Ruritan Club was chartered with 26 members from all walks of life in the town; it was one of 35 clubs in the New River District at that time; and

WHEREAS, the members of Christiansburg Ruritan Club strive to build understanding, fellowship, and goodwill between local communities through volunteer service; and

WHEREAS, over the years Christiansburg Ruritan Club has completed numerous valuable service projects, including litter clean-up programs and a campaign to make the town safer for pedestrians by adding a sidewalk on Depot Street and Watch Children signs near a local park; and

WHEREAS, Christiansburg Ruritan Club also provides assistance to residents in need and invests in the youth of the community through scholarship programs; and

WHEREAS, the selfless members of Christiansburg Ruritan Club have succeeded in enhancing the quality of life in Christiansburg and carrying out the noble vision of the club's charter members; now, therefore, be it

RESOLVED by the House of Delegates, That Christiansburg Ruritan Club hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christiansburg Ruritan Club as an expression of the House of Delegates' admiration for its three decades of committed service to the region.

### HOUSE RESOLUTION NO. 561

*Celebrating the life of Cerry Ezra Thomas.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Cerry Ezra Thomas, a driver in the National Association of Stock Car Auto Racing and a respected member of the Christiansburg community, died on June 4, 2015; and

WHEREAS, Cerry "Jabe" Ezra Thomas began his racing career on dirt tracks in southeastern Virginia, and he was named track champion at Radford Speedway in 1958; and

WHEREAS, in 1965, Jabe Thomas joined the National Association of Stock Car Auto Racing (NASCAR) Grand National Series, which is now known as the Sprint Cup Series; and

WHEREAS, between 1968 and 1971, Jabe Thomas ranked among the top 12 drivers on points each year, including a sixth-place ranking in 1971; during his career, he recorded three top-five finishes and 77 top-10 finishes; and

WHEREAS, Jabe Thomas inspired his son, Ronnie, to follow in his footsteps as a driver, and he served as a member of his son's team for many years; and

WHEREAS, earning many awards and accolades, Jabe Thomas was inducted into the Racers Reunion Memory Lane Hall of Fame with the Class of 2010; and

WHEREAS, Jabe Thomas will be fondly remembered and greatly missed by his wife of 65 years, Betty; son, Ronnie, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Cerry Ezra Thomas, a successful racecar driver and admired member of the Christiansburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cerry Ezra Thomas as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 562**

*Commending the Auburn High School girls' tennis team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Auburn High School girls' tennis team of Montgomery County won the Virginia High School League Group 1A state title in June 2015; and

WHEREAS, the Auburn High School Eagles defeated the Radford High School Bobcats 5-4 in the tense contest at Radford University; and

WHEREAS, the Radford High School Bobcats took an early 2-0 lead in singles matches, but the Auburn High School Eagles rallied to tie the championship 3-3 going into doubles matches; and

WHEREAS, the state title came down to the final doubles match, with Meghan Epperly and Corey Altizer winning 6-3 in their first set and 7-5 in their third set to put Auburn High School ahead for the win; the duo finished the season with a perfect 23-0 record in doubles matches; and

WHEREAS, the victory is a testament to the skill and hard work of the athletes, the able leadership of the coaches and staff, and the energetic support of the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School girls' tennis team hereby be commended on winning the 2015 Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Conrad Nester, head coach of the Auburn High School girls' tennis team, as an expression of the House of Delegates' admiration for the team's achievements.

**HOUSE RESOLUTION NO. 563**

*Commending the Mechanicsville National All-star team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the Mechanicsville National All-star team won the District 5 Little League state championship in July 2015; and

WHEREAS, the Mechanicsville National All-star team defeated Central Loudoun National by a score of 15-1 in four innings; and

WHEREAS, dominating the game from the start, the Mechanicsville National All-star team hit two consecutive home runs in the first inning and took a 5-0 lead; the team followed up with a grand slam in the third inning and six more runs in the fourth inning; and

WHEREAS, the Mechanicsville National All-star team combined for a total of four home runs; Caden Plummer led the team with six RBIs on two hits, and pitcher Tyler Warren struck out four opposing batters; and

WHEREAS, with the state championship, the Mechanicsville National All-star team earned a berth in the Little League Southeast Regional tournament in August 2015; and

WHEREAS, the victory is a testament to the skill and dedication of the athletes, the leadership of the coaches and staff, and the enthusiastic support of the Mechanicsville community; now, therefore, be it

RESOLVED by the House of Delegates, That the Mechanicsville National All-star team hereby be commended on winning the 2015 District 5 Little League state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Colgin, head coach of the Mechanicsville National All-star team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 564**

*Commending Ben Smith.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Ben Smith of Chesapeake, the co-owner of CrossFit Krypton and an exceptionally talented athlete, won the CrossFit Games in July 2015; and

WHEREAS, established in 2007, the CrossFit Games challenge athletes with a variety of aerobic, weightlifting, and gymnastics events, as well as surprise elements not usually seen in CrossFit workouts; and

WHEREAS, a longtime athlete who played sports in high school and college, Ben Smith discovered CrossFit at the age of 16 and is now an instructor; he placed third at the 2011 and 2013 CrossFit Games; and

WHEREAS, competing in his seventh consecutive CrossFit Games, Ben Smith achieved victory through consistent performances in each event; he placed first in the heavy DT and soccer chipper events, second in the snatch speed ladder and clean and jerk, and no lower than 11th in almost all other events; and

WHEREAS, Ben Smith is one of only four elite athletes who have placed at the CrossFit Games multiple times; he helps motivate other members of the Chesapeake community to achieve a similarly high level of physical fitness as the founder and co-owner of CrossFit Krypton; now, therefore, be it

RESOLVED by the House of Delegates, That Ben Smith hereby be commended on winning the 2015 CrossFit Games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ben Smith as an expression of the House of Delegates' admiration for his skill and determination and best wishes for the future.

### HOUSE RESOLUTION NO. 565

*Celebrating the life of Eugene L. Campbell.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Eugene L. Campbell, a respected farmer, public servant, philanthropist, and lifelong resident of King William County, died on June 25, 2015; and

WHEREAS, Eugene "Dick" L. Campbell attended what is now Virginia Polytechnic Institute and State University and joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, after his honorable discharge, Dick Campbell pursued a career in dairy farming, working on two farms, the Grove and Greenville; he was an active member of and leader in agribusiness organizations; and

WHEREAS, Dick Campbell ran for and was elected to the King William County Board of Supervisors in 1963; he served for 12 years, including 10 years as chair, and offered his wisdom and expertise to many local and regional committees and commissions; and

WHEREAS, working to further strengthen and enhance the community, Dick Campbell volunteered his time with civic and service organizations, and he frequently hosted charitable fundraisers at his cottage on the Mattaponi River; and

WHEREAS, Dick Campbell lived his faith through his actions and enjoyed fellowship and worship with the community as a member of McKendree United Methodist Church, where he held several leadership positions; and

WHEREAS, predeceased by his wife, Charlotte, Dick Campbell will be fondly remembered and greatly missed by his children, Eugene, Lisa, Ellen Kay, and Elizabeth, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Eugene L. Campbell, a farmer, public servant, and active supporter of the King William County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eugene L. Campbell as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 566

*Celebrating the life of Arlene Williams Garrett.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Arlene Williams Garrett, an entrepreneur and proud public servant who worked to strengthen and enhance the Buena Vista community, died on July 17, 2015; and

WHEREAS, Arlene Garrett graduated from Parry McCluer High School and found employment with Lees Carpets in Glasgow; she and her family also owned and operated Four Seasons Florist and Gifts for 26 years; and

WHEREAS, taking a special interest in the youth of the community, Arlene Garrett became a member of the parent-teacher association and a room mother for Buena Vista Public Schools; she was appointed and later elected to the Buena Vista City School Board, on which she served as vice chair and chair; and

WHEREAS, Arlene Garrett encouraged others to do their civic duty as the voter registrar for the City of Buena Vista for 14 years, and she volunteered her time and talents with other civic and service groups in Buena Vista; and

WHEREAS, a woman who lived her faith through her actions, Arlene Garrett enjoyed fellowship and worship with the community as a lifelong member of Buena Vista Presbyterian Church, where she held several leadership positions and had achieved 50 years of perfect attendance in Sunday school; and

WHEREAS, Arlene Garrett will be fondly remembered and greatly missed by her loving husband, William; son, Clay, and his family; daughters, Debbie and Betty Jo; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Arlene Williams Garrett, an entrepreneur and public servant in the City of Buena Vista; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Arlene Williams Garrett as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 567

*Celebrating the life of Samuel H. Blackburn.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Samuel H. Blackburn, who ably served the Town of Glasgow as mayor for more than four decades, died on July 31, 2015; and

WHEREAS, a native of Greenlee, Samuel "Sam" H. Blackburn was a loyal employee of the Lees Carpet division of Burlington Industries for 46 years, retiring as an engineering technician; and

WHEREAS, seeking to enhance the quality of life of his fellow Glasgow residents, Sam Blackburn ran for and was elected to the Glasgow Town Council in 1965; he was appointed mayor in 1981 and served in that capacity until 2013; and

WHEREAS, during his tenure as mayor, Sam Blackburn oversaw the completion of a new library and a renovation of the town's water system; he also guided the town through flood disasters in 1969, 1972, and 1985, and he wisely established a flood mitigation project to safeguard the community from future disasters; and

WHEREAS, Sam Blackburn later joined the steering committee of the Shenandoah Valley Project Impact, the region's disaster preparedness and education program, sharing his experience to ensure that other communities in the region were prepared and protected; and

WHEREAS, Sam Blackburn helped create the Central Shenandoah Valley Regional All Hazards Mitigation Plan and offered his expertise to the Rockbridge County Industrial Development Authority, the Rockbridge County Building Code Board of Appeals, and the Rockbridge County Regional Jail Commission; he was also a life member of the Glasgow Lifesaving and First Aid Crew; and

WHEREAS, a man who lived his faith through his actions, Sam Blackburn enjoyed fellowship and worship with the community as a member of Glasgow Baptist Church, where he held several leadership positions; and

WHEREAS, predeceased by his wife of 61 years, Helen, Sam Blackburn will be fondly remembered and greatly missed by his daughter, Sandra, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Samuel H. Blackburn, a trusted public servant in Glasgow; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel H. Blackburn as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 568

*Celebrating the life of Sharon Rebecca Bryant.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Sharon Rebecca Bryant of Amherst County, the first woman chief of the Monacan Indian Nation, died on June 23, 2015; and

WHEREAS, a lifelong resident of Amherst County, Sharon Bryant dedicated her life to the noble service of others; and

WHEREAS, Sharon Bryant was elected chief of the Monacan Indian Nation in 2011; she was a staunch advocate for the well-being of her tribe and worked to achieve state and federal recognition, speaking before the United States Congress and the Virginia General Assembly; and

WHEREAS, Sharon Bryant represented the Monacan Indian Nation as a member of the Virginia Indian Tribal Alliance for Life, and she gave frequent presentations on her tribe to local civic organizations and churches; and

WHEREAS, a tireless volunteer, Sharon Bryant often visited elders in her tribe and delivered food to members of the community in times of need; she also helped provide Christmas presents for less fortunate children in the area; and

WHEREAS, Sharon Bryant enjoyed fellowship and worship with the community as a member of St. Paul's Episcopal Mission, where she served as a lay minister and was pursuing ordination as an Episcopal priest; and

WHEREAS, a caring and compassionate member of the community, Sharon Bryant will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sharon Rebecca Bryant, a prominent leader in the Monacan Indian Nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sharon Rebecca Bryant as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 569**

*Celebrating the life of Alfred Martin Palacios.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Alfred Martin Palacios of Virginia Beach, a courageous World War II veteran and a dedicated civil servant, died on May 16, 2015; and

WHEREAS, a native of San Francisco, California, Alfred Palacios joined the United States Navy in 1943 and trained to join the Seabees; he attended Naval Mine Disposal School in Washington, D.C., then volunteered to join a Naval Combat Demolition Unit, a precursor to the elite Navy SEALs; and

WHEREAS, as a member of Naval Combat Demolition Unit 131, Alfred Palacios landed with the first wave of troops on Omaha Beach during the D-Day Invasion of Normandy, France, in World War II; and

WHEREAS, despite being severely wounded, Alfred Palacios completed his mission to help destroy enemy obstacles and clear the way for incoming waves of troops, capturing multiple German prisoners of war in the process; he earned the Purple Heart and later received the French Legion of Honor for his valorous actions; and

WHEREAS, after his honorable discharge, Alfred Palacios worked as an inspector for the San Francisco Department of Public Utilities and retired as an industrial safety engineer for the State of California; and

WHEREAS, Alfred Palacios relocated to the Commonwealth to be closer to his family; while in Virginia Beach, he enjoyed fellowship and worship with the community as a member of the Church of the Holy Family Catholic Church, where he sang in the choir; and

WHEREAS, Alfred Palacios will be fondly remembered and greatly missed by his wife of 70 years, Joyce; children, Teresa, Mary, Janice, Cheryl, Martin, and Michael, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alfred Martin Palacios, a proud veteran and a hardworking civil servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alfred Martin Palacios as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 570**

*Commending the University of Virginia wrestling team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the University of Virginia wrestling team won the National Collegiate Athletic Association Atlantic Coast Conference championship in March 2015; and

WHEREAS, in a thrilling upset, the fourth-seeded University of Virginia Cavaliers defeated the second-place University of Pittsburgh Panthers by an impressive margin with a final score of 85.5 to 71; and

WHEREAS, all 10 wrestlers from the University of Virginia contributed to the victory, which was the fifth Atlantic Coast Conference title in program history; each member of the team finished in fourth place or higher; and

WHEREAS, George DiCamillo took first place in the 133-pound weight class, and Nick Sulzer repeated as the conference champion in the 165-pound weight class; four other wrestlers—Nick Herrmann, Andrew Atkinson, Blaise Butler, and Zach Nye—advanced to the final matches in their weight classes; and

WHEREAS, Joe Spisak finished third in his weight class and T.J. Miller, Tyler Askey, and Patrick Gillen all finished fourth in their weight classes; seven of the University of Virginia Cavaliers earned berths at the National College Athletic Association national championships, capping off the outstanding team effort; and

WHEREAS, the victory is a testament to the determination and hard work of the athletes, the able leadership of the coaches and staff, and the passionate support of the entire University of Virginia Wahoo community; now, therefore, be it

RESOLVED by the House of Delegates, That the University of Virginia wrestling team hereby be commended on winning the 2015 National Collegiate Athletic Association Atlantic Coast Conference championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steve Garland, head coach of the University of Virginia wrestling team, as an expression of the House of Delegates' admiration for the team's accomplishments.

**HOUSE RESOLUTION NO. 571**

*Commending Charles L. Werner.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, Charles L. Werner, a dedicated civic servant and a respected expert in fire science and emergency response, retired as chief of the Charlottesville Fire Department in 2015, after a distinguished 41-year career; and

WHEREAS, Charles Werner joined the Harrisonburg Fire Department at the age of 14 as a volunteer, and by the age of 16 he had become the youngest person to serve as a captain; he later joined the Charlottesville Fire Department, where he worked for 37 years and rose through the ranks from firefighter to chief; and

WHEREAS, during his 10-year tenure as chief of the Charlottesville Fire Department, Charles Werner implemented numerous innovative changes to training and technology to better serve the community, while increasing the safety and efficiency of his firefighters and saving taxpayer money; and

WHEREAS, Charles Werner's practices and policies helped drastically reduce fire deaths in the city, and many of his programs have been emulated at fire departments throughout the United States; and

WHEREAS, under Charles Werner's able leadership, the Charlottesville Fire Department became one of only 60 departments in the country to receive an Insurance Services Office Class 1 Fire Protection rating; and

WHEREAS, Charles Werner oversaw the construction of a new station, which was recognized as one of the best in the country, and he helped the Charlottesville Fire Department achieve accreditation through the Commission on Fire Accreditation International; and

WHEREAS, a trusted expert in the field, Charles Werner has been called upon to testify before the United States Congress and the Virginia General Assembly, and he has shared his knowledge and experience with other chiefs and members of the media; and

WHEREAS, Charles Werner has held leadership positions in peer and professional organizations at local, state, and national levels; he has helped ensure successful collaborations between departments, government agencies, and other organizations, resulting in valuable improvements to training, techniques, and equipment; and

WHEREAS, Charles Werner has also authored dozens of publications on firefighting and offers his services as an editor and an amateur web designer to firefighting magazines and websites; he has earned numerous awards and accolades at local, state, and national levels for his myriad contributions to the field; and

WHEREAS, striving to further enhance the community, Charles Werner supports the Salvation Army, the American Red Cross, local events and programs to serve and honor veterans, and other service organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Charles L. Werner, a diligent civic servant who has safeguarded the lives and property of Charlottesville residents for 41 years, hereby be commended on the occasion of his retirement as chief of the Charlottesville Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles L. Werner as an expression of the House of Delegates' admiration for his lifetime of service to the Charlottesville community.

**HOUSE RESOLUTION NO. 572**

*Commending the University of Virginia baseball team.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, the University of Virginia baseball team achieved the program's first national title, winning the National Collegiate Athletics Association College World Series in June 2015; and

WHEREAS, defeating the reigning champions, the Vanderbilt University Commodores, by a score of 4-2, the University of Virginia Cavaliers finished the season with a 44-24 record and made history as only the third number 3 or number 4 seed to win the championship; and

WHEREAS, the Vanderbilt University Commodores struck early, taking a 2-0 lead in the first inning, but the University of Virginia Cavaliers rallied to tie the game with a two-run home run by Pavin Smith, his first postseason home run and the first given up by the Commodores in the tournament; and

WHEREAS, the University of Virginia Cavaliers took the lead in the top of the fourth inning and scored again in the seventh inning, with runs by Adam Haseley off of singles by Pavin Smith and Kenny Towns; and

WHEREAS, starting pitcher Brandon Waddell made his 53rd career start to set a school record and his fifth College World Series start to tie for fifth all time in championship series starting appearances; and

WHEREAS, with 13 scoreless innings, three wins, and a save, relief pitcher Josh Sborz was named most outstanding player of the tournament and selected for the All-College World Series Team, along with Ernie Clement, Daniel Pinero, Kenny Towns, and Brandon Waddell; and

WHEREAS, under the able leadership of Brian O'Connor, who was named National Coach of the Year by *Baseball America*, the University of Virginia Cavaliers worked through injuries and adversity to claim the national title, focusing on good pitching and defense; and

WHEREAS, the victory is a testament to the skill and hard work of the athletes, the guidance of the coaches and staff, and the passionate support of the entire University of Virginia Wahoo community; now, therefore, be it

RESOLVED by the House of Delegates, That the University of Virginia baseball team hereby be commended on winning the 2015 National Collegiate Athletics Association College World Series; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian O'Connor, head coach of the University of Virginia baseball team, as an expression of the House of Delegates' admiration for the team's accomplishments.

### HOUSE RESOLUTION NO. 573

*Commending Arthur Ellsworth Dick Howard.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, in 2015, Arthur Ellsworth Dick Howard, a respected expert on constitutional law and a passionate educator, became the longest-serving faculty member at the University of Virginia School of Law with more than 50 years of diligent service; and

WHEREAS, a native of Richmond, Dick Howard earned a bachelor's degree from the University of Richmond and a law degree from the University of Virginia; he also earned bachelor's and master's degrees as a Rhodes Scholar at Oxford University; and

WHEREAS, Dick Howard gained an appreciation for how legal systems shape history as a clerk to Supreme Court Justice Hugo L. Black during the civil rights era; he joined the faculty of the University of Virginia School of Law in 1964 and currently serves as the White Burkett Miller Professor of Law and Public Affairs; and

WHEREAS, Dick Howard served as the executive director of the commission that wrote the current Constitution of Virginia in 1971; he has argued cases before state and federal courts, including the Supreme Court of the United States, and served as counsel to the Virginia General Assembly and other state and federal bodies; and

WHEREAS, frequently consulted by members of both parties on constitutional issues, Dick Howard has authored numerous books and articles on constitutionalism and is a regular guest legal expert on television news programs; and

WHEREAS, Dick Howard has also offered his expertise to emerging democracies around the world; he became the first non-Czech citizen to receive the Antonin Randa Medal from the Union of Czech Lawyers for his work to promote civil society in central Europe; and

WHEREAS, Dick Howard has earned numerous other awards, accolades, and honorary degrees, including the University of Virginia's prestigious Thomas Jefferson Award; he was named by *Washingtonian* magazine as one of the most respected educators in the country and was included on a list of the greatest Virginians of the 20th century by the Library of Virginia and the *Richmond Times-Dispatch*; now, therefore, be it

RESOLVED by the House of Delegates, That Arthur Ellsworth Dick Howard hereby be commended for his service to the Commonwealth, the United States, and countries around the world on the occasion of his 50th anniversary as a faculty member of the University of Virginia School of Law; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arthur Ellsworth Dick Howard as an expression of the House of Delegates' admiration for his legacy of excellence as a legal scholar.

### HOUSE RESOLUTION NO. 574

*Commending the Lawn at the University of Virginia.*

Agreed to by the House of Delegates, August 17, 2015

WHEREAS, in 2014, the Lawn at the University of Virginia was named one of the American Planning Association's Great Places in America in the Great Public Space category; and

WHEREAS, the Great Places in America award honors streets, neighborhoods, and public spaces of exemplary character, quality, and planning; recipients meet rigorous standards of architectural significance, accessibility, functionality, and community involvement; and

WHEREAS, designed by Thomas Jefferson as part of his Academical Village concept, the Lawn at the University of Virginia (UVA) is a centralized green space, surrounded by residential and academic buildings and gardens; and

WHEREAS, the Lawn at UVA broke from the traditional English university quadrangle design and has served as a model for other prestigious universities in the United States; the most prominent and recognizable feature of the Lawn at UVA is the Rotunda, which was originally designed as a library; and

WHEREAS, the open-ended design of the Lawn at UVA was meant to encourage a mixed-use campus, where students could live, learn, dine, and enjoy recreational activities in a shared space, and facilitate student and faculty interaction on a regular basis; and

WHEREAS, the University is committed to the upkeep and preservation of the Lawn at UVA as a unique component of Virginia history; the Rotunda is currently undergoing a multimillion-dollar renovation to restore historical features and enhance infrastructure, which is scheduled for completion in 2016; and

WHEREAS, the Lawn at UVA and its surrounding structures are listed on the Virginia Landmarks Register, the National Register of Historic Places, and the list of UNESCO World Heritage Sites and attracts 100,000 visitors to the area each year; now, therefore, be it

RESOLVED by the House of Delegates, That the Lawn at the University of Virginia hereby be commended on its selection as one of the Great Places in America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the University of Virginia as an expression of the House of Delegates' admiration for the University's commitment to upholding Thomas Jefferson's mission to make the Lawn at the University of Virginia an exceptional place to live and learn.

### **HOUSE RESOLUTION NO. 575**

*Salaries, contingent and incidental expenses.*

Agreed to by the House of Delegates, August 17, 2015

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2015 Special Session I of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

### **HOUSE RESOLUTION NO. 576**

*Nominating a person to be elected to the Supreme Court of Virginia.*

Agreed to by the House of Delegates, August 17, 2015

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Supreme Court of Virginia as follows:

The Honorable Rossie D. Alston, Jr., of Manassas, as a justice of the Supreme Court of Virginia for a term of twelve years commencing September 17, 2015.

### **HOUSE RESOLUTION NO. 577**

*Nominating a person to be elected to a general district court judgeship.*

Agreed to by the House of Delegates, August 17, 2015

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the general district court judgeship as follows:

The Honorable William W. Eldridge, IV, of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing September 17, 2015.

### **HOUSE RESOLUTION NO. 578**

*Nominating a person to be elected to a juvenile and domestic relations district court judgeship.*

Agreed to by the House of Delegates, August 17, 2015

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the juvenile and domestic relations district court judgeship as follows:

The Honorable Lyn M. Simmons Jones, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing September 17, 2015.

**SENATE RESOLUTION NO. 501**

*2015 Special Session I operating resolution.*

Agreed to by the Senate, August 17, 2015

RESOLVED by the Senate of Virginia, That the Comptroller be directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate, to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Rules Committee during the 2015 Special Session I. Necessary payments to cover contingent and incidental expenses will be certified by the Clerk of the Senate or her designee; and, be it

RESOLVED FURTHER, That members of the Senate shall receive a session per diem and mileage reimbursement if in attendance at the 2015 Special Session I of the General Assembly; and, be it

RESOLVED FINALLY, That during the recesses, no session per diem for this special session shall be allowed for members of the Senate; however, on any day that the Senate is in recess, members of any standing committee authorized by the Senate and the Committee on Rules and the members of any legislative committee, commission, or council established by the General Assembly, and all committees and subcommittees of any of the foregoing, and the members of any conference committee shall receive compensation as provided in the 2014–2016 Appropriation Act.

**SENATE RESOLUTION NO. 505**

*Nominating a person to be elected to a general district court judgeship.*

Agreed to by the Senate, August 17, 2015

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the general district court judgeship as follows:

The Honorable William W. Eldridge, IV, of Rockingham, as a judge of the Twenty-sixth Judicial District for a term of six years commencing September 17, 2015.

**SENATE RESOLUTION NO. 506**

*Nominating a person to be elected to a juvenile and domestic relations district court judgeship.*

Agreed to by the Senate, August 17, 2015

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the juvenile and domestic relations district court judgeship as follows:

The Honorable Lyn M. Simmons Jones, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing September 17, 2015.

SUMMARY OF 2015 SPECIAL SESSION I LEGISLATION

TOTAL INTRODUCED LEGISLATION .....	96
House Bills .....	1
Senate Bills .....	2
House Joint Resolutions .....	2
Senate Joint Resolutions .....	0
House Resolutions .....	82
Senate Resolutions .....	9
TOTAL LEGISLATION PASSED AND/OR AGREED TO .....	83
House Bills .....	0
Senate Bills .....	0
House Joint Resolutions .....	2
Senate Joint Resolutions .....	0
House Resolutions .....	78
Senate Resolutions .....	3
TOTAL BILLS ENACTED INTO LAW .....	0
House Bills .....	0
Senate Bills .....	0
House Joint Resolutions .....	0
Senate Joint Resolutions .....	0
TOTAL CHAPTERS .....	0
BILLS VETOED BY GOVERNOR.....	0
House Bills .....	0
Senate Bills .....	0

**THE SENATE  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
5	Alexander, Kenneth C. (D)	Cities of Chesapeake (part) and Norfolk (part)
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Black, Richard H. (R)	Counties of Loudoun (part) and Prince William (part)
40	Carrico, Charles W., Sr. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
29	Colgan, Charles J. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
16	Dance, Rosalyn R. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
22	Garrett, Thomas A., Jr. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)

**THE SENATE  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)
11	Martin, Stephen H. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
9	McEachin, A. Donald (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
8	McWaters, Jeffrey L. (R)	City of Virginia Beach (part)
1	Miller, John C. (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
36	Puller, Linda T. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
19	Smith, Ralph K. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville

**THE SENATE**  
**2015 REGULAR SESSION**

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District Number	Name	County and/or City Represented
12	Stosch, Walter A. (R)	Counties of Hanover (part) and Henrico (part)
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester
7	Wagner, Frank W. (R)	Cities of Norfolk (part) and Virginia Beach (part)
10	Watkins, John C. (R)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
33	Wexton, Jennifer T. (D)	Counties of Fairfax (part) and Loudoun (part)

**THE HOUSE OF DELEGATES  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
42	Albo, David B. (R)	County of Fairfax (part)
51	Anderson, Richard L. (R)	County of Prince William (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
74	Bagby, Lamont (D)‡	Counties of Charles City and Henrico (part); City of Richmond (part)
95	BaCote, Mamye E. (D)	Cities of Hampton (part) and Newport News (part)
20	Bell, Richard P. (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
29	Berg, Mark J. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
69	Carr, Betsy B. (D)	County of Chesterfield (part); City of Richmond (part)
24	Cline, Benjamin L. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
82	DeSteph, William R., Jr. (R)	City of Virginia Beach (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
56	Farrell, Peter F. (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
2	Futrell, Michael T. (D)	Counties of Prince William (part) and Stafford (part)
23	Garrett, T. Scott (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
32	Greason, Thomas A. (R)	County of Loudoun (part)
8	Habeeb, Gregory D. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
91	Helsel, Gordon C., Jr. (R)	County of York (part); Cities of Hampton (part) and Poquoson
46	Herring, Charniele L. (D)	City of Alexandria (part)
89	Hester, Daun Sessoms (D)	City of Norfolk (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
28	Howell, William J. (R)	County of Stafford (part); City of Fredericksburg (part)
40	Hugo, Timothy D. (R)	Counties of Fairfax (part) and Prince William (part)
62	Ingram, Riley E. (R)	Counties of Chesterfield (part), Henrico (part), and Prince George (part); City of Hopewell (part)
80	James, Matthew (D)	Cities of Chesapeake (part), Norfolk (part), Portsmouth (part), and Suffolk (part)
79	Joannou, Johnny S. (D)	Cities of Norfolk (part) and Portsmouth (part)
76	Jones, S. Chris (R)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
45	Krupicka, K. Robert, Jr. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
25	Landes, R. Steven (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)

**THE HOUSE OF DELEGATES  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
67	LeMunyon, James M. (R)	Counties of Fairfax (part) and Loudoun (part)
90	Lindsey, Joseph C. (D)	Cities of Norfolk (part) and Virginia Beach (part)
31	Lingamfelter, L. Scott (R)	Counties of Fauquier (part) and Prince William (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
68	Loupassi, G. M. (R)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
13	Marshall, Robert G. (R)	County of Prince William (part); City of Manassas Park
93	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
72	Massie, James P., III (R)	County of Henrico (part)
71	McClellan, Jennifer L. (D)	County of Henrico (part); City of Richmond (part)
70	McQuinn, Delores L. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
50	Miller, Jackson H. (R)	County of Prince William (part); City of Manassas
10	Minchew, J. Randall (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
64	Morris, Richard L. (R)	Counties of Isle of Wight (part), Prince George (part), Southampton (part), Surry (part), and Sussex (part); Cities of Franklin (part) and Suffolk (part)
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
74	Morrissey, Joseph D. (I)†	Counties of Charles City and Henrico (part); City of Richmond (part)
73	O'Bannon, John M., III (R)	County of Henrico (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
97	Peace, Christopher K. (R)	Counties of Hanover (part), King William (part), and New Kent

**THE HOUSE OF DELEGATES  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
4	Pillion, Todd E. (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
96	Pogge, Brenda L. (R)	Counties of James City (part) and York (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
63	Preston, Joseph E. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell (part) and Petersburg
87	Ramadan, David I. (R)	Counties of Loudoun (part) and Prince William (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
86	Rust, Thomas Davis (R)	Counties of Fairfax (part) and Loudoun (part)
30	Scott, Edward T. (R)	Counties of Culpeper (part), Madison, and Orange
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
77	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Suffolk (part)
83	Stolle, Christopher P. (R)	Cities of Norfolk (part) and Virginia Beach (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
44	Surovell, Scott A. (D)	County of Fairfax (part)
85	Taylor, Scott W. (R)	City of Virginia Beach (part)
52	Torian, Luke E. (D)	County of Prince William (part)
57	Toscano, David J. (D)	County of Albemarle (part); City of Charlottesville
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight (part), Lunenburg (part), Southampton (part), Surry (part), and Sussex (part); Cities of Emporia and Franklin (part)
21	Villanueva, Ronald A. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee, Jr. (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES  
2015 SPECIAL SESSION I**

District Number	Name	County and/or City Represented
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
94	Yancey, David E. (R)	City of Newport News (part)
12	Yost, Joseph R. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford

†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

**SENATORS AND DELEGATES BY COUNTIES  
2015 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Accomack .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D).....	Robert B. Bell (R)
	Bryce E. Reeves (R)	C. Matthew Fariss (R)
		R. Steven Landes (R)
		David J. Toscano (D)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Stephen H. Martin (R).....	Thomas C. Wright, Jr. (R)
Amherst.....	Thomas A. Garrett, Jr. (R).....	Benjamin L. Cline (R)
		T. Scott Garrett (R)
Appomattox.....	Thomas A. Garrett, Jr. (R).....	C. Matthew Fariss (R)
Arlington .....	Adam P. Ebbin (D) .....	Patrick A. Hope (D)
	Barbara A. Favola (D)	K. Robert Krupicka, Jr. (D)
	Janet D. Howell (D)	Alfonso H. Lopez (D)
		Richard C. Sullivan, Jr. (D)
Augusta .....	Emmett W. Hanger, Jr. (R).....	Richard P. Bell (R)
		Benjamin L. Cline (R)
		R. Steven Landes (R)
Bath .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Bedford .....	Stephen D. Newman (R).....	Terry L. Austin (R)
	Ralph K. Smith (R)	Kathy J. Byron (R)
		T. Scott Garrett (R)
Bland .....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Botetourt .....	Stephen D. Newman (R).....	Terry L. Austin (R)
		Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
	Frank M. Ruff, Jr. (R)	
Buchanan.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Buckingham.....	Thomas A. Garrett, Jr. (R).....	C. Matthew Fariss (R)
Campbell .....	Stephen D. Newman (R).....	Kathy J. Byron (R)
	Frank M. Ruff, Jr. (R)	James E. Edmunds, II (R)
		C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R)
		Robert D. Orrock, Sr. (R)
		Margaret B. Ransone (R)
Carroll .....	Ralph K. Smith (R) .....	Jeffrey L. Campbell (R)
	William M. Stanley, Jr. (R)	
Charles City .....	A. Donald McEachin (D).....	Joseph D. Morrissey (D)†
		Lamont Bagby (D)‡
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
Chesterfield.....	Rosalyn R. Dance (D) .....	Betsy B. Carr (D)
	Stephen H. Martin (R)	M. Kirkland Cox (R)
	John C. Watkins (R)	Riley E. Ingram (R)
		G. M. Loupassi (R)
		Delores L. McQuinn (D)
		Joseph E. Preston (D)
		Roxann L. Robinson (R)
		R. Lee Ware, Jr. (R)
Clarke .....	Jill Holtzman Vogel (R) .....	David A. LaRock (R)
		J. Randall Minchew (R)
Craig.....	Stephen D. Newman (R) .....	Gregory D. Habeeb (R)
Culpeper.....	Emmett W. Hanger, Jr. (R).....	Edward T. Scott (R)
	Bryce E. Reeves (R)	Michael J. Webert (R)
	Jill Holtzman Vogel (R)	
Cumberland.....	Thomas A. Garrett, Jr. (R).....	Thomas C. Wright, Jr. (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Dickenson.....	A. Benton Chafin, Jr. (R) .....	Todd E. Pillion (R)
Dinwiddie.....	Rosalyn R. Dance (D) .....	Joseph E. Preston (D)
	Frank M. Ruff, Jr. (R)	Roslyn C. Tyler (D)
Essex .....	Ryan T. McDougale (R).....	M. Keith Hodges (R)
Fairfax .....	George L. Barker (D) .....	David B. Albo (R)
	Adam P. Ebbin (D)	David L. Bulova (D)
	Barbara A. Favola (D)	Eileen Filler-Corn (D)
	Janet D. Howell (D)	Timothy D. Hugo (R)
	David W. Marsden (D)	Mark L. Keam (D)
	J. Chapman Petersen (D)	Kaye Kory (D)
	Linda T. Puller (D)	K. Robert Krupicka, Jr. (D)
	Richard L. Saslaw (D)	James M. LeMunyon (R)
	Jennifer T. Wexton (D)	Alfonso H. Lopez (D)
		Kathleen J. Murphy (D)
		Kenneth R. Plum (D)
		Thomas Davis Rust (R)
		Mark D. Sickles (D)
		Marcus B. Simon (D)
		Richard C. Sullivan, Jr. (D)
		Scott A. Surovell (D)
		Vivian E. Watts (D)
Fauquier .....	Jill Holtzman Vogel (R).....	Mark L. Cole (R)
		L. Scott Lingamfelter (R)
		Michael J. Webert (R)
Floyd .....	Ralph K. Smith (R) .....	L. Nick Rush (R)
Fluvanna.....	Thomas A. Garrett, Jr. (R).....	Robert B. Bell (R)
		R. Lee Ware, Jr. (R)
Franklin .....	Ralph K. Smith (R) .....	Kathy J. Byron (R)
	William M. Stanley, Jr. (R)	Charles D. Poindexter (R)
Frederick .....	Jill Holtzman Vogel (R).....	Mark J. Berg (R)
		David A. LaRock (R)
		J. Randall Minchew (R)
Giles .....	John S. Edwards (D) .....	Joseph R. Yost (R)
Gloucester .....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland .....	Thomas A. Garrett, Jr. (R).....	Peter F. Farrell (R)
		R. Lee Ware, Jr. (R)
Grayson .....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R)
Greene .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
Greensville .....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
	William M. Stanley, Jr. (R)	
Hanover.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R)
	A. Donald McEachin (D)	Christopher K. Peace (R)
	Walter A. Stosch (R)	
Henrico.....	A. Donald McEachin (D) .....	Lamont Bagby (D)‡
	Walter A. Stosch (R)	Peter F. Farrell (R)
		Riley E. Ingram (R)
		G. M. Loupassi (R)
		James P. Massie, III (R)
		Jennifer L. McClellan (D)
		Delores L. McQuinn (D)
		Joseph D. Morrissey (I)†
		John M. O'Bannon, III (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
Henry.....	William M. Stanley, Jr. (R) .....	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	Richard P. Bell (R)
Isle of Wight.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Richard L. Morris (R) Roslyn C. Tyler (D)
James City.....	John C. Miller (D).....	T. Montgomery Mason (D)
King and Queen .....	Thomas K. Norment, Jr. (R).....	Brenda L. Pogge (R)
King George.....	Thomas K. Norment, Jr. (R)..... Ryan T. McDougle (R)..... Richard H. Stuart (R)	M. Keith Hodges (R) Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Christopher K. Peace (R)
Lancaster .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
Loudoun .....	Richard H. Black (R) .....	Thomas A. Greason (R)
	Barbara A. Favola (D) Jill Holtzman Vogel (R) Jennifer T. Wexton (D)	David A. LaRock (R) James M. LeMunyon (R) J. Randall Minchew (R) Kathleen J. Murphy (D) David I. Ramadan (R) Thomas Davis Rust (R)
Louisa.....	Thomas A. Garrett, Jr. (R)..... Bryce E. Reeves (R)	Peter F. Farrell (R)
Lunenburg .....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Edward T. Scott (R)
Mathews.....	Lynwood W. Lewis, Jr. (D) .....	M. Keith Hodges (R)
Mecklenburg .....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	A. Benton Chafin (D)..... John S. Edwards (D) Ralph K. Smith (R)	Gregory D. Habeeb (R) L. Nick Rush (R) Joseph R. Yost (R)
Nelson .....	R. Creigh Deeds (D).....	Richard P. Bell (R) C. Matthew Fariss (R)
New Kent .....	Thomas K. Norment, Jr. (R).....	Christopher K. Peace (R)
Northampton .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Northumberland .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Edward T. Scott (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick .....	William M. Stanley, Jr. (R) .....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan.....	John C. Watkins (R) .....	R. Lee Ware, Jr. (R)
Prince Edward .....	Thomas A. Garrett, Jr. (R).....	James E. Edmunds, II (R)
Prince George.....	Rosalyn R. Dance (D) .....	Riley E. Ingram (R)
	Frank M. Ruff, Jr. (R)	Richard L. Morris (R) Joseph E. Preston (D)
Prince William .....	George L. Barker (D) .....	Richard L. Anderson (R)
	Richard H. Black (R) Charles J. Colgan (D) Linda T. Puller (D)	Michael T. Futrell (D) Timothy D. Hugo (R) L. Scott Lingamfelter (R)

**SENATORS AND DELEGATES BY COUNTIES  
2015 SPECIAL SESSION I**

COUNTIES	SENATORS	DELEGATES
	Richard H. Stuart (R)	Robert G. Marshall (R) Jackson H. Miller (R) David I. Ramadan (R) Luke E. Torian (D)
Pulaski.....	A. Benton Chafin, Jr. (R) .....	L. Nick Rush (R) Joseph R. Yost (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R)
	Stephen D. Newman (R) Ralph K. Smith (R)	Christopher T. Head (R)
Rockbridge.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Rockingham .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R) R. Steven Landes (R) Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R) Todd E. Pillion (R)
Scott .....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
Shenandoah .....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth .....	Charles W. Carrico, Sr. (R) .....	Jeffrey L. Campbell (R)
	A. Benton Chafin, Jr. (R)	Israel D. O'Quinn (R)
Southampton .....	John A. Cosgrove, Jr. (R).....	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougle (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R) Richard H. Stuart (R)	Peter F. Farrell (R) Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R)
Stafford.....	Linda T. Puller (D) .....	Mark L. Cole (R)
	Richard H. Stuart (R) Jill Holtzman Vogel (R)	Michael T. Futrell (D) William J. Howell (R)
Surry.....	L. Louise Lucas (D) .....	Richard L. Morris (R)
	Thomas K. Norment, Jr. (R)	Roslyn C. Tyler (D)
Sussex.....	L. Louise Lucas (D) .....	Richard L. Morris (R) Roslyn C. Tyler (D)
Tazewell .....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Mark J. Berg (R) C. Todd Gilbert (R) Michael J. Webert (R)
Washington.....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R) Todd E. Pillion (R)
Westmoreland.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	Charles W. Carrico, Sr. (R) .....	Terry G. Kilgore (R)
	A. Benton Chafin, Jr. (R)	Todd E. Pillion (R)
Wythe .....	Charles W. Carrico, Sr. (R) .....	Jeffrey L. Campbell (R)
	Ralph K. Smith (R)	
York.....	Mamie E. Locke (D) .....	Gordon C. Helsel, Jr. (R)
	John C. Miller (D) Thomas K. Norment, Jr. (R)	T. Montgomery Mason (D) Brenda L. Pogge (R)

†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

**SENATORS AND DELEGATES BY CITIES  
2015 SPECIAL SESSION I**

CITIES	SENATORS	DELEGATES
Alexandria.....	George L. Barker (D) ..... Adam P. Ebbin (D) ..... Richard L. Saslaw (D)	Charniele L. Herring (D) K. Robert Krupicka, Jr. (D)
Bristol.....	Charles W. Carrico, Sr. (R) .....	Israel D. O'Quinn (R)
Buena Vista .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Charlottesville .....	R. Creigh Deeds (D).....	David J. Toscano (D)
Chesapeake .....	Kenneth C. Alexander (D) .....	Matthew James (D)
	John A. Cosgrove, Jr. (R)	S. Chris Jones (R)
	L. Louise Lucas (D)	Barry D. Knight (R)
		James A. Leftwich, Jr. (R)
		Lionell Spruill, Sr. (D)
		Ronald A. Villanueva (R)
Colonial Heights .....	Stephen H. Martin (R).....	M. Kirkland Cox (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R).....	Daniel W. Marshall, III (R)
	William M. Stanley, Jr. (R)	
Emporia.....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Fairfax .....	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church .....	Richard L. Saslaw (D).....	Marcus B. Simon (D)
Franklin .....	John A. Cosgrove, Jr. (R).....	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fredericksburg .....	Bryce E. Reeves (R).....	Mark L. Cole (R)
		William J. Howell (R)
Galax .....	William M. Stanley, Jr. (R) .....	Israel D. O'Quinn (R)
Hampton.....	Mamie E. Locke (D) .....	Mamye E. BaCote (D)
	John C. Miller (D)	Gordon C. Helsel, Jr. (R)
	Thomas K. Norment, Jr. (R)	Jeon A. Ward (D)
Harrisonburg .....	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell .....	Rosalyn R. Dance (D) .....	Riley E. Ingram (R)
		Joseph E. Preston (D)
Lexington .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Lynchburg .....	Thomas A. Garrett, Jr. (R).....	Kathy J. Byron (R)
	Stephen D. Newman (R)	T. Scott Garrett (R)
Manassas .....	Charles J. Colgan (D).....	Jackson H. Miller (R)
Manassas Park.....	Charles J. Colgan (D).....	Robert G. Marshall (R)
Martinsville .....	William M. Stanley, Jr. (R) .....	Leslie R. Adams (R)
Newport News .....	Mamie E. Locke (D) .....	Mamye E. BaCote (D)
	John C. Miller (D)	T. Montgomery Mason (D)
		David E. Yancey (R)
Norfolk.....	Kenneth C. Alexander (D) .....	Robert S. Bloxom, Jr. (R)
	Lynwood W. Lewis, Jr. (D)	Dawn Sessoms Hester (D)
	Frank W. Wagner (R)	Matthew James (D)
		Johnny S. Joannou (D)
		Joseph C. Lindsey (D)
		Christopher P. Stolle (R)
Norton .....	A. Benton Chafin, Jr. (R) .....	Terry G. Kilgore (R)
Petersburg.....	Rosalyn R. Dance (D) .....	Joseph E. Preston (D)
Poquoson .....	Thomas K. Norment, Jr. (R).....	Gordon C. Helsel, Jr. (R)
Portsmouth .....	John A. Cosgrove, Jr. (R) .....	Matthew James (D)
	Mamie E. Locke (D)	Johnny S. Joannou (D)
	L. Louise Lucas (D)	
Radford .....	A. Benton Chafin, Jr. (R) .....	Joseph R. Yost (R)

**SENATORS AND DELEGATES BY CITIES  
2015 SPECIAL SESSION I**

CITIES	SENATORS	DELEGATES
Richmond.....	Rosalyn R. Dance (D) ..... A. Donald McEachin (D) ..... John C. Watkins (R) .....	Lamont Bagby (D)‡ ..... Betsy B. Carr (D) ..... G. M. Loupassi (R) ..... Jennifer L. McClellan (D) ..... Delores L. McQuinn (D) ..... Joseph D. Morrissey (I)† ..... Christopher T. Head (R) ..... Sam Rasoul (D) .....
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R) ..... Richard P. Bell (R) .....
Salem.....	Ralph K. Smith (R) .....	Richard L. Morris (R) ..... Lionell Spruill, Sr. (D) .....
Staunton.....	Emmett W. Hanger, Jr. (R) .....	Matthew James (D) ..... S. Chris Jones (R) .....
Suffolk.....	John A. Cosgrove, Jr. (R) ..... L. Louise Lucas (D) ..... John C. Miller (D) .....	Robert S. Bloxom, Jr. (R) ..... Glenn R. Davis, Jr. (R) ..... William R. DeSteph, Jr. (R) ..... Barry D. Knight (R) ..... Joseph C. Lindsey (D) ..... Christopher P. Stolle (R) ..... Scott W. Taylor (R) ..... Ronald A. Villanueva (R) .....
Virginia Beach.....	Thomas K. Norment, Jr. (R) ..... John A. Cosgrove, Jr. (R) ..... Lynwood W. Lewis, Jr. (D) ..... Jeffrey L. McWaters (R) ..... Frank W. Wagner (R) .....	Richard P. Bell (R) ..... T. Montgomery Mason (D) ..... Mark J. Berg (R) .....
Waynesboro.....	Emmett W. Hanger, Jr. (R) .....	
Williamsburg.....	John C. Miller (D) .....	
Winchester.....	Jill Holtzman Vogel (R).....	

†Resigned March 25, 2015

‡Elected July 21, 2015 to fill vacancy of Joseph D. Morrissey. Sworn in July 23, 2015

## COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack .....	449	33,164	Pittsylvania	969	63,506
Albemarle .....	721	98,970	Powhatan	260	28,046
Alleghany .....	445	16,250	Prince Edward	350	23,368
Amelia .....	355	12,690	Prince George	265	35,725
Amherst .....	474	32,353	Prince William	336	402,002
Appomattox .....	334	14,973	Pulaski	320	34,872
Arlington .....	26	207,627	Rappahannock	266	7,371
Augusta .....	967	73,750	Richmond	191	9,254
Bath .....	529	4,731	Roanoke	251	92,376
Bedford .....	753	68,676	Rockbridge	598	22,307
Bland .....	358	6,824	Rockingham	849	76,314
Botetourt .....	541	33,148	Russell	474	28,897
Brunswick .....	566	17,434	Scott	536	23,177
Buchanan .....	503	24,098	Shenandoah	509	41,993
Buckingham .....	580	17,146	Smyth	451	32,208
Campbell .....	504	54,842	Southampton	599	18,570
Caroline .....	528	28,545	Spotsylvania	401	122,397
Carroll .....	475	30,042	Stafford	269	128,961
Charles City .....	183	7,256	Surry	279	7,058
Charlotte .....	475	12,586	Sussex	490	12,087
Chesterfield .....	423	316,236	Tazewell	519	45,078
Clarke .....	176	14,034	Warren	213	37,575
Craig .....	330	5,190	Washington	561	54,876
Culpeper .....	379	46,689	Westmoreland	229	17,454
Cumberland .....	297	10,052	Wise	403	41,452
Dickenson .....	331	15,903	Wythe	462	29,235
Dinwiddie .....	504	28,001	York	105	65,464
Essex .....	257	11,151			
Fairfax .....	391	1,081,726	<b>CITIES</b>		
Fauquier .....	647	65,203	Alexandria	15	139,966
Floyd .....	380	15,279	Bedford*	7	6,222
Fluvanna .....	286	25,691	Bristol	13	17,835
Franklin .....	690	56,159	Buena Vista	7	6,650
Frederick .....	414	78,305	Charlottesville	10	43,475
Giles .....	356	17,286	Chesapeake	341	222,209
Gloucester .....	218	36,858	Colonial Heights	8	17,411
Goochland .....	282	21,717	Covington	5	5,161
Grayson .....	442	15,533	Danville	43	43,055
Greene .....	156	18,403	Emporia	7	5,927
Greensville .....	295	12,243	Fairfax	6	22,565
Halifax .....	818	36,241	Falls Church	2	12,332
Hanover .....	469	99,863	Franklin	8	8,582
Henrico .....	234	306,935	Fredericksburg	10	24,281
Henry .....	382	54,151	Galax	8	7,042
Highland .....	415	2,321	Hampton	51	137,436
Isle of Wight .....	316	35,270	Harrisonburg	17	48,914
James City .....	142	67,009	Hopewell	10	22,591
King and Queen .....	315	6,945	Lexington	2	7,042
King George .....	180	23,584	Lynchburg	49	75,568
King William .....	274	15,935	Manassas	10	37,821
Lancaster .....	133	11,391	Manassas Park	3	14,273
Lee .....	436	25,587	Martinsville	11	13,821
Loudoun .....	516	312,311	Newport News	69	180,719
Louisa .....	496	33,153	Norfolk	54	242,803
Lunenburg .....	432	12,914	Norton	7	3,958
Madison .....	321	13,308	Petersburg	23	32,420
Mathews .....	86	8,978	Poquoson	15	12,150
Mecklenburg .....	625	32,727	Portsmouth	34	95,535
Middlesex .....	130	10,959	Radford	10	16,408
Montgomery .....	387	94,392	Richmond	60	204,214
Nelson .....	471	15,020	Roanoke	43	97,032
New Kent .....	210	18,429	Salem	14	24,802
Northampton .....	212	12,389	Staunton	20	23,746
Northumberland .....	191	12,330	Suffolk	400	84,585
Nottoway .....	314	15,853	Virginia Beach	249	437,994
Orange .....	341	33,481	Waynesboro	15	21,006
Page .....	311	24,042	Williamsburg	9	14,068
Patrick .....	483	18,490	Winchester	9	26,203

## COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

<b>Population</b>	<b>County</b>	<b>Population</b>	<b>County</b>	<b>Population</b>	<b>County</b>
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		

  

<b>Population</b>	<b>Cities</b>	<b>Population</b>	<b>Cities</b>	<b>Population</b>	<b>Cities</b>
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

\*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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